

# Asylum procedure in Germany

An overview on  
administrative proceedings,  
decisions and  
legal protection

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# Migration to Germany



Which possible ways do you know to immigrate to Germany?

# Migration to Germany

- EU-citizens → free movement (Community Law)
- visa proceedings → embassy/consulate
  - studies
  - work
  - family reunion
- international protection → BAMF
  - political asylum
  - refugees according to GRC
  - subsidiary protection

# initiating asylum proceedings

- The asylum procedure can be initiated by uttering the wish to apply for asylum at any authority at or within the German borders.
- special rules for border authorities, the police and immigration/foreigners offices
- Proof of registration as an asylum-seeker  
(Bescheinigung über die Meldung als Asylsuchender – BüMA, § 63a Asylgesetz/asylum code)
- order to show up at a registration center assigned to the responsible branch of BAMF

# asylum procedure – application

- BAMF appoints a date for the formal apply for asylum
  - asylum-seekers submit the application
  - documentation of physical records (photos, finger prints)
  - first interview about personal data, travel route and former asylum applications
- "Aufenthaltsgestattung" (preliminary residence permit)
- obligation to inform BAMF about relocation and change of adress

# decision possible?



What kind of decision can be made at this state?

# Dublin-Decision

- according to the Dublin-III-Regulation Germany can decide that the procedure has to be processed in another member state, if the applicant
  - already applied for asylum in another EU-state
  - was registered by the authorities in another EU-state
  - entered Germany with a visa from another EU-state
  - spent time in another European state
- the apply is then deemed inadmissable ("unzulässig")
- time limit for a written apply at court: 1 week

# asylum procedure – interview

- BAMF appoints a date for the interview
- the interview is the most important part of the procedure: the applicant is asked to tell about his personal experiences
  - in case of illness inform BAMF immediately and send a doctor's certificate
  - interpreter/translator will be present; the applicant should make sure that the translator understands everything and vice versa
  - written evidence should be presented in the interview the latest
  - questions can be repeated from former dates



# How to act in the interview?



What advice should be given to the applicant for the interview?

# advice for the interview

- The interview is the opportunity to talk about all the reasons for fleeing from the country of origin.
- extensive and exact description, that covers own experiences but leaves out general information
  - What happened and how exactly did events unfold?
  - When and where did it happen?
  - Why did it happen?
- Never make up answers or stories!
- Take your time for proper answers!
- Always have the transcript re-translated!

# positive decisions and their results

- recognition of asylum or refugee status
  - residence permit and privileged family reunion
- subsidiary international protection
  - residence permit and restricted family reunion
- prohibition of deportation
  - residence permit or suspension of deportation, normally not family reunion

# negative decisions and legal protection

- "The asylum application has been refused."
  - time limit for a simple apply at court: 2 weeks,
- "The application for recognition of asylum status has been refused as "manifestly unfounded".
  - time limit normal/immediate apply: 1 week
- "The asylum application has been refused as inadmissible."
  - time limit normal/immediate apply: 1 week

**... thank you for your attention!!**

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