

Information for Asylum Seekers

Which steps are involved in an asylum procedure?

We would like to give you a brief overview of how you can get asylum when you are staying in Germany, i.e. legal protection granted to you so that you can live and stay here. We also want to give you some recommendations as to who can help you so that you will be granted your rights.

1. What does asylum procedure mean?

You have to file an application for asylum with a branch office of the Federal Office for Migration and Refugees (BAMF) in order to be granted asylum in Germany. When you apply for asylum, the BAMF staff will first of all record your personal details. They will in particular fingerprint you and check the documents submitted by you.

After filing your application, the so-called asylum procedure begins. The most important appointment in the asylum procedure is the interview. Here you will give an account of how you have got to Germany and why you have fled. It depends on the interview, but also on other information, such as regarding your travel route, how the BAMF will decide on your application for asylum and thus whether you will be granted protection in Germany.

While your asylum procedure is pending you will get a residence title for specific purposes. This entitles you to work, however, not during the first three months of your stay in Germany.

2. Who can assist you in preparing your interview?

You should prepare well for your interview. The best thing is to seek advice before the interview takes place. You can get advice from the refugee counselling centres as well as from lawyers specializing in alien and asylum law. Consultation at refugee counselling centres is free whereas consultation by a lawyer normally has to be paid for.

3. What happens when the BAMF has accepted your application for asylum?

If the BAMF states that no other EU Member State is in charge of your procedure and accepts your application for asylum you will be granted asylum and protection in Germany. In this case you will get a residence and work permit for an initial period of three years. On certain conditions you will be allowed to have your family join you. If you file your application for a residence permit for your family within three months your family can join you on less strict conditions.

The BAMF may only revoke your status of protection if the human rights situation in your home country improves essentially.

If the BAMF does not revoke your status of protection you may obtain an unlimited settlement permit after three years.

4. What can you do if the BAMF rejects your application for asylum?

If the BAMF rejects your application for asylum you will get a notice of rejection.

If the Office states that the country in charge of your asylum procedure is not Germany but another state of the European Union it will threaten you with deportation to that other state. In this case you have to seek preliminary legal protection against this notice before the administrative court within a period of one week.

If Germany is in charge of your application for asylum, but the BAMF states that your application is unfounded it will request you to leave the country within 30 days. You may file a complaint against this notice of rejection before an administrative court within two weeks. However, you have to file a complaint within one week if the BAMF has rejected your application as clearly unfounded.

5. Whom can you contact if the BAMF rejects your application for asylum?

If you want to appeal against the BAMF's rejection of your application for asylum you have to do this very quickly. You should file your complaint with the assistance of a lawyer specializing in alien and asylum law. Such complaint does not incur any court fees. However you may normally not expect the court to cover also the lawyer's fees within the legal aid scheme. These have to be paid by you. Ask for the potential costs right at the beginning of your appointment!

6. What does exceptional leave to remain mean?

You will not in any case have to leave the country immediately even if the BAMF rejects your application for asylum. This may for instance be the case if you are too ill to travel. Some countries of origin do not issue a document for the return journey to their nationals before the conclusion of a lengthy investigation procedure. In these cases the Aliens Department will issue an exceptional leave to remain to you. This document is in most cases only valid for three months. In principle, however, the Aliens Department can deport you at any time when the obstacle to the deportation ceases to exist. There are many people who have been living in Germany as holders of a residence title for specific purposes for a long time.

7. What does right of residence mean?

People who have been living in Germany as holders of a residence title for specific purposes for many years have a statutory right of residence. This means that you are entitled to stay in Germany on a permanent basis. Single persons are granted this right of residence after eight years, families with minor children after six years, and young people who attend school after four years. These persons are granted the right of residence on the condition that they speak German, have no criminal record and are predominantly able to maintain themselves. Most importantly, however, they must not be responsible themselves for the fact that they could not be deported.

8. Are you allowed to work as an asylum seeker in Germany?

If you are under 18 you are allowed to attend school as an asylum seeker. Persons who are above 18 are allowed to work after three months' residence in Germany. However, you are only allowed to accept a job if there are no German nationals, EU nationals or other so-called privileged foreigners applying for this vacancy. This rule will not apply if you have been living in Germany for more than 15 months. In this case the authorities will only check if the terms on which you intend to work are not conflicting with any statutory provisions.

Seek advice as to whether it will be possible for you to work in Germany on the basis of your qualification achieved in your home country. You should also seek advice if you plan to study or start a professional training in Germany.

9. Are you allowed to freely choose your place of residence yourself?

As an asylum seeker, you have to stay in a particular region of Germany at first after you have arrived. This is the place where you also have to file your application for asylum and wait for the decision of the BAMF. During this time you have to live in an initial accommodation first. However, you may leave such facility after three months at the latest and move to a collective accommodation. You are not allowed to leave your place of residence during the first three months of your stay in Germany. If you have close relatives in Germany – spouse, minor children – you will be entitled to live close to them.

10. How much money will you get for your living expenses?

The amount of money paid to you while you are applying for asylum in Germany is governed by the German Asylum Seekers' Benefit Act. Pursuant to this act you will in principle be paid an allowance in the amount of 364 € per month. In addition, costs of accommodation and heating will be covered for you. These legal provisions, however, are subject to change.

A service provided by the German Bar Association.