

Yellow letters (gelbe Briefe):

There are so called "gelbe Briefe" which you might receive from the government. This letters can contain good and bad news. It is advisable to open this letter immediately because sometimes there is a deadline when you want to react and do something against the decision they tell you through the letter. When you receive the letter you have to sign. Then they put the date of receiving on the envelop of the letter. Don't through this envelop away because it might be important for the deadline. Sometimes there is just one week time to react.

If you don't understand the meaning do not hesitate to contact a volunteer. Maybe you contact somebody you know well already or an advocate (but be aware that you have to pay for advice).

Mandatory residence:

The Aufenthaltsgestattung shows in which part of Germany you are free to move. The first three months after reaching Germany you are not allowed to leave Baden-Württemberg. If there are no further restrictions you can travel all over Germany after these three months. But therefore you should make sure that your Aufenthaltsgestattung is changed and they notice that your are allowed to travel.

If you want to leave Baden-Württemberg and you are not supposed to do so you can ask for a special permission - in advance. You can do this at the Ordnungsamt (Brotlaube 2, close to Rathaus opening hours: in the morning between 8:00 to 12:30 and Thursday in the afternoon from 14:00 - 18:00).

Work:

Asylum seekers are not allowed to work for the first three months. The only possibility is to work voluntary in a non-profit organization. There you only earn about 1€ per hour.

Afterwards you are free to apply also at normal companies. Even if the boss of the company wants to give you the job - its not granted that you are allowed to do this. There is a certain procedure where the Arbeitsagentur proves whether they allow you to do this job or not. One of the criteria is if there is an EU-resident who also can do this job. This is the so called "Vorrangsprüfung". After 15 months this stops. If you want to do an apprenticeship and a company gives you the opportunity you can already start this after three months.

Dublin Procedure:

The Dublin procedure determines which European state is responsible for reviewing an asylum application. This is designed to ensure that every application submitted in the EU, Norway, Iceland, Switzerland and Liechtenstein is reviewed, and by one state only. This is intended to prevent asylum seekers from applying for asylum in multiple states within Europe.

The fingerprints are compared with national (AFIS) and European (EURODAC) databases. This will promptly uncover both aliases and multiple asylum applications on both a national and European level, and the necessary steps can then be taken, such as in the initiation of a Dublin procedure.

If the Federal Office determines that the asylum application should be processed by another Member State according to the Dublin Regulation criteria, it initiates a transfer request with the other Member State. If the Member State receiving the request deems

this well-founded, it accepts within the reply deadline. The applicant then receives a notification of the transfer.

If the transfer cannot be completed within six months of the responsible Member State accepting the request, responsibility is transferred to Germany. This term is extended to 18 months if the applicant can no longer be located.

According to current rulings by the European Court of Human Rights (ECHR) and the European Court of Justice (ECJ), the Member States are not permitted to transfer an asylum seeker to another Member State when:

- The transferring Member State cannot be unaware that the systemic deficiencies and conditions of reception for asylum seekers in the Member State in question would precipitate the serious risk of inhumane or degrading treatment*
- Another Member State could be the responsible Member State under the Dublin Regulation criteria*

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 the German government cannot return you for the moment.

Therefore you should explain why you cannot go back to the other European country. 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.

In some cases you can prepare for this, for example you can collect the certifications from the doctor when you are sick or it might help if there is a proof that something very bad happened to you in this country (maybe even a psychotherapist might proof this).

In some cases German courts have already ruled several times that a deportation to some of the European countries be halted because of the abysmal conditions for asylum seekers there. So not in each case they might send you back, sometimes it depends to the country where you came from but there are no clear regulations.

To avoid a Dublin procedure it is better if the German system does not get to know that you stayed in another country. But if you fingerprints are somewhere in another country you cannot change it any more.

Because it is just a short time to react when the yellow letter reached you it is advisable to prepare yourself in advance. Therefore you can notice all the experiences you made in the other European country. It is advisable to write a text where you report all your experiences, like kind of a diary with lots of details – especially from places, names of towns, streets, and accommodations. Even write down in a chronological order which kind of things happened on which day/ month/ year.

The report should be as detailed and individual as possible. We know that it might be difficult to remember and write down all these details. But this can be an important contribution to support and justify the complaint (Klage).

Following we give you some of the questions you should answer in order to argue against (at court) being sent back to another European country cause of the Dublin III procedure.

ARRIVAL IN EUROPE

- please mention all the countries within Europe where you have been controlled by the police, where they asked about your identity, where they registered you with fingerprint. Describe how long you have been to each of these countries and if possible mention year and month when you have been controlled by the police. Have you ever been detained from crossing a boarder from police or frontier defense? How did they treat you, especially if you have been taken into custody?

SITUATION OF LIVING AND ACCOMMODATION

- if you have been transferred to a refugee camp please mention the name of the place, the town and the duration of your stay. Afterwards describe the situation there. How many refugees have been living there with you (estimated). Where and how did you sleep, did you share a room, in case yes with whom, did you sleep in a bed, if not where did you sleep then? How was the supply with food. Did you eat regularly. If yes when and how often. Was it sufficient food. Have there been enough sanitary facilities (toilette, bathroom) available. How have been the hygienically circumstances there and in your sleeping place. Was there a possibility to wash clothes. Did you get soap and shampoo to wash yourself? Was it an a closed or open accommodation. Could you leave the place temporarily. When leaving the place did you have an identity card? Has there been a possibility to receive letters. Has there been a letter box for each and every resident. How was the situation in total in the accommodation for you?

- if you didn't stay in a camp for refugees - where did you live than? Where did you sleep. In a house, a flat, a church, emergency accommodation, with friends or family.

- if you have been dismissed from the refugee camp - did the staff there help you in questions like what to do after leaving, where to go. Please describe your situation of living after being dismissed from the refugee camp.

- if you have been affected by homelessness - how long did you live without a home. Where did you sleep. Have you been alone or living together with a group. Did you stay in one place or change the place sometimes. How did you manage to get something to eat, to drink toilette, bathroom. How did you protect yourself when it was could. Did you ask for help - police, administration, aid organizations. Please describe your experiences on that side.

- if you have been to prison please describe the circumstances. What was the reason, the duration, and the situation in prison. Did you have the possibility to ask an lawyer for help?

- Did you receive money or goods form the side of the state where you stayed? If yes please tell the amount of money or the kind of goods you received.

- did you own money yourself. Did you try to find a flat or a job. Was it successful?

DISEASES

- are you suffering, or have you been suffering from a disease. physical or mental problem. If yes - where did it come from. Did you get treatment. Did you consult a doctor. Did you have medicine. If not - what were the reasons that you didn't get health support?

DISCRIMINATION VIOLANCE

- did you experience discrimination or violence? If yes please describe the situation as detailed as possible and name the involved persons (if possible). How many difficult situations did you go through, do you remember?

ASYLUM PROCEDURE

- if you asked for asylum in the other country please describe the procedure. Was there an interview. How did the asylum procedure end? Did you get an papers or documents for residence. For how long are they valid. Do you still have them? Did the authorities threaten to take you back to your home country?

FURTHER YOURNEY

- how did you leave the other European country? What were the reasons to leave the country? Was there a concrete reason or was it the general situation. How was the route to reach germany

- did the police from a further European country also get in contact to you and what did they do?

When a Dublin procedure is started from the side of the german authorities than you should give them the reasons why you don't want to be sent back to another European country. If you manage to go through the Dublin procedure successfully than germany is responsible for your asylum procedure. Then there is going to be a hearing/ interview - in this hearing you should describe all the reasons why you don't want to be sent back to your home country.