

INTRODUCTORY INFORMATION

for asylum seekers in Hamburg

Presented by:



Welcome!

This brochure is especially geared towards asylum seekers who have recently arrived in Germany. Firstly, the initial steps of the asylum procedure are set out and the key legal bases are explained. The aim is also to provide an overview of possible perspectives, particularly with regard to employment, since having work can also secure your residence status.



This brochure cannot replace personal advice, so our main focus is to inform you of who can advise you on which matter.

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TIP:

In principle, you can also express your request for asylum to the police. However, we advise against this because the police can institute proceedings due to illegal immigration.

BAMF Hamburg
Sachsenstraße 12+14,
20097 Hamburg
Phone: 040 23501-0
Fax: 040 23501-199

I.THE BASICS:

Where do I apply for asylum?

Contact the **Federal Office for Migration and Refugees (Bundesamt für Migration und Flüchtlinge)** or the local office of the Federal State Admission Authority in Hamburg Harburg.

HAMBURG HARBURG

Harburger Poststraße 1
Accommodation in the ZEA is operated day and night in the 'initial reception centre' (Erstaufnahmeeinrichtung).

Initially, you will receive a **Certificate of Registration as an Asylum Seeker (Bescheinigung über die Meldung als Asylsuchender, BÜMA)**.

This certificate is not a residence permit. It is a preliminary residence document. It indicates that you have applied for asylum and has a limited period of validity.

Family unit / community support: If you entered with relatives or have relatives residing in Germany, mention this immediately on the day that your BÜMA is issued in order to be assigned to a location in their vicinity. This, however, is not always possible.

OPENING HOURS OF THE OFFICES

Mon.-Tue. 8-15, Thu. 8-15, Fri. 8-14,
Wed. closed

Reallocation (EASY-procedure):

(EASY = First reallocation of asylum seekers)

After your registration as asylum seeker the ZEA will first check which reception institution in Germany is responsible for you. This depends on your country of origin as well as the question whether the quota of refugees who should find reception in Hamburg (2.7%) is reached.

This means that you may have to expect to be sent to a reception institution in a different federal state (Bundesland). The assessment in the 'central initial reception centre' (Erstaufnahmeeinrichtung) is done automatically. Generally there are no legal options against reallocation.

Only if you are a minor who arrived unaccompanied or if you are unable to travel you mustn't be reallocated. Which may include the upcoming birth of your child; it is best to show the medical certificate directly.



If you have already obtained a protected status in another European state, there is a risk that your asylum procedure will be terminated and you will be returned to that country. Contact a counselling centre immediately (from page 16 onwards).

Primary reception centre Horst

Hamburg has different initial reception centres for accommodation. One of them is located outside of Hamburg in Horst (Mecklenburg-West Pomerania, Mecklenburg-Vorpommern). Counseling is offered here as well (p.23).

DUBLIN III:

Generally you will receive mail when the Dublin-procedure is initiated.

CAUTION: If you have already been to another European country and were registered (fingerprinted) or applied for asylum there, then this country is responsible for your asylum application. This applies also if you are in possession of a visa or a residence permit of another EU-country, even if they are not valid anymore. You have to expect to be brought back to that country.

If this is the case, seek professional advice.

II. APPLICATION:

You will stay in the initial admission facility to which you have been assigned for between two weeks and three months. During this time the official application will be made at a branch office of the BAMF.

After the application you will undergo **an identification process**, during which your fingerprints will be scanned and compared with the EURO-DAC database. In the Eurodac database the BAMF will find out whether you have been fingerprinted or have applied for a visa or requested asylum in another EU member state. You will also be questioned about your travel route. This is the first interview in which you have to mention all factors that speak in favour of your stay in Germany, or if applicable, of a transfer into another EU country. Especially relatives, health problems, inhumane living conditions and countries of transit should be mentioned. Afterwards you will normally get an appointment for your hearing. This is the second interview.

The period of time between submission of the application and the hearing varies.

If you do not receive an appointment for a second hearing due to the Dublin procedure, contact an independent counselling centre immediately!

If there are high numbers of applications for asylum, you may initially be allocated to another accommodation and only invited to a hearing later on.

Before the hearing, you should contact an independent counselling centre to ensure that you are well prepared for the proceedings (from page 16 onwards).



A personal hearing by the BAMF will follow, during which the grounds for asylum will be determined. There you have the task and the obligation to present the reasons why you had to leave your country of origin and what threat you face if you return. This hearing forms the basis for the subsequent decision on the asylum application. The minutes of the hearing will be sent to you a few weeks after the hearing.

The personal hearing by the BAMF is the most important meeting in your asylum procedure.

You will not only be questioned about your reasons for leaving but also about your travel route, your identity and your relatives. You should list all of the reasons that militate against your return to your country of origin.

How does my asylum application proceed?

After your application is submitted you will obtain **permission to stay under § 55 of the Asylum Procedure (Asylverfahrensgesetz)** for the purpose of completing the asylum procedure. In the first three months you are not allowed to leave Hamburg. If you seek to leave Hamburg you have to file an application to the central administration for foreigners (Zentrale Ausländerbehörde). The amount of time until a decision is made can vary greatly.

I *If you received a negative reply from the BAMF, you should contact a refugee counselling centre and/or lawyer immediately!*

If you have been waiting for a decision from BAMF for longer than six months, you should make enquiries with BAMF or contact a lawyer.

Possible decisions of the Federal Office (BAMF)

Protection

The following decisions are possible:

1. Recognition of asylum status

2. Recognition of refugee status

Protection based on Art. 16a of the Basic Law along with § 3 AsylVfG
Residence permit pursuant to § 25 (1) of the AufenthG

1. Recognition of asylum status declined

2. Refugee status granted pursuant to § 3 of the AsylVfG

Residence permit pursuant to § 25 (2) Alternative 1 of the AufenthG

1. Recognition of asylum status declined

2. Refugee status not granted

3. Subsidiary protection status granted pursuant to § 4, paragraph 1 of the AsylVfG

Residence permit pursuant to § 25 (2) Alternative 2 of the AufenthG

1. Recognition of asylum status declined

2. Refugee status not granted

3. Subsidiary protection status not granted

4. There are no bans on deportation under § 60, paragraphs 5 and 7 line 1 of the AufenthG

Residence permit pursuant to § 25 (3) of the AufenthG

No protection

1. The application for asylum is inadmissible

Dublin III – Ordinance: Another EU country is responsible for your application for asylum. You should be transferred to that country.

1. Recognition of asylum status rejected

2. Refugee status not granted

3. Subsidiary protection status not granted

4. There are no bans on deportation under § 60, paragraphs 5 and 7, line 1 of the AufenthG

1. The right to asylum has been rejected as manifestly unfounded

2. Refugee status has not been granted as it is manifestly unfounded

3. Subsidiary protection status not granted

4. There are no bans on deportation under § 60, paragraphs 5 and 7, line 1 of the AufenthG

1. There is no right to asylum

2. Deportation is ordered

You received protection in another European State and must be transferred to that country. **NO ASYLUM PROCEDURE IS POSSIBLE!**

Application for asylum inadmissible.

One week for a lawsuit and an urgent petition!

Application for asylum rejected as unfounded („simple“ rejection).

Two weeks for a lawsuit!!

Application for asylum rejected as manifestly unfounded.

One week for a lawsuit and an urgent petition!

For more details, see
www.nds-fluerat.org/leitfaden/

What happens if your application for asylum is recognised?

If your application for asylum is recognised, you are entitled to an integration course **and are permitted to start working immediately.**

What happens after your application for asylum is rejected?

If your application is rejected, you can **file an appeal**. If the appeal has a deferring effect, you will receive permission to stay. If you obtain tacit permission to stay, this means that the threat of deportation may be imminent. Deportation cannot always be carried out immediately.

When can I leave the reception centre?

If you file an application for asylum, you must initially stay in an initial admission facility for up to three months.

After no more than three months, you should obtain what is known as a “transfer” to another accommodation in Hamburg. You can express a preference, but you may not determine your place of residence yourself. This may be an apartment but it may also be shared accommodation.

Where can I stay? (residence requirement)

In the first three months, the so-called ‘residential law’ (Residenzpflicht) applies. This means that without permission from the administration for foreigners (Ausländerbehörde) you can not leave Hamburg. If you seek to go to another federal state (Bundesland) contact the administration for foreigners (Ausländerbehörde).

As of the 4th month the residential law does not apply anymore. The permission or the ban to leave Hamburg is noted in your temporary residence permit (Aufenthaltsgestattung) or in your ‘exceptional leave to remain’ (Duldung).

However, this residential law can be reinstated in cases of violations of the narcotics laws (Betäubungsmittelgesetz) or in cases of impending deportation (aufenthaltsbeendende Maßnahmen). You cannot change your place of residence without the prior approval of the authorities.

III. WORK & QUALIFICATIONS

Taking up employment is not only an important step for a sustainable right to stay in Germany, but also leads to more independence from state institutions. If you are not yet permitted to work, there are possible ways of preparing yourself for the labour market. There are various institutions which can advise you on this (see page 21).

Who can work?

The riders in your documents show whether or not you are permitted to work. If your papers state “Erwerbstätigkeit nicht gestattet” (employment not permitted) even though you should be able to work according to the table, ask the immigration authorities to change this.

The graphic shows which refugees can work and after which period of residence and under which requirements they can work. In addition to the residence permits listed here, there are others that allow for various different types of access to the labour market.

The counselling centres will provide you with information about this (see page 21).



	Asylum seekers	Subsidiary protection, bans on deportation and residence on humanitarian grounds	People entitled to asylum and refugees under Basic Law & the Geneva Conventions on refugees	Tolerated migrants
Paragraph	§ 55 of the AsylVfG	§ 25 (2)/ (3)/ (5) of the AufenthG	§ 25 (1)/ (2) of the AufenthG	§ 60a of the AufenthG
Status title	Permission to stay	Residence permit	Residence permit	Tacit permission to stay
Acknowledged vocational education, voluntary service	Allowed after three month	Allowed immediately	Allowed immediately	Allowed immediately For details see § 32 paragraph 2 of the BeschV
Employment?	1st-3rd month – ban on work 4th-15th month – with a priority check from the 16th month – without a priority check	Allowed immediately	Allowed immediately	1st-3rd month – ban on work 4th-15th month – with a priority check from the 16th month – without a priority check
Highly skilled work and work for relatives (with no priority check)	Allowed after 3 month	Allowed immediately	Allowed immediately	Allowed immediately For details see § 32 (2) BeschV
Can a ban on work be demanded by the immigration authorities?	No	No	No	Yes if the refugee fails to cooperate (e.g. by providing a false identity)
Self-employment?	Self-employment work is <u>not</u> allowed	Self-employment can be allowed <u>on request</u>	Self-employment is allowed	Self-employment is not allowed

IMPORTANT!
Children up to 18 years of age are required to attend school regularly.

What can I do despite the ban on employment?

- school-based vocational education
- study (if there is no ban on study)
- self-financed German courses, e.g. at the adult education centre (Volkshochschule, VHS)
- evening school
- Voluntary Year of Social Service (Freiwilliges Soziales Jahr ;FSJ) and Federal Volunteer Service (Bundesfreiwilligendienst; BFD)
- Internship at a project funded by the EU

If you want to attend a language course and don't have access to the job market, there may also be projects and foundations that can provide financing.

Language courses

People with residence status in accordance with § 25 (1), § 25 (2), § 25 (3) of the Residence Act (AufenthG) are entitled to a **free integration course** that includes a language course.

Immigrants with uncertain residence status like

*Holder of an exceptional leave to remain (Duldung) (period of validity for a minimum of 6 months),
Asylum-Seekers (temporary residence permit - Aufenthaltsgestattung) (period of validity for a minimum of 6 months)
and Persons with a residence permit following § 25 (5) Residence Law (Aufenthaltsgesetz)*

who have no entitlement to participate in integration courses or other German language courses free of charge, have the opportunity to acquire **a basic knowledge of the German language** in 300 lessons (p. 20).



How are degrees and qualifications from my country of origin recognised?

Certificates are very important for the recognition of your qualifications, but you can also take examinations.

IV. COUNSELLING CENTRES

Café Exil

Help with applications, questions about the asylum process, reading and writing of letters. They can accompany people to the administrations and other places. They can connect you with lawyers, interpreters, etc.

Spaldingstr. 41

Office hours: Mo., Tue., Thu.: 8-14h;
Fr. 8-13h; Wed.: closed

Phone: 040 2368216 or 040 88238682

Fax: 040 63673102

Email: cafe-exil@antira.info

<http://cafe-exil.antira.info>

fluchtpunkt

Art of work :

Asylum processes, Residence Law

Eifflerstr. 3

Open consultations: Wed. 10-16h

Phone: 040 43250080

Email: info@fluchtpunkt-hamburg.de

www.fluchtpunkt-hamburg.de

Akonda - eine Welt Café

Helpdesk, accompanying and meeting place/forum for refugees and migrants with and without residence permit/status

Wohldorfer Straße 30

Office hours: Thu. 15-18h and as agreed upon

Phone: 040 519008016

Fax: 040 519008052

Email: akonda@kirche-hamburg-ost.de
or c.gbocho@kirche-hamburg-ost.de

www.hamburgasyl.de/kkstormarn-akonda.html

Ämterlotsen

Accompanying you to administrations

Königstraße 54 (Diakonie-Hilfswerk Hamburg)

Reachable by phone: Mo. 14-16h; Wed.: 11-13h;
Th. 14-16h

Phone: 040 30620366

Email: aemterlotsen@diakonie-hamburg.de
www.aemterlotsen.de

Infomobil Hamburg

Advice for unaccompanied underage or young refugees

Opposite of the 'emergency services for children and youths' (Kinder- und Jugendnotdienst)
In the Feuerbergstr. 43
every Wed.: 16-20h

Email: infomobil-hamburg@antira.info
www.cafe-exil.antira.info/infomobil-hamburg/

Sprachraum e.V.

German courses offered without charge and without the need to show papers; other programmes offered, including excursions; workshops offered concerning the rights of migrants in Germany

Registration:
Mo. 9-11am in the Café Exil

Phone: 040 2368216 (in the Café Exil)
Email: sprachraum09@googlemail.com

Mujeres sin Fronteras

Advice, information and accompanying
- Mainly in Spanish and Portuguese -

Sternstr. 2 (in the Centro Sociale, side entrance)
Mo.: 16-19h

Phone: 0178 6518000

Email: MujeresSinFronteras@riseup.net
www.mujeressinfronteras.de

Frauenperspektive e.V.

Advice for refugees, assistance in
day-to-day life

Dillstraße 19

Opening hours: Mo.-Thu.: 10:00-12:00h

Phone: 040 49292245

Fax: 040 49292248

Only for women

Mehrgenerationenhaus FLAKS e.V., Centre for women in Altona

FLAKS offers a meeting place, advice, education and activities

Alsenstr. 33

Opening hours: Mo.-Thu. 10-16h, Fr. 10-14h

Phone: 040 8969803

Fax: 040 89698044

Email: info@flaks-zentrum.de

www.flaks-zentrum.de

Zentrale Anlaufstelle Anerkennung (ZAA)

Recognition of certificates

Diakonie-Hilfswerk Hamburg
Alter Wall 11 (Hamburg Welcome Center)
Phone: 040 30620396
Email: zaa@diakonie-hamburg.de
www.diakonie-hamburg.de/web/visitenkarten/zaa/
Appointments have to be made over the phone or by email.

Café Whynot?

Café-German lessons-Advice

Marktstr. 55
Office hours: Mo.-Fr. 9-16h

Phone: 040 4300025
Email: info@why-not.org
www.why-not.org

Flüchtlingszentrum

Central Information and Advice for Refugees gGmbH

Primary drop-in centre for work, educational training and qualifications (for `FLUCHTort Hamburg´ and `Chancen am FLUCHTort Hamburg´);
Offers ways to get into German language courses; advice in cases of return

Adenauerallee 10
Opening hours: Mo.,Tue.,Thu.,Fr. 9-13h und Tue., Thu. 15-17h

Central Phone Number: 040 2840790
Phone: 040 284079115 (Lotfi Ben Brahim)
and 040 284079125 (Ivanka Lušo)
Fax: 040 284079130
Email: benbrahim@fz-hh.de und luso@fz-hh.de

Perle

German language courses and computer courses, offers ways into internships, advice for grown-up refugees

Norderreihe 61 (verikom)

Phone: 040 350177233

Email: perle@verikom.de

www.verikom.de/projekte/perle-perspektiven-fur-ein-leben-in-hamburg/

COACH

Individual vocational coaching,
Offers ways into qualifications and advanced training for grown-up refugees

Norderreihe 61 (verikom)

Phone: 040 350177236

Email: coach@verikom.de

www.verikom.de/projekte/coach/

Flüchtlingsrat Hamburg

(Refugee Council Hamburg)

Supports refugees politically, public outreach and actions; no drop-in centre for support in asylum processes but will refer you elsewhere

Nernstweg 32-34

Office hours: Mo.10:30-14:30h; Tue. 17-19h; Thu. 15-19h

Phone: 040 431587

Fax: 040 4304490

Email: info@fluechtlingsrat-hamburg.de

www.fluechtlingsrat-hamburg.de

If you are in the primary reception centre Horst:

Flüchtlingsrat Mecklenburg-Vorpommern e.V.

(Refugee Council Mecklenburg-Vorpommern)

Advice in Asylum Processes

The office is located outside of the reception centre in a container left of the entrance.

Phone: 0178 1874597

Email: hp@fluechtlingsrat-mv.de

www.fluechtlingsrat-mv.de

Horst-AG

Additionally there is an independent consultancy and support through a group of supporters. The group comes regularly to Horst and can, in part, also provide support with legal and medical assistance. If you are interested please contact antira.horst.ag@riseup.net.

Addendum: Medical care in Hamburg

As soon as you have been registered as asylum seeker in Hamburg you will be reported to the AOK Bremen/Bremerhaven. This means that you will be health insured by the state. You will receive an health insurance card. With this card you can go to the doctor of your choice. Always ask at the doctor/clinic if you have to pay extra as not every treatment or the medicine that you have been prescribed is free of charge.

It can take quite some time until you get a health insurance card. If a card exists not yet the social welfare office (Sozialamt) will issue a health insurance certificate on demand. If there are any difficulties you can turn to the Clearingspot for medical supply in the Flüchtlingszentrum (p.20). If you didn't seek for asylum and aren't health insured you can get advice in the following counseling centers. In addition, doctors provide services in some of the facilities.

Medibüro Hamburg

This helpdesk refers people to medical care who have no health insurance. The treatments offered are where possible free of charge.

Hospitalstrasse 109 (WIR Internationales Zentrum/Verikom)
Consultation hours: Mo., Thu. 15-17h

Phone: 040 238 558 322 (answering machine)
info@medibuero-hamburg.org

Migrantenmedizin Westend

Medical Advice and Referrals for people without health insurance; free of charge and anonymous

Vogelhüttendeich 17

Consultation hours: Tue.: 9-11h

Directions from main train station (Hauptbahnhof): S3/S31 until Veddel, then Bus 13 until Stübenplatz

Praxis ohne Grenzen-Hamburg e.V.

(‘Praxis without Borders – Hamburg e.V.’)

Bauerberg 10

Phone: 040 3099794660

praxisohnegrenzen-hh@msbh.de

www.praxisohnegrenzen-hh.de

Andocken

Available to all migrants from non-EU-countries who live in Hamburg without valid residence permit/status

Bernstorffstraße 174

Counselling hours: Tue. 10-12h, Thu. 14 -16h

Phone: 040 43098796

andocken@diakonie-hamburg.de

Medical Advice and Referrals for people without health insurance and without valid residence permit/status. Confidential and free of charge where possible.

Malteser Migranten Medizin Hamburg

People without valid residence permit/status and People without health insurance have access here to a doctor who will conduct the primary medical check-up and emergency care in cases of sudden sickness, injury or pregnancy.

Alfredstraße 9 (Marienkrankenhaus/Haus 1-Chirurgische Ambulanz-Bereich 5 (EG))

Opening hours: Thu. 16-20h

Phone: 040 25461208

Email: mmm.hamburg@malteser.org

<http://www.malteser-migranten-medizin.de/mmm-vor-ort/hamburg.html>

ABBREVIATIONS

BAMF	Bundesamt für Migration und Flüchtlinge (Federal Office for Migration and Refugees)
BÜMA	Bescheinigung über Meldung als Asylsuchende_r (certificate of registration as an asylum seeker)

CLARIFICATION OF TERMS

People granted subsidiary	A stay in Germany is allowed as there is a protection ban on deportation.
Priority check	If you have a concrete job offer, the Labour Office must first check whether there are Germans or other EU citizens available for this position and whether the standard local salary is being paid.
Employment	A job where you are employed by a company or a business.
Self-employment	You have your own company or business.

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in the Details:

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Independent Helpdesk for Refugees and Migrants

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For more detailed information on the asylum procedure, please see www.nds-fluerat.org/leitfaden/

