

FlüchtlingsRAT NRWe.V.

Newsletter **January 2017**

Dear Reader!

After the terrorist attack in Berlin on December 19th we want to express our sincere condolences to the relatives of the victims as well as to those injured. We grieve with the relatives and hope for a fast recovery of the injured. By now it is understood that the attack can be ascribed to islamist terrorism. On January 5th, the committee of internal affairs of NRW Landtag held an extraordinary meeting to discuss possible mistakes made by the security authorities related to the observation and the arrest of the perpetrator.

Provocations and (false) allegations about attacks being committed by migrants and asylum seekers, are often used by politicians to turn public opinion against refugees and their supporters. In these last months, whenever an offence has been committed, or allegedly been committed by a migrant or a refugee, the generalized group of refugees have often been blamed. Recently, Flüchtlingsrat NRW has been frequently asked how to confront and deal with impulsive reactions - so-called fake-news – as well as with right-wing populist PR. We therefore point to our leaflet about the rebuttal of prejudices and recommend the interview with our managing director Birgit Naujoks on WDR 5.

FR NRW: Flüchtlinge sind an allem schuld! - Neuer Flyer zur Entkräftung von Vorurteilen erschienen

WDR: „Kriminalität unter Flüchtlingen nicht höher als unter Deutschen“ (21.12.2016)

If you have comments on the articles in this newsletter, please write to [initiatven\(at\)fnnrw.de](mailto:initiatven(at)fnnrw.de). You can subscribe and unsubscribe to the newsletter under www.fnnrw.de.

Invitation to the general assembly of Flüchtlingsrat NRW on January 21st 2017

Date: Saturday, January 21st 2017 from 11am to 4pm

Dear Members, Dear Friends and Supporters,

we herewith warmly invite you to Flüchtlingsrat NRW members' general assembly. The invitation is open interested public as well as to persons engaged in refugee work. Active participation is very welcome.

The gathering takes place in the sociocultural center Q1 at Halbachstr. 1, 44793 Bochum. The agenda of the meeting can be found on our website.

Kind regards,

Heinz Drucks, Kirsten Eichler, Ali Ismailovski, Ingo Pickel, Frank Thomas Wortmann (Board of Flüchtlingsrat NRW)

Afghanistan is not safe: deportations are not compatible with human rights

On December 14th 2016, 34 persons were collectively deported from Frankfurt airport to Afghanistan, despite the many protests and one big demonstration. Originally, 16 more Afghan refugees should have been deported to the crisis region. Five of them could defend themselves against the deportation by submitting urgent motions to courts. In the last years, only few deportations to Afghanistan had been conducted. According to the answer of the German government to a brief parliamentary inquiry by DIE LINKE, 27 people have been deported Afghanistan in the period between January and September 2016. Yet the federal government and especially the Federal Minister of the Interior have been pushing for the deportation of more people back to Afghanistan. To this end, a „Common declaration on the collaboration on issues concerning the migration between Germany and Afghanistan“ has been signed.

Indeed, the deportation of Afghan people with a *Duldung* (status after a rejected asylum request) has appeared on the agenda at the last conferences of Ministers of the Interior of the Länder.

At the same time, the security situation in Afghanistan is still disastrous – only in the first six months of 2016 there have been 1.600 deaths and more than 3.500 injured civilians. The Länder Brandenburg, Bremen, Berlin, Niedersachsen, Rheinland-Pfalz and Thüringen have expressed political concerns about deportations to Afghanistan. On December 15th, Bremen has declared that it would no further carry out deportations to Afghanistan and that it would verify the issuance of residence permits in accordance with §25 V *Aufenthaltsgesetz* (Germany Residence Act) to Afghan citizens with a *Duldung*. The Minister of the Interior of Schleswig-Holstein has announced, that he first wants to wait for a new assessment of the security situation in the country before proceeding with deportations.

However, the Land NRW has joined the collective deportation. Ten of the 34 rejected asylum seekers, who have been deported on December 14th from Frankfurt to Kabul came from North Rhine-Westphalia. In protest, the long-time spokeswoman on refugee policy of the Greens, Monika Düker, stepped down from her post as she could not support the decision of the NRW government. Düker stated that there are no safeguards for people being safe in Afghanistan, wherefore deportations to the country „are not compatible with human rights standards“.

Despite the protests, a further collective deportation to Afghanistan is planned in January. As a symbol of protest, peace activist Barbara Gladysch from Düsseldorf has declined the Order of Merit of the Land, to which she had been awarded. She describes the collective deportation as „obscene and unacceptable for a SPD/Greens government.“

The *Bundesfachverband für unbegleitete minderjährige Flüchtlinge e.V.* (Federal Professional Association for Unaccompanied Minor Refugee, BumF) has gathered some very useful tips on what can be done when a deportation to Afghanistan stands before. In January, the Flüchtlingsrat NRW has as its monthly theme „Afghanistan“. We inform about the situation in the country, the legal situation of Afghan refugees in Germany as well as about the diverse protest actions across the region.



BumF: Sammelabschiebungen nach Afghanistan: Handeln statt Panik (15.12.2016)

Antwort der Bundesregierung auf die kleine Anfrage „Vereinbarungen mit der afghanischen Regierung zur Abschiebung afghanischer Flüchtlinge“ (16.11.2016)

SPON: Entscheidung des Bundesverfassungsgerichts Abschiebung eines Afghanen gestoppt (14.12.2016)

RP ONLINE: Wegen Afghanen-Abschiebung. Eklat um NRW-Verdienstorden (02.01.2017)

taz: Bremen schiebt nicht nach Afghanistan an. Afghanen bleiben in Sicherheit (15.12.201)

Weser Kurier: Erlaubnis ohne Antrag. 80 Afghanen dürfen in Bremen bleiben (15.12.2016)

German Federal Council rejects amendments to the *AsylbewerberLG* (Asylum Seekers Benefits Act)

On December 16th, 2016 the German Federal Council has declined the draft act amending the *AsylbLG* (BR-Drs 713/16) which provides for a severe reductions of asylum-seeker assistance. On December 12th the German government has called the Mediation Committee, with the aim of achieving a consensus between the national government and the Länder. Had the German Federal Council agreed to the amendment, single persons in collective shelters would have received only 299 Euros per months as of January 1st 2017 – thus 110 Euros less than stipulated by the *AbLG-II*. The proposed cuts were justified based on the argumentation that the life in a collective shelter would be equivalent to life in a partnership.

On December, 16th, previous to the decision by the council, the refugee councils of the Länder – including the *Flüchtlingsrat NRW* – and *PRO ASYL* have called on the Länder governed by red-green governments to reject the draft act. The organizations highlighted that the proposed amendments contradict the *judgement of the Federal German Constitutional Court of 18.07.2017 on the AsylbLG*. This judgement of the Federal Constitutional Court was path breaking as it declared that „the human dignity cannot be relativized by migration politics“ and that a decent subsistence minimum has to amount to the same amount for German and foreigners alike. The Committee on Employment and Social Affairs of the German Federal Council has stated: „The reasoning of the draft law, according to which the needs of adult recipients of benefit in collective shelters – irrespective of whether these live in partner relationship or not – are equivalent to the (lower) costs for couples in apartment due to presumed savings, cannot not in the least be deduced. This reasoning is unrealistic, because asylum seekers in collective shelters describe heterogeneous groups (from different societies, different eating habits, etc).“ *PRO ASYL* welcomed the decision of the Council: „This is an accurate measure. Further mechanisms of exclusion of those affected does not only harm them but also the whole society.“

Flüchtlingsrat Berlin: Regelbedarfssätze nach AsylbLG, SGB II und XII ab 1.1.2017

Bundesrat: Stellungnahme des federführende Ausschusses für Arbeit, Integration und Sozialpolitik (AIS) und des Ausschuss für Innere Angelegenheiten (24.10.2016)

PRO ASYL: PRO ASYL begrüßt Entscheidung des Bundesrats zum AsylbLG (16.12.2016)

Reculant introduction of the *Gesundheitskarte* (health card) in NRW

Since January 1st, 2017, the cities of Bornheim, Hennef, Troisdorf and Gladbeck introduced the *Gesundheitskarte* for refugees. In August 2015, the government of NRW had signed a general agreement with several health insurances, which municipalities can join. The health card allows refugees to go directly to the doctor in cases of pain or disease without having to obtain a permission at the responsible authority beforehand. However, even with the health card refugees are entitled to benefits only in „acute“ and „painful“ diseases. The treatment of chronic diseases as well as disabilities remains at the discretions of the authorities. Flüchtlingsrat NRW strongly criticizes this differentiation because healthcare should be provided for every person alike.

The first municipality that joined the agreement was the city of Monheim in 2015. According to the WDR this decision has proved efficient. The introduction of the *Gesundheitskarte* had not led to higher costs for the municipality. Today, 24 of the 396 municipalities in North Rhine-Westphalia have introduced the health card allowing 30.000 out of the 300.000 refugees currently living in NRW (13.12.2016) to make use of it.



According to RP Online on January 1st, 2017, the City Council of the city of Hilden is waiting for a joint report of the NRW Health Ministry and the involved health insurances which will evaluate the experiences with the *Gesundheitskarte*. The report is expected to be released in mid-2017.

WDR: Weitere Kommunen mit Gesundheitskarte für Flüchtlinge (21.12.2016)

RP Online: Stadtrat vertagt Gesundheitskarte für Flüchtlinge (02.01.2017)

Landesregierung NRW: Flüchtlingspolitik in NRW

Violence against is daily fare

At the end of 2016, the German Federal Criminal Office (BKA) has released its report on the attacks on refugee centers and their residents. While the number of refugees arriving in Germany has fallen by more than half in 2016, the number of attacks with anti-refugee motivation remained as high as in the year 2015. Until December 27th, 2015, 857 attacks on refugee centers have been registered; in 2015 it were 923. In comparison to 2014, the number of attacks has multiplied five-fold.

Given the significant number of attacks, politicians, the police and human rights organizations warn against right-wing and hate propaganda. President of the BKA Holger Münch calls on to counter right-extreme propaganda and threats notably in the social media networks. As stated in a further report, the BKA evaluates that the refugee debate bears the potential for triggering an ideological consensus among the extreme right. This could eventually lead to the consolidation of right-extreme terrorist and criminal groups.

More and more refugee supporters and organizations, as well as politicians who stand in for refugee rights, are targeted by right-wing violence. From January to summer 2016, more than 800 criminal offences have been registered against elected representatives and 120 crimes against aid organizations, volunteers and refugee supporters throughout the country. Only in NRW, 60 crimes against aid organizations and refugee supporters have been registered from January to November 2016.

According to the *Kölner Stadtanzeiger*, almost every day in 2016 threats, offences or attacks on refugees were documented. These figures refer to the answer of the NRW government to a brief enquiry by parliamentarian Simone Brand.

Welt: Fast 1.000 Anschläge auf Flüchtlingsheime in diesem Jahr (28.12.2016)

Tagesschau: Vertraulicher BKA-Bericht. Zuwanderer begehen weniger Straftaten (30.12.2016)

KStA: Tägliche Gewalt in NRW. Ermittler warnen vor Bildung rechtsterroristischer Strukturen (22.12.2016)

Antwort auf eine Kleine Anfrage der Abgeordneten Simone Brand (Piraten): Straftaten gegen Geflüchtete und deren Unterstützer (15.12.2016)

UNICEF and the German Ministry of Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) advertise coordination positions for the protection against violence in refugee centers

In 2016, UNICEF and the German BMFSFJ launched an initiative for a better protection against violence for women and children living in collective shelters. In a press release of January 4th, 2017, both organizations inform that the initiative shall be substantially expanded. All over Germany, 75 coordination position will be sponsored for enhancing the protection against violence in refugee centers. Private, public and unattached institutions leading the administration of refugee shelters – including those centers under the lead of the government of NRW – can apply for the positions. The application deadline is February 2nd, 2017. In addition, the BMFSFJ points to funding opportunities also for the construction of protective measures in the shelters.

UNICEF has emphasized that children and their families should live in collective shelters for the shortest time possible. Yet, as long as they do live in such centers, they should be protected against violence as abuse as well as enjoy an environment where learning and playing is possible.

The BMFSFJ sponsors each position with 40.000 Euros per year. According to the Ministry, very positive experiences were made with the 25 coordinators already in place. The coordinators develop the implementation of the protection concepts and minimum standards. In addition, they function as contact persons for residents and colleagues in the shelters.

UNICEF: Für den besseren Schutz von Frauen und Kindern in Flüchtlingsunterkünften. Bundesweit werden 75 weitere Koordinatorenstellen gefördert (04.01.2017)



Flüchtlingsrat Baden-Württemberg criticizes the plans of the classification of Tunisia, Morocco and Algeria as „safe countries of origin“

On January 4th, 2017, the Green prime minister of the Land Baden-Württemberg, Winfried Kretschmann, stated in the Rheinische Post, that he would welcome the classification of Tunisia, Morocco and Algeria as „safe countries of origin“ and that his Land would most probably approve this decision at the next meeting of the German Federal Council. He justified his statement saying that „the criminal energy emanating from groups of young man coming from these countries, [...] is alarming and [...] should thus be fought consistently “.

Managing director of the Flüchtlingsrat Baden-Württemberg, Seán McGinley, criticizes the fact that the prime minister links the discussion of „criminal energy“ with the debate around the safe countries of origin. According to McGinley, it is shameful that the prime minister makes use of populism and resentments in his argumentation by legitimizing practices of racial profiling and assuming that certain groups of people tend to criminality only due to their country of origin. McGinley emphasizes that the criminal law and asylum should remain clearly separated fields of law.

According to Article 15a, paragraph 3 of the German constitutional law, states can only be declared safe, if „the legal situation, the application of the law and the general political situation guarantee that neither political persecution nor inhumane and abusive punishment and treatment take place“. These prerequisites are not fulfilled in the above mentioned countries, especially in what concerns LGBTIQ*-persons, political oppositionists, journalists and minorities.

„People, who commit crimes, should be convicted under the criminal law. It is unacceptable – and it is already appalling that I find myself stressing this – that there is such thing as a collective punishment based on nationality“, says McGinley.

RP Online: Debatte um Maghreb-Staaten. Winfried Kretschmann für mehr sichere Herkunftsländer (04.01.2017)

FR Baden-Württemberg: Kretschmann endgültig im postfaktischen Zeitalter angekommen. Flüchtlingsrat kritisiert Pläne zur Einstufung von Tunesien, Marokko und Algerien als „sichere Herkunftstaaten“ (04.01.2017)

Family reunion for people granted subsidiary protection – more minors affected

Since the entry into force of the accelerated asylum procedure in March 2016, the number of refugees being granted a subsidiary protection instead of a refugee protection by the BAMF has decreased dramatically. As a consequence, many refugees coming from Syria and Eritrea cannot bring their families to Germany until March 16th, 2018. According to German Minister of the Interior Thomas de Maizière, until October 2016, 19.500 legal actions for the award of a refugee protection instead of a subsidiary protection were brought to administrative courts.

According to the German government in answer to an inquiry by parliamentarian Ulla Jelpke, this practice of the BAMF increasingly affects unaccompanied minor refugees from Syria. In a press release Jelpke says: „Since September the decisions for unaccompanied minor refugees has doubled. Until March 2018, 1608 children and youths cannot bring their siblings and parents to Germany. The German government thus actively destroys families tramples on children’s rights.“ In many cases,

youths will never have the chance to bring their families, because they will have reached full age by 2018.

The German Institute for Human Rights points out that the suspension of family reunion for unaccompanied minor refugees is incompatible with the UN Convention on the Rights of the Child. In a position paper of December 18th, 2016 the institute recommends to review and correct the administrative practice and legislation.

Pressemitteilung von Ulla Jelpke (DIE LINKE): Schon 1608 unbegleitete minderjährige Flüchtlinge dürfen Eltern nicht nachholen (02.12.2016)

Stellungnahme des DIMR: Das Recht auf Familie. Familieneinheit von Kindern und Eltern ermöglichen – auch für subsidiär Geschützte (16.12.2016)

Events *

20.01.2017: Event of United Voices and the Initiativkreises Flüchtlingsarbeit „Moment des Kennenlernens“. 6.30 - 9.30pm, Christuskirche, Platz des europäischen Versprechens, 44787 Bochum-Center. For further information see www.bo-alternativ.de

21.01.2017: General Assembly of the FR NRW. 11-4 pm, Stadtteilzentrum Q1, Halbachstr. 1, 44793 Bochum.

For further information see www.fnrnw.de

25.01.2017: Lecture „Warum haben wir überhaupt Verpflichtungen gegenüber Flüchtlingen?“. 6.15 pm, Evangelisches Studienzentrums „die Brücke“, Universitätsstraße 19, Essen.

For further information see www.uni-due.de

25.01.2017: Info-Event „Engagiert euch! – Menschen mit und ohne Fluchterfahrung gestalten Köln“. 6:00 - 8:30 pm, VHS-Forum, Rautenstrauch-Joest-Museum, Cäcilienstr. 29-33, Köln

For further information see www.koeln-freiwillig.de

28.01.2017: 4. BarCamp „Willkommenskultur für Flüchtlinge in Köln“. 10:00 - 4:00 pm, Melanchthon-Akademie, Kartäuserwall 24b, 50678 Köln.

For further information see www.wiku-koeln.de

16.02.2017: Symposium „Junge Geflüchtete in Gastfamilien, Vormundschaften und Patenschaften“. 10.00 am, LWL Landeshaus, Freiherr-vom-Stein-Platz 1, Münster.

For further information see www.dijuf.de

Further events, news on political developments concerning refugee issues and information about our work can be found on our homepage at www.fnrnw.de or on our Facebook-page <http://www.facebook.com/FluechtlingsratNRW>.

*All the events are in German language.

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