

# Warning: Germany deports asylum seekers to other European countries!

You have applied for asylum / protection in Germany. **If you travelled through another European country or through several other European countries on your way to Germany, there is the danger that Germany wants to deport you to one of these countries.**

*Almost all European states, including Germany, have agreed among themselves that only one state is responsible for the asylum procedure. The so-called Dublin Regulation (formerly "Dublin II", "Dublin III" since 1 January 2014) is a European regulation that specifies which country in Europe is responsible for handling the asylum procedure. Usually, this is the first state in Europe a refugee enters. This means that your application is possibly not to be decided by Germany, but by another European state, and that Germany may want to send you back to this country.*

**This danger exists, in particular, when:**

- your fingerprints were taken in another European state,
- you already applied for asylum in another European state,
- you were in possession of a visa of another European state during the last six months before you entered Germany,
- the authorities in Germany have other evidence that you entered Germany via a certain European state.

Furthermore you are questioned about your travel route by the authorities in Germany. If you then say that you entered Europe via a certain European state, there is also the danger that you will be returned to this state.

It can, however, also happen that asylum seekers don't know which countries they were brought through on their way to Germany, and that they weren't registered in any other European country. Then there is no country to which they can be returned.

On the other hand, you yourself may want your asylum procedure to be conducted in another European state. If, for example, your spouse or your children applied for asylum / protection or were recognized in another European country and you want to join them, you should explain this to the authorities.

**Attention: It is possible that the deportation to another European country only takes place after many months.** This means, even if several weeks have passed since you came to Germany, you can't be sure nothing will happen to you.

## You don't want to be returned to another European country?

You should discuss this with an advice centre for refugees or a lawyer if there is a danger that Germany is not the state responsible for your asylum procedure. In particular, if you were registered in another European country (your fingerprints were taken, you applied for asylum in another European country...), it is absolutely necessary that you inform your lawyer about this.

**There may be reasons why you can stay in Germany. These may be "humanitarian grounds," such as family reasons or a serious illness. There may also be the reason that you would be subjected to inhuman and degrading treatment in the other European country.**

Also, if you want your asylum procedure to be handled by another country because your family is there, you should best discuss this with the staff of an advice centre or a lawyer.

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<sup>1</sup> Official title: Regulation No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person; see <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:180:0031:0059:EN:PDF>.

**When you are to be returned to another European country, a letter announcing the deportation to this country will be sent to you.** You should then **immediately (!)** contact an advice centre or your lawyer, if you don't want to be returned. The German authorities sometimes send the letter (“Überstellungsbescheid”) only to the lawyer. This is against the law. The authorities are obligated to inform you about your deportation.

After the letter has been delivered, an application for interim relief (“Eilantrag”) has to be lodged with the competent court **within one week** in order that Germany cannot return you for the moment. **Only when this application is lodged in time you cannot be deported as long as the court hasn't made a decision on the application.** Your lawyer only has a total of two weeks to file an action against the deportation with the court. Of course, reasons for this must be provided. Therefore it is very important to ask your lawyer **in advance** how you can prepare for it (for example, when you are ill, by getting a medical certificate).

**Your possibility to stay in Germany also depends from the country to which you are to be returned.** When the first European country you entered was Greece and you were registered there, then there is no danger: At the moment, no one will be deported from Germany to Greece. In the case of certain other countries, German courts have already ruled several times that a deportation to one of these countries be halted because of the abysmal conditions for asylum seekers there. This applies to Italy and Hungary. In the case of some other European countries, however, it can be very difficult to fight a deportation.

**Attention:** These rules apply to adults; **there are other rules that apply to minors** (below the age of 18 years). Unaccompanied minors can often stay in Germany or they are sent to another country because their parents, a guardian or other relatives (e.g. an aunt, an uncle) are there.

**New since 01/01/2014:**

All new arrivals lodging an application for protection in Germany, this means adults and minors, must be informed in detail about the Dublin Regulation by the German authorities since the beginning of 2014. Furthermore, a personal interview may take place where asylum seekers can give information about family members in other European countries or state reasons why they don't want to be deported to another country. You should discuss what you want to say with an advice centre or a lawyer before such an interview.

*Here is a list of all countries to which the Dublin Regulation applies (i.e. to which asylum seekers can be returned):*

*Austria, Belgium, Bulgaria, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, United Kingdom.*