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Threats to liberty in Germany

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In January 2012 Mohamed Rahsepar, an Iranian asylum seeker, committed suicide after spending seven months in Würzburg reception centre for asylum seekers (a former military barracks in the southern state of Bavaria). His suicide ignited nationwide protests, hunger strikes and a refugee 'bus tour' which began a year-long campaign through the major cities of Germany, documenting the conditions of asylum seekers living on the fringes of society. In March 2013, thousands gathered in Berlin to demand changes to Germany's deterrent-based practices of asylum.

A new airport under construction in Berlin will include a 1,000 square metre complex with video surveillance surrounded by a three-metre-high fence. This facility will become a part of a wider 'extraterritorial' fast-track asylum procedure, already in place at five major airports throughout Germany; all asylum seekers entering Berlin by air will be detained here. The Federal Office for Migration and Refugees or the Administrative Court will complete a fast-track assessment of an asylum claim (including all subsequent hearings and appeals) within a 19-day period. If a claim is found to be 'manifestly unfounded',¹ a deportation order will be issued. According to Amnesty International, between 1993 and 2007 86% of the 4,113 appeals submitted in the airport procedure were rejected.

The government's aim is to minimise long procedures and reduce costs, and to prevent economic migrants from seeking asylum. However, many have argued that this procedure, with its swift assessment and automatic detention, amounts to arbitrary detention. Numerous organisations have urged the authorities to ensure that asylum seekers are not routinely detained and that their rights to a fair asylum procedure are guaranteed. In addition, they argue, persons with special needs, including unaccompanied minors and survivors of trauma and torture, should be identified, and their special circumstances taken into consideration. It has been reported that asylum seekers are often unable to secure legal representation and subsequently struggle to complete the procedures necessary to lodge an appeal or secure a suspension of deportation, or to access complaint mechanisms or medical care.

Risk of immediate detention and deportation, however, is not the only challenge faced upon arrival. Asylum seekers granted entry into Germany are immediately dispersed to separate federal states and are obliged to stay in one of Germany's 22 reception centres for three months prior to being transferred to a 'communal shelter'. The length of stay in communal shelters varies to a considerable degree but can amount to years.

A residence regulation (*Residenzpflicht*) imposes further restrictions, preventing asylum seekers from moving outside a designated federal state or district. In the north-eastern state of Mecklenburg-Western Pomerania, the resulting hardships are evident. Sheltered in old East German military barracks, connected only by a national highway and surrounded by forests, asylum seekers who are issued a deportation letter are granted two weeks to find an attorney and file an appeal. They wonder where they will find an attorney: "Travelling to a city like Hamburg, where assistance would be available... is prohibited... An independent lawyer comes to the camp twice a week: one woman for 450 residents."²

Germany has more recently positioned itself at the forefront of the European response to refugee displacement from the Arab region with the expansion of resettlement programmes, a welcome gesture of international solidarity and responsibility sharing. Improved reception conditions and further possibilities for the inclusion of family and community-based sponsorship programmes may very well be the next step. This would indeed present a positive alternative to the de facto detention system that is currently Germany's standard response to seeking asylum.

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1. Whether on the basis of lack of documents, a safe country of origin or having entered via a safe third country (under Dublin II).
2. Krahe D 'Purgatory in Provincial Germany: Life Behind Bars Drives Asylum Seekers to Desperation', *Der Spiegel*, 27 January 2011. <http://tinyurl.com/Spiegel-Krahe-27jan2011>