

Asylum Seekers in Germany

The Interview

Who is a „Refugee“?

- Justified fear of persecution because of
 - Race
 - Religion
 - Nationality
 - Political conviction
 - Membership of a specific social group
- He/she is outside the country of origin, and is unable to call on the protection of that country or does not wish to take it up because of this fear.

Source: BAMF

Asylum Procedure in Germany

1. Entry to Germany
2. Asylum Application
3. “Dublin-Procedure”
4. The Interview
5. The Decision
 - Positive:
refugee status or political asylum granted
 - Positive:
subsidiary protection granted
 - Negative:
but can stay in Germany without deportation threat
 - Negative:
rejection notice, with an order to leave Germany
6. Appeals (Legal Action)

Source: BAMF

Where are you in this Process? What does your passport show?

Aufenthaltsgestattung



Asylum Seekers waiting for their Interview

Aufenthaltserlaubnis



Recognized Asylum Seekers

Duldung

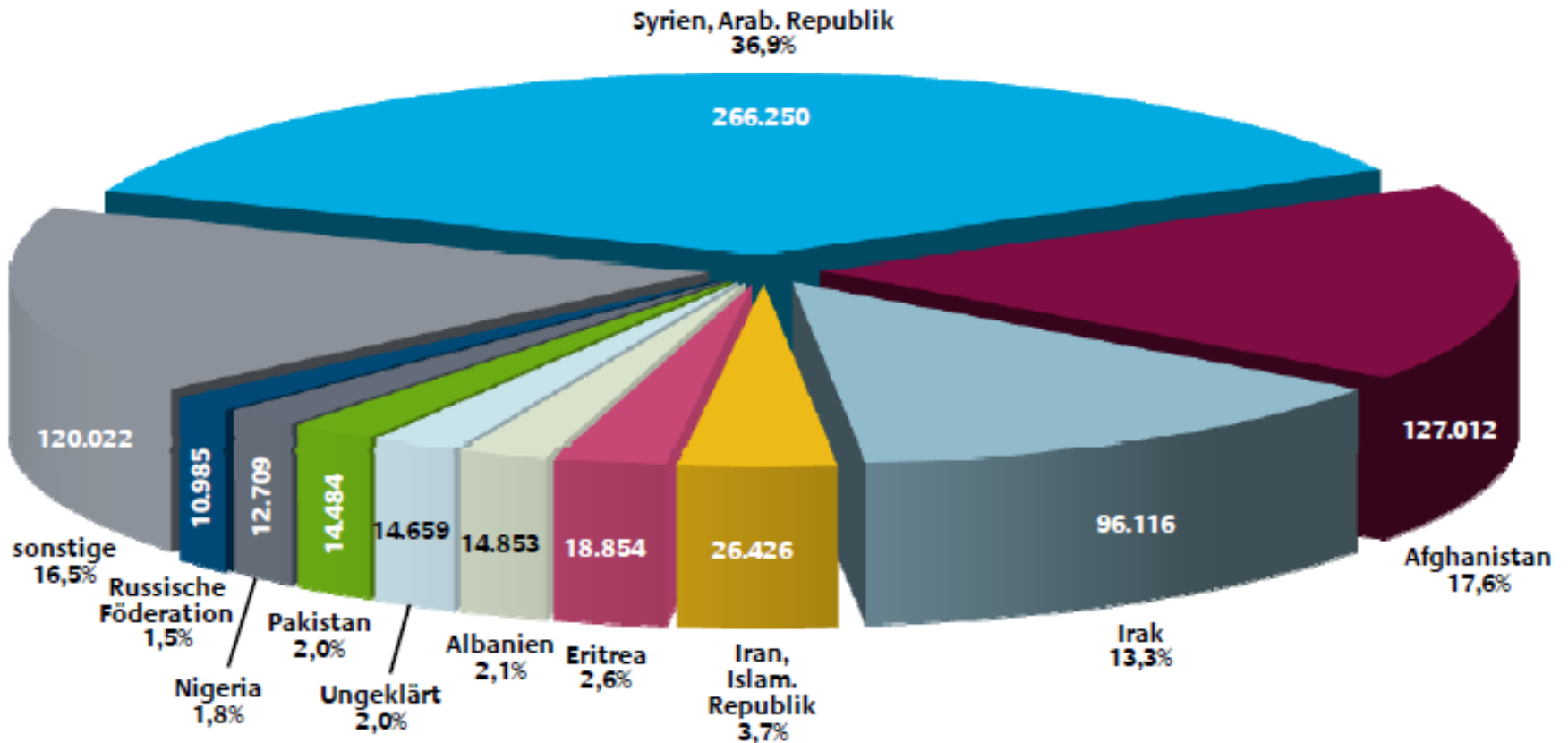


- Those who have not applied for asylum yet or
- Those who have to leave Germany

Where do the refugees come from?

Hauptherkunftsländer im Jahr 2016

Gesamtzahl der Erstanträge: 722.370



Source: BAMF

Statistics (Jan – Dec 2016)

• Applications	722.370	
• Interviews	447.945	
• Decisions	695.733	
– Recognition		(62.4%)
• Refuge protection	256.136	(36.8%)
• Subsidiary protection	153.700	(22.1%)
• National ban on deportation	24.084	(3.5%)
– Rejection	173.846	(24.9%)
– Others	87.967	(12.6%)

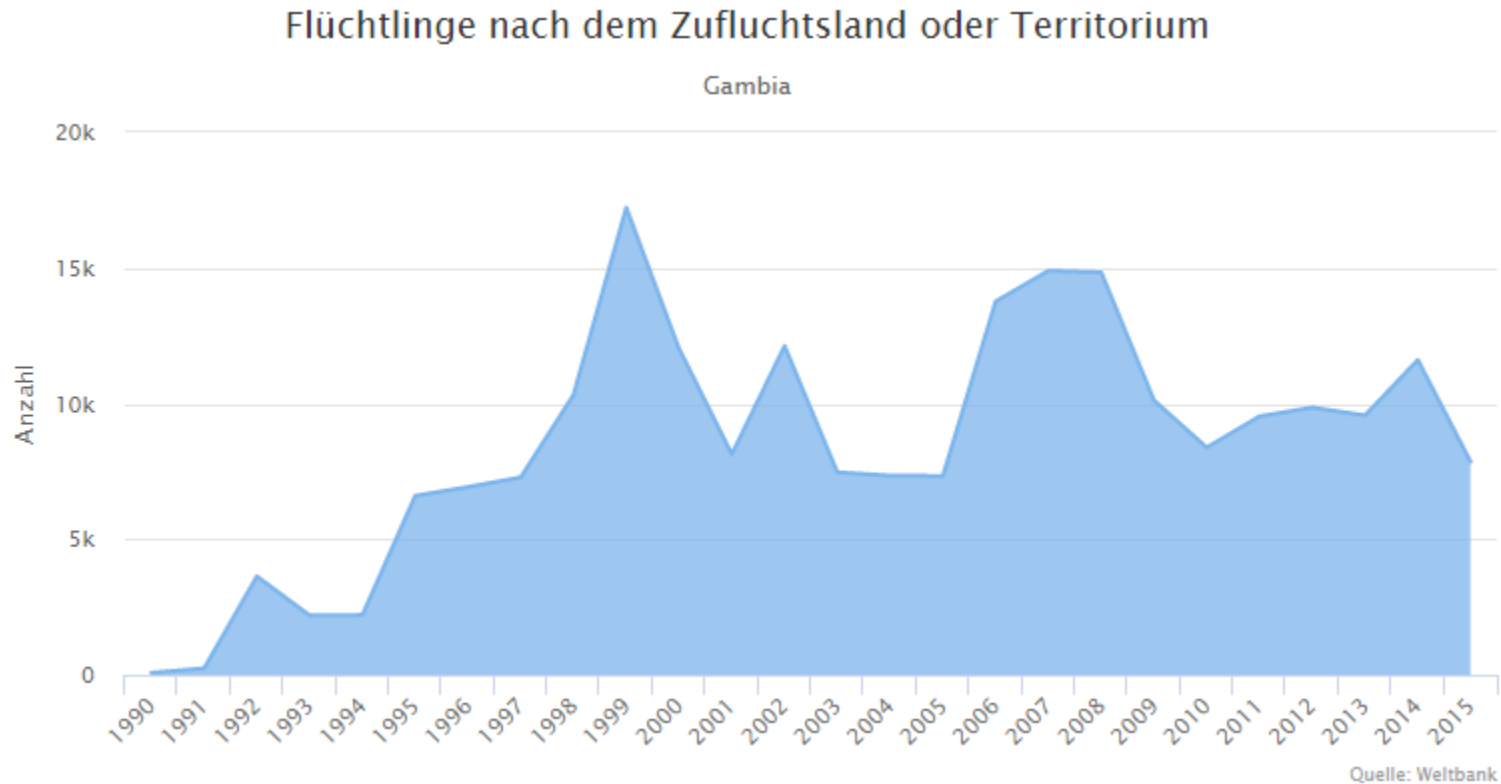
Source: BAMF

Eritrea (Jan - Dec 2016)

• Applications	19.103
• Decisions	22.160
– Recognition	(92.2%)
• Refuge protection	16.666 (75.2%)
• Subsidiary protection	3.652 (16.5%)
• National ban on deportation	119 (0.5%)
– Rejection	135 (0.6%)
– Other	1.588 (7.2%)

Source: BAMF

Gambia



No numbers yet for 2016.

Gambia

- All refugees from Gambia come to Baden-Württemberg. The specialists of the BAMF for Gambia are located in Karlsruhe.
- 14.500 refugees from Gambia (Aug 2016)
- Protection level: 3.3% (first half 2016)
- In 2016 only very few people were deported (< 50)
- Most likely this will change in 2017
- The new president Barrow wants people to come back to Gambia

Asylum Procedure: The Interview (Die Anhörung)

- Short video (Kölner Flüchtlingsrat e.V.):
 - Arabic:
[Asyl in Deutschland - Die Anhörung \(Arabisch\).mp4](#)
 - Farsi:
[Asyl in Deutschland - Die Anhörung \(Farsi\).mp4](#)
 - English:
[Asyl in Deutschland - Die Anhörung \(Englisch\).mp4](#)

Asylum Procedure

1. Asylum Application ✓

→ 2. The Dublin procedure ←

3. The Interview

4. The Decision

5. Appeals (Legal Action)

The „Dublin“ Procedure

- The EU state that you **entered first** is responsible for the actual examination of your asylum application.
- Germany will file a **“transfer request”** with the state you entered first (e.g. Italy, Spain, etc.).
- If the transfer is not carried out **within six months**, responsibility for the asylum proceedings is transferred back to Germany.
- If protection has already been granted under the law of asylum in one Dublin state, no further examination of the asylum application is possible in Germany.

Asylum Procedure

- Asylum Application ✓
- The Dublin procedure ✓
- • The Interview ←
- The Decision
- Appeals (Legal Action)

The Interview (Die Anhörung)

The Basics

- The date of the interview is sent to you in written form via registered mail (yellow envelope)
→ Make sure you **communicate a change in address** to the BAMF and check your mailbox daily
- You must go to the interview in person
- An **interpreter will be there**, but you can bring your own (let BAMF know in advance)
- If you miss the interview without proper excuse, it is possible that the BAMF will **decide based on the documents** and files they have. The result may be the termination of the asylum procedure.
- It is possible that **somebody** whom you trust **can go with you** to the interview (e.g. volunteer or lawyer)
- The interview is the most important part of the asylum procedure

The Interview (Die Anhörung)

Why is it so important?

- It is the **only basis for the decision** of the BAMF
- It is the only opportunity for the applicant to **present his or her case personally**
- It is the applicant who has to convince the decision maker regarding the circumstances, the threats, etc. of the flight. There is an **obligation by the applicant to cooperate** (duty).
- It is very difficult or almost **impossible to correct mistakes** made during the interview and they will have negative consequences even in a possible court procedure later on.
- The „quality“ of your speech not only defines the result (recognition or rejection as a refugee), but in the case of a rejection it also determines the **type of rejection** (“simple” rejection or rejection as "manifestly unfounded") and whether it is possible to deport you more less immediately (lead time 1 week).

The Interview (Die Anhörung)

What is checked?

The German law knows 4 forms of protection:



- **Everything that you will say is checked in 2 steps:**
 - **trustworthiness , authenticity, plausibility, reliability, credibility**
 - **Does the case meet one of the criteria 1 – 4 from above**

The Interview (Die Anhörung)

Important Instructions

- The interview is about you personally, not about your country and the fact that life may be difficult there or that it may be dangerous in general. It is about your **personal experiences** and threats to you personally (no one else)!
- The interview is in your **native language**. An official translator will be present. Do not allow the interview to be held in a language that is not your mother tongue!
- There will be **3 persons in the room**: You, the translator, the decision maker, and maybe an additional person. There is a list of around 40 questions that you will be asked: question & answer, question & answer,
- It may take **up to 4 hours** and you will be tired afterwards.

The Interview (Die Anhörung)

Important Instructions

- There will be a **written transcript (record)** of all questions and answers.
- The transcript will be in German, however it will be translated back to you at the end.
- Please check very carefully what is read back to you. Make sure that it is what you said and that there is nothing missing and that nothing was added. **If you want things to be added or changed, insist on this!!**
- If the transcript is not ok, do not sign it!!! Insist on changes. In signing, you agree with the content and you cannot change it afterwards.
- Insist on **getting a printed copy** of the transcript before you leave the interview!

The Interview (Die Anhörung)

Important Instructions

- You will be asked about how you **organized your escape**.
- They will ask where you got the **money** from.
- Who helped you and which route did you take?
- Please give a detailed description: dates, locations, documents, everything that proves your story.
- Now the **most important point**: why did you leave your country, what was the event or the series of events that triggered your decision: “I must leave now!”
- Be ready to describe this with great detail: where, what, who, how, etc. **What was the trigger for your decision?** Why was it impossible/dangerous for **YOU** to continue to stay in your home country?

The Interview (Die Anhörung)

Important Instructions

- How was **your life threatened** and by whom (Taliban??). Do not talk too much about the situation in your country in general. Only your personal situation counts, nothing else. Would you still be alive if you would have stayed in your country? Would you be in a prison or taken as prisoner? You must make clear that your life was in danger and that you had to leave immediately.
- Did you **receive any threats** from government officials or from other groups. Did you receive letters with threats directly or through other persons? Is your name on a secret list? Did you have to hide (at a secret place)? Give details!
- What will happen to you **if you are sent back** to your country? Will you again be threatened?

The Interview (Die Anhörung)

Important Instructions

- Assume that the people in the interview **know your country** and the situation there very well.
- Assume that they have a big team that is searching and collecting information and news about your country.
- Assume that they know the political situation, the geography, the ethnic groups, the problems, etc. : everything, maybe even better than you do.
- Therefore mention details when you talk about your country: name of towns, distances, provinces, ethnic and other groups, everything that presents your answers as a **consistent, comprehensive, trustworthy and complete statement**.

The Interview (Die Anhörung)

How do they check your case? How do these people think?

- Was there a **threat or acts of prosecution** by the government or some other intra-state organization or party?
- Does this type of **danger still exist**, is there still a real threat (well-founded, „beachtliche Wahrscheinlichkeit“)
 - If somebody was prosecuted in the past, then the assumption can be made that he will be prosecuted in the future
- Is the nature or type of prosecution / threat in connection with one of the **five reasons of the law** (race, religion, nationality, political conviction, membership of a specific social group)
 - Prosecution because somebody belongs to a certain ethnical or religious group
 - Prosecution because somebody worked as a political activist
- The government in the country of origin **cannot** (is not able to) **protect** the citizen
- There are no reasons that would exclude the applicant from applying for asylum such as:
 - Part of a criminal group
 - Part of a terror organization

The Interview (Die Anhörung)

How can you prepare for the interview?

- **Write down your story.** This helps to organize your thoughts, to remember details, e.g. what happened when and in what sequence? Discuss your story with your friend or partner! Take your time to bring everything on paper!!
- Important: you are **not allowed to just read your story** at the interview and it is not good to learn it by heart and then recite it at the interview. This may be condemned as untrustworthy!
- If you have questions about your preparation contact the Flüchtlingsrat (0711-553283-4) or a lawyer. **They can examine your case and make suggestions.**
- You have the right **to take somebody with you** to the interview! Please let the BAMF know in advance (by email).

The Interview (Die Anhörung)

How can you prepare for the interview?

- **Trustworthiness, authenticity, plausibility, reliability, credibility and a lot of details are important points of your speech at the BAMF**

The following counts:

- Chronological order (start with the beginning, not the with the end)
- Talk about your own experience and your activities
- Do not exaggerate, stick to the truth
- Consistency, no contradictions
- Completeness, do not forget important things
- Give the full story with all details, names, dates, etc., bring pieces of evidence (documents, etc.)

The Interview (Die Anhörung)

Your rights during the interview (1)

- You are allowed to **bring forward everything** that you think is important or relevant.
- Neither the translator nor the decision maker are allowed to pressure you to only give short answers, or to stop you. You have the right to **talk as long as you want** and bring forward what you think is important.
- You have to be able to **unmistakably understand the translator**. If the translator is talking in a strange dialect raise your hand. They will bring in another translator.
- The translator **must translate your words 1:1**, no comments, no additions.
- **Only talk for 2 or 3 sentences** and then give time for the translator to translate. Do not talk for 5 minutes. The translator will not remember what you said. He will summarize and translate what he thinks is important.

The Interview (Die Anhörung)

Your rights during the interview (2)

- If there are **problems with the translator** (e.g. you do not trust him, or have the feeling he is not translating correctly) you may ask for a different one.
- If you are a woman, you have the **right to ask for a female translator**. To avoid delays, make sure the BAMF knows in advance (write an email, take a printed copy of this email with you to the interview).
- At the end of the interview you have the right that the **transcript** (in German language) is **translated back to you** sentence by sentence.
- Listen carefully, ask for corrections to be made if necessary, do not sign if the transcript does not contain 100% what you said, nothing more or less.
- If pieces of evidence or complementary **documents** of yours were still **missing** at the interview, make sure to send them to the BAMF as quickly as possible. Do not wait until the decision by the BAMF!

The Interview (Die Anhörung)

Take somebody with you to the interview

- You can **take somebody with you** to the interview. Make sure to send an email to the BAMF prior to the interview which contains the name of that person.
- A **lawyer** can go with you.
- The companion can **help you mentally** (you will be nervous!) and he/she can make sure that everything is put into the transcript.
- Just like in court persons coming with you are only allowed to talk when they are given the right of word.
- Even if that person does not say anything, only his presence will influence the whole process in a positive way.

Asylum Procedure

- Asylum Application ✓
- The Dublin procedure ✓
- The Interview ✓
- • The Decision ←
- Appeals (Legal Action)

The Decision of the BAMF

- The official decision on the asylum application is delivered to you in writing. **Check you mailbox every day!** It may take as little as 2 weeks but it may take 9 months. It will be one of the following:



- Acceptance (“Anerkennung”):

- Award of refugee protection (Residence permit for 3 years)
- Award of subsidiary protection (Residence permit for 1 year)
- Imposition of a ban on deportation (Residence permit for 1 year)



- Rejection (“Ablehnung”):

- “Outright rejection notice”: deadline of 30 days to leave Germany
- Rejection as “manifestly unfounded”: deadline of 1 week to leave Germany

Rejection

Appeals against the decision

- Applicants can take **court action against** the decision of the BAMF.
- A court then will **examine the decision** the BAMF has taken.
- However, you only have a **very short time** to file an appeal (1 – 2 weeks).
- You can do that or a lawyer can do that.
- But you will need a lawyer for the appeal process.
- There are costs involved (~500 – 2000 €).

Rejection

Consequences of a Rejection

- BAMF issues a request to you to leave the country.
- You will lose your residence permit.
- The deadline is usually 30 days (“outright” rejection) or 1 week (“manifestly unfounded” rejection).
- If you do not leave, you are risking prison and a forceful deportation to your country.

Rejection

Appeals against the decision

- Applicants can file an appeal:

Verwaltungsgericht Stuttgart
Augustenstrasse 5
70178 Stuttgart

Opening hours:

Mon. – Thu. 9:00 – 11:30 and 13:30 – 15:30

Fri. 9:00 – 12:00

- You need your German identification card, the letter from the BAMF together with the yellow envelope.

Rejection

Appeals against the decision

- It may take many months until the court will decide.
- The court may decide based on the available files or a hearing in front of the judge.
- In the mean time get a good understanding of why the BAMF rejected your case. What went wrong?
- Use the time and collect evidence.
- The decision of the court is the last step

Lawyers

- For address and phone number of lawyers in the area see here:

<http://fluechtlingsrat-bw.de/rechtsanwaeltinnen.html>

Or our seperate printout

Final Comments

- Please prepare yourself for the interview!
- Please get your documents, etc. together!
- Please organize your thoughts!
- Read the interview questions and practice your answers, prepare, take notes and get ready!
- Your personal story is the determining factor!
- Stick to the truth, do not make up a story!

Reading and other Material (1)

- Document to read: “The Interview: a key part of the asylum procedure” (10 pages)
 - Arabic:
http://www.asyl.net/fileadmin/user_upload/infoblatt_anhoerung/Infoblatt_2015_ar_fin.pdf
 - Farsi:
http://www.asyl.net/fileadmin/user_upload/infoblatt_anhoerung/Pers_final.pdf
 - English:
http://www.asyl.net/fileadmin/user_upload/infoblatt_anhoerung/Infoblatt_2015_en_fin.pdf
 - Deutsch:
http://www.asyl.net/fileadmin/user_upload/infoblatt_anhoerung/Infoblatt_Asyl_dt_2015fin.pdf

Reading and other Material (2)

- The list of interview questions (2 pages)
- <https://nksnet.wordpress.com/die-anhoerung-im-bamf/>
 - Arabic: <https://nksnet.files.wordpress.com/2015/04/fragenkatalog-arabisch.pdf>
 - Farsi: <http://www.asylworms.de/rund-ums-recht/informationen/>
<http://ak-asyl-maintal.de/informationen/informationen-fuer-fluechtlinge-persisch/>
 - English: <https://nksnet.files.wordpress.com/2015/02/interview-english.pdf>
 - Deutsch: <https://nksnet.wordpress.com/die-anhoerung-im-bamf/>

Reading and other Material (3)

- Video: Asyl in Deutschland - Die Anhörung (Arabic):
<http://www.asylindeutschland.de/ar/>
- Video: Asyl in Deutschland - Die Anhörung (Farsi):
<http://www.asylindeutschland.de/fa/>
- Video: Asyl in Deutschland - Die Anhörung (English):
<http://www.asylindeutschland.de/en/film/>
- Video: Asyl in Deutschland - Die Anhörung (Deutsch):
<http://www.asylindeutschland.de/de/film-2/>

Reading and other Material (4)

- Video: Asylverfahren in Deutschland (Arabic):
<https://www.youtube.com/watch?v=1l601pnSDGk>
- Video: Asylverfahren in Deutschland (Dari/Farsi):
https://www.youtube.com/watch?v=8dgy_8KFQjU
- Video: Asylverfahren in Deutschland (Paschtu):
https://www.youtube.com/watch?v=13_ETmU1eGI
- Video: Asylverfahren in Deutschland (English):
<https://www.youtube.com/watch?v=31f5KuvzKjs>
- Video: Asylverfahren in Deutschland (Deutsch):
<https://www.youtube.com/watch?v=riaXrpUW-Dw>

Example Cases

Example case #1:

Mr. J. was an officer in the army of Afghanistan. He says he was persecuted by the Taliban.

He now received an invitation for his interview at the BAMF in Heidelberg.

How should Mr. J. prepare himself?
What should he pay attention to?
What would be your advice for him?



Answer example case #1:

Mr. J has to make sure that he explains his individual reasons for his escape to Germany. Just being a member of the Afghan army is not enough. He has to explain in depth his role, his experiences and how he (not somebody else!) was prosecuted by the Taliban. He must describe in great detail what happened to him (dates, names, locations, events, etc.) and how and when he was threatened by the Taliban.

He also must explain what will happen if he will return to Afghanistan. He must explain, why the threat continues to be real for him.

He also has to prepare himself for the question, whether he participated or watched war crimes or has breached the goals and principles of the United Nations.

Example case #2:

During the long flight from Iraq to Germany Mrs. M. was separated from her husband. In Germany they were reunited again. However, according to Mr. M his wife has changed completely. Quite often she just sits there apathetically. She can't sleep at night and does not talk to anybody.

Now they both have received an invitation for their interview.

What can you do for Mrs. M. What requires special consideration?



Answer example case #2:

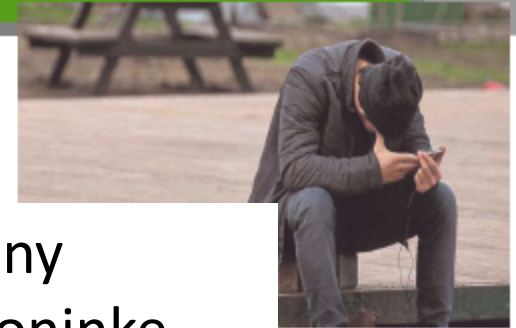
Very likely Mrs. was traumatized during the flight from Iraq. Psychologically she may be unstable. Mrs. M needs psychological help. She has to go to a doctor to get a medical certificate. Either this certificate will produce a deferral of the interview or she will at least take the certificate with her to the interview. Mrs. M needs special preparation for the interview. If she cannot answer some questions because of her medical status, this is ok but she has to indicate this at the interview.

To ask for a female translator and decision maker prior to the interview would be a good idea in this case.

Example case #3:

Mr. B is from Gambia. Gambia has many languages. Mr. B's mother tongue is Soninke. He also speaks a little bit of Wolof. In Gambia he was in prison and was tortured. Since then he is suffering from PTSD (posttraumatic stress disorder). He has seen a doctor in Germany already.

What would you recommend to your friend Mr. B. What should the preparation for the interview look like for him?



Answer example case #3:



Mr. B needs a special translator who speaks Soninke (not Wolof!).

In addition the BAMF must be informed beforehand (medical certificate) about the diagnosis of PTSD.

Mr. B may still have to come to the interview. He may still have to talk about all the events that happened to him. He has the right to ask for as many breaks during the interview as he will need. It is possible to continue the interview on another day.



Example case #4:

A young married couple left Kabul, Afghanistan in early 2016 to come to Germany.

In their mind the security situation in Kabul was the biggest threat to their lives.

Prior to leaving Afghanistan they both married against the explicit will of the two families.

What would be your recommendation for the couple? What should they do to prepare themselves for the interview?



Answer example case #4:

The security in Afghanistan has deteriorated since 2014. This applies also for Kabul. However, many people from Afghanistan receive a rejection of the asylum request.

The couple has to bring forward concrete events that threatened their lives. A general referral to the security situation in Kabul is not enough! I would recommend to ask the couple whether their marriage, which was against the will of the families, would pose a threat to their lives upon a possible return to Afghanistan. A threat by family members can also lead to a protection as a refugee in Germany.



Additional Information

Rejection Details and Deadlines

- If “the asylum application **has been refused**” (**outright rejection**) is written on page one, then you normally have two weeks to submit an appeal to the court.
- In many cases, “the application for recognition of asylum status has been refused because it is ‘offensichtlich unbegründet’ (meaning: **manifestly unfounded**)”, is written on page one of your decision. Then you have only seven days to submit a written request to the court.
- If “The asylum application has been refused because it is ‘unzulässig’ (**inadmissible**)” is written on the first page, then the BAMF has decided based on the “Dublin procedure” that another European state is responsible for your application. You are therefore being requested to submit your asylum application in this European state. In this case, you also have only one week to submit a written request to the court.

In all of these cases, you should approach your lawyer or an advice center, if possible on the same day you receive your written decision.

Other Countries (2016)

Die 10 stärksten Herkunftsländer im Jahr 2016* (TOP-TEN)	ASYLANTRÄGE			ENTSCHEIDUNGEN ÜBER ASYLANTRÄGE							
	insgesamt	davon Erst-anträge	davon Folge-anträge	insgesamt	davon Rechtsstellung als Flüchtling		davon subsidiärer Schutz gem. § 4 Abs.1AsylG	davon Abschiebungsverbot gem. § 60 Abs. 5/7 AufenthG	Gesamt-schutz- quote	davon Ablehnungen (unbegr. abgelehnt/ o.u. abgelehnt)	davon sonstige Verfahrens-erledigungen
		darunter Anerkennung als Asyl-berechtigte (Art. 16a u. Fam.Asyl)									
1 Syrien, Arabische Republik	268.866	266.250	2.616	295.040	166.520	756	121.562	910	98,0%	167	5.881
2 Afghanistan	127.892	127.012	880	68.246	13.813	80	5.836	18.441	55,8%	24.817	5.339
3 Irak	97.162	96.116	1.046	68.562	36.801	247	10.912	439	70,2%	14.248	6.162
4 Iran, Islamische Republik	26.872	26.426	446	11.528	5.443	453	257	150	50,7%	3.806	1.872
5 Eritrea	19.103	18.854	249	22.160	16.666	109	3.652	119	92,2%	135	1.588
6 Albanien	17.236	14.853	2.383	37.673	18	1	73	78	0,4%	30.020	7.484
7 Ungeklärt	14.922	14.659	263	15.371	6.782	26	6.084	111	84,4%	1.189	1.205
8 Pakistan	15.528	14.484	1.044	12.935	275	10	49	105	3,3%	8.201	4.305
9 Nigeria	12.916	12.709	207	3.786	127	11	34	213	9,9%	1.787	1.625
10 Russische Föderation	12.234	10.985	1.249	12.799	357	21	127	177	5,2%	5.712	6.426
Summe Top10	612.731	602.348	10.383	548.100	246.802	1.714	148.586	20.743	75,9%	90.082	41.887
Herkunftsländer gesamt	745.545	722.370	23.175	695.733	256.136	2.120	153.700	24.084	62,4%	173.846	87.967

* Reihung entsprechend der Top-Ten-Liste der Erstanträge im Berichtsjahr 2016.

Quelle: BAMF

Syria (Jan - Dec 2016)

• Applications	268.866
• Decisions	295.040
– Recognition	(98.0%)
• Refugee protection	166.520 (56.4%)
• Subsidiary protection	121.562 (41.2%)
• National ban on deportation	910 (3.1%)
– Rejection	167 (0.06%)
– Other	5.881 (1.9%)

Source: BAMF

Afghanistan (Jan - Oct 2016)

• Applications	121.871
• Decisions	35.535
– Recognition	(51.3%)
• Refuge protection	7.410 (20.9%)
• Subsidiary protection	3.033 (8.5%)
• National ban on deportation	7.802 (22.0%)
– Rejection	14.107 (39.7%)
– Other	3.183 (9.0%)

Quelle: BAMF

Iran (Jan - Okt 2016)

• Applications	24.957
• Decisions	6.052
– Recognition	(51.1%)
• Refuge protection	2.902 (48.0%)
• Subsidiary protection	127 (2.1%)
• National ban on deportation	63 (1.0%)
– Rejection	1.845 (30.5%)
– Other	1.115 (18.4%)

Quelle: BAMF

Iraq (Jan - Dec 2016)

• Applications	97.162
• Decisions	68.562
– Recognition	(70.2%)
• Refugee protection	36.801 (53.7%)
• Subsidiary protection	10.912 (15.9%)
• National ban on deportation	439 (0.6%)
– Rejection	14.248 (20.8%)
– Other	6.162 (9.0%)

Source: BAMF

Anerkennung im Asylverfahren

<u>Bezeichnung</u>	<u>Voraussetzungen</u>	<u>Aufenthaltsstatus</u>	<u>Rechtsfolgen</u>
Asylberechtigung nach Art. 16a GG	Politische Verfolgung, Einreise nicht über sicheren Drittstaat	§ 25 (1) AufenthG	<ul style="list-style-type: none"> • Aufenthaltserlaubnis (AE) für 3 Jahre, blauer Flüchtlingspass • Familienzusammenführung • Zugang zu Arbeitsmarkt, Integrationskurs und Sozialleistungen
Flüchtlingsschutz nach der Genfer Flüchtlingskonvention und EU- Recht (QRL)	Verfolgung „durch wen auch immer“ wg. Rasse, Religion, Nationalität, politischer Überzeugung, Zugehörigkeit zu bestimmter sozialer Gruppe	§ 25 (2) AufenthG Alt. 1	<ul style="list-style-type: none"> • Reisen (Ausnahme Herkunftsstaat) • NEU: Wohnsitzauflage • NEU: Niederlassungserlaubnis (NE) nach 5 bzw. 3 Jahren
Internationaler subsidiärer Schutz	GFK-Kriterien nicht erfüllt, im Herkunftsland droht aber ernsthafter Schaden	§ 25 (2) AufenthG Alt. 2	<ul style="list-style-type: none"> • AE für 1 Jahr, kein Flüchtlingspass • Zugang zu Arbeitsmarkt, Integrationskurs und Sozialleistungen • NE nach 5 Jahren • NEU: Familiennachzug erst ab März 2018 • NEU: Wohnsitzauflage
Nationale Abschiebungsverbote	Abschiebung unzulässig, meist aus gesundheitlichen Gründen	§ 60 (5) AufenthG § 60 (7) AufenthG	<ul style="list-style-type: none"> • AE für 1 Jahr • Freizügigkeit/Familiennachzug/ Zugang zu BAFÖG beschränkt • NE nach 5 Jahren • Kein Anspruch auf Integrationskurs

Ablehnung im Asylverfahren

<u>Ablehnung als</u>	<u>Gründe</u>	<u>Rechtsfolgen</u>	<u>Rechtsmittel / Optionen</u>
„unbegründet“	Keine Gefahr von Verfolgung oder ernsthaften Schadens im Herkunftsland	Ausreisefrist 1 Monat	Klagefrist 2 Wochen, Klage hat aufschiebende Wirkung
„offensichtlich unbegründet“	Einreise nach Dtl. aus wirtschaftlichen Gründen oder um allg. Notsituation zu entfliehen Verletzung von Mitwirkungspflichten im Asylverfahren (z.B. Täuschung über Identität) / fehlende Glaubwürdigkeit	Ausreisefrist 1 Woche	Klagefrist 1 Woche, Eilantrag auf aufschiebende Wirkung der Klage nötig
„unzulässig“	Ausländer war bereits in sicherem / sonstigem Drittstaat vor Verfolgung sicher und Rückführung dorthin ist zumutbar	Ausreisefrist 1 Woche	Klagefrist 1 Woche, Eilantrag auf aufschiebende Wirkung der Klage nötig NEU: Wegfall 3 Monatsfrist
	Ein anderer EU-Staat ist aufgrund der Dublin-III-Verordnung für die Prüfung des Asylantrags zuständig		Problem: Eilverfahren hemmt ggf. Ablauf der Überstellungsfrist