

About the Information Brochure

Have you received the notification that you have to move to the special reception center in Bamberg or are you already there? In the special reception center, the situation is different from other accommodations. The following brochure, prepared by the **Bavarian Refugee Council** (see point 10), provides an overview of the practice there as well as gives the information about your rights and what possibilities you have to assert them.

All the information in this brochure describes the situation as of November 2017.

Index

1.	General Information about the Reception Center of the Upper Franconian District (AEO) 3
2.	What Are "Safe Countries of Origin"?5
3.	What Does A Bad Perspective To Stay Mean?6
4.	Regulations for Persons from "Safe Countries of Origin"
5.	Regulations for Persons from Other Countries of Origin9
6.	Regulations for Persons Who Have Arrived From another EU Country / Third Country
	(Notes On Dublin III Regulation)1
7.	Advice and Contact Possibilities, Addresses/Responsibilities
8.	Do I Need A Lawyer?10
9.	What To Do In Case of Deportation?1
10.	The Bavarian Refugee Council – Who We Are and What We Do
11.	Appendix1

1. General Information about the Reception Center of the Upper Franconian District (AEO)

Since September 2015, there are special reception centers in Bamberg and in Ingolstadt / Manching, also known as Arrivals and Return Facilities (ARE). In Bamberg, the special reception center is a part of the reception center of the Upper Franconian District (AEO). The AEO has three functions and is operated: as a "normal" **first reception** center for the Upper Franconian District, as an **arrival center** (3400 places in total) and as a **special reception institution** (according to § 5 (5) of the Asylum Act).

An arrival center is a facility established by the Federal Office for Migration and Refugees (BAMF) in coordination with the authorities of Bavaria. Here, all newly arrived asylum seekers are housed first. At the arrival center all steps in the asylum procedure are combined (application, medical examination, identification, interview, decision).

The BAMF forms different categories of cases for faster processing of the asylum procedures: high perspective to stay, low perspective to stay, complex cases and Dublin cases. The asylum applications of persons with a "good" or "bad" "perspective to stay " should be processed very quickly.

Refugees from "safe countries of origin" (see point 2) and refugees with "bad perspective to stay" (see point 3) have to remain in the AEO, until they "voluntarily return" or are deported. In addition, persons accused of giving false information about their identity ("Identitätstäuscherinnen"), persons who refuse to cooperate (refuse the authorities' requests, e.g. to provide passports) and for whose asylum procedures other European Union member states are responsible should remain in the AEO, until they leave the country or are deported. Many opponents and critics of these institutions therefore also use the term "deportation camps". Only persons with positive decisions can move out of the AEO.

Refugees report particularly bad conditions in the camps, which make them feel that they are not welcome here and have no chance. The camps are very isolated and the access to counselling, lawyers and volunteers is difficult. Therefore, we recommend you to contact the counselling centers before the transfer.



Find out about your rights and try to assert them! In the reception center of the Upper Franconian District (AEO), too, a fair, individual asylum procedure, as well as human rights must apply.

For example in the «Willkommenscafe» of the association «Freund statt fremd» or at the Asylum Social Counselling Service (see point 7), you can ask for the information on the interview (long interview) at the Federal Office for Migration and Refugees.

The reception center of the Upper Franconia is located on the edge of the city Bamberg (Birkenallee) in the buildings of the former US barracks and is operated by the government of the Upper Franconia. On the site, there are all relevant authorities for the asylum procedure: BAMF (the Federal Office for Migration and Refugees), ZAB (the Central Foreigners Office) and a branch office of the administrative court of Bayreuth. In addition, the social services of

the city of Bamberg is on the site (the disbursement of the sociocultural subsistence minimum), as well as the social asylum counselling is offered by the staff of Caritas, Diakonie and AWO (for more information, see point 7).

Currently, asylum applications are processed in the AEO if they are submitted by persons from the following countries: Albania, Bosnia and Herzegovina, Eritrea, Georgia, Ghana, Iran, Kosovo, Morocco, Macedonia, Montenegro, Russian Federation, Senegal, Serbia, Syria.

2. What Are "Safe Countries of Origin"?

A "safe country of origin" is a country in which, under the current German law, there is no state persecution and in which this state is willing to protect its citizens in case of persecution by other people or groups (§ 29a of the Asylum Act). Albania, Bosnia-Herzegovina, Ghana, Kosovo, Macedonia, Montenegro, Senegal, and Serbia are currently considered as "safe countries of origin". Therefore, it is harder for asylum seekers coming from one of these countries to prove that they are being persecuted individually regardless, and they need to provide good evidence.



3. What Does A Bad Perspective To Stay Mean?

A bad perspective results from the BAMF's recognition rate for asylum applications from one country. If the recognition rate of all applications from a country of origin is less than 50%, it is assumed that the perspective to stay is poor. Therefore, out of 100 asylum applications, less than half result in a positive decision. This means the chance of getting recognition is rather low.



4. Regulations for Persons from "Safe Countries of Origin"

The fact that you come from a "safe country of origin" has implications on your asylum procedure, residence obligation, employment and school education.

<u>Duration of stay in the AEO</u>: You must stay at the AEO until your application for asylum has been decided. If the application is approved, you may move out. If the application is rejected, you must remain in the AEO until your departure (§ 47 (1a) of the Asylum Act). Only due to very special health reasons you may move out under the Admissions Act (Article 4 (6) AufnG). You can claim your right by applying for leaving the AEO and seeking assistance (see point 7).

<u>Interview</u>: The interview is very important and crucial to the outcome of your asylum procedure. In the AEO, the procedures sometimes run very fast, so it is possible that you get an interview appointment within a few days. **Therefore, get the necessary information immediately!** Information can be found in the Asylum Guide of the Munich Refugee Council or online at: http://www.asyl.net/arbeitshilfen-publikationen/arbeitshilfen-zum-aufenthalts-undfluechtlingsrecht/informationsblatt-anhoerung



Asylum procedure: Your asylum application is likely to be rejected as obviously unfounded. If you think that this decision is wrong, you must submit an appeal within one week (which is important!) to the Administrative Court of Munich. If you appeal, you should also apply for the suspensive effect under § 80 (5) VwGO (Code of Administrative Court Procedure), otherwise you may be deported while the decision on your appeal is pending.

To formulate your appeal, you can get assistance from the Legal Advice Center of the Administrative Court. On the premises of the AEO, there is a branch office of the court, to which you can go and say that you want to appeal against your decision (for address and opening hours see

point 7). For court proceedings, we advise you to find a lawyer (see point 7), as your appeal must be well grounded.

You have a chance of receiving the decision in your favour by the Administrative Court only if your case is exceptional. Because the Bavarian administrative courts and the judges working there also believe that you are from a safe country. You need very good evidence (documents, certificates, pictures, oral statements) of the problems you face upon returning to your country of origin.

As long as your case has not been decided following your urgent application, you cannot be deported. If your urgent appeal is approved, you cannot be deported until your case is resolved. If your urgent appeal is rejected, however, you can be deported from this point despite the ongoing court proceedings. From this point on, the payment of your social benefits can be reduced and you will no longer receive any cash benefits (pocket money).

Residence obligation: As long as you have to live in the AEO, your stay is limited to Bamberg according to § 56 (1)

of the Asylum Act. For persons from safe countries of origin, the obligation to stay is in force for up to 24 months. You need a permit from the ZAB if you want to leave Bamberg, for example to visit a lawyer in another city.

Employment: For persons from safe countries of origin, work is generally prohibited (§ 61 (1) iVm § 47 (1) u. (1a), § 61 (2) of the Asylum Act).

<u>School</u>: In Germany, there is compulsory education for children of the age six years and older. In the AEO, children from "safe countries of origin" have to go to classes only within the camp.

Nevertheless, we recommend trying to register your children at a regular school. You can submit the application to the educational authority (Schulamt) in Bamberg. If your children have been going to a normal school in Germany for some time, there is really no reason they should not continue to do so.



5. Regulations for Persons from Other Countries of Origin

<u>Duration of stay in the AEO</u>: This point is very important, since depending on whether you legally still have to live in the AEO or not, you have different rights. So make sure if you are already allowed to move out of the AEO!

According to the law, you are allowed to stay in a reception center for a **maximum of six months** (§47 (1) (1) of the Asylum Act). In addition, the federal authorities may decide to extend this period in some cases to a **maximum of 24 months**. In Bavaria, this is also implemented.

According to the law, you must stay at the AEO for up to six months, or until the BAMF has decided on your asylum application. If they reject your asylum application, the following applies:

- If your asylum claim is rejected as obviously unfounded or inadmissible, you must remain in the AEO for up to 24 months.
- If your asylum application is simply rejected as unfounded, you must be allowed to leave the AEO, if you have been there for 6 months.

Interview: The interview is very important and crucial to the outcome of your asylum procedure. More information can be found in the Asylum Guide of the Munich Refugee Council or online at: http://www.asyl.net/arbeitshilfen-publikationen/arbeitshilfen-zum-aufenthalt s-und-fluechtlingsrecht/informationsblatt-anhoerung



Asylum procedure: If your asylum application is rejected as simply unfounded, you have two weeks to appeal (for obviously unfounded, see point 4). The appeal has a suspensive effect, so your social benefits will not be cut and you will not be deported until the decision is made on your appeal. You can file the appeal yourself at the branch office of the administrative court in the AEO, but it always makes sense to get support from a lawyer (see point 8).

Residence obligation: According to the law, as long as you have to live in the AEO, your location is limited to Bamberg according to §56 (1) of the Asylum Act. You need a permit

from BAMF or ZAB if you want to leave Bamberg, for instance to visit a lawyer in another city. However, as soon as you have the right to move out of the AEO (after six months), you also have the right to leave Bamberg. The ZAB must also put a special note about this in your document (Aufenthaltsgestattung).



Important: If the cancellation of the residence obligation is not noted in your document (Aufenthaltsgestattung) after a six-month stay in the AEO, you can contact a lawyer or a counselling center (see point 7).

Employment: Persons who live in the AEO may not work (according to § 61 (1) of the Asylum Act). Once they have been in the AEO for six months, the decision on the employment permit is at the discretion of the Foreigners Office (Ausländerbehörde) (pursuant to § 61 (2) of the Asylum Act).

What steps need to be taken to get a work permit:

1. Look for a job.

ling Service, for example.

- 2. Go to the Foreigners Office (Ausländerbehörde) with the written job offer / or the job promise and apply for the Employment Permit.
- 3. The Foreigners Office (Ausländerbehörde) then checks whether the permit can be given (the check concerns whether the conditions in the employment contract are in accordance with the legal requirements (minimum wage, etc.).
- 4. If your application is rejected, please contact a lawyer.

<u>School</u>: In principle, you can register your children at a school as soon as possible. You can find out about your rights asking the employees of the Asylum Social Counsel-



6. Regulations for Persons Who Have Arrived From another EU Country / Third Country (Notes On Dublin III Regulation)

For the countries of the EU (+ Switzerland, Norway, Iceland, Liechtenstein) there is a regulation that regulates which state is responsible for your asylum procedure. This is the Dublin regulation.

If you receive a notification from the BAMF that your application is rejected as **inadmissible** under Dublin III Regulation (§ 29 (1) Nr. 1 of the Asylum Act), you will have only **one week** to appeal (see Asylum Guide of the Munich Refugee Council).

It is important that you immediately mention all the reasons that prevent your being deported to another EU country (e.g. Italy), either immediately during the interview call or, if you had no such opportunity, by appealing against deportation to this country (deadline: one week). There are reasons that can successfully lead to your asylum procedure being carried out in Germany despite the competence of another state:

- fear of persecution or inhumane treatment (e.g. being threatened by forced prostitution / trafficking)
- due to an illness that cannot be treated in the country through which you travelled
- other reasons: Disability, pregnancy, new-born baby, old age, family members (parents, siblings, underage children) are in Germany

7. Advice and Contact Possibilities, Addresses/Responsibilities

Authorities

Social Office:

Responsible for the issue of: cash benefits, vouchers for clothing, medical certificates for medical treatment

The Federal Office for Migration and Refugees (BAMF):

Responsible for: Implementation of the asylum procedure (asylum application, interview, decision)

Bau C, Buchenstraße 4, 96050 Bamberg

Tel.: 0911/943 - 283 00 | Fax: 0911/943 - 99 99 622

Email: BAM-Posteingang@bamf.bund.de

Central Foreigners Office (ZAB):

Responsible for: extension of ID cards, return counselling, organisation of deportation together with the police if the asylum procedure is negative.

Government of the Upper Franconia:

operation of the camp; Responsible for the reception, accommodation and redirection of refugees: Applications for redirection / replacement, issuance of placement notices,

Registration, food, medical care, deportation.

Administrative court, Bayreuth branch office:

Here you can submit your appeal against the decision of the BAMF personally and receive assistance in formulating your appeal.

Alternatively, you can send your appeal to the Administrative court in Bayreuth by letter or fax (please note the deadlines!)

Open hours:

Monday and Wednesday 09:00-12:00 o'clock

Employment Agency:

The qualifications of refugees with a positive decision should be recorded in the arrival center by the Employment Agency.

Other Authorities

Education Office of Bamberg:

Theuerstadt 1, 96050 Bamberg

Open hours:

Monday-Thursday: 08:15 -12:00 o'clock and 14:00-16:00

o'clock

Friday: 08:15 - 11:30 and by appointment

Asylum Social Counselling:

The asylum social counselling in the AEO is provided through different organisations: AWO, Caritas and Diakonie. You can find their offices here:

Birkenallee 16 | Block E, 96050 Bamberg

Depending on the block you live in, address the following organisation:

AWO: Block 1, 3 7, 8 Caritas: Block 2, 9, 13, 14

Diakonie: Block 5, 10

Freund Statt Fremd (Friend Instead Of Stranger)

Café Willkommen (Café Welcome):

The cafe is organised by volunteers of the refugee aid association Freund Statt Fremd (Friend Instead Of Stranger) and located on the territory of the AEO. It is usually open during the week between 14:00 and 16:00 o'clock (when the cafe is open, a banner hangs from the balcony). Here you will find free coffee and tea as well as games and crafts. You will also find information leaflets for the interview and other helpful tips and information.

Games Room: games and crafts for children. Open hours depend on the capacity

Haus.Frieden:

Saturdays, from 15:00 to 17:00 o'clock at the address: Eisgrube 18 in Bamberg (coffee, cake and advice)

Directions can be found here:

http://freundstattfremd.de/so-findet-ihr-haus-frieden/

Independent counselling only for women

Donum Vitae:

Donum Vitae offers counselling and support for pregnant women and women with new born babies (questions of new born care, birth certification, buggies etc.) You can meet Mrs. Isljami every Tuesday and Wednesday in Café Willkommen between 2:30pm and 4pm. She speaks German, Albanian, English, a little Arabic and Persian. For all other languages she will try to organise a translator for an appointment.

Mrs. Daniela Isljami Kapuzinerstraße 34, 96047 Bamberg

Tel.: 0951 / 208 63 25 | Fax: 0951 / 208 79 698

Email: isljami@donumvitae.org

SOLWODI:

SOLWODI (Solidarity with Women in Distress) is committed to improving the rights of women and children from Africa, Asia, Latin America and Central, Eastern and South-eastern European countries, who live in Germany and are in an emergency situation or affected by violence (human traffi-

cking, forced prostitution, are threatened by or have been forced into marriage, honour and violence...). We are also providing counselling on the topic of voluntary return, in case it is wanted or necessary. Employees of SOLWODI Bad Kissingen are coming to the "Café Willkommen" in the AEO Bamberg regularly. It is best to make an appointment by phone or in person with one of the employees of "Café Willkommen" run by the organisation "Freund statt fremd" (see above).

SOLWODI Fachberatungsstelle Bad Kissingen Seehof 1, 97688 Bad Kissingen

Tel.: 0971 / 802 759

Email: bad.kissingen@solwodi.de Homepage: www.solwodi.de

Jadwiga Women's Consultation Center:

Jadwiga is a counselling center for women victims of forced marriage and human trafficking. The office is located in Nurnberg. It is best to contact the organisation by phone to make an appointment or to discuss your questions.

Fachberatungsstelle JADWIGA Nürnberg Dammstr. 4, D-90443 Nürnberg Tel.: 0911 / 4 31 06 56 | Fax: 0911 / 4 31 06 57 Email: nuernberg@jadwiga-online.de

Counselling for people with handicap

The Project ComeIn - Handicap International

The Project Comeln is a project in Munich on assisting refugees with physical and mental disabilities. Refugees from Ingolstadt / Manching also can contact the project team in Munich, if they have any questions or need help.

Mrs. Ricarda Wank Türkenstr. 21, 80799 München

Tel.: 089 / 411 09 573 | Fax: 089 / 54 76 06 20 Email: rwank@handicap-international.de

8. Do I Need A Lawyer?

Although a lawyer is very important in the asylum procedure, there is no right to a free lawyer. Therefore, you must hire a lawyer privately and at your own expense. You will be charged according to the law requirements. The charges are usually calculated according to the amount in dispute. You can apply to the court for legal aid (this will usually lead to the appointment of your lawyer), but this is rarely granted, and only in cases when the court identifies the prospect for a positive decision in your favour. Talk to your lawyer about the possibility of installment payments. Most lawyers require a deposit. And after completing the procedure or in between, you will receive a fee bill.

In order to get an initial assessment of whether your case has any chance of success at court, and whether you need a lawyer, you can ask independent counselling services (see point 7). They can also inform you about possible help for covering the lawyer fees. You can also ask for the addresses of lawyers there. It is important that your lawyer is familiar with asylum and migration law.



9. What To Do In Case of Deportation?

The camp in Bamberg serves to carry out your asylum procedure as quickly as possible and then, in the event of a negative decision, deport you to the country of origin or to the country responsible for you (Dublin cases). Repeatedly, there are weekly deportations of individuals and families. Especially in cases of persons from "safe countries of origin", it often quickly comes to a deportation, since the appeal has no suspensive effect and many can be deported during the court proceedings. The deportations usually happen very early. It may happen that the police will take away your cell phone.

Make sure in advance that a trusted person in case of a deportation can contact your lawyer or advice center (for example, leave your phone number).



10. The Bavarian Refugee Council - Who We Are and What We Do

Who are we?

As a human rights organization, we stand up for the rights of refugees and migrants. We firmly believe that human rights must be a priority, against a policy of measures against refugees. We fight for a real right to stay for all refugees and migrants. We strictly reject deportations. The return of refugees has to be only free and self-determined. We reject the exclusion and isolation of refugees by placing them to the camps and demand equal rights for all.

What are we doing in relation to the AEO Bamberg?

Press and public relations:

- If you for example want to communicate to the public how life is for a refugee in the AEO
- On the abuses of the Bavarian asylum policy in general as well as the abuses in mass camps as in Ingolstadt / Manching or Bamberg
- · Events and information evenings

Protest:

Organization of demonstrations, action days, rallies etc. with other individuals and groups

If you need advice in individual cases, please contact the addresses listed above

How can you contact us?

Office in the North Bavaria: Gugelstraße 83, 90459 Nürnberg Tel: 0911 / 994 459 46 | Fax: 0911 / 994 459 48

Open hours (telephone): Dienstag und Donnerstag 10:00-12:00 Uhr und 13:00 bis 15:00 Uhr

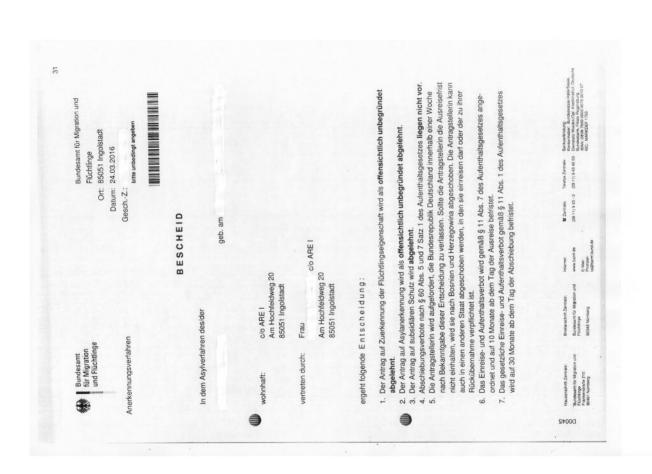
Email: kontakt@fluechtlingsrat-bayern.de



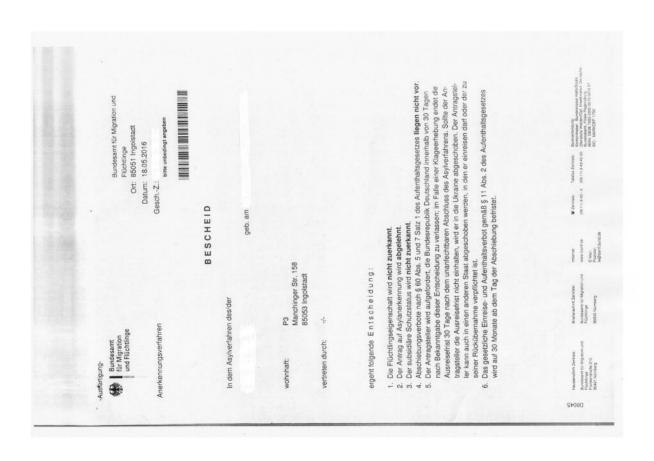
11. Appendix

- I. Decision manifestly unfounded (page 1)
- II. Decision simply unfounded (page 1)
- III. Permit to stay in the country (Aufenthaltsgestattung)
- IV. Tolerance stay (Duldung)
- V. Border Crossing Certificate (GÜB)
- VI. Application for school attendance by children
- VII. Application for replacement
- VIII. Overview of the fast asylum procedure

I. Decision manifestly unfounded (page 1)



II. Decision simply unfounded (page 1)



III. Permit to stay in the country (Aufenthaltsgestattung)



IV. Tolerance stay (Duldung)



V. Border Crossing Certificate (GÜB)

Regierung von Oberbayern

15-305641/2013

Telefon 089/62404-Fax 089/62404-720 München, 25.05.2016

GRENZÜBERTRITTSBESCHEINIGUNG

ō
füllen und an d
77
E.
2
0
0
22
USZ
ō
igung auszufül
5
- ig
· e
5
Bes
m
t, diese E
as as
D
Ħ
9
5
de Behörde wird ersucht
- 5
3
de
ō
e,
8
ehmende Beh
Ě
Ĕ
5
č
0
pfang ne
d
in Emp
C
0
Ö

Regierung von Oberbayern Zentrale Ausländerbehörde Obert Boschetsrieder Str. 41 81379 München

zu übersender

Geburtsort:

des Schengener Übereinkommens abgegeben und zugleich das für dieses Land bestehende die Grenzübertrittsbescheinigung an einer Auslandsvertretung innerhalb des Vertragsgebiets

Ausweislich des/der vorgelegten Dokumente/s ist die Ausreise am

VI. Application for school attendance by children

Ingolstadt, den ...

Sehr geehrte Damen und Herren,

Schulamt Ingolstadt

ABSENDER

85049 Ingolstadt

hiermit beantrage ich die Aufnahme meiner Kinder an einer normalen Regel-

sind wir im Transitzentrum in Ingolstadt. Hier erhaldeshalb, dass meine Kinder eine normale Schulbildung erhalten können, die land sind, deshalb bisher überhaupt keinen normalen Schulunterricht erhalten.//Meine Kinder haben bereits in Deutschland eine Regelschule besucht. chenstunden. Zudem findet der Unterricht auf Englisch statt. Ich beantrage untergebracht. Meine Kinder haben, seit wir in Deutschten meine Kinder nur eine unzureichende Beschulung mit sehr wenig Woin Deutschland. Wir waren bisher in auch die Schulpflicht erfüllt. Wir sind seit dem

geb. ???, besuchte im Kosovo die Klasse einer Mittelschule geb. ??? besuchte im Kosovo die Klasse einer Berufsschule Hier die Daten meiner Kinder:

Bitte geben Sie mir bis ??? schriftlich Bescheid, wo ich meine Kinder anmel-

Mit freundlichen Grüßen,

Name und Unterschrift von Vater/Mutter

VII. Application for replacement

Dienststelle in der ARE I Ingolstadt/Manching Regierung von Oberbayern Max- Immelmann Kaserne

Am Hochfeldweg 20

85051 Ingolstadt

Ingolstadt, den

Antrag auf Auszug aus der ARE I

geb. am Vorname:

Sehr geehrte Damen und Herren,

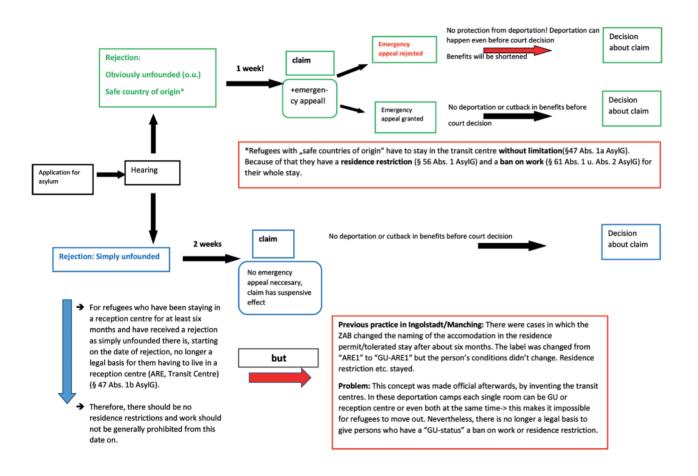
in der ARE untergebracht. Nach dem § 47 AsylG ist die maximale Aufenthaltsdauer in einer Aufnahmeeinrichtung auf 6 Monate beschräkt. Diese Zeit ist bei mir bereits überschritten. ich bin seit dem

Ich bitte Sie um eine schriftliche Antwort oder Verlegung in eine andere Unterkunft innerhalb der Frist einer Woche.

Mit freundlichen Grüßen

Datum/Unterschrift

VIII. Overview of the fast asylum procedure



Impressum

Herausgeber:



Verantwortlich:

Andrae, c/o Bayerischer Flüchtlingsrat, Augsburgerstr. 13, 80337 München

Titelbild:

Bayerischer Flüchtlingsrat

Stand:

November 2017 | 1. Auflage

Gefördert durch:

