

Important Advices to prepare yourself for the hearing

The interview, the hearing, can take place on three, two days or on one day only. In the first part you will be asked about your travelling route and relatives staying in Germany.

The interview about your reasons for seeking asylum

- The more important part is the so called second interview in which you'll be asked about your reasons for seeking asylum. It is about the recognition as refugee.
- Everybody has the right to ask for asylum in Germany. For that he/she has to reveal his/her personal reasons.
- Personal experiences must be communicated, for example
- If you were persecuted for political or religious reasons
- If you were imprisoned
- If you were tortured
- You must explain what might happen to you if you returned to your native country
- Or perhaps you are suffering from a disease that can not be treated in your native country,
- You must state why you are endangered in your native country
- You should tell the truth, do not exaggerate but neither understate
- During the interview the validity of your statements will be examined by trying to unsettle you with test questions about events, places and time
- What happened when and where!!!
- If your spouse (husband or wife) is questioned at the same time, your statements must be corresponding
- You should be well prepared, perhaps write down everything, but you mustn't read from your notes during the hearing,.
- You should explain things in detail
- If you do read from your notes, tell them that you are nervous, perhaps you are traumatized.
- But tell them honestly if you can't remember things, maybe because they happened long ago or because memories were suppressed.
- If you report about homosexuality or rape or membership of a political party or religious community, you must know that in the interview there don't exist any taboo subjects.
- Everything can be asked. Don't report about things that glorify violence.

The interpreter

The following persons are present at the hearing: The „decision maker“, the questioner, the interpreter.

- You can demand an interpreter or decision maker of the same sex, especially if you are a woman and report about intimate details.
- The interpreter should be fluent in the native language of the asylum seeker. You'll be asked if you can understand the interpreter. If not, you can reject him. The interpreter should be neutral. If you get the impression that he isn't neutral with regard to his cultural, religious or political views, he must be rejected.

- The asylum seeker should ask the interpreter some general questions like „Where do you come from“ etc. to find out if he is neutral.
- If the interpreter gets rejected the date for the proceedings possibly will be postponed

Duty of cooperation

That means, you must make sure that you can be reached at all times. You have to do your best to help the Bundesamt getting to a decision. You mustn't tell untruths. If untruth is discovered, the interview is finished.

You can ask for breaks. Don't show any aggression, be friendly!

Escort

When you get the invitation to the hearing, you should consider which person you want to accompany you. According to §25 VI Asylgesetz 9 this is possible if the BamF agreed.

Please notify by fax and take this proof with you to the hearing.

You should choose a person who speaks both languages but isn't himself in asylum proceedings.

You are not allowed to choose a family member. The escort can give you advice but can't answer himself.

The following results of the hearing are possible

1. Recognition as refugee according to GFK § 31 AsylG, so called international protection:
 - If fear of persecution because of race, religion, nationality, political convictions or membership with a particular social group outside the country of origin, is well-founded (corresponds with art. 16 a GG)
 - Reasons:
 - Selfcreated reasons after the flight
 - Persecution by nongovernment actors (civil war party)
 - Gender-specific persecution (circumcision, homosexuality)
 - War, hunger, misery and persecution in principle are no reasons for recognition, as they are general risks for all inhabitants.
2. **Subsidiary protection § 41 AsylG** = international protection (Protection for a definite time – 1, 2 or 3 years). In this case you can not apply for family reunification. If you have already been recognized as a refugee, subsidiary protection doesn't necessarily have to be declared
Reasons for subsidiary protection: If serious harm has to be feared in the native country – including nongovernmental actors – and the asylum seeker can not claim protection in his native country.
3. National deportation ban according to §60 V and VII Aufenthaltsgesetz (Act on the Residence, Economic Activity and Integration of Foreigners)

§ 60 Aufenthaltsgesetz: deportation would violate the European Human Rights Convention. Art 3, EMRK which bans deportation, if there is the threat of torture or inhuman or humiliating treatment or punishment
§60 VII Aufenthaltsgesetz (Act on the Residence, Economic Activity and Integration of Foreigners)

If there exists considerable and definite danger to body and life or freedom, e.g. serious diseases, which can not be treated there, Danger of retraumatization. To the new asylum package the following sentences were added: „A considerable danger only exists, if the deportation would considerably worsen the disease“

The Report

After the interview the interpreter translates all things said into the native language of the asylum seeker. You have to listen carefully, if everything was reported correctly. If an answer was understood wrongly, say STOPP immediately and have them correct the answer. Let read out slowly. If the German report has been signed, there is no longer any chance to intervene. Evidence should be enclosed in the report and be mentioned there. But insist on having the evidences sent back to your address

Take your identity card or BmA with you, but do not hand over the originals of any school and academic reports or your passport. You could make copies.

The notice

You have to give your address for service and daily check your mail. If you should get the notice of rejection, you have to take legal action within one week – if you want to. Don't do it on your own, contact a good lawyer who has been recommended to you. If you don't know a good lawyer, you can ask at the advisory center of the Diakonie, Caritas or Flüchtlingsinitiative.

(This text follows information by AWO and Mr. RA Jens Diekmann)

Christa Feld, Siegburg, August 24th, 2016