

**We demand a thorough reform of admission practice in Saxony from the supreme state authority in Saxony.**

**We demand that the state government ...**

## ADMISSION

1.

**... issues new State Admission Programs! The granting of residence in this way should also enable employment.**

Normally, Refugees are distributed to the Federal States in Germany through the "Königsteiner Schlüssel". "According to this Schlüssel the distribution is based to one-third on the population and two-thirds on tax revenue." [2] A Federal State can also take in refugees through the family reunification.

Through State Admission Programs, Federal States can provide further escape routes for those seeking protection, in

[1] according to § 23 paragraph 1 of the Residence Act.

[2] <https://www.iab-forum.de/erwerbstaetigkeit-schluesel-fuer-integration-von-gefluechteten/> accessed on April 24, 2022.

addition to the ones mentioned above. For this, residence permits are usually issued for people originating in a specific conflict region. Therefore it is a matter of supporting and relieving the admission authorities, as e.g. family reunifications are made easier and less bureaucratic. [3].

"Employment is the key to successful integration" says Prof. Dr. Wolfgang Dauth [4]. The authorization for employment makes people more independent of state benefits. People whose refugee status is recognized are legally equal to German employees. However, the process to recognition often takes one to two years. Not every residence status authorizes employment: Asylum seekers and "tolerated" people must hope for a permit.

[3] <https://resettlement.de/landesaufnahme/> accessed on April 24, 2022.

[4] <https://www.iab-forum.de/erwerbstaetigkeit-schluesel-fuer-integration-von-gefluechteten/> accessed on April 24, 2022.

2.

**... expands the participation in the Federal Resettlement Program beyond the promised admission of 150 people.**

The Federal Resettlement Program is aimed at especially vulnerable groups and enables a safe travel to Germany. This way, minors, women and people with disabilities in particular can apply for asylum without risking their life on the way.

"The aim of the resettlement program is to provide a lasting solution and perspective for refugees, who have neither a long-term possibility of returning to their country of origin, nor a chance of integration in

[1] Saxon coalition agreement 2019-2024. p.72.

[2] <https://www.bmi.bund.de/DE/themen/migration/asyl-fluechtlingsschutz/humanitaere-aufnahmeprogramme/humanitaere-aufnahmeprogramme-node.html> accessed on April 26, 2022.

the country of first refuge." [2] Currently, Germany is participating in an EU-Resettlement-Program and provides 6.000 places for the first time in 2022. These are also distributed through, for example, the Berlin and Brandenburg State Admission Programs. [3]

Saxony determines in the coalition agreement for 2019-2024: "We will support federal programs in coordination with the UN Refugee Agency to take in especially vulnerable groups, such as persecuted Christians, as well as women and children from northern Syria and northern Iraq, and we will take in at least 150 people in Saxony during the implementation." [4]

[3] <https://resettlement.de/aktuelle-aufnahmen/> accessed on April 26, 2022.

[4] Saxon coalition agreement 2019-2024. p.72.

## 3.

**... puts pressure on the Federal Ministry of the Interior to create the framework conditions for independent municipal admission by changing the Residence Law accordingly.**

Municipal Admission can have a positive effect on integration, because municipalities can take in people seeking protection according to their own capacities. However, there currently is no legal basis that allows municipalities to take in people in excess of the "Koenigsteiner Schluessel".

Legislative changes can only be made by the federal government. At the moment, the admission of refugees is regulated at the federal level by the Residence Law (AufenthG) and the Asylum Law (AsylG). This means that, at this point, states and municipalities have no authority to take in people in need. There have been several attempts to adapt the Residence Law, most recently in 2019 by the "Greens" and the "Left".

[1] <https://dserver.bundestag.de/btd/19/092/1909275.pdf> accessed on April 26, 2022.

## 4.

**... implements the admission of more people from the camps at the European external borders, through the above-mentioned measures – especially from the Greek islands, for example.**

People are still dying daily at the European external borders<sup>1</sup> – not just in the Mediterranean but also in Bosnia, Belarus, Serbia, etc. In the camps at the borders, refugees usually live under inhumane conditions.

There is a lack of adequate infrastructure for food, basic hygiene, medical care and education or psychological care. Due to the European border policy, people usually stay there not just temporarily, but for months or years. Often, they are neither allowed to leave the camp or the location nor to travel or work, but they also don't know whether they will soon be regis-

tered, will be allowed to apply for asylum or whether they will be deported. Due to the constant overcrowding of the camps, people who fled from political persecution live side by side with those they fled from. Refugees are often exposed to the arbitrariness and violence of the police and the security personnel. There is hardly any place of retreat in the camps and especially vulnerable groups like minors, women or people with disabilities are unprotected from attacks. This and the other factors mentioned lead to frequent conflicts that escalate again and again. Due to the high psychological tension, suicide attempts are common.

All of these uncertain living conditions can lead to (further) trauma. In addition, these experiences are counterproductive to prospects of integration. This can be counteracted through the direct admission from the border.

<sup>1</sup> <https://de.statista.com/statistik/daten/studie/892249/umfrage/im-mittelmeer-ertrunkenen-fluechtlinge/> und <https://www.migrationdataportal.org/de/themes/todesfaelle-und-verschwinden-von-migrantinnen-und-migranten> accessed on May 9th, 2022.

**... works toward facilitating family reunification. The families of all people with a residence status, including those with a subsidiary protection, should be able to follow their relatives. The family reunification of underage refugees must also include their siblings. Family reunification must not be limited to mere numbers.<sup>[1]</sup>**

Family reunification is a legally complicated process.

In some federal States, such as Schleswig-Holstein [2] and Thuringia [3], this problem is being bypassed by enabling uncomplicated admission into the family unit through the state admission programs.

Problems that arise in the process of family reunification are primarily:

1. Obtaining personal documents

The verification of documents such as marriage or birth certificates is especially difficult. The Geneva Refugee Convention states that if the foreign authorities cannot be reached, the German authorities have the duty to issue documents, as long as there is no evidence to the contrary.<sup>[4]</sup>

2. Travel documents and permits of relatives

Another obstacle is that not all countries have embassies for the respective destination country. (a) Sometimes the embassies of the destination country are not responsible for citizens from the country of origin. (b) In some cases, there is no embassy of the destination country in the country of origin. (c) In other cases, only certain embassies are responsible for certain countries of origin.

It is not uncommon that family members who want to reunite have to travel to other countries after booking an appointment. This not only puts people in front of a logistical but also in front of a financial obstacle and causes even more dangerous journeys.

3. Restriction for those entitled to follow – Who is even allowed to live together with their family?

Family reunification is currently only possible to people who are recognized as refugees or – within the framework of an allotment (1,000 people/ month) – to people entitled to subsidiary protection. However, this allotment is not being used to the full.<sup>[5]</sup> Decision instructions in immigration authorities can help to improve this.<sup>[6]</sup>

Family reunification is only possible for nuclear families. Siblings of unaccompanied underage refugees are not counted as part of the nuclear family. As a result, underage refugees are left to their own for the duration of the parents' asylum procedure. People with another protection status, e.g. "toleration", cannot bring family members to them. Both points require a change in the law.

Regarding the procurement of documents and the responsibility of the authorities involved, the Geneva Refugee Convention states:

Article 25

1. Would the exercise of a right by a refugee normally require the assistance of foreign authorities which they cannot claim, the Contracting States in whose territory they are present will ensure that such assistance is provided to them either by their own authorities or by an international authority.

2. The authorities referred to in paragraph 1 will issue refugees those documents or certificates, or have them issued under their supervision, which are normally issued by the authorities of their country or through their mediation.

The so issued documents or certificates will replace the official papers that are issued to foreigners by or through the mediation of their authorities of their country; they are presumed to be valid until proven otherwise.

[1] The quota of 1,000 people (§ 36a section 2 sentence 2 of the Residence Act) who may follow to people with a subsidiary protection must at least be exhausted, if not abolished.

[2] State Admissions Program. Schleswig-Holstein: A handout. S2.

[3] Order of the Thuringian Ministry of the Interior according to Section 23 Paragraph 1 of the Residence Act of September 10, 2013. Az.: 24-2072-4/2013. S2.

[4] Geneva Refugee Convention Art. 25.

[5] <https://www.evangelisch.de/inhalte/195476/06-01-2022/kontingent-fuer-familiennachzug-2021-nur-zur-haelfte-ausgeschoepft> accessed on April 26, 2022.

[6] as happened in Bremen 2021: e21-04-01 from April 6th, 2021; <https://www.inneres.bremen.de/inneres/buerger-und-staat/auslaenderansachen/erlasse-zum-auslaenderrecht-2422> accessed on April 26, 2022.

**... clearly opposes the accommodation in camps and campaigns for the decentralized accommodation of refugees – both in Saxony and throughout Germany and Europe.**

The accommodation in camps and collective accommodation has a negative effect on later integration. (For this see explanation 4.)

In Germany, the facility responsible for those seeking protection after registration is determined using the "Koenigssteiner Schluessel". The accommodation first takes place in initial reception facilities, i. e. collective accommodation. Here the length of the stay is limited, usually to 18 months.<sup>1</sup> This is then followed by the distribution to mostly shared accommodation in the municipalities.<sup>2</sup> During the asylum procedure, the person seeking protection has to fulfill a number of obligations. This includes a general duty to cooperate in the procedure, the spatial restriction<sup>3</sup>, possibly a residence requirement, restrictions on access to the labor market, no entitlement to integration courses, etc. Asylum seekers also receive rights and benefits, such as benefits in kind to secure livelihood<sup>4</sup>, limited medical care<sup>5</sup> and independent asylum procedure advice.<sup>6</sup> (This cannot be guaranteed by the BAMF and is

1 §47 AsylG.

2 §50 i.V.m. §53 AsylG.

3 s. §56 ff. AsylG.

4 §§3, 3a AsylbLG.

5 §§ 4 u. 6 AsylbLG.

6 §12a AsylG.

therefore not sufficiently available.) In the "Frankfurter Neue Presse", the Hessian Refugee Council's criticism on collective accommodation was already formulated in 2017:

"The facilities are to be too big, often spaces to talk with each other and with volunteers are lacking. If shared accommodation cannot be avoided, then there should be a maximum of 50 places in the facility, the managing director of the Refugee Council, Fritz Rickert told the German Press agency in Frankfurt. 'Anything beyond that leads to a severe mental burden.' The lack of privacy increases the risk of conflicts. The Refugee Council and the League of Welfare associations demand minimum standards for the accommodation of asylum seekers. These include, among other things, nine square meters of living space per adult and six square meters for each child. Many migrants expressed a desire for more contact to the rest of the neighborhood, Rickert reported. This seems to be hardly possible if accommodations are set up in remote places, for example in industrial areas. 'This leads to isolation, prejudice is encouraged.'"<sup>7</sup>

In order to promote socialization and integration and to prevent the consolidation or recreation of trauma, we therefore demand decentralized accommodation for those seeking protection.

7 Frankfurter Neue Presse of March 14, 2017; Title: „Refugee Council: Collective accommodation hinders integration“. <https://www.fnp.de/hessen/fluechtlingsrat-sammlungunterkuenfte-behindern-integration-10478924.html> accessed on April 27, 2022.

**... implements a comprehensive and human rights-oriented right-to-stay offensive. The state government should mandate that a residence permit is issued whenever possible. Residence status such as toleration and deportation bans must remain an absolute exception.**

In the Asylum Law, there is some room for interpretation when granting the respective protection status, e.g. in the recognition of a reason for persecution<sup>1</sup> or the assessment of degrading treatment.<sup>2</sup> If neither

the refugee status nor the subsidiary protection is issued, a toleration (for various purposes) or a deportation ban can still be granted.

A deportation ban in principle means that the person cannot currently return to their country of origin (health reasons, political situation too dangerous, etc.). The residence status can be revoked at short notice. This causes a constant fear of deportation for those affected. Instructions create clarity and more consistent decisions.

1 3b AsylG zu Flüchtlingseigenschaft.

2 §4 AsylG zu Subsidiärer Schutz.

8.

**... declares its solidarity with refugees. On the one hand, this includes advocating up for an end to the criminalization of migration movements and, on the other hand, decriminalizing the solidarity with refugees in Europe – especially in regard to civil sea rescue.**

On the decriminalization of Migration:  
“Every person has the right to seek and enjoy asylum from persecution in other countries.”<sup>1</sup>

Currently, in order to apply for asylum, you have to be in the country where you are seeking asylum. However, in the last 10-20 years, Europe has undergone an extreme militarization of its external borders.<sup>2</sup> This leads to people not even reaching the EU because they either die on the way or are pushed back and/or held in camps in neighboring countries. Migration must be possible in order to guarantee the human right to seek asylum. This can also happen, for example, by granting more visas for asylum procedures or by creating opportunities to apply for asylum outside of Germany. In this way, Germany can concretely solidarize itself with people who are fleeing or are in distress.

1 Universal Declaration of Human Rights, Article 14, paragraph 1.

2 <https://www.cilip.de/2022/03/06/migration-und-militarisierung-die-eu-produziert-eine-oekonomie-der-angst/> accessed on April 26, 2022.

On the criminalization of sea rescue:

“The Central Mediterranean route is and remains [...] the most dangerous seas crossing in the world. This year (2019) out of 1,000 people who attempted the crossing, 23 have drowned.”<sup>3</sup>

Article 11<sup>4</sup> of the SOLAS Convention determines: “Every captain is obliged to provide assistance to all people, even hostile ones, who are found at sea in danger of death, as long as he is able to do so without serious danger to his ship and its crew and passengers.”

The criminal prosecution of rescuers is therefore a reversal of current law. The preliminary criminal proceedings against the crew of the *Iuventa* began in May 2022 with the indictment of aiding and abetting human smuggling.<sup>5</sup> The Saxon sea rescue organization Mission Lifeline was also last summoned on February 16, 2022 for alleged document falsification and smuggling.<sup>6</sup>

3 <https://www.unhcr.org/dach/de/services/faq/faq-seenotrettung#02> accessed on April 25, 2022

4 International Convention for the Safety of Life at Sea, 1974.

5 <https://www.amnesty.de/allgemein/pressemitteilung/italien-eroeffnet-verfahren-gegen-seenotrettungs-crew-iuventa> accessed on May 12, 2022.

6 [https://twitter.com/Axel\\_Steier/status/1494969737838739458](https://twitter.com/Axel_Steier/status/1494969737838739458) accessed on April 25, 2022; and [https://twitter.com/Axel\\_Steier/status/1515575097310027777](https://twitter.com/Axel_Steier/status/1515575097310027777) accessed on April 25, 2022.

9.

**... actively pushes for safe escape routes and for the implementation of state-organized, civilian sea rescue missions.**

Saxony currently has 2 cities that have declared themselves Safe Havens: Leipzig and Dresden. The Saxon judiciary, howe-

ver, is acting in anything but solidarity or compassion. Instead of criminally prosecuting organizations and individuals, Saxony should constructively advocate for state-organized and civil solutions. With a Saxon State Admission Program, Saxony can act immediately and very concretely to create safe escape routes.

**WE DEMAND,**

**That the supreme State authority in Saxony does not wait for a “European solution” but acts independently.**