

# Changings of the asylum law – The „Integration Law“

**Invitation to an information day in different languages on Wednesday, 2nd July 2016, from 3-6 p.m. at Universitätsplatz, 06108 Halle (Saale).**

**The participation is for free.**

**We offer child care for children in the same building.**

**If you do not know how to get to Universitätsplatz, we offer to meet on 2nd July at 2 p.m. at Marktplatz Halle for going together.**

The "integration law" will presumably enter into force in **Mid-July 2016**

## **Following changes in the laws concerning refugees shall be made:**

**1. Obligation for refugees to take a place of residence** for three years in the federal state, where asylum procedure has been conducted (for example in Sachsen-Anhalt) to "promote long-term integration"

- Authorities can also allocate refugees to one federal state or municipality (for example Halle, Anhalt-Bitterfeld)
- Choosing the residence autonomously is only possible for family reunion, if a family member earns enough money or if the refugee finds work, job training or studies
- Administrative offence, punished with fines, if refugees don't follow the obligation of residence or the allocation by authorities; Shortage of money/ goods under AsylbLG (law for money and goods from Social Amt)
- Authorities have also the possibility to prohibit taking the residence for a refugee in a certain place, if they assume that the refugee will not use German language as common language
- These laws apply for refugees with "Asyl", "refugee status", subsidiary protection or residence permission after §§ 22, 23, 25 III AufenthG from 1st January 2016

## **2. Tighthening of refugees' residence rights**

According to the new law, just after five years refugees with "Asyl" or "Refugee status" can apply for settlement permit (Niederlassungserlaubnis). Refugees can only apply, if their subsistence is mainly assured, sufficient German language knowledge is present as well as further requirements are met. To assure one's subsistence means, that all expenses have to be covered by ones own (food, flat, insurance, etc.)

## **3. Obligatory work for 80 cents/hour for asylum seekers in initial refugee camp (ZAsT Halberstadt/ Maritim Halle)**

- Before, it was 1 Euro/ hour)
- Obligation starts as soon as ZAsT prepares so called "opportunities to work"
- This is not an employment contract; no legal health- or pension insurance is guaranteed
- No further working permission outside of the refugee camp
- If refugees refuse to work, they lose the right to receive money/ goods according to AsylbLG!

Excusing reasons for refusal can only be inability to work for example because of pregnancy, injury, sickness, handicap or need for care

## **4. Obligation to work for refugees after residence in ZAsT (so called „integration measure for refugees)**

- Applies to all refugees from the age of 18 years +, who still receive money/ goods under AsylbLG
- Authorities **can** oblige to integration measure as long as there is no reason for refusal (see reasons for refusal )
- Authorities **can** abstain from obliging refugees, if they already work, study or started a job training
- Personal data will be exchanged between authorities, especially if a refugee refuses to participate in an integration measure
- Shortage of money and goods, if refugees do not participate without an excusing reason for refusal
- This measure is not a real working contract
- This law applies not for refugees from so called "safe countries of origin", refugees with "Duldung" or obligation to leave Germany
- Currently, all EU countries, Bosnia-Herzegovina, Macedonia, Serbia, Montenegro, Albania, Cosovo, Ghana and Senegal are declared as "safe countries of origin"

## **5. Obligation to participate in "integration courses"**

- Applies to refugees with "Aufenthaltsgestattung" or "Duldung" (only if "Duldung" was issued for humanitarian or personal reasons or to start a job training)
- Personal data will be exchanged between authorities, especially if a refugee does not participate in a "integration course"
- Shortage of money/ goods, if refugees refuse to participate without an excusing reason for refusal
- This law does not apply for refugees from so called "safe countries of origin"

## **6. Tightening of the AsylbLG**

- Shortage of money/goods after AsylbLG, if another country already grants protection (Asylum or other forms) for the refugee
- Shortage of money/goods after AsylbLG for all refugees with "Aufenthaltsgestattung" (First or Following application of Asylum), if passport/ substitute passport, certificates or "other documents" are not submitted to authorities; if appointment for the application for asylum was missed (second application) or if refugees make intentionally false comment or no comment on their identity and nationality.
- Through shortages of money/ goods, refugees shall be forced to "cooperate" ! If refugees follow the appointment, give the statements or documents, social amt will pay money again
- Objections or complaints against money shortage have no suspensive effect. That means, the authority will only pay money without shortage after it or a court declare(s) that the shortage has been imposed without justification

## **7. Possibility to give out a "Duldung" for refugees who start a job training**

- Authorities **can** give out a "Duldung", if a refugee starts a job training
- According to the new law, the refugee's age is not relevant any more for giving out a "Duldung"
- Strict requirements remain: prior qualification in another country, enough living space, German language knowledge, no intentional delay/ impediment of deportation, no criminal convictions
- Persons who give job training for refugees are obliged to report to the authority when the refugee quits the job training. As consequence, the "Duldung" expires !
- If the refugee finds a work after job training in that field, she/he can get a residence permit for two years
- This law does not apply for refugees from so called "safe countries of origin"

## **8. Financial and educational support for job training possible for refugees with so called "promising perspective to stay"**

- Currently, authorities are declaring refugees from Iran, Iraq, Eritrea and Syria to have a "promising perspective to stay"
- Refugees can only apply for support before 31.12.2018
- Refugees from so called "safe countries of origin" cannot apply for support

## **9. Impact of the declaration of commitment concerning refugees who came via a humanitarian admission program**

- Impact of declaration will be fixed to five years. Before, the impact was unlimited
- After five years, the responsibility of private persons finishes for payments of any kind (housing, food, insurance, etc.)
- Responsibility to cover all costs starts with refugee's arrival
- Declaration of commitment does not finish before five years, even if refugee obtains "refugee status" and residence permit

## **10. Application for asylum is also inadmissible**

- If another state declares willingness to receive a refugee and is declared as safe third country (EU, Norway, Switzerland) or if an other state is declared as "further safe third country"
- If a refugee did not face political persecution within the last three months of stay in another country or if the refugee cannot explain a threat of political persecution when being deported to that country, it is declared as "further safe country"

**11. The Federal Office for Migration and refugees (Bundesamt, BAMF) can delegate the task to lead the asylum interview (Anhörung) in Halberstadt to other authorities who implement the laws of AsylG and AufenthG, if the BAMF is overloaded. Then, interview can be done by any staff member who did an interview-training. The staff member are not allowed to wear uniform while interview.**