

UPDATE ON 2024



GERMANY



COUNTRY REPORT

JUNE 2025

Acknowledgements & Methodology

This 2024 update of the report was written by Lena Riemer, Lea Rau and Ronith Schalast, independent researchers, and edited by ECRE. The first report and updates until 2019 for this country report were written by Michael Kalkmann, Coordinator of Informationsverbund Asyl und Migration and edited by ECRE. The 2021 update of the report was written by Paula Hoffmeyer-Zlotnik and edited by ECRE. The 2022 update of the report was written by Marlene Stiller and Paula Hoffmeyer-Zlotnik, independent researchers, and edited by ECRE. The 2023 update of the report was written by Teresa Fachinger, Marlene Stiller and Paula Hoffmeyer-Zlotnik, independent researchers and was edited by ECRE.

This report draws on information gathered from national authorities, including publicly available statistics and responses to parliamentary questions, national case law, practice of civil society organisations, as well as other public sources.

The 2024 update to the AIDA country report on Germany was shared with the Federal Office for Migration and Refugees to provide an opportunity for comments. Any feedback received was reviewed by the author and, where appropriate, incorporated into the final version of the report.

The information in this report is up to date as of 31 December 2024, unless otherwise stated.

The Asylum Information Database (AIDA)

The Asylum Information Database (AIDA) is managed by the European Council on Refugees and Exiles (ECRE). It aims to provide up-to date information which is accessible to researchers, advocates, legal practitioners and the general public through the dedicated website www.asylumineurope.org. It covers 24 countries, including 19 EU Member States (AT, BE, BG, CY, DE, ES, FR, GR, HR, HU, IE, IT, MT, NL, PL, PT, RO, SE, and SI) and 5 non-EU countries (Serbia, Switzerland, Türkiye, Ukraine and the United Kingdom). The database also seeks to promote the implementation and transposition of EU asylum legislation reflecting the highest possible standards of protection in line with international refugee and human rights law and based on best practice.



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Table of Contents

Glossary.....	6
List of Abbreviations	8
Statistics	9
Overview of the legal framework.....	13
Overview of the main changes since the previous report update	14
Asylum Procedure	22
A. General.....	22
1. Flow chart	22
2. Types of procedures	23
3. List of authorities intervening in each stage of the procedure	23
4. Number of staff and nature of the first instance authority	24
5. Short overview of the asylum procedure	26
B. Access to procedure and registration	28
1. Access to the territory and push backs.....	28
2. Preliminary checks of third country nationals upon arrival.....	35
3. Registration of the asylum application	37
C. Procedures	42
1. Regular procedure	42
2. Dublin.....	61
3. Admissibility procedure	81
4. Border procedure (border and transit zones).....	90
5. Accelerated procedure.....	101
6. National protection statuses and return procedure	103
D. Guarantees for vulnerable groups	109
1. Identification.....	109
2. Special procedural guarantees	116
3. Use of medical reports	118
4. Legal representation of unaccompanied children	121
E. Subsequent applications	122
F. The safe country concepts	128
1. Safe country of origin	128
2. Safe third country.....	131
3. First country of asylum.....	132
G. Information for asylum seekers and access to NGOs and UNHCR	132
1. Provision of information on the procedure	132
2. Access to NGOs and UNHCR	137
H. Differential treatment of specific nationalities in the procedure.....	139
1. Syria 140	

2. Afghanistan	142
3. Iran..	148
4. Russia	149
5. Palestinian territories	151
Reception Conditions	154
A. Access and forms of reception conditions	155
1. Criteria and restrictions to access reception conditions	155
2. Forms and levels of material reception conditions	157
3. Reduction or withdrawal of reception conditions	160
4. Freedom of movement	165
B. Housing	170
1. Types of accommodation	170
2. Conditions in reception facilities	175
C. Employment and education	183
1. Access to the labour market	183
2. Access to education	186
D. Health care	191
E. Special reception needs of vulnerable groups	194
1. Reception of unaccompanied children	196
2. Reception of LGBTQI+ persons	198
F. Information for asylum seekers and access to reception centres	198
1. Provision of information on reception	198
2. Access to reception centres by third parties	199
G. Differential treatment of specific nationalities in reception	199
Detention of Asylum Seekers	200
A. General	200
B. Legal framework of detention	204
1. Grounds for detention	204
2. Alternatives to detention	211
3. Detention of vulnerable applicants	212
4. Duration of detention	214
C. Detention conditions	215
1. Place of detention	215
2. Conditions in detention facilities	218
3. Access to detention facilities	226
D. Procedural safeguards	229
1. Judicial review of the detention order	229
2. Legal assistance for review of detention	232
E. Differential treatment of specific nationalities in detention	233
Content of International Protection	234
A. Status and residence	234

1. Residence permit	234
2. Civil registration	235
3. Long-term residence	237
4. Naturalisation	239
5. Cessation and review of protection status	240
6. Withdrawal of protection status	246
B. Family reunification	246
1. Criteria and conditions	246
2. Status and rights of family members.....	252
C. Movement and mobility	253
1. Freedom of movement.....	253
2. Travel documents	255
D. Housing.....	257
E. Employment and education	259
1. Access to the labour market	259
2. Access to education.....	263
F. Social welfare	264
G. Health care.....	265
ANNEX – Transposition of the CEAS in national legislation	266

Glossary

AnkER centre	<i>Ankunfts-, Entscheidungs-, Rückführungszentrum</i> (also <i>Ankunft, Entscheidung- kommunale Verteilung und Rückkehr</i>) – Initial reception centre where conceptually all actors of the asylum procedure and return are concentrated. AnkER centres were set up a pilot project in Bavaria, Saxony and Saarland in 2018. Other centres adjusted to the AnkER concept have been rolled out as of 2021 in five additional Federal States (Baden-Württemberg, Hamburg, Brandenburg, Mecklenburg-Vorpommern and Schleswig-Holstein) under different names. AnkER centre is not a legal term.
Arrival centre	<i>Ankunftszentrum</i> – Centre where various authorities are concentrated to streamline processes such as registration, identity checks, interview and decision-making in the same facility. Arrival centre is not a legal term.
Arrival certificate	<i>Ankunftsnachweis</i> – Certificate received upon arrival in the initial reception centre valid until the formal asylum application.
Dependence	In Bavaria, an accommodation centre attached to an AnkER centre, which serves for the accommodation of asylum seekers. No steps of the asylum procedure are carried out in the <i>Dependancen</i> .
Fictional approval	<i>Fiktionsbescheinigung</i> – Document issued by the immigration authority to prove that an application for a residence permit (new or extension) has been filed and is currently processed. For the case of persons fleeing Ukraine, the fictional approval gives rise to entitlement for social benefits and access to the labour market (see Annex on Temporary Protection).
Formal decision	Cases which are closed without an examination of the asylum claim's substance, e.g., because it is found that Germany is not responsible for the procedure or because an asylum seeker withdraws the application.
Geographical restriction	Also known as 'residence obligation' (<i>Residenzpflicht</i>), this refers to the obligation placed on asylum seekers not to leave the district to which they have been assigned for a maximum period of three months, pursuant to Section 56 Asylum Act . An important exception applies to applicants who are obliged to stay in initial reception centres, the geographical restriction applies to them as long as they are staying in those centres (Section 59a Asylum Act).
Initial reception centre	<i>(Erst-)Aufnahmeeinrichtung</i> – Reception centre where asylum seekers are assigned to reside during the first phase of the asylum procedure.
Residence rule	<i>Wohnsitzregelung</i> – Obligation on beneficiaries of international protection to reside in the Federal State where their asylum procedure was conducted, pursuant to Section 12a Residence Act . This is different from the geographical restriction imposed on asylum seekers.
Revision	Appeal on points of law before the Federal Administrative Court.

Secondary application	Under Section 71a Asylum Act , this is a subsequent application submitted in Germany after the person has had an application rejected in a safe third country or a Dublin Member State.
Special officer	<i>Sonderbeauftragte*r</i> – Specially trained BAMF officer dealing with vulnerable asylum seekers.
Special reception centre	<i>Besondere Aufnahmeeinrichtung</i> – Reception centre where accelerated procedures are carried out in accordance with Section 30a Asylum Act .
Ukraine-Aufenthalts-VO	<i>Ukraine-Aufenthalts-Übergangsverordnung</i> - Ukraine-Residence-Transitional Regulation

List of Abbreviations

AnKER	Arrival, Decision and Return Ankunft, Entscheidung, Rückführung
APD	EU Asylum Procedures Directive
ARE	Arrival and Return Centre Ankunfts- und Rückführungseinrichtung
BAMF	Federal Office for Migration and Refugees Bundesamt für Migration und Flüchtlinge
BumF	Federal Association for Unaccompanied Refugee Minors Bundesfachverband unbegleitete minderjährige Flüchtlinge
BVerfG	Federal Constitutional Court Bundesverfassungsgericht
BVerwG	Federal Administrative Court Bundesverwaltungsgericht
CEFR	Common European Framework of Reference for Languages
CJEU	Court of Justice of the European Union
CPT	European Committee for the Prevention of Torture
EASY	Initial Distribution of Asylum Seekers Erstverteilung der Asylbegehrenden (Computer based system for the distribution of asylum seekers)
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
GGUA	Non-profit Society for the Support of Asylum Seekers Gemeinnützige Gesellschaft zur Unterstützung Asylsuchender
GU	Collective accommodation Gemeinschaftsunterkunft
ILGA	International Lesbian and Gay Association
OVG/VGH	Higher Administrative Court Oberverwaltungsgericht / Verwaltungsgerichtshof
VG	Administrative Court Verwaltungsgericht
ZAB	Central Immigration Authority Zentrale Ausländerbehörde

Statistics

Overview of statistical practice (1)

The Federal Office for Migration and Refugees (BAMF) publishes monthly statistical reports (*Aktuelle Zahlen zu Asyl*) with information on applications and first instance decisions for main nationalities. More detailed information is provided in the monthly *Asylgeschäftsstatistik* and in other BAMF publications (*Bundesamt in Zahlen*).¹ Furthermore, detailed statistics can be found in responses to information requests which are regularly submitted by German members of parliament.

Applications and granting of protection status at first instance: figures for 2024

	Applicants in 2024 ²	Pending as of 31 January 2025 (1)	Total decisions in 2024 (2)	Total in merit decisions	Total negative decisions (3)	In merit rejection	Refugee status	Subsidiary protection	Humanitarian protection (removal ban)
Total	229,751	205,477	301,350	225,650	167,640	91,940	37,795	75,092	20,823

Breakdown by countries of origin of the total numbers

Syria	76,765	51,703	93,808	77,871	15,964	27	7,072	70,431	341
Afghanistan	34,149	36,578	42,999	34,454	10,866	2,321	14,427	775	16,931
Türkiye	29,177	40,458	45,206	33,946	40,964	29,704	3,939	264	57
Iraq	7,839	8,828	11,397	8,129	8,821	5,553	1,687	405	484
Somalia	6,953	7,360	5,181	3,566	1,977	362	1,801	308	1,095
Iran	5,230	7,340	7,914	6,129	5,665	3,880	2,062	130	57
Undetermined³	4,737	4,910	3,902	2,492	1,874	464	1,520	428	80
Russia	4,698	4,139	8,003	4,067	7,588	3,652	317	73	25
Colombia	3,839	Not available	5,002	4,648	4,986	4,632	4	5	7
Eritrea	3,132	Not available	3,801	3,413	914	526	2,278	519	90

Source: Federal Office for Migration and Refugees, *Das Bundesamt in Zahlen 2024 Asyl*, available in German [here](#).

¹ BAMF, *Asylum Figures*, available in English [here](#).

² This column includes **only first-time applicants** in the asylum procedure and not subsequent applications.

³ According to the BAMF, the category 'undetermined' (ungeklärt) applies in cases in which the nationality cannot be determined and where statelessness has not (yet) been formally recognised by the respective authorities. This is usually assumed for persons who had their habitual residence in a country of origin where they are legally and factually inhibited from being granted the nationality of the respective country of origin and where statelessness has not (yet) been recognised by the respective authorities, such as Palestinian refugees having lived in Syria before arriving in Germany. According to the BAMF, their asylum applications are treated based on the situation in the country of residence. The category further applies in cases where the information on the country of origin indicated by the applicant is disproven or deemed not credible by the BAMF, and where no other country of origin can be established. Information provided by the BAMF on 28 May 2025.

Note 1: The overall number for pending applications as of 31 December 2024 is 212,656, however pending numbers for the ten countries listed were only available for 31 January 2025, so all data is presented for 31 January 2024 for coherence. See: Federal Government, *Response to a Request by the Left*, 20/15083, 3 March 2025, available in German [here](#), 33.

Note 2: Statistics on decisions cover the decisions taken throughout the year, regardless of whether they concern applications lodged that year or in previous years.

Note 3: This includes both rejections based on the merit of the application and inadmissibility decisions or other formal reasons for not granting protection.

In addition to refugee status and subsidiary protection, applicants can be issued two types of national protection statuses: on the one hand, constitutional asylum, which gives rise to the same rights as the recognition of refugee status (the figures on refugee status thus include constitutional asylum),⁴ and on the other hand, a 'removal ban' for compelling humanitarian reasons (explained briefly under [Short overview of the asylum procedure](#)). Note that this includes only removal bans issued by the BAMF, and not by immigration authorities. The BAMF only examines removal bans due to the situation in the country of origin, whereas immigration authorities can issue removal bans based on the situation of the applicant in Germany (e.g. medical reasons, family unity etc).

⁴ Constitutional asylum was granted in 1,964 cases in 2024 compared to 1,824 cases in 2023.

Applications and granting of protection status at first instance: rates for 2024

	Overall rejection rate (2)	In merit rejection rate (1)	Overall protection rate (2)	In merit protection rate (1)	Refugee rate (1)	Subsidiary protection rate (1)	Humanitarian protection rate (1)
Total	30.51%	40.74%	44.37%	59.3%	16.75%	33.3%	9.2%
Breakdown by countries of origin of the total numbers							
Syria	0.028%	0.035%	82.9%	99.97%	9.08%	90.4%	0.4%
Afghanistan	5.4%	6.8%	74.7%	93.3%	41.88%	2.2%	49.1%
Türkiye	65.7%	87.5%	9.4%	12.5%	11.60%	0.8%	0.2%
Iraq	48.7%	68.3%	22.6%	31.70%	20.75%	5%	6%
Somalia	7.0%	10.2%	61.8%	89.8%	50.5%	8.6%	30.7%
Iran	49.0%	63.3%	28.4%	36.70%	33.7%	2.1%	0.9%
Undetermined⁵	11.9%	18.6%	52.0%	81.4%	61.1%	17.2%	3.2%
Russia	45.6%	89.8%	5.2%	10.2%	7.8%	1.8%	0.60%
Colombia	92.6%	99.7%	0.3%	0.3%	0.09%	0.1%	0.2%
Eritrea	13.8%	15.4%	76.0%	84.6%	66.7%	15.2%	2.6%

Source of the percentages: The rates were calculated by the author based on figures from the first statistical table.

Note 1: These rates are calculated based on in merit decisions only, excluding non in merit rejections.

Note 2: These rates are calculated based on total decisions. For calculation of these percentages, **formal decisions are counted as neither protection nor rejection decisions**, but as a separate category. Formal decisions represented 25.12% of total decisions in 2024.

⁵ The category 'undetermined' (*ungeklärt*) applies in most cases to persons who have lived in a country for a long time without having the nationality of this country, such as Palestinian refugees having lived in Syria before arriving in Germany. According to the BAMF, their asylum applications are treated with regard to the situation in the country of residence. The category further applies in cases where the information on the country of origin indicated by the applicant is disproven or deemed not credible by the BAMF, and where no other country of origin can be established. See Frankfurter Allgemeine Zeitung, *Knapp 500 Asylbewerber mit unbekannter Herkunft*, 23 May 2021, available in German at: <http://bit.ly/40ARLNz>.

Gender/age breakdown of the total number of applicants: 2024

	Men	Women		Adults	Children	
					All	Unaccompanied
Number	229,751	21,194	Number	145,475	84,350	13,344
Percentage	67%	33%	Percentage	63.3%	36.7 %	15.8%

Source: Federal Office for Migration and Refugees, *Asylzahlen Gesamtjahr und Dezember 2024*, Press Release, 9 January 2025, available in German [here](#); Federal Government, *Response to a Request by the Left*, 20/15083, 3 March 2025, available in German [here](#), and 20/14923, 21 March 2025, available in German [here](#), 32.

Note: The gender breakdown (Men/Women) applies to all applicants, not only adults.

First instance and appeal decision rates: 2024 ('adjusted decision rates', excluding formal decisions)

It should be noted that, during the same year, the first instance and appeal authorities handle different caseloads. Thus, the decisions below do not concern the same applicants.

	First instance		Appeal	
	Number	Percentage	Number	Percentage
Total number of decisions	301,350	N/A (100%)	95,139	N/A (100%)
Total number of in-merit decisions	225,650	74.87%	37,985	39.9%
Positive decisions (out of in merit)	133,710	59.3%	4,406	11.60%
• <i>Refugee status (incl. constitutional asylum)</i>	37,795	16.75%	3,349	8.82%
• <i>Subsidiary protection</i>	75,092	33.28%	1,055	2.78%
• <i>Humanitarian protection</i>	20,823	9.23%	2	0.005%
Negative decisions (in merit, out of in merit)	91,940	40.74%	31,144	82.00%

Source: Source of first instance decision see above, table with first instance decisions, for appeal numbers, see Federal Government, *Response to a Request by the Left*, 20/14923, 21 March 2025, available in German [here](#), 37.

Overview of the legal framework

Main legislative acts relevant to asylum procedures, reception conditions, detention and content of protection

Title in English	Original Title (DE)	Abbreviation	Web Link
Asylum Act	Asylgesetz	AsylG	http://bit.ly/1K3bGbv (DE) http://bit.ly/2tZaS9E (EN)
Residence Act	Aufenthaltsgesetz	AufenthG	http://bit.ly/1SiAxKm (DE) http://bit.ly/1M5sZvW (EN)
Asylum Seekers' Benefits Act	Asylbewerberleistungs-gesetz	AsylbLG	http://bit.ly/1yuVyOx (DE)
Basic Law (German Constitution)	Grundgesetz	GG	http://bit.ly/1Tw9QM (DE) http://bit.ly/1Rteu8M (EN)
Act on Procedures in Family Matters and in Matters of Voluntary Jurisdiction	Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit	FamFG	http://bit.ly/1HAT3Yv (DE)
Code of Administrative Court Procedure	Verwaltungsgerichtsordnung	VwGO	http://bit.ly/3Hs0KZk (DE) http://bit.ly/3kXNMuW (EN)
Law on Improving Deportation Procedures	Gesetz zur Verbesserung der Rückführung		https://www.recht.bund.de/bgb/l/1/2024/54/VO.html (DE)
Act on the Modernization of Citizenship Law	Gesetz zur Modernisierung des Staatsangehörigkeitsrechts	StARModG	Available in German here

Main implementing decrees and administrative guidelines and regulations relevant to asylum procedures, reception conditions, detention and content of protection

Title in English	Original Title (DE)	Abbreviation	Web Link
Regulation on Residence	Aufenthaltsverordnung	AufenthV	http://bit.ly/1eVh0mp (DE)
Regulation on Employment	Beschäftigungsverordnung	BeschV	https://tinyurl.com/2y7zdf6y (DE)

Overview of the main changes since the previous report update

The report was previously updated in **June 2024**.

International protection

- ❖ **Key asylum statistics:** In 2024, the Federal Office for Migration and Refugees (BAMF) received 229,751 first-time asylum applications and 21,194 subsequent applications. Compared to the previous year, first-time applications decreased by 30.2%, subsequent applications by 7.0%. In 2023, a total of 351,915 asylum applications were submitted in Germany. In 2024, Syria, Afghanistan, and Türkiye remained the main countries of origin for asylum applicants in Germany. Somalia showed the largest percentage increase compared to 2023 (+31.2%, an additional 1,652 first-time applications). All other main nationalities showed decreases, with Türkiye experiencing the most significant decline (-52.3%, -32,004 first-time applications), followed by Iran (-44.3%, -4,154 first-time applications). The top ten nationalities collectively accounted for 76.8% of all first-time asylum applications in 2024. Subsequent applications accounted for 8.4% of all asylum requests. The largest number of subsequent applications came from Syrian nationals (2,668), followed by Afghanistan (2,007), Türkiye (1,879), Moldova (1,472), and North Macedonia (1,406), collectively representing 44.5% of all subsequent applications. The overall protection rate stood at 44.4%.⁶ This corresponds to 133,710 positive decisions out of the total 301,350. Compared to the previous year, when the overall protection rate was 51.7%, this represents a decrease of 7.3 percentage points. Out of the 301,350 total decisions in 2024, 20,823 were deportation bans (see [Statistics](#)).

Asylum Procedure

- ❖ **Funding and staff increase for the Federal Office for Migration and Refugees (BAMF):** In 2024, the BAMF received a significant budget increase to address the rising number of asylum applications. The total increase in funding amounts to € 295 million, aimed at expanding personnel and enhancing digital infrastructure to accelerate asylum processing. Personnel expenses for officers at BAMF have risen by € 16.8 million to a total of € 250.91 million. Funding for temporary asylum decision-makers and support staff has increased by € 64.96 million, reaching €121.16 million. In March 2024, the BAMF which at that point employed around 8,000 staff members announced an increase in positions. In response to the high demand, the BAMF announced that 1,160 new positions would be added, representing a nearly 15% increase in workforce. These roles include 343 permanent positions and 817 temporary roles (fixed-term employment and labour leasing). The new positions were distributed across BAMF's various locations in Germany (see [Number of staff and nature of the first instance authority](#)).
- ❖ **Increased Schengen Border control measures and increased border rejections:** Germany significantly expanded its border control policies in 2024, extending temporary internal border checks to all land borders. After maintaining controls at the Austrian border since 2015 and adding Poland, Czech Republic, and Switzerland in October 2023, Germany implemented comprehensive border controls at all land borders in September 2024, including France, Luxembourg, the Netherlands, Belgium, and Denmark. The Federal Ministry of Interior justified these six-month measures as necessary to enhance internal security and reduce irregular migration. These expanded controls faced substantial criticism from NGOs and legal experts who argued they potentially violate asylum laws and the Schengen Borders Code, which permits such measures only as a temporary last resort in response to serious security threats. Critics suggested the controls represent a broad migration control strategy rather than the targeted security response legally permitted.

⁶ BAMF, *Aktuelle Zahlen*, December 2024, available in German [here](#), 11.

The data shows increasing border rejections throughout 2023 and 2024, with approximately 1,000 rejections recorded within the first month after the September 2024 expansion. Significantly, the percentage of intercepted individuals applying for asylum dropped from 45% in 2023 to 23% in the first half of 2024, affecting many people from countries with high asylum recognition rates like Afghanistan, Syria, and Iraq (see [Access to the territory and push backs](#)).

- ❖ **Refugee Resettlement Program Pledges for 2024 at similar numbers to 2023:** Germany allocated 13,100 refugee resettlement places across 2024-2025 (6,540 in 2024; 6,560 in 2025), prioritising vulnerable individuals from crisis regions. The program focuses on nationals from Afghanistan, Syria, Iraq, Sudan, South Sudan, Somalia, Yemen, Congo, Burundi, and Eritrea, plus stateless individuals and others needing protection. The allocation includes up to 3,240 federal spots annually for refugees in Egypt, Jordan, Kenya, Lebanon, Pakistan, and Libya (including 200 for the "Neustart im Team" program), 3,000 places for Syrian refugees from Türkiye under the EU-Turkey Agreement, 100 places for Berlin's state program, and 200 for Brandenburg in 2024. An "Unallocated Quota" provides 50 annual emergency spots for urgent cases referred by UNHCR (see [Legal access to the territory](#)).
- ❖ **Continued participation in relocations under the voluntary European solidarity mechanism:** as part of Germany's 2022 commitment to accept 3,500 asylum seekers as part of the European voluntary solidarity mechanism, in 2024 584 individuals were transferred to Germany from Cyprus (567) and Spain (17) (see [Legal access to the territory](#)).
- ❖ **Average processing time for asylum applications stood at 8.7 months in 2024:** In 2024, Germany's Federal Office for Migration and Refugees (BAMF) reported an average asylum application processing time of 8.7 months, increasing from 6.8 months in 2023. This calculation method changed in 2023, now starting from when Germany assumes responsibility rather than formal application lodgement. For "Jahresverfahren" (procedures initiated within the previous 12 months), which represented 70% of decided cases, the average processing time was 4.7 months in 2024. By January 2025, overall processing times increased to 12.0 months as BAMF prioritised clearing older cases, with Jahresverfahren dropping to about 50% of all procedures. For rejected applications requiring court proceedings, the length of first-instance court cases averaged 16.7 months as of February 2025 ([Regular procedure](#)).
- ❖ **Increase in number of appeals:** In 2024, more than 100,000 appeals against BAMF decisions were filed before German administrative courts, marking a sharp increase from approximately 72,000 in 2023 and around 62,000 in 2022. According to news reports citing a survey amongst relevant ministries of the states, this surge in appeals is partly due to the BAMF's accelerating its processing of pending asylum cases from previous years (see [Appeal](#)).
- ❖ **Relatively low numbers of Dublin transfers to other member states despite high numbers of requests in 2024:** German authorities maintained a high volume of Dublin procedure activity, filing 74,583 outgoing transfer requests to other EU Member States, virtually unchanged from 74,622 in 2023 and up from 68,709 in 2022. Despite the large number of requests, only 5,827 actual transfers took place (7.8% of requests), showing a slight increase from 5,053 transfers in 2023. The primary recipients of Germany's outgoing requests shifted slightly in 2024, with Greece (15,453), Croatia (14,068), and Italy (12,841) receiving the most requests, compared to Croatia, Italy, and Austria in 2023. On the incoming side, Germany received 14,984 requests in 2024 (down slightly from 15,568 in 2023), accepted 10,112 cases, and ultimately received 4,592 transfers. Most incoming requests originated from France, Belgium, and the Netherlands, maintaining the same pattern as previous years (see [Dublin procedure](#)).
- ❖ **Breaches of "church asylum":** 2024 saw several forced removals from "church asylum" in Germany, drawing strong protests from religious institutions. The Protestant Church condemned authorities entering church premises to detain asylum seekers. Three significant cases

exemplified this tension: In February, Rhineland-Palatinate police removed a Syrian man from "church asylum" who feared deportation to Syria via Denmark. In September, Hamburg authorities removed an Afghan man from St. Christophorus Church and deported him to Sweden under the Dublin regulation. In December, Bremen officials attempted to remove a Somali man from Zion Church for transfer to Finland but were blocked by the pastor and approximately 100 supporters (see [Transfers, absconding and 'church asylum'](#)). According to the national authorities, in all these cases the federal office had rejected the application of the sovereignty clause and requested the person to leave the church asylum, which, the individuals did not follow, leading to their removal.

- ❖ **Stated intention to resume Dublin transfers to Greece:** Upon a freedom of information request, PRO ASYL obtained a letter by the BAMF dated February 2024 according to which since 31 January 2024, people from Algeria, Morocco, Pakistan, Iraq, Iran, Tunisia and Bangladesh are to be deported back to Greece as part of the Dublin procedure if there is a EURODAC hit from Greece. The BAMF stated that Greece accepts these returns and will individually guarantee their human rights-compliant accommodation. The BAMF also instructed the Federal States to treat transfers to Greece from the mentioned nationalities with priority. In 2024, Greece received 15,453 Dublin transfer requests from Germany, i.e. 20.7% of all transfer requests made by Germany. However, only 229 transfers were carried out. Administrative Courts ruling upon individual appeals did not find sufficient evidence of systemic deficiencies in Greece's asylum system (see [Dublin procedure](#)).
- ❖ **Increased number of inadmissibility decisions in cases for BIPs from Greece:** In 2024, the BAMF issued 8,716 decisions in cases involving individuals who had already been granted international protection in Greece. 2,169 applicants were granted refugee status, 1,114 received subsidiary protection, and 639 were granted a removal ban, making an overall protection rate of 45%, a significant drop compared to 84.2% in 2023. 950 applications (10.9% of total decisions) were rejected on the merits. 844 cases (44.1% of total decisions) were resolved through formal decisions, including inadmissibility findings, a substantial increase compared to 11.5% in 2023. According to the BAMF, substantive decisions in such proceedings were partially and temporarily suspended in 2024 (on 16 May 2024) and 2025 in order to conduct an 'in-depth examination' of the situation of BIPs in Greece, and restarted after a judgment of 16 April 2025 by the Federal Administrative Court (see [Admissibility procedure](#)).
- ❖ **Federal Administrative Court rules certain BIPs can return to Greece and Italy:** Following the 2023 reform enabling the Federal Administrative Court (BVerwG) to make determinations on factual situations in countries of origin or destination, to harmonise jurisprudence when different Higher Administrative Courts reached conflicting assessments of conditions in specific countries, in 2024 and 2025, the Court issued landmark rulings on onward migration cases. In its November 2024 decision regarding Italy, it determined that non-vulnerable, employable protection holders could reasonably return to Italy, citing available accommodations through churches and NGOs along with employment opportunities. Building on this precedent, in April 2025, the Court ruled similarly on Greece, concluding that single, employable, non-vulnerable individuals with protection status would not face inhuman or degrading conditions upon return, allowing German authorities to reject such asylum applications as inadmissible (see [Suspension of returns for beneficiaries of international protection in another Member State](#)).
- ❖ **Increased numbers of deportations in 2024:** Between January and November 2024, Germany deported 18,384 individuals (21% increase from 2023), including 5,827 Dublin transfers to other EU countries. The top deportation destinations were Georgia (1,650), North Macedonia (1,274), Albania (1,034), Türkiye (993), and Serbia (957). During this period, 9,180 people left voluntarily through the REAG/GARP program, while approximately 25,100 departed with Border Crossing Certificates (10% increase from 2023) (see [National protection statuses and return procedure](#)).

- ❖ **Legal Changes on subsequent asylum applications:** In February 2024, Germany enacted the "*Rückführungsverbesserungsgesetz*" (Law on Improving Deportation Procedures), introducing key changes to subsequent asylum applications. The law allows authorities to declare applications "manifestly unfounded" if applicants had already undergone a previous subsequent asylum procedure. Under revised §71 AsylG, deportations can proceed after the decision of the BAMF that the application does not lead to a new asylum procedure if the authorities consider that the applicant has made a subsequent application merely to delay or frustrate the enforcement of a decision or if the applicant makes another subsequent application following a final decision considering a first subsequent application inadmissible or unfounded. This reform expanded search powers and extended pre-deportation detention periods. While intended to accelerate deportations and reduce system misuse, human rights organisations have criticised potential risks to procedural fairness and protection standards (see [Subsequent applications](#)).
- ❖ **Suspension of decision-making re. Syrian applicants:** Following the fall of the Assad regime in December 2024, the BAMF announced a temporary suspension in the processing of asylum applications from Syrians, affecting 47,270 applications according to media reports (see [Differential treatment of specific nationalities in the procedure](#)).
- ❖ **Suspension of decision-making re. 'individuals from the Gaza strip':** in March 2025, the Federal Government stated that the BAMF had not been deciding on asylum applications from individuals from the Gaza Strip for over a year, invoking § 24(5) of the Asylum Act (AsylG), which allows for the deferral of asylum decisions in cases of temporarily uncertain situations. Because of this halt, as of February 28, 2025, a total of 1,218 asylum procedures concerning "persons from Palestinian territories (not recognised as a state)" were pending before the BAMF. Several administrative courts ruled in 2024 that such uncertainty can no longer be assumed in light of the "dramatic situation and widespread destruction in the Gaza Strip" (see [Differential treatment of specific nationalities in the procedure](#)).
- ❖ **Low admissions and suspension of new commitments under the Federal Admission Program for Afghanistan:** The Federal Admission Program for Afghanistan faced continued difficulties in 2024. As of July 2024, the actual admission numbers under program remain far below the initial targets. A total of 3,081 individuals have received admission commitments, but only 1,508 people have entered. The International Rescue Committee explains that the program faces severe delays due to its complex and bureaucratic structure. According to them, the lack of sufficient resources for key actors has caused backlogs, with the BAMF and the German embassy's visa section in Pakistan emerging as major bottlenecks. The BAMF, in contrast, rebuts this, stating that it was rather the "poor quality of cases suggested to the Government" holding up the process. In July 2024, several Afghans who had previously been granted resettlement to Germany, saw their approvals abruptly withdrawn without clear explanations, while the government cited new security interviews as the cause. Media investigations have revealed that these screenings include intrusive and controversial questions, such as opinions on the conflicts in Gaza and Ukraine and hypothetical personal scenarios unrelated to security. In summer 2024, the government decided to halt new admission commitments under the program, and stated the suspension would remain in place until the end of the legislative term. NGOs ultimately fear a termination of the program following the early 2025 elections (see [Differential treatment of specific nationalities in the procedure](#)).

Reception conditions

- ❖ **Further expansion and differentiation of centralised reception centres:** Despite the Federal Government's decision not to pursue the AnkER concept as a national standard, these centres continue to operate in several Federal States and are increasingly shaping the reception landscape. In 2024, Bavaria reaffirmed its commitment to the AnkER model by announcing the opening of a new AnkER centre in Munich. Additionally, Thuringia introduced a similar model

through the creation of "Thüringer Zentren für Aufnahme und Rückführung" (TZAR), functioning as centralised facilities for asylum and return procedure, aligned with the AnKER structure (see [Reception Conditions](#)).

- ❖ **Implementation of the payment card (*Bezahlkarte*):** Following the political agreement in 2023, the payment card for asylum applicants officially became a recognised form of benefit distribution under the Asylum Seekers' Benefits Act in May 2024. By mid-2024, Bavaria had completed implementation, and several other states began individual rollouts due to delays in the EU-wide tender. The full coordinated rollout across 14 Federal States is set for January 2025. The card limits cash withdrawals (typically € 50 / month) and prohibits transfers, sparking criticism from civil society and several court procedures ruling on unlawful restrictions of the card (see [Criteria and restrictions to access reception conditions](#)).
- ❖ **Adjustment of benefits and social policy shift:** While financial allowances under the Asylum Seekers' Benefits Act were increased at the beginning of 2024, a reduction was implemented as of January 2025. These reductions renewed criticism from NGOs, which argue that the distinction between German nationals and asylum applicants in defining "basic needs" lacks justification. Civil society has stressed that asylum applicants' minimum subsistence level must be protected equally under constitutional law (see [Forms and levels of material reception conditions](#)).
- ❖ **Ongoing use of emergency shelters:** The use of emergency shelters such as the former Berlin-Tegel airport was prolonged due to insufficient long-term housing options available in the city. Originally temporary, these shelters now accommodate thousands under challenging conditions. Overcrowding, long waiting times for permanent housing, and lack of privacy and hygiene persist, prompting Berlin to plan permanent accommodation for up to 3,000 people at Tegel starting in 2025. Similar emergency accommodation measures continue in Hamburg, Cologne, and Bremen (see [Types of accommodation](#)).
- ❖ **Occupancy pressure and regional disparities:** While Berlin and Hamburg still report occupancy rates above 90%, some other states have experienced a drop in demand. For example, Thuringia's occupancy rate dropped to 64% by the end of 2024. However, municipalities continue to report being overburdened, citing lack of funding and infrastructure for long-term accommodation. The Federal Government introduced a new financing model in 2024, providing a fixed annual payment of €7,500 per first-time asylum applicant to the Federal States, but many states continue to consider this amount insufficient to meet actual costs (see [Conditions in reception facilities](#)).
- ❖ **Legal developments and practical implications:** The Federal Constitutional Court's 2022 ruling equalising benefits for single adults in and outside accommodation centres has still not been implemented legislatively but can be remedied through legal enforcement in individual cases. Additionally, legal challenges against the payment card (*Bezahlkarte*) and benefit reductions remain ongoing, with some social courts already indicating violations of personal circumstances and minimum subsistence guarantees (see [Reception Conditions](#)).

Detention of asylum seekers

- ❖ **New legislation enters into force:** The *Act on the Improvement of Removals*, introduced in October 2023, was passed in January 2024 and entered into force on 27 February 2024, introducing several significant reforms to Germany's detention and return framework. These reforms sparked criticism from civil society for curtailing non-nationals' rights and fast-tracking legislative changes without sufficient consultation. Despite a 22% increase in deportations in 2024, it remains unclear whether this was a direct result of the reform. Key changes include (see [Detention of Asylum Seekers](#)):

- Asylum applicants can now be detained if grounds for detention existed when they lodged their application, particularly relevant for those filing subsequent applications to prevent imminent removal.
 - Pre-removal detention can now be ordered if removal is feasible within 6 months (previously 3).
 - Extension grounds were broadened to include individuals who entered legally but overstayed a visa-free or Schengen stay.
 - The maximum period for custody pending removal was extended from 10 to 28 days.
 - Detention to enforce cooperation is now also permitted in cases where individuals fail to cooperate in establishing their identity.
 - Courts must now provide legal representation to detainees not yet represented.
 - Minors and families are no longer to be detained “in principle,” marking a shift from the prior standard of “only in exceptional cases.”
 - Authorities are now permitted to appeal court decisions that reject detention orders.
 - New powers were granted for unannounced removals (except for families with children under 12), extended search authority within reception centres, and broader access to private belongings to identify or document individuals.
 - Rules on entry bans were tightened, and the scope for expulsion of individuals with criminal convictions expanded.
- ❖ **Changes in detention conditions in Bavarian pre-removal centres:** following a ruling by the Federal Court of Justice (BGH) from 26 March 2024, the centres of Hof and Eichstätt in Bavaria introduced new rules to better distinguish detention conditions from those of the penal system, such as allowing for more freedom of movement within the centre, daily outdoor access, lifting limits on visiting times (see [Detention conditions](#)).

Content of international protection

- ❖ **Cessation and revocation:** In 2024, revocation procedures increased slightly to 17,578, following a record low in 2023 (15,424). However, the number of actual revocations remained low: the status of 2,229 persons was withdrawn or revoked, mainly affecting nationals from Syria, Iraq, Afghanistan, and Iran. Legal reforms adopted in 2023 and applied throughout 2024 abolished routine reviews of protection status and limited cessation to voluntary declarations, while revocations must now be based on concrete individual circumstances. Although attendance at BAMF interviews is now mandatory, only one fine was issued in 2024 for failure to comply (see [Cessation and review of protection status](#)).
- ❖ **Further cuts in support structures:** Refugees and beneficiaries of subsidiary protection continued to face housing difficulties due to a worsening shortage of affordable flats and rising costs for staying in collective accommodation. In some cities, the monthly fees for residents in shared accommodation exceeded local rental prices. Civil society criticised the high financial burden placed on beneficiaries as well as the lack of adequate housing options (see [Housing](#)).
- ❖ **Key jurisprudence on family reunification:** In January 2024, the CJEU reaffirmed that the age of a child at the time of the asylum application — not at the time of the family’s departure — is decisive for the right to family reunification. German courts had previously interpreted this requirement more restrictively. While the Federal Government announced it would implement the ruling, civil society groups criticised the years of non-compliance and resulting family separations. Waiting times for family reunification visas remained excessive in 2024, with delays exceeding 12 months in several embassies (see [Family reunification](#)).

- ❖ **Naturalisation reform:** A new law entering into force in June 2024 reduced the waiting period for naturalisation from 8 to 5 years (or 3 in cases of exceptional integration) and removed the general requirement to renounce previous nationality. Beneficiaries of international protection continue to have their asylum procedure counted toward the required period of residence (see [Naturalisation](#)).

Temporary protection

The information given hereafter constitute a short summary of the German Report on Temporary Protection, for further information, see [Annex on Temporary Protection](#).

- ❖ **Key statistics on temporary protection:** As of March 2025, 1,252,948 persons were registered in the Central Register of Foreigners (AZR), and 1,075,217 persons held a residence permit for temporary protection under Section 24 of the Residence Act. Among those registered, 97% were of Ukrainian nationality, 63% were women, and about 28.8% were under 18 years old.

Temporary protection procedure

- ❖ **Automatic extension of residence permits until 2026:** In November 2024, the German government adopted the *Ukraine-Aufenthaltserlaubnis-Fortgeltungsverordnung*, automatically extending all valid temporary protection residence permits under § 24 Residence Act until 4 March 2026, following the EU Council's prolongation decision. Beneficiaries were not required to apply individually for renewal.
- ❖ **Exclusion of Ukrainians with prior protection elsewhere:** A May 2024 circular letter from the Federal Ministry of the Interior introduced a key restriction: Ukrainian nationals who had previously found protection in a non-EU third country before arriving in Germany are no longer eligible for temporary protection in Germany, as they are not considered forcibly displaced. The implementation of this into practice remains to be evaluated.
- ❖ **End of eligibility for certain third-country nationals after 5 March 2025:** The May 2024 circular letter from the Federal Ministry of the Interior clarified that third-country nationals who only had a temporary residence in Ukraine before arriving in Germany will lose eligibility for temporary protection in Germany after 5 March 2025. They must then seek asylum or alternative residence permits.
- ❖ **Discontinuation of federal support for vulnerable groups:** In June 2024, the federal coordination platform for people with disabilities (*Bundeskontaktstelle für Geflüchtete mit Behinderung und Pflegebedürftige*) was discontinued. Its closure further highlighted the absence of a systematic mechanism for identifying and supporting vulnerable groups during registration and distribution processes.
- ❖ **Stationary border controls and racial profiling allegations:** With the introduction of stationary border controls in September 2024, complaints of racial profiling by federal police increased.

Content of temporary protection

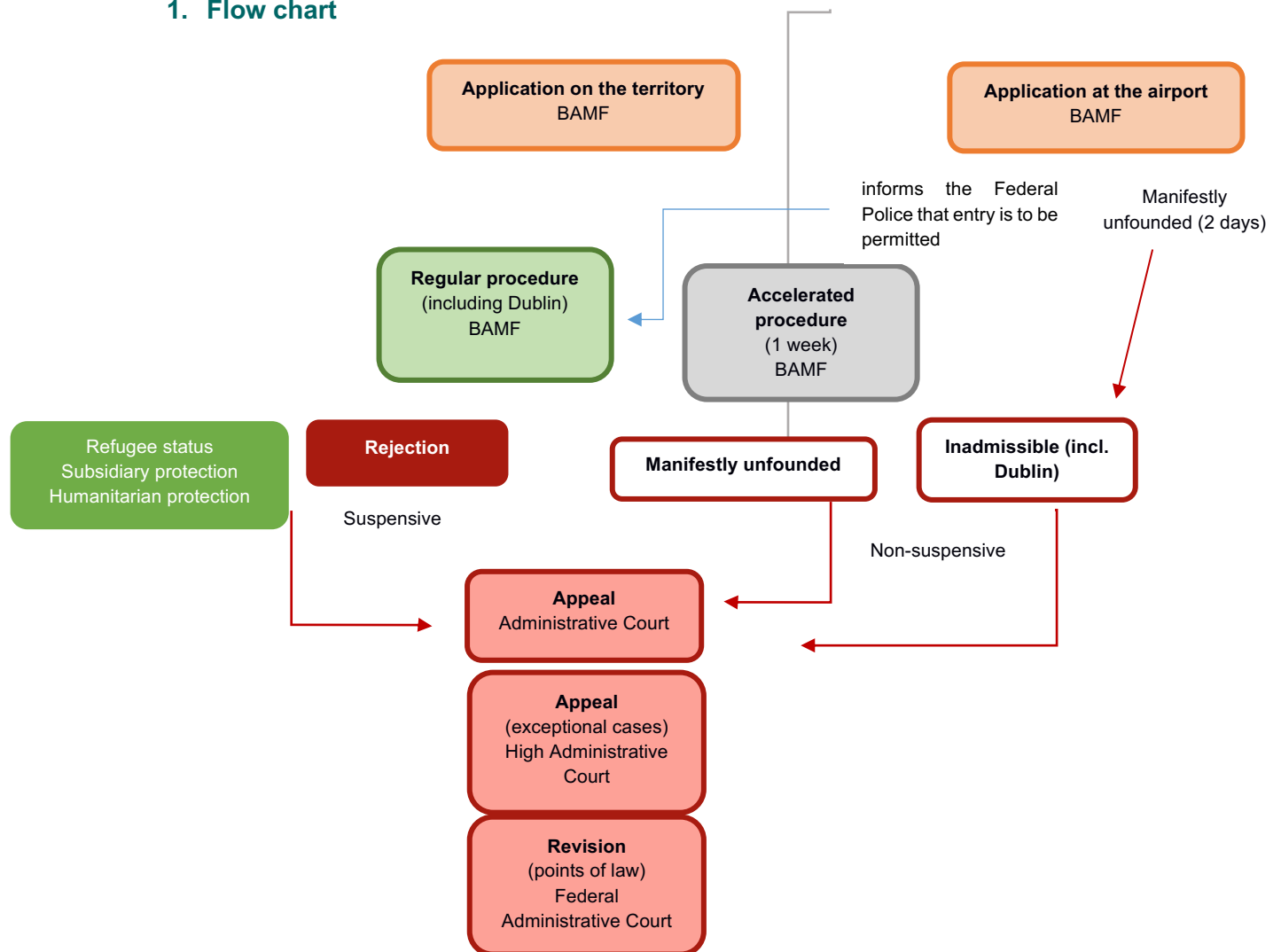
- ❖ **Residence permit validity and scope:** As of March 2025, 1,075,217 persons held valid residence permits for temporary protection. These permits are issued until 4 March 2026, and include full access to social benefits under the Social Code, equal to those available to German nationals.

- ❖ **Housing:** studies published in 2024 and 2025 found that over 75% of Ukrainian refugees live in private accommodation, while the others reside in reception centres and hotels. However, shortage of available housing, both private and in reception centres, remains a serious issue at least in parts of the country, e.g. in cities like Hamburg and Berlin. For instance, the former Tegel airport in Berlin, which continues to serve as a reception centre for refugees, was reported as overcrowded, and presenting poor living conditions and limited amenities prompting frequent tensions.
- ❖ **Labour market access fully granted – but not always realised:** Since June 2022, TPBs have had unrestricted access to the labour market. In December 2024, employment among Ukrainian nationals rose to 265,800. Employment among Ukrainian refugees has nearly doubled from 16% in late 2022 to 30% in 2024. However, obstacles remain, such as language difficulties, childcare obligations, and third-country nationals often face procedural challenges attributed to the overall considerable workload of the relevant authorities, including mainly but not limited to the local level.
- ❖ **Education access increasing amid teacher shortages:** By March 2025, 223,830 children from Ukraine were enrolled in schools across Germany. However, overall, the German education system faced a shortage of 17,374 teachers in 2024, particularly in secondary and vocational education. While support structures like welcome classes and Ukrainian-language materials exist, regional implementation varies widely.
- ❖ **Freedom of movement and mobility preserved:** TPBs may travel within the EU for up to 90 days within 180 days and may temporarily return to Ukraine without affecting their protection status. However, absence from Germany for over six months or emigration to another Member State may result in cessation of benefits. According to an updated study published in March 2025, 59% of Ukrainian refugees who arrived between February and May 2022 intend to stay in Germany permanently; among those who arrived after June 2022, the share rises to 69%. These findings suggest that a growing portion of TPBs are settling in Germany with long-term perspectives, influenced by factors such as the protracted nature of the war and integration developments.

Asylum Procedure

A. General

1. Flow chart



2. Types of procedures

Indicators: Types of Procedures

1. Which types of procedures exist in your country?
- | | | |
|---|---|-----------------------------|
| ❖ Regular procedure: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ▪ Prioritised examination: ⁷ | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ▪ Fast-track processing: ⁸ | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ Dublin procedure: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ Admissibility procedure: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ Border procedure: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ Accelerated procedure: ⁹ | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
2. Are any of the procedures that are foreseen in the law, not being applied in practice?
- | | |
|------------------------------|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
|------------------------------|--|

3. List of authorities intervening in each stage of the procedure

Stage of the procedure	Competent authority (EN)	Competent authority (DE)
Application at the border	Federal Police (first registration)	Bundespolizei
Application on the territory	Federal Office for Migration and Refugees (BAMF)	Bundesamt für Migration und Flüchtlinge (BAMF)
Dublin procedure	Federal Office for Migration and Refugees (BAMF)	Bundesamt für Migration und Flüchtlinge (BAMF)
Airport procedure	Federal Police and Federal Office for Migration and Refugees (BAMF)	Bundespolizei und Bundesamt für Migration und Flüchtlinge (BAMF)
Refugee status determination	Federal Office for Migration and Refugees (BAMF)	Bundesamt für Migration und Flüchtlinge (BAMF)
Appeal <ul style="list-style-type: none"> • First appeal • Second appeal • Final appeal 	<ul style="list-style-type: none"> • Administrative Court • High Administrative Court • Federal Administrative Court 	<ul style="list-style-type: none"> • Verwaltungsgericht • Oberverwaltungsgericht or Verwaltungsgerichtshof • Bundesverwaltungsgericht
Subsequent application	Federal Office for Migration and Refugees (BAMF)	Bundesamt für Migration und Flüchtlinge (BAMF)
Revocation / withdrawal	Federal Office for Migration and Refugees (BAMF)	Bundesamt für Migration und Flüchtlinge (BAMF)

⁷ For applications likely to be well-founded or made by vulnerable applicants. See Article 31(7) recast APD.

⁸ Accelerating the processing of specific caseloads as part of the regular procedure.

⁹ Labelled as 'accelerated procedure' in national law. See Article 31(8) recast APD.

4. Number of staff and nature of the first instance authority

Name in English	Number of staff	Ministry responsible	Is there any political interference possible by the responsible Minister with the decision making in individual cases by the first instance authority?
Federal Office for Migration and Refugees (BAMF)	9,241(excluding temporary staff). Of these, 6,395 work full-time, 2,387 part-time and 459 are (long-term) absent.	Federal Ministry of the Interior and Community	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Source: Information provided by the BAMF, up to date as of 26 February 2025.

The BAMF is responsible for examining applications for international protection and competent to take decisions at first instance.

The BAMF has branch offices in all Federal States. As of November 2024, the BAMF website lists a total of 58 branch offices (Außenstelle) and one Head Office in Nuremberg.¹⁰ The branch offices process the asylum procedures, but also carry out additional tasks (for instance, they function as contact points for authorities and organisations active in the integration of foreign nationals, while some branch offices work exclusively on Dublin cases). Branch offices are assigned specific countries of origin, whereas the main countries of origin are processed in the majority of branch offices.¹¹ In cooperation with the Federal States, the BAMF manages a distribution system for asylum seekers known as Initial Distribution of Asylum Seekers (*Erstverteilung der Asylbegehrenden*, EASY) system, which allocates places according to a quota system known as “Königsteiner Schlüssel” (see [Asylum Act](#)). The quota is based on the size and the economic strength of the Federal States in which the centres are located. Furthermore, the system takes into account which branch office of the BAMF deals with an asylum seeker's country of origin.

As of 1 January 2025, the Federal Office for Migration and Refugees employed 9,241 individuals (excluding temporary staff).¹² Of these, 6,395 worked full-time, 2,387 part-time, and 459 were on long-term leave.¹³ This represents an increase from 2023, when the BAMF had approximately 8,100 employees.¹⁴

In 2024, the German Federal Office for Migration and Refugees received a significant budget increase to address the rising number of asylum applications. The total increase in funding amounts to € 295 million, aimed at expanding personnel and enhancing digital infrastructure to accelerate asylum processing.¹⁵

Budget allocations include:

- ❖ Personnel expenses for officers at BAMF have risen by €16.8 million to a total of € 250.91 million.
- ❖ Funding for temporary asylum decision-makers and support staff has increased by € 64.96 million, reaching €121.16 million.

¹⁰ BAMF, *Locations*, available at: <https://bit.ly/3dFTd8w>.

¹¹ A list of all countries of origin and the allocated branch offices is available on the website of the Refugee Council of Lower Saxony (up to date as of March 20221): <https://bit.ly/3WJ0eg1>.

¹² Information provided by the BAMF, up to date as of 26 February 2025.

¹³ Ibid.

¹⁴ Federal Ministry of the Interior and Community, ‘*Bundesamt für Migration und Flüchtlinge*’, available in German at: <https://bit.ly/3qTH0qt>.

¹⁵ Information provided by the Federal Office for Migration and Refugees on 28 May 2025.

- ❖ Employee wages at BAMF rose by €6.88 million to €196.58 million, while operational expenses increased by €27.24 million to €65.59 million.
- ❖ Training expenses grew by €3.4 million to €7.53 million, and IT infrastructure funding has been boosted by €80 million, totalling €117.75 million.

In March 2024, the BAMF which at that point employed around 8,000 staff members announced an increase in positions.¹⁶ In response to the high demand, the BAMF announced that 1,160 new positions would be added, representing a nearly 15% increase in workforce.¹⁷ These roles include 343 permanent positions and 817 temporary roles, with some contracts capped at two years. The new positions were distributed across BAMF's various locations in Germany to offer local employment opportunities.¹⁸

The BAMF also has special representatives for Security in the Asylum Procedure (*Sonderbeauftragte für Sicherheit im Asylverfahren*). According to the BAMF, they provide the interface to the Operative Security Division and the Policy Division on Security, coordinate security-related asylum proceedings and are points of contact within their divisions for questions and problems relating to proceedings with a potentially security-related background. In this context, they also raise awareness among other case officers so that they can clarify security-relevant facts comprehensively during the asylum interview by means of appropriate enquiries. In relevant cases, they check the determined facts for security-relevant criteria and process all asylum proceedings in which exclusion grounds have to be considered. In special cases, they also conduct the asylum interview. In addition to these special representatives, there are special representatives for various groups of vulnerable persons in the asylum procedure. All special representatives are asylum case officers who, after an additional qualification, perform additional tasks in the asylum procedure.¹⁹

Quality

The quality of BAMF asylum decisions has been much debated in recent years given the high number of appeals filed at the courts, but also because of “scandals” which prompted extensive media coverage in 2017 and 2018.²⁰ This was related, in part, to the high increase in personnel in 2015 and 2016 – likely due to the spike in asylum applications – accompanied by shortened training phases, with some decision-makers not having received relevant training. As a result, the BAMF has undertaken several changes to the training provided to decision-makers and to the quality assurance procedures since 2017. According to the BAMF, the challenges in 2015 and 2016 were mainly due to a sharp increase in the number of decisions required. The Federal Office for Migration and Refugees stresses that the quality assurance in asylum procedures is based on various instruments and objectives. Core elements include quality checks of individual procedural steps using the four-eye principle and set quotas and criteria. This occurs both decentralised in branch offices, where key steps like file creation, interviews, decisions, and revocation/withdrawal procedures are reviewed using standardised checklists, and centrally through representative sample checks of randomly selected cases. According to the BAMF, this approach aims at identifying systemic errors and implement corrective measures. Additionally, topic-specific sample checks focus on certain case types or countries of origin, offering deeper insights into areas needing improvement.²¹

Randomly selected cases are subject to a more thorough quality control by the BAMF's quality assurance division. In addition, the BAMF also has a division for ‘Operative management of asylum procedures and integration’ which ‘analyses developments and trends so that it is possible to recognise and react to a need to act for management at an early date’, according to the BAMF.²² In particular, the decision-making

¹⁶ Stanislaus Kossakowski, „Nach Faesers Ankündigung: BAMF stockt Personal bereits auf“, (BR24, 6 March 2023), available in German [here](#).

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Information provided by the BAMF on 28 May 2025.

²⁰ For more detailed information, see AIDA, *Country Report Germany - Update on the year 2019*, July 2020, available at: <https://bit.ly/34so09M>, 20-21.

²¹ Information provided by the BAMF on 28 May 2025.

²² BAMF, *Procedure management and quality assurance*, 28 November 2018, available at: <http://bit.ly/3DxsTgJ>.

practices of the different branch offices are monitored and branch offices with significant deviations from the overall protection rates are asked to provide further information on the treated cases to the BAMF headquarters.²³ The results of this monitoring and the case outcomes are not made public by the BAMF automatically, but are regularly requested and published through parliamentary inquiries.²⁴

5. Short overview of the asylum procedure

Access to the territory and registration

If migrants report at the border while trying to enter Germany without the necessary documents, entry into the territory may be refused on the grounds that the migrant has travelled through a “safe third country”, which notably include other EU Member States and Switzerland. However, if they apply for asylum, they would in most cases have to be referred to the Federal Office for Migration and Refugees (*Bundesamt für Migration und Flüchtlinge*, BAMF, see Access to the territory and push backs).

Asylum seekers who arrive at an international airport are subject to the airport procedure (*Flughafenverfahren*), if the conditions for applying the procedure under paragraph 18a of the Asylum Act are met.²⁵ It is then decided in an accelerated procedure whether they will be allowed to enter the territory or not. (for details see [Border procedure](#)).

Once persons seeking protection are on the territory, the law obliges asylum seekers to “immediately” report to a ‘reception facility’ (*Aufnahmeeinrichtung*). Alternatively, they can report to a police station or to an office of the foreigners’ authorities.²⁶ Once asylum seekers have reported to the reception facility, they must be issued an ‘arrival certificate’ (*Ankunftsnachweis*). Afterwards, the responsible reception facility is determined with the help of a distribution system known as Initial Distribution of Asylum Seekers (*Erstverteilung der Asylbegehrenden*, EASY). It is possible that the EASY-system assigns a place in the facility to which asylum-seekers have reported. In this case, they are referred to the BAMF office, often located on the same premises or nearby, for the registration of the asylum application. If the EASY-system assigns the person to a facility located in another region, asylum-seekers are transported to this facility or are provided with tickets to travel there on their own. Asylum seekers are obliged to appear in person without delay or on the date determined by the authorities at the responsible branch office of the BAMF. Once they arrive in the responsible branch office of the BAMF, asylum seekers lodge their application with the BAMF. Following the lodging of the application, they are issued a ‘permission to stay for asylum seekers’ (*Aufenthaltsgestattung*). With this document, the arrival certificate ceases to be valid and must be retracted by the authorities.

²³ Federal Government, Response to information request by The Left, 20/12228, 08 April June 2024, available in German [here](#).

²⁴ See for the second half of 2022: Federal Government, *Response to parliamentary question by The Left 20/8222*, 5 September 2023, available in German at: <https://bit.ly/3SkIJCR>, 12-13.

²⁵ Section 18 a (1) Asylum Act reads: In the case of foreign nationals from a safe country of origin (Section 29a) who wish to enter the country via an airport and apply to the border authority for asylum, the asylum procedure must be carried out prior to the decision on entry, insofar as accommodation on the airport premises is possible during the procedure or is not possible solely due to the need for inpatient hospital treatment. The same applies to foreigners who apply for asylum at the border authority at an airport and do not identify themselves with a valid passport or passport substitute. The foreigner must immediately be given the opportunity to submit the asylum application to the branch office of the Federal Office that is assigned to the border control point. The personal interview of the foreigner by the Federal Office should take place immediately. The foreigner must then be given the opportunity to contact a legal adviser of his/her choice without delay, unless he/she has assured himself/herself of legal assistance in advance. § Section 18 (2) remains unaffected.

²⁶ Section 13 Asylum Act.

First instance decision

Once the asylum procedure has started, the BAMF must decide whether an asylum seeker is entitled to:

- ❖ asylum based on the German Constitution (*Grundgesetz*);²⁷
- ❖ Refugee status according to the 1951 Refugee Convention and to the Qualification Directive;²⁸
- ❖ Subsidiary protection as part of the international protection under the Qualification Directive;²⁹ or
- ❖ Other forms of protection, removal ban. (*Abschiebungsverbot*).³⁰

A removal ban is issued for people whose removal would constitute a breach of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) or a ‘considerable concrete danger to life and limb or liberty’. In principle, this ban might apply to any such threat, including risks emanating from ill health or from destitution, but case law has narrowed the scope of this provision to instances of ‘extreme risk’ for all cases not related to ill health, i.e. cases in which an applicant would face ‘certain death or most serious harm’ upon return. Reasons of ill health are only applicable in cases of life-threatening or serious diseases that would become much worse in case of a return. According to the BAMF, this is not contingent on the healthcare provided in the destination state being equivalent to that available in the Federal Republic of Germany. Adequate medical treatment is also deemed to be provided as a rule if this is only guaranteed in a part of the destination country.³¹

In 2023, the BAMF made a total of 261,391 decisions on asylum applications. Of these, 64,546 cases (24.7%) resulted in a formal decision, meaning the case was closed without an examination of the asylum claim’s substance—this includes inadmissibility decisions and other procedural resolutions.³²

In 2024, the total number of decisions decreased to 250,945. Of these, 75,700 cases were classified as “other procedural resolutions.” This means that in 2024, approximately 30.2% of all asylum decisions were formal decisions, marking a 5.5 percentage point increase compared to 2023³³. Formal decisions are mostly issued because another state was found to be responsible for the asylum application under the Dublin Regulation or due to the withdrawal of the application by the applicant. Furthermore, decisions not to carry out follow-up procedures in cases of second or further asylum applications have been qualified as inadmissibility decisions since 2016.

If an asylum and subsidiary protection application is rejected, the notice of rejection also includes an instruction to leave the country and a “Deportation warning”³⁴ (removal warning), which is equivalent to a return decision under EU law.³⁵

Appeal

An appeal against the rejection of an asylum application must be submitted to a regular Administrative Court (*Verwaltungsgericht*, VG). The responsible Administrative Court is the one with regional competence for the asylum seeker's place of residence. Appeals generally have suspensive effect, unless the application is rejected as ‘manifestly unfounded’ or as ‘inadmissible’ (e.g., in Dublin cases). In these cases, applicants may ask the court to restore suspensive effect, but they only have one week to submit the necessary request, which must be substantiated.

²⁷ Article 16a Basic Law and Section 2 Asylum Act.

²⁸ Section 3 Asylum Act.

²⁹ Section 4 Asylum Act.

³⁰ Section 60 (5) and (7) Residence Act.

³¹ BAMF, *National ban on deportation*, 28 November 2018, available at <https://bit.ly/3wjp1Pl>.

³² In the previous years the numbers were as follows: 50,880 in 2022 (22.3%), 55,035 (28.8%) in 2021, 36,015 (29.5%) in 2020, 59,591 (32.9%) in 2019, 65,507 (30.2%) in 2018, 109,476 (18.1%) in 2017; 87,697 (12.6%) in 2016 and 50,297 (17.8%) in 2015.

³³ BAMF, *Asylgeschäftsstatistik 2024*, available in German [here](#).

³⁴ Terminology used in the English translation of the Germany Asylum Act on the official government website, available [here](#).

³⁵ Section 34 (1) Asylum Act.

The decision of the Administrative Court may, in principle, be appealed. An appeal requires prior admission by the Higher Administrative Court. This Court allows the appeal if it considers the case to be of fundamental importance, if the judgement deviates from the decision of a court of higher instance or if the decision violates basic principles of jurisprudence. An appeal to the Federal Administrative Court is also available. In practice, the decision of the Administrative Court is usually final in asylum procedures.

B. Access to procedure and registration

1. Access to the territory and push backs

Indicators: Access to the Territory

1. Are there any reports (NGO reports, media, testimonies, etc.) of people refused entry at the border and returned without examination of their protection needs? ☒ Yes ☐ No
2. Is there a border monitoring system in place? ☐ Yes ☒ No
3. Who is responsible for border monitoring? ☐ National authorities ☐ NGOs ☐ Other
4. How often is border monitoring carried out? ☐ Frequently ☐ Rarely ☒ Never

Arrival at the border and border controls

The law states that asylum seekers who apply for asylum at the border have to be referred to an initial reception centre for asylum seekers.³⁶ However, entry into the territory has to be refused if a migrant reports at the border without the necessary documents for legal entry and if an immediate removal to the neighbouring country (as [Safe Third Country](#)) is possible.³⁷

Since 2013, asylum seekers should not be sent back to neighbouring countries without their applications for international protection having been registered. It is not clear, however, whether this practice is applied in all cases: even if migrants have crossed the border – which is defined as a 30 km strip on the basis of a legal fiction laid down in the Law on the Federal Police (based on the Schengen Borders Code)³⁸ – they have not necessarily entered the territory,³⁹ and it is possible that a removal to the neighbouring state (*Zurückweisung*) is still carried out at this point without an examination of which country is responsible for examining the asylum application.⁴⁰ In 2023, border control authorities detected a total of 127,549 persons entering Germany irregularly, out of which 56,985 were also asking for asylum.⁴¹

This means that in 2023, approximately 44.7% of the 127,549 people who entered Germany irregularly also applied for asylum. This shows a significant gap between arrivals and claims for asylum. The party The Left and NGOs assume illegal push backs by the Federal Police by ignoring the claim for asylum expressed by arriving people.⁴² They highlight that this correlates directly with rising stationary border controls and a tense climate in society. The Federal Government does not detect any illegal handling by the Federal Police in the official documentation and thus rejects the accusation.⁴³ Similarly, the BAMF stresses that there is no evidence that the reason for the difference between arrivals and claims for asylum

³⁶ Section 18 (1) Asylum Act.

³⁷ Section 18(2) Asylum Act and Sections 14 and 15 Residence Act.

³⁸ Section 2(2) Federal Police Act.

³⁹ Section 13(2) Residence Act.

⁴⁰ Pro Asyl, *Fortgesetzte Grenzkontrollen: rechtswidrige Zurückweisung von Geflüchteten*, 28 April 2022, available in German [here](#).

⁴¹ Federal Government, *Reply to parliamentary question by The Left, 0/12343*, 05 September 2024, available in German [here](#).

⁴² Bayerischer Flüchtlingsrat, *Belege für systematische Pushbacks nun auch an der deutsch-österreichischen Grenze*, 30 Mai 2023, available in German at: <https://tinyurl.com/2wv3ds2s>; taz.de, *Hinweise auf Pushbacks in Bayern*, 31 Mai 2023, available in German at: <https://tinyurl.com/ym5f54un>.

⁴³ Federal Government, *Reply to parliamentary question by The Left, 20/8274*, 07 September 2023, available in German at: <https://bit.ly/49GtKZX>.

is due to illegal push-backs by the Federal Police.⁴⁴ In the first six months of 2024, 42,307 irregular entries were recorded in Germany. Of these, 9,672 individuals applied for asylum, representing 22.9%.⁴⁵ In the second half of 2024, 40,608 irregular entries were recorded⁴⁶ leading to a total of 82,916 irregular entries in 2024. Of those, 14,846 applied for asylum, representing 17.9 %. This marks a significant decrease compared to 2023, when 44.7% of those who entered irregularly also applied for asylum. In 2023, 35,618 persons were removed to neighbouring countries after a refusal of entry (*Zurückweisung*); out of these, 11,476 persons were removed to Austria.⁴⁷ During the first six months of 2024, the number of refusals of entry stood at 21,661 individuals.⁴⁸

Germany has regularly re-introduced border controls at its borders with Austria since 2015. On 16 October 2023, controls were also introduced at the border with Poland, the Czech Republic and Switzerland and were extended again in December 2023 and March 2024.⁴⁹ In September 2024, Germany expanded its temporary internal border controls to all land borders, including France, Luxembourg, the Netherlands, Belgium, and Denmark, in addition to existing controls with Austria, Switzerland, Czech Republic, and Poland.⁵⁰ The temporary imposition of border controls at the internal Schengen borders must follow the requirements of Articles 25 et seq. of the Schengen Borders Code. These European legal provisions always require a serious threat to public order or internal security to allow the use of temporary internal border controls, which can in any case only be for a limited period and as a measure of last resort. Effective from 16 September 2024, according to the Federal Ministry of the Interior and Community, these measures, approved for six months, aim to bolster internal security and reduce irregular migration, allowing German authorities to conduct checks and return individuals as per European and national law. Federal Minister Nancy Faeser emphasised the controls as essential to safeguarding against threats from Islamist terrorism and serious cross-border crime, noting the over 30,000 rejections at the eastern and southern borders since October 2023. The Federal Police, supported by increased staffing and resources, has been managing both fixed and mobile checks, adapting locations and timing to counter smuggling routes.⁵¹ The expanded internal border controls to all land borders have received extensive criticism by NGOs and academics. Pro Asyl, for example, has criticised Germany's expanded border controls, arguing they risk violating existing laws and could lead to frequent rejections of asylum seekers who need protection.⁵² Legal scholars contend the measures are not only legally questionable but also ineffective, suggesting they serve more as a blanket approach to migration rather than a targeted security response as allowed under the Schengen Borders Code.⁵³ Concerns are growing that Germany's actions could undermine the European integration project by prompting other countries to reinstate internal borders, which could weaken mutual trust within the EU.⁵⁴

In 2023, German authorities recorded a total of 35,618 rejections of unauthorised entries at the border, with numbers rising each quarter.⁵⁵ The last quarter saw the highest count at 12,629 rejections.⁵⁶ In the

⁴⁴ Statement provided by the BAMF on 28 May 2025.

⁴⁵ Federal Government, *Reply to parliamentary question by The Left*, 20/12827, 05 September 2024, available in German [here](#).

⁴⁶ Federal Government, *Reply to parliamentary question by The Left*, 20/14902, 5 February 2025, available in German [here](#). 40.

⁴⁷ Federal Government, *Reply to parliamentary question by The Left*, 20/12827, 05 September 2024, available in German [here](#).

⁴⁸ Ibid.

⁴⁹ Dw.de, *Innenministerin Faeser verlängert Grenzüberwachung*, 8 December 2023, available in German at: <https://bit.ly/48iodYA>; European Commission, 'Temporary Reintroduction of Border Control', available at: <https://bit.ly/3HLwSGd>.

⁵⁰ Federal Ministry of the Interior and Community, 'Binnengrenzkontrollen an allen deutschen Landgrenzen angeordnet', 16 September 2024, available in German [here](#).

⁵¹ Federal Ministry of the Interior and Community, 'Binnengrenzkontrollen an allen deutschen Landgrenzen angeordnet', 16 September 2024, available in German [here](#).

⁵² Deutschlandfunk, 'Unionspolitiker beharren auf Zurückweisung von Migranten an deutschen Grenzen – Kritik von Pro Asyl', 4 September 2024, available in German [here](#).

⁵³ Evangelia Tsourdi and Eva Maria Bredler, 'Not only legally dubious but also ineffective', (*Verfassungsblog*, 27 September 2024), available [here](#).

⁵⁴ Ibid.

⁵⁵ *Response by the Federal Government to a parliamentary request by Die Linke*, 20/12827, 5 September 2024, available in German [here](#), 13.

⁵⁶ Ibid.

first half of 2024, the trend continued with 10,173 rejections in the first quarter and 11,488 in the second, totalling 21,661 rejections by mid-year.⁵⁷ Within less than one month after the increased border controls in September 2024, the Federal Police reported about 1,000 rejections of unauthorised entries.⁵⁸ The numbers also reveal that the increase in rejections at the border has coincided with a drop in registered asylum applications for people intercepted at the border: in 2023, 45% of attempted entries included an asylum application, but in the first half of 2024, this figure fell to just 23%.⁵⁹ Among those affected are many individuals from countries with high asylum recognition rates due to the risk of persecution.⁶⁰ For instance, people from Afghanistan, Syria or Iraq.⁶¹

The humanitarian crisis at the Polish-Belarusian border had effects on border-crossing into Germany in 2021, with border crossings decreasing significantly since the start of 2022. In 2021, the Federal Police registered 11,231 border crossings 'with a connection to Belarus', with the highest number of crossings reported between September and November 2021.⁶² According to the Federal Police, the main nationalities of persons crossing into Germany were from Iraq, Syria, Yemen and Iran.⁶³ Over the course of 2022, the number of unauthorised border crossings from Poland into Germany decreased, with 8,760 detected crossings,⁶⁴ but rose again at the beginning of 2023 until the end of June to 7,962 unauthorised crossings.⁶⁵ In the first six months of 2024 year, the German Federal Police registered 3,117 unauthorised entries via the "Belarus route," compared to a total of 11,932 entries in all of 2023,⁶⁶ according to government data. The primary nationalities recorded in the first half of 2024 were Afghan (1,140 cases), Syrian (725 cases), and Somali (243 cases), as stated in the government's response (20/12457) to a parliamentary inquiry from the AfD (20/12297).⁶⁷ For 2023, the main nationalities were Afghan (3,725 cases), Syrian (3,382 cases), and Indian (973 cases).⁶⁸ Migration routes leading to Germany primarily affect its eastern and southern borders, with irregular migration focusing on internal borders with Poland, the Czech Republic, Austria, and Switzerland.⁶⁹

In 2018, following a heated political debate, a new procedure was introduced which enables the Federal Police to refuse entry at the border and send persons back to Greece and Spain within 48 hours if they have previously applied for asylum there.⁷⁰ This procedure, dubbed the "Seehofer Deal" named after then German Minister of Interior, Horst Seehofer, is based on administrative regulations and special administrative readmission agreements with the two countries. These returns are therefore not based on the Dublin Regulation, but on a refusal of entry under the (national) notion of 'safe third countries' in combination with administrative arrangements concluded with other EU Member States. Since 2019, it was only applied to persons found at the Austrian German border, as this was the only border where controls continue to take place. While being heavily debated in 2018, the introduction of the new procedure had little effect in practice: between August 2018 and May 2021, only 50 persons were returned

⁵⁷ Ibid., 2.

⁵⁸ Handelsblatt, '1000 Zurückweisungen seit Einführung von Grenzkontrollen' (*Handelsblatt*, 25 October 2024), available in German [here](#).

⁵⁹ *Response by the Federal Government to a parliamentary request by Die Linke*, 20/12827, 5 September 2024, available in German [here](#), and *Response by the Federal Government to a parliamentary request by Die Linke*, 20/8274, 7 September 2023, available in German [here](#).

⁶⁰ *Response by the Federal Government to a parliamentary request by Die Linke*, 20/12827, 5 September 2024, available in German [here](#), 5.

⁶¹ Ibid., 9-10.

⁶² Federal Police, *Illegale Migration aus Belarus über Polen nach Deutschland konstant auf niedrigem Niveau: 361 Feststellungen durch die Bundespolizei seit Jahresbeginn*, 2 February 2022, available in German [here](#).

⁶³ Deutschlandfunk Kultur, 'Die neue Belarus-Route', 4 November 2021, available in German at: <https://bit.ly/3Ilgb4R>.

⁶⁴ Information provided by the Federal Police, 14 March 2023.

⁶⁵ Federal Government, *Reply to parliamentary question by The Left*, 20/8274, 07 September 2023, available in German at: <https://bit.ly/49GtKZX>.

⁶⁶ Federal Government, *Reply to parliamentary question by The Alternative for Germany*, 20/12457, 1 August 2024, available in German [here](#), 2.

⁶⁷ Ibid., 2-3.

⁶⁸ Ibid., 2.

⁶⁹ Ibid., 4.

⁷⁰ The text of the German-Spanish Administrative Arrangement is available at: <http://bit.ly/2G2IZ7E>. The text of the German-Greek Administrative Arrangement is available at: <https://bit.ly/3HkJ4Nx>.

(46 returns to Greece and 4 to Spain) on the basis of the readmission agreements with these countries.⁷¹ While no refusals of entry were carried out between May 2021 and the end of 2021 according to the Federal Police,⁷² two persons were returned to Spain each year in 2022 and 2023 and none to Greece.⁷³ Therefore, the political debate over the return procedures at the border, which had even triggered a government crisis in 2018, has been described as 'absurd' in retrospect.⁷⁴

The legality of the new procedure has been questioned by legal experts,⁷⁵ and forced returns that took place on its basis were subject to court challenges, including requests for interim measures to bring back the forcibly returned applicants. The responsible court – the administrative court of Munich – granted interim measures in urgent decisions and ordered the German Federal Police to bring back asylum seekers from Greece in two cases in 2019 and 2021.⁷⁶ The 2021 decision on interim measures states that the Dublin regulation has to be applied instead of the procedure foreseen by the administrative regulations agreements, and that the removal cannot take place without an examination by the Federal Office for Migration and Refugees, which is the competent authority for the Dublin procedure. In May 2021, the Federal Ministry of the Interior and Community stated it did not intend to change its practice and its legal assessment in light of the court decision of May 2021.⁷⁷ In October 2021, the Ministry of Interior declared its willingness to conclude a renewed agreement with Greece and to potentially reintroduce border controls at airports with flights from Greece.⁷⁸ However, the declaration occurred only weeks before the end of term of the Minister of Interior who had initiated the procedure. No information is available as to whether the new Federal government continues to apply the agreements. More information on the procedure and the legal challenges brought against it can be found in the 2019 Update to this report as well as in ECRE's assessment of transfers of asylum seekers based on these agreements.⁷⁹

On October 15, 2024 the European Court of Human Rights found in the case *H.T. v. Germany and Greece*, regarding the agreement with Greece, that the automatic removal of the applicant from Germany to Greece was unlawful, due in part to the lack of protections in administrative agreements like the Seehofer deal, which bypass essential safeguards for asylum seekers.⁸⁰ The Court underscored states' obligations to ensure that asylum seekers are protected by legal safeguards before removal.⁸¹

H.T., had filed a complaint against Germany and Greece in March 2019, arguing that his treatment and detention in Greece, along with his forced return by Germany, breached Article 3 (prohibition of torture and inhuman treatment), Article 5 (right to liberty), and Article 13 (right to an effective remedy) of the European Convention on Human Rights (ECHR).⁸² The Court found Germany violated Article 3 by failing to inform H.T. about his removal's destination, legal basis, or appeal options, while also denying him access to legal counsel and translation services. The administrative agreement with Greece lacked necessary guarantees, and Germany failed to confirm that H.T. would have effective access to asylum

⁷¹ Federal Ministry of the Interior and Community, *Response to written question by Ulla Jelpke* (The Left), 14 May 2021, available in German at: <https://bit.ly/3hmv2jp>.

⁷² Information provided by the Federal Police, 6 April 2022.

⁷³ Information provided by the Federal Police, 14 March 2024 and 14 March 2023.

⁷⁴ Süddeutsche Zeitung, *Der Streit war absurd*, 3 November 2019, available in German [here](https://www.sueddeutsche.de).

⁷⁵ A collection of statements by various experts and institutions can be found at: <https://bit.ly/2zwUPTs>. See also Anna Lübke, *Vereinbarkeit der Zurückweisungspraxis unter dem deutsch-griechischen »Seehofer-Abkommen« mit unionsrechtlichen Vorgaben zum effektiven Rechtsschutz*, 6 December 2018, available in German at: <https://bit.ly/2VyPGQq>; ECRE, *Bilateral Agreements: Implementing or Bypassing the Dublin Regulation?*, December 2018, available at: <https://bit.ly/4ar7nsJ>.

⁷⁶ Administrative Court Munich, Decision M 22 E 21.30294, 4 May 2021 – see Asylmagazin 7-8/2021, 292, available in German at: <https://bit.ly/3lD8l13>; Decision M 18 E 19.32238, 8 August 2019 – see Asylmagazin 10-11/2019, 371; available in German at: <https://www.asyl.net/rsdb/m27488/>.

⁷⁷ Federal Ministry of the Interior and Community, *Response to written question by Ulla Jelpke* (The Left), 14 May 2021, available in German at: <https://bit.ly/3hmv2jp>.

⁷⁸ Federal Ministry of the Interior and Community, 'Kabinett berät aktuelle Migrationslage', 20 October 2021, available in German at: <https://bit.ly/3JOJeUk>.

⁷⁹ AIDA, *Country Report Germany - Update on the year 2019*, July 2020, available at: <https://bit.ly/3GlPjEQ>, 20-21; See also: ECRE, *Bilateral Agreements: Implementing or Bypassing the Dublin Regulation?*, December 2018; available at: <https://bit.ly/2GgVoEf>.

⁸⁰ ECtHR, Application No 13337/19, *H.T. v. Germany and Greece*, 15 October 2024, available [here](https://www.echr.coe.int).

⁸¹ Ibid., paras 141-151.

⁸² Ibid., paras. 1-4.

and not face human rights violations in Greece. H.T.'s detention conditions in Greece were also found to violate Article 3.⁸³

1.1. Border monitoring

There is no independent border monitoring mechanism in Germany.

1.2. Legal access to the territory

On top of [family reunification](#), there are two main ways for asylum seekers to legally access the German territory: via the Government's resettlement and humanitarian admission programmes and via relocation from other EU Member States. In addition, a specific admission programme for Afghan nationals was introduced in October 2022 (see [Differential treatment of specific nationalities in the procedure](#)).

Resettlement

Since 2016, the German resettlement programme is part of Germany's contribution to the EU resettlement scheme.⁸⁴ Next to the national quota, resettlement includes admissions of Syrian refugees from Türkiye in the context of the so-called EU-Turkey statement. In addition, the Federal Government can decide on humanitarian admission programmes on an *ad hoc*, temporary basis. Such a temporary humanitarian admission programme was in place for 20,000 Syrian refugees between 2013 and 2015.⁸⁵

In the resettlement programme, UNHCR proposes refugees for resettlement to Germany. The selection process is based on admission criteria defined in the admission regulation and selection interviews of the BAMF, security interviews carried out by the security institutions and the visa procedure in responsibility of the Foreign Office.⁸⁶ Once resettled refugees arrive in Germany, they first stay in a reception centre for up to two weeks. Whereas in previous years, all resettlement refugees were first housed in the reception centre of Friedland (Lower Saxony), the resettlement guidelines for 2022 foresee housing in Friedland as well as Doberlug-Kirchhain (Brandenburg) or other facilities made available by Federal States.⁸⁷ They are then allocated to a municipality, where they are issued a residence permit which is equivalent in rights to residence permits granted to recognised refugees.⁸⁸

In 2019, the German government introduced an additional private sponsorship programme in the form of a pilot scheme with 500 additional places. In the programme called "*Neustart im Team (NesT)*" groups of at least four persons commit to accompany and support resettled refugees for at least one year and to pay for their rent for two years. This was lowered to one year on 1 July 2022.⁸⁹ The Federal government decided to make the programme permanent from 1 January 2023, with 200 places available per year. The conditions were slightly changed: groups of four people can apply to be sponsors; and in contrast to the pilot phase, they only need to pay rent (without electricity, water and heating) for one year.⁹⁰

The Federal States also run admission programmes mainly for Syrian nationals, but these are mostly geared towards family members of beneficiaries of international protection residing in the respective

⁸³ Ibid., para. 162.

⁸⁴ Federal Ministry of the Interior and Community, *Resettlement und humanitäre Aufnahmen*, available in German at: <https://bit.ly/3H4rqhK>.

⁸⁵ resettlement.de, 'Humanitarian admission programmes', available at: <https://bit.ly/3fSx62o>.

⁸⁶ Information provided by the BAMF on 28 May 2025.

⁸⁷ Federal Ministry of the Interior and Community, *Anordnung des Bundesministeriums des Innern und für Heimat für das Resettlement-Verfahren 2022 gemäß § 23 Abs. 4 des Aufenthaltsgesetzes (AufenthG) zur Aufnahme besonders schutzbedürftiger Flüchtlinge unterschiedlicher Staatsangehörigkeit oder staatenloser Flüchtlinge aus Ägypten, Jordanien, Kenia und Libanon sowie über den UNHCR Evakuierungsmechanismus in Niger (aus Libyen) vom 24.03.2022*, 24 March 2022, available in German at: <https://bit.ly/3TldpNv>.

⁸⁸ resettlement.de, 'Resettlement', available at: <https://bit.ly/3qVMD7P>.

⁸⁹ Federal Ministry of the Interior and Community, *Pilotprogramm NesT wird reguläres Aufnahmeprogramm für Flüchtlinge*, 01 July 2022, available in German at: <http://bit.ly/3zapdi5>.

⁹⁰ NeustartimTeam.de, available in German at: <https://bit.ly/49l65P8>.

Federal States (see Family Reunification). According to information provided by the BAMF, in principle, all federal states except Bavaria had implemented state admission programs for Syrians with a family connection in the respective federal states (LAP Extended Family Reunification). In 2024, these remained only in Berlin, Hamburg, Schleswig-Holstein and Thuringia. Berlin and Thuringia also carried out this form of admission programs for Afghan nationals in 2024. All admission programs on the state levels expired on 31 December 2024. Brandenburg implemented a resettlement-like program in 2021 (admission of up to 200 particularly vulnerable persons from Jordan, including war refugees and members of persecuted minorities). The program was completed in 2024. Berlin is also implementing a resettlement-like program (for the admission of up to 700 particularly vulnerable persons from Lebanon within 5 years). However, the program cannot currently be implemented due to the security situation in Lebanon.⁹¹

Year	Resettlement places pledged	Persons admitted
2016 / 2017	1,600	1,600 + 2,997* admissions through humanitarian admission programme with Türkiye in 2017
2018 / 2019	10,200	7,950*
2020	5,500	1,178 (due to Covid-related suspension)
2021	According to public sources: 485 (in addition to persons not admitted from the 2020 pledges) According to the BAMF, a total of 8,000* places were pledged in 2020/2021	According to public sources: 5,369 According to the BAMF, a total of 6,567* persons were admitted in 2020/2021
2022	6,000	According to public sources: 4,770 According to the BAMF: 5,687*
2023	6,500 ⁹²	4,665*
2024	6,540 ⁹³	4,948*

Source: Federal Ministry of the Interior and Community, 'Resettlement und humanitäre Aufnahmen', available in German at <https://bit.ly/3H4rqhK>.

Note that the website www.resettlement.de provides more detailed statistics (under 'current admissions') on every arrival that was processed through Friedland since 2015 and until the end of 2021. However, the counting differs from the Ministry of Interior, since the national and state-level humanitarian admission / family reunification programmes are also included and since the statistics only refer to persons who passed through the reception centre in Friedland. Numbers with an * come from information provided by the BAMF on 10 May 2024, 26 February 2025 and on 28 May 2025. Numbers refer to the quota of the corresponding year, not necessarily the actual year of arrival

Germany's resettlement and humanitarian intake for 2024 and 2025's combined aims were to admit a total of 13,100 refugees, with 6,540 places in 2024 and 6,560 in 2025. The program prioritises vulnerable individuals, particularly those from countries experiencing crises like Afghanistan, Syria, Sudan, and

⁹¹ This information on the state admission programs were provided by the BAMF on 28 May 2025.

⁹² BAMF, *Das Bundesamt in Zahlen 2022*, available in German at: <https://bit.ly/3vVK0I6>.

⁹³ Order of the Federal Ministry of the Interior and for Home Affairs for the resettlement procedure 2024/2025 pursuant to Section 23 (4) of the Residence Act (AufenthG) for the admission of refugees in particular need of protection of different nationalities or stateless refugees in particular from Egypt, Jordan, Kenya, Lebanon, Libya and Pakistan of April 10, 2024, available in German [here](#).

Somalia. The selection process considers protection needs, family reunification, and integration prospects, while maintaining security checks. The individuals eligible for resettlement include nationals from Afghanistan, Syria, Iraq, Sudan, South Sudan, Somalia, Yemen, Congo, Burundi, and Eritrea. Additionally, people from other countries in need of protection, as well as stateless individuals, can also be considered. Germany also has an "Unallocated Quota" for urgent cases, providing up to 50 spots per year for emergency situations⁹⁴ and cases with ties to Germany, as referred by UNHCR. This allows for resettlement from countries not previously designated for intake.⁹⁵ The resettlement places for 2024 and 2025 are allocated as follows: up to 3,240 federal resettlement spots per year for refugees currently in Egypt, Jordan, Kenya, Lebanon, Pakistan, and Libya, including up to 200 places for the "Neustart im Team (NesT)" program; up to 3,000 places for Syrian and stateless refugees from Türkiye under the EU-Turkey Agreement; up to 100 places for Berlin's state program; and 200 places for Brandenburg's state program in 2024.⁹⁶

Germany pledged a total of 6,500 resettlement places in 2023, which is higher than in previous years. Out of the 6,500 places, up to 3,000 places are allocated to the national resettlement programme, up to 200 places are foreseen for the NesT programme, up to 3,000 places are allocated for admission of Syrian nationals from Türkiye under the EU Türkiye statement, and 500 places are allocated to admission programmes of the Federal states of **Berlin** (300) and **Brandenburg** (200). A total of 4,665 people were admitted in 2023 (final numbers).⁹⁷ Out of these, 2,129 individuals were admitted under the national resettlement programmes, 438 through admission programmes of the Federal states of Berlin and Brandenburg; 16 in the scheme of the aforementioned NesT programme and 50 persons under an "unallocated quota".⁹⁸

According to information provided by the BAMF in May 2025, in 2024, a total of 2,513 individuals were admitted through resettlement procedures (§ 23 IV of the Residence Act (AufenthG) under the 2024 quota. The primary countries of first admission for resettlement under the 2024 quota were Egypt (1020 persons), Jordan (440), Kenya (870) and Libya (132, via ETM Rwanda). Additionally, 51 individuals entered Germany under the "Unallocated Quota" from various countries.⁹⁹ Under the humanitarian admission procedure pursuant to § 23 II AufenthG, 2,277 individuals arrived from Türkiye, while 999 persons entered through the federal admission program from Pakistan. As more individuals from the 2023 quota are expected to arrive throughout 2024, the final number of admissions from the 2023 procedure remains undetermined as of February 2025.¹⁰⁰

For humanitarian admission programmes for Afghanistan, see [Differential treatment of specific nationalities in the procedure](#).

Relocations

Germany has relocated a (small) number of asylum seekers from other EU Member states based on temporary and ad hoc agreements over the last years. In March 2020, Germany agreed to admit 243 minors from Greece based on an agreement of a 'coalition of the willing' at EU level. Following the fire in the Moria camp on the Greek island of Lesbos, the government agreed to admit an additional 150 unaccompanied minor refugees and 1,553 persons in family groups.¹⁰¹ A total of 210 unaccompanied minors from Greece were relocated to Germany in 2020.¹⁰² In total, 2,812 persons were admitted between

⁹⁴ *Ibid.*

⁹⁵ *Ibid.*, 2.

⁹⁶ Federal Ministry of the Interior and Home Affairs, 'Resettlement - Resettlement of persons in need of protection', available in German [here](#).

⁹⁷ Information provided by the BAMF on 28 May 2025.

⁹⁸ *Ibid.*

⁹⁹ Information provided by the BAMF on 28 May 2025.

¹⁰⁰ Information provided by the BAMF on 26 February 2025.

¹⁰¹ BAMF, *Migrationsbericht 2020 der Bundesregierung*, December 2021, available in German at: <https://bit.ly/3nTDv1J>, 22.

¹⁰² Reply of the Parliamentary State Secretary for the Ministry of the Interior to a question by Gökay Akbulut (The Left), 19/25159, 11 December 2020, available in German at: <https://bit.ly/3FXPlsn>, 11.

April 2020 and the end of 2021.¹⁰³ In 2022, admissions for persons rescued at sea continue on a case-by-case basis. As of May 2022, a total of 936 persons were admitted since the summer of 2018.¹⁰⁴ In August 2022, Germany pledged to admit 3,500 persons from Italy under the new EU Solidarity mechanism initiated by the French Council presidency.¹⁰⁵ A total of 212 were admitted to Germany through this mechanism in 2022 according to the BAMF.¹⁰⁶ Additionally, 876 persons were relocated under this scheme from Italy, Cyprus and Spain until April 2023.¹⁰⁷

According to information provided by the BAMF in February 2025, Germany committed on June 22, 2022, to accepting a total of 3,500 asylum seekers as part of the voluntary solidarity mechanism, aimed at supporting EU member states most affected by arrivals via the Mediterranean route. In this context, a total of 584 individuals were transferred to Germany in 2024, including 567 from Cyprus and 17 from Spain. Between January 1 and December 31, 2024, a total of 853 decisions were made on asylum applications from individuals who had been relocated to Germany under the voluntary European solidarity mechanism. These decisions may also include cases of individuals who were transferred in the previous year but whose asylum applications were processed within the requested period.¹⁰⁸

Humanitarian visas

According to the EU Visa Code, a visa with limited territorial validity can be issued by Member States when they consider it necessary on humanitarian grounds, for reasons of national interest or because of international obligations even if the conditions for issuing a uniform Schengen visa are not fulfilled (Article 25 paragraph 1a of the Visa Code). Germany however does not issue humanitarian visas in the context of asylum applications. For visas issued in the context of evacuations from Afghanistan see [Differential treatment of specific nationalities in the procedure](#).

2. Preliminary checks of third country nationals upon arrival

Indicators: Preliminary checks at the arrival point

1. Are there any checks that are applied systematically or regularly at the point of entry when a person enters the territory? ☒ Yes ☐ No
2. Is the person considered under law to have entered the territory during these checks? ☐ Yes ☒ No

In Germany, preliminary checks at the border differ depending on whether individuals are entering through Schengen external or internal borders. At external borders, third-country nationals must undergo checks when entering Germany, especially if they do not meet entry requirements such as having valid visas or residence permits, as outlined in §13 AufenthG. For Schengen internal borders, routine checks are not conducted; however, temporary border controls can be reintroduced in specific situations, such as threats to public safety, as provided by Art. 25 Schengen Border Code. Additionally, those entering irregularly or violating entry conditions can be subject to checks or refusal of entry as per §14 and §15 AufenthG.

The Federal Police is in charge of conducting these preliminary checks. Third-country nationals entering Germany by air or sea from non-Schengen countries have traditionally been subject to continuous

¹⁰³ BAMF, Migrationsbericht 2020 der Bundesregierung, December 2021, available in German at: <https://bit.ly/3nTDv1J>, 22.

¹⁰⁴ BAMF, *Das Bundesamt in Zahlen 2021*, 20 September 2022, available in German at: <https://bit.ly/3k0wtZy>, 79. A detailed overview of rescues with a pledge of admission by Germany and the number of persons rescued and relocated to Germany is available in a parliamentary request of April 2022: Federal Government, *Response to information request by The Left*, 20/1316, 6 April 2022, available in German at: <https://bit.ly/3v9GObt>, 10 et seq.

¹⁰⁵ Infomigrants, *Germany to take in migrants from Italy under EU solidarity mechanism*, 10 August 2022, available at: <https://bit.ly/3LOovyB>.

¹⁰⁶ Information provided by the BAMF, 9 March 2023.

¹⁰⁷ BAMF, *Das Bundesamt in Zahlen 2022*, available in German at: <https://bit.ly/3vVK0I6>.

¹⁰⁸ Information provided by the BAMF on 26 February 2025.

checks.¹⁰⁹ Additionally, within a 30-kilometer radius of the border, random checks on people and vehicles are conducted as part of security measures. This practice, known as "veil hunting," is carried out by both federal and state police. Border checks and surveillance can occur by land, sea, or air, including at international airports, ports, and train stations near borders. States like Bavaria also maintain their own border police, particularly at airports and for regional checks. The checks generally take place on highways, rural roads, at border-crossing train stations, and airports. The locations and duration of these controls may vary, and not all border crossings are subject to uniform checks. The intensity of the controls will differ regionally.¹¹⁰

In preliminary border controls, the Federal Police checks the validity of identity and travel documents such as passports or national ID cards. Travelers may also be questioned about the purpose and duration of their stay, particularly when entering non-EU countries, and may need to provide supporting documents like hotel reservations. Vehicles, including registration and insurance, are inspected, as well as baggage for illegal or restricted items. In some cases, health checks, such as proof of vaccinations, are required, especially when traveling to countries with specific health risks.¹¹¹

There is no maximum time limit by which the checks must be completed.

The checks occur at the border, using the fiction of non-entry, or at airports. Germany applies systematic border checks at both land borders and airports. Effective September 16, 2024, border checks were implemented at all land borders¹¹² (see [Access to the territory and push backs](#)). They extend to countries including France, Luxembourg, the Netherlands, Belgium, and Denmark. This expansion builds upon existing controls at borders with Austria, Switzerland, the Czech Republic, and Poland. The policy may be extended beyond March 2025, depending on developments.

According to Section 13(2) of the Residence Act (AufenthG), a person is legally considered to have entered Germany only after passing through an authorised border crossing point. The mere crossing of the state border does not constitute entry unless the designated crossing point is passed. If a person is temporarily allowed to pass the crossing point for specific purposes, such as awaiting a decision on deportation, legal entry has not yet occurred. Similarly, under Section 18a of the Asylum Act (AsylG), travellers in transit areas at airports are not considered to have entered Germany legally until border controls are completed.¹¹³

The preliminary checks do not entail particular restriction of the freedom of movement or detention, neither in law nor in practice. Applicants during the preliminary checks are allowed to leave the transit zone to the country they entered from.

The outcomes of preliminary checks at the German border may include entry, entry for the examination of an asylum application, or entry for determining which state is responsible for processing the asylum request. A direct refusal of entry or deportation is typically not possible if asylum is requested at the border or within Germany, as the Dublin procedure must first determine the responsible country. Deportation or refusal is only considered if no asylum request is made or if a request has already been definitively rejected in Germany. The refusal of entry ("Zurückweisung") is solely the responsibility of border control authorities under § 71 Abs. 3 Nr. 1 of the German Residence Act (AufenthG). It does not require a prior administrative act, such as a warning or deadline. However, the refusal itself constitutes an administrative

¹⁰⁹ Bundeszentrale für Politische Bildung 'Border Controls when Entering Germany', 25 September 2024 available in German [here](#).

¹¹⁰ Ibid.

¹¹¹ Bundeszentrale für Politische Bildung, 'Border Controls when Entering Germany', 25 September 2024 available in German [here](#).

¹¹² Federal Ministry of the Interior and Home Affairs, 'Internal border controls ordered at all German land borders', 16 September 2024, available in German [here](#).

¹¹³ For further assessment see in German: Research Service, German Bundestag, *On the fiction of non-entry pursuant to Section 13 (2) of the Residence Act and on the airport procedure under Section 18a of the Asylum Act*, WD 3 - 3000 - 255/18, 2018, available in German [here](#).

act (*Verwaltungsakt*) as it involves a legal regulation under § 35 Abs. 1 VwVfG. This means it is subject to the legal framework governing administrative actions, including the possibility of legal challenges.

People seeking protection can apply for asylum regardless of identity checks at the German border. To initiate an asylum procedure, it is sufficient to state in writing, verbally or in any other way to a federal police officer that you are seeking asylum.¹¹⁴ Although German asylum law cannot be invoked by anyone entering Germany from an EU member state or a safe third country (Article 16 (2) of the Basic Law), it must first be determined which member state is actually responsible for the asylum procedure. This is checked in the Dublin III procedure, which is an upstream part of the German asylum procedure (see [Dublin](#)). To carry out this procedure, the asylum applicant is therefore first admitted to Germany.

During preliminary border checks at the airport, if a third-country national expresses the intention to apply for asylum, they may be subject to a special procedure. This is known as the "airport procedure" where the asylum claim is processed while the individual remains in the transit area. For a decision on the asylum claim to be taken in the airport procedure under Section 18a Asylum Act, the applicant must: not possess a passport/passport substitute or be from a safe country of origin, accommodation on the airport premises must be possible. The only decision the BAMF can take in the airport procedure is to reject the asylum application as manifestly unfounded within two days. Otherwise, the Federal Police (BPOL) must allow the foreigner to enter the country. If the BAMF rejects the asylum application as manifestly unfounded within the 2-day deadline, the BPOL issues a rejection decision (*Zurückweisungsentscheidung*) against the person. The person can challenge the BPOL's rejection decision and, incidentally, the BAMF's asylum decision, before the competent administrative court through expedited legal channels. Moreover, legal aid and thus legal representation in urgent legal protection proceedings in the airport procedure is available free of charge to the person.¹¹⁵

3. Registration of the asylum application

Indicators: Registration

- | | |
|---|---|
| 1. Are specific time limits laid down in law for making an application?
❖ If so, what is the time limit for lodging an application? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 2. Are specific time limits laid down in law for lodging an application?
❖ If so, what is the time limit for lodging an application? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 3. Are registration and lodging distinct stages in the law or in practice? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 4. Is the authority with which the application is lodged also the authority responsible for its examination? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 5. Can an application be lodged at embassies, consulates or other external representations? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

3.1. Making and registering the application

Asylum seekers can make an asylum request (*Asylgesuch*) at the border and are obliged to do so if they do not have the necessary entry documents, in accordance with § 13(3) of the Asylum Act (AsylG), which refers to § 18 AsylG. However, they cannot lodge a formal asylum application (*Asylantrag*) at the border. Instead, they must be referred to an initial reception centre, where the formal asylum procedure is initiated.

¹¹⁴ Informationsverbund Asyl und Migration, 'Grenzkontrollen', February 2023, available in German [here](#).

¹¹⁵ For details see: Research Service, German Bundestag, *Questions on the airport asylum procedure according to § 18a AsylG, Implications of the decisions of the European Court of Justice on Hungarian and Lithuanian transit zones at land borders*, 2022, available in German [here](#). This explanation is also based on input provided by the BAMF on 28 May 2025.

The border police register their personal data and informs both the BAMF and the reception centre.¹¹⁶ Irrespective of special regulations which apply in the border region only (see [Access to the territory and push backs](#) for details), most applications are made by asylum seekers who have already entered the territory. Under these circumstances the law obliges asylum seekers to 'immediately' report to a 'reception facility' (*Aufnahmeeinrichtung*). Alternatively, they can report to a police station or to an office of the foreigners' authorities, in which can they have to report to the nearest reception facility as soon as possible.¹¹⁷ At this stage of initial registration, personal data including photographs and fingerprints are collected and stored in the 'Central Register of Foreigners' (*Ausländerzentralregister (AZR)*), to which a number of public authorities have access.¹¹⁸ The authorities can initiate checks with police and secret service agencies at this stage to check for entries indicating crimes on the basis of which international protection is to be denied or in connection to terrorism.¹¹⁹ Following this first contact with the authorities, the asylum application has to be made 'immediately'. There is no strict definition of an 'immediate' application and there are no exclusion rules for applications which are filed at a later date. However, it is established case law that the application should be filed after a maximum of two weeks unless in exceptional circumstances.¹²⁰ Delay in filing the application may be held against the asylum seeker during the asylum procedure if no reasonable justification for the delay is brought forward.

Once asylum seekers have reported to the 'reception facility' mentioned above, they must be issued an 'arrival certificate' (*Ankunftsachweis*). Afterwards, the responsible branch office of the BAMF is determined with the help of distribution system known as Initial Distribution of Asylum Seekers (*Erstverteilung der Asylbegehrenden*, EASY). This distribution system allocates places according to a quota system known as '*Königsteiner Schlüssel*' based on the reception capacities of the Federal States. These capacities are determined by taking into account the size and the economic strength of the Federal States. Furthermore, the EASY-system takes into account which branch office of the BAMF deals with the asylum seeker's country of origin (see section on [Freedom of Movement](#)).¹²¹ It is possible that the EASY-system assigns a place in the facility to which asylum-seekers have reported. In this case, they are referred to the BAMF office, often located on the same premises or nearby, for the registration of the asylum application. If the EASY-system assigns a facility located in another region, asylum-seekers are transported to this facility or are provided with tickets to travel there on their own.

While the BAMF is responsible for the processing of the asylum application, responsibility for the reception and accommodation of asylum-seekers lies with the Federal States. Therefore, the regional branch offices of the BAMF are usually assigned to an initial reception centre managed by the Federal State. Both branch office and initial reception centre may in turn be parts of an 'arrival centre' (*Ankunftszentrum*) or of an 'AnkER-centre' (*AnkER-Zentrum*). The organisational structure and the denomination of these institutions depends on the way the Federal States have organised the reception system and how they cooperate with the BAMF at the respective location (see [Housing](#)).

Only the BAMF is entitled to register an asylum application. Hence asylum seekers reporting to the police or to another authority will be referred to the BAMF and they do not have the legal status of asylum seekers as long as they have not arrived at the responsible branch office of the BAMF and until their applications have been lodged. However, persons with an arrival certificate (*Ankunftsachweis*) are also entitled to minimum benefits according to the Asylum Seekers' Benefits Act. Asylum seekers are obliged to appear in person without delay or on the date determined by the authorities at the responsible branch office of the BAMF. Asylum seekers who fail to comply with this obligation face the sanction of 'failure to pursue' the asylum procedure: in such cases, a decision to discontinue the examination of the application is issued. The asylum procedure thus can be abandoned before it has begun, due to a lack of

¹¹⁶ A collection of documents used by the authorities and information handed out to asylum seekers at this stage is available on the BAMF website in several languages: <https://bit.ly/3XGnpYs>.

¹¹⁷ Section 13 Asylum Act, Section 20 asylum Act.

¹¹⁸ BAMF, *Arrival and registration*, available at: <https://bit.ly/3ltgFpW>.

¹¹⁹ Section 73 Residence Act

¹²⁰ Federal Administrative Court (BVerwG), *Decision 9 C35.96*, 13 May 1197, available in German at: <https://bit.ly/3NyYB25>.

¹²¹ BAMF, *Asylum and refugee protection*, available at: <http://bit.ly/40i7UaK>.

registration.¹²² An applicant whose asylum procedure has been discontinued may apply for the proceedings to be reopened in certain circumstances.¹²³ As a result of the increasing number of asylum seekers since September 2022, the BAMF experienced some delays in registering asylum applications in the autumn of 2022. According to the BAMF, measures have been taken to remedy this situation.¹²⁴ During 2023, the number of asylum application registrations (*Asylerstanträge*, 329,120) was continuously higher than the number of applications made (*Asylgesuche*, 324,636), thus the backlog is being made up for.¹²⁵

In 2024, the BAMF received 229,751 first-time asylum applications and 21,194 subsequent applications. Compared to the previous year, first-time applications decreased by 30.2%, while subsequent applications dropped by 7.0%. In 2023, a total of 351,915 asylum applications were submitted in Germany.¹²⁶

If a person expresses the intention to seek asylum in a detention centre, the application is filed in written form to the BAMF, who then designates the responsible branch office (for more details see [Legal framework of detention](#)).¹²⁷

3.2. Lodging the application

Once they arrive in the responsible branch office of the BAMF, which may be a part of an arrival centre or an AnKER centre, asylum seekers lodge their application with the BAMF. Following the lodging of the application, they are issued a 'permission to stay for asylum seekers' (*Aufenthaltsgestattung*). With this document, the arrival certificate ceases to be valid and must be retracted by the authorities.

While the application generally must be lodged in person, the outbreak of the Covid-19 pandemic has brought about significant changes in the application procedure. Lodging of applications in person was temporarily suspended at the beginning of the pandemic in favour of written submissions, and then resumed, first with specific hygienic measures and then as before. Nonetheless, applications via written form were still possible as of early 2022 if this is necessary to comply with infection protection regulations.¹²⁸ As of early 2023, this is still possible based on an agreement between the BAMF branch office and the respective initial reception centre, according to information provided by the BAMF.¹²⁹

Use of digital tools in the asylum procedure

Since 2015, the BAMF has gradually increased the number and use of digital tools for establishing the identity and country of origin of applicants at the registration or lodging stage under what it calls 'integrated identity management'.¹³⁰ Four tools are being used:

- ❖ Reading out of mobile devices such as smartphones
- ❖ Language/dialect detection software
- ❖ Image biometrics

¹²² Sections 20, 22 and 23 Asylum Act.

¹²³ Section 33, para. 5 Asylum Act.

¹²⁴ Federal Government, *response to written question by Clara Bünger* (The Left), 20/5137, 6 January 2023, available in German at: <https://bit.ly/40Yupln>, 29.

¹²⁵ Federal Government, *response to information request by The Left*, 20/8222, 05 September 2023, available in German at: <https://bit.ly/48E1rL3>; BAMF, *Das Bundesamt in Zahlen 2023*, 8 March 2023, available in German at: <https://tinyurl.com/2d97wc7y>.

¹²⁶ Federal Office for Asylum and Migration, *Asylzahlen Gesamtjahr und Dezember 2024*, 09 January 2025, available in German [here](#).

¹²⁷ Section 14(2) Asylum Act.

¹²⁸ Information provided by the BAMF, 10 March 2022.

¹²⁹ Information provided by the BAMF, 9 March 2023.

¹³⁰ For an extensive overview of data collection and management in the German asylum procedure see Janne Grote, *Accurate, timely, interoperable? Data management in the asylum procedure in Germany*, Study by the German National Contact Point for the European Migration Network (EMN), Working Paper 90 of the Research Centre of the Federal Office for Migration and Refugees, February 2021, available at: <https://bit.ly/3Y993A0>.

❖ Transcription of names¹³¹

If any of these give indications that the identity or country of origin of an applicant might be different from what they report, this is to be clarified during the personal interview. Reading out of mobile devices, language detection and name transcription are not used in cases where an entry is found in the VIS-database on Schengen visa, since this is regarded as sufficient proof of identity.¹³² According to the BAMF, specifically, if a VIS-hit is shown as part of the central register of foreigners (AZR) comparison and a visa has been issued, or if according to the AZR, the passport/passport replacement document or other suitable proof of identity has been retained by another authority and its authenticity has been entered in the AZR, this procedure is not carried out.¹³³

The reading out of mobile devices is possible in cases where applicants do not provide identity documents or where there are indications that the documents provided are falsified.¹³⁴ It can only be performed by persons qualified to be judges (i.e. with two completed law exams), who decide whether to share the obtained data with the responsible case officer. The obtained information can only be used to establish identity or country of origin, and not for other purposes during the asylum procedure.¹³⁵ The types of data that are used as indications for country of origin or identity are geolocation data, the countries to which the majority of phone calls are made, the language of communication, the countries in which the saved contacts are located, or the domain host country of frequently used websites.¹³⁶

If an applicant refuses to hand out their smartphone, the BAMF considers the application to be withdrawn and ends the asylum procedure. For subsequent applications, failure to hand out one's smartphone can be used as a ground to withdraw material benefits, as these can be reduced for applicants who fail to cooperate with authorities (see [Reduction or withdrawal of reception conditions](#)). However, reading out of smartphones is only done in these cases when the BAMF intends to conduct an interview with the applicant.¹³⁷

On 16 February 2023, the Federal Administrative Court ruled against the practice of screening applicants' smartphones, after the *Gesellschaft für Freiheitsrechte* (GFF, an NGO focused on strategic litigation for fundamental and civic rights) had filed several lawsuits.¹³⁸ The Federal Administrative Court ruled that the practice of reading out data from mobile devices to establish asylum seekers' identities was not lawful under the then applicable version of § 15a of the Asylum Act, particularly when less intrusive means, such as official documents (e.g., marriage certificates), register comparisons, or inquiries with translators, were available. However, with the Return Act of 21 February 2024, the legal framework was amended, specifically § 48 and § 8(1c) of the Residence Act, now explicitly allowing the reading of data carriers, but only if no milder means are available. The law has been heavily criticised by NGOs¹³⁹ as infringing upon people's fundamental rights of privacy and informational autonomy.

¹³¹ BAMF, *Dienstanweisung Asyl* (internal directive for asylum procedures), version of January 2023, available in German at: <https://bit.ly/3J5jPTA>, 307.

¹³² BAMF, *Dienstanweisung Asyl* (internal directive for asylum procedures), version of January 2023, available in German at: <https://bit.ly/3J5jPTA>, 307.

¹³³ Information provided by the BAMF on 28 May 2025.

¹³⁴ Section 15a Asylum Act, BAMF, *Dienstanweisung Asyl* (internal directive for asylum procedures), version of January 2023, available in German at: <https://bit.ly/3J5jPTA>, 307.

¹³⁵ BAMF, *Dienstanweisung Asyl* (internal directive for asylum procedures), version of January 2023, available in German at: <https://bit.ly/3J5jPTA>, 308.

¹³⁶ BAMF, *Dienstanweisung Asyl* (internal directive for asylum procedures), version of January 2023, available in German at: <https://bit.ly/3J5jPTA>, 314.

¹³⁷ BAMF, *Dienstanweisung Asyl* (internal directive for asylum procedures), version of January 2023, available in German at: <https://bit.ly/3J5jPTA>, 310.

¹³⁸ Federal Administrative Court, Case 1 C 19.21, 16 February 2023. A summary of the decision can be found at <http://bit.ly/4Or5Jlh>. See also GFF, *BAMF-Handydaten-auswertungen*, available in German at: <http://bit.ly/3kVPBZo>.

¹³⁹ Gesellschaft für Freiheitsrechte, *Bundesregierung plant Ausweitung von Handyauslesungen bei Geflüchteten trotz Urteil des Bundesverwaltungsgerichts*, 17 November 2023, available in German at: <https://bit.ly/3SNm6Gp>; Netzpolitik.org, *Anwalts-Netzwerk hält Abschiebegesetz für verfassungswidrig*, 30 November 2023, available in German at: <https://bit.ly/42LUxlq>.

At the same time, as a report of the Organization Netropolitik.org revealed, German federal states are investing significant funds in software to extract and analyse data from the mobile phones of individuals obligated to leave the country. For instance, Bavaria's State Office for Asylum and Repatriation spends approximately € 200,000 annually on licenses from Cellebrite, an Israeli digital forensics company. Other states, including Baden-Württemberg, Rhineland-Palatinate, North Rhine-Westphalia, and Lower Saxony, have also acquired similar tools. These tools are used to uncover digital evidence of identity or nationality, especially when individuals lack valid identification documents. However, experts question the effectiveness of these measures and raise concerns about potential violations of fundamental rights, labelling such practices as "pure harassment."¹⁴⁰

Language or dialect detection software can also only be used when no identity documents are provided, and only for applicants older than 14 years.¹⁴¹ Applicants have to speak into a telephone, and a speech analysis software then produces a report on the languages or dialects detected and the probability that these were indeed the spoken languages or dialects. As for smartphone screening, the results can never be used as proof of identity or country of origin, but merely as indications which will be raised during the personal interview in cases where the reports contradict the information given by the applicant. According to BAMF internal guidelines, as of January 2023 speech recognition is used for the main Arabic dialects (Maghrebi Arabic, Egyptian, Iraqi, Levantine and Gulf) and for Dari, Pashto and Persian.¹⁴² As of August 2022, the detection rate for these languages and dialects was around 80% for Arabic dialects, ca. 73% for Dari and ca. 77% for Pashto.¹⁴³ Such a speech and dialect recognition software has been used for 29,632 cases in 2022 and for 22,947 cases from January until end of June 2023. The recognition rate for Arabic dialects rose to 87 % in 2023.¹⁴⁴ According to the Federal Government, in the first half of 2024, the dialect and language recognition software was used in 2,431 cases.¹⁴⁵ During this period, the accuracy of the reports improved, with 91% supporting the applicants' claims about their origin and 9% not supporting them. It is noted that the data is manually recorded and therefore has limited reliability, with absolute numbers not being disclosed for the 2024 breakdown. The results are included in the procedural files of applicants and serve as one of many indicators to guide decision-makers in formulating specific questions regarding the applicants' origins during hearings.

The use of language detection software has been subject to criticism by NGOs and the opposition parties, who highlight that detection tools can be inaccurate especially for Arabic dialects in countries with a high number of local languages. In 2022, the software was found to perform poorly especially for Arabic dialects in countries with a high number of local languages, such as Yemen or Sudan, and it was highlighted that the amount of training data for the artificial intelligence varied significantly between languages, leading to likely more accurate predictions for some languages than others.¹⁴⁶ According to the BAMF, it has to be noted in this context that only applicants who speak one of the major Arabic dialects (Maghreb, Egyptian, Iraqi, Levantine and Gulf) are eligible for the use of language analysis for Arabic dialects.¹⁴⁷ The authority further stresses, regarding fears as to the overreliance on the detection tools by caseworkers,¹⁴⁸ that according to the official internal guidelines of the BAMF, which asylum officers are required to follow, the

¹⁴⁰ Netropolitik.org, 'Hunderttausende Euro, um Handys von Geflüchteten zu knacken', 24 May 2024, available in German [here](#).

¹⁴¹ BAMF, *Dienstanweisung Asyl* (internal directive for asylum procedures), version of January 2023, available in German at: <https://bit.ly/3J5jPTA>, 317. For an overview in English see EMN/OECD, *The Use of Digitalisation and Artificial Intelligence in Migration Management*, February 2022, available at <https://bit.ly/3HqCdnv>, 9.

¹⁴² BAMF, *Dienstanweisung Asyl* (internal directive for asylum procedures), version of January 2023, available in German at: <https://bit.ly/3J5jPTA>, 317.

¹⁴³ Federal Government, *response to parliamentary question by The Left*, 20/3238, 31 August 2022, available in German at: <https://bit.ly/41vbFLv>, 10.

¹⁴⁴ Federal Government, *reply to parliamentary request by The Left*, 20/9419, 17 November 2023, available in German at: <https://bit.ly/48q5wSX>.

¹⁴⁵ German Bundestag, *Printed matter 20/12372, Written questions with the answers received in the week of July 22, 2024 received from the Federal Government*, 26 July 2024, available in German [here](#).

¹⁴⁶ See netropolitik.org, *BAMF weitert automatische Sprachanalyse aus*, 5 September 2022, available in German at: <http://bit.ly/3HjD8Gq>.

¹⁴⁷ Information provided by the BAMF on 28 May 2025.

¹⁴⁸ See netropolitik.org, *BAMF weitert automatische Sprachanalyse aus*, 5 September 2022, available in German at: <http://bit.ly/3HjD8Gq>.

results of the Dialect and Language recognition System (DIAS) evaluation merely have indicative value regarding an applicant's claimed country of origin, and must not be used as the sole criteria for granting or denying protection status. The outcome of a DIAS analysis is to be evaluated together with all other available information when determining an applicant's country of origin. According to the BAMF, if the DIAS result suggests a language different from the one stated by the applicant, it can help guide the asylum officer during the personal interview in formulating specific follow-up questions aimed at clarifying the applicant's country of origin.¹⁴⁹

The system was introduced in 2017. The Federal Office for Migration and Refugees has commissioned a scientific evaluation of the DIAS system in cooperation with the Nuremberg Institute of Technology (Technische Hochschule Nürnberg Georg Simon Ohm). As of May 2025, this study is now in its final stages.¹⁵⁰

In addition, the BAMF has been piloting the use of blockchain technology to improve communication in the asylum procedure in the AnKER facility in Dresden since April 2021.¹⁵¹

C. Procedures

1. Regular procedure

1.1. General (scope, time limits)

Indicators: Regular Procedure: General

1. Time limit set in law for the determining authority to make a decision on the asylum application at first instance: 6 months
2. Are detailed reasons for the rejection at first instance of an asylum application shared with the applicant in writing? ☒ Yes ☐ No
3. Backlog of pending cases at first instance of 31 December 2024: 212,656 asylum cases pending¹⁵²
4. Average length of the first instance procedure in 2024: 8.7 months. This figure encompasses both initial and subsequent applications across the entire country¹⁵³

The legal basis for the regular asylum procedure can be found in the Asylum Act. The competent authority for the decision-making in asylum procedures is the BAMF. Next to asylum, its functions and duties include coordination of integration courses, voluntary return policies, and other tasks such as research on general migration issues. The BAMF also acts as national administration office for European Funds in the areas of refugees, integration and return (see [Number of staff and nature of the first instance authority](#)).

Time limits

The general time limit for the BAMF to decide on an application is six months.¹⁵⁴ The relevant provision was changed with the 2022 Act on the acceleration of asylum court proceedings and asylum procedures¹⁵⁵ and now closely mirrors Art. 31 of the EU APD. If no decision has been taken within 6 months, the BAMF

¹⁴⁹ Information provided by the BAMF on 28 May 2025.

¹⁵⁰ Ibid.

¹⁵¹ EMN/OECD, *The Use of Digitalisation and Artificial Intelligence in Migration Management*, February 2022, available at: <https://bit.ly/3HqCdnv>, 8.

¹⁵² BAMF, *Asylzahlen Gesamtjahr und Dezember 2024*, January 2025, available in German [here](#).

¹⁵³ BAMF, *Aktuelle Zahlen*, January 2025, available in German [here](#).

¹⁵⁴ Section 24(8) Asylum Act.

¹⁵⁵ Official Gazette I no. Nr. 56 (2022) of 28 December 2022, 2817.

must notify asylum seekers upon request about when the decision is likely to be taken.¹⁵⁶ The time limit can be extended to a maximum of 15 months if:

- ❖ Complex issues of fact and/or law arise,
- ❖ A large number of foreigners simultaneously apply for international protection, making it especially difficult in practice to conclude the procedure within the six-month time limit,
- ❖ Where the delay can clearly be attributed to the failure of the applicant to comply with their obligations in the asylum procedure (Section 15 Asylum Act),¹⁵⁷

The time limit of 15 months can be extended for another 3 months in exceptional cases where this is necessary to ensure an adequate and complete examination of the application.¹⁵⁸ In line with Art. 31(5) EU APD, the new provision equally sets an absolute time limit of 21 months.¹⁵⁹

In addition, and mirroring Art. 31 (4) APD, the 2022 reform introduces the possibility to postpone the decision due to a temporarily uncertain situation in the country of origin. In such cases, the Federal Office shall review the situation in the country of origin at least every six months. The Federal Office shall inform the applicants concerned within a reasonable period of time of the reasons for postponing the decision and shall also inform the European Commission of the postponement of decisions.¹⁶⁰

In line with Art. 31 (3) APD, the 2022 reform also clarified that the starting time for the 6 months is the formal lodging of the asylum application. In Dublin cases, the starting time is the moment in which Germany's responsibility to examine the claim is established, or, if the applicant is not on German territory at this point in time, the date of transfer to Germany.¹⁶¹

In 2024, the Federal Office for Migration and Refugees reported that the average processing time for asylum applications in Germany was 8.7 months (up from 6.8 months in 2023).¹⁶² This figure encompasses both initial and subsequent applications across the entire country.¹⁶³ Between 2022 and 2023 the BAMF has changed the way it calculates the duration with the entry into force of the 2022 reform: since January 2023, duration is counted from the moment at which Germany becomes responsible for the asylum procedure,¹⁶⁴ and no longer from the moment the application is formally lodged. This is relevant since especially the Dublin procedure to determine the responsible Member State may take up a considerable amount of time. In 2023, the average duration of the Dublin procedure was 3.1 months, meaning that overall, the procedures were longer, not shorter, in 2023.¹⁶⁵ In 2021, the average duration was 6.6 months; 8.3 months in 2020. The average time of asylum court procedures was 21.3 months between January and the end of August 2023, compared to 26.1 in 2022 (January – November) and 26.5 months in the year 2021.¹⁶⁶ In the first half of 2023, the average time from the asylum application to a

¹⁵⁶ Section 24(8) Asylum Act.

¹⁵⁷ Section 24(4) Asylum Act.

¹⁵⁸ Section 24(4) Asylum Act.

¹⁵⁹ Section 24(7) Asylum Act. This was recently reaffirmed in a ruling by the Administrative Court of Stuttgart, A 7 K 2324/24, *Applicant v Federal Office for Migration and Refugees*, 10 July 2024, available in German [here](#), in the case of an applicant having been granted international protection in Greece and applying for asylum in Germany. The BAMF had not issued an inadmissibility decision due to a potential violation of Article 3 ECHR in returning the applicant to Greece, but had not decided on the substance of the protection claim in Germany either. The court, after recognising that 21 months had passed, ordered the BAMF to decide on the asylum application within 3 months.

¹⁶⁰ Section 24(5) Asylum Act.

¹⁶¹ Section 24(6) Asylum Act.

¹⁶² BAMF, *Aktuelle Zahlen*, December 2023, available in German at: <https://bit.ly/3T3N1PA>, 13.

¹⁶³ BAMF, *Aktuelle Zahlen*, January 2025, available in German [here](#).

¹⁶⁴ BAMF, *Aktuelle Zahlen*, December 2023, available in German at: <https://bit.ly/3T3N1PA>, 13.

¹⁶⁵ Federal Government, *Response to parliamentary question by the CDU*, 2010869, 27 March 2024, available in German at: <https://bit.ly/3TTUfVx>, 25.

¹⁶⁶ Federal Government, *Response to parliamentary question by The Left*, 20/9933, 28 December 2023, available in German at: <https://bit.ly/42NJDMA>, 17, 20/5709, 17 February 2023, available in German at: <https://bit.ly/3K3w3MX>, 37 and 20/2309, 17 June 2022, available in German at: <https://bit.ly/3ni6gYk>, 43.

non-appealable decision was 18.1 months, compared to 20.8 months in 2022. This includes the first instance procedure and the court procedure in cases where an appeal is filed.¹⁶⁷

For the period 2016 to 2023 statistics show significant variation in length of procedures, depending on the countries of origin of asylum seekers and on the decision practice in the BAMF.¹⁶⁸ In 2017, the average duration was higher as the BAMF dealt with a high backlog of cases on which it eventually decided in 2017.¹⁶⁹ In 2020, the average length increased as a result of the Covid-19 lockdown according to the BAMF.¹⁷⁰

According to information provided by the BAMF in February 2025, the average processing time for asylum procedures initiated within the past twelve months ("Jahresverfahren") was 4.3 months in January 2025, and these accounted for nearly 50% of all procedures. For the year 2024, the average duration for these cases was 4.7 months, with Jahresverfahren making up 70% of all decided cases. In contrast, the overall processing time for both initial and subsequent applications across Germany reached 12.0 months in January 2025, a sharp increase compared to 8.7 months in 2024. This rise is attributed to a statistical effect, as the BAMF has prioritised reducing the backlog of long-pending cases, meaning that many of the cases processed in early 2025 were not newly submitted applications. This shift is also reflected in the decreased share of *Jahresverfahren* among all decided cases in January 2025 compared to the previous year. Given the BAMF's continued focus on reducing the backlog and the currently lower number of new applications, an increase in the overall processing time is expected in 2025. Additionally, when assessing the duration of asylum procedures in cases where applications are rejected, the length of administrative court proceedings must also be considered. As of February 2025, the average duration for first-instance court proceedings alone is 16.7 months.¹⁷¹

Average duration of the procedure (in months) per country of origin							
	2018	2019	2020	2021	2022	2023 ¹⁷²	2024
All countries	7.5	6.1	8.3	6.6	7.6	6.8	8.7
Serbia	3	1.8	3.5	3.2	2.6	not available	Not available
Afghanistan	10.6	6.6	8.5	6.4	9.1	not available	10.7
Syria	4.9	5.3	6.0	4.8	7.9	not available	6.5
Iraq	6.0	6.0	8.6	7.6	8.6	not available	12.1
North Macedonia	2.6	1.8	4.0	2.0	2.7	not available	Not available
Iran	6.3	5.7	11.5	11.8	9.1	not available	14.3
Pakistan	10.6	5.7	9.1	6.8	:	not available	Not available
Russia	12.9	9.0	13.3	12.1	8.8	not available	12.3

Source: Federal Government, Reply to parliamentary questions by The Left: 18/11262, 21 February 2017, 19/1631, 13 April 2018; 19/13366, 19 September 2019, 19/23630, 23 October 2020, 20/940, 7 March 2022, available in German at: <https://bit.ly/3TuNOJV>, 10; 20/6052, 14 March 2023, available in German at: <https://bit.ly/3zrfRPq>, 2;

¹⁶⁷ Federal Government, *Response to parliamentary question by The Left*, 20/9933, 28 December 2023, available in German at: <https://bit.ly/42NJDMA>, 29, 20/6052, 14 March 2023, available in German at: <https://bit.ly/3zrfRPq>, 4.

¹⁶⁸ For the year 2023, detailed statistics are only available for the period between January and October. This is why the average duration differs from the average duration over the whole of 2023 indicated above.

¹⁶⁹ Federal Government, *Response to parliamentary question by The Left*, 19/1371, 22 March 2018, available in German at: <https://bit.ly/3NzAQa2>, 42; 18/11262, 21 February 2017, available in German at: <https://bit.ly/3NzGQ2t>, 13.

¹⁷⁰ For details see AIDA, *Country Report Germany - Update on the year 2021*, April 2022, available at <https://bit.ly/3XnN7RS>, 27.

¹⁷¹ Information provided by the BAMF on 26 February 2025.

¹⁷² Partial figures for the first 6 months of the year are available in the previous update to this report: AIDA, *Country Report : Germany – Update on the year 2023*, June 2024, available [here](#), 39.

20/9933, 28 December 2023, available in German at: <https://bit.ly/42NJDMA>, 28; 20/12757, 2 September 2024, available in German [here](#), 30; 20/15083, 3 March 2025, available in German [here](#), 3. Information on duration overall for the entire year of 2024 provided by the BAMF on 26 February 2025.

The overall number of pending applications at the BAMF by the end of December 2024 was 212,656¹⁷³ compared to 239,614 at the end of 2023.¹⁷⁴ This is still a significant high number compared to 2022 (136,448) and 2021 (108,064) where the number had already doubled compared to 2020 (52,056)¹⁷⁵ and significantly higher than in previous years too (57,012 in 2019 and 58,325 in 2018).¹⁷⁶ Most of the pending applications are by Turkish (23.9% of all pending cases), Syrian (23.7% of all pending cases) and Afghan nationals (16.3% of all pending cases).¹⁷⁷ The increased backlog in 2021 and 2021 is likely due, to a large part, to the de-prioritisation of applications from Afghan nationals between August and December 2021 and from Syrian nationals holding a protection status in Greece between 2019 and April 2022 (see Sections [Differential treatment of specific nationalities in the procedure](#) and [Suspension of transfers](#)).¹⁷⁸ The BAMF has also experienced some delays in registering asylum applications in the autumn of 2022,¹⁷⁹ which might have increased the backlog. In 2024, Germany received 250,945 asylum applications, marking a significant decrease from the 351,915 applications in 2023,¹⁸⁰ while the number of pending cases dropped from 240,300 to 212,656; however, the average processing time increased from approximately 7.6 months in 2023 to 8.7 months in 2024.¹⁸¹

1.2. Prioritised examination and fast-track processing

After the first registration of the intention to seek asylum, applicants are directed towards an 'initial reception centre'. While the organisation of reception facilities is under the auspices of the Federal States, two types of initial reception centres have been established across Germany both for first arrival and for prioritised and fast-track processing. These are the 'arrival centres' first established in 2015, on the one hand, and the 'AnKER centres' established in several States since 2018, on the other (see also [Types of accommodation](#)). Prioritised and fast-track processing in these centres is not based on a specific legal provision and is different from accelerated procedures (see [Accelerated procedure](#)).

Arrival centres (*Ankunftscentren*)

The arrival centres (*Ankunftscentren*) were introduced in December 2015 with the aim of fast-tracking procedures. For this purpose, federal authorities (in particular the branch offices of the BAMF) and regional authorities shall closely cooperate in the centres. As of January 2024, 17 out of 58 branch offices of the BAMF were integrated in arrival centres in 12 different Federal States (see also [Initial reception centres](#)).¹⁸² The concept of arrival centres is not based in law but has been developed by business consultants under the heading 'integrated refugee management'.¹⁸³ Accordingly, this method for fast-

¹⁷³ BAMF, *Asylzahlen Gesamtjahr und Dezember 2024*, January 2025, available in German [here](#).

¹⁷⁴ BAMF, *Aktuelle Zahlen*, December 2023, available in German at: <https://bit.ly/3T3N1PA>, 13.

¹⁷⁵ BAMF, *Asylgeschäftsstatistik (statistics on applications, decisions and pending procedures)*, 1-12/2022, available in German at: <https://bit.ly/3IMppKK> and BAMF, *Asylgeschäftsstatistik (statistics on applications, decisions and pending procedures)*, 1-12/2020, available at: <https://bit.ly/3rnlEzR>.

¹⁷⁶ BAMF, *Aktuelle Zahlen*, December 2019, available in German at: <https://bit.ly/2XL4gsp>.

¹⁷⁷ BAMF, *Aktuelle Zahlen*, December 2023, available in German at: <https://bit.ly/3T3N1PA>, 13.

¹⁷⁸ Information provided by the BAMF, 10 March 2022.

¹⁷⁹ Federal Government, *response to written question by Clara Bünger (The Left)*, 20/5137, 6 January 2023, available in German at: <https://bit.ly/3RNA63I>, 29.

¹⁸⁰ BAMF, *Aktuelle Zahlen*, December 2023, available in German at: <https://bit.ly/3T3N1PA>, 13.

¹⁸¹ BAMF, *Asylzahlen Gesamtjahr und Dezember 2024*, January 2025, available in German [here](#).

¹⁸² BAMF, *Locations*, available in German at: <https://bit.ly/3dFTd8w>, lists 58 'branch offices' and 'regional offices', with some offices having both functions.

¹⁸³ These include McKinsey, Roland Berger and Ernst & Young: BAMF, 'Viele helfende Hände – für den gemeinsamen Erfolg', 22 March 2016, available in German at: <http://bit.ly/2llkWoc>. See also Janne Grote, 'The Changing Influx of Asylum Seekers in 2014-2016: Responses in Germany'. Focused Study by the German National Contact Point for the European Migration Network (EMN), October 2017, study available at: <https://bit.ly/33iJAO8>, 29, 53; See further Washington Post, 'How McKinsey quietly shaped Europe's response to the refugee crisis', 24 July 2017, available at: <http://wapo.st/2HdDq0P>.

tracking of procedures must not be confused with the introduced law in March 2016 on accelerated procedures (see [Accelerated procedure](#)).

In the arrival centres, tasks of various authorities are 'streamlined', such as the recording of personal data, medical examinations, registration of the asylum applications, interviews and decision-making. Apart from a general concept for the 'streamlining' of procedures, there is no detailed country-wide concept for the handling of procedures in arrival centres. Rather, the way the various authorities cooperate in the centres is based on agreements between the respective Federal States (responsible for reception and accommodation), the BAMF branch office (responsible for the asylum procedure) and other institutions present in the facilities (such as medical and social services).

The procedure, as it was developed at the **Berlin** arrival centre, was described in detail by the Berlin Refugee Council in November 2017. According to the report, a typical fast-track procedure called "direct procedure" (*Direktverfahren*) in the arrival centre was supposed to lead to a decision within four days.¹⁸⁴ According to the BAMF, the Berlin branch office is the only one systematically applying the direct procedure, mostly for Moldovan applicants. Furthermore, as of March 2023 the direct procedure is applied in Bielefeld 'in individual cases' and is 'held as available' for certain countries of origin in the Leipzig and Dresden branches but not currently applied.¹⁸⁵ This indicates that in other arrival centres, the procedure is carried out according to the regular BAMF guidelines. In the first half of 2023, the average length of first instance procedure in all arrival centres was 5.6 months, compared to 7.6 months for all first instance procedures.¹⁸⁶

The "direct procedure" shall only apply in 'clear-cut' cases, in which protection can be 'easily' recognised or rejected. In contrast, the regular procedure must take place in the following instances:

- ❖ The facts of the case cannot be established immediately, but further examinations are necessary;
- ❖ The applicant states they are not able to be interviewed for physical or mental reasons;
- ❖ A 'special officer' should be consulted but is not readily available;
- ❖ The applicant states that a severe illness prevents them from returning to their country of origin. In these cases, the applicant should be given four weeks to undergo further medical examinations and to obtain a qualified medical report;
- ❖ The applicant has already appointed a lawyer, in which case the interview should take place on a date which enables the lawyer to attend;
- ❖ The applicant falls within the scope of the [Dublin](#) procedure;
- ❖ The applicant is an unaccompanied child.¹⁸⁷

The stages of the procedure are carried out within a few days. After that, a decision is usually handed out within a period of few weeks up to several months.¹⁸⁸

It should be noted that there are considerable variations to some aspects of the procedures in the various arrival centres, particularly as there is no common approach on access to social services or other counselling institutions, while in some arrival centres no such access exists (see [Information for asylum seekers and access to NGOs and UNHCR](#)). This is dependent on how the Federal States and the BAMF have organised the procedure in the respective centres.

¹⁸⁴ Flüchtlingsrat Berlin, *Das Schnellverfahren für Asylsuchende im Ankunftszentrum Berlin*, November 2017, available in German at: <http://bit.ly/2HdSDzb>.

¹⁸⁵ Information provided by the BAMF, 9 March 2023. No information for the whole year of 2023 was available as of April 2024.

¹⁸⁶ Federal Government, *Response to parliamentary question by The Left, 20/8787*, 11 October 2023, available in German at: <https://bit.ly/48WSr4w>, 4;11.

¹⁸⁷ Flüchtlingsrat Berlin, *Das Schnellverfahren für Asylsuchende im Ankunftszentrum Berlin*, November 2017, available in German at: <http://bit.ly/2HdSDzb>.

¹⁸⁸ Flüchtlingsrat Berlin, *Das Schnellverfahren für Asylsuchende im Ankunftszentrum Berlin*, November 2017, available in German at: <http://bit.ly/2HdSDzb>.

AnKER centres (*AnKER-Einrichtungen*)

Like arrival centres, the concept of AnKER centres was introduced in 2018 to speed up asylum and return procedures. In August 2018, three Federal States (**Bavaria**, **Saxony** and **Saarland**) started conducting a pilot project organising the procedure and accommodation in AnKER centres where not only activities relating to the asylum procedure but also return procedures (in case of a rejection of the asylum application) are centralised. In 2019 and 2020, the concept was expanded to other Federal States, with the opening of 'functionally equivalent facilities' in **Mecklenburg Western Pomerania**, **Schleswig-Holstein** and **Brandenburg** in 2019 and in Hamburg and in **Baden-Württemberg** in 2020. As of February 2024, a total of 9 BAMF branch offices were located in AnKER centres.¹⁸⁹ In 2020, around 27% of all asylum applications were examined in an AnKER centre or functionally equivalent facility.¹⁹⁰ After the federal elections in 2021, the new government declared that it would "not pursue the concept of AnKER facilities further".¹⁹¹ However, since reception is in the remit of the Federal States, arrival AnKER centres continue to exist in some Federal States.

In a 2018 report on the situation in the AnKER centre in **Bamberg**, Bavaria, corroborated by findings from the AnKER centres in **Regensburg** and **Manching/Ingolstadt**, Bavaria in 2019,¹⁹² as well as by an evaluation of AnKER centres carried out by the BAMF,¹⁹³ the procedure has been described as follows:¹⁹⁴

- Step 1** The registration is carried out by the regional authorities unless registration was conducted by the apprehending authorities (Federal Police). Since Federal State authorities and the BAMF are both present in AnKER centres, several measures to establish the asylum seeker's identity and possible previous applications (such as fingerprints) are taken already before the application for asylum is officially lodged with the BAMF. If no identity documents exist, mobile phones can be confiscated and read out to determine the asylum seeker's origin and identity. A room on the premises of the AnKER centre is assigned and medical examinations are scheduled.
- Step 2** The asylum application is lodged at the BAMF. Usually prior to this, counselling on the asylum procedure by staff members of the BAMF is provided, which consists of general information on the asylum procedure to groups of people, while individual appointments have to be requested. According to the BAMF evaluation, the time between first registration and lodging of the application is 3 days longer on average in AnKER centres. This is attributed to the upstreaming of measures to document applicants' identity and the group counselling sessions.¹⁹⁵
- Step 3** The interview with the BAMF is conducted. This is followed by the decision. While the reports based on AnKER centres in Bavaria find that the interview is usually conducted within 2-3 days of lodging, the BAMF evaluation finds that on average, the time between

¹⁸⁹ BAMF, *Locations*, available at: <https://bit.ly/3dFTd8w>.

¹⁹⁰ Federal Government, *Response to parliamentary question by The Left, 19/30711*, 15 June 2021, available in German at: <https://bit.ly/3veNm8t>, 31.

¹⁹¹ SPD, BÜNDNIS 90/DIE GRÜNEN UND FDP, 'Mehr Fortschritt wagen. Bündnis für Freiheit, Gerechtigkeit und Nachhaltigkeit. Koalitionsvertrag 2021 – 2025 zwischen der Sozialdemokratischen Partei Deutschlands (SPD) und den Freien Demokraten (FDP)', available in German at: <https://bit.ly/3lTYqJZ>, 111.

¹⁹² ECRE, *The AnKER centres Implications for asylum procedures, reception and return*, April 2019, available at: <https://bit.ly/2W7dICZ>.

¹⁹³ BAMF, *Evaluation of AnKER Facilities and Functionally Equivalent Facilities*, Research Report 37 of the BAMF Research Centre, 2021, available in English at: <https://bit.ly/3FgxXnq>.

¹⁹⁴ Markus Kraft: 'Die ANKER-Einrichtung Oberfranken', *Asylmagazin* 10-11/2018, available in German at: <https://bit.ly/4at6eAU>, 352-353. For additional information on the background, functioning etc. of the AnKER centres, see also: BAMF, *AnKER Einrichtungen – Ein Überblick*, 1 August 2018, available in German [here](#).

¹⁹⁵ BAMF, *Evaluation of AnKER Facilities and Functionally Equivalent Facilities*, Research Report 37 of the BAMF Research Centre, 2021, available in English at: <https://bit.ly/3FgxXnq>, 28.

lodging the application and the interview is 12 days, both in AnKER centres and in other branch offices.¹⁹⁶

In 2024, the average duration of the first instance procedure in the AnKER centres and functionally equivalent facilities was 8 months compared to 8.7 months for all first instance procedures¹⁹⁷ (compared to 7 months in 2023 in AnKER centres, compared to 6.8 months for all first instance procedures).¹⁹⁸ Thus, similar to previous years (2022: 8.2 months in AnKER centres compared to 7.6 months for all procedures; 2021: 7.3 months in AnKER centres, compared to 6.6 months for all procedures), procedures were not faster but slower in AnKER centres. In 2020, procedures in AnKER centres and functionally equivalent facilities lasted 6.6 months, compared to 8.3 months for all procedures. In the BAMF evaluation of AnKER centres, a comparison between procedures in AnKER centres and other procedures leads to the conclusion that procedures are only marginally faster in AnKER centres.¹⁹⁹

As the name of the institution suggests, the AnKER centres are also supposed to implement returns of rejected asylum seekers more efficiently, especially by establishing return counselling services in the facilities and also by obliging rejected asylum seekers to stay in these facilities for a period of up to 24 months after the stay in the initial reception centre.²⁰⁰ However, these measures are not unique features of the AnKER centres and similar arrangements exist in other facilities as well. The BAMF evaluation finds that residents of AnKER centres and equivalent facilities who have their application rejected are more likely to decide to return 'voluntarily',²⁰¹ i.e. with a return assistance programme or individually. However, the rate of absconding is also higher among rejected applicants living in AnKER centres according to the evaluation published in 2021, and the rate of forced removals has been found to be lower.²⁰² It also appears that (rejected) asylum seekers stay in these facilities for prolonged periods (see [Freedom of movement](#)).

¹⁹⁶ BAMF, *Evaluation of AnKER Facilities and Functionally Equivalent Facilities*, Research Report 37 of the BAMF Research Centre, 2021, available in English at: <https://bit.ly/3FgxXnq>, 30.

¹⁹⁷ Federal Government, *Response to parliamentary question by The Left, 20/15083*, 3 March 2025, available in German [here](#), 10.

¹⁹⁸ Federal Government, *Response to parliamentary question by The Left, 20/15083*, 3 March 2025, available in German [here](#), 3.

¹⁹⁹ The evaluation is based on asylum procedures regarding first-time cross border asylum applications that were finished within one calendar year and carried out between 01.8.2019 and 31.03.2020. The evaluation finds that such procedures took 77 days in AnKER centres and equivalent facilities, compared to 82 days in other BAMF branch offices. Source: BAMF, *Evaluation of AnKER Facilities and Functionally Equivalent Facilities*, Research Report 37 of the BAMF Research Centre, 2021, available in English at <https://bit.ly/3FgxXnq>, 23 and 30.

²⁰⁰ Markus Kraft: 'Die ANKER-Einrichtung Oberfranken', *Asylmagazin* 10-11/2018, available in German at: <https://bit.ly/4at6eAU>, 355.

²⁰¹ Overall in the migration context - non-specific to Germany - while governments and some international organisations qualify these as voluntary returns or assisted voluntary returns given that the person agrees to comply with the return decision and the lack of physical coercion, many stakeholders in NGOs and academia find the notion of 'voluntary' return misleading inter alia due to the lack of any alternatives and risks associated with irregular stay for the persons concerned. See, among many others: ECRE, *Voluntary departure and return: between a rock and a hard place*, 2018, available [here](#); 'Chapter 11 – Mandatory ("Voluntary") Return' in Izabella Majcher, *The European Union Returns Directive and its Compatibility with International Human Rights Law* (Brill 2019), 547ff; Mixed Migration Centre, 'Eight things we learned about migrant returns and reintegration', 1 October 2024, available [here](#); Barak Kalir, 'Between 'voluntary' return programs and soft deportation' in Zana Vathi and Russell King (eds), *Return Migration and Psychosocial Wellbeing* (Routledge 2017), available [here](#), 56-71; Jean-Pierre Gauci, 'IOM and 'Assisted Voluntary Return'' in Megan Bradley et al (eds), *IOM Unbound?* (CUP 2023), available [here](#).

²⁰² BAMF, *Evaluation of AnKER Facilities and Functionally Equivalent Facilities*, Research Report 37 of the BAMF Research Centre, 2021, available in English at: <https://bit.ly/3FgxXnq>, 52-53.

1.3. Personal interview

Indicators: Regular Procedure: Personal Interview

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the regular procedure? ☒ Yes ☐ No
 - ❖ If so, are interpreters available in practice, for interviews? ☒ Yes ☐ No
2. In the regular procedure, is the interview conducted by the authority responsible for taking the decision? ☒ Yes ☐ No
3. Are interviews conducted through video conferencing? ☐ Frequently ☒ Rarely ☐ Never
4. Can the asylum seeker request the interviewer and the interpreter to be of a specific gender? ☒ Yes ☐ No
 - ❖ If so, is this applied in practice, for interviews? ☒ Yes ☐ No

In the regular procedure, the BAMF conducts an interview with each asylum applicant.²⁰³ In line with Article 15 APD, family members are interviewed separately.²⁰⁴ Accompanied children do not have to be interviewed separately unless in case of indications for child-specific grounds flight and persecution. However, both the minors themselves and their parents can request for an accompanied minor to be interviewed. If the parents agree to the minor's request, the BAMF conducts a separate interview if the minor is 14 years or older and can do so if the minor is between six and 13 years old, according to its internal guidelines. Parents can usually be present in their children's interview, unless there are indications of child-specific grounds of flight and persecution.²⁰⁵ In principle, applicants can ask for the interviewer and interpreter to be of a specific gender. It has to be substantiated that this is necessary, though, and this possibility is mostly mentioned in the context of female applicants subject to gendered persecution or sexualised violence or when specific vulnerabilities are communicated to the BAMF by Federal State authorities (see [Special procedural guarantees](#)).²⁰⁶ The BAMF is not obliged by law to provide this but states that it will do so 'if possible'.²⁰⁷

Since 2016, the law also contains a provision according to which officials from other authorities may conduct interviews, 'if a large number of foreign nationals applies for asylum at the same time'.²⁰⁸ However, the BAMF has not made use of this possibility since its introduction.²⁰⁹

According to the publicly available *Dienstanweisung Asyl* (internal instructions of the authority) of the BAMF dated 12 June 2024, asylum interviews are generally conducted individually to ensure adequate confidentiality and privacy, as stipulated in § 25 Abs. 6 AsylG.²¹⁰ Separate interviews are typically conducted for adult women and men from the same family, and hearings in the presence of family members are only permitted under exceptional circumstances, such as when the applicant requests the presence of a companion for moral or psychological support due to vulnerabilities like trauma, mental disabilities, or experiences of sexual violence.²¹¹ Even in such cases, the consent of the applicant is required. Furthermore, if the companion is also an asylum applicant awaiting their own hearing, their participation is prohibited to avoid compromising the integrity of their interview.²¹² The guideline emphasises that interviews should be conducted in confidential settings, and even if open-plan or shared

²⁰³ Sections 24 and 25 Asylum Act.

²⁰⁴ BAMF, *Dienstanweisung Asyl* (internal directive for asylum procedures), version of January 2023, available in German at: <https://bit.ly/3J5jPTA>, 95.

²⁰⁵ BAMF, *Dienstanweisung Asyl* (internal directive for asylum procedures), version of January 2023, available in German at: <https://bit.ly/3J5jPTA>, 90-91.

²⁰⁶ For example, Flüchtlingsrat Niedersachsen, *Vor der Anhörung*, available in German at: <http://bit.ly/3WuUfKZ>.

²⁰⁷ BAMF, *The personal interview*, available in German at: <http://bit.ly/3XPDLyf>.

²⁰⁸ Section 24(1a) Asylum Act.

²⁰⁹ Information provided by the BAMF, 9 March 2023.

²¹⁰ BAMF, *Dienstanweisung Asyl*, 12 June 2024, available in German [here](#).

²¹¹ Ibid.

²¹² Ibid, see section Anhörung.

offices are used in exceptional cases, simultaneous hearings or the presence of unrelated persons are not allowed.²¹³

Omission of the interview

In the regular procedure, omitting the interview is possible only in exceptional cases. The Asylum Act foresees both circumstances in which no interview shall take place, and circumstances in which the BAMF can dispense with the interview at its discretion. No interview shall take place where an asylum application has been filed for children under 6 years who were born in Germany ‘and if the facts of the case have been sufficiently clarified based on the case files of one or both parents’.²¹⁴

In the following circumstances the BAMF may decide to not hold the interview:

- ❖ The BAMF intends to recognise the entitlement to asylum on the basis of available evidence;²¹⁵
- ❖ The applicant fails to appear at the interview without an adequate excuse. This only applies to applicants who are not obliged to live in a reception centre.²¹⁶
- ❖ The BAMF is of the opinion that the foreigner is unable to attend a hearing due to permanent circumstances beyond their control.²¹⁷

The last ground was added by the 2022 Act on the acceleration of asylum court proceedings and asylum procedures and took effect on 1 January 2023.²¹⁸ With this provision, the government implements Art. 14(2)(1)a of the APD.²¹⁹ According to the government, the provision aims at speeding up procedures. In cases of doubt, the BAMF must involve medical personnel in the decision and seek confirmation from a medical doctor.²²⁰ The introduction of this possibility to dispense with the interview were criticised inter alia by *Der Paritätische Gesamtverband* (one of the main welfare associations), on the ground that the central piece of the procedure should only be dispensed with in extreme circumstances and with the consent of the applicant.²²¹ As of February 2025, no information is available as to how often this possibility was used by the BAMF. The 2022 reforms also deleted as a ground to dispense with the interview the fact that applicants claim to have entered from a safe third country. The Federal Government explains this by a lack of a provision to that effect in the APD.²²² Before, this ground was only rarely applied in practice.²²³

In the past, and especially at the height of the personnel and organizational restructuring of the BAMF in early/mid 2016, interviews at the BAMF have been criticised for being too superficial and not sufficiently aiming to establish the facts of the case. In particular, it has been reported that there are instances where no further questions are asked in case of inconsistencies in the asylum seekers’ accounts.²²⁴ In such

²¹³ Ibid.

²¹⁴ Section 24(1) Asylum Act.

²¹⁵ Section 24(1) No. 1 Asylum Act.

²¹⁶ Section 25 (5) Asylum Act.

²¹⁷ Section 24(1) No. 2 Asylum Act.

²¹⁸ Official Gazette I no. Nr. 56 (2022) of 28 December 2022, 2817.

²¹⁹ SPD, BÜNDNIS 90/DIE GRÜNEN and FDP, *Draft Act on the Acceleration of asylum court proceedings and asylum procedures*, 20/4327, 8 November 2022, available in German at: <https://bit.ly/3OOqzYn>, 35.

²²⁰ Section 24(1) Asylum Act.

²²¹ Der Paritätische Gesamtverband, *expert opinion (Sachverständigenstellungnahme) on the Draft Act on the Acceleration of asylum court proceedings and asylum procedures*, 28 November 2022, available in German at: <http://bit.ly/3kzfbD8>.

²²² SPD, BÜNDNIS 90/DIE GRÜNEN and FDP, *Draft Act on the Acceleration of asylum court proceedings and asylum procedures*, 20/4327, 8 November 2022, available in German at: <https://bit.ly/3OOqzYn>, 35.

²²³ This provision was rarely applied in the regular procedure since it has usually not been established at the time of the interview whether Germany or a safe third country is responsible for the handling of the asylum claim.

²²⁴ See for example Memorandum Alliance, *Memorandum für faire und sorgfältige Asylverfahren in Deutschland. Standards zur Integrität any of this? Gewährleistung der asylrechtlichen Verfahrensgarantien*, November 2016, available in German at: <https://bit.ly/3ShphWJ>, 14; Uwe Berlitz, *Sonderasylprozessrecht – Zugang zu gerichtlichem Rechtsschutz im Asylrecht*, Informationsbrief Ausländerrecht 9/2018, 311; taz, *Kritik an schnellen Asylverfahren: Ohne Beratung geht es nicht*, 20 June 2018, available in German at <https://bit.ly/4e2kol2>. For an individual case, see e. g. Leipziger Zeitung, *Das BAMF Leipzig prüft Transidentität nicht als Fluchtgrund*, 25 May 2021, available in German at: <https://bit.ly/3V3JAZ6>.

cases, it is impossible to establish in later stages of the procedure whether inconsistencies result from contradictions in the asylum seekers' statement or merely from misunderstandings or translation errors. Since then, the BAMF has expanded the quality assurance and procedure management. According to the BAMF, procedural tools are used with the aim of complying with the quality standards and ensuring uniform decision-making practice. Furthermore, randomly selected procedures are subjected to further quality control by the central Quality assurance division.²²⁵ For further information see [Quality under Number of staff and nature of the first instance authority](#).

According to the BAMF, all decision-makers in the asylum procedure are trained in relation to the interview and interview techniques (using EUAA Modules and in-house training). Even if the applicant is legally obliged to present their reasons for persecution on their own initiative, the Federal Office's investigation and clarification of the facts is of particular importance. According to the BAMF, particular attention is paid to ensuring that relevant aspects are sufficiently clarified during the interview. Inconsistent and contradictory information will be investigated. This also applies to information that contradicts country of origin information. If doubts still remain, according to the BAMF the applicant will be given the opportunity to comment (obligation to make a reservation).²²⁶

Videoconference interviews

In another important change, the 2022 reform introduced the possibility of conducting interviews via video conference in exceptional cases (for video interpretation see [Interpretation](#)).²²⁷ While the law does not specify the types of procedures in which interview via video conference are allowed, the BAMF internal guidelines state that they are not permitted for interviews during the regular procedure but can be conducted for interviews during the Dublin procedure, as part of the subsequent and second application procedure, during the airport procedure and revocation processes.²²⁸

According to the Federal Government, video conference interviews still require that the applicant be in BAMF premises for the interview; but not necessarily in the same building as the interviewer.²²⁹ A BAMF employee will however stay in the same room as the interviewee during the whole interview, according to the Federal Government.²³⁰ Consent of the applicant is not required.²³¹ Video interviews shall only be conducted in cases where they contribute to a better use of capacities within the BAMF and contribute to accelerating the procedure, and if the case is suited for a video interview.²³² The interviews are not recorded; the transcript is compiled in the same way as for in-person interviews.²³³ The internal guidelines list cases in which video interviews cannot be conducted, such as :

- ❖ persons whose identity or nationality could not be established,
- ❖ certain groups of vulnerable applicants (unaccompanied minors, persons older than 65 years, victims of torture, traumatised applicants or applicants who have been subject to gendered and sexualised violence or because of their sexual orientation or identity; applicants with a disability),
- ❖ cases where an “enhanced credibility assessment” is needed (cases of religious conversion are listed as an example),
- ❖ cases with security relevance,

²²⁵ BAMF, “Procedure management and quality assurance”, available [here](#), 28 November 2018.

²²⁶ Information provided by the BAMF on 10 May 2024.

²²⁷ Section 25 (7) Asylum Act.

²²⁸ See BAMF, *Dienstanweisung Asyl* (internal directive for asylum procedures), version of January 2023, available in German at: <https://bit.ly/3J5jPTA>, 108.

²²⁹ SPD, BÜNDNIS 90/DIE GRÜNEN and FDP, *Draft Act on the Acceleration of asylum court proceedings and asylum procedures*, 20/4327, 8 November 2022, available in German at: <https://bit.ly/3OOqzYn>, 19.

²³⁰ Federal Government, *Response to parliamentary question by The Left*, 20/6052, 14 March 2023, available in German at: <https://bit.ly/3zrfRPq>, 15.

²³¹ See BAMF, *Dienstanweisung Asyl* (internal directive for asylum procedures), version of January 2023, available in German at: <https://bit.ly/3J5jPTA>, 109.

²³² See BAMF, *Dienstanweisung Asyl* (internal directive for asylum procedures), version of January 2023, available in German at: <https://bit.ly/3J5jPTA>, 110.

²³³ Federal Government, *Response to parliamentary question by The Left*, 20/6052, 14 March 2023, available in German at: <https://bit.ly/3zrfRPq>, 18.

❖ applicants who need sign language translation.²³⁴

According to the Federal government, the interview is to be stopped when it becomes apparent during the interview that the use of video conferencing is not adequate for the specific interview situation.²³⁵

When introducing the change, the Federal Government stated that this new provision merely adapts the law to administrative practice.²³⁶ However, while in 2021 the internal BAMF guidelines had been updated to allow for video interviews for the Dublin interview, for border procedures as well as for subsequent applications and revocation procedures, these internal guidelines did not and currently still do not foresee its use in regular asylum procedure,²³⁷ although this would be possible with the 2022 reform. At the time, in 2021, the directives concerning video interviews were only applicable during the Covid-19 pandemic. Video conferencing equipment for interviews had been installed in all BAMF branch office as of early 2022. As of February 2025, there are no available statistics as to how often this possibility was used in practice.²³⁸ According to the Federal Government, up until the change in law video conferencing had only been used 'in individual cases in relation to the Covid-19 pandemic'.²³⁹

Civil society organisations as well as legal practitioners criticised the introduction of video conferencing. For example, the German Institute for Human Rights and the Republican Lawyers' Association demand that consent of the applicant be required for video interviews as well as for interpretation via video.²⁴⁰ According to PRO ASYL and the German Lawyer's Association, video conferencing is not an adequate technique for the personal interview as the central piece of the procedure, which requires the interviewer to gain a holistic impression of the applicant and their behaviour, including details of gestures or facial expressions, and where applicants must have the time and possibility to put forward all relevant claims.²⁴¹ In the first half of 2023, out of a total of 93,015 interviews, 715 interviews (0.8%) were conducted via videoconferencing.²⁴² 429, or 60% of the video interviews were conducted in the **Berlin** branch office. The protection rate has been lower overall for decision where the interview was conducted via video.²⁴³ However, this could be related to a number of factors, as the percentage of video interviews is quite small and not evenly distributed among the BAMF branch offices. In previous years, video conferencing was used on a very rare basis until 2013, but its use seemed to have been abandoned completely since then.²⁴⁴ Audio or video recording or video conferencing is not used in appeal procedures either.

²³⁴ See BAMF, *Dienstanweisung Asyl* (internal directive for asylum procedures), version of January 2023, 111, available in German at: <https://bit.ly/3J5jPTA>, 111.

²³⁵ Federal Government, *Response to parliamentary question by The Left*, 20/6052, 14 March 2023, available in German at: <https://bit.ly/3zrfRPq>, 16.

²³⁶ SPD, BÜNDNIS 90/DIE GRÜNEN and FDP, *Draft Act on the Acceleration of asylum court proceedings and asylum procedures*, 20/4327, 8 November 2022, available in German at: <https://bit.ly/3OOqzYn>, 28.

²³⁷ BAMF, *Dienstanweisung Asyl* (internal directive for asylum procedures), 03 August 2021, available in German at: <https://bit.ly/49mypAr>, 104.

²³⁸ Federal Government, *Response to parliamentary question by The Left*, 20/6052, 14 March 2023, available in German at: <https://bit.ly/3zrfRPq>, 18. See also EASO, 'COVID-19 emergency measures in asylum and reception systems. Issue No. 3, 7 December 2020, available at: <https://bit.ly/3FBPZ3Y>.

²³⁹ Federal Government, *Response to parliamentary question by The Left*, 20/6052, 14 March 2023, available in German at: <https://bit.ly/3zrfRPq>, 19.

²⁴⁰ German Institute for Human Rights, *expert opinion (Sachverständigenstellungnahme) on the Draft Act on the Acceleration of asylum court proceedings and asylum procedures*, 28 November 2022, available in German at: <http://bit.ly/3kzfbD8>, 11.

²⁴¹ Deutscher Anwaltverein / Berthold Münch, *expert opinion (Sachverständigenstellungnahme) on the Draft Act on the Acceleration of asylum court proceedings and asylum procedures*, 28 November 2022, available in German at: <http://bit.ly/3kzfbD8>, 13, and PRO ASYL, *expert opinion (Sachverständigenstellungnahme) on the Draft Act on the Acceleration of asylum court proceedings and asylum procedures*, 24 October 2022, available in German at: <https://bit.ly/3ks1Cpb>.

²⁴² Federal Government, *Response to parliamentary question by The Left*, 20/8787, 11 October 2023, available in German at: <https://bit.ly/48WSr4w>, 29.

²⁴³ Federal Government, *Response to parliamentary question by The Left*, 20/8787, 11 October 2023, available in German at: <https://bit.ly/48WSr4w>, 30.

²⁴⁴ Katharina Stamm, 'Videokonferenztechnik im Asylverfahren – warum sie unzulässig ist', *Asylmagazin* 3/2012, available in German at: <https://bit.ly/3Twho1E>, 70; Federal Government, *Response to parliamentary question by The Left*, 17/8577, 10 February 2012, available in German at: <https://bit.ly/3TtS4JT>, 22.

1.3.1. Interpretation

The presence of an interpreter at the interview is required by law.²⁴⁵ The BAMF recruits its own interpreters on a freelance basis. As for interviewers, in principle, applicants can ask for the interpreter to be of a specific gender. It has to be substantiated that this is necessary, though, and this possibility is mostly mentioned in the context of female applicants subject to gendered persecution or sexualised violence or when specific vulnerabilities are communicated to the BAMF by Federal State authorities (see [Special procedural guarantees](#)).²⁴⁶ The BAMF is not obliged by law to provide this but states that it will do so if possible.²⁴⁷

Video interpretation

The BAMF introduced the possibility of videoconferences for interpretation in 2016. This practice was codified through the Act on the acceleration of asylum court proceedings and asylum procedures.²⁴⁸ The provision allows for video interpretation 'in suitable cases' and 'exceptionally',²⁴⁹ indicating that, as for the interview itself, interpretation in presence retains priority over video interpretation. In these cases, interpreters sit in a different branch office than the one in which the interview is taking place or participate via a so-called 'interpretation-hub', ensuring that all transmission is via a secure internal network. Video interpretation is regarded as complementary to in-person interpretation. The BAMF internal guidelines apply a relatively low threshold for this to be the case, however, by stating that video interpretation can be used when there is an objective reason, such as a more efficient or flexible allocation of interpreters cost efficiency reasons, a shortage of interpreters in a certain area or for rare languages with few interpreters. All countries of origin are in principle considered suitable for video interpretation, including when the applicant is considered vulnerable. However, special officers need to be included in the decision when it concerns unaccompanied minors, victims of gendered violence, torture, human trafficking or traumatised persons.²⁵⁰ Video interpretation does not require consent by the applicant.²⁵¹

No statistics on the use of video conferencing for interpretation were available for the years 2024, 2023 and 2022 at the time of writing of this report. Video conferencing was used in 1,019 interviews in 2021 and 1,359 interviews in 2020, compared to around 2,500 interviews in 2019.²⁵² Thus, the Covid-19 outbreak did not lead to more use of video interpretation. According to the BAMF, this is because distancing measures and contact avoidance were also implemented in the interpretation hub, leading to an overall lower number of interviews.²⁵³

Quality of interpretation

Following discussions about the quality of translations during interviews, the BAMF has revised the procedures for the deployment of interpreters since 2017. For example, a new online training programme was established.²⁵⁴ Both experienced and newly assigned interpreters are now required to complete the training programme. Apart from basic information on the asylum procedure and general communication skills, several training modules deal with specifics of the asylum interview such as the 'role of the interpreter during the interview' or 'handling psychological burden caused by asylum seekers' traumatic backgrounds. Interpreters further need advanced German language skills (level C1 of the Common

²⁴⁵ Section 17 Asylum Act.

²⁴⁶ For example, Flüchtlingsrat Niedersachsen, *Vor der Anhörung*, available in German at: <http://bit.ly/3WuUfKZ>.

²⁴⁷ BAMF, *The personal interview*, available in German at: <http://bit.ly/3XPDLyf>.

²⁴⁸ Official Gazette I no. Nr. 56 (2022) of 28 December 2022, 2817.

²⁴⁹ Section 17(3) Asylum Act.

²⁵⁰ See BAMF, *Dienstanweisung Asyl* (internal directive for asylum procedures), version of January 2023, available in German at: <https://bit.ly/3J5jPTA>, 105.

²⁵¹ See BAMF, *Dienstanweisung Asyl* (internal directive for asylum procedures), version of January 2023, 111, available in German at: <https://bit.ly/3J5jPTA>, 104-107.

²⁵² Information provided by the BAMF, 10 March 2022 and 8 April 2022.

²⁵³ Information provided by the BAMF, 8 April 2022.

²⁵⁴ BAMF, *Dolmetschen und Übersetzen für das BAMF*, 17 November 2022, available in German at: <https://bit.ly/3HngsXd>.

European Framework of Reference for Languages). Moreover, the BAMF established a system for complaint management in the context of interpretation at the BAMF in 2017.²⁵⁵ The complaint management system was revised in 2020 and involves a multi-stage procedure at the end of which a termination of contractual relations with the interpreter is possible.²⁵⁶

In addition, the BAMF has published standards for interpretation in the asylum procedure including a new code of conduct which replaces which replace an earlier code of conduct adopted in 2017.²⁵⁷ According to this document, interpreters at the BAMF must not only have knowledge of their respective interpretation language, but also show knowledge and qualifications in interpretation skills and in the asylum procedure and dealing with authorities. They must commit to five principles that are spelled out in more detail in the guidelines. These are “completeness and accuracy”, “transparency”, “all-party impartiality”, “professional integrity” and “confidentiality”. In cases of repeated or serious violations of the standards or the code of conduct, the BAMF can decide to terminate the contract with an interpreter.²⁵⁸ Between 2017 and April 2018, more than 2,100 interpreters were declared unfit for further interpretation assignments by the BAMF, most of them apparently due to insufficient language skills. In 30 cases, interpreters were declared unfit because they were found to be in breach of the code of conduct.²⁵⁹ However, no re-assessment of the decisions where these interpreters were involved has taken place.²⁶⁰ In 2022, the BAMF received 77 notifications via its complaint management system that were classified as complaints.²⁶¹ Between 2017 and February 2022, a total of 926 complaints were signalled to the BAMF via the same system.²⁶² No information for the years 2023 or 2024 was available as of February 2025.

The qualification requirements and pay for interpreters also vary between interviews at the BAMF and court hearings. Court interpreters swear an oath to interpret “faithfully and conscientiously” while interpreters working for BAMF are obliged to follow the Code of Conduct for BAMF interpreters which lays down the ethical principles of “completeness and accuracy”, “transparency”, “all-party impartiality”, “professional integrity” and “confidentiality”. These principles are in essence identical to the oath formula for court interpreters.²⁶³

Interpreters at court are, however, also generally paid more than interpreters contracted by the BAMF – as of February 2025, the hourly rate for interpretation in courts is EUR 85,²⁶⁴ whereas the BAMF negotiates hourly rates (up to – at maximum – the fixed rate for court interpreters)²⁶⁵ for interpretation assignments which may vary according to individual levels of qualification and experience. Depending on the federal state where courts are located, the level of qualification for interpreters (e.g. level of competence in German) may be higher or, indeed, lower than requirements for BAMF interpreters.²⁶⁶

²⁵⁵ BAMF, ‘Online-Videotraining für Sprachmittler gestartet’, 28 September 2017, available in German at: <http://bit.ly/2oWwbTH>.

²⁵⁶ Information provided by the BAMF, 10 March 2022.

²⁵⁷ BAMF, *Standards für das Dolmetschen im Asylverfahren*, April 2023, available in German at: <https://bit.ly/3wjM4tz>.

²⁵⁸ BAMF, *Standards für das Dolmetschen im Asylverfahren*, April 2023, available in German at: <https://bit.ly/3wjM4tz>, 1.

²⁵⁹ Federal Government, *Response to parliamentary question by The Left, 19/1631*, 13 April 2018, available in German at: <https://bit.ly/2F2kvqq>, 40-41.

²⁶⁰ PRO ASYL, ‘*Stellungnahme von PRO ASYL zum Antrag für ein umfassendes Qualitätsmanagement beim Bundesamt für Migration und Flüchtlinge (BT-Drs. 19/4853) sowie zum Entwurf eines Gesetzes zur Änderung des Asylgesetzes zur Beschleunigung von Verfahren durch erweiterte Möglichkeit der Zulassung von Rechtsmitteln (BT-Drs. 19/1319) 21*’, available in German at: <https://bit.ly/34Ge2Sy>.

²⁶¹ Information provided by the BAMF, 9 March 2023.

²⁶² Information provided by the BAMF, 10 March 2022. This is out of a total of 3,971 messages to the system, which also include positive or neutral messages.

²⁶³ Information provided by the BAMF on 28 May 2025.

²⁶⁴ Section 9(5) Judicial Remuneration and Compensation Act.

²⁶⁵ Section 14 Judicial Remuneration and Compensation Act (§14 JVEG).

²⁶⁶ Information provided by the BAMF on 28 May 2025.

1.3.2. Transcript of the interview

The transcript of the interview consists of a summary of questions and answers (i.e. it is not a verbatim transcript) and is only available in German. The interpreter present during the personal interview is also responsible for translating the transcript back to the applicant in oral form. The applicant has the right to correct mistakes or misunderstandings. By signing the transcript, the applicant confirms that they have had the opportunity to present all the important details of the case, that there were no communication problems and that the transcript was read back in the applicant's language. Video recordings of interviews do not take place.

1.4. Appeal

Indicators: Regular Procedure: Appeal

1. Does the law provide for an appeal against the first instance decision in the regular procedure?

<ul style="list-style-type: none">❖ If yes, is it❖ If yes, is it suspensive<ul style="list-style-type: none">- Rejection- Rejection as manifestly unfounded	<table border="0"><tr><td><input checked="" type="checkbox"/> Yes</td><td><input type="checkbox"/> No</td></tr><tr><td><input checked="" type="checkbox"/> Judicial</td><td><input type="checkbox"/> Administrative</td></tr><tr><td><input checked="" type="checkbox"/> Yes</td><td><input type="checkbox"/> Some grounds</td></tr><tr><td><input type="checkbox"/> Yes</td><td><input type="checkbox"/> Some grounds</td></tr><tr><td></td><td><input type="checkbox"/> No</td></tr><tr><td></td><td><input checked="" type="checkbox"/> No</td></tr></table>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Judicial	<input type="checkbox"/> Administrative	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Some grounds	<input type="checkbox"/> Yes	<input type="checkbox"/> Some grounds		<input type="checkbox"/> No		<input checked="" type="checkbox"/> No
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No												
<input checked="" type="checkbox"/> Judicial	<input type="checkbox"/> Administrative												
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Some grounds												
<input type="checkbox"/> Yes	<input type="checkbox"/> Some grounds												
	<input type="checkbox"/> No												
	<input checked="" type="checkbox"/> No												
2. Average processing time for the appeal body to make a decision:
16.7 months²⁶⁷

1.4.1. Appeal before the Administrative Court

Appeals against rejections of asylum applications must be lodged before a regular Administrative Court (*Verwaltungsgericht*, VG). There are 51 Administrative Courts, at least 48 of which are competent to deal with appeals in asylum procedures.²⁶⁸ The responsible court is the one with regional competence for the asylum seeker's place of residence. Procedures at the administrative court generally fall into 2 categories, depending on the type of rejection of the asylum application:

'Simple' rejection: An appeal to the Administrative Court must be submitted within 2 weeks (i.e. 14 calendar days) after reception of the negative decision.²⁶⁹ This appeal has suspensive effect. It does not necessarily have to be substantiated at once, since the appellant has 1 month (also counting from the reception of the decision) to submit reasons and evidence.²⁷⁰ Furthermore, it is common practice that the courts either set another deadline for the submission of evidence at a later stage (e.g. a few weeks before the hearing at the court) or that further evidence is accepted up to the moment of the hearing at the court.²⁷¹

Rejection as 'manifestly unfounded' (*offensichtlich unbegründet*): Section 30 of the Asylum Act lists several grounds for rejecting an application as 'manifestly unfounded'. These include among others unsubstantiated or contradictory statements by the asylum seeker, as well as misrepresentation or failure to state one's identity. Furthermore, applications from so-called safe countries of origin are legally assumed to be manifestly unfounded (Section 29a Asylum Act) requiring a higher burden of proof on the

²⁶⁷ Federal Government, *Reply to parliamentary questions by The Left*, 20/15083, 3 March 2025, available in German [here](#), 3.

²⁶⁸ In the Federal State of Rhineland-Palatinate, the Administrative Court of Trier is competent for all asylum appeal procedures, therefore the other three Administrative Courts in the Federal State only deal with asylum matters on an ad hoc basis. For an overview of administrative courts, see <https://www.verwaltungsgerichtsbarkeit.de/> (in German).

²⁶⁹ Section 74(1) Asylum Act.

²⁷⁰ Section 74(2) Asylum Act.

²⁷¹ Justiz NRW, *Verwaltungsgerichtliches Verfahren in Asylsachen*, available in German at: <https://bit.ly/49HQSY0>.

part of the applicant of their reasons for needing protection.²⁷² For inadmissibility decisions, see [Admissibility procedure](#).

If asylum applications are rejected as ‘manifestly unfounded’, the timeframe for submitting appeals is reduced to one week. Since appeals do not have (automatic) suspensive effect in these cases, both the appeal and a request to restore suspensive effect have to be submitted to the court within 1 week (7 calendar days).²⁷³ The request to restore suspensive effect has to be substantiated. Court practice varies as to how much time is given for the substantiation, but usually it has to be filed within one week or ‘immediately’, meaning as soon as possible.²⁷⁴

The short deadlines in these rejections are often difficult to meet for asylum seekers and it might be impossible to make an appointment with lawyers or counsellors within this timeframe. Suspensive effect is only granted in exceptional circumstances.

Procedure

The Administrative Court investigates the facts of the case as well as the correct application of the law by the BAMF. This includes a personal hearing of the asylum seeker in cases of a ‘simple’ rejection. With the Act on the acceleration of asylum court proceedings and asylum procedures which entered into force on 1 January 2023,²⁷⁵ personal hearings can be dispensed with if the applicant is represented by an attorney and if they do not concern a ‘simple’ rejection application or a withdrawal/revocation, e. g. in cases of rejection as ‘manifestly unfounded’ or inadmissible.²⁷⁶ However, a hearing has to take place if any party requests so.²⁷⁷ Court decisions on applications for suspensive effect are usually conducted without a personal hearing. Courts are required to gather relevant evidence at their own initiative. Asylum appeals are decided by a single judge in the vast majority of cases.²⁷⁸ As part of the civil law system principle, judges are not bound by precedent. Court decisions are generally available to the public (upon request and in anonymous versions if not published on the court's own initiative). As of 1 January 2023,²⁷⁹ the rules for filing a bias motion against the competent judge have changed so that the hearing can take place with said judge if a bias motion was filed three days or less before the hearing. If the judge is found to be biased after the hearing, the hearings that took place after the filing of the motion must be repeated.²⁸⁰

Average processing period for appeals						
2018	2019	2020	2021	2022	2023	2024
7.8	17.6	24.3	26.5	26.0	21.7	16.6

In 2024, more than 100,000 appeals against BAMF decisions were filed before German administrative courts, marking a sharp increase from approximately 72,000 in 2023 and around 62,000 in 2022.²⁸¹ According to news reports citing a survey amongst relevant ministries of the states, this surge in appeals is partly due to the BAMF's accelerating its processing of pending asylum cases from previous years.²⁸² In total, 100,494 new main proceedings were initiated before courts in 2023, representing a 62% increase compared to 2022. The highest number of cases was recorded in North Rhine-Westphalia (19,267), followed by Bavaria (15,278) and Baden-Württemberg (12,755). The most significant percentage

²⁷² Der Paritätische Gesamtverband, *Grundlagen des Asylverfahrens*, überarbeitete 5. Auflage 2021, available in German at: <https://bit.ly/33c4uhF>, 26.

²⁷³ Section 74(1) Asylum Act.

²⁷⁴ Information provided by an attorney-at-law, January 2023.

²⁷⁵ Official Gazette I no. Nr. 56 (2022) of 28 December 2022, 2817.

²⁷⁶ Section 77(2) Asylum Act.

²⁷⁷ Section 77(2) Asylum Act.

²⁷⁸ Section 76 Asylum Act.

²⁷⁹ Official Gazette I no. Nr. 56 (2022) of 28 December 2022, 2817.

²⁸⁰ Section 74(3) Asylum Act.

²⁸¹ Zeit Online, *Zahl der Asylklagen in Deutschland deutlich gestiegen*, 5 March 2025, available in German [here](#).

²⁸² Ibid.

increases over two years were seen in Brandenburg, where cases more than doubled (a 134% rise to 6,138 cases), and Mecklenburg-Western Pomerania, which experienced a 116% increase to 2,647 cases.²⁸³ Despite this growing caseload, processing times have slightly improved, though they remain well above the target of six months set by the Minister Presidents' Conference in most federal states. Rheinland-Pfalz currently has the shortest average duration at 5.4 months, while Baden-Württemberg (7.9 months), Saxony-Anhalt (8.3 months), and Saarland (8.5 months) are also approaching the goal. However, twelve federal states still report double-digit processing times, ranging from 10.9 to 24.5 months, with Hessen having the longest delays.²⁸⁴

In 2023, the average processing period for appeals was 21.3 months, compared to 26 months in 2022 and 26.5 months in 2021 (2020: 24.3 months).²⁸⁵ This seems to indicate a decrease in 2023 after a strong rising trend over the previous years.²⁸⁶ However, according to the BAMF; this cannot yet be attributed to the 2022 Act on the acceleration of asylum court proceedings and asylum procedures²⁸⁷ enacted as of 1 January 2023 with the aim to accelerate the asylum and court procedures, as the statistics only include cases that were concluded before 31 August 2023 and of which the great majority had started before 2023.²⁸⁸ The increase in previous years can still be traced back to a significant increase in the number of appeals filed in 2017, following a sharp increase in BAMF decisions especially in 2016 and 2017.²⁸⁹ At the end of the year 2017, 361,059 cases were pending before the Administrative Courts. It appears that courts are still trying to address this backlog which started in 2016-2017. In addition, administrative courts faced a high number of so-called “upgrade appeals” of Syrian nationals between 2018 and 2021 (see [Differential treatment of specific nationalities in the procedure](#)). According to the UNHCR, PRO ASYL as well as the spokesperson of the Higher Administrative Court of Lower Saxony and a representative of the Association of German Judges, courts have been understaffed and have lacked the capacity to effectively deal with the backlog for years.²⁹⁰

It should be noted that in 2023 a high number of appeal procedures (62.2% between January and the end of August 2023)²⁹¹ were terminated without an examination of the substance of the case, and therefore often without a hearing at the court. These terminations of procedures take place, for instance, if the appeal is withdrawn by the asylum seeker. Therefore, it must be assumed that the average period for appeals is considerably longer than the averages referred to above, if the court decides on the merits of the case.

If the appeal to the Administrative Court is successful (or partly successful), the court obliges the authorities to grant asylum and/or refugee status or to declare that removal is prohibited. The decision of the Administrative Court is usually the final one in an asylum procedure. Only in exceptional cases is it possible to lodge further appeals to higher instances.

Until the end of August 2023, 9.6% of all court decisions led to the granting of a form of protection to the applicant. If formal decisions (without examination of the substance) are not considered, the success rate

²⁸³ Ibid.

²⁸⁴ Ibid.

²⁸⁵ Federal Government, *Responses to parliamentary question by The Left*, 20/9933, 28 December 2023, available in German at: <https://bit.ly/42NJDMA>, 17; 20/6052, 14 March 2023, available in German at: <https://bit.ly/3zrfRPq>, 12; 20/432, 14 January 2022, available in German at: <https://bit.ly/3RvW8GL>, 22; 19/28109, 30 March 2021, available in German at: <https://bit.ly/3LJmTGw>, 39.

²⁸⁶ Federal Government, *Responses to parliamentary question by The Left*, 19/18498, 2 April 2020, available in German at: <https://bit.ly/3RPHZFG>, 47; 19/8701, 25 March 2019, available in German at: <https://bit.ly/3GPyr7I>, 48; 19/1371, 22 March 2018, available in German at: <https://bit.ly/3NzAQa2>.

²⁸⁷ Official Gazette I no. Nr. 56 (2022) of 28 December 2022, 2817.

²⁸⁸ LTO, “Politik lässt sich vor den Karren der AfD spannen”, 23 October 2023, available in German at: <https://bit.ly/3OKW5qc>.

²⁸⁹ BAMF, Das Bundesamt in Zahlen 2020, available in German at: <https://bit.ly/48qKOTi>, 37.

²⁹⁰ LTO, “Politik lässt sich vor den Karren der AfD spannen”, 23 October 2023, available in German at: <https://bit.ly/3OKW5qc>; FRA (European Union Fundamental Rights Agency), *Migration: Key Fundamental Rights Concerns*, Quarterly Bulletin 01.01.2021-30.06.2021, available at: <https://bit.ly/3qB3RHk>, 14.

²⁹¹ Federal Government, *Response to parliamentary question by The Left*, 20/5709, 17 February 2023, available in German at: <https://bit.ly/3K3w3MX>, 35.

for appeals was 25.4%.²⁹² This is lower than in previous years: in 2022, 17.6 % of appeals led to a positive decision (37% if formal decisions are not considered), in 2021 18% of all appeal decisions were successful (35% if formal decisions are not considered).²⁹³

Over the last years, the BAMF has put efforts into digitalising communication with the courts, partly to shorten the length of appeal procedures. According to the BAMF, 'files and documents from all the branch offices can be sent to the administrative courts electronically, by legally compliant means as well as encrypted', via the so-called 'Electronic Court and Administration Mailbox EGVP'. The administrative courts can in turn address file requests to a central office of the BAMF in Nuremberg. 'An average of approx. 1,800 files and documents are sent by electronic means every day,' according to a statement by the BAMF in 2024. 'The rapid dispatch of files requested, on the same day in most cases, enables administrative court judges to recognise a clear time benefit when it comes to processing cases'.²⁹⁴ A digitalisation of court hearing themselves, e.g., via video conferencing, is neither practiced nor discussed as of February 2025 for asylum and other administrative court cases.

1.4.2. Onward appeal(s)

The second appeal stage is the High Administrative Court (*Oberverwaltungsgericht*, OVG or *Verwaltungsgerichtshof*, VGH); the latter term is used in the Federal States of **Bavaria**, **Hessen**, and **Baden-Württemberg**. There are 15 High Administrative Courts in Germany, one for each of Germany's 16 Federal States, with the exception of the States of **Berlin** and **Brandenburg** which have merged their High Administrative Courts since 2005. High Administrative Courts review the decisions rendered by the Administrative Court both on points of law and of facts.

In cases of 'fundamental significance', either the authorities or the applicant can apply to the High Administrative Court to be granted leave for a further appeal if the first appeal has not been rejected as manifestly unfounded or manifestly inadmissible.²⁹⁵ In contrast to the general Code of Administrative Court Procedure (*Verwaltungsgerichtsordnung*) the criterion of 'serious doubts as to the accuracy of a decision' is not a reason for a further appeal in asylum procedures. It is therefore more difficult to access this second appeal stage in asylum procedures than it is in other areas of administrative law. According to Section 78 of the Asylum Act, a further appeal against an asylum decision of an Administrative Court is only admissible if:

- ❖ The case is of fundamental importance;
- ❖ The Administrative Court's decision deviates from a decision of a higher court; or
- ❖ The decision violates basic principles of jurisprudence.

Second appeal cases in the Higher Administrative Courts are decided by the senate which is composed of several judges.²⁹⁶ Decisions by the High Administrative Court may be contested at a third stage, the Federal Administrative Court, in exceptional circumstances. Until January 2023, the Federal Administrative Court only reviewed the decisions rendered by the lower courts on points of law. The respective proceeding is called 'revision' (*Revision*). Both administrative courts (in the first appeal stage)²⁹⁷ and High Administrative Courts can grant leave for a revision if the case itself or a point of law is of fundamental significance, otherwise the authorities or the asylum seekers must apply for leave for such a further appeal to the Federal Administrative Court. Possible reasons for the admissibility of a

²⁹² Federal Government, *Response to parliamentary question by The Left*, 20/9933, 28 December 2023, available in German at: <https://bit.ly/42NJDMA>, 16.

²⁹³ Federal Government, *Responses to parliamentary question by The Left* 20/432, 14 January 2022, available in German at: <https://bit.ly/3RvW8GL>, 21; 19/28109, 30 March 2021, available in German at: <https://bit.ly/3LJmTGw>, 38.

²⁹⁴ BAMF, *Digitalisation of the asylum procedure*, 2020 available at: <https://bit.ly/3pFFITU>.

²⁹⁵ Section 78 (4) Asylum Act.

²⁹⁶ By way of example, at the Higher Administrative Court of North Rhine Westphalia it is composed of three judged plus two voluntary judges in cases with an oral hearing, see <http://bit.ly/3lhV2m5>.

²⁹⁷ Section 134 Code of Administrative Court Procedure (VwGO). The admission of revision by the first instance court (called 'Sprungrevision') is only allowed if both parties to the case agree to it.

revision are similar to the criteria for an appeal to a High Administrative Court as mentioned above. As of 1 January 2023, with the entry into force of the 2022 Act on the acceleration of asylum court proceedings and asylum procedures,²⁹⁸ the Federal Administrative Court can also decide on the facts of the case as they pertain to the situation in the country of origin or destination ("*Tatsacheninstanz*" (fact-finding instance) in asylum proceedings, following the introduction of § 78 Abs. 8 AsylG)²⁹⁹ This only applies if the Higher Administrative Court grants leave for revision and if the Higher Administrative Court's appreciation of the situation in the respective country differs from that of other High Administrative Courts or of the Federal Administrative Court.³⁰⁰ The reform was introduced in an effort to unify jurisprudence when it comes to the situation in countries of origin or destination.³⁰¹ PRO ASYL criticises the change as it stands in the way of an appreciation of circumstances in each individual case and hampers the appreciation of circumstances "in real time" if lower administrative courts are bound by earlier decisions by the Federal Administrative Court. PRO ASYL thus expects the change to not enhance legal certainty, but to lead to legal disputes on the scope of Federal Administrative Court decisions regarding the situation in a given country.³⁰² Over the course of 2023, the Federal Administrative Court announced the launch of three revision procedures based on the new provision. Two concerned the situation of persons who have been granted international protection in Italy and whose asylum request has been rejected as inadmissible by the BAMF, and where different higher administrative courts have come to different assessments of the situation in Italy. The first of these procedures was stopped however as the claimants failed to send the reasons and documentation for the revision to the court in time.³⁰³ The second revision procedure is still ongoing as of February 2024.³⁰⁴ The third case of such a revision, which concerned the situation in Afghanistan for young men who do not belong to a particularly vulnerable group, was withdrawn by the claimants just before a scheduled hearing on the case.³⁰⁵

The Federal Administrative Court (BVerwG), in its new role as a *Tatsacheninstanz*, ruled in November 2024 that non-vulnerable, employable protection holders in Italy could reasonably be expected to return, referencing available accommodations from churches and NGOs, as well as employment opportunities.³⁰⁶ The court did not conduct new fact-finding but relied on existing sources, highlighting that changes in circumstances could prompt reassessment. In an additional case from September 2024, the Federal Administrative Court made a similar ruling regarding Greece in April 2025, determining that single, employable and non-vulnerable individuals with international protection status would not face inhuman or degrading living conditions upon return to Greece, thereby allowing German authorities to reject their asylum applications as inadmissible under §29(1)(2) AsylG.³⁰⁷

Judgments of the Federal Administrative Court are always legally valid since there is no further remedy against them. However, when the Federal Administrative Court only decides on points of law and does not investigate the facts, it can send back cases to the High Administrative Courts for further investigation.

Outside the administrative court system, there is also the possibility to lodge a so-called constitutional complaint at the Federal Constitutional Court (*Bundesverfassungsgericht*). Such complaints are admissible in cases of violations of basic (i.e., constitutional) rights. In the context of asylum procedures this can be the right to political asylum, the right to human dignity including the state obligation to provide

²⁹⁸ Official Gazette I no. Nr. 56 (2022) of 28 December 2022, 2817.

²⁹⁹ Section 78(8) Asylum Act.

³⁰⁰ Section 78(8) Asylum Act.

³⁰¹ SPD, BÜNDNIS 90/DIE GRÜNEN and FDP, *Draft Act on the Acceleration of asylum court proceedings and asylum procedures*, 20/4327, 8 November 2022, available in German at: <https://bit.ly/48hQe2k>, 43.

³⁰² PRO ASYL, *expert opinion (Sachverständigenstellungnahme) on the Draft Act on the Acceleration of asylum court proceedings and asylum procedures*, 24 October 2022, available in German at: <https://bit.ly/3ks1Cpb>, 34-35.

³⁰³ Federal Administrative Court, "*Tatsachenrevision*" zu Italien unzulässig wegen Versäumung der Revisionsbegründungsfrist, 28 September 2023, available in German at: <https://bit.ly/3OL9nmA>.

³⁰⁴ Federal Administrative Court, "*Tatsachenrevision*" in asylgerichtlichem Verfahren betreffend Italien eingegangen, 11 December 2023, available in German at: <https://bit.ly/3SIFcgV>.

³⁰⁵ Federal Administrative Court, *Rücknahme der "Tatsachenrevision" betreffend die allgemeine abschiebungsrelevante Lage in Afghanistan*, 25 January 2024, available in German at: <https://bit.ly/3Pd8zHp>.

³⁰⁶ Federal Administrative Court, BVerwG 1 C 23.23, judgment of 21 November 2024, available in German [here](#).
³⁰⁷ Federal Administrative Court, BVerwG 1 C 18.24, judgment of 16 April 2025, soon to be available in German [here](#).

a minimal subsistence level of benefits as well as the right to a hearing in accordance with the law, but standards for admissibility of constitutional complaints are difficult to meet. Therefore, only few asylum cases are accepted by the Federal Constitutional Court. Recent examples of Federal Constitutional Court decisions with relevance for the asylum procedure concern the level of social benefits for persons living in reception centres (see [Reduction or withdrawal of reception conditions](#)) or a failure to take into account changed circumstances in Romania after the outbreak of the war against Ukraine, which violated the right to an effective legal remedy.³⁰⁸

1.5. Legal assistance

Indicators: Regular Procedure: Legal Assistance

1. Do asylum seekers have access to free legal assistance at first instance in practice?

<input type="checkbox"/> Yes	<input type="checkbox"/> With difficulty	<input checked="" type="checkbox"/> No
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 - ❖ Does free legal assistance cover:

<input type="checkbox"/> Representation in interview
<input type="checkbox"/> Legal advice
2. Do asylum seekers have access to free legal assistance on appeal against a negative decision in practice?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> With difficulty	<input type="checkbox"/> No
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 - ❖ Does free legal assistance cover

<input checked="" type="checkbox"/> Representation in courts
<input checked="" type="checkbox"/> Legal advice

1.5.1. Legal assistance at first instance

During the first instance procedure at the BAMF, asylum applicants may be represented by a lawyer, but they are not entitled to free legal aid, so they have to pay their lawyers' fees themselves at this stage.³⁰⁹ Indeed, legal services may only be provided if the person providing the service has the necessary legal qualifications. However, under the conditions of Section 6 of the Legal Services Act (Rechtsdienstleistungsgesetz), out-of-court legal services free of charge are permitted if the persons providing advice are instructed by a legally qualified person. Thus, representatives of NGOs are only entitled to legally represent their clients in the course of the asylum procedure if this requirement is met. Asylum seekers are rarely represented by a lawyer at the initial stage of the asylum procedure and/or during the interview.

Since 2019, systematic counselling is offered to asylum seekers. According to the law, every applicant has access to free asylum procedure advice in accordance with Section 12a Asylum Act, which is provided by authorised agencies (for details and implementation in practice, see [Information for asylum seekers and access to NGOs and UNHCR](#)). As of 1 January 2023, the provisions on counselling have been reformed and it now encompasses the whole asylum procedure until a final decision, including appeal decisions, and hence advice on legal remedies against asylum decisions.³¹⁰

Once asylum applicants have left the initial reception centres and have been transferred to other accommodation, the access to legal assistance in practice depends on the place of residence. For instance, asylum applicants accommodated in rural areas might have to travel long distances to reach advice centres or lawyers with special expertise in asylum law (see [Information for asylum seekers and access to NGOs and UNHCR](#)).

³⁰⁸ Federal Constitutional Court (BVerfG), Decision of 19 July 2022 2 BvR 961/22 - asyl.net: M30822.

³⁰⁹ In theory, there is the possibility to apply for free legal counselling under a general scheme for legal counselling (Beratungshilfe). However, the fees paid by the state for this counselling are so low that there are only few lawyers who accept to give counselling under this scheme. Moreover, the scheme that is available to all persons in Germany who do not have enough funds to avail themselves of legal counselling is hardly known in general.

³¹⁰ Section 12a (2) Asylum Act. Asylum procedure advice also includes information on the asylum procedure and may also include legal services in accordance with the Legal Services Act.

1.5.2. Legal assistance at second instance

During court proceedings, asylum seekers can apply for legal aid to pay for a lawyer. The granting of legal aid is dependent on how the court rates the chances of success. This 'merits test' is carried out by the same judge who has to decide on the case itself and is reportedly applied strictly by many courts.³¹¹ Therefore some lawyers do not always recommend applying for legal aid, since they are concerned that a negative decision in the legal aid procedure may have a negative impact on the main proceedings.

Furthermore, decision-making in the legal aid procedure may take considerable time so lawyers regularly have to accept a case before they know whether legal aid is granted or not. Lawyers argue that fees based on the legal aid system do not always cover their expenses.³¹² Thus, specialising only on asylum is generally supposed to be difficult for law firms. Most specialising in this area have additional areas of specialisation while a few also charge higher fees on the basis of individual agreements with clients.

It is possible to appeal against the rejection of an asylum application at an Administrative Court without being represented by a lawyer, but from the second appeal stage onwards representation is mandatory.

2. Dublin

2.1. General

In 2024, Germany filed 74,583 outgoing Dublin requests to other Member States.³¹³ Out of those, 5,827 transfers actually took place.³¹⁴ At the same period, Germany received 14,984 incoming requests to receive transferred individuals from other member states, out of which 10,112 cases were accepted, and 4,592 individuals were transferred to Germany.³¹⁵

In comparison, in 2023, Germany had sent a similar number of requests totalling 74,622 outgoing requests, out of which 55,728 were accepted. 5,053 transfers to other Member States were carried out. Germany received 15,568 incoming requests in 2023, out of which 9,954 were accepted, resulting in 4,275 transfers to Germany. 10.8% of all asylum decisions in Germany in 2023 were taken as a result of the Dublin procedure.³¹⁶ In 2022 where Germany had sent a total of 68,709 outgoing requests and received 14,233 incoming requests and 3,700 incoming transfers.³¹⁷

In 2024, the three main countries to which Germany sent outgoing requests were Greece (15,453), Croatia (14,068) and Italy (12,841).³¹⁸ Most incoming requests for takeovers came from France (4,712), Belgium (2,449) and the Netherlands (2,299) in 2024.³¹⁹ The year before, the outgoing requests mainly had gone to Croatia (16,705), Italy (15,479) and Austria (7,995). Germany received 15,568 requests in the same period, mainly from France (5,209), the Netherlands (2,762), and Belgium (2,384).³²⁰ Detailed statistics on the legal bases for the requests are available from Eurostat. They might differ slightly from statistics reported at the national level.

³¹¹ For an overview of practice in Regensburg, Bavaria, see ECRE, *The AnKER centres implications for asylum procedures, reception and return*, April 2019, available at: <https://bit.ly/2W7dICZv>.

³¹² According to information proved by an attorney-at-law in January 2023, legal aid fees amount to € 868,70 for an appeals procedure and 367,23 € for interim measures to reinstate the suspensive effect of an appeal. The legal basis for the fees is the Act on the Remuneration of Lawyers (Rechtsanwaltsvergütungsgesetz - RVG).

³¹³ Federal Government, *Response to parliamentary question by the Left*, 20/14869, 19 March 2025, available in German [here](#), 3.

³¹⁴ Ibid., 10.

³¹⁵ Ibid., 37.

³¹⁶ BAMF, *Aktuelle Zahlen*, December 2023, available in German at: <https://bit.ly/3T3N1PA>, 10.

³¹⁷ BAMF, *Aktuelle Zahlen*, December 2022, available in German at: <https://bit.ly/3TDLUEZ>, 10.

³¹⁸ Federal Government, *Response to parliamentary question by the Left*, 20/14869, 19 March 2025, available in German [here](#), 37.

³¹⁹ Ibid.

³²⁰ Federal Government, *Response to parliamentary question by the CDU/CSU*, 20/10869, 27 March 2024, available in German at: <https://bit.ly/3TTUfVx>, 22-23.

Dublin statistics: 2024 (first time requests)

Outgoing procedure				Incoming procedure			
	Requests	Accepted	Transfers		Requests	Accepted	Transfers
Total	74,583	44,431	5,827	Total	14,984	10,112	4,592
Greece	15,453	219	22	France	4,712	2,611	920
Croatia	14,068	12,932	533	Belgium	2,449	1,745	437
Italy	12,841	10,402	3	Netherlands	2,299	1,850	1,043
Bulgaria	8,090	3,297	290	Switzerland	1,981	1,512	718
France	5,000	3,531	972	Austria	796	512	372

Source: Federal Government, *Response to parliamentary question by the Left*, 20/14869, 19 March 2025, available in German [here](#).

Detailed statistics on the legal bases for the requests are available from Eurostat. They might differ slightly from statistics reported at the national level. To mirror national data, the data on legal bases presented below concerns first requests, rather than total requests which would include re-examination requests.

Outgoing Dublin requests by criterion: 2024		
Dublin III Regulation criterion	Requests sent	Requests accepted
“Take charge”: Articles 8 to 17	19,544	15,272
Article 8 (minors)	1	1
Article 9 (family members granted protection)	338	25
Article 10 (family members pending determination)	132	3
Article 11 (family procedure)	134	11
Article 12 (visas and residence permits)	8,269	4,710
Article 13 (entry and/or remain)	10,489	691
Article 14 (visa free entry)	3	0
“Take charge”: Article 16	32	1
“Take charge” humanitarian clause: Article 17(2)	146	17
“Take charge” criteria unknown	0	9,813
“Take back”: Articles 18 and 20(5)	55,037	28,409
Article 18 (1) (b)	54,826	5,203
Article 18 (1) (c)	57	2,797
Article 18 (1) (d)	144	5,106
Article 20(5)	10	11,614
“Take back” criteria unknown	0	3,689

Source: Eurostat, ‘Outgoing ‘Dublin’ requests by receiving country (PARTNER), type of request, legal provision, sex and type of applicant’, last updated 16 April 2025, available [here](#) (consulted on 17 April 2025) and Eurostat, ‘Decisions on outgoing ‘Dublin’ requests by receiving country (PARTNER), type of decision, type of request, legal provision, sex and type of applicant’, last updated 16 April 2025, available [here](#) (consulted on 17 April 2025).

Incoming Dublin requests by criterion: 2024		
Dublin III Regulation criterion	Requests received	Requests accepted
“Take charge”: Articles 8 to 17	2,287	1,477
Article 8 (minors)	301	144

Article 9 (family members granted protection)	133	54
Article 10 (family members pending determination)	116	56
Article 11 (family procedure)	89	18
Article 12 (visas and residence permits)	1,452	1,093
Article 13 (entry and/or remain)	40	12
Article 14 (visa free entry)	3	1
“Take charge”: Article 16	15	6
“Take charge” humanitarian clause: Article 17(2)	138	79
“Take charge” criteria unknown	0	14
“Take back”: Articles 18 and 20(5)	12,690	7,943
Article 18 (1) (b)	9,917	2,608
Article 18 (1) (c)	46	673
Article 18 (1) (d)	2,710	4,573
Article 20(5)	17	38
“Take back” criteria unknown	0	51

Source: Eurostat, ‘Incoming ‘Dublin’ requests by submitting country (PARTNER), type of request, legal provision, sex and type of applicant’, last updated 16 April 2025, available [here](#) (consulted on 17 April 2025) and Eurostat, ‘Decisions on incoming ‘Dublin’ requests by submitting country (PARTNER), type of decision, type of request, legal provision, sex and type of applicant’, last updated 16 April 2025, available [here](#) (consulted on 17 April 2025).

2.1.1. Application of the Dublin criteria

Like in previous years, the majority of outgoing Dublin requests was based on so-called ‘Eurodac hits’ in 2024 (72.3%),³²¹ similar to previous years (73.7% in 2023, 68.6% in 2022, 69.9% in 2021 and 71.8% in 2020).³²² Details on the criteria used for requests are only available for the outgoing requests which were based on ‘Eurodac hits’. In 2024, 53,910 outgoing requests were based on Eurodac, out of which:

- ❖ 42,803 were hits under Article 9 of the Eurodac Regulation,
- ❖ 9,223 were hits under Article 14 Eurodac Regulation, and
- ❖ 1,884 under Article 17 Eurodac Regulation³²³

The long-term downward trend in Dublin transfers from **Greece to Germany** stopped in 2024, with 229 transfers recorded, representing around 5% of all transfers to Germany.³²⁴ This marks an increase from the 167 transfers in 2023 and 212 in 2022. However, comparing these numbers with 531 transfers in 2021, 423 in 2020, 730 in 2019, and 3,495 in 2018, a longer term downwards trend is visible. A large number of transfers from Greece (96 out of 229) were carried out on the basis of the family unity provisions of the Dublin Regulation between January and December 2024. The German government provided the following details on transfers carried out from Greece based on family unity provisions:

³²¹ Federal Government, *Response to parliamentary question by the Left*, 20/14869, 19 March 2025, available in German [here](#), 3.

³²² Federal Government, *Response to parliamentary question by the CDU/CSU*, 20/10869, 27 March 2024, available in German at: <https://bit.ly/3TTUfVx>, 2, 20/5868, 28 February 2023, available in German at: <https://bit.ly/3TFefdY>, 3; 20/861, 24 February 2022, available in German at: <https://bit.ly/41vdo3r>, 2; 19/30849, 21 June 2021, available in German at: <https://bit.ly/3GSrxxM>, 3.

³²³ Federal Government, *Response to parliamentary question by the Left*, 20/14869, 19 March 2025, available in German [here](#), 4.

³²⁴ Federal Government, *Response to parliamentary question by the Left*, 20/14869, 19 March 2025, available in German [here](#), 37.

Incoming Dublin transfers from Greece: 2024	
Criterion	Number of transfers
Unaccompanied children with family members or relatives: Article 8 (This includes Article 8 (1), (2), (4))	96
Family members of beneficiaries of international protection: Article 9	31
Family members of asylum seekers: Article 10	37
Dependent persons: Article 16 (1) and (29)	4
Family reunification based on the humanitarian clause: Article 17(2)	53
Total	229

Source: Federal Government, *Response to parliamentary question by the Left*, 20/14869, 19 March 2025, available in German [here](#), 44.

One reason for the decrease in transfers from Greece in recent years is that the BAMF has been handling applications for family reunification under the Dublin regulation more restrictively. In 2020, a total of 1,289 requests were sent from Greece, and 1,036 were rejected.³²⁵ It has been reported that requests are often rejected for formal reasons (supposed expiry of deadlines for the request, alleged lack of evidence for family relationships etc.). In many cases, families therefore had to appeal to courts in order to oblige the BAMF to accept a transfer request from Greece.³²⁶ In 2020, in 743 cases Greece remonstrated the rejection by the BAMF. In the same year, the BAMF accepted 328 of such remonstrations.³²⁷ However, in 2021 and 2022, both the overall number of incoming requests and the rejection rate decreased, with 377 out of 701 incoming requests being rejected in 2021 and 191 rejections out of 339 requests in 2022³²⁸ and 199 incoming requests filed, and 101 requests rejected in 2023.³²⁹ In 2024, Greece submitted 417 incoming requests to Germany. The German authorities accepted 257 incoming requests in 2024 and rejected 138.³³⁰ In the same year, Greece remonstrated the rejection in 81 cases. The BAMF accepted the responsibility of such remonstrated cases in 2024 in 45 cases and rejected them in 45 cases.³³¹

2.1.2. The dependent persons and discretionary clauses

Between January and December 2024, the sovereignty clause was applied in 1,808 cases³³² (compared to 574 cases in 2023, 624 cases in 2022, and 665 cases in 2021), resulting in an asylum procedure being carried out in Germany.³³³

³²⁵ Federal Government, *Response to parliamentary question by The Left*, 19/30849, 21 June 2021, available in German at: <https://bit.ly/3GSrXhM>, 44.

³²⁶ Anne Pertsch, „Dublin reversed“ vor Gericht. Aktuelle Rechtsprechung zu Dublin-Familienzusammenführungen. *Asylmagazin* 8-9/2019, available at: <https://bit.ly/2W0l8tM>, 287-294.

³²⁷ Federal Government, *Response to parliamentary question by The Left*, 19/30849, 21 June 2021, available in German at: <https://bit.ly/3GSrXhM>, 46. The number of remonstrations and acceptances cannot be seen in direct relation to each other since both refer to the number of remonstrations and acceptances within the year.

³²⁸ Federal Government, *Responses to parliamentary question by The Left*, 20/5868, 28 February 2023, available in German at: <https://bit.ly/3TFefdY>, 38.

³²⁹ Federal Government, *Responses to parliamentary question by The Left*, 20/9067, 2 November 2023, available in German at: <https://bit.ly/3T30yHd>, 39.

³³⁰ Federal Government, *Response to parliamentary question by the Left*, 20/14869, 19 March 2025, available in German [here](#), 44.

³³¹ Federal Government, *Response to parliamentary question by the Left*, 20/14869, 19 March 2025, available in German [here](#), 45.

³³² *Ibid.*, 10.

³³³ Federal Government, *Response to parliamentary question by The Left*, 20/9067, 2 November 2023, available in German at: <https://bit.ly/3T30yHd>, 11-12.; 20/861, 24 February 2022, available in German at: <https://bit.ly/41vdo3r>, 10; 19/30849, 21 June 2021, available in German at: <https://bit.ly/3GSrXhM>, 9.

2.2. Procedure

Indicators: Dublin: Procedure

1. Is the Dublin procedure applied by the authority responsible for examining asylum applications?
☒ Yes ☐ No
2. On average, how long does a transfer take after the responsible Member State has accepted responsibility?
Not available

The Dublin Regulation is explicitly referred to as a ground for inadmissibility of an asylum application in the Asylum Act.³³⁴ The examination of whether another state is responsible for carrying out the asylum procedure is an admissibility assessment and as such a part of the regular procedure. Thus, in the legal sense, the term 'Dublin procedure' does not refer to a separate procedure in the German context, but merely to the shifting of responsibility for an asylum application within the administration (i.e., takeover of responsibility by the 'Dublin Units' of the BAMF).

Fingerprints are to be taken from all asylum seekers aged six years or older³³⁵ on the day that the application is registered and are systematically subjected to a Eurodac query for applicants aged 14 years and older, in line with the Eurodac regulation. Eurodac queries are the major ground for the initiation of Dublin procedures. No cases of asylum seekers refusing to be fingerprinted have been reported, only several cases where "manipulation" of fingerprints took place, i.e., persons scraping off or etching their fingertips, making fingerprints unrecognisable.

Only the BAMF is responsible for conducting the Dublin procedure. The Federal Police, the Federal States Police or their respective agencies informs the BAMF if there is evidence or if statements of a third country national apprehended at the border indicate that another Dublin State might be responsible for the procedure. The Dublin procedure is then carried out by the BAMF which can issue a removal order. A possible forced return to the responsible Member State is carried out by the federal states (Länder) or the Federal Police.³³⁶ The Federal Police may also ask a court to issue a detention order if there is a considerable risk of 'absconding'. When this happens, it implies that asylum seekers are not sent to the 'normal' reception centres but remain under the authority of the Federal Police for the whole duration of the Dublin procedure for a maximum of six weeks, in line with the Dublin regulation.³³⁷ Following a ruling by the Federal Court in July 2020 that detention is illegal for refusal of entry in the case of internal border controls, the Federal Police has adapted its practice and only orders detention when there is a 'heightened risk of absconding', according to the Federal Government.³³⁸ In 2023, the Federal Government reported that persons who ask for asylum at the border are 'in principle' sent to the responsible initial reception centres,³³⁹ which would indicate that they are not – at least immediately – detained for the purposes of the Dublin procedure.³⁴⁰ For more information on applications at the border and practices of refusal of entry see [Access to the territory and push backs](#).

Since the *Mengesteab* judgment of the CJEU 2017, the BAMF bases the time limits for issuing a 'take charge' or 'take back' request on the moment of registration and the issuance of an 'arrival certificate', not

³³⁴ Section 29(1) Asylum Act.

³³⁵ See Section 16(1) Asylum Act; Federal Government, Response to parliamentary question by The Left, 20/5674, 15 February 2023 available in German at: <https://bit.ly/3ORuTGI>, 32.

³³⁶ Federal Government, Response to parliamentary question by The Left, 18/13428, 18 August 2017, 23-24.

³³⁷ Article 28 Regulation (EU) 604/2013.

³³⁸ Federal Government, Response to parliamentary question by The Left, 19/30849, 21 June 2021, available in German at: <https://bit.ly/3GSrXhM>, 50-51. The Federal Court decision is available in German at: <https://bit.ly/3rfbXV9>.

³³⁹ Federal Government, Response to parliamentary question by The Left, 20/5674, 15 February 2023 available in German at: <https://bit.ly/3ORuTGI>, 32.

³⁴⁰ Federal Government, Response to parliamentary question by The Left, 20/5674, 15 February 2023 available in German at: <https://bit.ly/3ORuTGI>, 32.

the moment when the application is lodged. It applies the same interpretation to incoming requests and has often rejected such requests on the basis that the deadlines of the Regulation have been exceeded.³⁴¹

On average, a Dublin procedure lasted 2.8 months in 2024,³⁴² compared to 3.1 months in 2023, and 2.3 months in 2022.³⁴³ In 2024, when Germany took over responsibility after a failed transfer to another Member State, the average duration of the whole asylum procedure until a first instance decision was 13.8 months³⁴⁴ compared to 15.2 months in 2023, and 22.1 months in 2022.³⁴⁵

2.2.1. Individualised guarantees

There is no general policy to require guarantees for vulnerable groups, although the Dublin Unit and local authorities make arrangements for the asylum seekers concerned e.g. to ensure the continuation of dialysis treatments, or to ensure separate accommodation of families in cases of domestic violence.³⁴⁶ For an analysis of the examination of individualised guarantees and suspension of transfers in relation to specific countries see [Suspension of transfers](#).

2.2.2. Transfers, absconding and ‘church asylum’

Since 2023, self-initiated voluntary transfers are possible. The transfer to the responsible member state can be carried out on the initiative of the asylum seeker in a controlled manner or accompanied. These are carried out in cooperation with immigration authorities and police in compliance with the organisation requirements and the exchange of information with the responsible member state.³⁴⁷ Asylum seekers subject to transfer under the Dublin III Regulation and issued a deportation order are excluded from receiving asylum benefits if their departure is ‘legally and practically possible’.³⁴⁸

In line with the Residence Act,³⁴⁹ dates of removals are not previously announced to asylum seekers in Dublin procedures.³⁵⁰ The police usually perform unannounced visits to places of residence e.g. reception centres with a view to apprehending the person and proceed to the transfer. Some states foreigners’ authorities seem to deviate from this practice, however, and instructs applicants to come to be at a specific location for their transfer or to be present in their room in the reception centre at a specified time for pick-up by the police, usually between 03:30 and 05:00. If the applicant is not found in their room at that time, the authority deems the person to have ‘absconded’ and informs the BAMF accordingly in order for the extension of the transfer deadline from 6 to 18 months to be ordered under Article 29(2) of the Dublin Regulation.³⁵¹ In August 2021, the Federal Administrative Court stated that a breach to cooperate with authorities does not generally justify the assumption of absconding according to Art. 29 (2) of the Dublin

³⁴¹ BAMF, *Entscheiderbrief* (newsletter for decision-makers) 9/2021, available in German at: <https://bit.ly/3T5G2FH>, 5-6; Diakonie Deutschland, *Family reunification in Germany under the Dublin III Regulation. Entitlement – Procedure – Practical tips English translation of 2nd edition, 2022*, available at <https://bit.ly/3R6TB6J>, 8. See also AIDA, *Country Report – Greece*, available [here](#).

³⁴² Federal Government, *Response to parliamentary question by the Left*, 20/14869, 19 March 2025, available in German [here](#), 42.

³⁴³ Federal Government, *Response to parliamentary question by the CDU/CSU*, 20/10869, 27 March 2024, available in German at: <https://bit.ly/3TTUfVx>, 25.

³⁴⁴ Federal Government, *Response to parliamentary question by the Left*, 20/14869, 19 March 2025, available in German [here](#), 43.

³⁴⁵ Federal Government, *Response to parliamentary question by The Left*, 20/9067, 2 November 2023, available in German at: <https://bit.ly/3T30yHd>, 37; Federal Government, *Responses to parliamentary question by The Left*, 20/5868, 28 February 2023, available in German at: <https://bit.ly/3TFefdY>, 36-37.

³⁴⁶ Information provided by the BAMF, 1 August 2017.

³⁴⁷ Information provided by the BAMF on 10 May 2024.

³⁴⁸ Mediendienst Integration, *‘Abschiebungen im Rahmen der Dublin-Verordnung’*, available in German [here](#).

³⁴⁹ Section 59(1) Residence Act.

³⁵⁰ Section 59 (1) Residence Act; Diakonie Deutschland, PRO ASYL & Informationsverbund Asyl & Migration, *Das Dublin-Verfahren. Grundlagen, Verfahrensablauf und Praxistipps*, January 2024, available in German at: <https://bit.ly/42PCIHq>, 93.

³⁵¹ Diakonie Deutschland, PRO ASYL & Informationsverbund Asyl & Migration, *Das Dublin-Verfahren. Grundlagen, Verfahrensablauf und Praxistipps*, January 2024, available in German at: <https://bit.ly/42PCIHq>, 93.

Regulation as long as the authorities are aware of the applicant's whereabouts and they have an objective possibility of a transfer. Rather, all circumstances of a case have to be taken into account.³⁵² Following the ruling, the BAMF has updated its internal guidelines to the effect that if the applicants does not comply with the order to be at a specific location outside the reception centre at a given time, this is not sufficient reason to believe the person has absconded, and hence the extension of the transfer deadline to 18 months cannot be ordered solely on this fact. However, the BAMF does consider that a person absconded if they are not found in the reception centre despite a previous announcement by the authorities.³⁵³

The use of excessive force, physical restraints, separation of families, humiliating treatment and sedative medication by police authorities in Dublin transfers were denounced in **Berlin** and **Lower Saxony** in 2018.³⁵⁴ The practice continues for both Dublin transfers and removal since 2023.³⁵⁵ Observations from **Bavaria** corroborate coercive practices in the enforcement of Dublin transfers, including police raids with dogs in AnKER centres and handcuffing of asylum seekers, including pregnant women.³⁵⁶ For the first half of 2023, the Federal government reported that 47 Dublin transfers involved use of means of physical restraint by the police, compared to 103 over the whole of 2022, 110 in 2021, and 129 in 2020.³⁵⁷

Transfer rate

In 2024, the results showed only a slight improvement: Germany requested transfers in 74,583 cases, and European partner countries approved 44,431 of these. However, only 5,827 transfers were actually carried out.³⁵⁸ Various factors, such as administrative hurdles, legal challenges, and logistical issues, contribute to this discrepancy between approved and completed transfers.³⁵⁹ According to media reports, several countries, particularly Italy formally agree to take back individuals within the Dublin system, but in practice, impose difficult conditions that are nearly impossible to meet, making transfers almost impossible. In detail, in the first half of 2024, around 22,000 timely Dublin transfers from Germany to other EU member states failed.³⁶⁰ The primary reasons included obstacles posed by the receiving member state in approximately 7,900 cases (36%), inaction by the responsible German immigration authorities in 3,044 cases (14%), and the disappearance of the individuals to be transferred in 2,356 cases (11%).³⁶¹ In 2024, Italy in practice accepted only three Dublin transfers from Germany, despite having agreed to take back more than 10,000 individuals.³⁶² On the other hand, in 2024, Germany received 14,984 incoming Dublin requests, of which 10,112 were accepted by German authorities. However, only 4,592 of these cases resulted in actual transfers to Germany.³⁶³

The inefficiency of the Dublin procedure has sparked heated debate in Germany following a tragic incident in Aschaffenburg in January 2025, where an asylum seeker, who was supposed to have been transferred under the Dublin system, killed two people.³⁶⁴ This case intensified public and political scrutiny of the

³⁵² Federal Administrative Court (BverwG), *Decision 1 C 55.20*, 17 August 2021, available in German at: <https://bit.ly/3rgh2wA>.

³⁵³ BAMF, *Dienstanweisung Dublin* (internal directive for Dublin procedures), version of December 2022, available in German at: <https://bit.ly/3J5jPTA>, 149.

³⁵⁴ See Federal Government, *Response to parliamentary question by The Left, 19/7401*, 29 January 2019, available in German at: <https://bit.ly/2HwaiQQ>.

³⁵⁵ For examples of excessive force or inhumane removal practices see for example the website of Abschiebungsreporting NRW: <https://www.abschiebungsreporting.de/>.

³⁵⁶ ECRE, *The AnKER centres Implications for asylum procedures, reception and return*, April 2019, available at: <https://bit.ly/2W7dICZ>.

³⁵⁷ Federal Government, *Response to parliamentary question by The Left, 20/890*, 02 March 2022, available in German: <https://bit.ly/3v51e5s>, 28.

³⁵⁸ ARD Tagesschau, 'Deutschland scheitert oft an Rückführungen', 21 January 2025, available in German [here](#).

³⁵⁹ Ibid.

³⁶⁰ Statista Research Department, *Gescheiterte Überstellungen von Asylbewerbern aus Deutschland nach Gründen 1. HJ 2024*, 29 November 2024, available in German [here](#).

³⁶¹ Ibid.

³⁶² ARD Tagesschau, 'Deutschland scheitert oft an Rückführungen', 21 January 2025, available in German [here](#).

³⁶³ BAMF, *Aktuelle Zahlen*, December 2024, available in German [here](#).

³⁶⁴ Deutsche Welle, 'Migration: Deutschland scheitert meist an Rückführungen', 27 January 2025, available in German [here](#).

asylum process, with political leaders, in the midst of the election campaign, (Federal Government elections in February 2025), calling for stricter controls and faster transfers.³⁶⁵ The government is now considering reforms to improve the efficiency of Dublin transfers and enhance security measures.³⁶⁶

Church asylum

Following an initial agreement between the BAMF and high-ranking members of the Protestant and Catholic church in Germany in 2015, the central points of contact from the churches can submit a dossier providing meaningful information about individual hardship as ultima ratio to the BAMF and the BAMF will reconsider the case in justified exceptional cases to avoid humanitarian hardship.³⁶⁷ Church asylum is not a legal institution, but is respected as an expression of a Christian-humanitarian tradition. During the examining of the dossier by the BAMF, the immigration authorities generally refrain to transfer as long as the people concerned are staying in the church. If BAMF rejects a hardship case after reviewing a dossier the asylum seeker is legally obliged to leave the country. In cases in which the church's dossier is followed, the BAMF applies a discretionary clause in accordance with Art. 17 (1) Dublin III Regulation and initiates the national procedure. In cases in which the church's dossier is not followed, the BAMF informs the church representative of the negative decision with the aim of the responsible parish releasing the person from church asylum within 3 days after the announcement of the negative decision. Going to church asylum does not affect the original transfer deadline as long as the actual whereabouts are known.

The current BAMF practice dates from January 2021, when the BAMF clarified that persons in 'open church asylum' where their whereabouts are known are not considered to be absconding.³⁶⁸ The change followed an update in the guidelines in 2018 which extended the grounds on which absconding could be assumed, and a ruling by the Federal Administrative Court in 2020 that a person receiving church asylum whose whereabouts are reported to the BAMF cannot be considered as 'absconding' from the Dublin procedure (for more information see the [2022 Update to the AIDA Country Report for Germany](#)).³⁶⁹ This led to an increase in reported cases: in 2022, a total of 1,243 cases of 'church asylum' in the context of a Dublin procedure were reported to the BAMF, up from 822 cases in 2021 and 335 in 2020.³⁷⁰ In 2023, 2,065 such cases were reported³⁷¹ and 2,386 in 2024, showing a continuous rise of such cases.³⁷² In 2024, out of them only 39 cases did not have a Dublin procedure connection.³⁷³ In the same year, the BAMF decided in one case to apply the sovereignty clause of the Dublin regulation and to conduct the asylum procedure in Germany,³⁷⁴ compared to nine cases in 2023.³⁷⁵ The Federal Office for Migration and Refugees attributes the decline to its own identification of "genuine hardship cases." According to the agency's assessment, most reported cases of church asylum did not qualify as hardship cases based on its evaluation.³⁷⁶ Even after rejections, most individuals did not leave church asylum. In 2023, only 1% left after a negative decision, while in 2024, none did.³⁷⁷ However, according to church activists in **North**

³⁶⁵ Ibid.

³⁶⁶ Ibid.

³⁶⁷ BAMF, 'Merkblatt Kirchenasyl im Kontext von Dublin-Verfahren', November 2023, available in German at: <https://bit.ly/3HY47WI>.

³⁶⁸ BAMF, 'Merkblatt Kirchenasyl im Kontext von Dublin-Verfahren', November 2032, available in German at: <https://bit.ly/3HY47WI>. See also PRO ASYL, 'Bundesverwaltungsgericht entscheidet: Kein »Flüchtigsein« im offenen Kirchenasyl!', 21 September 2020, available in German at: <https://bit.ly/3fi5RhD>.

³⁶⁹ Federal Administrative Court (BverwG), *Decision 1 B 19.20*, 8 June 2020, available in German at: <https://bit.ly/33k6qEK>.

³⁷⁰ Federal Government, *Response to parliamentary question by The Left*, 20/5868, 28 February 2023, available in German at: <https://bit.ly/3TFefdY>, 27; 20/861, 24 February 2022, available in German at: <https://bit.ly/41vdo3r>, 18; 19/30849, 21 June 2021, available in German at: <https://bit.ly/3GSrxhM>, 25.

³⁷¹ Federal Government, *Response to parliamentary question by the CDU*, 2010869, 27 March 2024, available in German at: <https://bit.ly/3TTUfVx>, 22.

³⁷² Federal Government, *Response to parliamentary question by the Left*, 20/14869, 19 March 2025, available in German [here](#), 36.

³⁷³ Ibid.

³⁷⁴ Ibid.

³⁷⁵ Ibid., 3.

³⁷⁶ Ibid.

³⁷⁷ Ibid.

Rhine Westphalia, almost all cases of church asylum are successful in that they lead to the ‘intended goal’, presumably the avoidance of a Dublin transfer or removal.³⁷⁸ Between January and September 2023, Germany became responsible for the asylum applications of persons in church asylum in 1,676 cases (however it cannot be established in how many of these cases this was a direct result of the granting of church asylum).³⁷⁹

According to church activists, demand rose over the course of 2022, with far more requests than the participating churches can accommodate.³⁸⁰ Church asylum was challenged by prosecution authorities in **Bavaria** in recent years, leading to criminal charges against persons providing this type of shelter. The Bavarian High Court ruled on 25 February 2022 that granting shelter and food to persons obliged to leave Germany cannot be considered a criminal offence if the agreement on church asylum is followed. The court further found that there is no obligation on the host to actively end church asylum when the stay in unauthorised.³⁸¹

Notwithstanding, 2023 has seen a number of “breaches” of church asylum to enforce Dublin transfers. In Viersen (**North Rhine Westphalia**), police entered the facilities of the protestant church to apprehend a couple that was to be transferred to Poland. The transfer was stopped because the woman suffered a breakdown, but the couple was still placed in detention. The case led to widespread protests, and the mayor of Viersen finally intervened to stop the detention and transfer just before the 6 month period ended.³⁸² In Schwerin (**Mecklenburg-Vorpommern**), specialised police forces broke into an apartment owned by the church in December 2023 to deport two adult sons of a family of six from Afghanistan who had been given assurances by the German government that they would get a right to enter Germany, but ultimately had to flee via Iran and Spain since the visa procedure was taking too long. The transfer to Spain was halted after protests.³⁸³ In November 2023, the government of **North Rhine Westphalia** issued internal guidelines in which it clarified that foreigners’ authorities cannot proceed with a transfer unless the BAMF has clearly stated that it will not apply the sovereignty clause and explicitly orders the transfer.³⁸⁴

In 2024, there were multiple reported breaches of church asylum in Germany, raising concerns among religious organisations. Notably, the Protestant Church criticised attempted removals from church premises, emphasising the sanctity and protective function of church asylum. Several cases involved authorities entering church spaces to detain individuals, which sparked public debate and legal scrutiny. For example, in February in **Rhineland-Palatinate**,³⁸⁵ a Syrian man sheltered by the church district of Simmern-Trarbach, who had lost his asylum status in Denmark and sought refuge in Germany, fearing deportation to Syria, was removed from his shelter. The police entered the church premises and took him into custody. In a state of panic, he resisted and injured himself in an attempt to prevent deportation. After a brief hospitalisation, he was sent back to Denmark. While local authorities defended the deportation as legally sound, the church criticised the move, arguing that Denmark’s restrictive asylum policies put the man at risk of being expelled to Syria.³⁸⁶ In September 2024, a 29-year-old Afghan man in **Hamburg** was removed from church asylum at St. Christophorus Church and deported to Sweden, where he had first applied for asylum in 2015.³⁸⁷ The BAMF adhered to the Dublin Regulation, claiming Sweden was

³⁷⁸ Domradio.de, *Aktuell viele Anfragen nach Kirchenasyl in NRW*, 04 December 2022, available in German at: <http://bit.ly/3kOQ9Ao>.

³⁷⁹ Federal Government, *Response to parliamentary question by the AFD, 20/9673*, 7 December 2023, available in German at: <https://bit.ly/49FKoZC>, 3.

³⁸⁰ Domradio.de, *Aktuell viele Anfragen nach Kirchenasyl in NRW*, 04 December 2022, available in German at: <http://bit.ly/3kOQ9Ao>.

³⁸¹ Infomigrants, *Ruling in church asylum case creates legal precedent in Germany*, 04 March 2022, available at: <https://bit.ly/3wAt3jv>.

³⁸² Taz.de, *Nach Bruch des Kirchenasyls in Viersen: Doch keine Abschiebung*, 25 July 2023, available in German at: <https://bit.ly/3OPmRxz>.

³⁸³ ZEIT Online, *Demonstration gegen Bruch des Kirchenasyls in Schwerin*, 28 December 2023, available in German at: <https://bit.ly/48qRXTc>.

³⁸⁴ Ministry for Children, Youth, Family, Equality, Refugees and Integration of North Rhine Westphalia, *Kirchenasyl in Dublin-Fällen*, 9 November 2023, available in German at: <https://bit.ly/49Hg4xX>.

³⁸⁵ Ingo Dachwitz, *Behörden und Polizei brechen immer häufiger Kirchenasyl*, 17 May 2024, available in German [here](#).

³⁸⁶ Ibid.

³⁸⁷ TAZ, *‘Hamburg ist nichts mehr Heilig’*, 30 September 2024, available in German [here](#).

responsible for his case.³⁸⁸ Another example occurred in December 2024 in **Bremen**, where authorities attempted to remove a 25-year-old Somali man from church asylum at the Zion Church.³⁸⁹ The operation failed due to resistance from the pastor and around 100 supporters who blocked the church's entrance. The man was meant to be transferred to Finland under the Dublin Regulation, but he had previously suffered abuse there. The local church leaders criticised the break in church asylum, highlighting concerns over the political pressure on authorities. According to information provided by the BAMF in May 2025, Bremen had 229 cases in 2024 to their knowledge and there were 22 current cases (up to March 2025).³⁹⁰

Withdrawal of benefits and detention

'Absconding' from the Dublin procedure also has repercussions on [Reduction or withdrawal of reception conditions](#), in that when the failure to transfer a person can be attributed to their behaviour, they are only entitled to reduced benefits.³⁹¹ In cases of church asylum, according to a ruling by the administrative court of **Bremen**, persons who leave the district assigned to them by local authorities in order to find sanctuary in a church are no longer entitled to social benefits for asylum seekers.³⁹² Absconding can also constitute a ground for ordering [Detention](#).³⁹³

Moreover, in 2024, there were significant changes in Germany's law for individuals whose case was deemed inadmissible under the Dublin system regarding social benefits (see [Reception conditions – Reduction of withdrawal of reception conditions](#)). The changes, which took effect on October 31, 2024, amended the *Asylbewerberleistungsgesetz* (Asylum Seekers' Benefits Law), introducing stricter provisions for asylum seekers whose cases are governed by the Dublin Regulation.³⁹⁴

Under the new law, asylum seekers whose applications are deemed inadmissible can face complete cuts of their benefits. Previously, a reduction in benefits was possible in such cases, but this provision has now been removed. The law primarily affects asylum seekers who are required to leave Germany but have not received a toleration permit.³⁹⁵ As a result of these changes, asylum seekers who fall under this provision will only receive minimal "bridging assistance" for up to two weeks, covering basic needs such as food, shelter, and medical care.³⁹⁶ The BAMF rebuts this claim stressing that whether and in which cases the benefits will actually be suspended is unknown.³⁹⁷ While the Flüchtlingsrat NRW warns that after the two week period, those affected potentially face homelessness and hardship,³⁹⁸ the BAMF contradicts this stating that after the two weeks period, due to the hardship regulation, it is ensured that the basic needs for accommodation, food and medical care will be met.³⁹⁹

Travel expenses to the member state providing protection are also covered.⁴⁰⁰ This new situation has prompted legal challenges, with asylum seekers urged to file objections, emergency applications, and lawsuits against the cuts.⁴⁰¹

³⁸⁸ Ibid.

³⁸⁹ Weltkirche.de, 'Evangelische Kirche kritisiert versuchte Räumung von Kirchenasyl', 4 December 2024, available in German [here](#).

³⁹⁰ This number only represents the cases reported to the Federal Office; the exact number is only known to the churches.

³⁹¹ Section 1a (3) asylum Seekers Benefits Act.

³⁹² Infomigrants, *Bremen court ruling: Benefits can be cut for migrants receiving church asylum*, 13 December 2023, available in German at: <https://bit.ly/4bJIOba>.

³⁹³ ECRE, *The Anker centres Implications for asylum procedures, reception and return*, April 2019, available at: <https://bit.ly/2W7dICZ>.

³⁹⁴ Flüchtlingsrat Niedersachsen, 'Was tun bei drohendem Leistungsausschluss bei „unzulässigen“ Asylanträgen?', 17 January 2025, available in German [here](#).

³⁹⁵ Flüchtlingsrat NRW, 'Hinweise zum Leistungsausschluss bei "unzulässigen" Asylanträgen', 20 January 2025, available in German [here](#).

³⁹⁶ Ibid. See also section 1(4) Asylum Seeker Benefits Act.

³⁹⁷ Information provided by the BAMF on 28 May 2025.

³⁹⁸ Flüchtlingsrat NRW, 'Hinweise zum Leistungsausschluss bei "unzulässigen" Asylanträgen', 20 January 2025, available in German [here](#).

³⁹⁹ Information provided by the BAMF on 28 May 2025.

⁴⁰⁰ Information provided by the BAMF on 28 May 2025.

⁴⁰¹ Flüchtlingsrat NRW, 'Hinweise zum Leistungsausschluss bei "unzulässigen" Asylanträgen', 20 January 2025, available in German [here](#).

The Flüchtlingsrat Niedersachsen (Refugee Council of Lower Saxony) argues that the law violates both the German constitution, which guarantees the right to a dignified existence, and EU law, specifically the EU Reception Conditions Directive, which ensures that asylum seekers are entitled to material assistance and medical care.⁴⁰² Some social courts have already raised doubts about the law's compatibility with EU regulations, suggesting that the cuts may be unlawful.⁴⁰³

Transfer detention under the Dublin procedure must occur in special detention facilities, separate from criminal inmates, meeting the requirements of Article 28(4) D-III-VO and the Reception Directive.⁴⁰⁴ The detention order is based on a request from the immigration authorities or the Federal Police, followed by a court hearing.⁴⁰⁵ A complaint can be filed against the detention order within a specified period. In practice, the detention court does not review the legality of the Dublin procedure unless there is a successful urgent application before the administrative court⁴⁰⁶ (for detailed information, see [Chapter on Detention](#)).

Practices as to detention before and during the Dublin procedure vary among the Federal States. Not all Federal States differentiate between Dublin transfers and removals to countries of origin in their detention statistics. Among those which do collect and segregate the data, between 1.5% and 50% of all Dublin transfers involved a form of detention in 2020.⁴⁰⁷ If asylum seekers have already accessed the regular procedure, they must not be detained for the duration of the procedure. However, detention may be imposed once an application has been rejected as 'inadmissible' because another country was found to be responsible for the asylum procedure, there is a risk of absconding, and the removal order issued as a result of the inadmissibility decision becomes enforceable. In 2024, in 12 % of Dublin cases in Germany, individuals absconded when they received news of their looming transfers.⁴⁰⁸ In this case, the legal basis for ordering and prolongation of detention is the same as for other forms of detention pending removal. This implies that certain preconditions for the lawfulness of detention have to be fulfilled: in particular, any placing into custody under these circumstances should generally be ordered in advance by a judge, since it does not constitute a provisional arrest which may be authorised by a court at a later stage. However, a judge should generally not issue a detention order until the formal request to leave Germany – usually a part of the rejection of the asylum application – has been handed out to the person concerned and if sufficient grounds for detention exist. However, it has been alleged that the authorities often order detention even if these conditions are not met (in the same manner as in other cases of detention pending removal, see [Alternatives to detention](#)). It can be assumed, based on the comparable low number of places which are available in detention facilities, that most Dublin transfers take place within one day and therefore are preceded only by short-term arrests, in contrast to detention in a specialised facility which has to be ordered by a judge (see also [Detention](#)).

⁴⁰² Flüchtlingsrat Niedersachsen, 'Was tun bei drohendem Leistungsausschluss bei „unzulässigen“ Asylanträgen?', 17 January 2025, available in German [here](#).

⁴⁰³ Ibid.

⁴⁰⁴ PRO ASYL et. al, *Dublin-Verfahren 2024: Überblick und Praxis*, 2024, February 2025, available in German [here](#).

⁴⁰⁵ Ibid.

⁴⁰⁶ Ibid.

⁴⁰⁷ Federal Government, *Response to parliamentary question by The Left*, 19/31669, 04 August 2021, available in German at: <https://bit.ly/4awfTGM>, 117 et seq.

⁴⁰⁸ Derek Scally, *Germany to set up centralised deportation facilities in bid to tackle migration*, Irish Times, 19 February 2025, available [here](#).

2.3. Personal interview

Indicators: Dublin: Personal Interview

☐ Same as regular procedure

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the Dublin procedure? ☒ Yes ☐ No
 - ❖ If so, are interpreters available in practice, for interviews? ☒ Yes ☐ No
2. Are interviews conducted through video conferencing? ☐ Yes ☐ No ☒ Information unavailable

There is no consistent practice regarding the timing of interviews in Dublin procedures. For the authorities a Dublin procedure means that responsibilities are transferred to the 'Dublin units' of the BAMF, which may happen at various stages of the procedure. In practice, the Dublin and regular procedure are carried out simultaneously. The personal hearing in the framework of the Dublin procedure is to be conducted, if possible, immediately after the registration of the asylum application, during which a first interview is conducted to establish the basic facts of a case in relation to the possible responsibility of another Member State to carry out the asylum procedure. In many cases, however, the personal interview is conducted a few days after the registration, sometimes even later and when the BAMF has already received a reply from the Member State to which it has sent a take charge or take back request, but in any case before a decision of inadmissibility is issued, unless the interview can be waived in accordance with Art. 5 (2) of the Dublin regulation.⁴⁰⁹

In this Dublin interview, applicants should be given an opportunity to provide possible reasons why a removal to another Dublin state could be impeded (e.g. existence of relatives in Germany). According to BAMF internal guidelines of December 2022, even if there are reasons to believe that another Member State might be responsible, the BAMF case officer is to conduct a personal interview related to the grounds for asylum (see [Regular procedure – Personal interview](#)) after the 'Dublin interview' to increase efficiency of the procedure.⁴¹⁰ In this context it has been noted that questions on the travel routes of asylum seekers may take up a considerable part of the interview, which, when both interviews are conducted on the same day, risk result in a shifting of focus away from the core issues of the personal interview due to time constraints.

Whereas before the outbreak of Covid-19, a face-to-face interview was mandatory for the admissibility interview,⁴¹¹ the reform of the Asylum Act through Act on the acceleration of asylum court proceedings and asylum procedures,⁴¹² which entered into force on 1 January 2023 introduced the possibility to conduct video interviews, including for Dublin interviews (see [Personal interview](#)). Even before, this possibility had been introduced for Dublin interviews as of July 2021.⁴¹³ In 2023, 715 video interviews were conducted (see [Regular procedure - Personal interview](#)). It is not possible to say how many of these were purely related to admissibility according to the Dublin regulation, however.

⁴⁰⁹ Diakonie Deutschland, PRO ASYL & Informationsverbund Asyl & Migration, *Das Dublin-Verfahren. Grundlagen, Verfahrensablauf und Praxistipps*, January 2024, available in German at: <https://bit.ly/42PCIHq>, 54.

⁴¹⁰ BAMF, *Dienstanweisung Dublin* (internal directive for Dublin procedures), version of December 2022, available in German at: <https://bit.ly/3J5jPTA>.

⁴¹¹ *Entscheiderbrief*, 9/2013, 3.

⁴¹² Official Gazette I no. Nr. 56 (2022) of 28 December 2022, 2817.

⁴¹³ BAMF, *Dienstanweisung Asyl* (internal directive for asylum procedures), 03 August 2021, available in German at: <https://bit.ly/49mypAr>, 104.

2.4. Appeal

Indicators: Dublin: Appeal

☐ Same as regular procedure

1. Does the law provide for an appeal against the decision in the Dublin procedure?

❖ If yes, is it

❖ If yes, is it suspensive

☒ Yes ☐ No

☒ Judicial

☐ Administrative

☐ Yes

☒ No

Dublin decisions are inadmissibility decisions under Section 29 of the Asylum Act.

It is possible to lodge an appeal against a Dublin decision before an Administrative Court within 1 week of notification. This appeal has no automatic suspensive effect; suspensive effect can be restored only upon request to the court. Once an application to restore suspensive effect has been filed, the transfer to another Member State cannot take place until the court has decided on this request. The transfer can be executed only if the applicant misses the deadline or if the court rejects the application for suspensive effect. As of 1 January 2023, following the 2022 Act on the acceleration of asylum court proceedings and asylum procedures,⁴¹⁴ courts have discretion on whether to hold personal hearings if the applicant is represented by a lawyer. However, a hearing must take place if the applicant requests so.⁴¹⁵

Material requirements for a successful appeal remain difficult to fulfil and the way these requirements must be defined in detail remains a highly controversial issue. For example, administrative courts in the Federal States continue to render diverging decisions regarding whether problems in the different Member States' asylum systems amount to 'systemic deficiencies' or not (see [Suspension of transfers](#)).

In addition, serious practical difficulties result from the 7-day time limit for the necessary application to the court. This short deadline is often difficult to meet for asylum seekers since the parallel application for suspensive effect must be fully substantiated. To prepare such an application requires expert knowledge of the asylum law, but in the absence of systematic legal counselling asylum seekers regularly have to turn to a lawyer or to refugee counsellors for assistance. However, it might prove impossible for asylum seekers to make an appointment with lawyers or counsellors within the short timeframe. Even if they manage to contact a lawyer, it is still very difficult to produce a sufficiently substantiated application at such short notice. Therefore, it has been argued that the one-week period, although being an improvement compared to the previous situation, still does not provide for an effective remedy and might constitute a violation of the German Constitution.⁴¹⁶

In May 2017, the Federal Constitutional Court established some general standards for the appeal procedure in Dublin cases and cases of removals of people who have been granted protection status in a third country. With regard to the case at hand, where the Administrative Court had rejected an application to restore suspensive effect of an appeal against a removal to Greece, the Court stated that the reception conditions in another country have to be assessed on a factual basis which is 'reliable and sufficient, also concerning the amount [of available information].' This is necessary, in any case, if there were grounds to assume that inhuman or degrading treatment might take place following a removal. If sufficient information on the factual situation in another country was not available, suspensive effect of the appeal should be granted. In line with the general principle of judicial independence, the Constitutional Court did not define which kind of information was necessary to clarify the factual situation. It only pointed to the general obligation for authorities and courts to obtain information about conditions in other countries and to obtain individual guarantees, if necessary.⁴¹⁷

⁴¹⁴ Official Gazette I no. Nr. 56 (2022) of 28 December 2022, 2817.

⁴¹⁵ Section 77(2) Asylum Act.

⁴¹⁶ Dominik Bender and Maria Bethke, "Dublin III", *Eilrechtsschutz und das Comeback der Drittstaatenregelung*, *Asylmagazin* 11/2013, available in German at: <https://bit.ly/4ar98Gl>, 362.

⁴¹⁷ BverfG, Decision 2 BvR 157/17, 8 May 2017, *asyl.net*, available at: <http://bit.ly/2G6rw9X>.

The following table illustrates the number of court decisions on requests for urgent legal protection i.e. requests to restore suspensive effect of appeals in Dublin cases in 2024. A decision to grant an interim measure does not necessarily mean that the court suspended a transfer because of serious individual risks or because of systemic deficiencies in another Dublin state. In many cases, interim measures can also be granted for formal or technical reasons (expiry of time-limits, formal errors in the authorities' decision etc.).

Decisions on requests for suspensive effect in Dublin appeals: 2024		
Country	Granting suspensive effect	Refusing suspensive effect
Croatia	1,447	313
Austria	351	22
Poland	313	51
France	597	60
Italy	235	877
Bulgaria	219	125
Netherlands	165	20
Sweden	150	19
Switzerland	142	8
Portugal	132	2
Belgium	102	19

Source: Federal Government, *Response to parliamentary question by the Left*, 20/14869, 19 March 2025, available in German [here](#), 40.

2.5. Legal assistance

Indicators: Dublin: Legal Assistance

☒ Same as regular procedure

- Do asylum seekers have access to free legal assistance at first instance in practice?

☐ Yes
 ☐ With difficulty
 ☒ No

❖ Does free legal assistance cover:

☐ Representation in interview
 ☐ Legal advice
- Do asylum seekers have access to free legal assistance on appeal against a Dublin decision in practice?

☐ Yes
 ☒ With difficulty
 ☐ No

❖ Does free legal assistance cover

☒ Representation in courts
 ☒ Legal advice

There are no specific regulations for legal assistance in Dublin procedures; therefore, the information given in relation to the section on [Legal assistance](#) applies equally to the Dublin procedure.

It is possible to apply for legal aid for the appeal procedure. However, because of time constraints and because many of these cases are likely to fail the 'merits test', it is unusual for legal aid to be granted, with the possible exception of cases concerning certain Dublin countries such as Italy, Hungary, Bulgaria, in which chances of success have to be rated higher due to the conflicting case law.⁴¹⁸

⁴¹⁸ For an overview of court decisions on legal aid, see the database of asyl.net (search term 'Prozesskostenhilfe').

2.6. Suspension of transfers

Indicators: Dublin: Suspension of Transfers

1. Are Dublin transfers systematically suspended as a matter of policy or jurisprudence to one or more countries? ☐ Yes ☒ No
❖ If yes, to which country or countries?

Suspension of transfers and individualised guarantees for specific Member States

Bulgaria: In 2024, several administrative courts in Germany addressed Dublin transfers to Bulgaria with varying outcomes. The Supreme Administrative Court Baden-Württemberg ruled in July 2024, that no systemic deficiencies or risks of inhuman or degrading treatment existed for individuals being transferred to Bulgaria, allowing the transfer to proceed.⁴¹⁹ However, the Administrative Court Saarland made different decisions in two cases: one, where the transfer was halted due to the vulnerability of the individual involved⁴²⁰, and another where the court found no systemic flaws and allowed the transfer.⁴²¹ Similarly, the Supreme Administrative Bayern, and the Administrative Court Darmstadt, upheld that no inhumane treatment or systemic failures existed in Bulgaria, allowing the transfer to take place.⁴²²

On the other hand, the Administrative Court Lüneburg halted a transfer due to concerns for an elderly individual in poor health, citing the potential for inhumane treatment in Bulgaria.⁴²³ Overall, in 2024, there were more decisions allowing transfers, such as those from the Courts in Baden-Württemberg, Bayern, and Darmstadt, than cases halting transfers, as seen in the rulings from the administrative courts Lüneburg and Saarland.

Croatia: Several administrative courts have halted Dublin transfers to Croatia, referring to illegal pushbacks of asylum seekers to Bosnia Herzegovina and Serbia and police violence against asylum seekers, while other courts see no danger of pushback for returnees from Germany (for an overview see tables above and below). A recent example in this regard is the Administrative Court of Munich decision of February 2024.⁴²⁴ Here, the Court addressed the case of asylum seekers, primarily from Türkiye, facing deportation under the Dublin procedure. The court found that due to systemic issues in Croatia, including police violence and the lack of effective legal recourse for asylum seekers, deporting the applicants to Croatia would violate their rights under EU law and the European Charter of Fundamental Rights. The court annulled the German authorities' decision and emphasised the risks of "chain deportations" to Bosnia-Herzegovina.⁴²⁵

With a total of 189 transfers compared to 10,576 outgoing requests and 9,544 cases accepted by Croatia until August 2023, the ratio of transfers to requests was much lower than the average of all member states. The number of outgoing requests almost doubled in 2023 compared to 2022 (4,657 outgoing requests until August, compared to 4,657 for the whole of 2022).⁴²⁶ The number of requests likewise increased in 2024 with Croatia receiving a total of 14,068 transfer requests under the Dublin Regulation from Germany. This number constitutes 18.9% of Germany's total Dublin transfer requests to other Member States.⁴²⁷ Notably, in the same period, Germany conducted 533 transfers to Croatia, accounting for 9.1% of its total transfers under the Dublin Regulation.⁴²⁸ According to practitioners, this seems to be at least in part related to a practice by the BAMF whereby it sends outgoing requests for persons who have first entered

⁴¹⁹ Higher Administrative Court of Baden-Württemberg, A 4 S 257/24, 19 July 2024, available in German [here](#).

⁴²⁰ Administrative Court Saarland, 3 L 699/24, 28 June 2024, available in German [here](#).

⁴²¹ Administrative Court Saarland, 3 L 776/24, 27 June 2024, available in German [here](#).

⁴²² Higher Administrative Court of Bayern, 24 B 22.31108, 28 March 2024, available in German [here](#) and Administrative Court Darmstadt, 7 L 97/24.DA.A, 25 January 2024, available in German [here](#).

⁴²³ Administrative Court Lüneburg, 5 A 577/21, 17 January 2024, available in German [here](#).

⁴²⁴ Administrative Court Munich, M 10 K 22.50479, judgment of 22 February 2024, available in German [here](#).

⁴²⁵ Ibid.

⁴²⁶ Federal Government, *Responses to parliamentary question by The Left*, 20/9067, 2 November 2023, available in German at: <https://bit.ly/3T30yHd>, 5 and Federal Government, *Reply to parliamentary question by The Left*, 20/5870, 28 February 2023, available in German at: <https://bit.ly/40KZhWi>, 4.

⁴²⁷ Federal Government, *Response to parliamentary question by the Left*, 20/14869, 19 March 2025, available in German [here](#), 5.

⁴²⁸ Ibid., 10.

the EU via Greece and then moved onwards to Germany via Croatia, and where a transfer to Greece is not possible.⁴²⁹ However, the number of people travelling through Croatia also seems to have risen following the country's accession to Schengen.⁴³⁰ In 2024, the probability of a Dublin transfer for Croatia, Greece, Bulgaria and Hungary, stood at less than 10%.⁴³¹

Hungary: According to information provided by the BAMF in 2018, any Dublin request to the Hungarian authorities is accompanied by a request of individualised guarantees, i.e. that Dublin returnees will be treated in accordance with the Reception Conditions Directive and the APD.⁴³² It is established jurisprudence, however, that admissibility decisions and removals regarding Hungary are unlawful due to the lack of access to the national asylum system in Hungary⁴³³ (see table below for other decisions suspending transfers to Hungary). The German government informed Parliament in March 2019 that no individual guarantees had been provided by the Hungarian authorities. Hence, it can be concluded that the policy of seeking individual guarantees have led to a standstill in transfers to Hungary in practice. However, this has not led to a formal suspension of transfers or to a change of policy: German authorities continue to submit take charge requests to their Hungarian counterparts and to send requests to Hungary also in 2023.⁴³⁴ Whereas no Dublin transfers to Hungary took place between 11 April 2017 and the end of 2020,⁴³⁵ one person was transferred to Hungary in 2021, with an individualised guarantee issued by the Hungarian authorities.⁴³⁶ 8 transfers took place in 2022,⁴³⁷ and 6 in 2023.⁴³⁸ In 2024, Hungary received 363 transfer requests under the Dublin Regulation, resulting in only 3 actual transfers, which accounts for just 0.1% of all transfers conducted within the Dublin framework.⁴³⁹ No further information is available on these cases and it is unclear whether this presents a general change in practice on the side of either the German or the Hungarian authorities. Several court decisions halting transfers to Hungary in 2022 and 2023 (see table below) indicate that the BAMF is again ordering transfers to Hungary at least in some cases. The Administrative Court of Düsseldorf, in its decision of May 15, 2024 (22 L 764/24.A), concluded that no systemic weaknesses exist in Hungary's asylum system or reception conditions for healthy, employable individuals during the asylum process or after being granted international protection.⁴⁴⁰ This decision emphasised that, based on the circumstances at the time, there is no evidence suggesting a risk of inhuman or degrading treatment for such individuals in Hungary, allowing for the continued application of the Dublin procedure in this context.⁴⁴¹

Greece: A formal suspension of transfers to Greece, which had been in place for several years, ended in March 2017.⁴⁴² In 2022 and 2021, Germany sent a comparably high number of take charge requests to Greece (9,166 in 2022, or 13.3% of all outgoing requests in 2022, 10,427 or 24.6% of all outgoing requests

⁴²⁹ Diakonie Deutschland, PRO ASYL & Informationsverbund Asyl & Migration, *Das Dublin-Verfahren. Grundlagen, Verfahrensablauf und Praxistipps*, January 2024, available in German at: <https://bit.ly/42PCIHq>, 34.

⁴³⁰ Infomigrants, *Croatia tightens border checks as Balkan migration route gets busier*, 20 November 2023, available at: <https://bit.ly/3Ue9lGM>.

⁴³¹ Flüchtlingsrat Niedersachsen e.V., *Dublinüberstellungen 2024*, 8 January 2025, available in German [here](#).

⁴³² Federal Government, *Response to parliamentary question by The Left, 19/921*, 26 February 2018, available in German at: <https://bit.ly/3RTIGy4>, 19.

⁴³³ Justus Linz, *Zur Situation von »Dublin-Rückkehrenden« und »Anerkannten« in Staaten Osteuropas*, September 2022, asyl.net, available in German at: <https://bit.ly/3JdJ7PH>, 3.

⁴³⁴ See Administrative Court of the Saarland, 5 L 837/23, 18 October 2023, asyl.net: M31916.

⁴³⁵ Preliminary remark to Federal Government, *Response to parliamentary question by The Left, 19/17100*, 20 February 2020, available in German at: <https://bit.ly/4aqLV7g>, 1.

⁴³⁶ Federal Government, *Response to parliamentary question by The Left, 20/5868*, 28 February 2023, available in German at: <https://bit.ly/3TFefdY>, 4; 19/30849, 21 June 2021, available in German at: <https://bit.ly/3GSrxxM>, 47.

⁴³⁷ Federal Government, *Responses to parliamentary question by the CDU/CSU, 20/10869*, 27 March 2024, available in German at: <https://bit.ly/3TTUfVx>, 22-23.

⁴³⁸ Federal Government, *Response to parliamentary question by The Left, 20/9067*, 2 November 2023, available in German at: <https://bit.ly/3T30yHd>, 29.

⁴³⁹ Federal Government, *Response to parliamentary question by the Left, 20/14869*, 19 March 2025, available in German [here](#), 5, 10.

⁴⁴⁰ Administrative Court of Düsseldorf, 22 L 764/24.A, 15 May 2024, available in German [here](#).

⁴⁴¹ Ibid.

⁴⁴² Federal Government, *Response to parliamentary question by The Left, 19/30849*, 21 June 2021, available in German at: <https://bit.ly/3GSrxxM>, 27.

in 2021).⁴⁴³ In 2024, Greece received 15,453 transfer requests under the Dublin Regulation from Germany, which constitutes 20.7% of all transfer requests Germany made to other Member States. However, only 22 actual transfers were carried out to Greece in the same year.⁴⁴⁴ Compared to previous years, the number of transfers indicates a relatively sharp increase of transfers in 2024. Only 3 transfers were carried out in 2023, none in 2022, only one in 2021 and 4 in 2020 (compared to 20 in 2019).⁴⁴⁵ While the number of requests seems to be similar in 2023 with 5,523 outgoing requests sent, they represented only 7.4% of all outgoing requests.⁴⁴⁶ The government asserts that vulnerable people are not being transferred since Dublin transfers have been taken up again in March 2017, and that individualised guarantees are sought for every case regarding reception, accommodation and the asylum procedure.⁴⁴⁷ In 2022, no such individualised guarantees were issued according to the Federal Government.⁴⁴⁸ Upon a freedom of information request, PRO ASYL obtained a letter by the BAMF dated to February 2024 according to which since 31 January 2024, people from Algeria, Morocco, Pakistan and Bangladesh are to be deported back to Greece as part of the Dublin procedure if there is a EURODAC hit from Greece. The BAMF stated that Greece is accepting returns of people from these countries of origin and will individually guarantee their human rights-compliant accommodation. It has also instructed the Federal States to treat transfers to Greece from the mentioned nationalities with priority.⁴⁴⁹ Courts like the administrative court Ansbach confirmed this approach in a case where it addressed an appeal by “a young, healthy, and employable Palestinian man from Gaza”, seeking to suspend his deportation to Greece.⁴⁵⁰ The court concluded that, based on available evidence in August 2024, there were no systemic deficiencies in Greece's asylum system that would expose the applicant to inhuman or degrading treatment. Therefore, the application was deemed inadmissible, and no serious doubt existed regarding the lawfulness of the deportation under the Dublin procedure.⁴⁵¹

In October 2019, the Federal Constitutional Court defined some important standards concerning transfers of persons who have applied for international protection in Greece, ruling that it is necessary to take into account the situation of an asylum seeker in **Greece** not only during the asylum procedure, but also after the possible granting of protection status. The Constitutional Court in the present case saw ‘concrete indications’ that persons with protection status might be at risk of treatment which might violate Article 4 of the European Charter of Fundamental Rights. In line with the CJEU’s ruling in the case of *Jawo*,⁴⁵² the court held that authorities and courts in Germany had to examine this point when deciding about the possibility of a transfer.⁴⁵³ In 2023, five out of ten applications for legal protection in German courts against a transfer to Greece were successful.⁴⁵⁴

For transfers of persons who have received a protection status in Greece, see [Suspension of returns for beneficiaries of international protection in another Member State](#).

⁴⁴³ Federal Government, *Response to parliamentary question by The Left*, 20/861, 24 February 2022, 2: 19/30849, 21 June 2021, available in German at: <https://bit.ly/3GSrXhM>, 3.

⁴⁴⁴ Federal Government, *Response to parliamentary question by the Left*, 20/14869, 19 March 2025, available in German [here](#), 5, 10.

⁴⁴⁵ Federal Government, *Response to parliamentary question by The Left*, 20/5868, 28 February 2023, available in German at: <https://bit.ly/3TFefdY>, 12; 19/30849, 21 June 2021, available in German at: <https://bit.ly/3GSrXhM>, 11; 19/17100, 20 February 2020, available in German at: <https://bit.ly/4aqLV7g>, 59-60.

⁴⁴⁶ Federal Government, *Response to parliamentary question by the CDU*, 2010869, 27 March 2024, available in German at: <https://bit.ly/3TTUfVx>, 22.

⁴⁴⁷ Federal Government, *Response to parliamentary question by The Left*, 19/30849, 21 June 2021, available in German at: <https://bit.ly/3GSrXhM>, 27.

⁴⁴⁸ Federal Government, *Responses to parliamentary question by The Left*, 20/5868, 28 February 2023, available in German at: <https://bit.ly/3TFefdY>, 36.

⁴⁴⁹ The BAMF letter is available in German at: <https://bit.ly/4asyVO3>.

⁴⁵⁰ Administrative Court Ansbach, AN 17 S 24.50516, decision of 27 August 2024, available in German [here](#).

⁴⁵¹ Ibid.

⁴⁵² CJEU, *Judgment in case C-163/17, Jawo*, 19 March 2019, available at: <https://bit.ly/304sXA2>.

⁴⁵³ Federal Constitutional Court, decision of 7 October 2019 – 2 BvR 721/19 – Asylmagazin 1-2/2020, S. 37 f. – asyl.net: M27758, available at: <https://bit.ly/4auAtax>.

⁴⁵⁴ Federal Government, *Response to parliamentary question by the Left*, 20/14869, 19 March 2025, available in German [here](#), 1.

Italy: The BAMF stated in March 2019 that it now carries out Dublin transfers to Italy without obstacles, after discontinuing a previous policy of requesting individual guarantees for families with children below the age of three.⁴⁵⁵ Transfers to Italy are systematically ordered, including for vulnerable persons such as pregnant women or persons with severe mental health conditions.⁴⁵⁶ In reaction to a letter issued by the Italian ministry in December 2022 that it would no longer accept incoming requests based on a lack of reception capacity, the German government responded that it continued to apply the Dublin procedure as ‘directly applicable EU law’ and that it would ‘take into account temporary challenges in individual cases’.⁴⁵⁷ NGOs reported that the BAMF continued to issue Dublin transfer decisions as of March 2023, even though Italy did not accept the transfers in most cases.⁴⁵⁸ While the Higher Administrative Court of **North Rhine Westphalia** had found that the refusal of Italy to accept Dublin returnees, together with the government’s statement that there is no reception capacity, amounts to systemic deficiencies which make Dublin transfers to Italy illegal, the Federal Administrative Court rebuked this assumption in a decision issued in October 2023.⁴⁵⁹ A total of 15,479 outgoing requests to Italy were sent in 2023, while 11 transfers took place.⁴⁶⁰ In at least nine of these cases the persons travelled back voluntarily and independently, according to the BAMF.⁴⁶¹ In 2024, the number of outgoing requests to Italy decreased to 12, 841 of which 3 took place.⁴⁶²

With reference to the CJEU decision in the case of *Jawo vs. Germany*, the Federal Constitutional Court reiterated in October 2019 that courts are obliged to consult objective, reliable and up-to-date sources of information when deciding on the legitimacy of Dublin transfers.⁴⁶³ The Constitutional Court overruled two decisions by the Administrative Court of Würzburg in which transfers to Italy had been declared permissible. The Constitutional Court pointed out that the lower court had not sufficiently examined the reception conditions in Italy and the possible risks upon return which might result from homelessness and from possible systemic deficiencies in the asylum system. In 2021, the BAMF sought to appeal a decision of the Higher Administrative Court of **North Rhine Westphalia** in July 2021, halting the transfer of a single man to Italy ruled unlawful due to the lack of accommodation in Italy,⁴⁶⁴ based on an alleged lack of sufficient consideration of the facts on the ground. The Federal Administrative Court however confirmed the decision on 27 January 2022.⁴⁶⁵

Over the last years, several hundred court cases have resulted in suspension of transfers to other countries by means of issuance of interim measures. At the same time, however, other courts have decided in favour of transfers to these countries. The inconsistent jurisprudence is related to the fact that the definition of requirements for a suspension of transfers remains highly controversial. For example, courts continue to render diverging decisions on the issue of whether problems in the Italian asylum system amount to ‘systemic deficiencies’ or not, or whether the situation of Dublin returnees in Italy calls for individualised guarantees or not. Jurisprudence regarding transfers to Italy has remained inconsistent

⁴⁵⁵ Informationsverbund Asyl und Migration, ‘BAMF führt Überstellungen nach Italien wieder „uneingeschränkt“ durch’, 29 March 2019, available in German at: <https://bit.ly/2Uobbqu>. For more information on the practice in previous years and corresponding jurisprudence see AIDA, *Country Report Germany – Update on the year 2019*, July 2020, available at: <https://bit.ly/3hCWYOF>, 36-37.

⁴⁵⁶ ECRE, *The AnKER centres Implications for asylum procedures, reception and return*, April 2019, available at: <https://bit.ly/2W7dICZ>.

⁴⁵⁷ Federal Government, *Responses to parliamentary question by The Left*, 20/5868, 28 February 2023, available in German at: <https://bit.ly/3TFefdY>, 40-41.

⁴⁵⁸ Oral discussion with AIDA partner NGO.

⁴⁵⁹ Federal Administrative Court, Decision 1 B 22.23, 24 October 2023, asyl.net: M31979

⁴⁶⁰ Federal Government, Response to parliamentary question by the CDU/CSU, 20/10869, 27 March 2024, available in German at: <https://bit.ly/3TTUfVx>, 22-23.

⁴⁶¹ Der Tagesspiegel, *Italien nimmt neun Flüchtlinge zurück: Berlin ruft EU-Kommission um Hilfe*, 11 August 2023, available in German at: <https://bit.ly/4bWBcCm>.

⁴⁶² Federal Government, Response to parliamentary question by the Left, 20/14869, 19 March 2025, available in German [here](#), 5, 37.

⁴⁶³ Bundesverfassungsgericht (BverfG), *Decision 2 BvR 1380/19*, 10 October 2019, asyl.net: M27757, available in German at: <https://bit.ly/41xsDcd>.

⁴⁶⁴ Higher Administrative Court of North Rhine Westphalia, 11 A 1689/20.A, 20 July 2022, available in German at: <https://bit.ly/3TsJL0Q>.

⁴⁶⁵ Federal Administrative Court, 1 B 66.21, 27 January 2022, asyl.net: M31153, available in German at: <https://bit.ly/3M4fRvh>.

as of 2023.⁴⁶⁶ Notably, the Higher Administrative Court of **Lower Saxony** found in June 2022 that access to illegal forms of work in Italy can be taken into account when state authorities are not enforcing the law against such forms of work.⁴⁶⁷ Two administrative court decisions issued after the new right-wing government in Italy took office point to different assessments of the impact of the change in government on conditions for asylum seekers: while the administrative court of Greifswald does not expect the situation to change,⁴⁶⁸ the administrative court of Braunschweig expects the situation to worsen.⁴⁶⁹

A decision by the higher Administrative Court of Schleswig-Holstein found no systemic deficiencies, even for vulnerable applicants, in January 2024.⁴⁷⁰ The Administrative Court of Munich (VG München) confirmed this approach in a case involving a Syrian asylum seeker who challenged his transfer to Italy under the Dublin Regulation in September 2024.⁴⁷¹ The court upheld the German authorities' decision, confirming that Italy was responsible for processing the asylum claim, based on the Dublin III Regulation, which determines the member state responsible for asylum applications. The court dismissed the claim, stating that there were no systemic deficiencies in Italy's asylum process. Although Italy had temporarily suspended the acceptance of Dublin transfers in December 2022, the court did not consider this an insurmountable issue in this case. It emphasised that the asylum seeker would not face a "refugee in orbit" situation—where a person remains in limbo without a clear country of responsibility—since the case did not present exceptional circumstances requiring a different legal approach. Regarding the decision on deportation to Italy, the court confirmed that, even with the potential difficulties in implementing the transfer due to Italy's suspensions, the legal order for deportation was not invalid. The ruling also addressed procedural concerns, noting that the usual legal process for challenging the deportation was still applicable despite Italy's temporary suspension of Dublin transfers. In a similar case decided on May 29, 2024, the Administrative Court Berlin had likewise concluded that the lack of Italy's willingness to accept transfers under the Dublin procedure does not constitute systemic deficiencies.⁴⁷² The court upheld the principle that such a situation does not justify an automatic suspension of Dublin transfers.

Poland: The jurisprudence on the suspensive effect of Dublin cases in relation to Poland has varied in past years. Some courts, like the VG Hannover in October 2022, granted suspensive effect, citing concerns about inhumane or degrading treatment, especially regarding detention conditions in Polish facilities.⁴⁷³ However, other courts, such as the VG Berlin (2023)⁴⁷⁴ and VG Chemnitz (2023)⁴⁷⁵, denied suspensive effect, noting improvements in conditions and emphasizing that Dublin returnees were not systematically detained.⁴⁷⁶ In contrast, the VG Minden (August 2023) ruled in favour of suspensive effect, citing systemic issues in Poland's treatment of children and families, including overcrowding and inadequate conditions.⁴⁷⁷

A detailed analysis of case law on this issue, which consists of hundreds of decisions, is not possible within the scope of this report. By way of illustration, recent decisions concerning transfers of asylum seekers and beneficiaries of international protection to selected Member States are listed below:

⁴⁶⁶ Informationsverbund Asyl & Migration, 'Das »Dublin-Verfahren«. Die Zulässigkeitsprüfung im Asylverfahren bei »Dublin-Fällen« und »Anerkannten«', available in German at: <https://bit.ly/3K4StLy>.

⁴⁶⁷ Higher Administrative Court of Lower Saxony, 10 LA 77/22, 10 June 2022, asyl.net: M30785, available in German at: <https://bit.ly/3tpplWn>.

⁴⁶⁸ Administrative Court of Greifswald, 3 A 1301/22 HGW, 17 November 2022, available in German at: <https://bit.ly/4728c8w>.

⁴⁶⁹ Administrative Court of Braunschweig, 2 B 278/22, 1 December 2022, available in German at: <https://bit.ly/3GSn2Ui>.

⁴⁷⁰ Higher Administrative Court of Schleswig-Holstein, 4 LB 4/23, 25 January 2024, available in German at <https://bit.ly/4dYIWQq>.

⁴⁷¹ Administrative Court Munich, M 10 K 24.50768, 9 September 2024, available in German [here](#).

⁴⁷² Administrative Court Berlin, 9 K 668/23 A, 29 May 2024, asyl.net: M32460, available in German [here](#).

⁴⁷³ Administrative Court Hannover, 12 B 3546/22, 7 October 2022, available in German [here](#).

⁴⁷⁴ Administrative Court Berlin, 23 L 457/23, 2 September 2023, available in German [here](#).

⁴⁷⁵ Administrative Court Chemnitz, 16 October 2023, available in German [here](#), 279.

⁴⁷⁶ Ibid.

⁴⁷⁷ Administrative Court Minden, 12 K 2197/22.A, judgment of 28 August 2023, available in German [here](#).

Examples of Administrative Court rulings on Dublin transfers: 2024		
Country	Halting transfer	Upholding transfer
Bulgaria	Administrative Court of Lüneburg, 5 A 577/21, 17 January 2024 Administrative Court of Saarland, 3 L 699/24, 28 June 2024 Higher Administrative Court of Mecklenburg-Vorpommern, 4 LB 653/22 OVG, 2 February 2024	Administrative Court of Darmstadt, 7 L 97/24.DA.A, 25 January 2024 Supreme Administrative of Bayern, 24 B 22.31108, 28 March 2024 Administrative Court of Saarland, 3 L 776/24, 27 June 2024 Higher Administrative Court of Nordrhein-Westfalen, 11 A 1460/23. A, 10 September 2024
Croatia	Administrative Court of Munich, M 10 K 22.50477 and M 10 K 22.50479, 22 February 2024 Administrative Court of Munich, M 10 S 24.50732, 29 July 2024	Administrative Court of Ansbach, AN 17 S 24.50087, 16 February 2024 Administrative Court of Wiesbaden, 7 K 324/24. WI.A, 25 April 2024 Higher Administrative Court Baden-Württemberg, A 4 S 257/24, 19 July 2024 Administrative Court of Berlin, 24 L 185/24, 4 September 2024
Greece	Administrative Court of Wiesbaden, 7 L 1538/24.WI.4, 28 October 2024 Administrative Court of Saarland, 3 L 1461/24, 04 November 2024 Administrative Court of Hamburg, 12 AE 5345/24, 22 November 2024	Administrative Court of Ansbach AN 17 S 24.50516, 27 August 2024
Hungary	Administrative Court of Minden, 12 K 2146/24.A, 10 October 2024	Administrative Court of Düsseldorf 22 L 764/24.A, 15 May 2024
Italy	Administrative Court of Berlin, 9 K 235/23 A, 23 April 2024 Administrative Court of Berlin, 9 L 327/24.A, 09 July 2024 Administrative Court of Darmstadt, 1 L 2602/24.DA.A, 08 November 2024	Administrative Court of Düsseldorf, 22 L 497/24.A, 20 March 2024 Administrative Court Berlin, 9 K 668/23 A, 29 May 2024 Administrative Court of Munich, M 10 S 24.50738, 30 July 2024 Administrative Court of Munich, M 10 K 24.50768, 9 September 2024

Source: Publicly available caselaw databases. See also the database of asyl.net.

In other cases, courts have stopped short of discussing these basic questions and have stopped transfers on individual grounds e.g., lack of adequate medical treatment for a rare disease in the Member State.

For information about suspensions of transfers of beneficiaries of international protection, please see [Suspension of returns for BIPs in another Member State](#).

2.7. The situation of Dublin returnees

Germany received 5,827 transfers in 2024, compared to lower numbers in previous years.⁴⁷⁸ In 2023, the number of transfers from other member States to Germany stood at 4,275 transfers⁴⁷⁹ compared to 3,700 in 2022, 4,274 in 2021, 4,369 in 2020 and 6,087 in 2019. Dublin transfers are usually carried out individually through commercial flights.

In 2024, the highest number of incoming requests for transfers came from France (4,712), Belgium (2,449), and the Netherlands (2,299).⁴⁸⁰ Per the national dispersal rules, if persons are transferred to Germany based on family unity provisions, upon arrival they are sent to the place where their relatives are staying and local authorities provide them with accommodation and other related reception services.

There have been no reports of Dublin returnees facing difficulties in re-accessing an asylum procedure or facing any other problems after having been transferred to Germany. There is no uniform procedure for the reception and further treatment of Dublin returnees. If they had already applied for asylum in Germany, they are usually obliged to return to the region to which they had been assigned during the former asylum procedure in Germany. If their application had already been rejected by a final decision, it is possible for them to be placed in pre-removal detention upon return to Germany.⁴⁸¹

3. Admissibility procedure

3.1. General (scope, criteria, time limits)

There is no separate procedure preceding the regular procedure in which decisions on admissibility of asylum applications are taken. However, it is possible that applications are declared inadmissible in the course of the regular procedure, based on the grounds set out in Section 29 of the Asylum Act.

Applications are deemed inadmissible in the following cases:

- ❖ Another country is responsible for carrying out the asylum procedure, according to the Dublin Regulation or based on other European or international treaties (see Dublin);⁴⁸²
- ❖ Another EU Member State has already granted the applicant international protection;⁴⁸³
- ❖ A country that is willing to readmit the foreigner is regarded as a 'safe third country' for the asylum seeker;⁴⁸⁴
- ❖ A country that is not an EU Member State and is willing to readmit the foreigner is regarded as 'another third country';⁴⁸⁵
- ❖ The applicant has made a subsequent,⁴⁸⁶ or secondary,⁴⁸⁷ application (see [Subsequent applications](#)).

⁴⁷⁸ Federal Government, *Response to parliamentary question by the Left*, 20/14869, 19 March 2025, available in German [here](#), 37.

⁴⁷⁹ Federal Government, *Response to parliamentary question by the CDU*, 2010869, 27 March 2024, available in German at: <https://bit.ly/3TTUfVx>, 25.

⁴⁸⁰ Federal Government, *Response to parliamentary question by the Left*, 20/14869, 19 March 2025, available in German [here](#), 37.

⁴⁸¹ ECRE, *The AnKER centres Implications for asylum procedures, reception and return*, April 2019, available at: <https://bit.ly/2W7dICZ>.

⁴⁸² Section 29(1)(1) Asylum Act.

⁴⁸³ Section 29 (1)(2) Asylum Act.

⁴⁸⁴ Section 29(1)(3) Asylum Act, citing Section 26a Asylum Act.

⁴⁸⁵ Section 29(1)(4) Asylum Act, citing Section 27 Asylum Act.

⁴⁸⁶ Section 29(1)(5) Asylum Act, citing Section 71 Asylum Act.

⁴⁸⁷ Section 29(1)(5) Asylum Act, citing Section 71a Asylum Act.

The BAMF took the following inadmissibility decisions in 2024:

Inadmissibility decisions in 2024	
Ground	Number
Applicability of the Dublin Regulation	32,678
International protection in another EU Member State	8,679
Safe third country	Not available
Another third country	Not available
Secondary application (after procedure in a safe third country)	Not available
Subsequent application (after procedure in Germany)	Not available
Removal before decision	Not available
Application not treated further	Not available
'Non pursuit' on the applicant's side or granting of temporary protection	Not available
No decision required (Dublin)	Not available
Other reasons (not specified), formal decision	75, 700
Total	301,350

Source: Federal Government, *Response to parliamentary question by the Left*, 20/14869, 19 March 2025, available in German [here](#), 36.

Of practical importance is the situation of persons who have been granted international protection in another EU Member State and then move to Germany to apply for international protection there. This often concerns persons with a status in Greece, or other EU Member States where it is difficult for beneficiaries of protection to access certain services and secure adequate living standards. In such cases, the BAMF's earlier practice to issue inadmissibility decisions has been challenged by courts, as a result of which the BAMF now conducts a second asylum procedure for persons with a protection status in Greece in a majority of cases. The BAMF practice, court rulings and figures are described in [Suspension of returns for beneficiaries of international protection in another Member State](#).

On 1 August 2022, the CJEU established in a preliminary ruling that the asylum applications of a child born in one Member states (in this case Germany) whose parents have been granted protection in another Member State (in this case Poland) cannot be rejected as inadmissible.⁴⁸⁸ The request was made by the Administrative Court of Cottbus (**Brandenburg**), based on a BAMF decision that such an application was inadmissible on the grounds that Poland was responsible for conducting the asylum procedure under the Dublin regulation. According to the CJEU, this ground for inadmissibility cannot be applied analogously to cases where international protection has already been granted to family members.

The provision that asylum applications may be considered inadmissible in case of safety in 'another third country' (*sonstiger Drittstaat*) is based on the concept of [First country of asylum](#) of Article 35 of the recast APD.⁴⁸⁹ 'Another third country' may refer to any country which is not defined as a [Safe third country](#) under German law.⁴⁹⁰ The provision is rarely applied (5 cases in 2023, 6 cases in 2022, 4 cases in 2021).⁴⁹¹ For 2024, no such data is available.

⁴⁸⁸ CJEU, *Judgment in case C-720/20*, 1 August 2022, available at: <http://bit.ly/3WEtCmX>.

⁴⁸⁹ Maria Bethke und Stephan Hocks, *Neue „Unzulässigkeits“-Ablehnungen nach § 29 AsylG*, Asylmagazin 10/2016, available in German at: <https://bit.ly/3NXQ0Gz>, 336-346 (343).

⁴⁹⁰ 'Safe third countries' are all member states of the European Union plus Norway and Switzerland: Section 26a Asylum Act and addendum to Asylum Act.

⁴⁹¹ Federal Government, *Response to parliamentary question by The Left*, 20/9933, 28 December 2023, available in German at: <https://bit.ly/42NJDma>, 3-4, 20/432, 14 January 2022, available in German at: <https://bit.ly/3RvW8GL>, 6, and 20/5709, 17 February 2023, available in German at: <https://bit.ly/3K3w3MX>, 6.

3.2. Personal interview

Indicators: Admissibility Procedure: Personal Interview

☒ Same as regular procedure

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the admissibility procedure? ☒ Yes ☐ No
 - ❖ If so, are questions limited to identity, nationality, travel route? ☐ Yes ☒ No
 - ❖ If so, are interpreters available in practice, for interviews? ☒ Yes ☐ No
2. Are interviews conducted through video conferencing? ☐ Frequently ☐ Rarely ☒ Never

The examination of whether an application may be considered as inadmissible is part of the regular procedure; therefore, the same standards are applied and an inadmissibility interview has to take place before the inadmissibility decision is issued⁴⁹² (see also [Regular Procedure: Personal Interview](#)). However, if the applicant fails to appear at the interview, the BAMF can decide based on written documentation.⁴⁹³

See also [Dublin: Personal Interview](#), as the majority of inadmissibility decisions concern Dublin cases.

3.3. Appeal

Indicators: Admissibility Procedure: Appeal

☐ Same as regular procedure

1. Does the law provide for an appeal against the decision in the admissibility procedure?
 - ☒ Yes ☐ No
 - ❖ If yes, is it ☒ Judicial ☐ Administrative
 - ❖ If yes, is it suspensive ☐ Yes ☐ Some grounds ☒ No

The appeal procedure in cases of inadmissible applications (i.e., mostly Dublin cases and cases of persons granted protection in another EU country) has been described in the section on [Dublin: Appeal](#). Appeals have to be submitted to the court within 1 week (7 calendar days) together with a request to the court to grant suspensive effect to the appeal. The latter request has to be substantiated.

3.4. Legal assistance

Indicators: Admissibility Procedure: Legal Assistance

☒ Same as regular procedure

1. Do asylum seekers have access to free legal assistance at first instance in practice?
 - ☐ Yes ☐ With difficulty ☒ No
 - ❖ Does free legal assistance cover:
 - ☐ Representation in interview
 - ☐ Legal advice
2. Do asylum seekers have access to free legal assistance on appeal against a Dublin decision in practice?
 - ☐ Yes ☒ With difficulty ☐ No
 - ❖ Does free legal assistance cover
 - ☒ Representation in courts
 - ☒ Legal advice

As in the [regular procedure](#), asylum seekers can be represented by lawyers at first instance (at the BAMF), but they must pay for legal representation themselves and it may be difficult to find a lawyer for practical reasons.

The appeal procedure in cases of applications which are found inadmissible is identical to the procedure in 'manifestly unfounded' cases. It is possible to apply for legal aid for the appeal procedure. However,

⁴⁹² Section 29(2) Asylum Act.

⁴⁹³ Section 29(3) Asylum Act.

because of time constraints and because many of these cases are likely to fail the ‘merits test’, it is unusual for legal aid to be granted, with the exception of some Dublin cases (see [Dublin: Legal Assistance](#)).

3.5. Suspension of returns for beneficiaries of international protection in another Member State

Asylum applications of persons who have been granted international protection in another EU Member States are usually rejected as inadmissible.⁴⁹⁴ In recent years, this has been challenged with regards to Member States where it is difficult for beneficiaries of protection to access certain services and secure adequate living standards. While previously, the BAMF usually decided that the asylum application was inadmissible but sometimes issued a removal ban for said Member State, the Federal Administrative Court, in a decision of 20 May 2020, ruled that in line with a CJEU ruling, an application for asylum cannot be deemed inadmissible on the grounds that another Member State has already granted protection if the situation the applicant would face in this Member State amounts to inhuman or degrading treatment, and thus be in violation of Art. 4 of the EU Charter on Fundamental Rights.⁴⁹⁵ In these cases, the BAMF would have to carry out a regular asylum procedure.

Many court decisions which have been published in recent years deal with cases of persons who have been granted international protection in other European states such as Bulgaria, Greece, Hungary or Italy. In many of these cases, transfers were suspended by courts on the grounds that a risk of inhuman or degrading treatment could not be excluded for beneficiaries of international protection in these countries. However, similarly to the existing case law on ‘systemic deficiencies’ in the context of Dublin transfers, the case law on this issue was not consistent and other courts upheld transfers of beneficiaries of international protection to Bulgaria or Italy, while the majority of courts do not consider transfers to Greece to be lawful (see also Suspension of transfers and below, this section).⁴⁹⁶ A list of court cases dealing with transfers of beneficiaries of international protection is accessible online.⁴⁹⁷

The 2022 Act on the acceleration of asylum court proceedings and asylum procedures⁴⁹⁸ introduced the possibility for the Federal Administrative Court (Bundesverwaltungsgericht, BVerwG) to decide on the facts of the case as they pertain to the situation in the country of origin or destination⁴⁹⁹ in order to avoid situations where Higher Administrative Courts come to different conclusions in this regard (see [Onward appeal\(s\)](#)). Two of the three revision procedures launched under this new competence concerned the situation in **Italy**. One procedure was stopped without a decision. In the second procedure, the Federal Administrative Court (BVerwG) ruled in November 2024 for the first time on a factual revision according to § 78 (8) AsylG, assessing the general situation in Italy for recognised refugees who are not vulnerable and are of working age.⁵⁰⁰ The case involved two single women from Somalia and Syria, who had been granted refugee status in Italy but later applied for asylum in Germany. The court was bound by the prior findings of the Oberverwaltungsgericht Rheinland-Pfalz, which had determined that the applicants were not particularly vulnerable and were capable of working.⁵⁰¹

The BVerwG concluded that the general living conditions in Italy were not in violation of the EU Charter of Fundamental Rights for this specific group of people. It ruled that returning these individuals to Italy would not subject them to inhuman or degrading treatment, as defined by Article 4 of the Charter. The Court cited temporary accommodation options provided by churches and NGOs, access to employment,

⁴⁹⁴ Section 29 (1) No. 2 Asylum Act.

⁴⁹⁵ Federal Administrative Court, *Decision 1 C 34.19*, 20 May 2020, available in German at: <https://bit.ly/3hvFzsN>. The CJEU decisions to which the BVerG refers are decisions C-297/17 and C-540/17.

⁴⁹⁶ Informationsverbund Asyl & Migration, *Vorlage des BVerwG an den EuGH: Ist das BAMF an die Schutzzuerkennung durch andere EU-Staaten gebunden?*, 21 September 2022, available in German at: <http://bit.ly/407ZvXV>.

⁴⁹⁷ The website is available in German at: <https://bit.ly/3Tj9Sql>. Search with the keyword ‘internationaler Schutz in EU-Staat’ (international protection in EU Member State).

⁴⁹⁸ Official Gazette I no. Nr. 56 (2022) of 28 December 2022, 2817.

⁴⁹⁹ Section 78(8) Asylum Act.

⁵⁰⁰ Federal Administrative Court (BVerwG), Az. 1 C 24.23, 21 November 2024, available in German [here](#).

⁵⁰¹ Ibid.

and medical care under the Italian health system as evidence that the conditions were sufficient for these individuals to live with dignity.⁵⁰² This ruling establishes that, for the time being, the situation in Italy for non-vulnerable, working-age refugees is considered acceptable under EU law. However, any significant changes in conditions could lead to a new assessment.⁵⁰³ The BVerwG also emphasised that this decision only applies to the specific group of individuals in question and did not address broader questions regarding the situation in Italy or other countries.⁵⁰⁴

Between December 2019 and April 2022, the BAMF ‘de-prioritised’ cases from applicants who had already been granted international protection in **Greece**, meaning applications were de facto not processed, which left applicants in legal limbo, retaining the status of asylum seekers. In 2021, the Higher Administrative Courts of Lower Saxony and of North Rhine Westphalia ruled that persons with a protection status cannot be sent back to Greece as this would amount to inhuman or degrading treatment.⁵⁰⁵ The Higher Administrative Court of Lower Saxony ruled that the applicants, two unmarried sisters, were likely to be homeless upon return to Greece due to the lack of state and non-state assistance regarding housing, the lack of access to social benefits and the high administrative and practical hurdles to find gainful employment. The Higher Administrative Court of North Rhine Westphalia ruled that it would be highly unlikely for the applicants to find accommodation and gainful employment in Greece and that access to social benefits was only possible after two years of residence proven with a tax declaration. Regarding the threshold for inhuman or degrading treatment in accordance with Article 4 EU Charter of Fundamental Rights, the Federal Administrative Court ruled in September 2021 that all available support to individuals, including support by NGOs and other non-state actors and the applicants’ own efforts are to be taken into account for the assessment of each individual situation.⁵⁰⁶ In July 2021, the German and Greek ministers of the Interior signed a memorandum of understanding aimed at improving the integration of beneficiaries of international protection in Greece regarding accommodation, health care and the provision of necessary goods through a project implemented by the IOM and financed by EU and German funds.⁵⁰⁷ In March 2022, it was reported that an agreement was reached, and that accordingly the BAMF was planning on starting to examine the pending cases.⁵⁰⁸ Decisions of the Higher Administrative Courts of **Baden-Württemberg** and **Saxony** in 2022 confirmed that beneficiaries cannot be sent back to Greece, and that their applications cannot be deemed inadmissible for the reason that protection has been granted in another Member State.⁵⁰⁹

The BAMF took up the processing of applications again on 1 April 2022. The BAMF stated that it planned to assess each case again on its merits, instead of accepting the decision to grant international protection from another Member State, and to only deem applications inadmissible “in justified individual cases” where no threat of violation of Art. 3 or 4 ECHR exists.⁵¹⁰ As of December 31, 2024, approximately 26,150 cases involving individuals who had already been granted protection status in Greece were still pending

⁵⁰² Ibid.

⁵⁰³ Informationsverbund Asyl und Migration, ‘BVerwG: Keine unmenschliche oder erniedrigende Aufnahmesituation für nicht-vulnerable Schutzberechtigte in Italien’, 22 November 2024, available in German [here](#).

⁵⁰⁴ Ibid.

⁵⁰⁵ Higher Administrative Court of North Rhine Westphalia, *Decisions 11 A 1564/20.A and 11 A 2982/20.A* of 21 and 26 January 2021, available in German at: <https://bit.ly/483EIZi> and Higher Administrative Court of Lower Saxony, *Decisions 10 LB 244/20 and 10 LB 245/20*, 19 April 2021, available in German at: <https://bit.ly/483L4rj> and <https://bit.ly/41zQDeL>; see also PRO ASYL, ‘Bett, Brot, Seife – Ein ferner Traum für Flüchtlinge in Griechenland’, available in German at: <https://bit.ly/3FzB4Y9>.

⁵⁰⁶ Federal Administrative Court, Decision 1 C 3.21 of 07 September 2021, available in German at: <https://bit.ly/3pnuXk2>.

⁵⁰⁷ Federal Ministry of the Interior and Community, ‘Gemeinsame Absichtserklärung zu Bemühungen um die Integration von Personen mit internationalem Schutzstatus in Griechenland’, available in German at: <https://bit.ly/3KeKziO>.

⁵⁰⁸ Infomigrants, ‘Germany to process frozen asylum claims of refugees from Greece’, 21 March 2022, available online at: <https://bit.ly/3qH0fTN>.

⁵⁰⁹ Higher Administrative Court of Baden-Württemberg, A 4 S 2443/21, 27 January 2022, available in German at: <https://bit.ly/3Nz6c0B>; Higher Administrative Court of Saxony, 5 A 492/21.A, 27 April 2022, available in German at: <https://bit.ly/483ETUs>.

⁵¹⁰ BAMF, Letter to the Presidents of Higher Administrative Courts and Administrative Courts, 31 March 2022, available in German at: <https://bit.ly/3ksC5Mq>.

before the German Federal Office for Migration and Refugees⁵¹¹, compared to about 6,100 pending cases in 2023,⁵¹² and 12,500 as of 31 December 2022,⁵¹³ a significant rise in numbers in comparison to previous years. In 2024, 8,716 decisions were made regarding applications by persons who had already been granted protection in Greece⁵¹⁴ (compared to 16,495 decisions in 2023). In 2024, the authorities received 25,112 such applications,⁵¹⁵ which constitutes a significant increase compared to previous years. In 2023, the number stood at 7,113 applications⁵¹⁶ and 14,053 in 2022. Syrians (12,254), Afghans (6,718) and Iraqis (2,625) made up the majority of these applications in 2024.⁵¹⁷

In the case **QY v Bundesrepublik Deutschland**, C-753/22, decided on June 18, 2024, the Court of Justice of the European Union (CJEU) ruled that Member States are not required to automatically recognise refugee status granted by another Member State.⁵¹⁸ This decision came after a Syrian national, who had been granted refugee status in Greece, sought asylum in Germany. Due to the poor living conditions for refugees in Greece, she could not be returned there, and Germany granted her subsidiary protection. Upon ruling on an appeal against the decision, the German Federal Administrative Court had sought a preliminary ruling from the CJEU. The CJEU clarified that while Member States are not obligated to recognise the refugee status granted by another State, they must, however, conduct a new, thorough examination of the asylum request. This examination must take into account the elements of the previous decision and involve an exchange of information with the other Member State if necessary. However, in another decision of the same day, C-352/22, the CJEU ruled that the extradition of an individual recognised as a refugee is not permissible without considering the refugee status granted by another Member State.⁵¹⁹ The case involved a Turkish national of Kurdish origin, who had been granted refugee status in Italy in May 2010 due to a threat of political persecution by the Turkish authorities. The individual had been residing in Germany since 2019 and was arrested following an Interpol notice based on a Turkish arrest warrant, accusing him of having killed his mother during a family dispute. The Oberlandesgericht (OLG) Hamm initially believed that asylum and extradition procedures were independent of each other, meaning that the refugee status granted by Italy should not bind the extradition process. Therefore, the court initially ruled that the individual could be extradited to Türkiye despite the recognition of his refugee status in Italy.⁵²⁰ However, this decision was overturned by the German Federal Constitutional Court, which referred the matter back to the CJEU.⁵²¹ The CJEU clarified that extraditing the individual without considering the refugee status granted in Italy would be unlawful. The Court emphasised that there is a specific procedure under EU law to revoke refugee status, and allowing extradition in this case would circumvent such a procedure, effectively ending the individual's refugee status and stripping him of the rights it entailed.⁵²²

⁵¹¹ Federal Government, *Response to parliamentary question by the Left*, 20/14869, 19 March 2025, available in German [here](#), 30.

⁵¹² Federal Government, *Response to parliamentary question by the CDU/CSU*, 20/10869, 27 March 2024, available in German at: <https://bit.ly/3TTUfVx>, 14.

⁵¹³ Federal Government, *Response to parliamentary question by the CDU/CSU*, 20/10869, 27 March 2024, available in German at: <https://bit.ly/3TTUfVx>, 14.

⁵¹⁴ Federal Government, *Response to parliamentary question by the Left*, 20/14869, 19 March 2025, available in German [here](#), 30.

⁵¹⁵ *Ibid.*, 29.

⁵¹⁶ Federal Government, *Response to parliamentary question by The Left*, 20/9067, 2 November 2023, available in German at: <https://bit.ly/3T30yHd>, 20.

⁵¹⁷ Federal Government, *Response to parliamentary question by the Left*, 20/14869, 19 March 2025, available in German [here](#), 29.

⁵¹⁸ CJEU, C-753/22, *QY v Bundesrepublik Deutschland*, 18 June 2024, available [here](#).

⁵¹⁹ CJEU, C-352/22, *A v. Generalstaatsanwaltschaft Hamm*, 18 June 2024, available [here](#).

⁵²⁰ *Ibid.*, para. 27.

⁵²¹ *Ibid.*, para. 28.

⁵²² *Ibid.*, para. 73.

Outcome of asylum procedures for persons who have been granted international protection in Greece – Total and top three countries of origin						
Country of Origin	Total decisions	Refugee status (incl. constitutional asylum)	Subsidiary protection	Removal ban	Rejection on merits	Formal decisions (incl. inadmissibility) for other reasons
Syria	2,298	24	953	6	0	1,315
Afghanistan	3,389	1,911	39	480	8	951
Iraq	1,167	31	11	57	723	345
Total	8,716	2,169	1,114	639	950	3,844

Source: Federal Government, *Response to parliamentary question by the Left*, 20/14869, 19 March 2025, available in German [here](#), 30.

In 2024, the German Federal Office for Migration and Refugees (BAMF) issued a total of 8,716 decisions in cases involving individuals who had already been granted international protection in Greece.⁵²³ Of these, 2,169 applicants were granted refugee status (including constitutional asylum), 1,114 received subsidiary protection, and 639 were granted a removal ban.⁵²⁴ Combined, this results in an overall protection rate of 45%, a significant drop compared to 84.2% in 2023.⁵²⁵ 950 applications (10.9% of total decisions) were rejected on the merits, and 3,844 cases (44.1% of total decisions) were resolved through formal decisions, including inadmissibility findings.⁵²⁶ This represents a substantial increase in inadmissibility and other formal decisions compared to 11.5% in 2023,⁵²⁷ while the share of rejections on the merits despite prior recognition in Greece decreased relative to 13.9% of total decisions in the previous year. The data points to a notable shift in BAMF's practice in 2024, with a stronger emphasis on inadmissibility and a reduced likelihood of granting additional protection to individuals already recognized by Greek authorities.

Some administrative courts have confirmed these rejections on the merits, arguing that the BAMF is not bound by decisions of the Greek asylum authorities. This question has been put before the CJEU in a request for preliminary ruling in September 2022.⁵²⁸ Between January and August 2023, a total of 92 removals of non-Greek nationals took place to Greece, but the removal statistics do not give indications on the residence status or nationality of persons returned.⁵²⁹ This indicates an increase from 2022 where 72 non-Greek nationals were removed to Greece.⁵³⁰

Regarding removals to **Bulgaria**, most courts are of the opinion that removals of beneficiaries of protection are lawful. By way of exception, some administrative courts have found – in the case of the administrative court of Potsdam even before the outbreak of the war in Ukraine - that even non-vulnerable

⁵²³ Federal Government, *Response to parliamentary question by the Left*, 20/14869, 19 March 2025, available in German [here](#), 30.

⁵²⁴ Ibid.

⁵²⁵ Federal Government, *Response to parliamentary question by The Left*, 20/5868, 28 February 2023, available in German at: <https://bit.ly/3TFefdY>, 17.

⁵²⁶ Federal Government, *Response to parliamentary question by the Left*, 20/14869, 19 March 2025, available in German [here](#), 30.

⁵²⁷ Federal Government, *Response to parliamentary question by The Left*, 20/5868, 28 February 2023, available in German at: <https://bit.ly/3TFefdY>, 17.

⁵²⁸ Federal Administrative Court (BVerwG), Decision of 7 September 2022 - 1 C 26.21 - asyl.net: M30943; to monitor the progress of the request, see case C-753/22 before the CJEU, available at: <http://bit.ly/3KbQp6T>.

⁵²⁹ Federal Government, *Response to parliamentary question by The Left*, 20/9067, 2 November 2023, available in German at: <https://bit.ly/3T30yHd>, 24.

⁵³⁰ Federal Government, *Response to parliamentary question by The Left*, 20/5868, 28 February 2023, available in German at: <https://bit.ly/3TFefdY>, 25.

persons face destitution and homelessness upon arrival.⁵³¹ The Federal State government of **Lower Saxony** issued guidance on 21 February 2022 according to which transfers are only admissible for healthy persons who are fit to work, and not for single parents, families with minor children and persons unable to work.⁵³²

For Hungary, in 2023 as in the previous year, some administrative courts have found that the situation of beneficiaries of international protection in Hungary bears the danger of violating Art. 3 ECHR or Art. 4 CFR as beneficiaries are likely not able to ensure a minimum of existence.⁵³³

For **Poland**, jurisprudence has been unclear over the course of 2022, with the administrative court of Hannover deciding against removal in June 2022 on the basis that capacities in Poland are overstretched due to the reception of Ukrainian refugees,⁵³⁴ while the administrative court of Würzburg found no indication of inhuman or degrading treatment for beneficiaries of international protection in April 2022.⁵³⁵ No new information on jurisprudence was available for the year 2023.

A transfer of beneficiaries of international protection to **Romania** was halted by the Federal Constitutional Court in July 2022, which held that the competent administrative court had not properly assessed the situation on the ground in light of the changed situation after the outbreak of the war in Ukraine.⁵³⁶ The Higher Administrative Court of North Rhine Westphalia asked the Swiss Refugee Council to assess the situation in April 2022, and found in a judgement of 25 August 2022 that no danger of inhuman or degrading treatment exists.⁵³⁷

Examples of Administrative Court rulings on transfers of persons with protection status in another European country: 2024		
Country	Halting transfer	Upholding transfer
Bulgaria	Administrative Court of Lüneburg, 5 A 577/21, 17 January 2024 Administrative Court of Saarland, 3 L 699/24, 28 June 2024 Administrative Court of Düsseldorf, 29 L 2026/24. A, 5 November 2024	Higher Administrative Court of Bavaria, 24 B 22.31108, 28 March 2024 Administrative Court of Munich, 24 B 22.31106, 28 March 2024 Administrative Court of Baden-Württemberg, A 4 S 257/24, 19 July 2024

⁵³¹ Administrative Court of Frankfurt / Oder, 10 K 803/22.A, 6 January 2023; Administrative Court of Oldenburg, 12 A 849/22, 2 March 2023; Administrative Court of Saarland, 3 L 1057/23, 20 July 2023; Administrative Court of Potsdam, 12 K 2418/20.A, 11 January 2022; Administrative Court of Ansbach, 14 S 22.50126, 31 October 2022, available in German at: <https://bit.ly/4738dJb>; Administrative Court of Köln, 20 K 3733/22.A, 15 November 2022, available in German at: <https://bit.ly/48nFdwU>; Administrative Court of Freiburg, A 14 K 900/22, 19 September 2022, available in German at: <https://bit.ly/3GRyCza>. See also Justus Linz, *Zur Situation von »Dublin-Rückkehrenden« und »Anerkannten« in Staaten Osteuropas*, September 2022, asyl.net, 3, available in German at: <https://bit.ly/3JdJ7PH>.

⁵³² Ministry for the Interior and Sports of Lower Saxony, *Abschiebungsvollzug von anerkannt Schutzberechtigten nach Bulgarien*, 21 February 2022, available in German at: <http://bit.ly/3Y1o1rT>.

⁵³³ Administrative Court of Meiningen, 8 K 529/23 Me, 25 April 2023; Administrative Court of Bremen, 3 K 491/18, 6 April 2022; Administrative Court of Aachen, 5 K 3571/18.A – asyl.net: M30632, available in German at: <https://bit.ly/47nolWp>; Administrative Court of Munich, M 6 K 18.33184, 10 May 2022, asyl.net: M30693, available in German at: <https://bit.ly/41ufxfY>.

⁵³⁴ Administrative Court of Hannover, 15 B 371/22.A, 27 June 2022, asyl.net: M30777, available in German at: <https://bit.ly/48usuZz>.

⁵³⁵ VG Würzburg, W 1 K 22.30178, 6 April 2022, available in German at: <https://bit.ly/485Qm5J>; see also Justus Linz, *Zur Situation von »Dublin-Rückkehrenden« und »Anerkannten« in Staaten Osteuropas*, September 2022, asyl.net, 3, available in German at: <https://bit.ly/3JdJ7PH>.

⁵³⁶ Federal Constitutional Court (BVerfG), 2 BvR 961/22, 19 July 2022, asyl.net: M30822, available in German at: <https://bit.ly/4760ASn>.

⁵³⁷ Higher Administrative Court of North Rhine Westphalia, Decision 11 A 861/20.A, 25 August 2022, asyl.net: M30995, available in German at: <https://bit.ly/3tvWmWk>.

		Higher Administrative Court of Nordrhein-Westfalen, 11 A 1460/23. A, 10 September 2024
Croatia		Administrative Court of Berlin, 24 L 185/24, 4 September 2024 Administrative Court of Hessen, 2 A 1129/20. Z.A, 6 April 2024
Greece	Administrative Court of Berlin, 23 K 507/23 A, 28 May 2024 Administrative Court of Hessen, 2 A 1132/24. A and 10 K 1614/23. A, 6 August 2024 (systemic issues for persons of non-working age of retirement due to illness and who do not have to expect assistance from relatives) Administrative Court of Munich, M 17 K 23.30508, 29 August 2024 Administrative Court of Berlin, 34 L 210/24 A, 30 September 2024	Administrative Court of Hamburg, 12 A 4048/22, 28 June 2024 Administrative Court of Hessen, 2 A 1131/24. A and 2 A 489/23. 26 August 2024 (no systemic issues for male BIPs who return to Greece alone and are young, healthy and able to work) Administrative Court of Berlin, 9 L 542/24 A, 20 September 2024
Italy	Higher Administrative Court of Rheinland-Pfalz, 13 A 10945/22. OVG, 23 January 2024 (no systemic issues for male, young, able bodied BIPs)	Higher Administrative Court of Rheinland-Pfalz, 13 A 10945/22. OVG, 23 January 2024 (but systemic issues for people who can't work (age/illness) and who can't expect assistance from relatives) Administrative Court of Munich, M 6 K 24.30057, 2 April 2024 Administrative Court of Gießen, 8 L 1516/24. GI.A, 28 June 2024 Administrative Court of Kassel, 1 K 1033/20. KS.A, 25 September 2024
Malta		Administrative Court of Kassel, 7 K 225/18. KS.A, 27 June 2024
Romania		Administrative Court of Ansbach, AN 17 S 24.50237, 14 May 2024

4. Border procedure (border and transit zones)

4.1. General (scope, time limits)

Indicators: Border Procedure: General

1. Do border authorities receive written instructions on the referral of asylum seekers to the competent authorities? ☒ Yes ☐ No
2. Where is the border procedure mostly carried out? ☒ Air border ☐ Land border ☐ Sea border
3. Can an application made at the border be examined in substance during a border procedure? ☒ Yes ☐ No
4. Is there a maximum time limit for a first instance decision laid down in the law? ☒ Yes ☐ No
❖ If yes, what is the maximum time limit? 2 days
5. Is the asylum seeker considered to have entered the national territory during the border procedure? ☐ Yes ☒ No

In Germany, the border procedure is a so-called ‘airport procedure’ regulated in Section 18a of the German Asylum Act and applied in international airports. There is no special procedure at land borders, although as part of the reintroduction of border controls, a refusal of entry and return procedure has been installed on the German-Austrian border for cases of persons who have previously sought asylum in Spain and Greece (see [Access to the territory and push backs](#)). The following section thus refers to the **airport procedure** (*Flughafenverfahren*).

Legal framework

The airport procedure is legally defined as an ‘asylum procedure that shall be conducted prior to the decision on entry’ to the territory.⁵³⁸ Thus, asylum applicants are not considered to have entered Germany before a decision on entry has been taken.⁵³⁹ It can only be carried out if the asylum seekers can be accommodated on the airport premises during the procedure, which depends on the capacities of the Federal States. If a person has to be sent to hospital and therefore cannot be accommodated on the airport premises, the person is accompanied to the hospital by the Federal police and will be returned to the airport facilities once released from hospital. Within the broader police border procedure, the BAMF office is responsible for processing the claim for asylum. The necessary facilities exist in the airports of **Berlin, Düsseldorf, Frankfurt/Main, Hamburg** and **Munich**, although the BAMF does not have a branch office assigned to all those places.⁵⁴⁰

The German Asylum Act foresees the applicability of the airport procedure where the asylum seeker arriving at the airport:⁵⁴¹

- ❖ Comes from a ‘safe country of origin’; or
- ❖ Is unable to prove their identity with a valid passport or passport replacement.

The second ground merits particular consideration. German law triggers the airport procedure as soon as it is established that the asylum seeker is unable to prove identity by means of a passport or passport replacement. It does not condition the applicability of the procedure upon requirements of misleading the authorities by withholding relevant information on identity or nationality or destroying or disposing of an identity or travel document in bad faith.⁵⁴² The scope of the airport procedure in Germany is therefore not consistent with the boundaries set by the recast APD according to the opinion of a lawyer from 2014.⁵⁴³

⁵³⁸ Section 18a(1) Asylum Act.

⁵³⁹ Section 13(2) Residence Act.

⁵⁴⁰ BAMF, *The Airport Procedure*, 14 November 2019, available at: <https://bit.ly/3SRgLOK>.

⁵⁴¹ Section 18a(1) German Asylum Act.

⁵⁴² Article 31(8)(c) and (d) recast APD.

⁵⁴³ See also Dominik Bender, *Das Asylverfahren an deutschen Flughäfen*, May 2014, available in German at: <https://bit.ly/3Nz7tEV>, 41.

Yet, practice suggests that the second ground is the one most often used for activating the airport procedure. As demonstrated by the countries of origin of applicants, many applicants in the airport procedure in 2024 came from Syria, Iran, Afghanistan and Iraq (see table below).⁵⁴⁴ These are all countries which are not considered as 'safe' and which have a relatively high chance of recognition at national level. *A fortiori*, this means that the airport procedure is necessarily mostly activated on the second legal ground, when a person is unable to present proof of identity.

The applicability of the Dublin procedure is also examined, and this is done prior to the processing of the asylum claim in the airport procedure. According to the BAMF, the formal examination of the application of the Dublin regulation lies with the Federal Police (and the Dublin-Unit of the BAMF). If there are reasons to believe that another Member State is responsible for the application, the responsible BAMF unit takes the decision of inadmissibility without an additional interview, based on the information provided during the first interview with the federal police (see [Personal interview](#)).⁵⁴⁵ According to reports by PRO ASYL, persons falling under the responsibility of another country are usually held in the airport facility in Frankfurt/Main until their transfer.⁵⁴⁶ They may not enter German territory but may leave voluntarily by taking flights to another destination.

Number of airport procedures

Between January and October 2024, a total of 365 airport procedures were conducted in Germany.⁵⁴⁷ Notably, no airport procedures were carried out for unaccompanied minors during the reporting period. In line with the strict timeframes of the airport procedure, decisions were made within two days of the asylum application being lodged. Of the total procedures, 152 applications were rejected as manifestly unfounded, while none were discontinued.⁵⁴⁸ In 2023, 402 airport procedures were initiated.⁵⁴⁹ These numbers seemingly indicate a continuous trend since 2022, when 347 airport procedures took place. This is a marked increase compared to 2021 (198 procedures) and 2020 (145 procedures) but still lower than the 489 cases processed in 2019. This decrease in 2020 and 2021 is likely due to the COVID-19 pandemic and the reduced air traffic. In 2024 (January to October), out of the total 365 airport procedures conducted in Germany, the vast majority took place at **Frankfurt Airport**, with **257 cases**, followed by **Berlin Airport** with **55 cases**, and **Munich Airport** with **53 cases**.⁵⁵⁰ This distribution highlights Frankfurt's continued role as the primary hub for airport asylum procedures, while Berlin and Munich played smaller but still notable roles in the application of this expedited process. As the statistics show, the overwhelming majority of procedures have taken place at Frankfurt/Main Airport over the last years.⁵⁵¹ However, in Germany, the number of airport procedures remains very low compared to the total number of applications.

⁵⁴⁴ Federal Government, *Response to parliamentary question by the Left*, 20/14272, 13 December 2024, available in German [here](#), 26.

⁵⁴⁵ According to Section 29 para. 2 Asylum Act. See also PRO ASYL, 'ABGELEHNT IM NIEMANDSLAND. Vom Flughafenverfahren zum »New Pact on Migration and Asylum« – Warum Asylgrenzverfahren unfair und mangelhaft sind', June 2021, available in German at: <https://bit.ly/31XOpvv>, 8.

⁵⁴⁶ See PRO ASYL, 'ABGELEHNT IM NIEMANDSLAND. Vom Flughafenverfahren zum »New Pact on Migration and Asylum« – Warum Asylgrenzverfahren unfair und mangelhaft sind', June 2021, available in German at: <https://bit.ly/31XOpvv>, 8.

⁵⁴⁷ Federal Government, *Response to parliamentary question by the Left*, 20/14272, 13 December 2024, available in German [here](#), 26.

⁵⁴⁸ Ibid.

⁵⁴⁹ Federal Government, *Response to parliamentary question by the Left*, 20/12228, 8 July 2024, available in German [here](#), 41,

⁵⁵⁰ Federal Government, *Response to parliamentary question by the Left*, 20/14272, 13 December 2024, available in German [here](#), 26.

⁵⁵¹ Federal Government, *Response to parliamentary question by The Left*, 20/5709, 17 February 2023, available in German at: <https://bit.ly/3K3w3MX>, 34; 20/2309, 17 June 2022, available in German at: <https://bit.ly/3ni6gYk>, 39; 19/32678, 14 October 2021, available in German at: <https://bit.ly/3RQINtZ>, 28 and 19/28109, 30 March 2021, available in German at: <https://bit.ly/3LJmTGw>, 37.

Countries of origin of persons subject to the airport procedure

The main countries of origin of persons subject to the airport procedure in 2020-2024 were as follows (for each year the top 10 nationalities are reported by the Federal Government):

Applicants subject to the airport procedure: 2020-2024					
Nationality	2020	2021	2022	2023	2024 (Jan-Oct)
Syria	20	22	55	97	82
Iran	24	31	52	61	44
Afghanistan	5	11	31	27	35
Zimbabwe	-	-	-	15	14
Somalia				14	
Cuba	4	-	17		
Iraq	14	10	11	11	35
Total	145	198	347	402	365

Source: Federal Government, *Response to parliamentary question by The Left*, 20/8222, 5 September 2023, available in German at: <https://bit.ly/3SkIJCR>, 33, 20/5709, 17 February 2023, available in German at: <https://bit.ly/3K3w3MX>, 34, and 19/28109, 30 March 2021, available in German at: <https://bit.ly/3LJmTGw>; Federal Government, *Response to parliamentary question by the Left*, 20/12228, 8 July 2024, available in German [here](#), 41, Federal Government, *Response to parliamentary question by the Left*, 20/14272, 13 December 2024, available in German [here](#), 26.

Two out of the three main countries of origin of applicants in Germany in 2024 (Syria, Türkiye and Afghanistan) were among the main nationalities in the airport procedure between January and October of 2024. The top three nationalities in the airport procedure were Syria, Iran and Afghanistan/Iraq (each with 35 applications). Other countries represented in the airport procedure in between January and October 2024 were Morocco, Pakistan, Sri Lanka, DRC and Senegal.⁵⁵² Overall, between 2015 and the first half of 2024, Syrians and Iranians were systematically part of the top 3 nationalities represented in the airport procedure.⁵⁵³

In contrast to previous years, since 2020 there seems to be more divergence between the top nationalities in airport procedures and among all asylum applications. The top nationalities further indicate that so-called 'safe countries of origin' are not among the 10 most frequent nationalities in the airport procedure.

Time limits in the airport procedure

The maximum duration of the airport procedure is 19 days:

- ❖ The BAMF examines the application for international protection, carries out the personal interview and decides within 2 days after the applicant submitted the formal application for asylum whether the applicant asylum is granted or if the application is to be rejected as manifestly unfounded; applications submitted by lawyers or other representatives do not activate the two-day period.⁵⁵⁴
- ❖ In case of a negative decision by the BAMF on the asylum application, applicants can lodge an appeal within two weeks to the competent Administrative Court.

⁵⁵² Federal Government, *Response to parliamentary question by the Left*, 20/14272, 13 December 2024, available in German [here](#), 26.

⁵⁵³ Information provided by the BAMF, 11 September 2020; for 2020: Federal Government, *Response to parliamentary question by The Left*, 19/28109, 30 March 2021, available at: <https://bit.ly/2FSXg67>, 37.

⁵⁵⁴ Section 18a(6)(1) and (2) German Asylum Act.

- ❖ Depending on the decision of the BAMF on the asylum application the Federal Police grants or rejects access to the territory.⁵⁵⁵
- ❖ In case of rejection of entry by the Federal Police, applicants can lodge an appeal within 3 days to the competent Administrative Court and request an interim measure (i.e. the granting of suspensive effect to the appeal);
- ❖ If the Administrative Court grants the provisional measure according to Section 18a para. 4 German Asylum Act or if it does not rule within 14 days, the applicant can enter the territory of Germany.⁵⁵⁶

These time limits are thus much shorter than the 4-week time limit laid down in the recast APD.⁵⁵⁷ Nevertheless, where the BAMF decides to examine an application for international protection under the airport procedure, the two-days time limit is always respected in practice since if the decision cannot take place within two days, the airport procedure ends and the applicant enters the regular procedure.⁵⁵⁸ If the application cannot be rejected as manifestly unfounded within two days, the applicant is granted access to the territory and enters the regular asylum procedure (see also below).

Outcome of the border procedure

Potential outcomes of airport procedures are as follows:

1. The BAMF decides within 2 days after formal submission of the asylum claim that the application is 'manifestly unfounded', in which case entry into the territory is denied by the Federal Police. A copy of the decision is sent to the competent Administrative Court.⁵⁵⁹ The applicant may ask the court for an interim measure against removal and rejection of entry;
2. In theory, the BAMF can decide within the 2 calendar days that the application is successful, or it can reject the application as 'unfounded'. In these cases, entry into the territory and, if necessary, access to the legal remedies of the regular procedure would have to be granted. However, this option seems to be irrelevant in practice since the Federal Police always grants entry into the territory for the asylum procedure to be carried out in a regular procedure if an application is not rejected as manifestly unfounded;⁵⁶⁰
3. The BAMF declares that it will not be able to decide upon the application at short notice, in which case entry into the territory and access to the regular procedure are granted;⁵⁶¹ or
4. The BAMF has not taken a decision within 2 days following the application. Entry into the territory and to the regular procedure is granted.

In practice, the third option has been the most common outcome. However, whereas prior to 2018 the majority of airport procedures were halted because the BAMF notified the Federal Police that no decision would be taken within the timeframe required by law,⁵⁶² a notable increase in decisions rejecting the application as manifestly unfounded has been reported since 2018.

⁵⁵⁵ Section 18a(3) (2) German Asylum Act.

⁵⁵⁶ Section 18a(4) and (6) German Asylum Act.

⁵⁵⁷ Article 43(2) recast APD.

⁵⁵⁸ See PRO ASYL, 'ABGELEHNT IM NIEMANDSLAND. Vom Flughafenverfahren zum »New Pact on Migration and Asylum« – Warum Asylgrenzverfahren unfair und mangelhaft sind', June 2021, available in German at: <https://bit.ly/31XOpvV>, 9.

⁵⁵⁹ Section 18a(2)-(4) Asylum Act.

⁵⁶⁰ This practice of granting access to the regular procedure rather than protection even in clear cut protection cases is rooted in the administrative framework for dealing with asylum procedures. The granting of protection to persons that have not been assigned to a specific Federal State (and accommodation facility) is not foreseen in the administrative framework and would therefore lead to administrative challenges for the authorities involved.

⁵⁶¹ Section 18a(6) Asylum Act.

⁵⁶² 264 out of 444 in 2017; 191 out of 273 in 2016, 549 out of 627 in 2015.

According to available statistics, in 2024, out of the 365 procedures lodged between January and October, 152 applications were rejected as manifestly unfounded, i.e. 41.6%.⁵⁶³ This is a sharp increase. Manifestly unfounded decisions rose from around 10% in 2015 up to 50% in 2019 and remained at ca. 45% in 2020 and 2021, dropping slightly to 34.5% in 2022 and 29.5%. In 2023, out of a total of 402 airport procedures conducted, 125 applications were rejected as manifestly unfounded, which corresponds to approximately 31.1% of all cases.⁵⁶⁴

The increase in “manifestly unfounded” decisions in the context of the airport procedure has been subject to particular scrutiny in Germany. A 2020 study analysed the decisions issued by BAMF’s branch office at the Frankfurt/Main, which is responsible for most airport procedures in Germany.⁵⁶⁵ It was demonstrated that, compared to the rejection rates recorded at national level, the rejection rates of the Frankfurt/Main Branch office were much higher, indicating that the airport procedure as such might be prone to produce higher rates of rejection. For asylum seekers from Iraq, the protection rate at the branch office Frankfurt/Main in 2019 was only 18.3%, compared to 51.8% at national level; for Afghanistan: 50% compared to 63.1%; for Iran: 16.2% compared to 28.2%; for Nigeria: 4.1% compared to 14.5%; for Türkiye: 30.2% compared to 52.7%.⁵⁶⁶ In the first half of 2023, the rejection rate was similar for Afghan nationals, but lower for Iranian nationals in the Frankfurt branch office (40% in-merit protection compared to 58.8% on average).⁵⁶⁷ In addition, as a result of the set-up of the airport procedure, rejections as manifestly unfounded are much more likely than ‘regular’ rejections. By way of example, and according to a study by PRO ASYL, 67% of all applications from Iranian nationals were rejected as manifestly unfounded in the airport procedure in 2020, whereas the overall rate of rejection as manifestly unfounded of Iranian applicants was 3.7%.⁵⁶⁸

In a parliamentary inquiry in December 2024, the Left Party (Die Linke) highlighted that protection rates in the airport procedure are significantly lower than the general average.⁵⁶⁹ The party stressed that the impending reforms to the Common European Asylum System (CEAS) will require mandatory border procedures, and expressed concern over this finding.⁵⁷⁰ Specifically, the inquiry stressed that the protection rates at the BAMF office at Frankfurt Airport in 2023 were notably low, with four out of seven recorded countries of origin ranking at either the lowest or second-lowest position in comparison to other regions across Germany.⁵⁷¹ This, according to the Left Party, raises serious concerns about the effectiveness and fairness of the airport procedure, especially in light of the planned expansion of border procedures.⁵⁷² In its response to this parliamentary inquiry by the Left Party, the Federal Government emphasised that deviations in protection rates within the airport procedure, specifically the comparison between local protection rates (excluding formal decisions) of individual organisational units and the overall national protection rate, can only be considered meaningful if based on representative data. According to the BAMF’s semi-annual protection rate analysis, representativeness is assumed when at

⁵⁶³ Federal Government, *Response to parliamentary question by the Left*, 20/14272, 13 December 2024, available in German [here](#), 26.

⁵⁶⁴ Federal Government, *Response to parliamentary question by the Left*, 20/12228, 8 July 2024, available in German [here](#), 41.

⁵⁶⁵ See PRO ASYL, ‘ABGELEHNT IM NIEMANDSLAND. Vom Flughafenverfahren zum »New Pact on Migration and Asylum« – Warum Asylgrenzverfahren unfair und mangelhaft sind’, June 2021, available in German at: <https://bit.ly/31XOpvv>.

⁵⁶⁶ Dr. Thomas Hohlfeld, *Vermerk zur Antwort der Bundesregierung auf die Kleine Anfrage der LINKEN (Ulla Jelpke u.a.) zur ergänzenden Asylstatistik für das Jahr 2019 (BT-Drs. 19/18498)*, Newsletter of 6 April 2020. Based on an analysis of data provided in Federal Government, *Reply to parliamentary question by The Left*, 19/18498, 2 April 2020, available in German at: <https://bit.ly/3RPHZFG>, 12 et seq.

⁵⁶⁷ Federal Government, *Response to parliamentary question by The Left*, 20/8222, 5 September 2023, available in German at: <https://bit.ly/3SkIJCR>, 16.

⁵⁶⁸ See PRO ASYL, ‘ABGELEHNT IM NIEMANDSLAND. Vom Flughafenverfahren zum »New Pact on Migration and Asylum« – Warum Asylgrenzverfahren unfair und mangelhaft sind’, June 2021, available in German at: <https://bit.ly/31XOpvv>, 9.

⁵⁶⁹ Federal Government, *Response to parliamentary question by the Left*, 20/14272, 13 December 2024, available in German [here](#), 3.

⁵⁷⁰ Ibid.

⁵⁷¹ Ibid.

⁵⁷² Ibid.

least 50 material (substantive) decisions per country of origin and organisational unit are available. Furthermore, a deviation is only considered significant if the local protection rate differs by at least ten percentage points from the national average. If these conditions are not met — meaning fewer than 50 substantive decisions were made or the deviation is less than ten percent — the observed differences in protection rates are considered statistical fluctuations rather than indicators of systemic variation and therefore cannot serve as a valid basis for evaluation.⁵⁷³

The difference in the rejection rate at national level and in the airport procedure may be linked to a variety of objective factors, such as the profile of the applicants and the individual circumstances of the asylum applications. Nevertheless, these figures seem to indicate that the BAMF has a more restrictive approach to claims in the airport procedure compared to procedures elsewhere in Germany, a practice that has been criticised by various stakeholders,⁵⁷⁴ and confirms EASO's (now EUAA) analysis according to which recognition rates are prone to be lower in the border procedure than in the regular procedure.⁵⁷⁵ The difference in recognition rates is particularly worrying since in theory the BAMF decisions in the context of the airport procedure are based on the same country of origin information and guides used by all BAMF branch offices and taking into consideration that many asylum seekers at airports in Germany originated from countries of origin with high recognition rates nationwide (i.e. Syria, Afghanistan and Türkiye).⁵⁷⁶ In July 2024, the last-minute prevention of the deportation of an activist from the Woman-Life-Freedom movement from Berlin to Iran again raised concerns about fairness of the airport asylum procedures. The 17-year-old girl and her grandmother were being held in the transit area of Berlin Brandenburg Airport (BER), facing forcible return to Türkiye, from where they would likely have been sent to Iran. Despite the young woman's claim of participating in women's protests in Iran, her asylum application was rejected as "manifestly unfounded" in the expedited airport procedure. The removal was halted at the last minute by the Federal Ministry of the Interior following protests from local politicians and human rights activists.⁵⁷⁷ Likewise, in 2023, two cases of removals to Iran after an airport procedure became public, even though a federal level removal ban for the country was in place (see [Differential treatment of specific nationalities in the procedure](#)). In one case, the application of an Afghan woman who travelled with an Iranian passport was rejected as manifestly unfounded and resulted in her removal to Iran and later Afghanistan.⁵⁷⁸ Replying to criticism of these removals to Iran and Afghanistan, the Federal Ministry of Interior stated that they are not technically removals but refusals of entry, since the fiction of non-entry applies in the airport procedure.⁵⁷⁹ In addition, in 2021 PRO ASYL illustrated how the lack of access to the outside world, the tight time limits and the fact that there is no systematic screening for vulnerable applicants on the side of the authorities means that vulnerabilities are less likely to be detected during the airport procedure.⁵⁸⁰ At **Munich Airport**, concerns have been expressed with regard to the lack of risk assessment prior to rejections of applications as manifestly unfounded, even in cases where asylum seekers bring forth

⁵⁷³ Federal Government, *Response to parliamentary question by the Left*, 20/14272, 13 December 2024, available in German [here](#), 14.

⁵⁷⁴ Ibid. See also PRO ASYL, *Allein in Abschiebungshaft: Jugendlicher als Letzter am Frankfurter Flughafen*, 11 April 2020, available in German at: <https://bit.ly/3GSSqCm>; Bistum Limburg, 'Caritas und Diakonie wollen Aus für Flughafen-Asylverfahren', 30 October 2018, available in German at: <https://bit.ly/3GNARn8>; ECRE, *Airport procedures in Germany: Gaps in quality and compliance with guarantees*, available at: <https://bit.ly/3RxE92z>, 11-12; See PRO ASYL, 'ABGELEHNT IM NIEMANDSLAND. Vom Flughafenverfahren zum »New Pact on Migration and Asylum« – Warum Asylgrenzverfahren unfair und mangelhaft sind', June 2021, available in German at: <https://bit.ly/31XOpvv>.

⁵⁷⁵ EASO, *Border Procedures for Asylum Applications in EU+ Countries*, September 2020, available at: <https://bit.ly/3z4BaGk>, 20.

⁵⁷⁶ BAMF, *Das Bundesamt in Zahlen 2019, 2020*, available in German at: <https://bit.ly/480bll0>, 56.

⁵⁷⁷ Susanne Memarnia, *Zivilprotest rettet Leben*, TAZ, 15 July 2024, available in German [here](#).

⁵⁷⁸ Hessischer Flüchtlingsrat and PRO ASYL, *Skandal im Flughafenverfahren: Afghanin in den Iran zurückgewiesen, direkt weiter nach Afghanistan abgeschoben*, 29 March 2023, available in German at: <https://bit.ly/3SR9nCN>.

⁵⁷⁹ Nd, *Abschiebungen in den Iran: Juristische Spitzfindigkeiten*, 6 April 2023, available in German at: <https://bit.ly/42KH1i5>.

⁵⁸⁰ See PRO ASYL, 'ABGELEHNT IM NIEMANDSLAND. Vom Flughafenverfahren zum »New Pact on Migration and Asylum« – Warum Asylgrenzverfahren unfair und mangelhaft sind', June 2021, available in German at: <https://bit.ly/31XOpvv>, 15.

evidence such as political activity in the country of origin.⁵⁸¹ Finally, it should be highlighted that at **Munich Airport**, where the BAMF decides within the time limit of 2 days, it occurs that the notification of the decision to the applicant can take up to a week.⁵⁸²

As regards the outcome of airport procedures between 2021 and 2024 between the different airports, it was as follows:

Outcomes of airport procedures: 2022-2024						
Airport	2022		2023		2024 (first half)	
	No decision within two days	Manifestly unfounded	No decision within two days	Manifestly unfounded	No decision within two days	Manifestly unfounded
Frankfurt/Main	166	100	n. a.	105	n. a.	122
Munich	23	9	n. a.	11	n. a.	16
Berlin	34	11	n. a.	9	n. a.	14
Hamburg	0	0	n. a.	n.a.	n. a.	n.a.
Total	223	120	n. a.	125	n. a.	152

Source: Federal Government, *Response to parliamentary question by The Left*, 20/5709, 17 February 2023, available in German at: <https://bit.ly/3K3w3MX>, 34; 20/2309, 17 June 2022, available in German at: <https://bit.ly/3ni6gYk>, 39, 19/28109, 30 March 2021, available in German at: <https://bit.ly/3LJmTGw>, 37, Federal Government, *Response to parliamentary question by the Left*, 20/14272, 13 December 2024, available in German [here](#), Federal Government, *Response to parliamentary question by the Left*, 20/12228, 8 July 2024, available in German [here](#).

4.2. Personal interview

Indicators: Border Procedure: Personal Interview

☐ Same as regular procedure

- Is a personal interview of the asylum seeker in most cases conducted in practice in the border procedure?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
❖ If so, are questions limited to nationality, identity, travel route?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
❖ If so, are interpreters available in practice, for interviews?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
- Are interviews conducted through video conferencing? ☐ Frequently ☐ Rarely ☒ Never

During the airport procedure, two interviews are carried out: first an interview with the border police upon apprehension at the airport, followed by a second interview with the BAMF. If the Dublin procedure applies, the BAMF does not carry out an additional interview, according to research by PRO ASYL.⁵⁸³

Interview with the border police

The Federal Police is the first authority involved in the airport procedure, as it is usually the first authority interviewing individuals apprehended at the airport. It may apprehend individuals either directly on the airport apron or in the airport terminal upon passport control. The Border Police is responsible for

⁵⁸¹ ECRE, *Airport procedures in Germany Gaps in quality and compliance with guarantees*, April 2019, available at: <https://bit.ly/2QgOmAH>.

⁵⁸² *Ibid.*

⁵⁸³ See PRO ASYL, 'ABGELEHNT IM NIEMANDSLAND. Vom Flughafenverfahren zum »New Pact on Migration and Asylum« – Warum Asylgrenzverfahren unfair und mangelhaft sind', June 2021, available in German at: <https://bit.ly/31XOpvv>, 8.

assessing whether cases where persons do not fulfil the criteria for entry into Germany or present false or falsified documents falls under the airport procedure and writes a report collecting detailed information (e.g., travel routes and modes of arrival in Germany) that will be shared with the BAMF.⁵⁸⁴

The Federal Police may conduct a preliminary interview which includes questions on the travel route and on the reasons for leaving the country of origin. Practice varies from one airport to another. At **Frankfurt/Main Airport**, the person is interviewed by the Federal Police in the airport terminal and subsequently upon arrival at the de facto detention facility, whereas at **Munich Airport** the only interview with the Federal Police takes place upon arrival at the facility. In cases where persons are apprehended at night or where interpreters are not available earlier, their interview may take place even at night. Interpretation shall be ensured, depending on the local availability this may be done by phone. The asylum seeker does not receive a copy of the report of these interviews.⁵⁸⁵

Concerns have been expressed by lawyers regarding the level of detail of the interviews conducted by the border police. This includes lengthy questions on travel routes and on the people met *en route* and/or the people who helped in the flight, as well as cases where the border police asked the exact date of issuance of a visa; the reason for not having declared the same amount of money during a first and second interview; and whether there would be objections against a potential removal to the country of origin etc.⁵⁸⁶ This is especially problematic as the interviews usually take place upon arrival, and hence after a long, often tiring journey.⁵⁸⁷ Inconsistencies and/or contradictions between an applicant's statements during the personal interview with the determining authority and the interview with the border police may be used against the applicant, including on elements such as travel route, duration of stay in transit, and personal details of relatives. The applicant, should they realise that there are inconsistencies in the eyes of the authorities in their application, is according to the BAMF given the opportunity to resolve any contradictions and discrepancies in his statements to the Federal Police and the BAMF until the procedure is completed.

In this regard, concerns have been raised that the two authorities conducting the interview – the Federal Police and the BAMF – have very different mandates (border protection vs. refugee protection), qualifications and approaches that also reflect in the way the interview is conducted.⁵⁸⁸

Interview with the BAMF

The relevant interview on the asylum application is carried out by the BAMF in person, with the presence of an interpreter. Whereas the BAMF has a branch office in the facility of **Frankfurt/Main Airport**, for procedures at the airports of **Berlin, Munich and Hamburg** officials travel to the facility when interviews need to be conducted. At the new airport in Berlin, opened in October 2020, an 'entry and exit centre' is planned which would also accommodate BAMF staff for the airport procedure, according to the Federal Ministry of the Interior and Community (see [Airport detention facilities](#)).⁵⁸⁹

⁵⁸⁴ See PRO ASYL, 'ABGELEHNT IM NIEMANDSLAND. Vom Flughafenverfahren zum »New Pact on Migration and Asylum« – Warum Asylgrenzverfahren unfair und mangelhaft sind', June 2021, available in German at: <https://bit.ly/31XOpvv>, 8.

⁵⁸⁵ ECRE, *Airport procedures in Germany Gaps in quality and compliance with guarantees*, April 2019, available at: <https://bit.ly/2QgOmAH>.

⁵⁸⁶ These questions are examples deriving from transcripts of interviews conducted with the Border Police that have been obtained by lawyers. Information provided by an attorney-at-law, 31 August 2020.

⁵⁸⁷ See PRO ASYL, 'ABGELEHNT IM NIEMANDSLAND. Vom Flughafenverfahren zum »New Pact on Migration and Asylum« – Warum Asylgrenzverfahren unfair und mangelhaft sind', June 2021, available in German at: <https://bit.ly/31XOpvv>, 20.

⁵⁸⁸ See PRO ASYL, 'ABGELEHNT IM NIEMANDSLAND. Vom Flughafenverfahren zum »New Pact on Migration and Asylum« – Warum Asylgrenzverfahren unfair und mangelhaft sind', June 2021, available in German at: <https://bit.ly/31XOpvv>, 8.

⁵⁸⁹ Federal Ministry of the Interior and Community, 'Gemeinsam genutztes Einreise- und Ausreisezentrum am Flughafen Berlin-Brandenburg', 23 September 2021, available in German at: <https://bit.ly/3FuMzQp>.

The standards for this interview are identical to those described in the context of the regular procedure (see [Regular Procedure: Personal Interview](#)). However, the setting of the interview in the airport procedure increases the risk of problematic interviews. The situation of being de facto detained at the airport during the procedure, with the first interview just after arrival and the lack of contact to the outside world, weighs heavily on applicants, who are frequently disoriented and anxious vis-à-vis the authorities.⁵⁹⁰ Similarly to the regular asylum procedure, caseworkers of the BAMF follow a specific questionnaire throughout the interview. According to a lawyer working for applicants who are subjected to the airport procedure, as opposed to more experienced caseworkers, less experienced caseworkers tend to strictly follow the questionnaire, which results in prolonging the time of the interview and asking questions that may be irrelevant to the case concerned.⁵⁹¹

According to a specialised lawyer working for applicants in airport procedures, while the average length is three to five hours.⁵⁹² While this could provide the opportunity for an in-depth assessment of the application for international protection, it seems that questions on individual circumstances are asked at a late stage of the interview, after a few hours. The first part of the interview largely focuses on basic information such as the travel route and identification, i.e. questions that have already been asked by the Border Police. This part of the interview may take up to several hours and aims to identify potential inconsistencies and contradictions with previous statements.⁵⁹³ It is only after this that the BAMF asks questions relating to the grounds for applying for asylum and the reasons for having fled from the country of origin. At this stage, asylum seekers are already very tired and stressed from the interview; yet per the experience of a specialised lawyer the BAMF is reluctant to stop the interview given the tight deadlines within which it must issue its decision.⁵⁹⁴

The BAMF states that the interviewers regularly offer breaks and that in cases where the conditions of the person are unreasonable, the interview is stopped and postponed. According to the BAMF, the numbering of the questions corresponds to the consecutive numbering of a list of questions. Regardless of this order, only the relevant questions were recorded in the transcript in the order in which they were asked, just as in the regular procedure.⁵⁹⁵

As regards interpretation during the BAMF interview, freelance interpreters are contracted by the BAMF. It has been highlighted by NGOs that the interpretation is very problematic at the airports in **Frankfurt/Main** and **Munich**, where the majority of airport procedures are conducted (see statistics above).⁵⁹⁶ When interpreters are not deemed fit for the interview at hand and need to be replaced, the BAMF at times calls for a replacement on the same day, prolonging the already long and stressful interviews even more.⁵⁹⁷

The Border Police resorts to interpretation services via phone in many cases, especially during the first interview at the airport upon apprehension of the individual, and as sources suggest the BAMF often struggles to find adequate interpreters for the interview. There have been cases where the interview was

⁵⁹⁰ See PRO ASYL, 'ABGELEHNT IM NIEMANDSLAND. Vom Flughafenverfahren zum »New Pact on Migration and Asylum« – Warum Asylgrenzverfahren unfair und mangelhaft sind, June 2021, available in German at: <https://bit.ly/31XOpvv>, 16.

⁵⁹¹ Information provided by an attorney-at-law, 31 August 2020.

⁵⁹² Information provided by an attorney-at-law, 31 August 2020.

⁵⁹³ In one case, the first part of the interview focusing on travel route and relevant questions took from 9:30am to 11:25am. It was followed by a short break, and at 11:40am it continued with questions on grounds for applying for asylum; as well as questions highlighting inconsistencies with previous statements. The interview finished at 3:30 pm; thus, taking a total of around 6 hours; Information provided by an attorney-at-law, 31 August 2020.

⁵⁹⁴ Information provided by an attorney-at-law, 31 August 2020.

⁵⁹⁵ Information provided by the BAMF on 10 May 2024.

⁵⁹⁶ Information provided by the Munich Airport Church Service, 5 April 2019; an attorney-at-law, 15 April 2019; an attorney-at-law, 29 April 2019.

⁵⁹⁷ See PRO ASYL, 'ABGELEHNT IM NIEMANDSLAND. Vom Flughafenverfahren zum »New Pact on Migration and Asylum« – Warum Asylgrenzverfahren unfair und mangelhaft sind', June 2021, available in German at: <https://bit.ly/31XOpvv>, 21.

conducted in a language not understood by the applicant,⁵⁹⁸ or where it was clear that the interpreter was lacking the necessary terminology.⁵⁹⁹

4.3. Appeal

Indicators: Border Procedure: Appeal

☐ Same as regular procedure

1. Does the law provide for an appeal against the decision in the border procedure?

❖ If yes, is it

❖ If yes, is it suspensive

☒ Yes ☐ No

☒ Judicial ☐ Administrative

☐ Yes ☐ Some grounds ☒ No

Manifestly unfounded decisions are generally subject to restrictions in legal remedy, but in the airport procedure the law has placed even stricter timeframes on the procedure. Thus, if an application is rejected as manifestly unfounded in the airport procedure, a request for an interim measure must be filed with an Administrative Court within 3 calendar days. In line with jurisprudence of the Federal Constitutional Court,⁶⁰⁰ upon request applicants are given four additional days to submit a reasoning accompanying the appeal.⁶⁰¹ The necessary application to the court can be submitted to the court directly or to the border authorities who forward it to the competent court.⁶⁰² All BAMF decisions are forwarded to the local administrative court at the same time that they are issued to the applicants, even if these do not intend to appeal the decision.⁶⁰³

The Administrative Court shall decide upon the application for an interim measure in a written procedure, i.e., without an oral hearing of the applicant.⁶⁰⁴ The denial of entry, including possible measures to enforce a removal, is suspended if the request for an interim measure is pending at an Administrative Court. If the court does not decide on this request within 14 calendar days, the asylum seeker has to be granted entry into the territory.⁶⁰⁵

Between January and October 2024, in the airport procedure, 111 appeals were lodged before the administrative court, with 6 granted and 93 rejected.⁶⁰⁶ In comparison to 2023, where 108 appeals were lodged in the airport procedure, with 7 granted and 94 rejected,⁶⁰⁷ the numbers for 2024 show a slight increase in the number of appeals filed (111), but a slight decrease in the number of successful appeals (6). The rejection rate remains similar, with 93 appeals rejected in 2024 compared to 94 in 2023. This might also be partially attributed to the high standard required for a decision to halt a removal order. The enforcement of the BAMF decision may only be suspended if there are 'serious doubts about the legality' of the BAMF decision.⁶⁰⁸

⁵⁹⁸ ECRE, *Airport procedures in Germany: Gaps in quality and compliance with guarantees*, available at: <https://bit.ly/3RxE92z>, 10.

⁵⁹⁹ Information provided by an attorney-at-law, 31 August 2020.

⁶⁰⁰ German Federal Constitutional Court, Decision 2 BvR 1516/93, 14 May 1996, available in German at: <https://bit.ly/48hLGcY>.

⁶⁰¹ See PRO ASYL, 'ABGELEHNT IM NIEMANDSLAND. Vom Flughafenverfahren zum »New Pact on Migration and Asylum« – Warum Asylgrenzverfahren unfair und mangelhaft sind', June 2021, available in German at: <https://bit.ly/31XOpvv>, 10 and 21.

⁶⁰² Section 18a(4) Asylum Act.

⁶⁰³ See PRO ASYL, 'ABGELEHNT IM NIEMANDSLAND. Vom Flughafenverfahren zum »New Pact on Migration and Asylum« – Warum Asylgrenzverfahren unfair und mangelhaft sind', June 2021, available in German at: <https://bit.ly/31XOpvv>, 10 and 21.

⁶⁰⁴ Section 18a(4) Asylum Act.

⁶⁰⁵ Section 18a(6) Asylum Act.

⁶⁰⁶ Federal Government, *Response to parliamentary question by The Left 20/14272*, 13 December 2024, available in German [here](#), 26.

⁶⁰⁷ ProAsyl, *Flughafenstatistik des BAMF 2023*, available in German [here](#).

⁶⁰⁸ Section 18a(4) Asylum Act in connection with Section 36(4) Asylum Act.

NGOs have also reported that Administrative Courts do not provide a real opportunity to further clarify inconsistencies between the reports of the interviews conducted by the BAMF and the Federal Police.⁶⁰⁹ The tight deadlines for the appeal make it extremely challenging to adequately prepare the necessary documentation, including translations of documents.⁶¹⁰ Moreover, where an application has been rejected as 'manifestly unfounded', the court has to decide on a request for an interim measure by written procedure, i.e. without an oral hearing and solely based on case-files.⁶¹¹ The right to appeal in the context of airport procedures has thus been described as severely limited in practice.

4.4. Legal assistance

Indicators: Border Procedure: Legal Assistance

☐ Same as regular procedure

1. Do asylum seekers have access to free legal assistance at first instance in practice?

<input type="checkbox"/> Yes	<input type="checkbox"/> With difficulty	<input checked="" type="checkbox"/> No
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 - ❖ Does free legal assistance cover:

<input type="checkbox"/> Representation in interview
<input type="checkbox"/> Legal advice

2. Do asylum seekers have access to free legal assistance on appeal against a negative decision in practice?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> With difficulty	<input type="checkbox"/> No
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 - ❖ Does free legal assistance cover

<input checked="" type="checkbox"/> Representation in courts
<input checked="" type="checkbox"/> Legal advice

According to a decision of the Federal Constitutional Court ('*Bundesverfassungsgericht*'), asylum seekers whose applications are rejected in the airport procedure are entitled to free, quality and independent legal assistance.⁶¹² This is the only procedure where asylum seekers are entitled to a form of free legal assistance in Germany.⁶¹³ However, in practice it has been recorded that access to legal aid remains difficult in some cases, especially since free legal aid (financed through the BAMF) is made available only after a negative decision by the BAMF, and only if the rejected applicant does not already have legal representation, according to the BAMF. This means that legal aid is not systematically provided during the first instance airport procedure i.e., prior to the interview with the BAMF. During the first instance airport procedure the applicant has only access to legal aid at their own expense or if civil society organisations fund the legal assistance.

In Frankfurt Airport for example, asylum seekers cannot easily reach out to lawyers prior to their interview and must heavily rely on relatives or the support of Church Refugee Services to establish contact with a lawyer.⁶¹⁴ Subject to available capacity, organisations such as PRO ASYL provide funding for lawyers to support asylum seekers from the outset of the procedure in individual cases, mostly for especially vulnerable applicants.⁶¹⁵ This has led to about 80 to 90 cases being supported at first instance by PRO ASYL-funded lawyers in 2018.⁶¹⁶ More recent figures are not available.

Legal practitioners witness a notable difference in the procedure depending on whether they are present or not during the interview with the BAMF. When the interview is conducted without the presence of a

⁶⁰⁹ Information provided by PRO ASYL, 1 April 2019; an attorney-at-law, 29 April 2019.

⁶¹⁰ See PRO ASYL, 'ABGELEHNT IM NIEMANDSLAND. Vom Flughafenverfahren zum »New Pact on Migration and Asylum« – Warum Asylgrenzverfahren unfair und mangelhaft sind', June 2021, available in German at: <https://bit.ly/31XOpvv>, 21.

⁶¹¹ Section 36(3) Asylum Act.

⁶¹² German Federal Constitutional Court, Decision 2 BvR 1516/93, 14 May 1996, available in German at: <https://bit.ly/48hLGcY>.

⁶¹³ AIDA, *Country Report Germany - Update on the year 2019*, July 2020, available at: <https://bit.ly/4105BsU>, 51.

⁶¹⁴ Information provided by the Munich Airport Church Service, 25 August 2020.

⁶¹⁵ See Caritas, 'Auch im Schnellverfahren am Flughafen die Rechte wahren', Dezember 2023, available in German at: <https://bit.ly/49eEcH>; PRO ASYL, 'ABGELEHNT IM NIEMANDSLAND. Vom Flughafenverfahren zum »New Pact on Migration and Asylum« – Warum Asylgrenzverfahren unfair und mangelhaft sind', June 2021, available in German at: <https://bit.ly/31XOpvv>, 16.

⁶¹⁶ Information provided by the Frankfurt Airport Church Refugee Service, 1 April 2019.

lawyer, it has been reported by a lawyer that the interview may be shorter and that interviewer transcript display a tendency to make superficial assessments of the claim and to omit asking questions on important elements such as health conditions.⁶¹⁷ Similarly, NGOs and practitioners have thus highlighted that access to quality legal assistance prior to the BAMF interview in the airport procedure would increase the likelihood of a positive first instance decision by the BAMF and decrease the unequal chances of legal representation based on the – often too short – assessment of vulnerability done by NGOs such as the Church Refugee Services.⁶¹⁸

As regards access to legal aid following a negative BAMF decision and potential appeals before the Administrative Court (*Verwaltungsgericht*, VG), the bar association of the airport's region coordinates a consultation service with qualified lawyers. For example, as of 2022 (no information available more recently) the Bar Association of Frankfurt provided a legal consultation service in which 36 attorneys were on stand-by for free counselling with asylum seekers when needed, paid for – at low rates, according to the association – by the BAMF on the basis of an agreement between the BAMF and the Frankfurt bar association.⁶¹⁹ In practice, however, the chances of success of appeals seem to be very low (see [Appeal](#)) and the scope of the legal assistance is limited. The lack of trust of asylum seekers towards lawyers who are appointed to them on the basis of this list has also been reported as problematic.⁶²⁰

NGOs have also very limited access to the airport procedure as they need to be accredited. At Frankfurt airport, the Church Refugee Service provides counselling prior to the asylum interview. The limited access for NGOs can be problematic, since shortcomings in the identification of vulnerabilities by the BAMF have been documented by NGOs and NGOs represent an important remedy the shortcomings in the identification the vulnerabilities.⁶²¹ Presence of NGOs during the asylum interview conducted by the BAMF at Munich Airport is not clearly regulated. As a result, authorisation for the Church Refugee Service to attend the interview depends on the individual caseworker, which is usually allowed in the case of female applicants.⁶²² On the other hand in Frankfurt Airport, the presence of the Church Refugee Service during the interview is not a problem if the BAMF has been informed beforehand. The Church Refugee Service further provides psychosocial assistance to asylum and helps reaching out to lawyers depending on available capacity. Access to other NGOs than the Church Refugee Service, however, remains limited in practice at the Frankfurt/Main Airport.⁶²³

5. Accelerated procedure

An accelerated procedure exists since March 2016. According to Section 30a of the Asylum Act, the accelerated procedure can be carried out in branch offices of the BAMF which are assigned to a 'special reception centre' (*besondere Aufnahmeeinrichtung*). Only in these locations can accelerated procedures be carried out for asylum seekers who:⁶²⁴

- ❖ Applicant with a nationality of a [Safe country of origin](#);
- ❖ The authorities have been obviously deceived through false statements or documents, or by concealing important information, or by withholding documents regarding their identity or nationality.

⁶¹⁷ Information provided by an attorney-at-law, 29 April 2019.

⁶¹⁸ See PRO ASYL, 'ABGELEHNT IM NIEMANDSLAND. Vom Flughafenverfahren zum »New Pact on Migration and Asylum« – Warum Asylgrenzverfahren unfair und mangelhaft sind', June 2021, available in German at: <https://bit.ly/31XOpvv>, 17.

⁶¹⁹ Frankfurter Anwaltsverein e. V., *Asylrechtskundige Beratung*, available in German at: <https://bit.ly/49L3PAi>.

⁶²⁰ Information provided by an attorney-at-law, 31 August 2020, see also PRO ASYL, 'ABGELEHNT IM NIEMANDSLAND. Vom Flughafenverfahren zum »New Pact on Migration and Asylum« – Warum Asylgrenzverfahren unfair und mangelhaft sind', June 2021, available in German at: <https://bit.ly/31XOpvv>, 22.

⁶²¹ PRO ASYL, 'ABGELEHNT IM NIEMANDSLAND. Vom Flughafenverfahren zum »New Pact on Migration and Asylum« – Warum Asylgrenzverfahren unfair und mangelhaft sind', June 2021, available in German at: <https://bit.ly/31XOpvv>, 22.

⁶²² Information provided by the Munich Airport Church Service 5 April 2019.

⁶²³ Information provided by the Frankfurt Airport Church Service, 25 August 2020.

⁶²⁴ Section 30a(1) Asylum Act.

- ❖ Have wilfully destroyed or disposed of an identity or travel document that would have helped establish their identities or nationalities, or if the circumstances clearly give reason to believe that this is so;
- ❖ Have filed a subsequent application, in case they have left Germany after their initial asylum procedure had been concluded;⁶²⁵
- ❖ Have made an application merely in order to delay or frustrate the enforcement of an earlier or imminent decision which would result in their removals;
- ❖ Refuse to be fingerprinted in line with the Eurodac Regulation; or
- ❖ Were expelled due to serious reasons of public security and order or if there are serious reasons to believe that they constitute a serious threat to public security and order.

In the accelerated procedure, the BAMF must decide within 1 week after lodging the asylum application (7 calendar days).⁶²⁶ If it rejects the asylum application as manifestly unfounded, inadmissible or for other (formal) reasons (discontinued applications in the German system) within this timeframe, the procedure is carried on as an accelerated procedure and the asylum applicants are obliged to stay in the 'special reception centres'. If the BAMF does not decide within one week, or if the application is rejected as simply 'unfounded' or if protection is granted, the applicant can leave the special reception centre and the procedure is carried on as a regular procedure, if necessary.⁶²⁷ As of April 2024, there is no systematic exemption of vulnerable applicants from the accelerated procedure provided by the law with the exception of unaccompanied minors, who are the only ones by law exempted from the procedure.⁶²⁸ Thus, all other vulnerable asylum applicants can be subject to the accelerated procedure.

During an accelerated procedure, asylum seekers are obliged to stay in the special reception centres.⁶²⁹ These are not closed facilities, as asylum seekers may leave the premises and are free to move around in the local area (usually the district of responsibility of the local immigration authority). In this respect, the same rules apply to them as to asylum seekers in the regular procedure who also face a 'residence obligation' in the first months of an asylum procedure (see [Freedom of movement](#)). However, asylum seekers in the accelerated procedure face significantly stricter sanctions for non-compliance with the 'residence obligation': If they leave the town or district in which the special reception centre is located, it shall be assumed that they have failed to pursue the asylum procedure.⁶³⁰ This may lead to the termination of their asylum procedure and rejection of their application.

From 1 August 2018 onwards, the 'special reception centres' existing in **Bamberg** and **Manching/Ingolstadt** were renamed as AnKER centres.⁶³¹ The accelerated procedure does not seem to have been applied therein from the start. Asylum statistics show that the procedure under Section 30a Asylum Act is rarely applied.⁶³² In 2022 and 2023, the accelerated procedure was mainly applied in the AnKER centre in Bamberg (**Bavaria**) and the arrival centre in Mönchengladbach (**North Rhine-Westphalia**).⁶³³ The "accelerated asylum procedures" under Section 30a of the Asylum Act (AsylG), which were introduced in 2016 with the Asylum Package II, hardly play a role in practice. In 2024, there were

⁶²⁵ This qualification (that only asylum seekers who have left Germany after a first asylum procedure are subject to this provision) is not contained in the law. However, a representative of the BAMF stated in a committee hearing in Parliament that the authorities were obliged to make use of this qualification for legal reasons. The Federal Government later explained that the authorities would 'presumably' apply the law in this manner: Federal Government, *Response to a parliamentary question by Member of Parliament Volker Beck*, 18/7842, 8 March 2016, available in German at: <https://bit.ly/41rTpTv>, 19.

⁶²⁶ Section 30a(2) Asylum Act.

⁶²⁷ Section 30a(2)-(3) Asylum Act.

⁶²⁸ BAMF, *Konzept: Die Identifizierung vulnerabler Personen im Asylverfahren*, 10 June 2022, available in German at: <https://bit.ly/3yBv0QK>.

⁶²⁹ Section 30a(3) Asylum Act.

⁶³⁰ Section 33(2)(3) Asylum Act.

⁶³¹ Markus Kraft, *Die ANKER-Einrichtung Oberfranken*, Asylmagazin 10-11/2018, available in German at: <https://bit.ly/4at6eAU>, 351-353.

⁶³² Information provided by the BAMF, 1 August 2017.

⁶³³ Federal Government, *Response to parliamentary question by The Left*, 20/8787, 11 October 2023, available in German at: <https://bit.ly/48WSr4w>, 32, 20/6052, 14 March 2023, available in German at: <https://bit.ly/3zrfRPq>, 28.

only 186 decisions under Section 30a AsylG, constituting 0.062% of all decisions made by the BAMF that year.⁶³⁴ In 2023, the number stood at 196 decisions under Section 30a AsylG, which accounted for 0.07 percent of all BAMF decisions.⁶³⁵ In 2022, it was applied to 374 applications (0.2 % of all asylum applications).⁶³⁶ In the period from July to December 2024, a total of 73.2 percent of accelerated or expedited procedures were decided in less than 21 days.⁶³⁷

Among the top 10 nationalities of applications treated in the accelerated procedure in 2024 are the 'safe countries of origin' Georgia, Moldova and Serbia, Tunisia, Northern Macedonia, Kosovo, Albania, Bosnia and Herzegovina, Algeria, Morocco.⁶³⁸ The average length of the accelerated procedure was 5.4 months in 2024,⁶³⁹ and hence only slightly shorter than the duration of all procedures over the whole of 2023 (6.8 months, see [Regular procedure](#)). In 2022, the average duration was 2.1 months but differed between BAMF branch offices, between 0.2 months and 3.5 months in.⁶⁴⁰ By and large, it can be concluded that the introduction of the accelerated procedure under Section 30a of the Asylum Act has only had little impact on asylum procedures in general.

The rules concerning personal interviews, appeal and legal assistance are similar to those described in the [Regular procedure](#) and, for inadmissibility decisions, the [Admissibility procedure](#).

6. National protection statuses and return procedure

6.1. National forms of protection

In Germany, national protection forms are available in addition to constitutional asylum, refugee status, and subsidiary protection. These national protection statuses primarily consist of national deportation bans under Sections 60 (5) and 60 (7) of the Residence Act (*Aufenthaltsgesetz*). A deportation ban is issued when it is determined that the individual cannot be returned to their country of origin due to specific risks. These risks may involve a violation of the European Convention on Human Rights (ECHR), including the prohibition of inhuman or degrading treatment (Article 3 ECHR), or a concrete danger to life, liberty, or health in the destination country.⁶⁴¹ If these conditions are met, the person is granted a residence permit for at least one year, which may be extended. After five years, provided the individual meets other criteria, such as securing their livelihood and having sufficient German language skills, a permanent settlement permit may be issued. In practice, national deportation bans are closely examined by the Federal Office for Migration and Refugees (BAMF) within the asylum process, although they can also be established by the immigration authorities, particularly in cases of internal obstacles to deportation, in which case they may issue a toleration (*Duldung*) under Section 60a.⁶⁴² In cases where the deportation ban is decided based on human rights or health risks (as opposed to internal obstacles such as the impossibility of the deportation), individuals receive a residence permit, which includes a specific right to work. However, there are also restrictions based on legal exclusion grounds, similar to those under subsidiary protection or refugee status: in case it is established the person comes under one of the legal exclusion grounds, this does not affect the legal determination of the deportation ban itself⁶⁴³ and the person cannot be

⁶³⁴ Federal Government, *Response to parliamentary question by The Left*, 20/15083, 3 March 2025, available in German [here](#), 29.

⁶³⁵ Die Linke, *Small request to the Federal Government*, Drucksache 20/14830, 31 January 2025, available in German [here](#).

⁶³⁶ Federal Government, *Response to parliamentary question by The Left*, 20/6052, 14 March 2023, available in German at: <https://bit.ly/3zrfRPq>, 27.

⁶³⁷ Federal Government, *Response to parliamentary question by The Left*, 20/15083, 3 March 2025, available in German [here](#), 24.

⁶³⁸ Ibid.

⁶³⁹ Ibid.

⁶⁴⁰ Federal Government, *Response to parliamentary question by The Left*, 20/6052, 14 March 2023, available in German at: <https://bit.ly/3zrfRPq>, 20.

⁶⁴¹ See details at Informationsverbund Asyl und Migration, 'Nationale Abschiebungsverbote', updated as of January 2023, available in German [here](#).

⁶⁴² BAMF, 'National ban on deportation' 28 November 2018, available [here](#).

⁶⁴³ Informationsverbund Asyl und Migration, 'Nationale Abschiebungsverbote', updated as of January 2023, available in German [here](#).

deported, but it will affect the “additional rights” (such as the right to work) which may not be granted. In comparison to the other protection statuses (constitutional asylum, refugee status, subsidiary protection), national deportation bans tend to address specific, often urgent humanitarian concerns that are not covered by the broader forms of international protection.⁶⁴⁴

In 2024, a total of 301,350 protection decisions were made, marking a 15.2% increase compared to the previous year's 261,601 decisions.⁶⁴⁵ The overall protection rate, which includes refugee status under the 1951 Refugee Convention, subsidiary protection under Section 4(1) of the Asylum Act, and deportation bans under Section 60(5) or (7) of the Residence Act, stood at 44.4%.⁶⁴⁶ This corresponds to 133,710 positive decisions out of the total 301,350. Compared to the previous year, when the overall protection rate was 51.7%, this represents a decrease of 7.3 percentage points. Out of the 301,350 total protection decisions in 2024, 20,823 were deportation bans granted under Section 60(5) or (7) of the Residence Act.⁶⁴⁷

Under Section 60(5) or (7) of the Residence Act, individuals who are granted a deportation ban (*Abschiebungsverbot*) are protected from being returned to their country of origin, as the BAMF has determined that their return would violate their fundamental rights. In these cases, individuals are issued a residence permit, typically for an initial period of one year, which can be extended if the conditions for the ban continue to apply. However, the deportation ban does not apply if the individual is deemed capable of leaving for another country or if they have failed to fulfill their obligations during the process. Individuals who are granted a deportation ban (*Abschiebungsverbot*) are allowed to work in general.

The German residence law foresees the possibility for rejected asylum applicants to access national forms of protection under certain circumstances. If an asylum application is rejected, the authorities still assess whether any national protection measures apply, particularly through a review of potential national deportation bans under Sections 60(5) or (7) of the Residence Act. These bans can be issued if the applicant faces a risk of violating human rights or encountering serious harm in the country of return.

For applicants with a return decision that can be implemented, the national authorities will still assess whether a deportation ban is applicable before proceeding with their return. A “Duldung” is issued when a temporary suspension of the deportation is required in cases when the individual is required to leave Germany but their deportation is not possible for factual or legal reasons (see Section 60a of the Residence Act).⁶⁴⁸ It is granted to individuals who do not have legal status in Germany, but whose deportation cannot be carried out for specific reasons. A Duldung is not a residence title and does not grant lawful residence in Germany; it only exempts the individual from criminal liability for staying illegally. People with a Duldung remain subject to the obligation to leave the country. The Duldung expires when the individual leaves the country and does not permit re-entry into Germany.⁶⁴⁹

Applicants do not need to apply separately for protection under Section 60(5) or (7) of the Residence Act. These provisions are automatically reviewed by the national authorities when they reject an asylum application or consider a return decision. In the asylum process, the Federal Office for Migration and Refugees (BAMF) assesses whether national deportation bans (*Abschiebungsverbote*) apply, especially if the applicant is at risk of human rights violations or serious harm in the country of return. This review occurs alongside the assessment of the asylum application, and if a national deportation ban is determined, the applicant is granted a residence permit, typically for one year, which may be extended if the conditions continue to apply.⁶⁵⁰

⁶⁴⁴ Ibid.

⁶⁴⁵ BAMF, *Aktuelle Zahlen*, December 2024, available in German [here](#).

⁶⁴⁶ BAMF, *Aktuelle Zahlen*, December 2024, available in German [here](#), 11.

⁶⁴⁷ BAMF, *Aktuelle Zahlen*, December 2024, available in German [here](#), 11.

⁶⁴⁸ Informationsverbund Migration und Asyl, ‘Duldung’, available in German [here](#).

⁶⁴⁹ Informationsverbund Migration und Asyl, ‘Duldung’, available in German [here](#).

⁶⁵⁰ BAMF, ‘Nationales Abschiebungsverbot’, available in German [here](#)

Rights

The rights attached to a deportation ban are more limited compared to those granted under international protection statuses such as refugee or subsidiary protection. Nevertheless, individuals under a deportation ban still enjoy some important rights.⁶⁵¹ They are protected from deportation to the country in question, and they are granted a residence permit for a year, which can be extended if the ban remains applicable. In rare cases, they may be eligible for a refugee passport, although this is not common.⁶⁵² Furthermore, they are subject to a residence requirement (*Wohnsitzauflage*), meaning they must stay in a specific location, but this condition can be lifted under certain circumstances.⁶⁵³

Additionally, individuals with a deportation ban have access to the labour market. Typically, a request for a work permit (based on a specific employment found by the person) is granted, and in this context, they may also apply for the removal of the residence requirement.⁶⁵⁴ For asylum applicants, see [Reception conditions - Access to the labour market.](#); for BIPs, see [Content of international protection - Access to the labour market.](#)

Access to employment for tolerated individuals (*Geduldete*), whose asylum applications have been rejected but who cannot be deported due to legal or practical obstacles, such as the lack of travel documents or ongoing armed conflict in their country of origin, varies. If they are required to live in a reception centre, they should be allowed to work after six months, unless deportation measures are imminent. Outside of reception centres, tolerated individuals should generally be granted access to employment after three months under the same condition. Nevertheless, work bans apply to those who are deemed to fail to meet their obligations to cooperate with departure (particularly by not presenting identification documents), to those from safe countries of origin, to individuals whose asylum claims were rejected as manifestly unfounded or inadmissible, and to those considered to have misrepresented their identity. Tolerated persons generally require a work permit, which must be granted by the local Foreigners' Office (*Ausländerbehörde*). The Federal Employment Agency (*Bundesagentur für Arbeit*, BA) typically also has to approve the employment and checks whether the working conditions are comparable to those offered to German nationals, including in the case of temporary agency work. After 48 months of stay, BA approval is no longer necessary, although the work permit from the Foreigners' Office is still required. In certain cases — such as employment in skilled professions or during vocational training — access to the labor market has been simplified and no longer requires BA approval. Furthermore, tolerated persons may obtain a legal pathway to stay through work or vocational training. Under certain conditions, they can receive a "*Beschäftigungsduldung*" (30-month tolerated stay for employment), an "*Ausbildungsduldung*" (tolerated stay for vocational training), or a residence permit specifically for vocational education and training.⁶⁵⁵

It is important to note that tolerated individuals (§ 1 of the Asylum Seekers Benefits Act, *AsylbLG*) are generally not subject to the Social Code (*SGB*) until they are granted a residence permit but instead fall under the provisions of the Asylum Seekers Benefits Act. However, after 36 months of uninterrupted residence, they are entitled to social welfare benefits, provided they have not extended their stay in bad faith, such as by concealing their identity. Although these individuals remain formally eligible for benefits under the Asylum Seekers Benefits Act until their recognition, their standard needs increase, and they may receive a health insurance card if they did not have one previously.⁶⁵⁶

If a tolerated person fails to comply with their obligation to clarify their identity and obtain a passport, they are granted a "toleration for persons with unclear identity" under Section 60b of the Residence Act

⁶⁵¹ Refugees Welcome Duesseldorf, 'Welche Formen der Anerkennung gibt es für Flüchtlinge?', available in German [here](#).

⁶⁵² Ibid.

⁶⁵³ Fluechtlingsrat Thueringen, *Wohnsitzauflage*, 5/2020, available in German [here](#).

⁶⁵⁴ Fluechtlingsrat Thueringen, *Wohnsitzauflage*, 5/2020, available in German [here](#).

⁶⁵⁵ All the information from this paragraph comes from: Ministry for Labour and Social Affairs, 'Arbeitsmarktzugang für Geflüchtete', available in German [here](#).

⁶⁵⁶ Informationsverbund Asyl und Migration, 'Asylsuchende, geduldete und ausreisepflichtige Personen', available in German [here](#).

(referred to as "Duldung-light"). This form of toleration can only be granted if deportation cannot take place due to deception regarding identity or nationality, false statements, or failure to obtain a passport, meaning it is based on the individual's behavior. If deportation is impossible for other reasons, toleration under Section 60b of the Residence Act cannot be granted. The consequences of this type of toleration include the denial of a work permit (any existing work permit does not automatically expire but must be revoked through a separate administrative action), reduced benefits, and the toleration periods are not counted toward acquiring a residence permit under Sections 25a or 25b of the Residence Act.⁶⁵⁷

Lastly, individuals with a deportation ban do not have the right to family reunification.⁶⁵⁸

6.2. Return procedure

In Germany, the return procedure is closely linked to the asylum process. When an asylum application is rejected, the individual is generally required to leave the country, resulting in a return decision. If the asylum application is rejected, the person typically faces a deadline for voluntary departure — 30 days in case of a regular rejection and only one week if the rejection is due to the application being deemed "manifestly unfounded".⁶⁵⁹ In cases where voluntary departure does not occur within the designated time frame, the relevant foreign authorities are responsible for enforcing the return through forced deportation.⁶⁶⁰ However, the authorities can temporarily suspend the return decision if obstacles to deportation are identified.⁶⁶¹ This can include granting a "Duldung" (toleration), a temporary suspension of deportation when legal or factual barriers prevent the return. There are also provisions for voluntary return, with both federal and state governments offering various programs to support returnees.⁶⁶²

The return decision and asylum rejection are two separate decisions, often issued simultaneously, which has a significant impact on the possibility of appealing the asylum rejection. If the asylum decision is not challenged within the designated time (e.g., through the submission of an appeal or an urgent request for a judicial review), and if the voluntary return period expires, the individual faces the risk of deportation. If the asylum application is rejected as "inadmissible" or "manifestly unfounded", there is no automatic right to extend the departure deadline, and the person may be immediately subject to deportation measures.⁶⁶³

In terms of the appeal process, once a person receives a return decision, the opportunity to appeal the asylum rejection may still exist, depending on the circumstances. If the person has not filed an appeal within the required time frame or if no suspensive effect is granted for their appeal (see [Regular procedure – Appeal](#)), the return decision becomes enforceable, and deportation may proceed.⁶⁶⁴ Legal challenges against the return decision can also be pursued, but these are separate from those against the asylum decisions and need to be made in a timely manner to halt deportation actions.⁶⁶⁵

Statistics

Between January and November 2024, a total of 18,384 individuals (this concerns all persons, not only former asylum applicants) were deported from Germany. This represents an increase of approximately 21% compared to the same period in the previous year. Among these deportations, 5,827 individuals were transferred to other European Union countries under the provisions of the Dublin III Regulation. The five most frequent third-country destinations for deported individuals during this period were: Georgia, with

⁶⁵⁷ Informationsverbund Migration und Asyl, 'Duldung', available in German [here](#).

⁶⁵⁸ Refugees Welcome Duesseldorf, 'Welche Formen der Anerkennung gibt es für Flüchtlinge?', available in German [here](#).

⁶⁵⁹ The legal basis is § 34 Asylum Law and § 34a Asylum Law.

⁶⁶⁰ Informationsverbund Migration und Asyl, 'Abschiebung', available in German [here](#).

⁶⁶¹ Ibid.

⁶⁶² BAMF, 'Aufenthaltsbeendigung', 14 November 2019, available in German [here](#).

⁶⁶³ Informationsverbund Migration und Asyl, 'Abschiebung', available in German [here](#).

⁶⁶⁴ BAMF, 'Aufenthaltsbeendigung', 14 November 2019, available in German [here](#).

⁶⁶⁵ Informationsverbund Migration und Asyl, 'Abschiebung', available in German [here](#).

1,650 persons deported, North Macedonia, with 1,274 persons, Albania, with 1,034 persons, Türkiye, with 993 persons, and Serbia, with 957 persons.⁶⁶⁶

During the same period, 9,180 individuals voluntarily left Germany under the REAG/GARP federal-state return assistance program. In total, approximately 25,100 individuals who were required to leave Germany departed voluntarily with a Grenzübertrittsbescheinigung (Border Crossing Certificate). This marks an increase of around 10% compared to the same period in the previous year.⁶⁶⁷

In February 2025, a new (non-government affiliated) website was launched with the goal of regularly publishing data and additional information on migration-related topics. Currently, the platform provides data on deportations from German federal states in 2024, with further datasets on other topics expected to become available soon.⁶⁶⁸ According to its own statements, the website is a project by students of the master's program Migration and Development at Sapienza University in Rome. The database aims to serve as a research resource for journalists, think tanks, and NGOs. The data on various topics is collected through Freedom of Information Act (IFG) requests submitted to the relevant authorities. In addition to visually processed information, the platform also provides access to the original requests and responses from the authorities. Furthermore, basic information on each topic is available in the form of FAQs. Regarding deportations, the website offers figures for all federal states except Bavaria and Lower Saxony.

The methods and circumstances of deportations from Germany in the first half of 2024 varied, with some individuals removed without escorts and others under the supervision of law enforcement authorities or security personnel from destination countries. In the first half of 2024, a total of 4,664 individuals were deported without any escort. In addition to these, several deportations took place under the supervision of law enforcement authorities, categorised as follows: 3,641 individuals were deported under escort by officers from the Federal Police, involving a total of 6,408 federal police officers. 94 individuals were deported under escort by officers from state police forces or other national authorities, with the involvement of 188 officers from these agencies. 896 individuals were deported under escort by security personnel from the destination countries. In the same period, a total of 1,725 minors were deported from Germany.⁶⁶⁹

In 2024, a total of 111,095 decisions issued by the Federal Office for Migration and Refugees were challenged in court, making for a litigation rate of 36.86 %.⁶⁷⁰ (This represents an increase from 2023 (80,245 decisions contested in 2023, litigation rate of 30.7%) and 2022 (67,267 BAMF decisions were contested, with a litigation rate of 32.2%). When considering only rejected asylum applications, the litigation rate was consistently higher, although it has also declined in recent years. In 2023, 58.8% of rejected asylum decisions were appealed, compared to 64.1% in 2022, 57.2% in 2021, and 73.3% in 2020.⁶⁷¹ In 2024, the average duration of an appeal process was 16.7 months.⁶⁷² As of 30 November 2024, 130,909 appeals against BAMF decisions were pending.⁶⁷³

⁶⁶⁶ Mediendienst Integration, „Abschiebungen und “freiwillige Ausreisen”“, available in German [here](#).

⁶⁶⁷ Mediendienst Integration, „Abschiebungen und “freiwillige Ausreisen”“, available in German [here](#).

⁶⁶⁸ Migration in Zahlen, available in German [here](#).

⁶⁶⁹ Federal Government *Reply by the Federal Government to the small request by Clara Bünger, Dr. André Hahn, Gökay Akbulut, other MPs and the Die Linke group*, 20/12385, 22 August 2024, available in German [here](#), 2..

⁶⁷⁰ Federal Government, *Response to parliamentary question by The Left*, 20/14923, 21 March 2025, available in German [here](#), 37.

⁶⁷¹ Bundeszentrale für Politische Bildung, „Asylentscheidungen und Klagen“, 10 January 2025, available in German [here](#).

⁶⁷² Federal Government, *Response to parliamentary question by The Left*, 20/15083, 3 March 2025, available in German [here](#), 17.

⁶⁷³ Ibid, 18.

Returns made impossible due to practical or political obstacles (see also above, [National forms of protection](#))

Even when third-country nationals without a residence permit fail to comply with an order to leave Germany, their deportation may be postponed or suspended due to various practical or political obstacles. Such obstacles include deportation bans, moratoriums on returns, lack of cooperation from countries of origin or transit, or other humanitarian and legal barriers. The following are the most recent available figures on such cases, with no data yet published for 2024.

A deportation may be postponed, and a *Duldung* (temporary suspension of deportation) granted if state authorities issue a suspension order of the deportation measure for up to three months on humanitarian or international law grounds, if the individual is participating in a vocational training program, has a minor child with a valid residence permit, has close family ties to another individual with a *Duldung*, suffers from a severe medical condition certified by a doctor, or faces legal obstacles such as the absence of travel documents.⁶⁷⁴

As of December 31, 2023, rejected asylum seekers in Germany were granted *Duldung* for various reasons. The most common cause was the lack of travel documents, affecting 45,566 individuals, while unresolved identity issues accounted for 25,408 cases. Additionally, 20,740 individuals received *Duldung* due to family ties to other holders of *Duldung*. Humanitarian or personal reasons, such as completing education or caring for ill family members, led to 7,208 suspensions. A further 3,208 individuals were granted *Duldung* due to their participation in vocational training, while 1,230 had it on employment-based grounds. Deportation moratoriums applied to 3,480 individuals, and 2,537 cases involved medical reasons. Imminent deportation procedures accounted for 5,603 *Duldungen*, and 6,031 individuals were awaiting decisions on follow-up asylum applications. Additionally, 4,114 unaccompanied minors and 65,087 individuals for various other reasons received *Duldung*.⁶⁷⁵

In 2023, approximately 30,300 deportations failed before the individuals could be transferred to the Federal Police, with most failures resulting from last-minute cancellations of flights. Around 1,000 deportations failed after individuals had been handed over to the police. Resistance from individuals facing deportation caused 295 failures, representing about one percent of unsuccessful attempts, while medical reasons accounted for 77 cases. Additionally, airlines or pilots refused to transport individuals in 230 cases.⁶⁷⁶

To address obstacles to deportation, the German government has signed several readmission agreements, including with Balkan countries, Algeria, and Morocco. The European Union has reached a cooperation agreement with Afghanistan to facilitate returns. However, no such agreements currently exist with countries such as Pakistan, Iran, or Nigeria, which remains a significant barrier to returns.⁶⁷⁷

⁶⁷⁴ Mediendienst Integration, 'Warum werden ausreisepflichtige Personen nicht abgeschoben?', available in German [here](#).

⁶⁷⁵ Federal Government, *Response of the Federal Government to the minor interpellation by Clara Büniger, Anke Domscheit-Berg, Nicole Gohlke, other MPs and the Left Party group*, 20/10576, April 18, 2024, available in German [here](#), 44.

⁶⁷⁶ Federal Government, *Reply by the Federal Government to the minor interpellation by Clara Büniger, Anke Domscheit-Berg, Nicole Gohlke, other MPs and the Die Linke group*, 20/11087, Deportations and departures in 2023 and the first quarter of 2024, 16 May 2024, available in German [here](#), 22.

⁶⁷⁷ Mediendienst Integration, 'Warum werden ausreisepflichtige Personen nicht abgeschoben?', available in German [here](#)..

D. Guarantees for vulnerable groups

1. Identification

Indicators: Identification

1. Is there a specific identification mechanism in place to systematically identify vulnerable asylum seekers?
☐ Yes ☒ For certain categories ☐ No
❖ If for certain categories, specify which: Unaccompanied children
2. Does the law provide for an identification mechanism for unaccompanied children?
☒ Yes ☐ No

1.1. Screening of vulnerability

There is no requirement in law or mechanism in place to systematically identify vulnerable persons in the asylum procedure, with the exception of unaccompanied children. The BAMF drafted a 'concept for the identification of vulnerable groups' in 2015, which was intended to be codified in law as part of the transposition of the recast APD and Reception Conditions Directive. However, the concept was initially only made available to BAMF staff as an internal guideline.⁶⁷⁸ In June 2022, the BAMF published a revised version of the concept⁶⁷⁹ as well as standardised forms with which the Federal States can communicate detected vulnerabilities and specifics to the BAMF and vice versa.⁶⁸⁰ According to the BAMF, the procedures to identify vulnerabilities are laid down in its internal regulations, while the concept gives the BAMF staff comprehensive information on the detection and treatment of vulnerable persons and is binding in so far as the internal guidelines refer to it.⁶⁸¹

According to the BAMF, the identification of vulnerable applicants as required by the APD is primarily the remit of the Federal States, who are responsible for reception and accommodation. Additionally, since 2022, the BAMF internal guidelines lay down the standards for the BAMF employees to identify vulnerabilities in order to guarantee a fair asylum procedure for the persons concerned.⁶⁸² These guidelines are updated regularly and are to be used conjointly with the concept mentioned above. A 2016 amendment to the German Asylum Act introduced wording relevant to the identification of vulnerable asylum seekers by allowing Federal States to transmit personal information about an applicant's vulnerabilities to the BAMF. In turn, the BAMF has the obligation to transmit relevant information on vulnerabilities to the Federal States if they are necessary for adequate accommodation.⁶⁸³

According to some stakeholders regarding the implementation of the identification obligation, the Asylum Act still fails to properly transpose the recast APD, as it only requires the BAMF to 'duly carry out' the interview and not to provide 'adequate support' to applicants in need of special procedural guarantees throughout the duration of the procedure.⁶⁸⁴ In practice, NGOs have therefore described identification

⁶⁷⁸ Information provided by the BAMF, 1 August 2017; see BAMF Dienstanweisung Asyl (internal directive for asylum procedures) – 2. *Identifizierung vulnerabler Personen*, 2021, 81 at <https://bit.ly/48Gv3ln>.

⁶⁷⁹ BAMF, *Die Identifizierung vulnerabler Personen im Asylverfahren. Umsetzung in der Praxis des Bundesamtes für Migration und Flüchtlinge*, June 2022, available in German at: <https://bit.ly/3Z7JHCU>.

⁶⁸⁰ The forms are available on the website of the Refugee Council North Rhine Westphalia at <http://bit.ly/3GMc5Do>.

⁶⁸¹ Information provided by the BAMF, 9 March 2023.

⁶⁸² See BAMF, *Dienstanweisung Asyl* (internal directive for asylum procedures), – 2. *Identifizierung vulnerabler Personen*, version of January 2023, available in German at: <https://bit.ly/3J5jPTA>, 288. The duty is based on Section 24(1) Asylum Act, which obliges the BAMF to investigate the relevant facts in each asylum case.

⁶⁸³ BAMF, *Dienstanweisung Asyl* (internal directive for asylum procedures) – 2.1 *Verpflichtung zur Identifizierung vulnerabler Personen*, 2021, 81 at: <https://bit.ly/48Gv3ln>.

⁶⁸⁴ See Nina Hager and Jenny Baron, 'Eine Frage von Glück und Zufall. Zu den Verfahrensgarantien für psychisch Kranke oder Traumatisierte im Asylverfahren' in Informationsverbund Asyl und Migration (ed), *Beratung und Rechtsschutz im Asylverfahren: Beilage zum Asylmagazin 7-8/2017*, July 2017.

procedures in Germany as ‘a matter of luck and coincidence’, given that authorities ‘are not able to systematically undertake the necessary steps to ascertain mental disorders or trauma.’⁶⁸⁵

The BAMF rebuts these statements, stressing that it has addressed the identification requirements arising from Directive 2013/32/EU in its internal instructions, and has established detailed regulations for staff in the regularly updated operative asylum divisions. In addition, a comprehensive description of the identification of and treatment of potentially vulnerable persons and the consideration of their individual needs throughout the asylum procedure can be found in the concept “The Identification of Vulnerable Persons in the Asylum Procedure” (Identification Concept). The Identification Concept provides detailed information on how special protection needs can be identified and how the procedural guarantees established for the respective group of persons can be ensured in the asylum procedure, citing German and EU law and legal guarantees. The authorities further highlighted that it conducts a variety of training measures in the context of identifying and treatment of vulnerable persons. All BAMF employees receive anti-discrimination and diversity awareness training. In addition, all decision-makers are required to complete training on how to deal with vulnerable groups, based on their role, using standardised EUAA modules across Europe.⁶⁸⁶

Prior to the revision of the law on counselling in 2023, the BAMF stated that the counselling service for asylum-seekers, consisting of general information on the procedure as well as the opportunity to make individual appointments with BAMF staff (see [Information for asylum seekers and access to NGOs and UNHCR](#)) has led to vulnerabilities ‘being partially identified more often’ as counsellors inform applicants about rights of vulnerable applicants during the procedure. As of 1 January 2023, the BAMF provides additional funding for independent counsellors providing support for vulnerable groups.⁶⁸⁷ The independent counsellors are required to transmit personal information to the BAMF and the Federal States agencies responsible for the accommodation of asylum seekers which is relevant for the identification and support of vulnerable groups, if the applicant consents.⁶⁸⁸ However, no details were given concerning the number or the type of vulnerabilities which were identified in the course of the new advice service. According to information provided by the BAMF, no data are collected on vulnerabilities detected during the counselling nor on the number of vulnerable persons applying for asylum in Germany.⁶⁸⁹ The BAMF affirms that the funding for independent counsellors is dependent on relevant certifications and qualifications for the identification of vulnerabilities, which should guarantee the effectiveness of the identification of vulnerabilities.⁶⁹⁰

Prior to the revision of the identification concept in 2022, the lack of a systematic identification processes for vulnerable applicants had been subject to recurring criticism from NGOs⁶⁹¹ and international organisations,⁶⁹² and described as especially problematic in the context of the airport procedure by NGOs (see [Border procedure \(border and transit zones\)](#)). In 2023, the Federal working group on psycho-social centres for refugees and victims of torture in cooperation with several NGOs acknowledged that there have been attempts mainly by the Federal States to address these shortcomings. However, the working group repeated the criticism of no systematic approach.⁶⁹³ Along with these policy demands, the

⁶⁸⁵ For a recent example of criticism of the lack of vulnerability identification and specific assistance, see Refugee Council Berlin, 13 March 2023, , Kein Ort für Schutzsuchende: Notunterkunft im Flughafen Tegel schließen ‘, available in German [here](#).

⁶⁸⁶ The information on this entire section on the BAMF was provided by the authority on 28 May 2025.

⁶⁸⁷ BAMF, *Antrag auf Gewährung von Bundeszuwendung für die Durchführung der Rechtsberatung für queere und weitere vulnerable Schutzsuchende*, January 2023, available in German at: <https://bit.ly/47SfOuC>.

⁶⁸⁸ Section 12a Asylum Act.

⁶⁸⁹ Information provided by the BAMF, 9 March 2023.

⁶⁹⁰ Federal Government, *Response to information request by The Left*, 20/7089, 31 May 2023, available in German at: <https://bit.ly/3SsRNpC>.

⁶⁹¹ KOK, *Betroffene von Menschenhandel im Asylkontext erkennen. Problembeschreibung und Handlungsempfehlungen*, 2020, available in German at: <https://bit.ly/3RuJcAY>, 4.

⁶⁹² GRETA, *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Germany*, 20 June 2019, available at: <https://bit.ly/3FKhZ8k>, 30.

⁶⁹³ BAfF, *Policy Paper & Toolbox besondere Schutzbedarfe*, 27 March 2023, available in German at: <https://bit.ly/3UbSzIU>.

associations introduced a toolbox on vulnerabilities which provides guidance for counselling and the identification of vulnerabilities.⁶⁹⁴

The procedures and practice of identification in reception centres, which are run by the Federal States, vary. Upon initial registration, all asylum seekers should undergo a medical examination, which usually takes place shortly after the registration of the asylum application in the arrival centre. However, this examination is focused on the detection of communicable diseases and does not include a screening for potential vulnerabilities. Sometimes medical personnel or other staff members working in the reception centres inform the BAMF if they recognise symptoms of trauma, the BAMF provides notification sheets with which vulnerabilities can be communicated but there is no systematic procedure in place ensuring that such information is passed on.⁶⁹⁵

In 2020, only three Federal States (**Berlin, Brandenburg and Lower Saxony**) had a structured procedure in place to identify particularly vulnerable asylum seekers.⁶⁹⁶ A number of States conduct screenings, offer psychiatric or psychological consultations or refer to the general care infrastructure, and some Federal States have integrated identification in their concepts for protection from violence in reception centres (**Hamburg, Hesse, North Rhine Westphalia, Rhineland-Palatinate, Saarland, Saxony, Schleswig-Holstein**).⁶⁹⁷ Since 2021, a project led by the Federal working group on psycho-social centres for refugees and victims of torture in cooperation with several NGOs as well as the BAMF and local authorities has developed a concept to identify vulnerable applicants in reception centres and in psycho-social centres. The concept was piloted in two reception centres in North Rhine Westphalia and Bremen and the findings were published in March 2023 in a toolbox of guidelines which provide guidance for counselling and the identification of vulnerabilities.⁶⁹⁸ The BeSAFE project, implemented from 2022 to 2024, developed a standardised approach for identifying vulnerable refugees in German reception centres.⁶⁹⁹ During this period, it facilitated improved cooperation between reception facilities and psychosocial services, enhancing support for at-risk individuals. The project concluded in late 2024 with the publication of practical tools and policy recommendations to promote the nationwide implementation of vulnerability identification measures.⁷⁰⁰ The working group continues its work, and the Federal government affirms that it supports those Federal States who are interested in implementing the guidelines. However, the guidelines are not legally binding, and the government does not systematically monitor the implementation of the guidelines in the Federal states.⁷⁰¹

In **Berlin**, a 'Network for persons with special protection needs' has developed concepts for the identification of vulnerable persons and their needs since 2008. The network, which refers to itself as a unique project in Germany, consists of seven NGOs which cooperate with the social services of the regional government. The NGOs have special expertise in the support of the following groups: traumatised persons and victims of torture; LGBTQI+; single women and pregnant women; children and

⁶⁹⁴ BAfF, *Policy Paper & Toolbox besondere Schutzbedarfe*, 27 March 2023, available in German at: <https://bit.ly/3UbSziU>.

⁶⁹⁵ Flüchtlingsrat Baden-Württemberg, *Arbeitshilfe „Unterstützung geflüchteter Frauen“*, 19 April 2022, available in German at: <https://bit.ly/3K7uMo8>, 2.

⁶⁹⁶ BAfF, *Identifizierung besonderer Schutzbedürftigkeit am Beispiel von Personen mit Traumafolgestörungen*, 30 June 2020, available in German at: <https://bit.ly/3UdHuqH>, 24f.

⁶⁹⁷ BAMF, *Die Identifizierung vulnerabler Personen im Asylverfahren. Umsetzung in der Praxis des Bundesamtes für Migration und Flüchtlinge*, June 2022, available in German at: <https://bit.ly/3Z7JHCU>, 16.

⁶⁹⁸ BAfF, *Policy Paper & Toolbox besondere Schutzbedarfe*, 27 March 2023, available in German at: <https://bit.ly/3UbSziU>.

⁶⁹⁹ Bundesinitiative Schutz von geflüchteten Menschen, 'BeSAFE - Besondere Schutzbedarfe bei der Aufnahme von Geflüchteten erkennen', 2022, available in German [here](https://www.bundesinitiative.de).

⁷⁰⁰ BAfF, 'BeSAFE – Besondere Schutzbedarfe bei der Aufnahme von Geflüchteten erkennen', available in German [here](https://www.bafg.de).

⁷⁰¹ Federal Government, *Response to information request by The Left*, 20/7089, 31 May 2023, available in German at: <https://bit.ly/3SsRNpC>; Bundesinitiative Schutz von geflüchteten Menschen in Flüchtlingsunterkünften (Federal Initiative for the protection of asylum seekers/refugees in accommodation centres'), *BeSAFE - Besondere Schutzbedarfe bei der Aufnahme von Geflüchteten erkennen*, December 2022, available in German at: <https://bit.ly/3Kf1jJZ>.

unaccompanied children; persons with disabilities, with chronic diseases and older persons.⁷⁰² The network was involved in the development of guidelines for the social services to assist with the identification of vulnerable groups.⁷⁰³ The guidelines, published in August 2018, provide detailed information on how vulnerable persons can be identified and on the determination of special support needs. Social services at the arrival centre **Berlin** are instructed to systematically screen applicants for vulnerability in the reception procedure. If they find that an asylum seeker has special reception needs or requires special procedural guarantees, they try to take appropriate measures (including appointments with specialised institutions) and inform the BAMF and the State authority accordingly.⁷⁰⁴ In spite of these efforts, participating NGOs of the Berlin network have reported that measures to accelerate asylum procedures in the 'arrival centre' have had a negative impact on the identification process, since the interview in the asylum procedure is often scheduled before the persons concerned have a chance to speak to staff members of NGOs or of the Federal State institutions.⁷⁰⁵ In practice, when an asylum seeker needs special procedural guarantees, the BAMF assigns 'special officers' for the interview (see [Special procedural guarantees](#)).⁷⁰⁶ These officers are trained and experienced decision-makers on various groups of vulnerable people (e.g. unaccompanied minors, victims of human trafficking, traumatised persons, victims of torture, gender-specific persecution. These officers shall guarantee that the necessary procedural safeguards are adhered to. NGOs have criticised the fact that special procedural needs of asylum seekers are not considered (i.e., the lack of support and time to prepare for an interview).⁷⁰⁷ In addition, identification of a vulnerability by the social services does not entail a right to specific reception conditions, which can still be hard to obtain especially since social services and State authorities do not always work hand in hand.⁷⁰⁸

Especially since the war in Ukraine has led to rising numbers of protection seekers, systematic shortcomings in the identification of vulnerabilities in arrival centres have been documented.⁷⁰⁹ Despite the pledge for the establishment of a Pre-screening procedure for the identification of vulnerabilities by the Berlin senate in 2022,⁷¹⁰ the Berlin Refugee Council criticises that this pre-screening mechanism has never been implemented and that instead no specified reception conditions or other support mechanisms for asylum seekers with special needs are in place in certain arrival centres.⁷¹¹

In **Brandenburg**, a questionnaire is handed out upon registration in the initial reception centre to detect vulnerabilities and possible psychological disorders. If the questionnaire indicates a potential vulnerability, a screening interview takes place with the socio-psychological service of the Brandenburg immigration authority (*Zentrale Ausländerbehörde*). Following the screening interview, if a vulnerability is detected applicants are referred to psychiatric counselling (which only takes place in Eisenhüttenstadt) and can be

⁷⁰² A list of the project partners of the „Berliner Netzwerk für besonders schutzbedürftige Flüchtlinge“ can be found at: <https://bit.ly/3dR5CGU>.

⁷⁰³ Leitfaden zur Identifizierung von besonders schutzbedürftigen Geflüchteten in Berlin. Für Mitarbeiter*innen des Sozialdienstes des Landesamts für Flüchtlingsangelegenheiten (LAF), available in German at: <https://bit.ly/479wMo3>.

⁷⁰⁴ Flüchtlingsrat Berlin, *Das Schnellverfahren für Asylsuchende im Ankunftszentrum Berlin*, November 2017, available in German at: <http://bit.ly/2HdSDzb>; See BafF, 'Identifizierung besonderer Schutzbedürftigkeit am Beispiel von Personen mit Traumafolgestörungen. Status quo in den Bundesländern, Modelle und Herausforderungen', June 2020, available in German at: <https://bit.ly/3GsdrSm>, 26.

⁷⁰⁵ Nina Hager and Jenny Baron, 'Verfahrensgarantien für psychisch Kranke oder Traumatisierte', *Asylmagazin* 7–8/2017, available in German at: <https://bit.ly/3TzhIly>, 17-26, 22.

⁷⁰⁶ Manuel Armbruster, Georg Classen und Katharina Stübinger, *Neue Verfahrensabläufe im Ankunftszentrum Berlin*, *Asylmagazin* 10-11/2018, available in German at: <https://bit.ly/3RsPnpf>, 350.

⁷⁰⁷ Manuel Armbruster, Georg Classen und Katharina Stübinger, 'Neue Verfahrensabläufe im Ankunftszentrum Berlin', *Asylmagazin* 10-11/2018, available in German at: <https://bit.ly/3RsPnpf>, 350.

⁷⁰⁸ See BafF, 'Identifizierung besonderer Schutzbedürftigkeit am Beispiel von Personen mit Traumafolgestörungen. Status quo in den Bundesländern, Modelle und Herausforderungen', June 2020, available in German at: <https://bit.ly/3GsdrSm>, 26.

⁷⁰⁹ See e.g.: Refugee Council Berlin, *Kein Ort für Schutzsuchende: Notunterkunft im Flughafen Tegel schließen*, 13 March 2023, available in German at: <https://bit.ly/3Ufa7Um>.

⁷¹⁰ Berlin Senate, *Senat beschließt Verfahren zur Unterstützung für besonders schutzbedürftige Geflüchtete aus der Ukraine*, 5 April 2022, available in German at: <https://bit.ly/48NIJct>.

⁷¹¹ Refugee Council Berlin, *Kein Ort für Schutzsuchende: Notunterkunft im Flughafen Tegel schließen*, 13 March 2023, available in German at: <https://bit.ly/3Ufa7Um>.

housed in a special house for vulnerable applicants. The vulnerability is also communicated to the BAMF. However, in 2016 this was the case for under 1% of all asylum seekers, indicating that detection rates are very low compared to the estimated prevalence of psychological distress among asylum seekers. Furthermore, the special accommodation houses both single men with psychological difficulties and single women who might have been victims of sexual violence.⁷¹² The Brandenburg Refugee Council criticises that while there is a coordinated approach to identify vulnerabilities, the support measures vary depending on the local governance. Accordingly, in some regions no specialised services for the accommodation of asylum seekers with special needs are available.⁷¹³

In **Lower Saxony**, projects to improve the identification of vulnerable groups have been established in reception centres first in **Friedland** in 2012 and have since then expanded to all reception centres in the Federal State.⁷¹⁴ Upon registration, all applicants are informed about special vulnerabilities during a meeting with the social service of the reception centre and a further diagnosis is carried out in cases where there are indications of psychological disorders.

In e.g., **Rhineland-Palatinate**,⁷¹⁵ the regional government has adopted a protection concept which also includes methods for the identification of vulnerabilities.⁷¹⁶ This includes the following measures:

- ❖ Obligation to check for possible vulnerabilities in the reception centres during the initial stages of the reception process and the asylum procedure;
- ❖ Intensification of communication between various actors and authorities involved in the reception system and in the first steps of the asylum procedure;
- ❖ Documentation of possible vulnerabilities in a data system used by all authorities involved in the reception process and in the asylum procedure;
- ❖ Training measures for persons employed by the Federal State in the reception centres to raise awareness on the different forms of vulnerabilities.

However, there are considerable variations to the procedure in the different arrival centres, AnkER centres etc. There is no common approach on access to social services or other counselling institutions. This depends on how the Federal States and the BAMF have organised the procedure in the respective centres. Around two thirds of all Federal States have also adopted measures for the protection against violence in accommodation centres.⁷¹⁷ In addition, the asylum procedure counselling under the responsibility of the BAMF (AVB, Asylverfahrensberatung) funds organisations providing legal and procedural guidance to asylum seekers (see [Regular procedure – Legal assistance](#)). This includes legal services under the Legal Services Act (RDG) for queer and other vulnerable individuals. The counselling considers specific needs, such as procedural and reception guarantees. Since January 1, 2023, the program has a budget of €25 million.⁷¹⁸

⁷¹² See BafF, 'Identifizierung besonderer Schutzbedürftigkeit am Beispiel von Personen mit Traumafolgestörungen. Status quo in den Bundesländern, Modelle und Herausforderungen', June 2020, available in German at: <https://bit.ly/3GsdrSm>, 28.

⁷¹³ Brandenburg Refugee Council, *Besondere Schutzbedürftigkeit*, available in German at: <https://bit.ly/495y9FI>.

⁷¹⁴ See evaluation report of the project in Lower Saxony which was carried out between 2015 and 2018: Jenny Thomsen, *Evaluation zur Früherkennung besonders Schutzbedürftiger im Aufnahmeverfahren, Umsetzung der EU-Aufnahmerichtlinie 2013/33/EU in Niedersachsen*, July 2018, available at: <https://bit.ly/3dVoCnq> and See BafF, 'Identifizierung besonderer Schutzbedürftigkeit am Beispiel von Personen mit Traumafolgestörungen. Status quo in den Bundesländern, Modelle und Herausforderungen', June 2020, available in German at: <https://bit.ly/3GsdrSm>, 30.

⁷¹⁵ Nina Hager and Jenny Baron, 'Verfahrensgarantien für psychisch Kranke oder Traumatisierte', *Asylmagazin* 7–8/2017, available in German at: <https://bit.ly/3TzhIIY>, 17-26, 22.-24.

⁷¹⁶ Konzept zum Gewaltschutz und zur Identifikation von schutzbedürftigen Personen in den Einrichtungen der Erstaufnahme in Rheinland-Pfalz, available in German at: <https://bit.ly/3OE8Xyn>.

⁷¹⁷ Jakob Junghans, *Schutzbedürftige Personen im Aufnahmeverfahren der Länder*, in: Helene Heuser, Jakob Junghans and Winfried Kluth, *Der Schutz vulnerabler Personen im Flucht- und Migrationsrecht Grundlagen, Identifizierung und bedarfsgerechte Maßnahmen am Beispiel der Betroffenen von Menschenhandel*, 2021, available in German at: <https://bit.ly/3JK0EXl>.

⁷¹⁸ Federal Government, *Information from the Federal Government*, 20/14479, 23 December 2024, available in German here <https://dserver.bundestag.de/btd/20/144/2014479.pdf>

1.2. Age assessment of unaccompanied children

The BAMF refers unaccompanied asylum seekers claiming to be under 18 to the local youth welfare office for an age assessment (*Jugendamt*) but can also under certain circumstances request an age assessment directly.⁷¹⁹ During the provisional care period, the youth welfare office must establish the age of the unaccompanied minor. The office has to check identification documents and, if these are not available, an age assessment has to be carried out based on a 'qualified inspection', meaning the overall impressions of two experienced staff members of the office with the help of interpreters, based on their assessment of the developmental state of the minor obtained during the conversation as well as their visual impression.⁷²⁰ As part of this qualified inspection, the office may hear or gather written evidence from experts and witnesses. The unaccompanied minor has the right to be involved in the process and to be provided with information in a manner that they understand, including translation and can have a person they trust be present during the assessment.⁷²¹ In 2023 and 2024, it has been criticised that due to the discretion to what 'qualified inspection' means in practice, many children have been determined as being adults. Additionally, it has been witnessed that they did not have sufficient access to legal remedies to challenge this decision.⁷²²

Only in cases in which remaining doubts concerning the age cannot be dispelled by these means, the youth office may initiate a medical examination. This examination has to be carried out by qualified medical experts with the 'most careful methods'. The law does not specify the methods to be used. A network for forensic age diagnoses recommends a set of different methods, which are used in practice interchangeably, including x-rays of the denture, key bone or wrist.⁷²³ While there is no information available on whether these methods are used systematically in all around Germany, at least some hospitals explicitly refer to the network and their recommendations.⁷²⁴ The explanatory memorandum to the law states explicitly that the previously practiced examination of the genitals is excluded in this context.⁷²⁵

The problem of questionable age assessments carried out by the authorities has been discussed in some court decisions since 2016.⁷²⁶ Several other regional courts found, between 2019 and 2021, that the use of several age assessment methods may provide sufficient proof in the asylum procedure and in court proceedings.⁷²⁷ On April 9, 2024, the Supreme Administrative Court Baden-Württemberg ruled that minors

⁷¹⁹ BAMF, *Dienstanweisung Asyl (internal directive for asylum procedures)*, 1 January 2023, available at: <https://bit.ly/3Ht4JVw>, 4/14.

⁷²⁰ Section 42f Social Code (SGB), Vol. VIII. See BumF, 'Alles auf einen Blick. BumF-Basisinformationen', 11, available in German at: <https://bit.ly/3nvWYi9>.

⁷²¹ Section 8 Social Code XIII (SGB), Vol. VIII; see also Bundesfachverband Unbegleitete Minderjährige Flüchtlinge, *Alterseinschätzung*, available in German at: <http://bit.ly/3IG0BuG>.

⁷²² Federal Association for Unaccompanied Refugee Minors (BumF), *Es ist 5 nach 12: Rechtsverletzungen bei unbegleiteten geflüchteten Kindern und Jugendlichen*, 21 November 2023, available in German at: <https://bit.ly/3UiVX4x>. For 2024 see: Helen Sundermeyer und Johanna Karpenstein, BumF, *Die Situation geflüchteter junger Menschen in Deutschland*, June 2024, available in German [here](#), 26-30.

⁷²³ Ralf Pauli, *Wie funktioniert die Altersfeststellung bei Flüchtlingen?*, Fluter, 18 April 2018, available in German at: <http://bit.ly/3JF09Vv>; Arbeitsgemeinschaft für Forensische Altersdiagnostik, *Empfehlungen – Altersdiagnose bei Jugendlichen und jungen Erwachsenen außerhalb des Strafverfahrens*, available in German at: <https://bit.ly/484oZZf>.

⁷²⁴ See e.g. Charité, University Hospital Berlin, *Informationen zur Altersdiagnostik beim Lebende*, available in German at: <https://bit.ly/43gMSvB> or University Hospital Mainz, *Forensische Altersdiagnostik*, available in German at: <https://bit.ly/48UhZhM>.

⁷²⁵ Bundesfachverband Unbegleitete Minderjährige Flüchtlinge, *Vorläufige Inobhutnahme – Was ändert sich zum 1.11.2015?*, October 2015, available in German at: <https://bit.ly/3ngs8mQ>, 2-3.

⁷²⁶ Administrative Court Berlin, Decision 18 L 81.16, 19 April 2016, asyl.net, available in German at: <https://bit.ly/3v49F0J>; High Administrative Court Bavaria, Decision 12 CS 16.1550, 16 August 2016, asyl.net, available in German at: <http://bit.ly/2m2hPOw>; High Administrative Court Bremen, Decision 1 B 82/18, 4 June 2018, available in German at: <http://bit.ly/3LMMzSu>.

⁷²⁷ See: Landgericht Ingolstadt, *Decision 22 T 964/19*, 16 September 2019, available in German at: <https://bit.ly/4b4xLZX>; Administrative Court Gera, Decision 4 K 203/20 Ge, 27 October 2020, available in German at: <https://bit.ly/3U9V26F>; High Administrative Court Bremen, Decision 5 WF 7/21, 28 January 2022, available in German at: <https://bit.ly/42jwlBm>.

undergoing age assessments for asylum must be appointed an independent procedural representative.⁷²⁸ The court emphasised the importance of age assessments in determining the applicability of the UN Convention on the Rights of the Child (UNCRC) and safeguarding the child's best interests and right to be heard.⁷²⁹

The decision of the youth welfare office to take the child into custody may be challenged with an 'objection', to be filed within one month and to be examined by the youth authorities themselves. If the objection is not successful, the person can appeal before the competent Family Court. However, neither the objection nor the appeal has suspensive effect.⁷³⁰ This means that the youth welfare office's decision not to take a young person into custody remains in force as long as the objection or appeal procedure is pending. This means equally that the pending objection or appeal to the age assessment has no automatic suspensive effect to the asylum procedure.⁷³¹ The age assessment and the asylum procedure are two separate administrative proceedings and decisions to one administrative proceeding do not have a binding effect for other administrative proceedings. However, authorities may take information received in the age assessment into account for the asylum procedure.⁷³² For further information on the asylum procedure see: [Legal representation of unaccompanied children](#).

In practice, though, the results of age assessment are rarely challenged and therefore not many court decisions on this issue have become known. A study by the NGO 'Association for unaccompanied refugee minors' found that young persons affected by age assessments as well as staff of youth authorities often were not aware of the possibility to challenge the decision to take the person into care based on the age assessments and that the review of the age assessment is then also part of the court proceedings. Moreover, young persons usually lose any entitlement to be supported in legal matters by the youth authorities once they are declared to be adults in the course of the age assessment.⁷³³

Latest numbers of 2023 show that the youth welfare offices in Germany took in around 39,300 children and adolescents due to unaccompanied entry from abroad. This marked the third consecutive year of an increase in the number of unaccompanied minors taken into care, reaching the highest level since 2016.⁷³⁴

⁷²⁸ Higher Administrative Court Baden-Württemberg, decision 12 S 77/24, 9 April 2024, available in German [here](#).
⁷²⁹ Ibid.

⁷³⁰ Section 42f(3) Social Code, Vol. VIII.

⁷³¹ Guido, Kirchhoff in Schlegel, Voelzke: *Praxiskommentar Sozialgesetzbuch VIII*, Section 42f para. 8; High Administrative Court Saarland, *Decision 2 D 268/20*, 23 November 2020, available in German at: <https://bit.ly/3Hz5Kw0>, 12.

⁷³² High Administrative Court Saarland, *Decision 2 D 268/20*, 23 November 2020, available in German at: <https://bit.ly/3Hz5Kw0>, 12.

⁷³³ Nerea González Méndez de Vigo, *Alterseinschätzung – ein Irrgarten ohne Ausweg? Rechtlicher Rahmen und Verfahren der Alterseinschätzung in Deutschland*, *Asylmagazin* 6-7/2019, available in German at: <https://bit.ly/2VI0w9G>, 206-217.

⁷³⁴ Statista, 'Anzahl der Inobhutnahmen von unbegleitet einreisenden Kindern und Jugendlichen durch Jugendämter in Deutschland von 2010 bis 2023', available in German [here](#).

2. Special procedural guarantees

Indicators: Special Procedural Guarantees

1. Are there special procedural arrangements/guarantees for vulnerable people? ☐ Yes ☒ For certain categories ☐ No
- ❖ If for certain categories, specify which: Unaccompanied children, traumatised persons
Victims of torture or violence

2.1. Adequate support during the interview

The BAMF does not have specialised units dealing with vulnerable groups. According to the BAMF, all case workers complete the EUAA training module on 'Interviewing Vulnerable Persons'.⁷³⁵ If an applicant or a Federal State authority submits information to the BAMF that indicates vulnerability (such as medical records or information about specific physical, mental, intellectual or sensory impairments), such information is transferred to the case worker in charge who can decide to take measures such as allocate more time for the interview, appoint an interpreter of a specific gender or allow the person to bring a trusted person of their choice to the interview.⁷³⁶

For specific groups of vulnerable persons, the BAMF employs 'special officers' (*Sonderbeauftragte*) responsible for interviews and decisions on claims by applicants with special needs. Special officers also advise their colleagues in dealing with vulnerable applicants and are contact persons for specialised counselling services and psycho-social centres.⁷³⁷ Staff members who become special officers must complete a training module for the specialisation they want to achieve. In addition, they follow the EUAA training modules for their specialisation.⁷³⁸ Training covers both the identification and in the treatment of vulnerable persons.⁷³⁹ According to the BAMF, continuous training is offered for specific topics in the realm of the special officers' responsibilities.⁷⁴⁰ The specially-trained case officers are involved to varying degrees in the asylum procedures of vulnerable persons, e.g., in their multiplier function by advising case-officers, involving them in the asylum interview and decision-making process, coordinating any necessary expert assignments, and maintaining contact with psychosocial centres and specialist counselling centres.⁷⁴¹

The BAMF guidelines stipulate that the following cases shall be handled in a particularly sensitive manner and, if necessary, by specially trained decision-makers:⁷⁴²

- ❖ Unaccompanied children;
- ❖ Victims of gender-specific prosecution;
- ❖ Victims of human trafficking; and
- ❖ Victims of torture and traumatised asylum seekers.

As of June 2023, a total of 1,267 BAMF had one or more roles as special officers. This corresponds to roughly a third of full-time equivalent positions allocated to the first instance procedure (see [Number of staff and nature of the first instance authority](#)). The distribution among areas of responsibilities was the

⁷³⁵ BAMF, *Die Identifizierung vulnerabler Personen im Asylverfahren. Umsetzung in der Praxis des Bundesamtes für Migration und Flüchtlinge*, June 2022, available in German at: <https://bit.ly/3Z7JHCU>, 16.

⁷³⁶ BAMF, *Die Identifizierung vulnerabler Personen im Asylverfahren. Umsetzung in der Praxis des Bundesamtes für Migration und Flüchtlinge*, June 2022, available in German at: <https://bit.ly/3Z7JHCU>, 19.

⁷³⁷ Information provided by the BAMF, 9 March 2023.

⁷³⁸ BAMF, *Die Identifizierung vulnerabler Personen im Asylverfahren. Umsetzung in der Praxis des Bundesamtes für Migration und Flüchtlinge*, June 2022, available in German at: <https://bit.ly/3Z7JHCU>, 16.

⁷³⁹ BAMF, *Die Identifizierung vulnerabler Personen im Asylverfahren. Umsetzung in der Praxis des Bundesamtes für Migration und Flüchtlinge*, June 2022, available in German at: <https://bit.ly/3Z7JHCU>, 16.

⁷⁴⁰ Information provided by the BAMF, 9 March 2023.

⁷⁴¹ Information provided by the BAMF on 28 May 2025.

⁷⁴² BAMF, *DA-Asyl (Dienstanweisung Asylverfahren) – Belehrungen*, 2010, 139.

following: Unaccompanied children (410), victims of gender-specific persecution (312) traumatised persons and victims of torture (291), victims of trafficking (254).⁷⁴³

Specially trained case officers may be included at all times of the asylum procedure, or take over, also prior to the interview, if vulnerabilities are known. For example, if it becomes evident during the interview that an asylum seeker belongs to one of these groups, the officer conducting the interview is obliged to consult a special officer, in addition to notifying the reception centre if necessary and authorised by the applicant.⁷⁴⁴ A note on how the officers are planning to proceed must be added by the special officer to the file, particularly if the special officer takes over the case as a result of their consultation. According to information provided by the government, there is an obligation in cases of unaccompanied minors for special officers to take over responsibility for the asylum procedures. In other cases of other vulnerable groups, the specially trained case officer must be consulted and there are two options for further procedures: either the special officer adopts an advisory role or they take over responsibility for the procedure.⁷⁴⁵ However, the BAMF does not record the number of cases in which special officers are consulted or in which procedures are handed over to special officers.⁷⁴⁶

Lawyers have reported that the introduction of special officers has led to some improvement in the handling of 'sensitive' cases. The special officers receive special training in the area of LGBTIQ, they conduct interviews upon consultation by other BAMF officers and serve as multipliers for their colleagues.⁷⁴⁷ However, there have also been examples of cases in which indications of trauma and even explicit references to torture did not lead to special officers being consulted.⁷⁴⁸ It has further been criticised that there are shortcomings in the effective implementation of procedural guarantees for LGBTIQ+ persons, which increases the risk of false decisions.⁷⁴⁹ There is no individual right to have a special officer handling a person's case, except for unaccompanied minors for whom this is mandatory. But if evidence suggests that the person is vulnerable or if the person claims to have certain vulnerabilities, the interviewer is required to involve a special officer in the procedure, e.g. as consultant.⁷⁵⁰ However, the Administrative Court of Berlin ruled that if special vulnerabilities have been detected, the absence of a special officer in the asylum procedure constitutes a violation of procedural rights of vulnerable asylum seekers.⁷⁵¹

2.2. Exemption from special procedures

The German Asylum Act exempts neither unaccompanied children nor persons with special procedural guarantees from the airport procedure, despite an express obligation under the recast APD to provide for such exemptions under certain conditions.⁷⁵² It also makes no reference to 'adequate support' which should be provided to those requiring special procedural guarantees.⁷⁵³

⁷⁴³ The government notes that the figures cannot be added since some officers may have qualified in more than one area; Federal Government, *Reply to parliamentary question by The Left*, 20/7503, 28 June 2023, available in German at: <https://bit.ly/3Sb12cF>, 2-4.

⁷⁴⁴ BAMF, *Die Identifizierung vulnerabler Personen im Asylverfahren. Umsetzung in der Praxis des Bundesamtes für Migration und Flüchtlinge*, June 2022, available in German at: <https://bit.ly/3Z7JHCU>, 20.

⁷⁴⁵ Federal Government, *Reply to parliamentary question by The Left*, 19/32684, 15 October 2021, available IN German at: <https://bit.ly/485CrMW>, 19-22.

⁷⁴⁶ BAMF, response to information request, e-mail from 'Zentrale Ansprechstelle' (central contact point), 28 August 2019.

⁷⁴⁷ BAMF, DA-Asyl (Dienstanweisung Asylverfahren) – Ärztliche Bescheinigungen, 01. January 2023, available in German at: <https://bit.ly/3Ht4JVw>, 404 (pdf).

⁷⁴⁸ See e.g., Administrative Court Berlin, *Decision 31 K 324/20 A*, 30 March 2021, available in German at: <https://bit.ly/3vQxKZh>.

⁷⁴⁹ Pia Storf, *Queerness im Asylverfahren*, djBZ Vol.1, 2023, 17-19, restricted availability at: <https://bit.ly/3l2T3JS>.

⁷⁵⁰ BAMF, DA-Asyl (Dienstanweisung Asylverfahren) – Ärztliche Bescheinigungen, 01. January 2023, available in German at: <https://bit.ly/3Ht4JVw>, 406 (pdf).

⁷⁵¹ Ibid.

⁷⁵² Articles 25(6)(b) and 24(3) recast APD.

⁷⁵³ Article 24(3) recast APD.

While there is no explicit exemption in the law, in practice, at least in 2022 and 2024 recognised unaccompanied minors are not subjected to airport procedures.⁷⁵⁴ It seems that the Federal Police contacts the youth welfare office (*Jugendamt*) in cases involving unaccompanied minors. Officials of the youth welfare office come to the airport facility to conduct an age assessment and unaccompanied minors are usually allowed entry into the territory for the purpose of the asylum procedure.⁷⁵⁵ That said, the de facto detention facility at **Frankfurt/Main Airport** contains dedicated rooms for unaccompanied boys and girls.⁷⁵⁶

In any case, the exemption from the airport procedure does not apply to children who arrive at the airport together with their parents.⁷⁵⁷ In 2024, 76 accompanied minors were subjected to the airport procedure, representing 18.4 % of all applicants in such procedures.⁷⁵⁸

The BAMF has reported that, where a vulnerability has been identified prior to the application process (e.g., according to the report of the Federal Police, through information gathered by the State or by a legal representative) this will be taken into consideration.⁷⁵⁹ This includes appointing a specialised caseworker and/or an interpreter of a specific gender; as well as procedural guarantees during interviews such as longer breaks. Moreover, the BAMF stated that vulnerable persons receive the procedural guarantees to which they are entitled from the Federal state (e.g. medical care, possible psychological care, adequate accommodation and meals etc.). In practice, however, the airport procedure is also applied to other vulnerable groups such as pregnant women, persons with acute medical conditions and victims of rape or other forms of violence. ProAsyl reports that vulnerabilities are not identified systemically by the authorities and instead depends on the availability of NGOs in the airport premises.⁷⁶⁰ It has also been reported that the BAMF conducts interviews with pregnant women lasting several hours in the airport facilities.⁷⁶¹

3. Use of medical reports

Indicators: Use of Medical Reports

1. Does the law provide for the possibility of a medical report in support of the applicant's statements regarding past persecution or serious harm?
☒ Yes ☐ In some cases ☐ No
2. Are medical reports taken into account when assessing the credibility of the applicant's statements?
☒ Yes ☐ No

The BAMF is generally obliged to clarify the facts of the case and to compile the necessary evidence for the processing of the asylum claim.⁷⁶² As a general rule, an applicant is not expected to provide written evidence, but is obliged to hand over to the BAMF those certificates and documents which are already in their possession and which are necessary 'to substantiate their claim or which are relevant for the decisions and measures to be taken under asylum and foreigners law, including the decision and enforcement of possible removal to another country'.⁷⁶³ This is not only relevant with regard to past persecution, but also with a prospective view, since the German asylum procedure includes an

⁷⁵⁴ Federal Government, *Response to parliamentary question by The Left*, 20/5709, 17 February 2023, available in German at: <https://bit.ly/3K3w3MX>, 34. Federal Government, *Response to parliamentary question by The Left*, 20/15083, 3 March 2025, available in German [here](#), 35.

⁷⁵⁵ Information provided by an attorney-at-law, 31 August 2020.

⁷⁵⁶ ECRE, *Airport procedures in Germany Gaps in quality and compliance with guarantees*, April 2019, available at: <https://bit.ly/2QgOmAH>.

⁷⁵⁷ Federal Government, *Reply to parliamentary question by The Left*, 19/18498, 2 April 2020, available in German at: <https://bit.ly/3RPHZFG>, 44.

⁷⁵⁸ Federal Government, *Response to parliamentary question by The Left*, 20/15083, 3 March 2025, available in German [here](#), 35.

⁷⁵⁹ Information provided by the BAMF, 11 September 2020.

⁷⁶⁰ Pro Asyl, *Abgelehnt im Niemandsland*, June 2021, available in German at: <https://bit.ly/3SfTzc7>, 27.

⁷⁶¹ *Ibid.*

⁷⁶² Section 24(1) Asylum Act.

⁷⁶³ Section 15(3) Asylum Act.

examination of 'serious concrete risks' to life and limb which an applicant might face upon return.⁷⁶⁴ Such a risk may also consist in a potential serious harm on health grounds or in a risk which might result from a lack of appropriate health care in the country of origin. Medical reports may be used for different reasons in the procedure. Who covers the costs depends on whether there is an obligation to investigate for the BAMF or whether there is a duty to cooperate and the burden of proof is upon the applicant.⁷⁶⁵

Based on these principles, the guidelines of the BAMF for the asylum procedure present two categories of medical statements that are most relevant:

- ❖ Persons claiming a '*past persecution*,' for whom a detailed (oral) submission is generally deemed sufficient. If the '*past persecution*' can be corroborated by medical reports, the BAMF is required to offer the applicant the possibility to present the necessary medical reports. However, a duty to investigate only applies in individual cases, which means that generally the burden of proof is generally upon the applicant. Only in individual cases, the BAMF may arrange for a medical examination to further corroborate or refute statements by the applicant. In these cases, the costs for the medical examination are covered by the BAMF.⁷⁶⁶
- ❖ Persons claiming a '*future risk*' upon return to the country of origin due to circumstances in the country of origin: In contrast, these applicants must submit medical reports to substantiate their claim of future risks. Following Section 60a para. 2c German Residence Act in conjunction with Section 60, the foreigner must provide credible evidence of an illness which might interfere with deportation by submitting a qualified medical certificate. As a rule, this medical certificate is to document in particular the factual circumstances on which the professional assessment was based, the method of establishing the facts, the specialist medical assessment of the illness (diagnosis), the severity of the illness, its Latin name or classification according to ICD 10 and the medical assessment of the probable consequences of the situation resulting from the illness. Medications needed to treat the illness must be listed along with their active ingredients under the names used in international practice.⁷⁶⁷ Furthermore, the statements are only accepted if the specialist is entitled to use the title of 'medical doctor' in Germany. This also means that statements by other health professionals (such as psychologists or psychotherapists) are generally not deemed sufficient, and that they may only provide a reason to further examine the applicant's claim.⁷⁶⁸

The BAMF's requirements for medical statements are based on legislation which has considerably tightened the rules for the substantiation of diseases in recent years. In 2016, stricter rules for medical statements were introduced with regard to the so-called '*impediments to removal*' which might result in a toleration (*Duldung*) based on national law.⁷⁶⁹ With the introduction of a new amendment in 2019, the same rules apply to asylum procedures in which medical reasons are presented which might result in a removal ban based on conditions in the country of return.⁷⁷⁰ At the same time, the requirements for medical certificates have been expanded.

The law now stipulates that a medical certificate should in particular set out:⁷⁷¹

- ❖ the actual circumstances which have led to the professional assessment of the applicant's condition;
- ❖ the method of assessment;
- ❖ the professional-medical assessment of the clinical picture (diagnosis);
- ❖ the severity of the disease;

⁷⁶⁴ Section 60(7) Residence Act.

⁷⁶⁵ BAMF, DA-Asyl (Dienstanweisung Asylverfahren) – Ärztliche Bescheinigungen, 01. January 2023, available in German at: <https://bit.ly/3Ht4JVw>, 47.

⁷⁶⁶ BAMF, DA-Asyl (Dienstanweisung Asylverfahren) – Ärztliche Bescheinigungen, 01. January 2023, available in German at: <https://bit.ly/3Ht4JVw>, 47.

⁷⁶⁷ Section 60 (7) in conjunction with 60a (2c) German Residence Act.

⁷⁶⁸ BAMF, DA-Asyl (Dienstanweisung Asylverfahren) – Abschiebungsverbote nach § 60 Abs. 5 und 7 AufenthG, 1.3 § 60 Abs. 7 AufenthG, available in German at: <https://bit.ly/3Ht4JVw>, 30 (pdf).

⁷⁶⁹ Section 60a (2)c of the Residence Act.

⁷⁷⁰ Section 60 (7) 2nd sentence of the Residence Act.

⁷⁷¹ Section 60a (2)c 2nd and 3rd sentences of the Residence Act.

- ❖ the Latin name or the classification of the disease according to ICD-10;
- ❖ the consequences that are likely to result from the medical condition;
- ❖ necessary medications, including their active substances and their international name.

Even before the new law came into effect, there were frequent debates on the standards which medical reports have to fulfil in order to be accepted by authorities or courts, particularly in cases of alleged Post-Traumatic Stress Disorder. The Federal Administrative Court found in 2007 that a medical expertise attesting a Post-Traumatic Stress Disorder has to adhere to certain minimum standards but does not necessarily have to meet all requirements of an expertise based on the criteria of the International Classification of Diseases (ICD-10). Accordingly, if a medical report complies with minimum standards, it must not simply be disregarded by authorities or courts, but they have to seek further opinions if doubts remain on the validity of the report submitted.⁷⁷² This ruling by the Federal Administrative Court still provides for an important standard in the asylum procedure: while authorities or courts may formally reject medical statements if they do not fully comply with the legal requirements, they cannot always disregard such statements completely. Rather, they may be obliged to make further enquiries. Nevertheless, lawyers have also pointed out that the requirements for medical statements have only slightly been loosened by the Federal Administrative Court and it is still difficult to meet these standards in practice.⁷⁷³ For example concerning medical reports on female genital mutilation, it is often extremely difficult for asylum seekers to get access to an appropriate medical examinations because of a lack of specialised therapists, because authorities reject applications to take over the costs for therapy (including costs for interpreters) and because there are long waiting periods for specialised examinations.⁷⁷⁴ In such cases, it may also prove highly difficult to even find a specialist to submit a medical opinion.⁷⁷⁵ In 2023, a network of associations for psychological and psychiatric professionals criticised that, often, the expertise of psychologists is not recognised due to the division of medical and psychological reports and that the costly diagnosis are not covered by the public authorities. The network demands that (1) it should be the duty of the local authorities to initiate a medical and psychological examination, (2) costs for the examination should be covered by the authorities and that (3) psychological reports should be considered equal to medical reports.⁷⁷⁶

As of June 2024, accessing therapeutic support remained extremely difficult for refugees in Germany.⁷⁷⁷ During their first 36 months in the country, refugees are generally only allowed to see a doctor in cases of acute illness, and psychotherapy is approved by authorities only in exceptional cases.⁷⁷⁸ Recognised refugees and those who have been in Germany for more than 36 months are entitled to regular health insurance benefits, which include coverage for psychotherapy. However, finding a suitable therapist and receiving adequate care remains challenging.⁷⁷⁹ There is a severe shortage of therapy slots, interpreters, and culturally sensitive care, particularly regarding issues such as racism and post-traumatic stress disorders affecting survivors of war. According to the Federal Association of Psychosocial Centres for Refugees and Victims of Torture (BafF), many conditions go untreated or are treated too late due to these barriers.⁷⁸⁰ Refugees can seek support from psychosocial centres, of which there are currently 71, with around 50 affiliated with BafF. In 2022, these centres provided psychosocial and asylum law counselling

⁷⁷² Federal Administrative Court, Decision of 11 September 20–7 - 10 C 8.07 – (asyl.net, M12108).

⁷⁷³ Deutsches Rotes Kreuz und Informationsverbund Asyl und Migration, ed. *Krankheit als Abschiebungshindernis. Anforderungen an die Darlegung von Abschiebungshindernissen aufgrund von Krankheit im Asyl- und Aufenthaltsrecht*, author: Oda Jentsch, December 2017, 26.

⁷⁷⁴ Pro Asyl, *Weibliche Genitalverstümmelung ist ein Asylgrund!*, 11 February 2021, available in German at: <https://bit.ly/42dsSJO>.

⁷⁷⁵ See also BafF, *Identifizierung besonderer Schutzbedürftigkeit am Beispiel von Personen mit Traumafolgestörungen. Status quo in den Bundesländern, Modelle und Herausforderungen*, June 2020, study available in German at: <https://bit.ly/3GsdrSm>.

⁷⁷⁶ AG zur Verbesserung der Versorgung traumatisierter Geflüchteter, *Sicherstellung der Rechte von Schutzsuchenden und Berücksichtigung der Versorgungslage*, 20 June 2023, available in German at: <https://bit.ly/3OdZEF6>.

⁷⁷⁷ Mediendienst Integration, 'Psychologische Versorgung von Geflüchteten', available in German [here](#).

⁷⁷⁸ §§ 4,6 Asylum Seekers Benefits Act.

⁷⁷⁹ Bundesweite Arbeitsgemeinschaft der psychosozialen Zentren, *Versorgungsberichte Flucht & Gewalt*, 2023, available in German [here](#), 13.

⁷⁸⁰ Ibid.

or psychotherapy to 25,861 people. However, they estimate that they reach only about three percent of those in need. In that year, the average waiting time for a therapy slot at these centres was 5.7 months—longer than the average in standard care.⁷⁸¹

4. Legal representation of unaccompanied children

Indicators: Unaccompanied Children

1. Does the law provide for the appointment of a representative to all unaccompanied children?

☒ Yes

☐ No

Unaccompanied children who are not immediately refused entry or returned after having entered Germany irregularly, are taken into provisional care of the youth welfare office (*Jugendamt*) in the municipality in which they had their first contact with authorities or in which they have been apprehended.⁷⁸² In this stage of 'preliminary taking into care', the local youth welfare office examines which youth welfare office is ultimately responsible and whether the minor can be subjected to the federal distribution procedure (for details see [Age assessment](#)).⁷⁸³ In 2023 it has been criticised that children remain in this preliminary stage for up to eight months due to the overburdening of local authorities in urban areas. In this preliminary stage children only have access to emergency psychological assistance, legal representation and youth care services and are often not enrolled for school.⁷⁸⁴ This situation did not improve in 2024, as shown in a report of the Federal Association for Unaccompanied Refugee Minors.⁷⁸⁵ According to the association, the period of protective custody lasts for many months, with increasingly lowered standards. Facilities are often overcrowded, and guardianship appointments take several months.⁷⁸⁶

After the responsible youth welfare office has been determined, the regular taking into care procedure is initiated. This procedure is subject to youth welfare law and analogous to the taking into care of youth in situations where their welfare is in acute danger. It includes the appointment of a legal guardian by the competent Family Court and the so-called 'clearing procedure', which includes an examination of whether there are alternatives to an asylum application, such as family reunification in a third country or the application for a residence permit on humanitarian grounds.⁷⁸⁷

The guardian represents the minor in all legal matters and is the first contact point for all 'proceedings pertaining to asylum and residence law', including the asylum procedure.⁷⁸⁸ The legal guardian has to file the asylum application for the unaccompanied minor in written form to the responsible BAMF branch

⁷⁸¹ Ibid.

⁷⁸² Gesetz zur Verbesserung der Unterbringung, Versorgung und Betreuung ausländischer Kinder und Jugendlicher, Official Gazette I of 28 October 2015, 1802. The most important regulations of the law are summarised in Federal Association for Unaccompanied Refugee Minors, *Vorläufige Inobhutnahme – Was ändert sich zum 1.11.2015?*, October 2015.

⁷⁸³ See Julian Tangermann and Paula Hoffmeyer-Zlotnik, 'Unaccompanied Minors in Germany – Challenges and Measures after the Clarification of Residence Status', Study by the German National Contact Point for the European Migration Network (EMN). Working Paper 80 of the Research Centre of the Federal Office for Migration and Refugees, March 2018, available in English at <https://bit.ly/3KcEEe6>, 27.

⁷⁸⁴ Federal Association for Unaccompanied Refugee Minors (BumF), *Es ist 5 nach 12: Rechtsverletzungen bei unbegleiteten geflüchteten Kindern und Jugendlichen*, 21 November 2023, available in German at: <https://bit.ly/3UiVX4x>.

⁷⁸⁵ BumF, 'vorläufige Inobhutnahme', 8 November 2024, available in German [here](#).

⁷⁸⁶ BumF, *Stellungnahme zur Situation von unbegleiteten minderjährigen Geflüchteten im Jahr 2023*, 23 July 2024, available in German [here](#).

⁷⁸⁷ See for example: Handreichung zum Umgang mit unbegleiteten minderjährigen Flüchtlingen in Nordrhein-Westfalen 2017 (recommendations for the treatment of unaccompanied minor refugees in North Rhine-Westphalia), available at: <https://bit.ly/2JCSRpD>.

⁷⁸⁸ Julian Tangermann and Paula Hoffmeyer-Zlotnik, 'Unaccompanied Minors in Germany – Challenges and Measures after the Clarification of Residence Status', Study by the German National Contact Point for the European Migration Network (EMN). Working Paper 80 of the Research Centre of the Federal Office for Migration and Refugees, March 2018, available in English at: <https://bit.ly/3KcEEe6>, 47.

office.⁷⁸⁹ The guardian acts as the minor's legal representative, but also as a personal contact person with whom unaccompanied minors can develop perspectives for the future and contribute to the assistance planning procedure carried out by the youth welfare office.⁷⁹⁰ While the personal interview is conducted with the minor themselves, the legal guardian is present during the interview and may ask them additional questions (i.e. in case the minor forgot to mention an important aspect). They may also request to file statements or explanations on behalf of the minor.⁷⁹¹

In the majority of cases, the youth welfare office acts as guardian for the minor. Often, guardians appointed by the youth welfare offices are not in a position to sufficiently support the children in the asylum procedure, because of overburdening, as some guardians in youth welfare offices are responsible for up to 50 minors at the same time.⁷⁹² In 2023 it has been noted that the maximum number of 50 is not kept anymore because there are not enough legal representatives available.⁷⁹³ Another challenge is the lack of specific knowledge of asylum laws, especially among voluntary guardians but at times also in youth welfare offices.⁷⁹⁴ Voluntary guardians do not have to complete a specific training, but generally the youth welfare office carries out an aptitude test.⁷⁹⁵ In some Federal States, training is offered to legal guardians by state authorities or NGOs.⁷⁹⁶ It has been noted that the current legal situation is not in line with relevant provisions of the recast APD and other European legal acts which state that children should be represented and assisted by representatives with the necessary expertise.⁷⁹⁷

E. Subsequent applications

Indicators: Subsequent Applications

1. Does the law provide for a specific procedure for subsequent applications? ☒ Yes ☐ No
2. Is a removal order suspended during the examination of a first subsequent application?
 - ❖ At first instance: ☐ Yes ☒ No
 - ❖ At the appeal stage: ☐ Yes ☒ No
3. Is a removal order suspended during the examination of a second, third, subsequent application?
 - ❖ At first instance: ☐ Yes ☒ No
 - ❖ At the appeal stage: ☐ Yes ☒ No

⁷⁸⁹ Federal Association for Unaccompanied Refugee Minors (BumF) and Refugee Council Thuringia, *Das Asylverfahren bei unbegleiteten minderjährigen Flüchtlingen. Eine Arbeitshilfe für Jugendämter, Vormund*innen und Betreuer*innen*, November 2019, available in German at: <https://bit.ly/3z4tZO9>, 14.

⁷⁹⁰ Federal Working Group of the Land Youth Welfare Offices, *Handlungsempfehlungen zum Umgang mit unbegleiteten Minderjährigen. Verteilungsverfahren, Maßnahmen der Jugendhilfe und Clearingverfahren*, 3rd edition, 2020, available in German at: <https://bit.ly/3FO4FQd>, 30.

⁷⁹¹ Federal Association for Unaccompanied Refugee Minors (BumF) and Refugee Council Thuringia, *Das Asylverfahren bei unbegleiteten minderjährigen Flüchtlingen. Eine Arbeitshilfe für Jugendämter, Vormund*innen und Betreuer*innen*, November 2019, available in German at: <https://bit.ly/3z4tZO9>, 18-20.

⁷⁹² See BumF, 'Online-Umfrage 2020 zur Situation junger Geflüchteter: Auswertung und Ergebnisse', April 2021, available in German at: <https://bit.ly/3A1BxB0>, 49.

⁷⁹³ Federal Association for Unaccompanied Refugee Minors (BumF), *Es ist 5 nach 12: Rechtsverletzungen bei unbegleiteten geflüchteten Kindern und Jugendlichen*, 21 November 2023, available in German at: <https://bit.ly/3UiVX4x>.

⁷⁹⁴ Uta Rieger und Nerea González Méndez de Vigo, Kindgerechte Ausgestaltung des Asylverfahrens – Eine Bestandsaufnahme, in: Deutsches Kinderhilfswerk e.V. (ed.): *Sammelband Kindgerechte Justiz*, available at: <https://bit.ly/2DmVbTE>, 62-64, BumF, 'Online-Umfrage 2020 zur Situation junger Geflüchteter: Auswertung und Ergebnisse', April 2021, available in German at: <https://bit.ly/3A1BxB0>, 50.

⁷⁹⁵ Julian Tangemann and Paula Hoffmeyer-Zlotnik, 'Unaccompanied Minors in Germany – Challenges and Measures after the Clarification of Residence Status', Study by the German National Contact Point for the European Migration Network (EMN). Working Paper 80 of the Research Centre of the Federal Office for Migration and Refugees, March 2018, available in English at: <https://bit.ly/3KcEEe6>, 46.

⁷⁹⁶ Federal Government, *Bericht der Bundesregierung zu dem Gesetz zur Verbesserung der Unterbringung, Versorgung und Betreuung ausländischer Kinder und Jugendlicher gem. § 42e SGB VIII – Die Situation unbegleiteter Minderjähriger in Deutschland*, 2020, available in German at: <https://bit.ly/3z24XiC>, 71.

⁷⁹⁷ Stephan Hocks, 'Die Vertretung unbegleiteter minderjähriger Flüchtlinge', *Asylmagazin* 11/2015, available in German at: <https://bit.ly/41vmygl>, 367-373.

Definition of a subsequent application

The law defines a subsequent application (*Folgeantrag*) as any claim which is submitted after a previous application has been withdrawn or has been finally rejected.⁷⁹⁸ In case of a subsequent application the BAMF conducts a preliminary examination on the admissibility of the application.

On December 19, 2024, the European Court of Justice ruled on the conditions under which an asylum application qualifies as a subsequent application if a prior asylum application was filed in another EU member state.⁷⁹⁹ The ruling was based on two preliminary reference cases submitted by the Administrative Court of Minden (VG Minden) concerning the interpretation of the term "subsequent application" under EU law. The ECJ clarified that a subsequent application under EU law requires a final decision (*rechtskräftige Entscheidung*) on the previous asylum procedure, regardless of the member state where the initial application was processed. A subsequent application can be deemed inadmissible if it follows a final rejection in another member state. However, the ECJ emphasised an important limitation: when an asylum procedure in another member state was discontinued due to implicit withdrawal (under Article 28 (1) of the Asylum Procedures Directive), the application in the second member state cannot be treated as a subsequent application unless the first state's decision has become final. This finality only occurs after the expiration of the reopening period for the case, which is at least nine months (Article 28 (2) of the Directive).⁸⁰⁰ As a consequence, Germany's regulation on confirmatory applications (*Zweitanträge*) (§ 71a AsylG) is generally compatible with EU law.⁸⁰¹

Applications following a final rejection in another member state can be considered subsequent applications and dismissed as inadmissible. However, if the previous procedure in another member state ended due to implicit withdrawal (e.g., the applicant leaving the country), German authorities cannot classify the new application as a subsequent application until the reopening period in the first state has expired. The ruling restricts Germany's ability to swiftly reject asylum claims based on prior procedures in other EU states unless the first procedure reached a final conclusion.⁸⁰²

Under German law, a confirmatory application, on the other hand, concerns the case where a person who has already undergone an unsuccessful asylum procedure in a safe third country (e.g. Switzerland, Denmark, etc.) now applies for asylum in Germany. Such an application is only successful if Germany is responsible for examining it in accordance with the Dublin III Regulation and there are also grounds for a further procedure.⁸⁰³

Admissibility test

Since February 2024 the admissibility criteria reflects the APD (see § 71 (1) Asylum Law).

The admissibility test is determined by the requirements for resumption of procedures as listed in Section 71 (1) of the Asylum Act. According to this, a new asylum procedure is only initiated if one of the following applies:

- ❖ new elements or findings have arisen or have been presented by the foreigner which are significantly likely to contribute to a decision which is more favourable to the foreigner; or
- ❖ there are grounds for resumption of proceedings, for example because of serious errors in the earlier procedure.⁸⁰⁴

⁷⁹⁸ Section 71 Asylum Act.

⁷⁹⁹ ECJ, Cases C-123/23, C-202/23, *N.A.K., E.A.K., Y.A.K, M.E.O. v. Bundesrepublik Deutschland*, 19 December 2024, available [here](#).

⁸⁰⁰ For a brief summary of the decision in German see: Informationsverbund Asyl und Migration, 'EuGH zur Einstufung von Asylanträgen als Folgeantrag nach Asylverfahren in einem anderen europäischen Staat', 8 January 2025, available in German [here](#).

⁸⁰¹ Ibid.

⁸⁰² Ibid.

⁸⁰³ For an overview of subsequent and confirmatory applications, see Informationsverbund [here](#).

⁸⁰⁴ The relevant grounds for this third alternative are listed in Section 580 of the Code of Civil Procedure ('action for retrial of a case'), to which the Asylum Act makes a general reference. Serious errors according to this provision include false testimony by witnesses or experts. Apart from that, Section 580 of the Code of Civil Procedure contains several grounds which are either not relevant for the asylum procedure or are covered by

Regarding the first two requirements, the Administrative Court of Sigmaringen (**Baden-Württemberg**) has referred a question to the CJEU in February 2022 asking if this is compatible with the EU APD, which merely refers to new elements or findings as requirements for subsequent applications and does not mention whether they would change the decision. The court further requested clarification on the status of new CJEU rulings, which are currently not considered a 'new legal situation' in Germany if the ruling only concerns the interpretation of EU law.⁸⁰⁵ The CJEU decided on the 8 February 2024 that in general the exceptions under which a subsequent application to be declared admissible should be interpreted broadly.⁸⁰⁶ More specifically, the court decided that CJEU rulings qualify as 'new elements' which may lead to a 'new legal situation' even if the only concern the interpretation of EU law.⁸⁰⁷ The Administrative Court of Minden (**North Rhine Westphalia**) also referred a question to the CJEU as to whether the first and second ground can be assumed to not be applicable if the applicant has returned to and lived in their country of origin for several years.⁸⁰⁸ In its judgment from May 2023 the CJEU ruled that the temporary return to the country of origin has no impact on the classification of a further application as 'subsequent application'.⁸⁰⁹

A further requirement according to the law is that the applicant was unable, without grave fault on their part, to present the grounds for resumption in earlier proceedings, particular by means of legal remedy. The law also states that the application must be made within 3 months after the applicant has learned of the grounds for resumption of proceedings,⁸¹⁰ however, following an CJEU ruling indicating that such time limits are in violation of the EU APD,⁸¹¹ the BAMF has declared it will no longer require this in practice.⁸¹² German courts have adopted the ruling in several cases which were decided by BAMF prior to the judgement in 2021.⁸¹³ The BAMF has consequently amended its Internal Directive according to the CJEU ruling. The current Internal Directive for Asylum Procedures states that 'asylum applications are neither limited in time nor in number'. They can therefore be made without observing any time limits.⁸¹⁴

Only if these requirements are met, the applicant regains the legal status of asylum seeker, and the merits of the case will be examined in a regular asylum procedure (see below for further details). The procedure is the same for third or further applications. A subsequent application always must be lodged by the applicant; the BAMF does not self-initiate new procedures to grant protection (as opposed to withdrawal procedures, see [Cessation and review of protection status](#)).

The legal status of applicants pending the decision on the admissibility of their subsequent application is not expressly regulated by law. It is generally assumed, though, that a removal order has to be suspended until the Federal Office has taken a decision on the commencement of a new asylum procedure. Accordingly, the stay of applicants is to be 'tolerated' (*geduldet*) until this decision has been rendered.⁸¹⁵

the grounds referred to under the first and second alternatives mentioned here. Although it is conceivable that the third alternative may apply in certain cases, it hardly seems to be of significance in practice, cf. Kerstin Müller, AsylVfG § 71, para. 32, in Hofmann/Hoffmann, eds. *HK-AuslR (Handkommentar Ausländerrecht)*, 2008, 1826.

⁸⁰⁵ Art. 33(2)d and 40(2) recast APD. The CJEU case is lodged as case C-216/22 and can be followed up upon here: <https://bit.ly/4arjs14>.

⁸⁰⁶ CJEU, Case C-216/22, 8 February 2023, available at: <https://bit.ly/3T0GYLR>, 36.

⁸⁰⁷ CJEU, Case C-216/22, 8 February 2023, available at: <https://bit.ly/3T0GYLR>, 44f.

⁸⁰⁸ See Administrative Court of Minden, 7 June 2022, *J.B. S.B. F.B. (Lebanon) v Federal Republic of Germany*, request for a preliminary ruling, summary available at <http://bit.ly/3Y7EUSm>.

⁸⁰⁹ CJEU, Case C-364/22, Judgement of 25 May 2023, available at: <https://bit.ly/42Q2RAE>.

⁸¹⁰ Section 51(2) Administrative Procedure Act.

⁸¹¹ CJEU, Case C-18/20, Judgement of 9 September 2021, available at: <https://bit.ly/3RQA9f4>.

⁸¹² Asyl.net, *EuGH stärkt Rechte von Asylsuchenden bei Asylfolgeanträgen*, last update on 17 November 2021, available in German at: <https://bit.ly/3IB1tXA>.

⁸¹³ Administrative Court Saarland, Decision 6 K 703/20, 14 April 2022, available in German at: <https://bit.ly/3OJ0I47>; Administrative Court Freiburg, Decision A 14 K 6699/18, 27 September 2021, available in German at: <https://bit.ly/3ub8uwi>.

⁸¹⁴ Information provided by the BAMF on 28 May 2025.

⁸¹⁵ Kerstin Müller, 'AsylG § 71, para. 50', in Hofmann/Hoffmann, eds., *HK-AuslR (Handkommentar Ausländerrecht)*, 3rd edition, 2023.

For secondary applications, the tolerated status is foreseen by law.⁸¹⁶ However, a removal may proceed from the very moment that the Federal Office informs the responsible Foreigners' Authority that a new asylum procedure will not be initiated. If an enforceable removal order already exists, a new removal order or other notification is not required to enforce removal.⁸¹⁷ The applicant may also be detained pending removal until it is decided that a subsequent or secondary asylum procedure is carried out.⁸¹⁸

The decision on admissibility of a subsequent or secondary application can be carried out without hearing the applicant.⁸¹⁹ Internal BAMF guidelines state that such a hearing only needs to take place when this is considered necessary to decide on the admissibility of the application. An example given is when the applicant has travelled to their country of origin in the meantime and puts forwards an individual persecution.⁸²⁰ However, a judgement by the Administrative Court of **Berlin** of October 2022 found that even though the BAMF has full discretion, there has to be evidence that it actually exercised discretion by considering reasons for or against conducting an interview.⁸²¹ In a judgement of April 2022, the Administrative Court of Minden (**North Rhine Westphalia**) found that the BAMF has to conduct a hearing in principle, and has to provide a reasoning when it decided not to.⁸²² Because such hearings often do not take place in practice, it is recommended that subsequent applications, which generally have to be submitted in person, should be accompanied with a detailed written motivation.⁸²³

Outcomes of the admissibility test and return procedure

If the BAMF decides not to carry out a subsequent procedure, the application is rejected as 'inadmissible'.⁸²⁴ Even though in this case the BAMF does not examine the merits of the application, it can pronounce a removal ban subject to national law at this stage.⁸²⁵ If the BAMF issues a renewed order to leave the territory with the decision (see above), the period set for 'voluntary departure' is seven days, which is also the delay within which an appeal can be filed with the Administrative Court.⁸²⁶ The appeal does not have suspensive effect, unless an interim measure is filed and granted to this effect. The delay for requesting interim measures is also seven days.⁸²⁷ Where the person was already under the obligation to leave the territory before lodging the subsequent application and where no new order to leave is issued, the delay for filing an appeal against the inadmissibility decision is two weeks. However, since the appeal does not have a suspensive effect and since the immigration authority is usually informed of the outcome before the applicant, a request for interim measures should be filed quickly in order to avoid removal.⁸²⁸

In 2024, there was a key amendment concerning subsequent asylum applications with the introduction of the so-called *Rückführungsverbesserungsgesetz* (Law on Improving Deportation Procedures), supported by the SPD, FDP, and — with some exceptions — Bündnis 90/Die Grünen.⁸²⁹ The law, which came into effect on February 21, 2024, introduces significant changes to deportation practices, including expanded

⁸¹⁶ Section 71a (3) Asylum Act.

⁸¹⁷ Section 71(5) Asylum Act.

⁸¹⁸ Section 71(8) Asylum Act, Section 71a (2) Asylum Act.

⁸¹⁹ Section 71(3) Asylum Act.

⁸²⁰ BAMF, *Dienstanweisung Asyl* (internal directive for asylum procedures), January 2023, 262 (pdf), available at: <https://bit.ly/49cX22k>.

⁸²¹ VG Berlin, 38 L 340/22 A, 26 October 2022, available in German at: <http://bit.ly/3LK1k8M>.

⁸²² Administrative Court Minden, judgement of 6 April 2022, 10 K 3200/20.A, available in German at: <http://bit.ly/3nkUITX>.

⁸²³ Kirsten Eichler, *Der Asylfolgeantrag. Zu den Voraussetzungen für die erneute Prüfung von Asylanträgen und zum Ablauf des Folgeverfahrens*, October 2018, available in German at: <https://bit.ly/3MbCfBj>, 55.

⁸²⁴ Section 29(1)(5) Asylum Act.

⁸²⁵ Section 31(3) Asylum Act, Kirsten Eichler, *Der Asylfolgeantrag. Zu den Voraussetzungen für die erneute Prüfung von Asylanträgen und zum Ablauf des Folgeverfahrens*, October 2018, available in German at: <https://bit.ly/3MbCfBj>, 61.

⁸²⁶ Section 71(4), 74(1) and 36(1)(3) Asylum Act.

⁸²⁷ Section 75(1) Asylum Act, Section 80(5) Code of Administrative Court Procedure (VwGO).

⁸²⁸ Kirsten Eichler, *Der Asylfolgeantrag. Zu den Voraussetzungen für die erneute Prüfung von Asylanträgen und zum Ablauf des Folgeverfahrens*, October 2018, available in German at: <https://bit.ly/3MbCfBj>, 64.

⁸²⁹ Bundestag, *„Bundestag stimmt Gesetz zur Verbesserung von Rückführungen zu“*, 2024, available in German [here](#).

search powers and an extension of pre-deportation detention (*Ausreisegewahrsam*).⁸³⁰ Under the new §30 of the Asylum Act (AsylG), a subsequent asylum application can be deemed "manifestly unfounded" if the applicant has already undergone a further asylum procedure following a previous application. Additionally, § 71 AsylG now stipulates that if a subsequent application is filed solely to delay or obstruct deportation, or if a new application is submitted after a final rejection, deportation may proceed immediately, provided the Federal Office for Migration and Refugees (BAMF) confirms that no new grounds for protection exist. However, deportation must be suspended if the applicant files an appeal under § 80(5) of the Administrative Court Procedure Act (Verwaltungsgerichtsordnung) until the court rejects the appeal or the appeal period under § 74(1) AsylG has expired. The purpose of this reform is to accelerate deportation procedures and reduce misuse of the asylum system, although it has attracted criticism from human rights organizations regarding potential risks to procedural fairness and protection standards.⁸³¹

There is no free legal assistance available for subsequent applications or for appealing against rejections of subsequent applications. Since the appeal only pertains to the (in)admissibility decision, the court considers whether such decision was made lawfully, but not the merits of the asylum application as such. In contrast, if the BAMF decides to carry out a new procedure, this will usually be in the form of a 'regular procedure' and the applicant regains the status of asylum seeker, including access to reception conditions and including the other rights and obligations connected with this status.⁸³²

Place of lodging and distribution system

In terms of the asylum procedure, the law does not distinguish between situations in which the applicant has left Germany following a negative decision and situations where they remained on the territory. Differences exist regarding reception however: all subsequent applications have to be lodged in the BAMF branch office which was responsible for the first application, but persons who have left and re-entered Germany are subject to the regular distribution procedure and are obliged to stay in initial reception centres (see [Making and registering the application](#)),⁸³³ whereas applicants who stayed in Germany and who are no longer required to stay in an initial reception centre usually do not have to go back to an initial reception centre for the duration of the procedure, unless their subsequent applications are dealt with in the 'accelerated procedure', but this type of procedure is only applied in a few branch offices of the BAMF (see [Accelerated procedure](#)).⁸³⁴

Statistics

In 2024, the Federal Office for Migration and Refugees recorded 21,194 subsequent asylum applications (as of January 2025). This represents a 7.0 percent decrease compared to the previous year continuing a trend of the past years.⁸³⁵ 22,795 persons lodged subsequent applications in 2023, compared to 26,358 in 2022 and 42,583 in 2021.⁸³⁶ In 2024, the highest number of subsequent applications came from individuals from Syria, with 2,668 applications, followed by Afghanistan with 2,007. Applicants from

⁸³⁰ Act on the Improvement of Repatriation (Repatriation Improvement Act), Federal Law Gazette 2024 I No. 54 of 26.02.2024, available in German [here](#).

⁸³¹ ProAsyl, 'Das Gegenteil von Verbesserungen: Das neue Rückführungsgesetz verschlimmert die Lage', 27 February 2024, available in German [here](#).

⁸³² Before the decision on admissibility, applicants usually have access to similar reception conditions since the law governing reception conditions (the Asylum Seekers benefits Act) also applies to persons with a tolerated status, see Section 1a of the Act. The exact conditions for access to housing, the labour market or social benefits depend on the duration of stay and the individual situation, however (see [Chapter on Reception Conditions](#)).

⁸³³ Section 71(2) Asylum Act.

⁸³⁴ Kirsten Eichler, *Der Asylfolgeantrag. Zu den Voraussetzungen für die erneute Prüfung von Asylanträgen und zum Ablauf des Folgeverfahrens*, October 2018, available in German [here](#).

⁸³⁵ Bundeszentrale für Politische Bildung, 'Asylanträge in Deutschland', 10 January 2025, available in German [here](#). For a detailed overview of the asylum applications from January to December 2024, see: BAMF, *Asylgeschäftsstatistik 2024*, available in German [here](#).

⁸³⁶ BAMF, *Aktuelle Zahlen*, Dezember 2023, available in German [here](#), 3.

Türkiye accounted for 1,879 subsequent applications, while 1,472 came from Moldova. Additionally, there were 1,406 subsequent applications from North Macedonia and 1,207 from Iraq.⁸³⁷

Statistics do not distinguish between situations where applicants have remained in Germany until lodging a subsequent application and situations where subsequent applications are lodged after the applicant had left Germany. However, there are statistics on the number of asylum applications lodged by persons who already have a legalised status in Germany. 19,551 such applications were lodged in 2024,⁸³⁸ compared to 9,932 in 2023 and 20,392 in 2022.⁸³⁹ Around 63% of the applicants had either a residence permit for political or humanitarian reasons (which includes international protection) or a tolerated status, suggesting that their application might be counted as a subsequent application.

The decisions on subsequent applications in 2024 were as follows:

Subsequent applicants and decisions on subsequent applications: 2024					
Applications	Decisions	Inadmissible	Admissible		
			Positive decision	Negative decision	Termination / inadmissibility
21,194	26,292		4,148	3,217	18,917 ⁸⁴⁰

Subsequent applicants and decisions on subsequent applications per main nationalities: 2024						
Nationality	Applications	Decisions	Inadmissible	Admissible		
				Positive decision	Negative decision	Termination / inadmissibility
Syria	2,668	2,724		853	7	1,864
Afghanistan	2,007	2,735		1,750	47	938
Türkiye	1,879	1,773		126	406	1,241
Total	6,554	7,232		2,729	460	4,043

Source: BAMF, *Asylgeschäftsstatistik 2024*, available in German [here](#)

In 2024, a total of 21,194 subsequent protection applications were submitted to the German Federal Office for Migration and Refugees, and 26,292 decisions on subsequent applications. Among these decisions:

- ❖ 4,148 applications were deemed inadmissible.
- ❖ 3,217 applications received positive decisions (i.e., applicants were granted asylum or some form of protection).
- ❖ 18,917 applications were rejected or terminated for other reasons (e.g., inadmissibility or procedural issues).

Out of the 21,194 total subsequent applications in 2024, the success rate for positive decisions was approximately 15% (3,217 positive decisions out of 26,292 total decisions). Meanwhile, inadmissible applications comprised 16% of the total decisions (4,148 cases), with the majority of applications (around 72%) resulting in negative decisions or terminations.

⁸³⁷ BAMF, *Asylgeschäftsstatistik 2024*, available in German [here](#).

⁸³⁸ Federal Government, *Response to parliamentary question by The Left 20/14923*, 21 March 2025, available in German [here](#), 8.

⁸³⁹ Federal Government, *Response to parliamentary question by The Left 20/8222*, 5 September 2023, available in German at: <https://bit.ly/3SkIJCR>, 9; Federal Government, *Response to parliamentary question by The Left, 20/5709*, 17 February 2023, available in German at: <https://bit.ly/3K3w3MX>, 10 and 20/2309, 17 June 2022, available in German at: <https://bit.ly/3ni6gYk>, 9.

⁸⁴⁰ This figure includes cases categorised as kein weiteres Verfahren (no further procedure) and formal procedure completions (*formelle Verfahrenserledigungen*).

When looking at specific nationalities, applicants from Türkiye had the highest success rate among the major nationalities, with around 23% of their subsequent applications resulting in positive decisions, compared to less than 1% for Syria and 2% for Afghanistan.

Compared to 2023, where 49.6% of subsequent applications were rejected as inadmissible and 40.6% of applications decided on the merits were successful (see AIDA DE 2023 report), the 2024 figures show a slight increase in negative decisions and a decrease in success rates, with only 15% of the total subsequent applications leading to positive decisions.

The 4,148 'positive' decisions in 2024 consisted of the following status decisions:

- ❖ Asylum or refugee status: 1,591
- ❖ Subsidiary protection: 743
- ❖ (National) humanitarian protection / removal ban: 1,824

F. The safe country concepts

Indicators: Safe Country Concepts

- | | | |
|--|---|-----------------------------|
| 1. Does national legislation allow for the use of 'safe country of origin' concept? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ Is there a national list of safe countries of origin? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ Is the safe country of origin concept used in practice? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Does national legislation allow for the use of 'safe third country' concept? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ Is the safe third country concept used in practice? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 3. Does national legislation allow for the use of 'first country of asylum' concept? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

Both the 'safe third country' concept and the 'safe country of origin' concept are incorporated in the German Constitution (*Grundgesetz*) and further defined in the Asylum Act.⁸⁴¹ The concept of 'another third country', akin to the 'first country of asylum' concept, has been incorporated in the inadmissibility concept of the Asylum Act following the reform entering into force in August 2016 (see [Admissibility procedure](#)).

1. Safe country of origin

The Constitution defines as safe countries of origin the countries 'in which, on the basis of their laws, enforcement practices and general political conditions, it can be safely concluded that neither political persecution nor inhuman or degrading punishment or treatment exists'.⁸⁴²

1.1. List of safe countries of origin

Member states of the European Union are by definition considered to be safe countries of origin.⁸⁴³ The list of safe countries of origin is an addendum to the law and has to be adopted by the parliament and the Bundesrat. If the situation in a safe country of origin changes and it can no longer be considered to be safe within the meaning of the law, the Federal Government may issue a decree to remove this country from the list for a period of 6 months. In 2023, Georgia and Moldova have been added to the list of safe countries of origin.⁸⁴⁴

⁸⁴¹ Article 16a(2)-(3) Basic Law.

⁸⁴² Article 16a(3) Basic Law.

⁸⁴³ Section 29a(2) Asylum Act.

⁸⁴⁴ *Gesetz zur Bestimmung Georgiens und der Republik Moldau als sichere Herkunftsstaaten*, BGBl. I Nr. 382, 22 December 2023, available in German at: <https://bit.ly/3vRc9A6>.

As of 2024, the list of safe countries consists of:

- ❖ The member states of the European Union,
- ❖ Ghana;
- ❖ Senegal;
- ❖ Serbia;
- ❖ North Macedonia;
- ❖ Bosnia-Herzegovina;
- ❖ Albania;
- ❖ Kosovo;
- ❖ Montenegro
- ❖ Georgia
- ❖ Moldova.

Serbia, North Macedonia and Bosnia-Herzegovina were added to the list following the entry into force of a law on 6 November 2014.⁸⁴⁵ Albania, Kosovo and Montenegro were added with another law which took effect on 24 October 2015.⁸⁴⁶ As explained in the previous updates of this report, several bills were tabled with the aim to add certain countries to the list of safe countries (such as Morocco, Algeria and Tunisia in April 2016) or Georgia in 2018 but the draft bill was removed from the Bundesrat's agenda in February 2019 as it became obvious that it would be rejected again.⁸⁴⁷ The bill was not reintroduced again before the federal elections of September 2021. In 2023, the discussion on safe countries of origin resurfaced, and led to heated discussions among the governing parties, as well as between the government and the opposition. The oppositional party Christian Democrats (CDU) claims that also other North African states such as e.g., Algeria and Tunisia should be recognised as safe countries of origin. In December 2023, the standing conference of Ministers of Interior and Senators of the state adopted a resolution to include Armenia, India and the Maghreb states to the list of safe countries of origin.⁸⁴⁸ However, the Federal government only included Moldova and Georgia to the list. The governing party The Greens (Bündnis 90/Die Grünen) voiced concern to the concept of safe third countries as such but in the end consented nevertheless to the decision to include Moldova and Georgia to the list.⁸⁴⁹ The opposition party The Left and several NGOs questioned the safety in both countries (in Moldova, issues of widespread discrimination against Roma people; in Georgia, issues of backlash to democracy and rule of law, and lack of respect for LGBTQI rights).⁸⁵⁰ In contrast, in 2024, the debate surrounding the designation of "safe countries of origin" was not directly reintroduced but remained part of the broader conversation about migration restrictions, asylum law, and deportations. One of the new and pressing demands that emerged was the potential resumption of deportations to Afghanistan, a topic reignited following a violent incident in Mannheim where a police officer was killed.⁸⁵¹ This led to renewed discussions about the possibility of deporting individuals to Afghanistan highlighting the ongoing political divisions over how to handle deportations to conflict-ridden regions.⁸⁵²

Since 2015, the Federal Government has to issue a report every two years to determine whether the requirements to be designated a safe country of origin continue to apply, based on the political and legal situation in each country as well as the practical enforcement of existing laws. The last such report was published in March 2024, and concluded that all eight countries continue to fulfil the requirements. The report does not mention the December 2023 additions that were Georgia and Moldova yet as it only

⁸⁴⁵ Gesetz zur Einstufung weiterer Staaten als sichere Herkunftsstaaten und zur Erleichterung des Arbeitsmarktzugangs für Asylbewerber und geduldete Ausländer, BGBl. I, No. 49, 5 November 2014, 1649.

⁸⁴⁶ Asylverfahrensbeschleunigungsgesetz, BGBl. I, 23 October 2015, 1722.

⁸⁴⁷ Entwurf eines Gesetzes zur Einstufung der Demokratischen Volksrepublik Algerien, des Königreichs Marokko und der Tunesischen Republik als sichere Herkunftsstaaten, 68/16, available in German at: <http://bit.ly/2kSi5CO>; Bundesrat, 'Keine Zustimmung: Gesetz zu sicheren Herkunftsstaaten', 10 March 2017, available at: <http://bit.ly/1owVXpm>; Spiegel, 'Bundesrat verschiebt Abstimmung über sichere Herkunftsländer', 15 February 2019, available in German at: <https://bit.ly/2urOtiw>.

⁸⁴⁸ Innenministerkonferenz (IMK), *Sammlung der zu Veröffentlichung freigegebenen Beschlüsse*, 8 December 2023, available in German at: <https://bit.ly/3UpXztD>, 13.

⁸⁴⁹ Tagesschau.de, *Moldau und Georgien ja, Maghreb-Staaten nein*, 4 September 2023, available in German at: <https://bit.ly/42oPzuQ>.

⁸⁵⁰ Pro Asyl, *Stellungnahme zum Entwurf eines Gesetzes zur Bestimmung Georgiens und der Republik Moldau als sichere Herkunftsstaaten*, 25 August 2023, available in German at: <https://bit.ly/3Uimijq>; Clara Bünger, *Georgien und Moldau dürfen nicht als »sichere Herkunftsstaaten« eingestuft werden!*, 12 October 2023, available in German at: <https://bit.ly/3vVdl5q>.

⁸⁵¹ ZDF, 'Welche Hürden es für Abschiebungen gibt', 5 June 2024, available in German [here](https://www.zdf.de).

⁸⁵² Ibid.

reports about the situation in the respective countries between October 2021 and October 2023.⁸⁵³ NGOs however regularly criticise the designation of some of the countries on the list.⁸⁵⁴

1.2. Procedural consequences

Applications of asylum seekers from safe countries of origin shall be considered as manifestly unfounded, unless the applicant presents facts or evidence which justify the conclusion that they might be persecuted in spite of the general situation in the country of origin.

Since March 2016, accelerated procedures can be carried out for applicants from safe countries of origin. However, this is only possible in branch offices of the BAMF to which a 'special reception centre' has been assigned, and in 2020 the procedure was applied in comparatively few cases, and only in arrival centres or AnKER centres in Bavaria and North Rhine-Westphalia (see [Accelerated procedure](#)).

The number of applications from asylum seekers from safe countries of origin significantly decreased in recent years and have remained on a low level since 2018. This notwithstanding, the BAMF received a total of 2,817 asylum applications from North Macedonia in 2024. 3,514 individuals from Georgia applied for asylum in 2024. Neither North Macedonia, nor Georgia was among the top 10 countries of origin for asylum applications in 2024, whereas both were in the top 10 in 2023.

The following table shows statistics for asylum applications by relevant nationalities:

Asylum applications by nationals of 'safe countries of origin'									
	2016	2017	2018	2019	2020	2021	2022	2023	2024
Albania	17,236	6,089	2,941	2,573	1,220	1,897	2,522	2,233	1,439
Serbia	10,273	4,915	2,606	2,718	1,292	1,830	2,824	3,526	2,275
North Macedonia	7,015	4,758	2,472	2,258	823	4,542	5,602	5,999	2,817
Kosovo	6,490	2,403	1,224	875	560	444	499	700	2,305
Bosnia and Herzegovina	3,109	1,438	870	633	401	1,538	1,364	1,132	904
Ghana	2,645	1,134	992	966	599	441	394	485	423
Montenegro	1,630	730	377	252	151	285	310	299	227
Senegal	767	378	366	365	187	144	153	177	221
Georgia								9,399	3,514
Moldova								2,832	2,230
Total	49,165	21,845	11,848	10,640	5,233	11,121	13,668	26,782	16,355

Source: BAMF, Asylgeschäftsstatistik (statistics on applications, decisions and pending procedures), available in German at: <https://bit.ly/3rnlEzR> (2020), <https://bit.ly/3goPTTa> (2021), <https://bit.ly/3IMppKK> (2022) <https://bit.ly/3UjFWf0> (2023) and [here](#) (2024).

⁸⁵³ Federal Government, *Vierter Bericht zu der Überprüfung der Voraussetzungen zur Einstufung der in Anlage II zum Asylgesetz bezeichneten sicheren Herkunftsstaaten*, 20/10750, available in German at: <https://tinyurl.com/4aw9pumm>.

⁸⁵⁴ See for example Flüchtlingsrat Tübingen, *Sogenannte "sichere" Herkunftsländer*, August 2021, available in German at: <http://bit.ly/3JGdXQF>; PRO ASYL, *Neuer Anlauf für einen rechtswidrigen Gesetzentwurf: Erweiterung der »sicheren Herkunftsländer«*, 21 September 2018, available in German at: <http://bit.ly/3YR6q6b>. Pro Asyl, *Was heißt hier sicher? Wie die Innenminister*innen Geflüchtete entrechten wollen*, 27 June 2023, available in German at: <https://bit.ly/3HDInBn>.

It should be noted that many asylum applications of persons from safe countries of origin are subsequent applications. In 2024, subsequent applications from North Macedonia and Moldova for example, represented a significant portion of the total asylum applications by those nationals in Germany. Out of 5,999 applications from North Macedonia, 1,406 were subsequent, accounting for approximately 23.4% of the total applications. Similarly, out of 2,230 applications from Moldova, 1,472 were subsequent, making up 66.1% of the total applications from the country. Hence the number of newly arriving asylum seekers from these countries is considerably lower than the numbers provided above.

To illustrate the developments of protection rates of 'safe countries of origin', the following table includes decisions on first applications from Albania, Serbia and North Macedonia. The figures include all cases in which refugee status, subsidiary protection or (national) humanitarian protection / a removal ban was granted:

Recognition rates for nationals of selected 'safe countries of origin'							
	2018	2019	2020	2021	2022	2023	2024
Albania	1.2%	0.9%	0.4%	0.4%	1.0%	0.8%	0.7%
North Macedonia	0.8%	0.2%	0%	0.1%	0.7%	0%	0.2%
Serbia	0.7%	0.1%	0%	0.4%	0.7%	0.4%	0.3%

Source: BAMF, Antrags-, Entscheidungs- und Bestandsstatistik, 2016, 2017 and 2018 and Asylgeschäftsstatistik (statistics on applications, decisions and pending procedures), 1-12/2019, 1-12-/2020, 1-12-2021, 1-12-2022 and 1-12-2023, available in German at: <http://bit.ly/40eORyd> BAMF, Asylgeschäftsstatistik Januar-Dezember 2024, available in German [here](#).

2. Safe third country

The safe third country concept is contained in Section 26a of the Asylum Act.

By definition of the law, all Member States of the European Union are safe third countries. In addition, a list of further safe third countries can be drawn up.⁸⁵⁵ In those countries the application of the 1951 Refugee Convention and of the European Convention on Human Rights (ECHR) has to be 'ensured'. The list is an addendum to the Asylum Act and must be adopted by both chambers of the German Parliament. The Federal Government is entitled to remove a country from that list if changes in its legal or political situation 'give reason to believe' that the requirements for a safe third country are not met any longer. At present, the list of further safe third countries consists of **Norway** and **Switzerland**.

From its wording, the safe third country concept only applies to the German (constitutional) asylum, but the Federal Constitutional Court found in a landmark decision in 1996 that its scope extends to refugee protection and to other forms of protection as well.⁸⁵⁶

Accordingly, asylum seekers can be sent back to safe third countries with neither an asylum application, nor an application for international or national protection being considered. Today the safe third country concept has its main impact at land borders.⁸⁵⁷ Federal Police shall refuse entry if a foreigner, who has entered from a safe third country, requests asylum at the border. Furthermore, Federal Police shall immediately initiate removal to a safe third country if an asylum seeker is apprehended at the border without the necessary documents.⁸⁵⁸ Asylum applications may not be accepted or referred to the responsible authority by the Federal Police if entry into the territory is denied, unless it turns out that Germany is responsible for processing the asylum procedure based on EU law, e.g. because Germany has issued a visa. In practice, the provisions enabling the Federal Police to send asylum seekers back to

⁸⁵⁵ Section 26a(2) Asylum Act.

⁸⁵⁶ Federal Constitutional Court, Decision of 14 May 1996, 2 BvR 1938/93, 2 BvR 2315/93, BVerfGE 94, 49 (189).

⁸⁵⁷ Section 18 Asylum Act.

⁸⁵⁸ The border area is defined as a strip of 30 kilometres.

the border have been largely ineffective for many years. This is due to the fact that no systematic border controls took place at land borders and because returns of asylum seekers can only be carried out under the Dublin regulation as a matter of principle. However, in 2018 a new procedure was introduced which enables the Federal Police to refuse entry at the border and to return asylum seekers under certain conditions to the member state in which they first applied for asylum, per the Dublin regime. This procedure is based on administrative regulations only and on agreements with Spain and Greece (i.e., no legislative changes were implemented). In 2019, the procedure was declared unlawful by the administrative court of Munich, and no refusal of entry for asylum seekers has been witnessed after that.⁸⁵⁹ Following the ruling of the CJEU,⁸⁶⁰ the Union of the Federal Police (GdP) acknowledges that even if no asylum application has been filed, the Return Directive remains applicable meaning that no third country national can be directly refused entry at internal borders.⁸⁶¹

3. First country of asylum

The 'first country of asylum' concept is not referred to as such in German law. However, Sections 27 and 29(1)(4) of the Asylum Act refer to cases where a person was already safe from persecution in 'another third country' (*sonstiger Drittstaat*) as a ground for inadmissibility. Inadmissibility on this ground only applies to safety in non-EU Member States.⁸⁶² Such safety is presumed where the applicant holds a travel document from that country,⁸⁶³ or has resided there for more than 3 months without being threatened by persecution. The applicant can rebuke this presumption by credibly asserting a threat of persecution.⁸⁶⁴

Important restrictions to the application of the provision were removed in 2016. In particular, the former provision could only be applied if return to the safe 'other third country' was possible within 3 months. Although this qualification has been removed, the provision has been applied rarely, only 24 times in 2020, 4 times in 2021, 6 times in 2022, 6 times 2023⁸⁶⁵ and 11 times in 2024⁸⁶⁶ (see [Admissibility procedure](#)).

G. Information for asylum seekers and access to NGOs and UNHCR

1. Provision of information on the procedure

Indicators: Information on the Procedure

1. Is sufficient information provided to asylum seekers on the procedures, their rights and obligations in practice? ☐ Yes ☒ With difficulty ☐ No
- ❖ Is tailored information provided to unaccompanied children? ☒ Yes ☐ No

According to Section 24(1) of the Asylum Act, the BAMF:

'... [S]hall inform the foreigner early on in a language he can reasonably be supposed to understand about the course of the procedure and about his rights and duties, especially

⁸⁵⁹ Asyl.net, *Zurückweisung und Zurückschiebung*, February 2023, available in German at: <https://bit.ly/48S95SR>.

⁸⁶⁰ CJEU, Case C-143/22, Judgement of 21 September 2023, available at: <https://bit.ly/49aNRPM>.

⁸⁶¹ Gewerkschaft der Polizei (GdP), *Wohl kaum noch Zurückweisungen bei Binnengrenzkontrollen möglich*, 22 September 2023, available at: <https://bit.ly/3HF9Dzs>.

⁸⁶² Section 29 (1)(4) Asylum Act, Federal Administrative Court (BVerwG), Decision of 25. April 2019, 1 C 28.18, available in German at: <http://bit.ly/3GP5LuV>.

⁸⁶³ Section 27(2) Asylum Act.

⁸⁶⁴ Section 27(3) Asylum Act.

⁸⁶⁵ Federal Government, *Response to parliamentary question by The Left*, 20/12228, 8 July 2024, available in German [here](#), 6; 19/18498, 2 April 2020, available in German at: <https://bit.ly/3RPHZFG>, 6. 20/8222, 5 September 2023, available at: <https://bit.ly/3SkIJCR>. The figures for 2021 are until 30 November 2021. The figures for 2023 are until June 2023.

⁸⁶⁶ Federal Government, *Response to parliamentary question by The Left*, 20/14923, 21 March 2025, available in German [here](#), 5.

concerning deadlines and the consequences of missing a deadline, and about possibilities to return voluntarily.’

The provision was changed with the entry into force of the 2022 Act on the acceleration of asylum court proceedings and asylum procedures on 1 January 2023.⁸⁶⁷ The reform introduced the requirement of informing applicants “early on” instead of “after the lodging of the asylum application”, which was the previous wording. Information is to be provided orally in groups (see below, Oral Information). Another change introduced by the reform is the duty to inform not only about the asylum procedure, but also about possibilities to return voluntarily after the rejection of the asylum application.

1.1. Written information

Various other sections of the Asylum Act also contain obligations on the authorities to inform asylum seekers on certain aspects of the procedure. Accordingly, asylum seekers receive various information sheets when reporting to the authorities and/or upon arrival at the initial reception centre,⁸⁶⁸ including the following:

- ❖ An information sheet on the rights and duties during the procedure and on the proceedings in general (*‘Belehrung nach § 10 AsylG und allgemeine Verfahrenshinweise’*), to be handed out by the authority where an applicant first voices the wish to apply for asylum (the border police, the local immigration authority, the police, the reception centre or the BAMF; see [Making and registering the application](#));⁸⁶⁹
- ❖ An instruction on the obligation to comply immediately with a referral to the competent branch office of the BAMF and to appear in person immediately or at a date determined for the formal registration of the asylum application (*‘Belehrung nach § 14 Abs. 1 und § 23 Abs. 2 AsylG’*);⁸⁷⁰
- ❖ An instruction on the obligation to comply immediately with a referral to the initial reception centre (*‘Belehrung nach § 20 Abs. 1 AsylG’*);⁸⁷¹
- ❖ An instruction on the obligation to comply with a decision to be referred to another reception centre, including the obligation to register with the authorities in case of such a referral (*‘Belehrung nach § 22 Abs. 3 AsylG’*).⁸⁷²

These information sheets are available in German and 44 other languages.⁸⁷³ In BAMF branch offices in arrival centres, a video available in six languages is shown to applicants explaining the asylum procedure as well as their rights and duties.⁸⁷⁴

In addition, other leaflets and publications by the BAMF are available in several languages, although they are not systematically handed out to all asylum seekers.⁸⁷⁵ These include:

- ❖ Information on the appointment for the interview in the asylum procedure (*Informationsblatt zum Anhörungstermin*);⁸⁷⁶

⁸⁶⁷ Official Gazette I no. Nr. 56 (2022) of 28 December 2022, 2817.

⁸⁶⁸ BAMF, *DA-Asyl (Dienstanweisung Asylverfahren) – Belehrungen* (internal directives of the BAMF), version as of 1 January 2023, available in German at: <http://bit.ly/3J5jPTA>, 151.

⁸⁶⁹ DA-AVS (internal directives for the asylum procedure secretariat), 80, version as of March 2014, available in German at: <https://bit.ly/3QPQZsl>, 80.

⁸⁷⁰ Available on the BAMF website at: <https://bit.ly/2U0lyyv>.

⁸⁷¹ Available on the BAMF website at: <http://bit.ly/3XGnpYs>.

⁸⁷² Available on the BAMF website at: <http://bit.ly/3IWpqM0>.

⁸⁷³ As of January, these were Albanian, Amharic, Arabic, Armenian, Azerbaijani, Bambara, Bosnian, Burmese, Chinese, Dari, English, Farsi, French, Fulani, Georgian, Hausa, Hindi, Italian, Croatian, Kurdish-Badinani, Kurdish-Kurmanji, Kurdish-Sorani, Kurdish-Zaza, Lingala, Macedonian, Mongolian, Nepali, Oromo, Pashto, Punjabi, Russian, Serbian, Sinhalese, Somali, Spanish, Tamil, Tigrinya, Turkish, Twi, Uyghur, Ukrainian, Urdu, Vietnamese, Wolof.

⁸⁷⁴ The video is available in German, Albanian, Arabic, English, French and Persian on the BAMF website, <https://bit.ly/3tz57Nd>.

⁸⁷⁵ According to information provided by the BAMF on 9 March 2023, the leaflets ‘can be handed out to the foreigner in case of individual need within the framework of the asylum procedure counselling or the information in group discussions’.

⁸⁷⁶ Available on the BAMF website (only in German) at: <https://bit.ly/3wa8Osv>.

- ❖ Information on the asylum application (*Informationsblatt zur Asylantragstellung*).⁸⁷⁷
- ❖ The stages of the German asylum procedure (*Ablauf des deutschen Asylverfahrens*).⁸⁷⁸

Furthermore, asylum seekers are handed out instructions concerning the Eurodac Regulation (in accordance with Article 18 of the Eurodac Regulation) and on the data collected in the course of the asylum procedure by the BAMF. These instructions are available in 44 languages.

The applicant has to sign an acknowledgment of the receipt of the information leaflets. In some reception centres, further information is handed out or made available through notice boards or posters (e.g. information on the office hours of authorities, NGOs and other institutions), but there is no systematic practice for the distribution of such additional information.

It has been a long-standing criticism from lawyers and NGOs that both the written instructions and the oral briefings provided by the Federal Office are 'rather abstract and standardised'.⁸⁷⁹ Since autumn 2015, the BAMF has developed a number of new, more accessible information products, including information on the website, leaflets, explainer videos and an app for newly arrived refugees.⁸⁸⁰ Nevertheless, stakeholders reported that especially for asylum seekers with disabilities, such concerns persist to date.⁸⁸¹

1.2. Oral information

Oral information for asylum applicants now mainly consists of the 'voluntary independent state-run counselling' that was introduced with the so-called 'Orderly-Return-Law', in force since 21 August 2019 (Section 12a Asylum Act). With the entry into force of the 2022 Act on the acceleration of asylum court proceedings and asylum procedures⁸⁸² on 1 January 2023, the state-run counselling was replaced by independent counselling, financed by the Federal Government but carried out by welfare associations or 'other civil society actors'.⁸⁸³ This is in line with long-standing demands from welfare associations (see below). Counselling consists of two stages: group sessions with basic information on the asylum procedure as well as on return procedures, followed by the second stage of individual counselling sessions. The BAMF will continue to carry out the first stage of counselling as described below, whereas independent organisations will carry out individual counselling.⁸⁸⁴ In an answer of the Federal Government to a request by the Left of July 2024, the Federal Office for Migration and Refugees assessed the cooperation and exchange with these independent organisations in the field of asylum procedure counselling as "good and trustworthy".⁸⁸⁵ According to the BAMF, in 2023, a total of 189 individual projects of independent asylum procedure counselling (AVB) were funded, ensuring comprehensive support for asylum seekers.⁸⁸⁶ The authority further stressed that even at BAMF locations where no federally funded AVB was available, counselling services were still provided to guarantee nationwide access to well-founded legal information for those seeking protection.⁸⁸⁷

⁸⁷⁷ Available on the BAMF website at: <https://bit.ly/3bok08E>.

⁸⁷⁸ Available in English at: <https://bit.ly/3drFPWF>.

⁸⁷⁹ Amnesty International et al., ed. *Memorandum zur derzeitigen Situation des deutschen Asylverfahrens (Memoranda on current situation of the German asylum procedure)*, 2005, available in German at: <https://bit.ly/4buofPY>, 21.

⁸⁸⁰ Janne Grote, *The Changing Influx of Asylum Seekers in 2014-2016: Responses in Germany*, Focussed Study by the German National Contact Point for the European Migration Network (EMN), October 2017, study available in English at <https://bit.ly/33iJAO8>, 39.

⁸⁸¹ See e.g. Handicap International, *Grundlegende Informationen zur Lebenssituation geflüchteter Menschen mit Behinderung*, available in German at: <https://bit.ly/4a7alft> and German Institute for Human Rights, *Geflüchtete Menschen mit Behinderungen - Regelungen zur Identifikation, Unterbringung und Versorgung gesetzlich verankern*, 16 June 2022, available in German at: <https://bit.ly/3UP2JxS>.

⁸⁸² Official Gazette I no. Nr. 56 (2022) of 28 December 2022, 2817.

⁸⁸³ SPD, BÜNDNIS 90/DIE GRÜNEN and FDP, *Draft Act on the Acceleration of asylum court proceedings and asylum procedures*, 20/4327, 8 November 2022, available in German at: <https://bit.ly/48hQe2k>, 22.

⁸⁸⁴ SPD, BÜNDNIS 90/DIE GRÜNEN and FDP, *Draft Act on the Acceleration of asylum court proceedings and asylum procedures*, 20/4327, 8 November 2022, available in German at: <https://bit.ly/48hQe2k>, 28.

⁸⁸⁵ Federal Government, *Reply to small request by the Left*, 20/12228, 8 July 2024, available in German [here](#).

⁸⁸⁶ Ibid.

⁸⁸⁷ Ibid.

The funding process for independent counselling associations started in February 2023 where associations could file interest for funding. After a summary registration of interest, the BAMF then required the associations to file a comprehensive application for funding.⁸⁸⁸ EUR 25 million of financing have been provided since 2023.⁸⁸⁹ Welfare organisations criticise that the money was only disbursed in the summer of 2023, which delayed the availability of independent counselling or caused financial gaps for those associations that provided counselling services prior to the official distribution of funding. Additionally, NGOs have been critical of the amount foreseen, stating that EUR 20 million is not sufficient for nationwide independent counselling. In the AnKER centre in Manching-Ingolstadt, the NGO in charge can currently offer two fulltime counselling positions for up to 600 asylum applicants, even though the BAMF's general recommendation is one fulltime position for 180 asylum applicants.⁸⁹⁰ The sum to be spent for personnel suffices only for early career and not for experienced personnel, which make it difficult to find employees and which in combination with the high number of cases, causes an overburdening of the staff.⁸⁹¹

In this context, the BAMF stressed in May 2025 that “the funding was not substantiated adequately. The Federal court of auditors monitored the AVB and its findings led to a profound restructuring of the AVB. Moreover, the inquiry showed that the demand for an AVB was not calculated accurately. The AVB will be evaluated. Its future depends on the outcome of the evaluation. Latest data underlined that the current funding is sufficient. In the year 2024 over 200 individual projects nationwide have been founded by the programme and more than 70,000 individual asylum seekers used the opportunity to get counselling. Especially against the backdrop of declining asylum application numbers in 2025, there is no need to increase the budget for the programme.”⁸⁹² The Federal Court of Auditors' findings can be found online.⁸⁹³

Despite the envisaged goal of EUR 80 million annually, for 2024 again only EUR 25 million were foreseen, this time for the whole year, not as in 2023 for the second half of the year.⁸⁹⁴ According to welfare associations, the insecurity as to how much funding will be provided in the upcoming years and under which circumstances the funding will be awarded has led to associations withdrawing their funding applications for the counselling service.⁸⁹⁵ This difficult situation was ongoing in 2024 according to the Federal Association of Welfare Organisations. In 2024, the situation regarding Asylum Procedure Counselling (AVB) and special legal counselling for queer and other vulnerable refugees faced significant challenges. The draft federal budget for 2024 maintained the same funding levels for AVB and special legal counselling for vulnerable asylum seekers as in 2023. However, given that the federal program only properly began in mid-2023, keeping the funding at the same level for a full year essentially represents a 50% reduction in counselling capacity.⁸⁹⁶

Some federal states had previously allocated funds for AVB, but most of these resources were terminated in 2023.⁸⁹⁷ NGOs have highlighted that as a result, transitioning into federal funding has worsened the counselling situation for these regions. The risk is that fewer asylum applicants will receive qualified legal assistance compared to the previous state funding, even though the demand for such support continues

⁸⁸⁸ Asyl.net, *Bundesregierung startet Förderprogramm für behördenunabhängige Asylverfahrensberatung*, 1 February 2023, <https://bit.ly/47XkRdp>.

⁸⁸⁹ Federal Government, *Information from the Federal Government*, 20/14479, 23 December 2024, available in German [here](#).

⁸⁹⁰ BR.de, *Hilfe beim Asylverfahren: Zwei Berater für 600 Flüchtlinge*, 1 November 2023, available in German at: <https://bit.ly/3u42vJT>.

⁸⁹¹ Ibid.

⁸⁹² Information provided by the BAMF on 28 May 2025.

⁸⁹³ Bundesrechnungshof, ‘BMI stellt Wirtschaftlichkeit der Asylverfahrensberatung nicht sicher’, 11 December 2024, available in German [here](#).

⁸⁹⁴ ProAsyl, *Notwendige Asylverfahrensberatung weiterhin nicht flächendeckend vorhanden*, 6 October 2023, available in German at: <https://bit.ly/48UjU6H>.

⁸⁹⁵ Ibid.

⁸⁹⁶ Federal Association of Welfare Organisations, *FACT SHEET Asylverfahrensberatung (AVB) & besondere Rechtsberatung für queere und sonstige besonders vulnerable Geflüchtete*, 11 August 2023, available in German [here](#).

⁸⁹⁷ Federal Association of Welfare Organisations, *FACT SHEET Asylverfahrensberatung (AVB) & besondere Rechtsberatung für queere und sonstige besonders vulnerable Geflüchtete*, 11 August 2023, available in German [here](#).

to rise alongside the increasing number of asylum applications.⁸⁹⁸ For this reason, the Federal Association has continued to advocate for strengthening and further developing the federally funded programs for "independent asylum procedure counselling" and "migration counselling for adult migrants" (MBE) throughout 2024.⁸⁹⁹ In light of the growing number of asylum seekers and migrants, the BAGFW called once more for adequate funding in the 2025 federal budget. It demanded at least €81.5 million for MBE and €40 million for AVB to ensure comprehensive, high-quality counselling and support for these vulnerable groups. Proper funding is essential to meet the increasing need for services.⁹⁰⁰

Another problem arises due to the absence of rules on the access of welfare associations to arrival and AnKER centres. Since there are no federal rules governing the access, it is up to the discretion of the local authorities whether welfare associations have access to the centres. In **Munich**, the Refugee Council tried to provide independent mobile counselling prior 2023 and has been denied access. The Federal Administrative Court upheld the denial in 2023. The court decided that access must be granted in individual case after registration and only where an asylum applicant has demanded counselling. However, local authorities are not obliged to grant open access to the facilities.⁹⁰¹ This leads to legal uncertainty as to whether systematic access will be provided to welfare associations under the new rules on counselling. Overall, several associations criticise that due to the lack of funding, the uncoordinated funding process and the legal uncertainty as to whether access to accommodations centres is provided, access to individual counselling cannot be guaranteed in Germany.

Prior to the reforms in January 2023, government advice covered the period from the lodging of the asylum application to the explanation of a first instance decision; now the legal counselling can also cover appeal proceedings.⁹⁰² According to the BAMF, the staff who offered the counselling underwent a one-week training and was 'organisationally separated from the asylum area'.⁹⁰³ Procedure counselling was first introduced in a pilot project together with welfare associations.⁹⁰⁴ It was then established first in all AnKER and functionally equivalent centres and has been rolled out to the rest of the BAMF branch offices since 2020.⁹⁰⁵

As of 31 December 2022, counselling was available in 46 BAMF branch offices.⁹⁰⁶ Throughout 2022, 37,644 applicants took part in the first stage counselling, while 3,147 received individual counselling (second stage). While this represented an increase in comparison to 2021 (1,928 individual sessions, while 25,784 persons took part in group sessions), it still shows that only around 15% of the 244,132 persons who applied for asylum in 2022 (see [Statistics](#)) received individual advice. No information on the availability of counselling and on the number of sessions is available for 2023 and 2024 as of March 2025.

The BAMF counselling sessions represent an improvement compared to the situation prior to August 2019 when no information was systematically provided to asylum seekers.⁹⁰⁷ Nevertheless, the system is heavily criticised by NGOs as group counselling sessions tend to be organised within a very short period

⁸⁹⁸ Federal Association of Welfare Organisations, *FACT SHEET Asylverfahrensberatung (AVB) & besondere Rechtsberatung für queere und sonstige besonders vulnerable Geflüchtete*, 11 August 2023, available in German [here](#).

⁸⁹⁹ BAGFW, *Zukunftsperspektiven der AVB und MBE im Fokus*, 12 September 2024, available in German [here](#).

⁹⁰⁰ BAGFW, *Zukunftsperspektiven der AVB und MBE im Fokus*, 12 September 2024, available in German [here](#).

⁹⁰¹ Federal Administrative Court, Decision 1 C 40.21, 28 March 2023, available in German at: <https://bit.ly/480IN0o>, para. 27f.

⁹⁰² Section 12a (2) German Asylum Act.

⁹⁰³ See AIDA, *Country Report Germany - Update on the year 2022*, April 2023, available at: <https://bit.ly/3UChWUr>, 99.

⁹⁰⁴ Information provided by the BAMF, 9 March 2023. For more background information on the introduction of asylum procedure counselling and the role of NGOs and welfare associations see the 2019 AIDA Update on Germany. The internal evaluation report of the pilot project is available online at: <https://bit.ly/3FC8LYK>.

⁹⁰⁵ BAMF, *Evaluation of AnKER Facilities and Functionally Equivalent Facilities*, Research Report 37 of the BAMF Research Centre, 2021, available in English at: <https://bit.ly/3FgxXnq>, 41.

⁹⁰⁶ See AIDA, *Country Report Germany - Update on the year 2022*, April 2023, available at: <https://bit.ly/3UChWUr>, 99.

⁹⁰⁷ Markus Kraft, 'Die ANKER-Einrichtung Oberfranken', *Asylmagazin* 10-11/2018, available in German at: <https://bit.ly/2P36MEe>, 353.

before the personal interview with the BAMF and the information provided is limited (i.e. the BAMF tends to provide general information on the asylum procedure, sometimes focusing only on asylum seekers' obligations and also on information which has nothing to do with the procedure, such as the so-called 'return options').⁹⁰⁸

In addition to the counselling services as regulated by the asylum act, asylum seekers are orally informed about 'the significance and the proceedings of the interview' and they are instructed about their rights and obligations at the beginning of the interview.⁹⁰⁹ A more detailed overview of which instructions are given at the beginning of the interview are included in the internal guidelines of the BAMF.⁹¹⁰ The internal guidelines indicate that the applicant shall be informed about the procedure, the importance of the interview and their duty to cooperate.

Finally, access to information at the airport is described as particularly difficult, *inter alia* due to the speed of the procedure. Asylum seekers reportedly undergo the airport procedure without understanding the applicable rules and steps⁹¹¹ (see also [Border procedure \(border and transit zones\)](#)). The welfare association Caritas hopes that the funding for independent counselling will also enhance the availability of counselling services at the airport but asserts for 2023 that there is not enough available data yet to evaluate whether there have been any improvements.⁹¹²

2. Access to NGOs and UNHCR

Indicators: Access to NGOs and UNHCR

1. Do asylum seekers located at the border have effective access to NGOs and UNHCR if they wish so in practice? ☐ Yes ☒ With difficulty ☐ No
2. Do asylum seekers in detention centres have effective access to NGOs and UNHCR if they wish so in practice? ☐ Yes ☒ With difficulty ☐ No
3. Do asylum seekers accommodated in remote locations on the territory (excluding borders) have effective access to NGOs and UNHCR if they wish so in practice? ☐ Yes ☒ With difficulty ☐ No

Welfare organisations and other NGOs offer free advice services which include basic legal advice.⁹¹³ However, access to NGOs is highly dependent on the place of residence. In some reception centres, welfare organisations or refugee councils have regular office hours or are located close to the centres so asylum seekers can easily access the offices of such organisations. However, offices of NGOs do not exist in all relevant locations and in any case, access to such services is not systematically ensured. As of 2024, there is no mechanism at the federal level which ensures that asylum seekers are getting access to legal advice from an independent institution before the interview.

In contrast, the Federal Administrative Court decided in 2023 that there is no obligation to provide regular access to reception centres for welfare associations. Only in cases where counselling was explicitly requested by the asylum applicant and the respective welfare association received a mandate to counsel this individual applicant, access needs to be granted.⁹¹⁴ The Munich Refugee Council criticised this decision stating that it has significant national implications, particularly in light of the recent legal establishment of independent asylum procedure counselling under §12a of the Asylum Act (AsylG), along

⁹⁰⁸ ECRE, *The AnKER centres Implications for asylum procedures, reception and return*, April 2019, available at: <https://bit.ly/2W7dICZ>.

⁹⁰⁹ Section 24 (1) Asylum Act.

⁹¹⁰ BAMF, *DA-Asyl (Dienstanweisung Asylverfahren) – Belehrungen* (internal directives of the BAMF), version as of 1 January 2023, available in German at: <http://bit.ly/3J5jPTA>.

⁹¹¹ ECRE, *Airport procedures in Germany Gaps in quality and compliance with guarantees*, April 2019, available at: <https://bit.ly/2QgOmAH>.

⁹¹² Caritas, *Auch im Schnellverfahren am Flughafen die Rechte wahren*, 11 December 2023, available in German at: <https://bit.ly/49eEchY>.

⁹¹³ A database of advice services for asylum seekers is available at: <https://bit.ly/2Ho73Az>.

⁹¹⁴ Federal Administrative Court, Decision 1 C 40.21, 28 March 2023, available in German at: <https://bit.ly/480IN0o>, para. 27f.

with corresponding funding by the federal government.⁹¹⁵ The Council stressed that this ruling opened the door for particularly restrictive state governments, like Bavaria, to hinder the provision of independent counselling by denying access to these accommodations. Therefore, they demand that, in the absence of a clear legal entitlement to enter asylum centres, the government urgently amend the law to provide a solid legal basis (see: Provision of information on the procedure).

In other arrival or AnkER centres established since 2016, access to NGOs is made even more difficult as these do not have offices in the town or region where the new centres are located. A positive example is the arrival centre at **Heidelberg** where the Federal State of Baden-Württemberg has established an independent 'qualified social and procedural advisory service' in cooperation with welfare organisations.⁹¹⁶ Within this model, a social worker from an independent organisation functions as contact person for 100 asylum seekers and is explicitly commissioned to offer advice on the asylum procedure (while in many other reception centres social workers are not necessarily independent and/or they often are neither qualified nor entitled to offer counselling services on the asylum procedure).⁹¹⁷ Even here, in the past it has proven difficult for the social workers to effectively prepare asylum seekers for the interview in the asylum procedure since they are often approached with other urgent matters such as social support, family reunification etc.⁹¹⁸

Furthermore, despite an attempt at a progressive approach in Heidelberg interviews have been scheduled at very short notice in the arrival centres, at a time when asylum seekers have to come to terms with other administrative regulations and with their new surroundings in general. In this situation, it has proven difficult to create an adequate setting for the preparation for the interview.⁹¹⁹ In the light of these problems being described in the context of the 'arrival centre' at Heidelberg, it can be concluded that access to NGOs is even more limited or may be excluded in many other locations where no similar structures exist. This is particularly the case for the possibilities to access NGOs before the interview, since fast-tracking of procedures is taking place at a growing number of 'arrival centres' and AnkER-centres.

Following an initial period in a reception centre, asylum seekers are usually referred to accommodation centres or apartments in other places of residence (see [Types of accommodation](#)). Some of these accommodation centres are located in remote areas without proper access by means of public transport. If the place of residence is located far away from the next town, travel costs to get there may also pose a serious problem in practice, since these costs would only be covered by public funds in exceptional cases. Accordingly, access to NGOs can be severely restricted under such circumstances.

The so-called 'geographical restriction' or 'residence obligation' (*Residenzpflicht*) also poses a legal obstacle for many asylum seekers who wanted to contact an NGO or lawyer. Beyond the obligation to stay in initial reception centres, a general residence obligation is imposed for asylum seekers from safe countries of origin for the whole duration of their procedures (see [Freedom of movement](#)).⁹²⁰ Therefore the 'residence obligation' and the obligation to remain in a particular reception centre pose serious obstacles for access to NGOs and UNHCR in many cases.

For information on access to NGOs during the airport procedure, see [Border procedure \(border and transit zones\)](#).

⁹¹⁵ Refugee Council Munich, *Annual report 2023*, March 224, available in German [here](#).

⁹¹⁶ Friedrich-Ebert-Stiftung, *Das Ankunftszentrum Heidelberg als ‚Pate‘ für Ankerzentren?*, 8 August 2018, available in German at: <https://bit.ly/3HKoSqV>.

⁹¹⁷ Ibid.

⁹¹⁸ Ibid.

⁹¹⁹ Johannes Moll, 'Das verkürzte Asylverfahren im Ankunftszentrum Heidelberg. Ein Modell im Spannungsfeld von effizientem Verfahren und effektiven Rechtsschutz', *Asylmagazin* 12/2016, available in German at: <https://bit.ly/3v0OrAM>, 412, 415-416.

⁹²⁰ Section 47(1a) Asylum Act.

H. Differential treatment of specific nationalities in the procedure

Indicators: Treatment of Specific Nationalities

1. Are applications from specific nationalities considered manifestly well-founded? ☐ Yes ☒ No
❖ If yes, specify which:
2. Are applications from specific nationalities considered manifestly unfounded?⁹²¹ ☒ Yes ☐ No
❖ If yes, specify which: Albania, Bosnia and Herzegovina, Ghana, Kosovo, North Macedonia, Montenegro, Senegal, Serbia

Since 2017, in principle and according to the internal instructions, a prioritised or accelerated procedure can occur in certain circumstances or for certain countries of origin. Here, the branch offices of the BAMF and the arrival centres decide independently whether they set any priority in dealing with caseloads, in particular dependent on availability of staff members with the necessary country expertise and availability of interpreters. This also applied during the outbreak of Covid-19. However, during the first wave and when in-person applications and hearing were suspended, BAMF branch offices focused on deciding cases which had been pending for a longer time and where the interview had already taken place.⁹²² Furthermore, according to the EU Fundamental Rights Agency, when interviews resumed the BAMF did not prioritise vulnerable applicants.⁹²³ This information was not confirmed by the BAMF.

In 2023, the debate on prioritisation of applicants was reopened. In October 2023, the Conference of Federal State Prime Ministers demanded that the Federal government reduce the length of the application process for asylum applicants from countries of origins with low recognition rates to three months. According to their plans, the BAMF should then prioritise these applications to ensure that they are dealt with within the shortened time frame.⁹²⁴ While the Federal government generally agrees to the importance of short proceedings, it has not included the idea of making the length of the procedure dependent on the countries of origin in its most recent legislative package on facilitated return from October 2023.⁹²⁵ As of February 2025, the law only prescribes a differential treatment of those nationals which are from safe countries of origin,⁹²⁶ other accelerated procedures based on nationality are dependent on regional specifications and practices of the BAMF branch offices.

However, according to PRO ASYL the German Federal Ministry of the Interior planned in fall of 2024 to implement significant tightening of asylum laws under the guise of adopting the Common European Asylum System (GEAS). These plans include an expansion of the list of "safe countries of origin" and "safe third countries." According to the report, the ministry intends to utilize optional provisions within the EU regulations to enforce particularly restrictive measures in Germany until 2026. This approach could lead to increased limitations on the freedom of movement and detention of asylum seekers, including children. PRO ASYL criticises this strategy, arguing that it fails to use the available human rights scope to protect refugees and instead further restricts their rights.⁹²⁷

In 2024, the average duration of procedures was 8.7 months.⁹²⁸ During the first six months those procedures that resulted in the rejection of an asylum application as "manifestly unfounded" were completed faster, averaging **6.2 months**.⁹²⁹ The following numbers are valid for the period January to December 2024:

⁹²¹ Whether under the 'safe country of origin' concept or otherwise.

⁹²² Information provided by the BAMF, 10 March 2022.

⁹²³ FRA (European Union Fundamental Rights Agency), 'Migration: Key Fundamental Rights Concerns', Quarterly Bulletin 1.7.2020 - 30.9.2020, available at: <https://bit.ly/3Nuoiic>, 31.

⁹²⁴ Spiegel.de, *Länderchefs wollen schnellere Asylverfahren*, 13 October 2023, available in German at: <https://bit.ly/49eHxqw>; Ministerpräsidentenkonferenz (MPK), *Flüchtlingspolitik von Bund und Ländern – gemeinsame Kostentragung*, 13. October 2023, available in German at: <https://bit.ly/3OnRp9m>.

⁹²⁵ Federal Government, *Gesetzesentwurf der Bundesregierung, Entwurf eines Gesetzes zur Verbesserung der Rückführung*, 24. October 2023, available at: <https://bit.ly/42oQUBV>.

⁹²⁶ Section 30a Asylum Act.

⁹²⁷ Pro Asyl, 'Innenministerium plant unter Deckmantel der GEAS-Umsetzung massive Verschärfungen im Asylrecht', 24 October 2024, available in German [here](#).

⁹²⁸ Federal Government, *Response to parliamentary question by The Left, 20/15083*, 3 March 2025, available in German [here](#), 3.

⁹²⁹ Tagesschau, *Dauer der Asylverfahren 2024 gestiegen*, 28 September 2024, available in German [here](#).

- ❖ Albania: 2.4 months
- ❖ North Macedonia: 3.2 months
- ❖ Montenegro: 2.2 months
- ❖ Kosovo: 1.2 months
- ❖ Bosnia and Herzegovina: 2.2 months
- ❖ Serbia: 2.0 months
- ❖ Georgia: 4.8 months
- ❖ Moldova: 1.3 months

Procedures for the accelerated processing of asylum applications from countries with a low recognition rate – under 5% – were completed significantly more quickly in the first half of 2024.⁹³⁰ These accelerated procedures have been applied since December 2023 for asylum seekers from Georgia, Moldova, and the Western Balkan states, and since March 2024, they also apply to Morocco, Algeria, and Tunisia. The Federal Office aims to complete the accelerated procedures within three weeks. According to a response from the Federal Ministry of the Interior, this was achieved in 72 percent of cases for asylum seekers from Georgia, Moldova, and the Western Balkan states, and in 58 percent of cases for asylum seekers from Morocco, Algeria, and Tunisia.⁹³¹

1. Syria

Since a policy change in the first months of 2016, the BAMF has granted subsidiary protection instead of refugee protection in a high number of cases. This policy change affected Syrian nationals in particular, but also asylum applicants from Iraq or Eritrea. For instance, whereas 99.5% of Syrians had been granted refugee status in 2015, this rate dropped to 56.4% in 2016 and to 35% in 2017. In 2024, there were 79,433 asylum applications from Syrian nationals in Germany. By December 2024, the BAMF had made 43,808 decisions regarding Syrian nationals. 10,961 individuals were granted asylum or refugee status under Article 16a of the Basic Law (GG) and § 3 I of the Asylum Act (AsylG). A total of 70,431 individuals were granted subsidiary protection, while 341 received a deportation ban. Only 27 applications were rejected, and 15,937 cases were resolved under other procedures (e.g., when procedures are consolidated for multiple family members, when a lawsuit is not pursued further, or when a protection status is granted in agreement with the BAMF).⁹³² As of December 2024, 47,500 first time cases and 1,256 subsequent applications were still pending.⁹³³ The 2024 numbers indicate a continued reliance on subsidiary protection as the dominant form of legal status granted to Syrians in Germany, with a relatively smaller proportion receiving refugee status and an even smaller proportion benefiting from a ban on deportation.

Following the fall of the Assad regime in December 2024, the Federal Office for Migration and Refugees (BAMF) announced a temporary suspension in the processing of asylum applications from Syrians,⁹³⁴ affecting 47,270 applications according to media reports.⁹³⁵ According to domestic German law, a residence permit can be revoked (§ 51 Abs. 1 Nr. 3 AufenthG) or withdrawn (§ 51 Abs. 1 Nr. 4 AufenthG) by the immigration authority under certain legal provisions. **Withdrawal** applies when the permit was granted unlawfully from the outset, meaning the eligibility requirements were never met (false statements or forged documents). **Revocation** pertains to situations where the permit was originally issued lawfully. However, it can only occur if one of the specific grounds for revocation is met. In both cases, the authority must exercise discretion, considering individual circumstances such as the length of stay, integration efforts, and conditions in the home country, rather than making a blanket decision.⁹³⁶ In this regard, it is

⁹³⁰ ZDF, 'Asylverfahren dauern 2024 länger', 29 September 2024, available in German [here](#).

⁹³¹ ZDF, 'Asylverfahren dauern 2024 länger', 29 September 2024, available in German [here](#).

⁹³² Federal Government, *Reply to parliamentary question by The Left*, 20/14882, 5 February 2025, available in German [here](#), 1.

⁹³³ BAMF, *Asylgeschäftsstatistik 2024*, available in German [here](#).

⁹³⁴ BAMF, 'Lage in Syrien: Temporärer Verfahrensaufschub für Asylanträge [Situation in Syria: Temporary postponement of asylum applications]', 20 December 2024, available in German [here](#).

⁹³⁵ Mediendienst Integration, 'Syrische Flüchtlinge in Deutschland: Aufenthaltsstatus', available in German [here](#).

⁹³⁶ Informationsverbund Asyl und Migration, *Rücknahme oder Widerruf des Aufenthaltstitels*, available in German [here](#).

important to distinguish between the revocation or withdrawal of a residence permit and that of protection status, which falls under the responsibility of the Federal Office for Migration and Refugees. A change in protection status may, however, lead the immigration authority to revoke a residence permit.⁹³⁷

For individuals from Syria living in Germany, residence permits are generally issued for a limited period. Until 2023, these permits were subject to routine reassessment upon expiration.⁹³⁸ However, this review now only takes place under specific circumstances, such as when an application for permanent residence is submitted or if the BAMF becomes aware of new information that could justify revocation. In such cases, the BAMF must determine whether to initiate revocation proceedings concerning the protection status. The shift away from automatic reassessments coincided with stricter requirements for obtaining permanent residence. When an application for permanent residency is submitted, the BAMF must evaluate whether the security situation in Syria has changed to the extent that protection is no longer necessary. As of December 2024, due to the conditions in Syria, it appeared unlikely that such assessments would lead to revocation, as the BAMF has indicated that the ongoing instability in Syria does not allow for a reliable evaluation of the situation necessary to justify a withdrawal of protection status.⁹³⁹

The policy change at the BAMF from refugee to subsidiary protection status coincided with a legislative change in March 2016, according to which [Family Reunification](#) was suspended for beneficiaries of subsidiary protection until March 2018. Family reunification is again possible for beneficiaries of subsidiary protection since August 2018 but limited to a monthly quota of 1,000 visas for relatives of this group.⁹⁴⁰

As of 2024, of the approximately one million Syrians living in Germany, around 669,000 have a temporary residence permit. These individuals must regularly renew their residence permits: refugees under the Geneva Refugee Convention every three years, individuals with subsidiary protection either annually or every three years, and those with a deportation ban annually.⁹⁴¹ Around one-third of Syrians with some form of protection in Germany hold subsidiary protection. As of 2024, this protection was primarily granted due to the risks of torture or inhuman treatment, rather than the ongoing armed conflict in Syria.⁹⁴² In the first quarter of 2024, only 39 Syrians received subsidiary protection under the "armed conflict" clause (§ 4 I No. 3 AsylG), a sharp decline compared to previous years. In contrast, 93% of decisions were based on the threat of torture or inhuman treatment under § 4 I No. 2 AsylG. Just 0.1% of Syrians received protection based on the "internal armed conflict" clause in the first quarter of 2024.⁹⁴³

Subsequent applications: In 2023 and 2022, the number and share of subsequent applications by Syrian nationals decreased considerably, with 1,670 in 2022 and 1,631 in 2023 subsequent applications compared to 15,259 in 2021 (see also [Subsequent applications](#)). The number of 'upgrade appeal' cases and decisions remained high, however, likely as a result of long court procedures. Between January and the end of May 2023, courts decided on 5,736 such appeals, and in 806 cases (14%) granted asylum or refugee protection, while in 4,930 cases (86%) the appeal did not lead to an improvement in the protection status.⁹⁴⁴ 9,525 such appeals of Syrian nationals were pending as of 31 May 2023, a similarly high number to the end of 2022 (9,458).⁹⁴⁵

⁹³⁷ Ibid.

⁹³⁸ Tanja Podolski, *Es drohen keine Abschiebungen nach Syrien*, LTO, 12 December 2024, available in German [here](#).

⁹³⁹ Ibid.

⁹⁴⁰ For detailed information, see previous updates to this country report, available [here](#).

⁹⁴¹ Mediendigest Integration, 'Kein subsidiärer Schutz mehr für Syrer?', 25 July 2024, available in German [here](#).

⁹⁴² Mediendigest Integration, 'Kein subsidiärer Schutz mehr für Syrer?', 25 July 2024, available in German [here](#).

⁹⁴³ Mediendigest Integration, 'Kein subsidiärer Schutz mehr für Syrer?', 25 July 2024, available in German [here](#).

⁹⁴⁴ Federal Government, *Response to parliamentary question by The Left*, 20/5709, 17 February 2023, available in German at: <https://bit.ly/3K3w3MX>, 43.

⁹⁴⁵ Federal Government, *Response to parliamentary question by The Left*, 20/8222, 5 September 2023, available in German at: <https://bit.ly/3SkJJCR> and 20/5709, 17 February 2023, available in German at: <https://bit.ly/3K3w3MX>, 41.

Removals: The removal ban for Syria that had been in place since 2012 expired at the end of December 2020. The ban was based on a common decision of the Federal States and the Federal government, but could not be renewed due to disagreement regarding the possibility to remove criminals and ‘persons posing a risk’ related to terrorist activities (*‘Gefährder’*). This was heavily criticised by NGOs and organisations such as the German Institute for Human Rights, UNHCR and Caritas.⁹⁴⁶ The removal statistics for the first half of 2023 indicate that 410 removals of Syrian nationals took place.⁹⁴⁷ However, Syria is not listed as a country of destination for removals in the first half of 2023, meaning that the removals of Syrian nationals took place to other countries, for example to other EU Member States in the form of Dublin transfers or removals following a refusal of entry.⁹⁴⁸ As of February 2023, the Federal Government declared that it currently sees no possibilities for removals to Syria.⁹⁴⁹ The same remains true for 2024 – even though the government announced in December 2024 that the situation in Syria will be re-evaluated following the Islamist HTS militia taking over power.⁹⁵⁰ There have been no deportations to Syria since 2012. The German government had no relationship with the now overthrown regime of President Bashar Al-Assad.⁹⁵¹ In addition, numerous international reports on the security situation in the country have confirmed that – although there was no longer any fighting in parts of the country – the living situation and human rights situation remained catastrophic.⁹⁵²

During the Syrian civil war, support for voluntary returnees to Syria was not possible via the German national return programme REAG/GARP⁹⁴¹. However, this has now changed. Syrians who wish to return permanently to Syria and who do not have the financial means to do so can now receive financial and organisational support via the programme. The Federal Office for Migration and Refugees (BAMF) has reinstated Syria in the federal-state programme REAG/GARP 2.0 for supporting voluntary returns as of January 13, 2025. The programme offers support for travel expenses, a travel allowance, financial startup assistance, and, if necessary, medical costs. The level of financial support is consistent with that provided for individuals from other countries of origin.⁹⁵³

Nevertheless, the German federal states organise voluntary returns to Syria by their own programmes. Since 2017, BAMF can reimburse the federal states for some of the costs related to voluntary returns, analogous to REAG/GARP. This procedure is still possible as an additional possibility to organise voluntary returns to Syria.⁹⁵⁴

2. Afghanistan

Emergency evacuation since the Taliban takeover in 2021

See [AIDA Country Report on Germany – 2023 Update](#).

Admission schemes

Germany has been operating an admission scheme for local staff of German ministries in Afghanistan since 2013. The scheme is based on Art. 22 (2) Residence Act (Temporary residence permission to uphold the political interest of the Federal Republic of Germany). The eligibility criteria depend on the status of

⁹⁴⁶ FRA (European Union Fundamental Rights Agency), ‘Migration: Key Fundamental Rights Concerns’, Quarterly Bulletin 01.01.2021-30.06.2021, available at: <https://bit.ly/3qB3RHk>.

⁹⁴⁷ Federal Government, *Response to parliamentary question by The Left, 20/8046*, available in German at: <https://bit.ly/3SHPe2U>, 4.

⁹⁴⁸ Federal Government, *Response to parliamentary question by The Left, 20/8046*, available in German at: <https://bit.ly/3SHPe2U>, 4.

⁹⁴⁹ tagesschau.de, *Warum Abschiebungen wieder Thema sind*, 16 February 2023, available in German [here](#).

⁹⁵⁰ Mediendienst Integration, ‘Abschiebungen nach Syrien’, available in German [here](#).

⁹⁵¹ Mediendienst Integration, ‘Abschiebungen nach Syrien’, available in German [here](#).

⁹⁵² Mediendienst Integration, ‘Abschiebungen nach Syrien’, available in German [here](#).

⁹⁵³ BAMF, ‘REAG/GARP 2.0’, 16 January 2025, available [here](#). Also based on information provided by the BAMF on 28 Mar 2025.

⁹⁵⁴ BAMF, ‘REAG/GARP 2.0’, 16 January 2025, available [here](#). Also based on information provided by the BAMF on 28 Mar 2025.

the former employee. Only former staff (and their close family members) directly employed by German entities are covered by the programme.⁹⁵⁵

From the takeover of the Taliban in 2021 to 17 October 2022, according to the Federal Government, 38,100 persons had been issued a permission for admission to Germany (out of which 24,500 were former employees and eligible family members, and 13,600 were especially vulnerable persons and their eligible family members). Around 26,000 of these (68.2%) persons had entered Germany up until that time. As of 10 December 2021, a total of 28,053 permissions for admission from abroad had been issued to Afghan nationals and 8,014 persons had entered Germany as of the same date.⁹⁵⁶ The admission scheme for local staff continues in parallel to the new humanitarian admission scheme announced on 17 October 2022.

On 17 October 2022, the Federal Government launched an additional federal admissions programme which had been announced in the coalition agreement of 2021.⁹⁵⁷ The government describes the programme and procedure as follows: the programme is geared towards persons who 'have exposed themselves to particular risk through their commitment to women's and human rights or their work in the spheres of justice, politics, the media, education, culture, sport or academia and are thus vulnerable' or 'due to the special circumstances of their individual cases have experienced or are experiencing violence or persecution based on their gender, sexual orientation or gender identity or religion and are therefore at concrete and personal risk. In particular, these are victims of serious individual women's rights violations, homo- or transphobic human rights violations or vulnerable representatives of religious groups/communities.'⁹⁵⁸ The admission programme includes family members of those persons, which includes spouses or same sex partners, minor children and other family members who can prove a relation of dependency (beyond economic dependency) with the main person and find themselves in a situation of concrete and lasting danger due to the work or vulnerability of the main person.⁹⁵⁹ The German government appoints agencies (including civil society organisations) who can put forward names of suitable persons, who must still be living in Afghanistan, via an IT application containing a questionnaire of a total of 41 pages.⁹⁶⁰ The names of these organisations are not made public by the government, but according to a press report, PRO ASYL, Reporters without Borders, Mission Lifeline and Luftbrücke Kabul are taking part in the programme as of 20 December 2022.⁹⁶¹

The Government then takes the admission decision based on selection criteria that include vulnerability (in line with the UNHCR catalogue of criteria), relation to Germany e. g. through language skills, family ties, previous stays or work for German authorities or projects, level of personal exposure of the person e. g. through a visible / exposed position or public statements, and a special political interest on the side of Germany to admit a person.⁹⁶² The visa procedure for Afghans only takes place in Pakistan. There is no guarantee that a visa will be issued. All admissions are subject to a complete and successful visa procedure.⁹⁶³ Persons who enter Germany under the programme receive a residence permit for three years. The Federal State responsible for reception of the persons is to be determined according to the

⁹⁵⁵ ECRE, *Afghans Seeking Protection in Europe*, December 2021, available at: <https://bit.ly/3krGfED>, 11.

⁹⁵⁶ Deutscher Bundestag, parliamentary question by The Left, 20/791, 22 February 2022, available in German at: <https://bit.ly/3RPrRUC>, 1.

⁹⁵⁷ AIDA, *Country Report Germany - Update on the year 2021*, April 2022, available at: <https://bit.ly/3XnN7RS>, 11.

⁹⁵⁸ Federal Foreign Office, *Joint press release by the Federal Foreign Office and the Federal Ministry of the Interior and Community on the federal admission programme for people from Afghanistan who are at particular risk*, 17 October 2022, available at: <http://bit.ly/3J47ZJA>.

⁹⁵⁹ Federal Ministry of the Interior and Community and Federal Foreign Office, *FAQs on the humanitarian federal admission programme for Afghanistan*, available at: <http://bit.ly/3iVp3Xx>.

⁹⁶⁰ rbb.de, *Aufnahmeprogramm für Afghanen startet schleppend*, 20 December 2022, available in German at: <http://bit.ly/3iVdBva>.

⁹⁶¹ rbb.de, *Aufnahmeprogramm für Afghanen startet schleppend*, 20 December 2022, available in German at: <http://bit.ly/3iVdBva>.

⁹⁶² Federal Ministry of the Interior and Community and Federal Foreign Office, *FAQs on the humanitarian federal admission programme for Afghanistan*, available at: <http://bit.ly/3iVp3Xx>.

⁹⁶³ Information provided by the BAMF on 28 May 2025.

quota system for the distribution of asylum seekers (see Registration of the asylum application), although family ties and other 'criteria supporting integration' are to be taken into account.⁹⁶⁴

When announcing the programme, the Federal Government declared that 'the new programme is now to be implemented quickly' and that it planned to approve around 1,000 requests per month, which is about the amount of permissions granted in the months preceding the announcement. The programme is planned to run until the end of the current government's term in 2025.⁹⁶⁵ As of 30 June 2023, 229 persons have been selected for admission.⁹⁶⁶ As of October 2023, only 13 of them had been admitted, due to the pause of the admission procedure (see below).⁹⁶⁷ According to a press report, the NGOs Mission Lifeline and Luftbrücke Kabul alone have received around 32,000 requests as of early November 2022.⁹⁶⁸

As of July 2024, a total of 3,071 individuals have received admission commitments, including 915 principal applicants and 2,156 family members. However, only 540 people have entered Germany—well short of the target of 21,000 admissions.⁹⁶⁹ The International Rescue Committee explains that the program faces severe delays due to its complex and bureaucratic structure. According to the IRC, the lack of sufficient resources for key actors has caused avoidable backlogs, with the Federal Office for Migration and Refugees and the German embassy's visa section in Pakistan emerging as major bottlenecks.⁹⁷⁰ The BAMF, in contrast, states that it was rather the "poor quality of cases suggested to the Government" holding up the process.⁹⁷¹

In March 2023, the Federal Foreign office declared that all admission programs would be put to a halt for an indefinite time due to alleged abuse. The German newspaper Cicer and Bild published that, according to information they received, the admission programs had been used to bring radical Islamists to Germany.⁹⁷² In April 2023, the Federal government rebutted these allegations. A speaker of the Foreigner's Office declared that there were no evidence supporting a systemic misuse of the admission programs.⁹⁷³ Only in one case a person who applied for admission has been identified as a possible 'threat' ('Gefährder'). Nevertheless, the Foreigners Office along with the Minister of Interior decided to introduce additional screening mechanisms and to halt the admission program until the screening mechanism is in place.⁹⁷⁴ The admission programs were restarted from 26 June 2023.

⁹⁶⁴ Federal Ministry of the Interior and Community and Federal Foreign Office, *Anordnung des Bundesministeriums des Innern und für Heimat gemäß § 23 Absatz 2, Absatz 3 i. V. m. § 24 Aufenthaltsgesetz (AufenthG) zur Aufnahme von besonders gefährdeten afghanischen Staatsangehörigen aus Afghanistan*, 19 December 2022, available in German at: <http://bit.ly/3GW7jmJ>.

⁹⁶⁵ Federal Ministry of the Interior and Community and Federal Foreign Office, *FAQs on the humanitarian federal admission programme for Afghanistan*, available at: <http://bit.ly/3iVp3Xx>.

⁹⁶⁶ Federal Government, *Plenary protocol 20/114*, 5 July 2023, available in German at: <https://bit.ly/3SqBvvZ>, question 28.

⁹⁶⁷ International Rescue Committee (IRC), *Ein Jahr Bundesaufnahmeprogramm für Afghanistan: Gemeinsamer Aufruf von 7 NGOs zur Zwischenbilanz und Umsetzung der Verpflichtungen*, 16 October 2023, available in German at: <https://bit.ly/486jadA>.

⁹⁶⁸ rbb.de, *Aufnahmeprogramm für Afghanen startet schleppend*, 20 December 2022, available in German at: <http://bit.ly/3iVdBva>.

⁹⁶⁹ The BAMF stresses that 'No specific target for the number of arrivals under the federal admission programme for Afghanistan was set. The administrative order allowed for up to 1.000 declarations of admission. A declaration of admission is not equivalent to the actual entry of persons. The exit procedures depend on several factors, including whether the persons are able to get passport and visas to travel from Afghanistan to Pakistan'. Information provided on 28 May 2025.

⁹⁷⁰ International Rescue Committee, 'Bundesaufnahmeprogramm (BAP) für Afghanistan', last updated 6 August 2024, available in German [here](#).

⁹⁷¹ Information provided by the BAMF on 28 May 2025.

⁹⁷² Cicero, *Bundesregierung holt Scharia-Richter nach Deutschland*, 3 March 2023, available in German at: <https://bit.ly/42kTV6d>.

⁹⁷³ Foreigners Office, *Erklärungen des Auswärtigen Amts in der Regierungspressekonferenz vom 05.04.2023*, 5 April 2023, available in German at: <https://bit.ly/42mPUOo>.

⁹⁷⁴ Foreigners Office, *Erklärungen des Auswärtigen Amts in der Regierungspressekonferenz vom 05.04.2023*, 5 April 2023, available in German at: <https://bit.ly/42mPUOo>.

In the first months of the newly introduced screening procedure (26 June – 21 July 2023) 99 screening interviews took place, no security concerns have been identified among those.⁹⁷⁵ The Federal government further states, that the capacities for the screening mechanism have been expanded since its start. Accordingly, as of August 2023 several hundreds of screenings can be conducted per month.⁹⁷⁶ In July 2024, reports showed that several Afghans who had previously been granted resettlement to Germany, saw their approvals abruptly withdrawn without clear explanations.⁹⁷⁷ The German government cited new security interviews, introduced after the initial approvals, as grounds for the reversals. Since mid-2023, German police and intelligence agencies conduct these lengthy interviews at the Islamabad embassy, where applicants face months-long waits only to be rejected, though the Interior Ministry does not track how many have been denied.⁹⁷⁸ Investigations by *Panorama* revealed that these screenings include intrusive and controversial questions, such as opinions on the conflicts in Gaza and Ukraine and hypothetical personal scenarios unrelated to security. The Interior Ministry justifies the interviews as confidential security measures. Hans-Hermann Dube, an expert on Afghanistan policy, asserts that these rejections reflect a political shift to limit resettlement rather than genuine security concerns.⁹⁷⁹ The BAMF rebuts these allegations.⁹⁸⁰

The Left party and NGOs such as PRO ASYL welcomed the launch of the programme but criticised that 1,000 admissions per month was too low given the ‘real pressure of persecution’ for ‘people who have fought for democracy and human rights’. PRO ASYL further criticised that the relatively abstract selection criteria could lead to an ‘ethically highly ambivalent protection lottery’⁹⁸¹ especially in connection with the fact that only authorised agencies could put forward people.⁹⁸² The NGO Kabul Luftbrücke reported problems with the IT application in October and November, leading to delays in sending the online forms to authorities. A further point of critique is that the programme does not extend to persons who have managed to flee Afghanistan.⁹⁸³ Several NGOs also voiced concerns over the practical implementation, demanding a better staffing of the counselling and coordination centres for the programme and questioning the ‘organization and content’ of the procedure,⁹⁸⁴ especially given that it is required to have a passport in order to leave the country while obtaining one is made extremely difficult by the Taliban government. One year after the official launch, in October 2023, several NGOs reflected on the development of the program. They demanded that the originally envisaged number of 1,000 admissions per months should be fulfilled, that the procedure should be more transparent and that in additional admission schemes are necessary to meet the needs for protection.⁹⁸⁵ Humanitarian organizations criticise the German government’s decision to suspend new admissions for people from Afghanistan mid-July 2024.⁹⁸⁶ According to the government, this suspension will remain in place until the end of the legislative term, since further funding of the programme was questionable. NGOs warn that the program

⁹⁷⁵ Federal Government, *Reply to parliamentary request 20/8154*, 29 August 2023, available in German at: <https://bit.ly/49hjvuR>, 4.

⁹⁷⁶ Federal Government, *Reply to parliamentary request 20/8154*, 29 August 2023, available in German at: <https://bit.ly/49hjvuR>, 4.

⁹⁷⁷ Tagesschau, ‘Gefährdeten Afghanen werden Zusagen entzogen’, 4 July 2024, available in German [here](#).

⁹⁷⁸ Tagesschau, ‘Gefährdeten Afghanen werden Zusagen entzogen’, 4 July 2024, available in German [here](#).

⁹⁷⁹ NDR Panorama, ‘Rettung von Afghanen: Wieder ein gebrochenes Versprechen’, 4 July 2024, available in German [here](#).

⁹⁸⁰ Information provided by the BAMF on 28 May 2025.

⁹⁸¹ Infomigrants, ‘Germany’s new admission program for Afghans suffers mixed reviews’ 19 October 2022, available at: <https://bit.ly/3GNuRKs>.

⁹⁸² PRO ASYL, *Bundesaufnahmeprogramm Afghanistan: Enttäuschung nach langem Warten*, 21 October 2022, available in German at: <https://bit.ly/3GNA5WA>.

⁹⁸³ Infomigrants, ‘Germany’s new admission program for Afghans suffers mixed reviews’ 19 October 2022, available at: <https://bit.ly/3GNuRKs>.

⁹⁸⁴ Infomigrants, *Germany’s Afghan refugee program ‘extremely questionable,’ aid groups warn*, 19 October 2022, available at: <https://bit.ly/3HjJCX9>.

⁹⁸⁵ International Rescue Committee (IRC), *Ein Jahr Bundesaufnahmeprogramm für Afghanistan: Gemeinsamer Aufruf von 7 NGOs zur Zwischenbilanz und Umsetzung der Verpflichtungen*, 16 October 2023, available in German at: <https://bit.ly/486jadA>.

⁹⁸⁶ Frederik Eikmanns, ‘Scheitern, Schande oder letzte Rettung’, (TAZ, 7 December 2024), available in German [here](#).

is likely to be terminated entirely following the upcoming elections in February 2025, leaving vulnerable Afghans without crucial pathways to protection.⁹⁸⁷

In addition to the Federal Government, several Federal States (**Thuringia, Berlin, Hessen and Bremen**) have implemented admission programmes based on family ties to Afghans living in the respective Federal States (for more information see [Family Reunification](#)). However, the programs in Thuringia and Bremen expired in December 2023 and end of January 2024.⁹⁸⁸ Afghan nationals can also benefit from funding and admission programmes for students and scholars at risk; however, access to such programmes is difficult in practice, especially for persons who are still in Afghanistan.⁹⁸⁹

Asylum applications of Afghan nationals in Germany

In 2024, asylum applications from Afghan nationals in Germany totalled 36,156, while the number of decisions reached 42,999, reflecting a reduction in the backlog, as more decisions were issued than new applications received.⁹⁹⁰ Of these decisions, 36,135 resulted in protection status. A total of 2,321 applications were rejected, while 8,545 cases were closed through other procedures (*sonstige Verfahrenserledigungen*). At the end of 2024, 38,940 cases were still pending (36,553 first-time applications and 1,387 subsequent applications).⁹⁹¹

The protection rate for Afghan nationals in 2024, excluding formal procedural closures, was approximately 93.9% (36,135 grants out of 38,456 substantive decisions). This marks a decline from previous years, though it remains exceptionally high, reflecting the continuing recognition of extreme risks under Taliban rule. In 2023, the protection rate for Afghan nationals stayed at a high of 98.7% compared to 99.3 % in 2022.⁹⁹² Prior to the takeover of Taliban it more than doubled. It was 42.9% in 2021 and 36.6% in 2020.⁹⁹³ Most Afghan nationals were given either humanitarian protection in the form of a national removal ban (50.3%) or 43.8% of applicants were given refugee status.

In 2024, a total of 36,135 Afghan nationals received protection status in Germany through various legal grounds. Among them, 538 individuals were granted protection under Article 16a of the Basic Law (Grundgesetz), i.e. constitutional asylum (see [National forms of protection](#)). The largest share, 13,891 applicants, obtained refugee status under §3 of the Asylum Act (Asylgesetz). Additionally, 775 individuals received subsidiary protection (§4 AsylG), which is granted when a person faces a real risk of serious harm, such as torture or inhumane treatment, but does not qualify for refugee status. Furthermore, 16,931 applicants were granted national [removal bans](#) (*Abschiebungsverbote*) under §60(5) or (7) of the Residence Act (AufenthG), which prevent deportation due to substantial threats to life, safety, or health in Afghanistan.⁹⁹⁴

As of mid-August 2021, the BAMF de-prioritised decisions on asylum applications from Afghanistan due to the uncertain situation in the country except for cases in which international protection can be granted according to the guidelines in place or where the situation in Afghanistan was irrelevant for the decision. The government further declared that decisions continued to be taken on an individual, case-by-case basis.⁹⁹⁵ As a result, the number of pending applications by Afghan nationals rose considerably compared

⁹⁸⁷ Frederik Eikmanns, 'Scheitern, Schande oder letzte Rettung', (TAZ, 7 December 2024), available in German [here](#).

⁹⁸⁸ Pro Asyl, Afghanistan – Landesaufnahmeprogramme, 30 October 2023, available in German at: <https://bit.ly/47Y7c5H>.

⁹⁸⁹ For an overview of such existing programmes see Hammed Hakimi, *Higher Education in Europe: A Pathway to Protection for Afghans?*, ECRE Working Paper 17, November 2022, available at: <https://bit.ly/42igPuu>.

⁹⁹⁰ BAMF, *Asylgeschäftsstatistik 2024*, available in German [here](#).

⁹⁹¹ BAMF, *Asylgeschäftsstatistik 2024*, available in German [here](#).

⁹⁹² BAMF, *Antrags-, Entscheidungs- und Bestandsstatistik*, 8 January 2024, available in German at: <https://bit.ly/3UjFWf0>.

⁹⁹³ For more information about decision making in previous years, see AIDA, *Country Report Germany - Update on the year 2021*, April 2022, available at: <https://bit.ly/3XnN7RS>, 91-92.

⁹⁹⁴ BAMF, *Asylgeschäftsstatistik 2024*, available in German [here](#).

⁹⁹⁵ Federal Government, Response to parliamentary question by The Left, 19/32678, 14 October 2021, available in German at: <https://bit.ly/3RQINtZ>, 18-19.

to 2020, to 27,846 at the end of 2021 (2020: 6,101). The BAMF resumed decisions concerning Afghan nationals in December 2021,⁹⁹⁶ prioritising cases which involve several persons (as opposed to individual applications) and vulnerable applicants.⁹⁹⁷ At the end of 2024, the number of pending asylum cases for Afghan nationals in Germany stood at 38,940, comprising 36,553 first-time applications and 1,387 subsequent applications.⁹⁹⁸ This reflects a slight reduction compared to the end of 2023, when there were 39,000 pending cases (37,566 first-time and 1,434 subsequent applications).⁹⁹⁹ The backlog decreased primarily due to a high number of decisions issued in 2024, outpacing the number of new applications received (see [Subsequent applications](#)).

The already high success rate of appeals before Administrative Courts against negative decisions in the asylum procedure increased considerably in 2023. For Afghans, the adjusted success rate in legal proceedings in 2023 was as high as 74.2 percent¹⁰⁰⁰ (2022: 94.8%, 2021: 77.8%).¹⁰⁰¹ Most of the cases were not decided on the merits but resolved in other ways such as completion (71.6%). In the first half of 2023, the appeal statistics show large differences between courts. Whereas the administrative court Greifswald (**Mecklenburg – Western Pomerania**) has a positive decision rate of 6.5%, the administrative court of Augsburg (**Bavaria**) has 0% positive decisions.¹⁰⁰² 20,496 appeals of Afghan nationals were pending at the court as of 31 May 2023. A considerable increase compared to the number of appeals in 2022 (7,546).¹⁰⁰³ Between January 1st and September 30th, 2024, there were 13 asylum decisions made following judicial reviews in Germany for individuals from Afghanistan, all of which resulted in the granting of subsidiary protection.¹⁰⁰⁴

According to a response of the parliament of December 2024, the German Federal Office for Migration and Refugees (BAMF) has given particular attention to the evolving situation of Afghan women and girls in the country of origin. Since the Taliban's rise to power, the situation for these groups has been continuously worsening, according to the BAMF's assessments. This development has been reflected in the ongoing review and updates of the *Herkunftsländerleitlinien* (Country of Origin Information Guidelines - HKL-LS), which inform asylum decision-making in Germany. The updated guidelines now acknowledge that Afghan women and girls are generally at high risk of persecution, and as a result, they typically meet the criteria for either refugee status or subsidiary protection under German asylum law.¹⁰⁰⁵

Removals

⁹⁹⁶ See PRO ASYL, 'Steigende Asylzahlen? Ein Blick hinter die Schlagzeilen', 14 January 2022, available in German at: <https://bit.ly/3GMuoql>.

⁹⁹⁷ Federal Government, Response to written question by Clara Bünger (The Left), 20/765, available in German at: <https://bit.ly/483S5bW>, 18.

⁹⁹⁸ BAMF, *Asylgeschäftsstatistik 2024*, available in German [here](#).

⁹⁹⁹ Ibid and compare with numbers of 2023 in AIDA, *Country Report: Germany – Update on the year 2023*, June 2024, available [here](#), 121.

¹⁰⁰⁰ Federal Government, *Reply by the Federal Government to the minor interpellation by Clara Bünger, Dr. André Hahn, Gökyak Akbulut, other MPs and the Die Linke group*, 20/13752, 13 December 2024, available in German [here](#).

¹⁰⁰¹ Federal Government, *Responses to parliamentary questions by The Left*, 20/5709, 17 February 2023, available in German at: <https://bit.ly/3K3w3MX>, 36.

¹⁰⁰² Federal Government, *Response to parliamentary question by The Left*, 20/8222, 5 September 2023, available in German at: <https://bit.ly/3SkIJCR>, 70.

¹⁰⁰³ Federal Government, *Response to parliamentary question by The Left*, 20/8222, 5 September 2023, available in German at: <https://bit.ly/3SkIJCR>, 34 and Federal Government, *Response to parliamentary question by The Left*, 20/5709, 17 February 2023, available in German at: <https://bit.ly/3K3w3MX>, 36.

¹⁰⁰⁴ Federal Government, *Reply by the Federal Government to the minor interpellation by Clara Bünger, Dr. André Hahn, Gökyak Akbulut, other MPs and the Die Linke group*, 20/13752, 13 December 2024, available in German [here](#), 13.

¹⁰⁰⁵ Federal Government, *Reply by the Federal Government to the minor interpellation by Clara Bünger, Dr. André Hahn, Gökyak Akbulut, other MPs and the Die Linke group*, 20/13752, 13 December 2024, available in German [here](#).

In principle, Germany has enacted removals of Afghan nationals with no legal right to stay since at least 2008.¹⁰⁰⁶ From December 2016 onwards, following the conclusion of the 'Joint Way Forward' between the EU and Afghanistan, Germany started using charter flights for removals to Afghanistan.¹⁰⁰⁷ With the outbreak of Covid-19, the Federal Ministry of the Interior and Community stopped forced removals to Afghanistan on 27 March 2020, since the Afghan authorities refused to take back Afghan nationals in light of the pandemic.¹⁰⁰⁸ Removals started again after the first wave however, with one charter flight departing from Germany on 16 December 2020.¹⁰⁰⁹ In total, 137 persons were forcibly removed to Afghanistan in 2020;¹⁰¹⁰ and 167 were removed in 2021, with the last charter flight departing from Germany on 6 July 2021.¹⁰¹¹ Since August 2021, Germany has halted removals to Afghanistan.¹⁰¹² In the first half of 2023, 659 Afghan nationals were removed from Germany but no removal to Afghanistan took place in 2023.¹⁰¹³ However, on August 30, 2024, Germany conducted its first deportations of Afghan nationals since August 2021.¹⁰¹⁴ The individuals deported were persons having been convicted for criminal offences without residency rights, subject to expulsion orders. The federal government, with support from regional authorities, pursued significant efforts in recent months to resume deportations in such cases. NGOs have raised concerns over the potential risks faced by deported individuals and urge a review of Germany's policies on returns to Afghanistan. Persons without a protection status regularly receive a toleration status (*Duldung*).

3. Iran

Following the protests and violent repressions in Iran, several Federal States declared a removal ban for Iran in October 2022.¹⁰¹⁵ The Conference of Interior Ministers of the Federal States as well as the Federal level decided in December 2022 that no removals would take place to Iran, with exceptions for serious criminal offenders and persons posing a risk to security.¹⁰¹⁶ The nationwide removal ban was originally prolonged in summer 2023 but was lifted from 1st January 2024 onwards.¹⁰¹⁷

In 2024, asylum applications from Iranian nationals in Germany remained significant, with a total of 5,817 applications. The BAMF issued 7,914 decisions on Iranian asylum cases, resulting in 2,249 grants of protection status, 3,880 rejections, and 1,785 cases resolved through other means (*anderweitige Erledigungen*). Excluding formal decisions, the protection rate, i.e. the share of positive outcomes among substantive decisions, stood at approximately 36.7% (2,249 grants out of 6,129 substantive decisions).¹⁰¹⁸ This represents a sharp decline from 2023, when the overall protection rate for Iranian nationals was 45.5%, with 37.8% receiving refugee status, 3.3% subsidiary protection, and 1.6% a removal ban based

¹⁰⁰⁶ Federal Government, *Response to parliamentary question by The Left*, 16/12568, 06 April 2009.

¹⁰⁰⁷ EMN / BAMF, Migration, Integration, Asylum. Political Developments in Germany 2016, available at <https://bit.ly/3WvSz44>, 62.

¹⁰⁰⁸ PRO ASYL, 'Newsticker Coronavirus: Informationen für Geflüchtete und Unterstützer*innen', available in German at: <https://bit.ly/3n5bqEe>.

¹⁰⁰⁹ Federal Government, *Response to parliamentary question by The Left*, 19/27007, 25 February 2021, 28

¹⁰¹⁰ Federal Government, *Response to parliamentary question by The Left*, 19/27007, 25 February 2021, 3.

¹⁰¹¹ Federal Government, *Reply to parliamentary question by The Left*, 20/890, 2 March 2022, available in German: <https://bit.ly/3v51e5s>, 3, 47.

¹⁰¹² Federal Ministry of the Interior and Community, *Rückführungen nach Afghanistan zunächst ausgesetzt*, 11 August 2022, available in German at: <http://bit.ly/3ZTXjDw> and Federal Government, *Responses to parliamentary questions by The Left*, 20/5795, 24 February 2023, available in German at: <https://bit.ly/3nGxgRt>, 2.

¹⁰¹³ Federal Government, *Response to parliamentary question by The Left*, 20/8046, available in German at: <https://bit.ly/3SHPe2U>, 4.

¹⁰¹⁴ Press and Information Office of the Federal Government (BPA), 'Repatriations from Germany to Afghanistan', press release 208, 30 August 2024, available in German [here](#).

¹⁰¹⁵ Asyl.net, *Mehrere Bundesländer setzen Abschiebungen in den Iran aus*, 12 October 2022, available in German at: <http://bit.ly/3jo9PdK>.

¹⁰¹⁶ Tagesschau.de, *Vorerst keine Abschiebungen in den Iran*, 2 December 2022, available in German at: <http://bit.ly/3kXPnr2>.

¹⁰¹⁷ GGUA Flüchtlingshilfe, 'Abschiebungsstopp in den Iran ist seit 1.1.2024 aufgehoben', 5 January 2024, available in German [here](#).

¹⁰¹⁸ BAMF, *Asylgeschäftsstatistik 2024*, available in German [here](#).

on national law, while 54.5% of applications were rejected.¹⁰¹⁹ The 2024 protection rate dropped by 8.8 percentage points.

4. Russia

In 2024, asylum applications from Russian nationals in Germany remained significant, with a total of 5,625 applications, reflecting a continued impact of Russia's war of aggression against Ukraine, military conscriptions, and political repression. The BAMF issued 8,003 decisions on Russian cases during the year, of which 415 resulted in protection grants and 3,652 in rejections, while 3,936 cases were resolved through other means. Excluding formal decisions, the protection rate (the share of positive outcomes among substantive decisions) stood at approximately 10.2% (415 grants out of 4,067 substantive decisions). As of December 2024, 4,598 applications were still pending (3,915 first-time and 683 subsequent applications).¹⁰²⁰

Compared to previous years, the 2024 protection rate reflects a sharp decline from 29.0% in 2023,¹⁰²¹ which itself had risen from 24.0% in 2022 and 15.5% in 2021.¹⁰²² Additionally, the number of Russian asylum applications dropped from 9,028 in 2023 – of which 7,663 were first-time applications¹⁰²³ – and from the peak observed immediately after Russia's full-scale invasion of Ukraine.

According to NGO PRO ASYL, the main obstacle for Russian nationals seeking protection in Germany is the lack of legal escape routes, as no flights from Russia to Germany are available and as countries along the EU's external border no longer allow Russian citizens to enter with Schengen visas.¹⁰²⁴ Germany has only 'granted humanitarian visas in a few exceptional cases of people who have made public appearances, such as critical journalists' according to PRO ASYL, while 'German embassies and consulates generally reject such applications'.¹⁰²⁵ PRO ASYL reports that in some cases, German embassies in countries other than Russia accept long-term visa applications from Russian nationals (e.g., for work, study or family reunification) for persons 'who would be unreasonably endangered if they were to return to the responsible mission in Russia to apply. This may be the case for human rights defenders, journalists, dissidents and conscientious objectors.'

Deserters of the Russian army – those who flee from active military service – can be granted refugee status as they are threatened with persecution on political grounds, according to the Federal Ministry of the Interior and Community,¹⁰²⁶ while more restrictive criteria apply to conscientious objectors. According to established jurisprudence, refusal to enter military service is, as such, not a ground for granting asylum. Conscientious objectors can only be granted refugee status in cases where the punishment for refusal to perform military service is disproportionately high, if the refusal triggers political persecution, or 'if the asylum seeker would have been obliged to participate in war crimes, crimes against peace or crimes against humanity during military service and refuses military service for this reason'.¹⁰²⁷ The BAMF

¹⁰¹⁹ See AIDA, *Country Report: Germany – Update on the year 2023*, June 2024, available [here](#), 126.

¹⁰²⁰ BAMF, *Asylgeschäftsstatistik 2024*, available in German [here](#).

¹⁰²¹ BAMF, *Antrags-, Entscheidungs- und Bestandsstatistik (01-12/23)*, 8 January 2024, available in German at: <https://bit.ly/3UjFWf0>; BAMF, *Antrags-, Entscheidungs- und Bestandsstatistik (01-12/22)*, available in German at: <https://bit.ly/3ICA29E>.

¹⁰²² BAMF, *Asylgeschäftsstatistik (01-12/22)*, available in German at: <https://bit.ly/3ICA29E> and *Asylgeschäftsstatistik (01-12/21)*, available in German at: <https://bit.ly/3fvkrSI>.

¹⁰²³ BAMF, *Antrags-, Entscheidungs- und Bestandsstatistik (01-12/23)*, 8 January 2024, available in German at: <https://bit.ly/3UjFWf0>; *Antrags-, Entscheidungs- und Bestandsstatistik (01-12/22)*, available in German at: <https://bit.ly/3ICA29E>.

¹⁰²⁴ PRO ASYL, *Flucht aus Russland: Was wir aktuell sagen können*, 21 December 2022, available in English and German at: <http://bit.ly/3LyoDm0>.

¹⁰²⁵ Ibidem.

¹⁰²⁶ Federal Ministry of the Interior and Community, *Beantwortung von offenen Fragen zu Top 1 („Bericht des Bundesministeriums des Innern und für Heimat über die aktuelle Lage im Ukraine-Konflikt sowie die damit verbundenen innenpolitischen Auswirkungen“)* der Sitzung des Ausschusses für Inneres und Heimat vom 11. Mai 2022, available in German at: <https://bit.ly/3Lwoe3q>, 3.

¹⁰²⁷ PRO ASYL, *Flucht aus Russland: Was wir aktuell sagen können*, 21 December 2022, available in English and German at: <http://bit.ly/3LyoDm0>.

decides on these applications on an individual basis. As of 18 February 2023, there were only two known BAMF decisions on applications from Russian nationals fleeing military service. In one of them, the person was granted protection but based on political activities. The other case concerned a person over the age of 40 and without prior military training, and the BAMF assumed that it was not sufficiently likely he would be forced to participate in the war. The decision was criticised by civil society organisations, who argue that the Russian recruiting practice is broader and more unpredictable than what was assumed by the BAMF.¹⁰²⁸

In 2024, the practice of denying protection to Russians fleeing military service continued according to NGOs that speak of more than a dozen of denials.¹⁰²⁹ According to research by the *Connection* association, numerous asylum decisions contain text modules with a calculation that the statistical risk of conscription is "less than two or less than six percent" in view of the millions of reservists.¹⁰³⁰ According to the BAMF, this is too low to grant asylum.¹⁰³¹ In the nearly three years since Russia invaded Ukraine, Russian men of conscription age have rarely received asylum in Germany. A formal reason is that Russians cannot enter Germany without a visa and must pass through other EU countries, which become responsible for their asylum claims under the Dublin III Regulation. As a result, more than half of all decisions since February 24, 2022, were classified as "other closures" (e.g., transfers or withdrawals).¹⁰³² When excluding these procedural closures, the protection rate was 16%. However, Germany's decision-making practice has become significantly stricter recently: until mid-2023, 37% of Russian men of conscription age received protection, whereas from September 2023 to September 2024, only 11% were granted protection. During this second period, more asylum claims received substantive decisions than before, meaning the absolute number of rejections was also much higher than in the period up to mid-2023.¹⁰³³

According to Pro Asyl, the low recognition rate by the BAMF partly stems from outdated country of origin information on the prosecution of deserters and those who object to military service.¹⁰³⁴ The BAMF rejects this view and states that available reports on military service have been revised in autumn 2023 and are regularly updated. Recent rulings of 2024 and 2025 on the matter do not offer full clarity either. There is diverging jurisprudence regarding asylum claims of Russian conscientious objectors, as reflected in the conflicting rulings of the Administrative Court Berlin and the Higher Administrative Court (OVG) Berlin-Brandenburg. While the Administrative Court granted the applicants, Russian men of conscription age, subsidiary protection status in early 2025,¹⁰³⁵ the OVG reached the opposite conclusion in two decisions dated August 22, 2024.¹⁰³⁶ The OVG argued that young, inexperienced men, including those of Chechen ethnicity, were not at risk of forced recruitment into so-called volunteer battalions outside regular conscription. Additionally, the OVG found no risk of serious harm from performing mandatory military service in the Russian Federation or from sanctions related to draft evasion. By contrast, the Administrative Court, relying on the latest available evidence of January 2025, determined that the applicants faced a high likelihood of being conscripted upon return and deployed in Russia's unlawful war

¹⁰²⁸ PRO ASYL, *Bundesamt für Migration lehnt Asyl für russischen Verweigerer ab*, 18 February 2023, available in German at: <https://bit.ly/3Jp9d0z>.

¹⁰²⁹ Flüchtlingsrat Niedersachsen, 'Zwei Jahre nach Teilmobilmachung: Weiter kein Asyl für russische Kriegsdienstverweiger*innen', 20 September 2024, available in German [here](#).

¹⁰³⁰ Connection e.V., 'Klare Forderung auf Asyl bei Verweigerung eines Angriffskrieges', 18 November 2024, available in German [here](#).

¹⁰³¹ Connection e.V., 'Klare Forderung auf Asyl bei Verweigerung eines Angriffskrieges', 18 November 2024, available in German [here](#).

¹⁰³² Valentin Feneberg, 'Asyl für russische Kriegsdienstverweigerer: Lebensgefährlicher Kriegseinsatz und die erzwungene Beteiligung an Kriegsverbrechen führen zu subsidiärem Schutz', (*VerfBlog*, 5 February 2025), available in German [here](#).

¹⁰³³ Valentin Feneberg, 'Asyl für russische Kriegsdienstverweigerer: Lebensgefährlicher Kriegseinsatz und die erzwungene Beteiligung an Kriegsverbrechen führen zu subsidiärem Schutz', (*VerfBlog*, 5 February 2025), available in German [here](#).

¹⁰³⁴ Pro Asyl, *Bundesamt für Migration lehnt Asyl für russischen Verweigerer ab*, 18 February 2023, available in German at: <https://bit.ly/491fzyH>.

¹⁰³⁵ Administrative Court Berlin, 33rd Chamber, VG 33 K 504/24 A and VG 33 K 519/24, 20 January, 2025, press release available in German [here](#).

¹⁰³⁶ Higher Administrative Court Berlin-Brandenburg, 12 B 17/23 and 12 B 18/23, 22 August 2024, available in German [here](#).

of aggression against Ukraine.¹⁰³⁷ The court emphasised the risk that conscripts could be coerced into signing contracts with the Russian armed forces and subsequently sent to the frontlines or subjected to inhumane and degrading treatment near the Russian-Ukrainian border (e.g., Kursk region). The stark divergence between these rulings highlights the ongoing legal controversy over the risks faced by Russian conscientious objectors in the context of the war in Ukraine.

With a decree issued on 20 June 2022, the Federal Ministry of the Interior and Community granted special rights to Russian cultural and media workers who are critical of the regime to continue their work in Germany.¹⁰³⁸ The government intends to use all possibilities under the residence law for this group of people, including using available discretion in granting residence permits or visas for the purpose of employment or self-employment. The decree also mentions that immigration authorities should issue residence permits directly without a preceding visa procedure for persons who are already in Germany in cases where a return to Russia would put applicants in danger.¹⁰³⁹ For persons who do not fulfil the criteria for a residence title in Germany or for being granted international protection, PRO ASYL assumes that they should be issued a tolerated stay (*Duldung*) on the basis that removals to Russia are currently impossible.¹⁰⁴⁰ Despite the decree in 2022 to grant special rights to Russian cultural and media workers, Russian journalists who fled to Germany report that they often only received tolerated stay (*Duldung*), which forces them to stay in Germany without possibilities to secure their livelihood and to continue their work as journalists.¹⁰⁴¹

Since the beginning of the war against Ukraine, deportations to Russia have only been carried out in serious individual cases, via third countries such as Georgia or Serbia.¹⁰⁴² In the first half of 2023 no person was removed to Russia and no person with Russian nationality was removed involuntarily from Germany.¹⁰⁴³ According to the Federal Ministry of the Interior, 66 people were deported back to Russia in 2024.¹⁰⁴⁴

5. Palestinian territories

The attack by the Hamas on Israel on the 7 October 2023 and the following escalating conflict has led to political discussions and rifts in the public perception. Following the attack, chancellor Scholz declared the security of Israel as a reason of state for Germany. He claimed that Germany's place is on the side of Israel and that Germany stands in full solidarity and supports Israel.¹⁰⁴⁵ The German government continues to position itself in favour for Israel, e.g., by its abstention to the UN resolution and its rejection of an EU resolution on ceasefire. Only very wary and situational criticism to the Israeli government and its reaction to the attack by the German government have been voiced by the German government. At a press conference of the Foreigners Office on 9 October 2023, the speaker of the Foreigners Office

¹⁰³⁷ Administrative Court Berlin, 33rd Chamber, VG 33 K 504/24 A and VG 33 K 519/24, 20 January, 2025, press release available in German [here](#).

¹⁰³⁸ Federal Ministry of the Interior and Community, *Beschäftigung von regimiekritischen Kultur- und Medienschaffenden aus der Russischen Föderation in Deutschland; Voraussetzungen für eine Beschäftigung im öffentlichen Interesse im Sinne von § 19c Absatz 3 AufenthG*, 20 June 2022, available in German at: <https://bit.ly/3LsAAAt9>.

¹⁰³⁹ Federal Ministry of the Interior and Community, *Beschäftigung von regimiekritischen Kultur- und Medienschaffenden aus der Russischen Föderation in Deutschland; Voraussetzungen für eine Beschäftigung im öffentlichen Interesse im Sinne von § 19c Absatz 3 AufenthG*, 20 June 2022, available in German at: <https://bit.ly/3LsAAAt9>.

¹⁰⁴⁰ PRO ASYL, *Flucht aus Russland: Was wir aktuell sagen können*, 21 December 2022, available in English and German at: <http://bit.ly/3LyoDm0>.

¹⁰⁴¹ Tagesspiegel.de, *Warten aufs Visum : Seit sieben Monaten geduldet*, 2 May 2023, available in German at: <https://bit.ly/3OUvr4l>.

¹⁰⁴² Olaf Sundermeyer, 'Woran Abschiebungen scheitern', (*Tagesschau*, 10 February 2025), available in German [here](#).

¹⁰⁴³ Federal Government, *Response to parliamentary question by The Left*, 20/8046, available in German at: <https://bit.ly/3SHPe2U>.

¹⁰⁴⁴ Olaf Sundermeyer, 'Woran Abschiebungen scheitern', (*Tagesschau*, 10 February 2025), available in German [here](#).

¹⁰⁴⁵ German government, *Olaf Scholz: Deutschland hat nur einen Platz, den Platz an der Seite Israels*, 12 October 2023, available in German at: <https://bit.ly/494xUv0>.

mentioned that in the past the German government has voiced criticism to the Israeli handling of the middle-east conflict and generally envisages a two-state solution but that at the current moment the focus should be the support of Israel's defence.¹⁰⁴⁶ Since then, the Minister of Foreign Affairs increasingly criticised specific actions of the Israeli government, e.g., calling for humanitarian corridors and support, demanding the protection of civil society and the adherence to International Humanitarian Law.¹⁰⁴⁷ Nevertheless, the German government has announced to support Israel in the case pending before the International Criminal Court.¹⁰⁴⁸ The public perception is rifted. In the aftermaths of the attack, an increase in antisemitic attacks has been reported and at some pro-Palestinian demonstrations, and Hamas' attacks have been celebrated. At the same time, it has been reported that pro-Palestinian demonstrations have been prohibited per se without any distinction to the cause they were protesting for, which amounted to a violation of the equal freedom of assembly. Additionally, the police has been criticised for its brutal reactions against pro-Palestinian demonstrations being in parts racially motivated.¹⁰⁴⁹ Some associations like Jews and Palestinians for Peace and Combatants for Peace try to lead the public debate back to the facts and a constructive exchange in providing information and workshops for schools and other associations.¹⁰⁵⁰

What impact the situation in the Palestinian territories and the political climate here in Germany have on Palestinian refugees in Germany is currently difficult to evaluate. The number of asylum applicants in 2023 from Palestinian territories – 743 – is a significant increase compared to 35 in 2022.¹⁰⁵¹ In 2024, the numbers likewise stood significantly higher than in 2022 at 634 applications. In 2024, 634 asylum applications were lodged by persons from Palestinian territories;¹⁰⁵² the protection rate for individuals from the Palestinian territories in Germany, based on decisions by the Federal Office for Migration and Refugees (BAMF), was approximately 82%.¹⁰⁵³ Out of a total of 478 decisions, 127 people received protection, 28 applications were denied after examination of the substance. The remaining cases likely fall under categories such as "other closures" (e.g., withdrawals, Dublin transfers, or administrative terminations). This could be a result of the escalating conflict.

In its response to a parliamentary request by the Left Party in March 2025, the Federal Government stated that the BAMF had not been deciding on asylum applications from individuals from the Gaza Strip for over a year, invoking § 24(5) of the Asylum Act (AsylG), which allows for the deferral of asylum decisions in cases of temporarily uncertain situations.¹⁰⁵⁴ Because of this halt, as of February 28, 2025, a total of 1,218 asylum procedures concerning "persons from Palestinian territories (not recognized as a state)" were pending before the BAMF, including 147 involving minors and 1,071 involving adults.¹⁰⁵⁵ Despite this prolonged deferral practice, several administrative courts ruled in 2024 that such uncertainty can no longer be assumed in light of the "dramatic situation and widespread destruction in the Gaza Strip." These include, inter alia, the Administrative Court (VG) of Dresden (judgment of April 16, 2024, case no. 11 K

¹⁰⁴⁶ Foreigner's Office, *Erklärungen des Auswärtigen Amts in der Regierungs- und Pressekonferenz vom 09.10.2023*, 9 October 2023, available in German at: <https://bit.ly/49jCXHw>.

¹⁰⁴⁷ Süddeutsche Zeitung, *Baerbock verschärft die Kritik an Israel*, 26 January 2024, available in German at: <https://bit.ly/3Oxpkiw>; tagesspiegel.de, *Die leeren Worte von Annalena Baerbock: Was die Außenministerin zu Israel sagt – und was nicht*, 9 January 2024, available in German at: <https://bit.ly/3Sve6d5>.

¹⁰⁴⁸ LTO.de, *Deutschland will Israel als Dritt-partei beistehen*, 15 January 2024 available in German at: <https://bit.ly/42oMqep>.

¹⁰⁴⁹ Clara Neumann, *Das Spannungsverhältnis zwischen Staatsräson und Grundrechten*, 8 December 2023, available in German at: <https://bit.ly/3St683X>.

¹⁰⁵⁰ Tagesschau.de, *Die Hoffnung auf Frieden*, 16 December 2023, available in German at: <https://bit.ly/3w1d0Ye>; WDR.de, *Jüdin und Palästinenserin: "Ohne Dialog geht es nicht"*, 19 November 2023, available in German at: <https://bit.ly/3unv70F>.

¹⁰⁵¹ BAMF, *Asylgeschäftsstatistik (statistics on applications, decisions and pending procedures)*, 1-12/2023, available at: <https://bit.ly/3UjFWf0> 1-12/2022 available at: <https://bit.ly/3Z7UIUM>.

¹⁰⁵² Federal Government *Response to a Parliamentary Request by The Left*, 20/15139 31 March 2025, available in German [here](#), 2.

¹⁰⁵³ The author calculated the rate by dividing the number of positive decisions by the total number of substantive decisions, i.e., granted or denied, for the numbers see: BAMF, *Asylgeschäftsstatistik 2024*, available in German [here](#).

¹⁰⁵⁴ Federal Government *Response to a Parliamentary Request by The Left*, 20/15139 31 March 2025, available in German [here](#), 2.

¹⁰⁵⁵ Federal Government *Response to a Parliamentary Request by The Left*, 20/15139 31 March 2025, available in German [here](#), 2, 3.

357/24.A), the VG Sigmaringen (judgment of March 7, 2024, case no. A 5 K 1560/22), and the VG Hamburg (judgment of June 3, 2024, case no. 14 A 789/24).¹⁰⁵⁶

Another contributing factor to the increase of asylum applicants might have been the court rulings of the Administrative Court in Oldenburg and of the Court of Justice of the EU. The Administrative Court in Oldenburg decided already in June 2023, prior to the escalation, that the current situation in the West Bank amounts to a danger to the health and life of those living there and that therefore persons present in Germany are eligible for toleration (*'Duldung'*) under national law.¹⁰⁵⁷ The European Court of Human Rights affirmed that UNRWA does no longer guarantee protection for Palestinians, making them eligible for national protection.¹⁰⁵⁸ Looking at the political debate, it seems that there is a harsh climate not only with regard to the middle-east conflict but also vis-à-vis Palestinian refugees. The Christian Democrats (CDU) affirmed that while humanitarian aid will be provided, migration flows to Germany should be prevented. The Social Democrats stated that the right to claim asylum applies to everyone equally and that possible security threats are checked for Palestinians as for every other asylum applicant.¹⁰⁵⁹

¹⁰⁵⁶ Federal Government *Response to a Parliamentary Request by The Left*, 20/15139 31 March 2025, available in German [here](#), 2, 3.

¹⁰⁵⁷ Administrative Court Oldenburg, *Decision* 3 A 3611/21, 7 June 2023, available in German at: <https://bit.ly/3waRhDM>.

¹⁰⁵⁸ CJEU, *Decision* C-294/22, 5 October 2023, available at: <https://bit.ly/49noIBC>.

¹⁰⁵⁹ Rheinische Post.de, *Union will keine palästinensischen Flüchtlinge*, 18 October 2023, available in Germany at: <https://bit.ly/3up1I6n>.

Reception Conditions

Short overview of the reception system

In Germany, the Federal States are responsible for the reception of asylum seekers. Federal law provides the general legal framework for reception, including the obligation to stay in an initial reception centre, and the amount of material benefits, while the implementation as well as more detailed regulation is the remit of the Federal states. In general, the Asylum Act foresees a two-stage reception procedure. Initially, asylum seekers are housed in initial reception centres. In a second step, and if the asylum procedure is not terminated yet, asylum seekers are allocated to municipalities where they can be housed either in collective accommodation centres or in a decentralised manner, in flats.

According to the law, asylum seekers should be accommodated in an initial reception centre (*Aufnahmeeinrichtung*) for a maximum period of 18 months during the first stage of their asylum procedures. Many asylum seekers do not stay in the initial reception centres for the whole 18 months, since they are sent to other locations once a decision on the asylum application has been issued. As a general exception, however, asylum seekers from safe countries of origin are obliged to stay in initial reception centres for the whole duration of their procedures. Furthermore, Federal States may extend the maximum period to 24 months for certain groups of asylum seekers. The maximum period of stay for minors, their parents (or other adults entitled to custody) and their unmarried adult siblings is six months.

The initial reception centres are usually located on the same premises as the branch office of the BAMF. Following the initial reception period, most asylum seekers are sent to local accommodation centres where they have to stay for the remaining time of their procedures. The obligation to stay in such decentralised accommodation centres also applies to the whole length of possible appeal procedures, but there are regional differences with some municipalities also granting access to the regular housing market.

‘Arrival centres’ are a form of initial reception centres set up in different locations in Germany, where various authorities are located on the same premises and where processes such as registration, identity checks, the interview and the decision-making are ‘streamlined’.

In addition, ‘arrival, decision and return’ (*Ankunft, Entscheidung, Rückführung*, AnKER) centres were established in August 2018. The main purpose is to centralise all activities at one location and to shorten the asylum procedure, which is a concept that was already applied in the ‘arrival centres’ across Germany and in ‘transit centres’ set up in three locations in **Bavaria** (Manching/Ingolstadt, Regensburg, Deggendorf). Initially, most Federal States did not participate in the AnKER centres scheme with only three Federal States (**Bavaria, Saxony and Saarland**) participating in the pilot project to establish AnKER centres – in most cases simply by renaming their existing facilities. However, at the end of 2020, five additional Federal States (**Baden-Württemberg, Hamburg, Brandenburg, Mecklenburg-Vorpommern and Schleswig-Holstein**) adjusted their reception facilities to the AnKER concept without necessarily using the politically contentious name ‘AnKER centre’ for these facilities. Following the elections in 2021 the Federal government declared that it would not pursue the AnKER centre concept anymore. However, in practice the centres continue to exist. To a parliamentary request the Federal government responded that accommodation facilities are run by the Federal states and that the Federal government is currently evaluating the cooperation with the Federal states on this issue.¹⁰⁶⁰ As of March 2025, AnKER centres still exist, and the BAMF is still present in nine of them.¹⁰⁶¹

In 2024, Bavaria declared that it would continue operating its AnKER centres, even announcing that it would open a new AnKER centre in Munich.¹⁰⁶² Further, in 2024, **Thuringia** introduced a similar model

¹⁰⁶⁰ Federal Government, *Reply to parliamentary questions by The Left 20/940*, 7 March 2022, available in German at: <https://bit.ly/3TuNOJV>.

¹⁰⁶¹ Bundesamt für Migration und Flüchtlinge, *Ankunftscentren und AnKER-Einrichtungen*, 18 September 2023 (last checked 24 March 2025), available in German at: <http://bit.ly/3ufkFbo>.

¹⁰⁶² Kathrin Aldenhoff, Heiner Effern, Ekaterina Kel, ‘München soll großes neues Ankerzentrum bekommen’ (*Süddeutsche Zeitung*, 18 September 2024), available [here](#).

with the establishment of 'Thüringer Zentren für Aufnahme und Rückführung' (TZAR), which function as centralised facilities for asylum processing and deportation procedures, aligning with the operational structure of AnkER centres.¹⁰⁶³

In any case, both arrival centres and AnkER centres are part of administrative concepts which are not defined in the law, and it is therefore up to the Federal States and the BAMF to define in individual agreements how these centres operate. This means that there are no general standards, but the common feature is that various processes such as registration, identity checks, the interview and the decision-making are supposed to be 'streamlined' both in the arrival centres and the AnkER-centres. However, fast-tracking of procedures in this manner must not be confused with the accelerated procedure which was introduced in March 2016 in the law but is not applied in practice much.

A. Access and forms of reception conditions

1. Criteria and restrictions to access reception conditions

Indicators: Criteria and Restrictions to Reception Conditions

1. Does the law allow for access to material reception conditions for asylum seekers in the following stages of the asylum procedure?

❖ Regular procedure	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
❖ Dublin procedure	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
❖ Admissibility procedure	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
❖ Border procedure	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
❖ Accelerated procedure	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
❖ Appeal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
❖ Subsequent application	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No

2. Is there a requirement in the law that only asylum seekers who lack resources are entitled to material reception conditions?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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Asylum seekers are entitled to reception conditions from the moment they make their asylum application (*Asylgesuch*) in accordance with the Asylum Seekers' Benefits Act (*Asylbewerberleistungsgesetz*).¹⁰⁶⁴ They do not receive the full benefits, however, until they formally gain the status of an asylum seeker through the issuance of an arrival certificate (*Ankunftsnaachweis*) at the reception centre to which they have been assigned to.¹⁰⁶⁵ In practice, this usually happens within a few days after they have reported to the authorities (see also [Registration of the asylum application](#)).¹⁰⁶⁶

Foreigners remain entitled to these reception conditions, at a minimum, as long as they have the status of asylum seeker. After a rejection, asylum seekers usually retain their status for the duration of the appeal proceedings. If the asylum application has been rejected as 'manifestly unfounded' or 'inadmissible', however, and their request for suspensive effect is rejected, asylum seekers will lose their status and will instead be issued a temporary suspension of removal, also known as 'tolerated stay' (*Duldung*). In spite of its title, the Asylum Seekers' Benefits Act does not only apply to asylum seekers, but also to people with a *Duldung* and even to certain groups of people who have been granted a temporary residence permit.¹⁰⁶⁷

In this context, the Asylum Seekers' Benefits Act also applies to those asylum seekers whose asylum application in Germany has been rejected as inadmissible and whose obligation to leave the territory is

¹⁰⁶³ „Stellungnahme zu den Gesetzentwürfen zur Neuordnung im Migrationsbereich durch Schaffung einer zentralen Ausländerbehörde“ (*Sachverständigenrat für Integration und Migration*, 17 May 2024), available [here](#).

¹⁰⁶⁴ Section 1 (1) Asylum Seekers' Benefits Act.

¹⁰⁶⁵ Section 11 (2a) Asylum Seekers' Benefits Act.

¹⁰⁶⁶ Section 63 (1) Asylum Act.

¹⁰⁶⁷ Section 1 Asylum Seekers' Benefits Act.

enforceable ('*vollziehbar ausreisepflichtig*').¹⁰⁶⁸ This means that the rejection is final, thus the asylum seeker has usually gone through an appeals process. Following the legislative reforms of August 2019, persons who have already been granted international protection in another EU Member State are exempted from this rule and should be excluded from all social benefits after a transition period of two weeks, except for those falling under the hardship provision (see [Reduction or withdrawal of reception conditions](#) below).¹⁰⁶⁹

As a rule, asylum seekers receive both non-cash and cash financial benefits only in the town or district to which they have been assigned to.¹⁰⁷⁰ Accordingly, they will not be entitled to benefits in other parts of Germany, unless they get permission by the authorities to move there (see also [Freedom of movement](#)).

The receipt of cash (and its amount) has been heavily debated over the course of the past two years. Some parties find it a pull factor and want to further cut the benefits. To reduce the reputed 'pull factors', the Federal States have decided to introduce the so-called *Bezahlkarte* ('payment card') for asylum seekers.¹⁰⁷¹ On 16 May 2024, the *Bezahlkarte* officially became a way of providing social benefits under the Asylum Seekers' Benefits Act. Fourteen Federal States have decided to coordinate the introduction of the payment card, while **Bavaria** and **Mecklenburg-Western-Pomerania** decided to organise their own procedure. In Bavaria, the payment card has been introduced and was fully implemented by June 2024,¹⁰⁷² Mecklenburg-Western-Pomerania started to roll out the payment card in January 2025.¹⁰⁷³ Because the EU-wide tender procedure (*Ausschreibungsverfahren*) for the issuance of the payment card was delayed,¹⁰⁷⁴ some districts in **Rhineland-Palatinate**, **Brandenburg**, **Saxony** and **Thuringia** started to implement their own systems throughout 2024, leading to a variety of different practices. The full rollout of the payment card across the 14 coordinating States will start in January 2025.

At first glance, this card is supposed to function as any other debit card – asylum seekers can pay 'normally' at any card payment terminal in restaurants or supermarkets. However, transfers from card to card or to foreign countries should not be possible and cash withdrawal is limited to, in most cases, € 50 per month.¹⁰⁷⁵ The introduction of the payment card was therefore criticised by civil society who argue that its restrictions can lead to the social benefits being below the minimum subsistence level (*Existenzminimum*). The payment card is not accepted everywhere and the limit of € 50 cash withdrawal per month restricts beneficiaries in their freedom to make use of many goods and services that can only be paid for in cash.¹⁰⁷⁶ In first court appeals, the social courts in Hamburg and Nuremberg had found that the general limits on the cash withdrawal to be unlawful as personal circumstances have to be considered.¹⁰⁷⁷ However, in a subsequent appeal in Hamburg¹⁰⁷⁸ as well as a ruling in Munich, the claims against the implementation of the card were rejected.¹⁰⁷⁹ Other cases are still pending. Civil society organisations argue that the need for individual assessments and the requirement of having to process individual applications on additional transfers in a timely manner create a substantial additional administrative burden. With the full rollout of the payment card only starting in 2025, the developments and legal appeals should be monitored.

¹⁰⁶⁸ Section 1 (1) Nr.4 Asylum Seekers' Benefits Act.

¹⁰⁶⁹ Section 1 (4) Asylum Seekers' Benefits Act.

¹⁰⁷⁰ Section 10 and 10a Asylum Seekers' Benefits Act.

¹⁰⁷¹ Sz.de, *Bezahlkarte für Flüchtlinge kommt bundesweit*, 31 January 2024, available in German at: <https://bit.ly/42Ogpww>.

¹⁰⁷² Bavarian Government, 'Kirchner zum bayernweiten Rollout der Bezahlkarte für Asylbewerber', 27 June 2024, available in German [here](#).

¹⁰⁷³ Mecklenburg-Western-Pomerania Ministry of the Interior, Construction and Digitalisation, 'MV startet Ausgabe der Bezahlkarten in der Erstaufnahmeeinrichtung' 28 January 2025, available in German [here](#).

¹⁰⁷⁴ 'Einführung der Bezahlkarte verzögert sich weiter' (*Tagesschau*, 29 August 2024), available in German [here](#).

¹⁰⁷⁵ 'So läuft das nicht: Die lange Liste der Probleme mit der Bezahlkarte' (*PRO ASYL*, 09 October 2024), available in German [here](#).

¹⁰⁷⁶ 'FAQ zur Bezahlkarte' (Gesellschaft für Freiheitsrechte, 4 December 2024), available in German [here](#).

¹⁰⁷⁷ 'Mit der Bezahlkarte unter das Existenzminimum' (Gesellschaft für Freiheitsrechte, accessed 01 February 2025), available in German [here](#).

¹⁰⁷⁸ Ibid.

¹⁰⁷⁹ LTO, 'Bezahlkarte für Asylbewerber verfassungskonform' (*Legal Tribune Online*, 7 March 2025), available [here](#).

Assessment of resources

If asylum seekers have an income or capital at their disposal, they are legally required to use these resources to cover the costs of their accommodation and legal care themselves before they can receive benefits under the Asylum Seekers' Benefits Act.¹⁰⁸⁰

This includes the possibility for authorities to seize an amount of cash or valuable objects upon arrival at the reception centres.¹⁰⁸¹ The amount of money which is seized varies across the Federal states. In Baden Württemberg, for example, up to 200 euros can be kept by the person, while any amount above that may be used by the authorities to cover the costs of accommodation and legal procedure up to a maximum of € 5,000.¹⁰⁸²

2. Forms and levels of material reception conditions

Indicators: Forms and Levels of Material Reception Conditions

1. Amount of the monthly financial allowance/vouchers granted to asylum seekers as of 1 January 2025 (in original currency and in €):¹⁰⁸³
 - ❖ Single adult in accommodation centre € 397
 - Single adult outside accommodation centre € 441

Assistance under the Asylum Seekers' Benefits Act generally consists of 'basic benefits' (*Grundleistungen*). These are meant to cover the costs for food, accommodation, heating, clothing, personal hygiene and consumer goods for the household (*notwendiger Bedarf*), as well as the personal needs of everyday life, such as public transport and mobile phones (*notwendiger persönlicher Bedarf*)¹⁰⁸⁴ – the latter is often referred to as 'pocket money'. In addition, the necessary 'benefits in case of illness, pregnancy and birth' have to be provided.¹⁰⁸⁵ 'Other benefits' can be granted in individual cases (upon application) if they are necessary to safeguard the means of existence or the state of health.¹⁰⁸⁶

The annual adjustment of the rates for social benefits for asylum seekers are in general linked to the annual rates for social benefits for German nationals.¹⁰⁸⁷ However, some consumption expenditures used to calculate the social benefits for German nationals are not recognized to calculate the benefits for asylum seekers. Thus, the benefits for German nationals and asylum seekers differ quite drastically.¹⁰⁸⁸ Still, as the social benefits legal framework changed drastically from the 1st January 2023 on, so did the calculation basis for social benefits for asylum seekers.¹⁰⁸⁹ Prior to the legal reforms the annual adjustment was mainly based on the development of prices and wages.¹⁰⁹⁰ Due to the dynamic development of prices for food and energy as result from the war in Ukraine,¹⁰⁹¹ the German government decided an additional increase on top of the compensation for the development of prices and wages.¹⁰⁹² The German government further argued that the annual adjustment of social benefits for German

¹⁰⁸⁰ Section 7 Asylum Seekers' Benefits Act.

¹⁰⁸¹ Evangelischer Pressedienst (epd), *Flüchtlinge müssen auch in Deutschland ihr Bargeld abgeben*, 21 January 2016, available in German at: <http://bit.ly/3QZMCuP>.

¹⁰⁸² Zeit Online, 'Flüchtlinge müssen Wertsachen abgeben - warum eigentlich?' (11 February 2025), available [here](#).

¹⁰⁸³ Bundesministerium für Arbeit und Soziales, 'Neue Leistungssätze nach dem Asylbewerberleistungsgesetz', 19 December 2024, available in German [here](#). This includes hygienic items allowance and pocket money only.

¹⁰⁸⁴ Section 3(1) Asylum Seekers' Benefits Act.

¹⁰⁸⁵ Section 4 Asylum Seekers' Benefits Act; for access to health care see below.

¹⁰⁸⁶ Section 6 Asylum Seekers' Benefits Act.

¹⁰⁸⁷ Section 3a (4) Asylum Seekers Benefits Act.

¹⁰⁸⁸ Federal Government, *Gesetzesentwurf der Bundesregierung 'Entwurf eines Dritten Gesetzes zur Änderung des Asylbewerberleistungsgesetzes'*, 10 May 2019, available in German at: <https://bit.ly/3Sgw96w>.

¹⁰⁸⁹ Federal Ministry for Labour and Social Affairs, *Information zu AsylbLG-Leistungsgrundsätzen für die Zeit ab Januar 2023*, 10.10.2022, available in German at: <http://bit.ly/3ZPQL8P>.

¹⁰⁹⁰ Section 28a Social Code (version prior 01.01.2023).

¹⁰⁹¹ Federal Government, *Gesetzesentwurf der Bundesregierung 'Entwurf eines Zwölften Gesetzes zur Änderung des Zweiten Gesetzbuches und anderer Gesetze, Einführung eines Bürgergeldes (Bürgergeld-Gesetz)'*, 10 October 2022, available in German at: <https://bit.ly/3GXbHSD>.

¹⁰⁹² Section 134 Social Code XII.

nationals shall be adhered to more strictly.¹⁰⁹³ While the monthly allowance for asylum seekers had been adjusted upwards at the beginning of 2024, the benefits were reduced again as of 2025 (see table below). As opposed to social benefits for German nationals, the rates for social benefits for asylum seekers do not stand under a protection of the status quo (*Bestandsschutzregelung*) and can thus be reduced.¹⁰⁹⁴ The adjustment of benefits thus needs to be observed for the following years. Whereas civil society organisations had generally been supportive of the increase of social benefits in 2024, they criticised the fact that the legal reforms did not change the general distinction in the calculation of 'basic needs' between asylum seekers and German nationals.¹⁰⁹⁵ In an extensive study, it is argued that the minimum subsistence level should not differ between German nationals and asylum seekers since the overall difference and exclusion of certain costs in 2019 cannot objectively be justified by different needs.¹⁰⁹⁶

One of the most controversial changes introduced in 2019 was the adjustment of benefits for single adults required to stay in an accommodation centre. Whereas they used to be treated in the same manner as single adults living outside of these centres, they then only received an allowance that amounts to benefits that one receives when living together with another adult, spouse or partner.¹⁰⁹⁷ As a result, their monthly allowance was increased by €1 only. To justify this change, the government argued that asylum seekers living in an accommodation centre can be expected to run a common household similarly to adult partners, which was heavily criticised by different actors. Several Social Courts have found this change of practice likely to be unconstitutional. In summary proceedings they ordered the authorities to temporarily pay the same benefits as received by single adults outside of accommodation centres.¹⁰⁹⁸ In April 2021, the Social Court of Düsseldorf referred the question to the Federal Constitutional Court.¹⁰⁹⁹ In October 2022 the Federal Constitutional Court (*Bundesverfassungsgericht, BVerfG*) agreed with the earlier decisions of the Social Courts. The Federal Constitutional Court ruled that there is no evidence which proves that single adults in accommodation centres economize together.¹¹⁰⁰ Consequently, they cannot be compared to people who share a household and should therefore be treated equally to single adults staying outside of accommodation centres. Since the judgement applies retrospectively from 1st September 2019, civil society organisations urged everyone formerly affected by the distinction to request a review of the amount of benefits at the local immigration authorities.¹¹⁰¹ However, the case which was decided by the Federal Constitutional Court was about a man who stayed in an accommodation centre longer than 18 months and therefore received social benefits under Section 2 Asylum Seekers Benefits Act.

The Court left it open whether the ruling should also be applied to asylum seekers who stay in accommodation centres for less than 18 months under Section 3a Asylum Seekers Benefits Act. According to scholars, the ruling can easily be transferred to social benefits under Section 3a Asylum Seekers Benefits Act.¹¹⁰² In **North Rhine-Westphalia**, **Hesse** and **Bavaria**, the state's governments decided to apply the court ruling to everyone staying in accommodation centres, irrespective of the length

¹⁰⁹³ Federal Government, *Gesetzesentwurf der Bundesregierung 'Entwurf eines Zwölften Gesetzes zur Änderung des Zweiten Gesetzbuches und anderer Gesetze, Einführung eines Bürgergeldes (Bürgergeld-Gesetz)*', 10 October 2022, available in German at: <https://bit.ly/3GXbHSD>.

¹⁰⁹⁴ Max Schäfer, 'Tabelle gibt Übersicht: Weniger Geld für Asylbewerber ab dem Jahr 2025', 7 January 2025, available in German [here](#).

¹⁰⁹⁵ PROASYL, *Das Asylbewerberleistungsgesetz und das Existenzminimum. Eine Analyse der Regelsätze*, 10 November 2022, available in German at: <http://bit.ly/3ksiiwJ>.

¹⁰⁹⁶ PROASYL, *Das Asylbewerberleistungsgesetz und das Existenzminimum. Eine Analyse der Regelsätze*, 10 November 2022, available in German at: <http://bit.ly/3ksiiwJ>.

¹⁰⁹⁷ Sections 3a(1)(2)(b) and 3a(2)(2)(b) Asylum Seekers' Benefits Act.

¹⁰⁹⁸ Social Court of Frankfurt, Decision S 30 AY 26/19 ER, 14 January 2020, available in German at: <https://bit.ly/3thBOKB>; Social Court of Landshut, Decision S 11 AY 3/20 ER, 28 January 2020, available in German at: <https://bit.ly/3Rzhpj3>; Social Court of Freiburg, Decision S 5 AY 5235/19 ER, 20 January 2020, available in German at: <https://bit.ly/48ohlJr>; Social court of Hannover, Decision S 53 AY 107/19 ER, 20 December 2019.

¹⁰⁹⁹ See Informationsverbund Asyl & Migration, 'Rechtsprechungsübersicht: Niedrigere Leistungen für Alleinstehende in Sammelunterkünften verfassungswidrig?', available in German at: <https://bit.ly/3GFyvoJ>.

¹¹⁰⁰ Federal Constitutional Court, Decision 1 BvL 3/21, 19 October 2022, available in German at: <https://bit.ly/3z5FN2W>, para 70f.

¹¹⁰¹ Informationsverbund Asyl & Migration, *Arbeitshilfe und Musterantrag der RLC Leipzig zur Überprüfung von AsylbLG-Leistungen*, 10 December 2021, available in German at: <http://bit.ly/3iXINd7>.

¹¹⁰² Grube/Wahrendorf/Flint/Leopold AsylbLG § 3a Rn. 11-13

of stay.¹¹⁰³ In 2022, the Federal Ministry for Labour and Social Affairs responded to a parliamentary request by The Left that the states should award the regular amount of benefits to all single adults until a new reform of the Asylum Seekers Benefits Act would be implemented.¹¹⁰⁴ Such a reform, however, has until now not been implemented. Thus, the table of the official calculation of benefits for 2024 still differentiates between single adults living inside or outside an accommodation centre (see below). Nevertheless, both groups have de facto an entitlement for the same benefits and can, according to the Refugee Council of Berlin, correct this differentiation through legal means.¹¹⁰⁵

Authorities at the regional and local level have important discretionary powers when deciding in what form basic benefits should be provided. Therefore, the provision of benefits in cash depends on local conditions and policies. According to the law, asylum seekers who are accommodated in reception centres shall receive non-cash benefits only. This includes 'pocket money' for their personal needs 'as long as this is possible within the acceptable administrative burden'.¹¹⁰⁶ In practice, however, they will often receive the pocket money in cash. For asylum seekers in other (decentralised) collective accommodation centres, non-cash benefits 'can' be provided 'if this is necessary under the circumstances'.¹¹⁰⁷ The same applies for asylum seekers living on their own, with the exception that they have to be provided with pocket money in cash. For those living outside of reception centres, the costs for accommodation (rent), heating and household goods have to be provided on top of the above benefits as far as it is 'necessary and reasonable'.¹¹⁰⁸

As of January 2025, the monthly rates are as follows:

Basic benefits for asylum seekers							
	Single adult	Single adult in accommodation centre	Adult partners (each)	Member of household 18-24	Member of household 14-17	Member of household 6-13	Member of household 0-5
'Pocket money'	€ 196	€ 177	€ 177	€ 157	€ 133	€ 131	€ 126
Further basic benefits (excl. costs related to accommodation)	€ 245	€ 220	€ 220	€ 196	€ 258	€ 196	€ 173
Total	€ 441	€ 397	€ 397	€ 353	€ 391	€ 327	€ 299
Regular Social Benefits	€ 563	-	€ 506	€ 451	€ 471	€ 390	€ 357

Sources: Bekanntmachung über die Höhe der Leistungssätze nach § 3a Absatz 4 des Asylbewerberleistungsgesetzes für die Zeit ab 1. Januar 2025, BGBl. 2024 I Nr. 325, 29 October 2024, available in German [here](#); : and Federal Ministry of Labour and Social Affairs, Fortschreibung der Regelbedarfe in der Sozialhilfe und beim Bürgergeld, press release 18 September 2024, available in German [here](#).

As indicated in the table above, rates under the Asylum Seekers' Benefits Act amount to a level of about 80 % of regular social benefits – and less than 71 % for single adults living in accommodation centres.

¹¹⁰³ Tagesspiegel, *Leistungskürzungen waren verfassungswidrig – Mehr alleinstehende in Flüchtlingsheimen bekommen wieder höhere Beträge*, 11 December 2022, available in German at: <http://bit.ly/3XMF3dd>.

¹¹⁰⁴ Deutscher Bundestag, Plenarprotokoll 20. Wahlperiode, 72. Sitzung, response to question 24 of Clara Bünger (The Left), 30 November 2022, available in German at: <https://bit.ly/3Hob6Lf>.

¹¹⁰⁵ Refugee Council of Berlin, 'Recht and Rat – Asylbewerberleistungsgesetz', available in German [here](#).

¹¹⁰⁶ Section 3(2) Asylum Seekers' Benefits Act.

¹¹⁰⁷ Section 3(3) Asylum Seekers' Benefits Act.

¹¹⁰⁸ Section 3(3) 3rd Sentence Asylum Seekers' Benefits Act.

Asylum seekers are granted access to regular social benefits after 36 months of benefits received under the Asylum Seekers' Benefits Act.¹¹⁰⁹ This means that, after this period, higher benefits are paid and certain restrictions of the Asylum Seekers' Benefits Act no longer apply, in particular the limited access to health care. This waiting period to access regular social benefits was only 15 months before 2019 and was extended by legal amendments in 2019 (3 months)¹¹¹⁰ and 2024 (18 months).¹¹¹¹

3. Reduction or withdrawal of reception conditions

Indicators: Reduction or Withdrawal of Reception Conditions

1. Does the law provide for the possibility to reduce material reception conditions?
☒ Yes ☐ No
2. Does the legislation provide for the possibility to withdraw material reception conditions?
☐ Yes ☒ No

3.1. Reduction of benefits

Since 2016, the grounds for reduction of material reception conditions expressly include asylum seekers. The amendments introduced to the Asylum Seekers' Benefits Act in 2019 further extended the possibilities to reduce benefits. As listed in Section 1a of the Asylum Seekers' Benefits Act, material reception conditions can now be reduced for the following categories of persons:

Reduction of benefits in accordance with Section 1a Asylum Seekers' Benefits Act		
	Paragraph	Analysis
1	<i>Beneficiaries of benefits who have been asked to leave Germany before a certain date and have not left the country, although this would have been feasible</i>	This provision only applies to foreign nationals whose obligation to leave the territory is enforceable (<i>vollziehbar ausreisepflichtig</i>) – meaning that it does generally not affect asylum seekers as long as their asylum procedure is ongoing or if they have been granted a deportation ban (<i>Abschiebungsverbot</i>).
2	<i>Beneficiaries of benefits who have entered Germany (solely) for the purpose of receiving benefits</i>	This provision only applies to persons whose obligation to leave is enforceable (<i>vollziehbar ausreisepflichtig</i>) or who are in possession of a 'tolerated stay' (<i>Duldung</i>). Thus, it also does not affect asylum seekers as long as their asylum procedure is ongoing. Even after a negative decision, this provision does not generally apply to asylum seekers, as it can hardly be deduced that their only motivation for entering Germany was to claim benefits.
3	<i>Beneficiaries of benefits for whom removal procedures cannot be carried out due to reasons for which they are responsible</i>	This provision only applies to foreign nationals whose obligation to leave is enforceable (<i>vollziehbar ausreisepflichtig</i>) or whose stay is tolerated (<i>Duldung</i>). Asylum seekers can be affected after the asylum procedure, however, e.g., in cases where an application has been rejected as 'inadmissible' following a Dublin procedure. Benefits for family members of beneficiaries must only be reduced if the family member him- or herself bears responsibility.

¹¹⁰⁹ Section 2(1) Asylum Seekers' Benefits Act.

¹¹¹⁰ PROASYL, 'Neuregelungen des Migrationspaketes im Überblick' (20 August 2019), available [here](#).

¹¹¹¹ Informationsverbund Asyl und Migration, 'Rückführungsverbesserungsgesetz tritt in Kraft' (26 February 2024), available [here](#).

4(1)	<i>Beneficiaries of benefits who have been allocated to another European state within the framework of a European distribution mechanism</i>	This provision does not apply for asylum seekers in the context of Dublin procedures, but refers to a European distribution mechanism which could be initiated on an <i>ad hoc</i> basis.
4(2)	<i>Beneficiaries of benefits who have been granted international protection in an EU Member State or Dublin State or have acquired a right of residence for other reasons in such a state.</i>	This provision only applies during the asylum procedure. Upon termination of the procedure, this category of person is totally excluded from benefits in certain situations (see below). Some Social Courts have ruled in summary proceedings that this provision is not applicable if a return to the Member State is not possible or reasonable. ¹¹¹²
5	<i>Beneficiaries of benefits who have failed to cooperate with the authorities during a asylum procedure</i>	This paragraph refers to a number of other provisions in which the following acts are defined as 'failure to cooperate'; <ul style="list-style-type: none"> ❖ Failure to apply for asylum 'immediately' after entry into the territory (Section 13 (3) Asylum Act); ❖ Failure to present or hand over a passport or passport substitute to the authorities (Section 15 (2) no. 4 Asylum Act); ❖ Failure to present or hand over other documents necessary for the clarification of their identity (Section 15 (2) no. 5 Asylum Act); ❖ Failure to hand over data carriers such as smartphones that could be important for establishing identity and nationality (Section 15 (2) No. 6 Asylum Act); ❖ Failure to undergo the required identification measures (especially taking of fingerprints, Section 15 (2) no. 7 Asylum Act); ❖ Failure to keep the appointment for the formal registration of their application at the BAMF; or ❖ Refusal to provide information about their identity or nationality in the course of the asylum procedure (Section 30 (3) no. 2 Asylum Act).
6	<i>Beneficiaries who violate their obligation to provide information about existing assets and fail to notify relevant changes immediately</i>	
7	<i>Beneficiaries of benefits whose asylum application was rejected as 'inadmissible' on the grounds that another European country was responsible for the examination</i>	This provision was introduced by the 2019 amendments. This category of persons will now receive reduced benefits following a negative decision from the BAMF, even if an appeal against the latter is still pending before the court. However, this does not apply (retroactively) if the court grants suspensive effect. Some Social Courts have questioned the constitutionality of this provision in summary proceedings as the reduction of benefits in such cases is not contingent on a wrongdoing on part of the

¹¹¹² Regional Social Court Nordrhein-Westfalen, Decision L 20 AY 20/20 B ER, 27 March 2020, available in German at: <https://bit.ly/3RU19dS>; Social Court Berlin, Decision S 50 AY 166/19 ER, 23 December 2019, available in German at: <https://bit.ly/3Ronoac>. While these specific rulings applied to an unreasonable return to Greece, a recent decision by the Federal Administrative Court has overturned this assessment of the return ban to Greece (judgment of 16 April 2025 (BVerwG 1 C 18.24), available [here](#)).

		<p>beneficiary affected.¹¹¹³ Also scholars recognize an incompatibility with constitutional law.¹¹¹⁴ However, the Courts do not take a uniform approach, thus a clear tendency or ruling is not evident.¹¹¹⁵</p> <p>In most cases, this provision has a relatively limited scope in practice: it only applies during the time between an inadmissibility decision in accordance and the issuance of a <i>Duldung</i> (to which the affected persons will generally be entitled until the transfer to another European country takes place).</p>
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On top of Section 1(a), the Asylum Seekers' Benefits Act provides for the reduction of benefits in several other provisions, *inter alia* for asylum seekers who failed to cooperate with the authorities and therefore are responsible for the fact that an 'arrival certificate' could not be issued.¹¹¹⁶

This list of reduction grounds is exhaustive, meaning that benefits cannot be reduced for other reasons. If one of them is met, the law provides that asylum seekers should only be provided with accommodation, food and basic necessities, primarily as non-cash benefits. In addition, health benefits are provided.¹¹¹⁷ It is only 'in special circumstances and individual cases' that further benefits can be granted on a discretionary basis.¹¹¹⁸ It has been estimated that this may result in a reduction of almost 50% of the benefits in many cases.¹¹¹⁹ Benefits covering the personal needs of everyday life ('pocket money') can be withdrawn entirely. Furthermore, asylum seekers are not entitled to benefits covering the costs of clothing and for 'durable and non-durable consumer goods for the household'. Clothes and household goods can only be provided 'in kind' and on an *ad hoc* basis, if necessary, but these costs are not included in the monthly benefits for the persons concerned.¹¹²⁰

The authorities are required to limit the reduction of benefits to a 6 months period. After this time, the decision to reduce benefits has to be reviewed and can only be extended if the ground for reduction is still applicable.¹¹²¹ Even before the end of the 6-months time limit, benefits have to be restored to the standard level if the legal prerequisites for the reduction cease to apply. If benefits are reduced following a rejection of an application, they can be restored to the standard level at a later stage, e.g., if a subsequent application leads to the opening of a new asylum procedure, or if it turns out that a removal is not possible for reasons which cannot be held against the concerned person.

The decision to reduce or withdraw (see following section, [Withdrawal of benefits](#)) benefits can be appealed. In light of a decision of the Federal Constitutional Court of July 2012 on the Asylum Seekers'

¹¹¹³ Social Court Landshut, Decision S 11 AY 79/19 ER, 23 January 2020, available in German at: <https://bit.ly/2BQW41q>; Social Court Oldenburg, Decision S 25 AY 3/20 ER, 20 February 2020, available in German at: <https://bit.ly/3GSEuli>; Social Court Cottbus, Decision S 21 AY 34/19 ER, 28 January 2020, available in German at: <https://bit.ly/3NCOIQR>.

¹¹¹⁴ Stefan Keßler, *Anhang 1: Soziale Leistungsrechte von Migranten – Ein Überblick*, in: Rainer Hofmann, *Ausländerrecht Kommentar*, para. 47, 2023.

¹¹¹⁵ Social Court Osnabrück, Decision S 44 AY 76/19 ER, 27 January 2020, available in German at: <https://bit.ly/3RQkAnG>; Social Court Würzburg, Decision S 4 AY 162/22 ER, 11 November 2022.

¹¹¹⁶ Section 11(2a) Asylum Seekers' Benefits Act.

¹¹¹⁷ Section 4 Asylum Seekers' Benefits Act.

¹¹¹⁸ Section 1a(1) Asylum Seekers' Benefits Act.

¹¹¹⁹ Joachim Genge, 'Das geänderte Asylbewerberleistungsgesetz' in *Informationsverbund Asyl und Migration (ed)*, *Das Migrationspaket: Beilage zum Asylmagazin 8-9/2019*, September 2017, available in German at: <https://bit.ly/4aqKg1x>, 20.

¹¹²⁰ Regional social administration of the Federal State of Berlin, Directive no. 10/2015, 9 December 2015 (Rundschreiben Soz Nr. 10/2015 über Umsetzung des AsylbLG in der Fassung des Asylverfahrensbeschleunigungsgesetzes), available at: <https://bit.ly/4b9xzse>.

¹¹²¹ Section 14(1) and (2) Asylum Seekers' Benefits Act.

Benefits Act,¹¹²² there have been several court decisions concluding that any reduction of benefits would be unconstitutional and therefore inadmissible, but these rulings do not represent the general opinion.¹¹²³ The debate was revived in November 2019 by another decision of the Federal Constitutional Court. In this decision, the Court did not comment on the Asylum Seekers' Benefits Act, but made some important observations on the legality of cuts in unemployment benefits and in the social support system in general.¹¹²⁴ The court argued that temporary sanctions, even to the point of a complete withdrawal of benefits, could be lawful if an unemployed person did not undertake reasonable efforts to overcome the need for support. However, given the extraordinary burden resulting from such sanctions, the court also highlighted that legal provisions which reduce reductions of benefits have to be based on an analysis of their necessity, suitability and reasonableness. Persons affected by cuts should be able to regain standard benefits once they comply with reasonable obligations. Moreover, individual circumstances must be taken into consideration. Sanctions which are imposed for a fixed period of time and regardless of individual circumstances have to be considered as violating the constitution, according to the Constitutional Court.

As a result of this decision, the legality of the Asylum Seekers' Benefits Act has been questioned again.¹¹²⁵ In several decisions, the Regional Social Court of **Lower Saxony-Bremen** has ruled that it is 'fundamentally debatable' whether Section 1a of the Asylum Seekers Benefits Act on the reduction of benefits for certain groups is in line with the constitution'.¹¹²⁶ Other courts have also questioned the legality of certain aspects of the Asylum Seekers' Benefits Act.¹¹²⁷ However, these questions have so far only been raised in provisional proceedings in which the claimants had asked for interim measures against certain sanctions. Therefore, these legal issues have only been raised but have not been decided upon by the courts. In any case, issues of constitutionality are a matter for the Federal Constitutional Court and so it is expected that it will take several years for suitable cases to be discussed at this level. A constitutional complaint about the reduction of benefits under the Asylum Seekers' Benefits Act before the June 2019 amendment was rejected by the Federal Constitutional Court on the basis that in the Court considered the matter of sanctions has already sufficiently decided by prior Court rulings and that in the individual case there was no breach of the Constitution.¹¹²⁸ In the decision of the Federal Constitutional Court of October 2022 (discussed above) the court maintained its earlier rulings, that benefits may be made conditional to obligations to cooperate while emphasising that any distinction between third country nationals and German citizens must be reasoned.¹¹²⁹ Civil society organisations continue to argue that the Asylum Seekers Benefits Act is discriminatory. The debate arose again when, in May 2022, the Federal government decided to award regular social benefits to temporary protection seekers (see [Annex on Temporary Protection](#)) but not to asylum seekers.¹¹³⁰

In practice, the reduction of benefits rarely applies to asylum seekers as long as their asylum procedure is ongoing. It may, however, still affect former asylum seekers whose application has been rejected as 'manifestly unfounded' or 'inadmissible' (e.g., in cases of Dublin decisions or protection in another EU

¹¹²² Federal Constitutional Court, Decision 1 BvL 10/10, 1 BvL 2/11, 18 July 2012, available in German at: <https://bit.ly/4awXg5U>.

¹¹²³ Social Court Stade, Decision S 19 AY 19/17 ER, 10 May 2017.

¹¹²⁴ Federal Constitutional Court, Decision 1 BvL 7/16, 5 November 2019, available in German at: <https://bit.ly/41tQ7iw>.

¹¹²⁵ Claudius Voigt, 'Gesetzlich minimierte Menschenwürde. Das Sanktions-Urteil des Bundesverfassungsgerichts und seine Auswirkungen auf das AsylbLG', *Asylmagazin* 1-2/2020, available in German at: <https://bit.ly/4arnFSt>, 12-21.

¹¹²⁶ Regional Social Court for the Federal States of Niedersachsen (Lower Saxony) and Bremen, decision of 19 March 2019 – L 8 AY 4/20 B ER, available in German at: <http://bit.ly/40wYUyl>; decision of 4 December 2019 – L 8 AY 36/19 B ER, available in German at: <http://bit.ly/42DysF3>.

¹¹²⁷ Social Court Landshut, S 11 AY 79/19 ER, decision of 23 January 2020, available in German at: <https://bit.ly/2BQW41q>; Social Court of Berlin, S 50 AY 166/19 ER, 23 December 2019, available in German at: <https://bit.ly/2O691an>.

¹¹²⁸ Federal Constitutional Court, Case file number 1 BvR 2682/17, Decision of 12 May 2021, available in German at: <https://bit.ly/3GltQ5f>.

¹¹²⁹ Federal Constitutional Court, Decision 1 BvL 3/21, 19 October 2022, available in German at: <https://bit.ly/3z5FN2W>, para 65, 75.

¹¹³⁰ Refugee Council Bavaria, 'Menschenwürdige Sozialleistungen für alle sicherstellen!', 7 April 2022, available at: <http://bit.ly/3J8X1Tk>.

country) and in whose cases no emergency legal protection has been granted. For example, the monthly cash allowance ('pocket money') is often withdrawn or substantially reduced if the person has 'absconded', i.e. failed to be present at the appointment for pick-up by the police for a 'Dublin transfer' (see [Dublin: Procedure](#)). In some cases, Social Courts have argued that a reduction of benefits could be unlawful as long as no final decision on a possible removal (or transfer to another Dublin state) has been made at the Administrative Court.¹¹³¹ However, such decisions are rare because only a few asylum seekers appeal against reductions of benefits upon rejection of their asylum application.

A directive issued in the Federal State of **Berlin** states that minors are generally exempt from reductions of benefits, because the alleged misconduct cannot be held against them (e.g. if their parents have failed to provide the authorities with information about their identities).¹¹³² However, this policy is exceptional and in other Federal States it seems to be commonplace that reductions of benefits are imposed on families as a whole, including children.¹¹³³ The former Federal Government emphasised that children are not generally exempted from sanctions.¹¹³⁴

3.2. Withdrawal of benefits

Historically, the Asylum Seekers' Benefits Act did not provide for a complete withdrawal of benefits. However, following the 2019 amendments, foreign nationals who have already been granted international protection in another EU Member State are excluded from all benefits under the Asylum Seekers' Benefits Act.¹¹³⁵ In 2024, the government extended the exception to so-called Dublin cases, meaning individuals for whom another EU Member State is responsible under the Dublin III Regulation.¹¹³⁶ Persons affected by this provision will only receive limited benefits for a maximum of two weeks and only once every two years (*Überbrückungsleistungen*). Further benefits may only be provided when necessary 'in exceptional circumstances' to avoid particular hardship.¹¹³⁷ With **Berlin** and **Rhineland Palatinate**, at least two Federal States have limited the scope of application of this rule to make sure the exclusion does not apply to minors and does not undermine the state obligation to provide a minimal subsistence level of benefits.¹¹³⁸

This exclusion applies to persons whose asylum application in Germany has been finally rejected and whose obligation to leave the territory is enforceable (*vollziehbar ausreisepflichtig*). This can include persons whose appeal against a return decision is pending, if their request for suspensive effect has been rejected. The provision does not, however, cover situations in which a removal is impossible in fact or in law, e.g., if the Member State that has granted protection is not accepting the returnee or if necessary identity documents are missing. In such cases the person affected has to be issued a *Duldung* and remains entitled to benefits under the Asylum Seekers' Benefits Act.

¹¹³¹ Regional Social Court Berlin-Brandenburg, Decision L 15 AY 12/17 B ER, 19 July 2017; Social Court Lüneburg, Decision S 26 AY 35/17 ER, 12 September 2017.

¹¹³² Regional social administration of the Federal State of Berlin, Directive no. 10/2015, 9 December 2015.

¹¹³³ Information provided by GGUA, Münster, 19 June 2018.

¹¹³⁴ Federal Government, *Response to information request by The Left*, 19/26032, 20 January 2021, available in German at: <http://bit.ly/3H0dJBw>.

¹¹³⁵ Section 1(4) Asylum Seekers' Benefits Act.

¹¹³⁶ Der Paritätische Gesamtverband, 'Leistungsausschluss bei Dublin-Fällen: Erste Rechtsprechung bestätigt Warnungen des Paritätischen' (24 February 2025), available [here](#).

¹¹³⁷ Section 1(4) Asylum Seekers' Benefits Act.

¹¹³⁸ Der Paritätische Gesamtverband, 'Arbeitshilfe zum Thema Flucht und Migration. Soziale Rechte für Flüchtlinge, 3. aktualisierte Auflage, December 2019, available in German at: <https://bit.ly/3fDooVv>.

4. Freedom of movement

Indicators: Freedom of Movement

1. Is there a mechanism for the dispersal of applicants across the territory of the country? ☒ Yes ☐ No
2. Does the law provide for restrictions on freedom of movement? ☒ Yes ☐ No

4.1. Dispersal and geographical restriction

The freedom of movement of asylum seekers is restricted and they have no right to choose their place of residence. According to the Asylum Act, their right to remain on the territory under a permission to stay (*Aufenthaltsgestattung*) is generally limited to the district of the foreigners' authority in which the responsible reception centre is located.¹¹³⁹ This 'residence obligation' (*Residenzpflicht*), legally called 'geographical restriction' (*räumliche Beschränkung*), means that asylum seekers are not allowed to leave that area even for short periods of time without permission of the BAMF, except to attend appointments with the authorities or court hearings where their personal appearance is necessary.¹¹⁴⁰ However, Federal States have the possibility to extend this geographical restriction to the jurisdiction of other foreigners' authorities or the area encompassing a whole Federal State, or even to another Federal State, provided that there is agreement between the concerned Federal States.¹¹⁴¹ Asylum seekers in Brandenburg for example have the freedom to move in all of Brandenburg and Berlin.

As long as the residence obligation applies – i.e. during the initial period of the procedure in most cases – the applicant can also request permission to temporary leave the assigned area for urgent public interest reasons, where it is necessary for compelling reasons or where refusal of permission would constitute undue hardship.¹¹⁴² As a rule, permission shall also be granted if the asylum seeker intends to take up employment or education in another area. Permission shall be granted without delay in cases where the person has appointments with UNHCR or NGOs.¹¹⁴³ Next to the residence obligation, freedom of movement is often constrained in practice through the remote location of many reception facilities and the lack of accessible public transport (see below, [Obligation to stay in initial reception centres](#)). Violation of the residence obligation might have severe consequences. The administrative Court Lower Saxony-Breme, for example, has decided in 2023 that asylum seekers who leave the district assigned to them by local authorities in order to find sanctuary in a church in a different district are no longer entitled to social benefits for asylum seekers.¹¹⁴⁴

The law provides that the geographical restriction shall generally expire after 3 months.¹¹⁴⁵ However, this rule is subject to two important derogations:

- ❖ The geographical restriction remains in force for persons who have an [Obligation to Stay in Initial Reception Centres](#).¹¹⁴⁶ Given that the obligation to stay in these centres has been extended by the 2019 amendment of the Asylum Act, the geographical restriction has also been extended substantially.
- ❖ The geographical restriction may be re-imposed if the person has been convicted of a criminal offence or if removal is imminent.¹¹⁴⁷

¹¹³⁹ Sections 55(1) and 56(1) Asylum Act.

¹¹⁴⁰ Section 57 (3) and Section 58 (3) Asylum Act.

¹¹⁴¹ Section 58(6) Asylum Act.

¹¹⁴² Section 58(1) Asylum Act.

¹¹⁴³ Section 58(2) Asylum Act.

¹¹⁴⁴ Infomigrants, *Bremen court ruling: Benefits can be cut for migrants receiving church asylum*, 13 Decemeber 2023, available in German at: <https://bit.ly/4bJIOba>.

¹¹⁴⁵ Section 59a(1) Asylum Act.

¹¹⁴⁶ Section 59a(1) Asylum Act.

¹¹⁴⁷ Section 59b(1) Asylum Act.

The place of residence of asylum seekers is usually determined by the Initial Distribution of Asylum Seekers (*Erstverteilung der Asylbegehrenden*, EASY); a general distribution system whereby places for asylum seekers are at first allocated to the Federal States for the initial reception period. Within that Federal State, they are allocated to a particular municipality, usually the place of the initial reception centre at first and possibly another municipality when the obligation to live in the initial reception centre ends.¹¹⁴⁸

Distribution of asylum seekers to the Federal States is determined by the following aspects:¹¹⁴⁹

- ❖ Capacities of initial reception centres;
- ❖ Competence of the branch offices of the BAMF for the particular applicant's country of origin. This means that certain initial reception centres tend to host specific nationalities (see [Differential treatment of specific nationalities in reception](#));
- ❖ A quota system called '*Königsteiner Schlüssel*',¹¹⁵⁰ according to which reception capacities are determined for Germany's 16 Federal States. The *Königstein* key takes into account the tax revenue (accounting for $\frac{2}{3}$ of the quota) and the number of inhabitants ($\frac{1}{3}$) of each Federal State.

The quota for reception of asylum seekers in 2022 (*Königsteiner Schlüssel*) in comparison to number of (first) asylum applications in 2023 was as follows:

Distribution of asylum seekers in Germany: 2023			
Federal State	Quota	(First) applications in 2023	Actual share in 2023
Baden-Württemberg	13.04 %	39,929	12.1 %
Bavaria	15.56 %	50,389	15.3 %
Berlin	5.19 %	17,594	5.3 %
Brandenburg	3.03 %	9,446	2.9 %
Bremen	0.95 %	3,104	0.9 %
Hamburg	2.60 %	8,163	2.5 %
Hesse	7.44 %	27,482	8.4 %
Mecklenburg-Vorpommern	1.98 %	6,154	1.9 %
Lower Saxony	9.40 %	32,448	9.9 %
North Rhine-Westphalia	21.08 %	67,174	20.4 %
Rhineland-Palatinate	4.82 %	16,496	5.0 %
Saarland	1.20 %	4,688	1.4 %
Saxony	4.98 %	16,350	5.0 %
Saxony-Anhalt	2.70 %	9,730	3.0 %
Schleswig-Holstein	3.41 %	11,432	3.5 %
Thuringia	2.63 %	8,048	2.4 %
Unknown		493	0.1 %
Total		329,120	100.0 %

Source: BAMF, *Das Bundesamt in Zahlen 2023*, available in German [here](#).

The above table demonstrates that the distribution of applicants was only roughly in line with the '*Königsteiner Schlüssel*' in 2023. Deviations from the quota can (at least partially) be explained by a

¹¹⁴⁸ BAMF, 'Initial Distribution of Asylum-Seekers (EASY)', 2 February 2022, available at: <https://bit.ly/48PNzOz>.

¹¹⁴⁹ Section 46(2) Asylum Act.

¹¹⁵⁰ Section 45 Asylum Act.

flexibility created by inter-Länder agreements and other state (*Länder*) laws. More recent statistics of 2024 are not yet available.

It is possible for the asylum seeker to apply to the authorities to be allocated to a particular town or district, but such applications are only successful for compelling reasons (e.g. if a rare medical condition requires that an asylum seeker has to stay close to a particular hospital).¹¹⁵¹ The allocation of the asylum seeker to a particular area is not a formal decision that can be legally challenged by the individual.

4.2. Obligation to stay in initial reception centres

As a rule, asylum seekers are required to stay in the initial reception centre where they lodged their application for international protection. Initial reception centres can be designated as 'arrival centres' (*Ankunftscentren*), AnKER-centres or as separate institutions, depending on the way reception is organised in the Federal States. Long term stays in these centres used to be the exception. In recent years, however, the obligation to stay there has been regularly extended. While the law initially foresaw a maximum stay of 3 months, the maximum was extended to 6 months in 2015. In 2019, the German legislature extended the maximum by another year – i.e., asylum seekers now may be obliged to stay in initial reception centres for up to 18 months.¹¹⁵²

For some groups of asylum seekers, the maximum obligatory stay is even longer:

- ❖ Asylum seekers from safe countries of origin have to stay in initial reception centres until their asylum application has been decided upon and - in case of a rejection - until they leave the territory.¹¹⁵³
- ❖ Since 2019, under certain circumstances, asylum seekers who have failed to cooperate with the authorities have to stay in initial reception centres indefinitely.¹¹⁵⁴
- ❖ Federal States are allowed to impose an obligation on applicants to stay in initial reception centres for up to 24 months.¹¹⁵⁵ As of November 2021, three Federal States had regulations in place that oblige asylum seekers to stay in initial reception centres for up to 24 months under Section 47(1b) of the Asylum Act (see below).¹¹⁵⁶

However, the obligation to stay in initial reception centres must be limited to the duration of the first instance procedure until a decision by the BAMF and may only be prolonged in case the application is rejected as manifestly unfounded or dismissed as inadmissible.¹¹⁵⁷

Since 2019, the Asylum Act also provides for a maximum stay of 6 months in initial reception centres for families with minor children. This maximum time period applies to all asylum seekers with minor children pursuant to Section 47(1) of the Asylum Act, as well as to families from safe countries of origin pursuant to Section 47(1a) of the Asylum Act. However, it does not explicitly apply to asylum seekers subject to a Federal State regulation, which extends the stay in initial reception centres to 24 months pursuant to Section 47 (1b) Asylum Act. It is argued that – because of the clear legislative intent to protect families with children – the maximum stay of 6 months must apply to these asylum seekers as well.¹¹⁵⁸ In practice it seems that this premise is kept since North Rhine-Westphalia as well as Saxony excluded minor children from the prolongation in the regulation, Bavaria also included a more general exclusion clause.¹¹⁵⁹

¹¹⁵¹ Stahlmann in Hofmann, *Ausländerrecht* §57 AsylG para. 6f., 2016.

¹¹⁵² Section 47(1) Asylum Act.

¹¹⁵³ Section 47(1a) Asylum Act.

¹¹⁵⁴ Section 47(1) 3rd Sentence Asylum Act.

¹¹⁵⁵ Section 47 (1b) Asylum Act.

¹¹⁵⁶ Refugee Council North Rhine-Westphalia, *Übersicht: Regelungen zum §47 Abs. 1b AsylG*, 23 March 2019, available in German at: <https://bit.ly/3wopA7n>.

¹¹⁵⁷ Section 47(1b) Asylum Act.

¹¹⁵⁸ Wiebke Judith, 'Druck auf die Länder? Lex AnKER im „II. Hau-Ab-Gesetz' in: *Informationsverbund Asyl und Migration* (ed), *Das Migrationspaket: Beilage zum Asylmagazin* 8-9/2019, September 2017, available in German at: <https://bit.ly/4aqKg1x>, 74.

¹¹⁵⁹ Refugee Council North Rhine-Westphalia, *Übersicht: Regelungen zum §47 Abs. 1b AsylG*, 23 March 2019, available in German at: <https://bit.ly/3wopA7n>.

The maximum stay in initial reception centres which the law provides for is not obligatory for the Federal States. They are entitled to release asylum seekers from these centres and allocate them to other places within the State. In fact, the obligation may be terminated at any time for reasons of public health, for other reasons of public security and order, e.g. to ensure accommodation and distribution, or for other compelling reasons.¹¹⁶⁰ Moreover, the obligation has to be terminated if a threat of removal (*Abschiebungsandrohung*) is enforceable and removal is not possible within a reasonable period of time.¹¹⁶¹ The asylum seeker shall also be released from the initial reception centre if the administrative court granted suspensive effect to their appeal, with the exception of Dublin cases and those already granted international protection in another Member State.¹¹⁶²

In **Bavaria**, the obligation to stay in initial reception centres for up to 24 months had already been introduced in 2017 in three 'transit centres' (Manching/Ingolstadt, Regensburg, Deggendorf).¹¹⁶³ All of these centres were renamed as AnKER centres in 2018, together with the other Bavarian reception centres. The Bavarian Reception Act generally obliges the following groups to stay in reception centres:

- ❖ All asylum seekers until the BAMF has decided upon their applications;
- ❖ Asylum seekers whose application has been rejected as manifestly unfounded or inadmissible until they leave the country or are deported, but limited to a maximum period of 24 months.

The latest version of the Act also clearly states that this obligation does not apply in cases in which Federal Law provides for a shorter duration of the obligation.¹¹⁶⁴

In 2022, PROASYL and the Refugee Council Berlin published a comprehensive study on reception conditions. Accordingly, the average duration of stay varies not only for the different nationalities but rather due to regional differences.¹¹⁶⁵ In **Berlin** the average duration in initial arrival centres were 6 weeks to 6 months, in North **Rhine-Westphalia** a few days to six months for families, up to 24 months for single adults. One interviewee stated that in one part of the AnKER centre in **Bavaria**, which is reserved for people who should be expelled, a man has been living there for 25 years.

Similarly, in **Saxony**, where three AnKER centres or arrival centres exist, an obligation to stay in reception centres under Section 47(1b) Asylum Act was introduced through the state's Refugee Reception Act of 11 December 2018 in conjunction with the Saxon Residence Restriction Extension Decree (*Sächsische Wohnpflichtverlängerungsverordnung*). This obligation affects the following groups of asylum seekers:¹¹⁶⁶

- ❖ Asylum seekers from a country of origin with a protection rate lower than 20% until the BAMF has decided upon their applications. The Federal State's government has published a list of 94 countries of origin which fall under this category.¹¹⁶⁷
- ❖ Asylum seekers whose application has been rejected as manifestly unfounded or inadmissible until they leave the country or are deported.

In both cases, the maximum period of stay is 24 months and minor children and their parents are exempt.¹¹⁶⁸

¹¹⁶⁰ Section 49(2) Asylum Act.

¹¹⁶¹ Section 49 (1) Asylum Act.

¹¹⁶² Section 50 (1) Number 1 Asylum Act.

¹¹⁶³ Bayerischer Flüchtlingsrat, 'Die Geschichte der ANKER Zentren', available in German at: <https://bit.ly/3HE4ho3>.

¹¹⁶⁴ Section 2(2) Bavarian Reception Act (Aufnahmegesetz), as amended by the Act of 23 December 2021, available in German at: <https://bit.ly/2uE71MT>.

¹¹⁶⁵ PROASYL and Refugee Council Berlin, *Das Asylbewerberleistungsgesetz – Einschränkungen des Grundrechts auf ein menschenwürdiges Existenzminimum für Geflüchtete*, November 2022, available in German at: <https://bit.ly/3XrdSox>, 269.

¹¹⁶⁶ Section 12(3) Saxon Refugee Reception Act (*Flüchtlingsaufnahmegesetz*), as amended by the Act of 14 December 2018, available in German at: <https://bit.ly/2VaJLkY>, in conjunction with Section (1) and (2) Saxon Residence Restriction Extension Decree (*Wohnpflichtverlängerungsverordnung*), as amended by the Act of 20 April 2020, available in German at: <https://bit.ly/2Zgckgu>.

¹¹⁶⁷ Addendum to the Saxon Residence Restriction Extension Decree of 3 May 2019, available in German at: <https://bit.ly/2CBBaki>.

¹¹⁶⁸ Section 3 Saxon Residence Restriction Extension Decree (*Sächsische Wohnpflichtverlängerungsverordnung*).

The Federal State of **North Rhine-Westphalia** had extended the obligation to stay in initial reception centres to a maximum of 24 months for those whose application has been rejected as manifestly unfounded or inadmissible. Families and children are exempted from this regulation.¹¹⁶⁹ This provision expired on 1 September 2024, so since that date the general federal regulations on the length of stay in reception centres apply.

Finally, the Federal State of **Saxony Anhalt** made use of Section 47(1b) of the Asylum Act but extended the obligation to 18 months only. Additionally, the State not only exempted families with children, but also single women, persons with severe physical and psychological illnesses, victims of torture and sexual violence, LGBTIQ and asylum seekers who belong to persecuted minorities.¹¹⁷⁰

Asylum seekers may leave the premises of the initial reception centres (regardless of whether they are called arrival centres, AnkER-centres or have a different denomination) at any time, subject to no curfew or obligation to stay overnight, but in many centres they have to report to security personnel at the door upon leaving and re-entering. In some AnkER centres such as **Regensburg**, monitoring of entry and exit is carried out through a bar code card scanned by asylum seekers at the door.¹¹⁷¹ The same is true, for example, for initial reception centres in Brandenburg, like **Eisenhüttenstadt** and **Doberlug-Kirchhain**. According to house rules, asylum seekers at these facilities are allowed to leave the premises for a maximum of 48 hours only (not including weekends). In the event of prolonged unannounced absence from the initial reception facility, the person concerned can be deregistered and payment of benefits can be suspended.

In general, people can travel freely within the town and district in which the reception centre is located, although the limited accessibility of certain initial reception centres by public transport raises questions concerning freedom of movement. For example, the authorities provide asylum seekers in the AnkER centres with subsidised public transport tickets. However, residents in accommodation centres attached to AnkER centre (*Dependancen*) located outside the municipality of the competent AnkER centre – e.g. **Schwandorf**, located 38km from **Regensburg**, or **Garmisch**, located 90km away from **Munich** – are only provided with public transport tickets to travel to the competent AnkER centre for official appointments such as interviews with the BAMF. Applicants have to cover their own travel costs for any other appointments, including meetings with NGOs or doctors, that are not present in *Dependancen*. The set-up and location of the *Dependancen* therefore poses an additional barrier to asylum seekers' access to essential services.¹¹⁷² In most Federal States, applicants need a special permission to travel to other parts of the state or to other parts of Germany (see *Residenzpflicht* above).

¹¹⁶⁹ Section(1) Implementing Act to Section 47(1b) of the Asylum Act, available in German at: <https://bit.ly/2BcfuO5>.

¹¹⁷⁰ Section(1a) Reception Act, as amended by the Act of 14 February 2019, available in German at: <https://bit.ly/2YAXTbC>.

¹¹⁷¹ ECRE, *The AnkER centres Implications for asylum procedures, reception and return*, April 2019, available at: <https://bit.ly/2W7dICZ>.

¹¹⁷² *Ibid.*

B. Housing

1. Types of accommodation

Indicators: Types of Accommodation

1. Number of reception centres: Not available
2. Total number of places in the reception centres: Not available
3. Total number of places in private accommodation: Not available
4. Type of accommodation most frequently used in a regular procedure:
☒ Reception centre ☐ Hotel or hostel ☐ Emergency shelter ☒ Private housing ☐ Other
5. Type of accommodation most frequently used in an accelerated procedure:
☒ Reception centre ☐ Hotel or hostel ☐ Emergency shelter ☐ Private housing ☐ Other

In general, 3 types of accommodation for asylum seekers can be distinguished:

- ❖ Initial reception centres, including particular types of centres such as arrival centres, special reception centres and AnkER-centres;
- ❖ Collective accommodation centres;
- ❖ Decentralised accommodation.

Emergency shelters were reintroduced in a greater scale in 2022, especially in bigger cities, following the rising numbers of protection seekers from Afghanistan and Ukraine (See also [Annex on Temporary Protection](#)). According to a 2024 survey conducted by the University Hildesheim about the municipal accommodation of asylum seekers, approximately 40 % of German municipalities in the 'western' states, and 12 % in the Federal States formerly belonging to the GDR use emergency shelters, showing regional differences in the reception capacities.¹¹⁷³ In **Berlin** the former airport Tegel is used as emergency shelter and its capacities have been continuously expanded since its reintroduction. In July 2022 tents located in the former Terminal A and B had a capacity for 900 protection seekers which were extended to 1,900 in October 2022.¹¹⁷⁴ Whereas in the beginning the emergency shelters should only be provided until the end of 2022, the Berlin Senate decided that due to the arrivals from Ukraine a prolongation was required until 15 March 2023.¹¹⁷⁵ As all other reception centres in Berlin remained completely full, the Senate further prolonged the usage of the former airport until June 2024. After that, there could only be one last extension until December 2024 for the approx. 3,000 people.¹¹⁷⁶ By June 2024, around 5,000 individuals were accommodated at Tegel, including approximately 4,000 from Ukraine, while others came from Türkiye, Afghanistan, Iraq, Georgia, and Vietnam. Reports from September 2024 indicate that living conditions in the facility remain problematic, with overcrowded spaces, up to 380 individuals sharing large tents, and a lack of privacy.¹¹⁷⁷ Additionally, as of November 2024, the average waiting time for more permanent housing solutions had reached 285 days, causing growing frustration among the residents. In January 2025, the Berlin government announced plans to extend the capacity of Tegel with permanent accommodation for around 2,000 to 3,000 refugees, making the site, originally opened as an emergency centre, a permanent residency for some.¹¹⁷⁸ The facility at Tempelhof which was closed in 2019 reopened

¹¹⁷³ Vorkul, Timur, *Wie überlastet sind die Kommunen? Vergleich von Ost und West*, MDR, 30 August 2024, available in German [here](#).

¹¹⁷⁴ Berlin.de, *Notunterkunft für Geflüchtete in Tegel geht an den Start*, 29 July 2022, available in German [here](#); Anna Klöpfer, taz.de, *Weniger als 200 Betten noch frei*, 10 October 2022, available in German at: <http://bit.ly/3HpMC47>.

¹¹⁷⁵ Berlin.de, *Verlängerung der Nutzung der Terminalgebäude A/B des ehemaligen Flughafen Tegel als Notunterkunft*, 10 January 2023, available in German at: <https://bit.ly/3S0t0sV>.

¹¹⁷⁶ Tagesspiegel.de, *Notunterkunft in Berlin-Tegel: Geflüchtete müssen bis Ende 2024 aus ehemaligen Flughafen raus*, 11 July 2023, available in German at: <https://bit.ly/49aKrMW>.

¹¹⁷⁷ Frauke Hunfeld und Alexander Kauschanski, 'A Place of Chaos: berlin's Overcrowded Refugee Camp in Tegel' (SPIEGEL international, 19 September 2024), available [here](#); Sertan Sanderson, 'Corruption and overcrowding: Investigation reveals dire conditions for refugees at Tegel asylum shelter' (Infomigrants, 20 September 2024), available [here](#).

¹¹⁷⁸ 'Plans for new refugee accommodation in Tegel' (Berlin.de, 21 January 2025), available [here](#).

in December 2022,¹¹⁷⁹, housing around 2000 people in April 2024.¹¹⁸⁰ The Berlin Senate has announced plans to add container housing for 1,000 more refugees by the second half of 2026. In **Cologne**, North Rhine Westfalia and **Hamburg** exhibition grounds are still used as emergency shelters.¹¹⁸¹ It is to be noted that one of the main factors for why emergency shelters are at the limits of their capacities is not the number of arrivals, but rather the lack of available long-term housing in the municipalities.¹¹⁸² In fact, the number of people in initial reception centres has significantly decreased in several States in 2024, due to fewer new arrivals and changes in allocation policies across the states.¹¹⁸³

The reception of asylum seekers and thus its financing is in general the responsibility of the municipalities. The Federal Government has generally supported the Federal States with the cost of the reception of asylum seekers over the last years. However, the issue of funding remains highly controversial. The Federal states argue that they do not receive enough, while the federal government believes it has already fulfilled its responsibilities.¹¹⁸⁴ In 2023, the Federal Government supported the municipalities with EUR 3.9 billion.¹¹⁸⁵ In 2024, the Federal Government and the Federal States agreed on a system change in the financing of refugee costs. The Federal Government now pays a fixed annual amount of €7,500 per first-time asylum applicant,¹¹⁸⁶ rather than the previous annual lump sum, amounting to EUR 1.8 billion in 2024.¹¹⁸⁷ The estimate for 2025 stands at EUR 1.3 billion.

1.1. Initial reception centres

Following the reform of June 2019, asylum seekers are generally obliged to stay in an initial reception centre for a period of up to 18 months after their application has been lodged (*Aufnahmeeinrichtung*).¹¹⁸⁸ An obligation to stay in these centres for a maximum of 24 months can be imposed by Federal States since July 2017 (see *Freedom of movement*).¹¹⁸⁹ Furthermore, asylum seekers from safe countries of origin are obliged to stay there for the whole duration of their procedures.

The Federal States are required to establish and maintain the initial reception centres.¹¹⁹⁰ Accordingly, there is at least one such centre in each of Germany's 16 Federal States with most Federal States having several initial reception facilities.

Initial reception centres are assigned to a branch office of the BAMF, or combined with a branch office to constitute an arrival centre or AnkER centre. At the beginning of 2025, out of 58 branch offices listed on the BAMF website 17 were integrated in arrival centres in 12 different Federal States, and 9 were part of AnkER centres in three Federal States.¹¹⁹¹

¹¹⁷⁹ Zeit Online, *Neue Unterkunft für 840 Geflüchtete soll Freitag öffnen*, 19 December 2022, available in German at: <http://bit.ly/3XPPP2h>.

¹¹⁸⁰ Juliane Kowolik, 'Mehr Unterkünfte: Berlin plant neue Wohncontainer für 1.000 Geflüchtete auf Tempelhofer Feld' (rbb24, 30 January 2025), available in German [here](https://www.rbb24.de/berlin/berlin-plant-neue-wohncontainer-fuer-1000-gefluechtete-auf-tempelhofer-feld).

¹¹⁸¹ NDR.de, *Erste Flüchtlinge kommen in den Hamburger Messehallen unter*, 16 October 2023 available in German at: <https://bit.ly/3Uk2s79>; WDR.de, *NRW eröffnet Notunterkunft für Flüchtlinge in Kölner Messe*, 17 November 2023, available in German at: <https://bit.ly/3SDw7WP>.

¹¹⁸² Vorkul, Timur, *Wie überlastet sind die Kommunen? Vergleich von Ost und West*, MDR, 30 August 2024, available in German [here](https://www.mdr.de/berlin/berlin-plant-neue-wohncontainer-fuer-1000-gefluechtete-auf-tempelhofer-feld).

¹¹⁸³ 'Mehr Platz in Unterkünften' (Frankfurter Rundschau, 1 January 2025) available in German [here](https://www.fr-online.de/berlin-plant-neue-wohncontainer-fuer-1000-gefluechtete-auf-tempelhofer-feld).

¹¹⁸⁴ Tagesschau.de, *Mit nackten Zahlen gegen die Länder*, 03 May 2023, available in German at: <https://bit.ly/49wE6f9>.

¹¹⁸⁵ Unterrichtung durch die Bundesregierung, *Finanzplan des Bundes 2023 bis 2027*, 30 August 2024, available in German at: <https://bit.ly/3vN1PsD>.

¹¹⁸⁶ 'Was das Geld vom Bund für Flüchtlinge den Kommunen bringt' (mdr, 8 July 2024), available in German [here](https://www.mdr.de/berlin-plant-neue-wohncontainer-fuer-1000-gefluechtete-auf-tempelhofer-feld).

¹¹⁸⁷ Unterrichtung durch die Bundesregierung, *Finanzplan des Bundes 2024 bis 2028*, 18 August 2023, available in German at: <https://dserver.bundestag.de/btd/20/124/2012401.pdf>

¹¹⁸⁸ Section 47(1) Asylum Act.

¹¹⁸⁹ Section 47(1b) Asylum Act.

¹¹⁹⁰ Section 44(1) Asylum Act.

¹¹⁹¹ BAMF, *Locations*, available at: <https://bit.ly/3dFTd8w>. The branch offices also include 'regional offices' responsible for integration measures, and regional branch offices working exclusively on Dublin cases. Some branch offices also have several locations, which are not included in the count.

Arrival centres

Since 2016, several reception centres have either been opened as arrival centres (*Ankunftscentren*) or existing facilities have been transformed into arrival centres. In these centres, the BAMF and other relevant authorities are grouped together and apply [fast-track processing](#). The concept of ‘arrival centres’ is not established in law, therefore technically the initial reception centres are still functioning as part of the arrival centres, together with a branch office of the BAMF and other relevant authorities. As of January 2024, the BAMF lists 17 arrival centres which are located across 12 Federal States (down from 22 in 2018):¹¹⁹²

- ❖ Berlin
- ❖ Bremen
- ❖ Hamburg
- ❖ Baden-Württemberg: Heidelberg
- ❖ North Rhine-Westphalia: Bielefeld, Bonn, Mönchengladbach, Unna
- ❖ Saxony: Chemnitz, Leipzig
- ❖ Lower Saxony: Braunschweig, Bramsche
- ❖ Saxony-Anhalt: Halberstadt
- ❖ Hessen: Gießen
- ❖ Mecklenburg-Vorpommern: Schwerin
- ❖ Thuringia: Suhl
- ❖ Rhineland-Palatinate: Trier

AnKER centres

As of May 2021, a total of 9 AnKER were established in Germany in **Bavaria**, **Saxony** and **Saarland**.¹¹⁹³

Since August 2018, Bavaria has established and/or rebranded all facilities run by the seven districts of the Federal State as AnKER centres.¹¹⁹⁴ These included seven AnKER centres and a number of facilities attached thereto (*Dependancen*), the latter serving only for accommodation of asylum seekers to avoid overcrowding. All steps of the procedure are carried out in the main AnKER centres. The AnKER centre in **Donauwörth** was closed at the end of 2019 after regional politicians in the district of Swabia opted for a more decentralised approach to accommodate of asylum seekers.¹¹⁹⁵ In 2024, Bavaria announced plans of opening a new AnKER centre in Munich.¹¹⁹⁶

AnKER centres & <i>Dependancen</i> in Germany		
Federal State	AnKER centre	Location of AnKER <i>Dependancen</i> ¹¹⁹⁷
Bavaria ¹¹⁹⁸	Manching/Ingolstadt (Upper Bavaria)	Ingolstadt: 3 locations Munich: 2 locations Garmisch-Partenkirchen Waldkraiburg Fürstenfeldbruck
	Deggendorf (Lower Bavaria)	Hengersberg Osterhofen Stephansposching

¹¹⁹² BAMF, Locations, available at: <https://bit.ly/2Z74Uko>.

¹¹⁹³ Federal Government, Response to parliamentary question by The Left, 19/30711, 15 June 2021, available in German at: <https://bit.ly/3veNm8t>, 28.

¹¹⁹⁴ Süddeutsche Zeitung, Das sind die sieben neuen Ankerzentren in Bayern, 1 August 2018, available at <https://bit.ly/2MeAYKy>.

¹¹⁹⁵ Augsburg Allgemeine, Das Donauwörther Ankerzentrum wird definitiv aufgelöst, 13 May 2019, available at: <https://bit.ly/4bex00i>.

¹¹⁹⁶ Kathrin Aldenhoff, Heiner Effer, Ekaterina Kel, ‘München soll großes neues Ankerzentrum bekommen’ (*Süddeutsche Zeitung*, 18 September 2024), available in German [here](#).

¹¹⁹⁷ Anker-Watch.de, ANKER-Zentren und Dependancen, available at: <https://bit.ly/3ewPdbE>.

¹¹⁹⁸ BAMF, *Evaluation of AnKER Facilities and Functionally Equivalent Facilities*, Research Report 37 of the BAMF Research Centre, 2021, available in English at: <https://bit.ly/3FgxXnq>, 64-65.

	Regensburg: Zeißstraße (Upper Palatinate)	Regensburg Pionierkaserne Schwandorf
	Bamberg (Upper Franconia)	-
	Zirndorf (Middle Franconia)	Nuremberg: 2 locations Neuendettelsau
	Geldersheim/Niederwerrn (Lower Franconia)	-
	Augsburg (Swabia)	Augsburg: 3 locations Kempten Neu Ulm
Saxony	Dresden	-
Saarland	Lebach	-
Total	9	21

1.2. Collective accommodation centres

Once the [Obligation to Stay in Initial Reception Centres](#) ends, asylum seekers should, ‘as a rule’, be accommodated in ‘collective accommodation’ centres (*Gemeinschaftsunterkünfte*, GU).¹¹⁹⁹ These accommodation centres are usually located within the same Federal State as the initial reception centre to which the asylum seeker was sent for the initial reception period. What exactly characterises shared accommodation is not defined. Some of these accommodation centres host 30, some several hundred people. Also, the quality of the facilities differs immensely. Some are simple but nicely designed new buildings with self-contained residential units, good traffic connection and a garden. Others are run-down buildings in which people without family ties have to share four- or five-bed rooms.¹²⁰⁰

According to the ‘geographical restriction’, asylum seekers are obliged to stay in the district to which they have been allocated for the whole duration of their procedure, including appeal proceedings (see [Freedom of movement](#)). The Federal States are entitled by law to organise the distribution and the accommodation of asylum seekers within their territories.¹²⁰¹ In most cases, states have referred responsibility for accommodation following the initial reception period to municipalities. The responsible authorities can decide at their discretion whether the management of the centres is carried out by the local governments themselves or whether this task is transferred to NGOs or to facility management companies.

1.3. Decentralised accommodation

In 2023, the German Federal Statistical Office recorded the following numbers for accommodation of ‘recipients of benefits under the Asylum Seeker’s Benefits Act’. It has to be noted that this law applies not only to asylum seekers, but also to people with a ‘tolerated stay’ (*Duldung*) and even to certain groups of people who have been granted a temporary residence permit. Among these groups, there are many people who have been staying in Germany for several years and therefore are more likely to live in decentralised accommodation than asylum seekers whose application is still pending:

¹¹⁹⁹ Section 53 Asylum Act.

¹²⁰⁰ Boris Kühn / Julian Schlicht, Mediendienst Integration, *Kommunale Unterbringung von Geflüchteten – Probleme und Lösungsansätze*, July 2023, available in German at: <https://bit.ly/3SA0eiO>.

¹²⁰¹ Section 10 Asylum Seekers’ Benefits Act.

Recipients of asylum seekers benefits in the Federal States: 31 December 2023				
Federal State	Initial reception centres	Collective accommodation	Decentralised accommodation	Total
Baden-Württemberg*	3,365	41,540	18,745	63,645
Bavaria	11,675	40,080	36,890	88,645
Berlin	2,470	1,195	32,240	35,905
Brandenburg	3,330	7,925	4,840	16,095
Bremen	1,920	1,425	2,475	5,820
Hamburg	3,685	8,980	2,070	14,735
Hesse	3,465	23,645	9,240	36,355
Mecklenburg-Vorpommern	775	5,935	1,805	8,515
Lower Saxony	5,425	14,550	28,845	48,820
North Rhine-Westphalia	23,025	48,095	32,525	103,650
Rhineland-Palatinate	5,760	3,845	10,885	20,490
Saarland	200	1,275	2,880	4,355
Saxony	12,905	14,275	7,395	34,575
Saxony-Anhalt	2,545	6,230	4,240	13,015
Schleswig-Holstein	5,285	2,400	10,430	18,115
Thuringia	170	4,690	5,110	9,970
Total	86,000	226,085	210,615	522,695

Source: Statistisches Bundesamt, 'Empfängerinnen und Empfänger nach Bundesländern', available in German [here](#). This includes both asylum seekers and people with tolerated stay (Duldung).

Although Section 53 of the Asylum Act provides that asylum seekers 'should, as a rule, be housed in collective accommodation' following the initial reception period, the above figures show that policies vary considerably between the Federal States.¹²⁰² In some states such as **Bavaria, Hamburg or Hesse**, most asylum seekers are indeed living in this type of accommodation. In contrast, there are other Federal States, including **Rhineland-Palatinate, Lower Saxony or Schleswig-Holstein**, in which the majority of recipients of asylum seekers' benefits are staying in so-called 'decentralised accommodation', so usually in apartments of their own.¹²⁰³ The latter might also at least partially be the result of authorities generally being more restrictive when it comes to issuing (long-term) holders of a tolerated stay with residence permits, which would entitle them to regular social benefits.

¹²⁰² An analysis of these figures cannot be conclusive since it is complicated by apparent inconsistencies in the statistics. For example, it is unlikely that at a given date more than 10,000 asylum seekers were staying in the initial reception centres of the Federal State of North Rhine-Westphalia. Apparently, other types of state-run accommodation were included in this figure as well.

¹²⁰³ It is possible, though, that some Federal States subsume smaller types of collective accommodation under 'decentralised' housing as well. Furthermore, some states seem to have changed their preferences compared to previous years, as the comparison to the figures of 2018 indicates (see AIDA, *Country Report Germany - Update on the year 2019*, July 2020, available at: <https://bit.ly/4105BsU>, 88-89).

2. Conditions in reception facilities

Indicators: Conditions in Reception Facilities

1. Are there instances of asylum seekers not having access to reception accommodation because of a shortage of places? ☐ Yes ☒ No
2. What is the average length of stay of asylum seekers in the reception centres? Not available
3. Are unaccompanied children ever accommodated with adults in practice? ☒ Yes ☐ No
4. Are single women and men accommodated separately? ☐ Yes ☒ No

2.1. Overall conditions

Conditions in initial reception centres

There is no common standard for initial reception centres, although Federal States have laid down standards to varying degrees in regional legislation through the various State Reception Acts (*Landesaufnahmegesetze*) and in regulations and directives. Where no standards for the accommodation of asylum seekers exist, the Federal States often refer to other regulations, such as general 'sanitation plans' as they exist for other forms of communal accommodation (e.g., residential homes or homeless shelters).

Many of these centres use former army barracks which have been refurbished. There are substantial differences in the structure and living conditions, for example, between the AnKER centres and the *Dependancen* in Bavaria. In **Regensburg** for example, the main AnKER centre was built recently and is relatively modern, while the *Dependancen* are old former barracks. Particular concerns have been voiced with regard to *Dependancen* such as **Schwandorf** and **Stephanposching**, which consists of large halls with no rooms. In the *Dependance* of **Munich Funkkaserne**, a former barracks which hosted over 200 people at the end of March 2019, collapsing sinks, a damaged medical room and unsanitary conditions have been reported, far below standards.¹²⁰⁴ Following public criticism, the authorities started renovation works in the facility of early April 2019 and transferred several residents to other facilities.¹²⁰⁵ In June 2019 a new area for children over 100 m² has been installed.¹²⁰⁶ According to the municipality of Munich, the Funkkaserne will continue to be used as *Dependance* until 2029.¹²⁰⁷

Locations of centres vary significantly. While some of the initial reception centres, arrival centres and AnKER are situated in or close to big cities (e.g. **Berlin**, **Munich**, **Regensburg**, **Brunswick/Braunschweig**, **Bielefeld**, **Dortmund**, **Karlsruhe**), others are located in smaller cities (**Eisenhüttenstadt**, **Neumünster**, **Halberstadt**) or in small towns with some distance to the next city (**Lebach** near Saarbrücken). Some initial reception centres (**Nostorf-Horst** in Mecklenburg-Vorpommern, **Deggendorf** or the *Dependancen* in **Garmisch** and **Waldkraiburg** in Bavaria) are in isolated areas far away from the next town.¹²⁰⁸

Initial reception centres in Germany typically accommodate several hundred individuals, with some facilities capable of hosting larger numbers. The AnKER centre in **Bamberg**, Bavaria, for example has a

¹²⁰⁴ Süddeutsche Zeitung, "Die Regierung muss hier sofort einschreiten", 26 March 2019, available in German at: <https://bit.ly/2OGa40d>.

¹²⁰⁵ Süddeutsche Zeitung, 'Die Funkkaserne wird angeblich unter Hochdruck saniert', 5 April 2019, available in German at: <https://bit.ly/2KA8Rcv>.

¹²⁰⁶ Süddeutsche Zeitung, *Kinder lernen wieder lachen*, 29 July 2019, available in German at: <http://bit.ly/3XApeqo>.

¹²⁰⁷ Munich, *Übersicht des Sozialreferats über Unterkünfte für Geflüchtete und Wohnungslose ab 48 Bettplätzen*, 30 September 2023, available in German at: <https://bit.ly/3D9jwmY>.

¹²⁰⁸ Refugee Council Bavaria, *Monatelange Isolation*, available in German at: <https://bit.ly/3l3veC1>.

capacity of 3,400 places, for example, but only hosted 964 persons in February 2025.¹²⁰⁹ In **Berlin**, the local authorities of the Arrival Centre reported that, in December 2021, there were a large number of asylum applicants from Egypt, Iraq and Yemen in its reception facilities, having arrived through the Polish–Belarusian border. Additionally, the number of asylum applicants from Georgia, Moldova and Vietnam remained high. In the latter half of 2021, Berlin had received approximately 2,000 asylum applicants monthly, pushing reception capacities to their limits.¹²¹⁰ In 2022, the number of applications rose to 14,704 until December.¹²¹¹ The numbers encompass both applicants for international protection and subsequent applications which have been filed in the initial reception centres. Ukrainian refugees are counted separately due to their distinct legal status.¹²¹² In 2023, over 1,000 asylum seekers arrived in Berlin on average, accumulating in 16,751 asylum applications in total for the whole year. In addition, 15,144 Ukrainians arrived in Berlin in 2023.¹²¹³ In 2024, Berlin recorded a 36% decrease in asylum applicants, with 17,162 individuals registering at the Reinickendorf Arrival Centre compared to 26,793 in 2023.¹²¹⁴ Of these, 6,542 asylum applicants were relocated to other federal states, while 10,620 remained in Berlin. Additionally, the Arrival and Emergency Accommodation Facility in Tegel (ANo TXL) saw a 31% reduction in Ukrainian refugees, with 10,408 arrivals in 2024. In total, Berlin accommodated 21,342 individuals in 2024, encompassing asylum applicants, war refugees from Ukraine, and individuals admitted through special programs. This figure represents a 35% decline from the 32,752 refugees assisted in 2023.

As far as regulations on accommodation standards in the initial reception centres exist, these show considerable variety in terms of the required living space and equipment. The Refugee Reception Act of **Baden-Württemberg** provides that asylum seekers should have 4.5m² of living space, while other regulations provide for 6 or 7m² per person.¹²¹⁵ A typical room in an initial reception centre has between 2 and 4 beds, there are chairs and a table and each resident has a locker for themselves. Size of rooms may vary, but rooms with a single bed are highly exceptional.

Most initial reception centres have a policy to accommodate single women and families in separate buildings or separate wings of their buildings. The AnKER centre in **Manching/Ingolstadt** for example provides separate rooms for vulnerable persons.

Bath and toilet facilities usually consist of shower rooms and toilets which people have to share. As mentioned before, there are no regulations that oblige the Federal states to fulfil any standards. However, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth and UNICEF have worked out a policy paper stating minimum standards concerning the protection of refugees in reception centres.¹²¹⁶ These guidelines state that sanitary facilities should be separate between genders and that those facilities should be built in a way that guarantees privacy. Other guidelines recommend that one shower should be available for 10 to 12 persons, but in some reception centres the ratio is worse than that, particularly in situations of overcrowding. Cleaning of shared space (halls, corridors) as well as of sanitary facilities is carried out by external companies in the initial reception centres.

¹²⁰⁹ Markus Kraft, ANKER-Einrichtung Oberfranken – Grundlagen, Kritik und Alternative, *Asylmagazin* 10-11/2018, 352; ECRE, 'The Bamberg model and transit camp system in Germany – Op-ed by Aino Korvensyrjä', 2 February 2018, available at: <http://bit.ly/2Flz6KP>. Regional Government Oberfranken, *ANKER_Einrichtung Oberfranken*, accessed 9 March 2025, available in German at: <https://bit.ly/483F8hc>.

¹²¹⁰ FRA, *Migration – Fundamental Rights Concerns – Bulletin 1 January 2022*, available at: <https://bit.ly/3Ng4gbF>, 18.

¹²¹¹ Berlin, Landesamt für Flüchtlingsangelegenheiten, *Zahlen und Fakten, Zugangslage Geflüchteter Berlin 2023*, lastly amended 25 January 2024, available in German at: <http://bit.ly/3woOTq0>.

¹²¹² Ibid.

¹²¹³ Ibid.

¹²¹⁴ 'Trotz Rückgang: Weiterhin hoher Zugang von Geflüchteten in Berlin', 7 January 2025, available in German [here](#). The numbers presented here are that of the Berlin state authorities. It should be noted that the numbers presented by the BAMF (the federal office) for Berlin slightly differ, with 17,594 first-time applications in Berlin in 2023, and 13,494 in 2024. See BAMF, *Aktuelle Zahlen*, December 2024, available in German [here](#).

¹²¹⁵ European Migration Network, *The Organisation of Reception Facilities for Asylum Seekers in Germany*, 2013, available in German at: <https://bit.ly/48ojgO9>, 26.

¹²¹⁶ Federal Ministry for Family Affairs, Senior Citizens, Women and Youth and UNICEF, *Mindeststandards zum Schutz von geflüchteten Menschen in Flüchtlingsunterkünften*, available in German at: <https://bit.ly/48WAaV2>.

Food is supplied in the initial reception centres and is usually served in canteens on the premises of the centres. In general, two or more menus are on offer for lunch and the management of the catering facilities tries to ensure that specific food is provided with regard to religious sentiments. Some, but not all initial reception centres also have shared kitchen space which enables asylum seekers to cook their own food; in AnKER centres, for instance, cooking is not allowed. Refrigerators for the use of asylum seekers are available in some initial reception centres, but this seems to be the exception. In some centres, the management does not allow hot water boilers for asylum seekers as this would be forbidden by fire regulations.¹²¹⁷

The living conditions in many initial reception centres have been criticised by asylum seekers, volunteers and NGOs – especially in light of the extended obligatory stay in these facilities. In 2022 the conditions deteriorated even more due to the massive overcrowding as consequence from the war in Ukraine and the situation in Afghanistan. Throughout 2023, small cities like Pulheim in **North Rhine-Westphalia**,¹²¹⁸ as well as middle size municipalities like Augsburg in **Bavaria**¹²¹⁹ and Aachen in **North Rhine-Westphalia**¹²²⁰ but also big municipalities like **Berlin**¹²²¹ and **Hamburg**¹²²² faced difficulties in accommodating new protection seekers. In **Berlin** and **Hamburg**, around 97% percent of the reception capacities were occupied around October and November 2023.¹²²³ Despite the decrease in the number of asylum applications, occupancy rates remain high in these cities in 2024/early 2025. In **Berlin**, at the beginning of 2025, a total of 41,369 people were accommodated by the State Office for Refugee Affairs (LAF) (January 2024: 39,861 people). Of these, 33,530 people live in state-owned accommodations, 4,670 people are temporarily housed in the two arrival centres, and 3,169 people are staying in hostels and hotels. There are 3,907 available places, 2,554 of which are in Tegel.¹²²⁴ At the beginning of 2025, the occupancy rate thus lay at 91.37 % in **Berlin**. In **Hamburg**, the occupancy rate is approximately 95.09 %.¹²²⁵ In other parts of Germany, the situation seems to be improving, with occupancy rates dropping significantly in most other Federal States.¹²²⁶

According to the administration of **Berlin**, the city will increase its net capacity of accommodation by 2,000 in 2025, and another 4,400 in 2026.¹²²⁷ In October 2023, the initial reception centre in Suhl, **Thuringia**, was completely full and had imposed a freeze on admissions.¹²²⁸ However, the municipalities cannot offer any other accommodation facilities as all centres and apartments are full. The only possibility left, according to the Thuringian Association of Towns and Municipalities, was the usage of sport halls.¹²²⁹ In **Thuringia**, occupancy has since decreased. Whereas a year ago almost all places were occupied (97 %), in December 2024 every third bed was free (64 % occupancy).¹²³⁰ Municipalities in North Rine-Westphalia

¹²¹⁷ PROASYL and Refugee Council Berlin, *Das Asylbewerberleistungsgesetz – Einschränkungen des Grundrechts auf ein menschenwürdiges Existenzminimum für Geflüchtete*, November 2022, available in German at: <https://bit.ly/3XrdSox>, 100.

¹²¹⁸ WDR.de, Geflüchtete klagen über menschenunwürdige Zustände in Pulheimer Flüchtlingsunterkünften, available at: <https://bit.ly/3SKjme1>.

¹²¹⁹ Augsburger Allgemeine, Augsburg gerät bei der Unterbringung von Geflüchteten wieder stärker unter Druck, 19 August 2023, available in German at: <https://bit.ly/42MZ1lq>.

¹²²⁰ InfoMigrants, 'Refugees: German cities are reaching their limits', 26 September 2022, available at: <https://bit.ly/3wpjCp>.

¹²²¹ Silke Mehring, Leichtbauhallen in Tegel geplant Unterbringung von Ukraine-Flüchtlingen in Berlin wird immer komplizierter, rbb24, 02 December.2022, available in German at: <http://bit.ly/3wdFPUT>.

¹²²² Ibid.

¹²²³ Rbb24.de, Berlin droht Verlust von tausenden Unterkunftsplätzen für Geflüchtete, 28 November 2023, available in German at: <https://bit.ly/48nVWzN>; NDR, Flüchtlingszahlen: Senat sieht Hamburg am Limit, 6 October 2023, available in German at: <https://bit.ly/3SHfJ7w>.

¹²²⁴ Berlin State Office for Refugee Affairs, 'Trotz Rückgang: Weiterhin hoher Zugang von Geflüchteten in Berlin', 7 January 2025, available in German [here](#).

¹²²⁵ Hamburg, 'Monatliches Lagebild - Asyl- und Schutzsuchende in Hamburg – Januar 2025', 17 February 2025, available in German [here](#).

¹²²⁶ 'Mehr Platz in Unterkünften' (Frankfurter Rundschau, 1 January 2025) available in German [here](#).

¹²²⁷ Berlin State Office for Refugee Affairs, 'Trotz Rückgang: Weiterhin hoher Zugang von Geflüchteten in Berlin', 7 January 2025, available in German [here](#).

¹²²⁸ Mdr.de, *Erstaufnahmeeinrichtungen für Flüchtlinge – Was tun, wenn sie voll sind?*, 6 October 2023, available in German at: <https://bit.ly/3I9iV74>.

¹²²⁹ Ibid.

¹²³⁰ 'Mehr Platz in Unterkünften' (Frankfurter Rundschau, 1 January 2025) available in German [here](#).

have started to rent hotels to provide accommodation for asylum seekers.¹²³¹ Although this practice was very costly, it was preferred over blocking gymnasiums of local sport associations. The authorities on the local, state and federal level blame each other for the shortcomings. While the local authorities are by law responsible for the accommodation of protection seekers,¹²³² they claim that they do not have enough financial and housing resources to fulfil the current need. They therefore ask the Federal States to vacate more housing properties.¹²³³ The Federal States in turn urge the Federal government to strengthen their efforts and to take up a coordinating role.¹²³⁴ After months of discussion, the Federal government and the Federal States agreed in November 2023 – in addition to some deterrent measures that should decrease migration – upon more financial aid by the Federal Government¹²³⁵ (see also [Housing](#)). The new model provides a fixed payment of €7,500 per first-time asylum applicant, which many Federal States and municipalities argue does not adequately reflect their rising costs.¹²³⁶ This has led to continued tensions between the different levels of government regarding funding responsibilities.

Despite the slowly decreasing numbers of arrivals in the past year, the authorities continue to feel overburdened and deteriorating conditions have been reported. Under the law the state may derogate from the obligation to stay in initial reception centres in cases of overcrowding.¹²³⁷ Nevertheless, so far only Berlin has used this derogation clause and allows asylum seekers who have been allocated to Berlin under the “Köngisteiner Schlüssel” to live in private accommodations since the end of January 2023.¹²³⁸ In emergency shelters e.g. in **Berlin**, it has been reported that the tents at the former Berlin-Tegel airport do not protect from the cold causing numerous illnesses and facilitating the spread of Covid-19 (on conditions in reception facilities during the Covid-19 pandemic see the 2021 Update).¹²³⁹ One partitioned area on such a tent is in general shared by eight people. As a result, each asylum seeker has, according to calculations by the refugee council Berlin, only about 2,6 m² available for themselves.¹²⁴⁰ Additionally, since the airport is surrounded by barbed wire no systematic access for NGOs and volunteers is granted. At the same time protection seekers need to take a shuttle bus to enter and exit the emergency shelter, thereby making it difficult for protection seekers to access legal aid and social assistance. In the emergency tents in **Bremen** protection seekers report of non-functional and unclean sanitary facilities, coldness due to non-functional heating systems and a tense atmosphere.¹²⁴¹ Only one month later the municipality of Bremen decided to evacuate the tents due to the non-functionality of the infrastructure. Inhabitants were partially relocated to emergency shelters on exhibition grounds. This solution was only temporary, and local authorities have organised lightweight building constructions, originally intended for use until mid-2024¹²⁴² but since extended until mid-2026.¹²⁴³ Even if asylum seekers do not live in tents

¹²³¹ Wdr.de, Flüchtlinge in Kommunen: Letzter Ausweg Hotel, 26 January 2023, available in German at: <https://bit.ly/3UPILFY>.

¹²³² §44 AsylG in conjunction with the different Federal state's Reception laws: e.g. §1 Landesaufnahmegesetz Hesse; §4 Landesaufnahmegesetz Brandenburg; §2 Flüchtlingsaufnahmegesetz North Rhine-Westphalia.

¹²³³ The Federal Network of Municipalities (Städtetag) already asked for financial assistance in June and September 2022, see: Deutscher Städtetag, Städtetag fordert neuen Flüchtlingsgipfel, press release of 09 June 2022 and 13 September 2022, available in German at: <http://bit.ly/3kvk8gw> and <http://bit.ly/3ZLsgto>.

¹²³⁴ Zeit online, Länder und Kommunen fordern mehr Abstimmung bei der Aufnahme, 17 March 2022, available in German at: <http://bit.ly/3WhSbG8>.

¹²³⁵ Br.de, Migrationsgipfel im Kanzleramt: Die Beschlüsse im Überblick, 7 November 2023, available in German at: <https://bit.ly/3SKUJgk>.

¹²³⁶ Riham Alkousaa, 'Germany's struggle to house refugees fuels election debate' (Reuters, 12 February 2025) available [here](#).

¹²³⁷ Section 49 para. 2 Asylum Act.

¹²³⁸ Refugee Council Berlin, 'Asylsuchenden wird wegen Unterbringungsnotlage privates Wohnen erlaubt', 26 January 2023, available in German at: <https://bit.ly/3LejhMu>.

¹²³⁹ Refugee Council Berlin, Statement Flüchtlingsrat Berlin zur LAF-Pressekonferenz zur akuten Unterbringungsnotlage, 19 December 2022, available in German at: <https://bit.ly/3H8u5YG>; Frauke Hunfeld und Alexander Kauschanski, 'A Place of Chaos: Berlin's Overcrowded Refugee Camp in Tegel' (SPIEGEL international, 19 September 2024), available [here](#).

¹²⁴⁰ Sz.de, Gelandet in Tegel: Die größte Flüchtlingsunterkunft Deutschlands, available in German at: <https://bit.ly/3uG9KI6>.

¹²⁴¹ Stadt Bremen, Zeltstadt in der Überseestadt wegen Frostschäden und Heizungsausfällen geräumt, press release 15 December 2023, available in German at: <https://bit.ly/3IaJ9WR>.

¹²⁴² Weserreport, Geflüchtete ziehen um, 10 January 2023, available in German at: <https://bit.ly/3wrtM9V>.

¹²⁴³ Carolin Henkenberens, 'Provisorische Flüchtlingsunterkünfte bleiben in Bremer Überseestadt', 6 February 2024, available in German [here](#).

but in houses, the living conditions are in many cases catastrophic. In a reception centre in Pulheim, **North Rhine-Westphalia**, for example, the building smells heavily, the sanitary facilities are mouldy and rats run around the complex.¹²⁴⁴

In arrival centres, the overcrowding mostly leads to backlogs in the registration procedure and conflicts among the protection seekers stemming from the lack of privacy. Asylum seekers at the arrival centre in **Hamburg-Rahlstedt**, for example, have reported *inter alia* a backlog of registration,¹²⁴⁵ lack of privacy, unclean sanitary facilities and disturbances at night. The sleeping areas are placed in former warehouses and divided by thin partitions into several compartments, which do not allow for privacy. Besides reading lamps attached to each bed, there is one common light for the whole warehouse, which is switched on from 8:00am to 22:00pm.¹²⁴⁶ A backlog of registration, lack of access to health care and social assistance has been reported also from the arrival centre in **Berlin**.¹²⁴⁷ In the arrival centre in **Thuringia**, many violent conflicts have been reported stemming from the lack of staff members, stressed social workers and non-trained security personnel.¹²⁴⁸ The backlog of registrations all over Germany was supposedly caught up until the end of June 2023, according to the Federal Government.¹²⁴⁹ To expedite the processing of these applications and enhance the Central Register of Foreign Nationals, the Federal Government allocated an additional €300 million to the Federal Office for Migration and Refugees (BAMF) and the Federal Administrative Office.¹²⁵⁰ However, reports of overloads in certain regions continued in 2024. For instance, the mayor of Bad Griesbach in Bavaria refused to register additional migrants, citing overburdened schools and kindergartens, and criticised the unequal distribution of migrants in the region.¹²⁵¹

More generally, studies published in 2020 have come to the conclusion that the accommodation in initial reception centres infringes upon children's' rights and constitutes a danger to their mental health. The spatial confinement, the experience of violence and removals, as well as the permanent uncertainty cause psychological stress and have a negative impact on children.¹²⁵² Health care and psychosocial support provided for young refugees in the mass accommodations were described as worryingly inadequate for most of the facilities.¹²⁵³ The study of PROASYL and the Refugee Council Berlin support these findings. According to the study of 2022, especially the access to health care, access to adequate hygienic and other products such as strollers for toddlers are scarce.¹²⁵⁴

The NGO 'Ärzte der Welt' (Doctors of the World) announced in September 2019 that an advice service run by the organisation in the AnkER-centre of **Manching/Ingolstadt** was to be terminated. The NGO described living conditions in the facility as 'morbid' and claimed that adequate treatment, in particular treatment of persons with psychological disorders, was impossible under the circumstances. Insufficient protection against assaults, lack of privacy and nocturnal disturbances were impeding the mental

¹²⁴⁴ WDR.de, Geflüchtete klagen über menschenunwürdige Zustände in Pulheimer Flüchtlingsunterkünften, available at: <https://bit.ly/3SKjme1>.

¹²⁴⁵ Redaktionsnetzwerk Deutschland (RND), *Streit in Hamburg: CDU wirft Senat unhaltbare Zustände in zentraler Ankunftsstelle vor*, 8 March 2022, available in German at: <https://bit.ly/3XXoR9e>.

¹²⁴⁶ Fluchtpunkt, *Mitten in Hamburg, und doch am Rand: Unzumutbare Bedingungen im Ankunftszenrum Rahlstedt*, November 14th 2019, available in German at: <https://bit.ly/3iJgGtb>.

¹²⁴⁷ Taz.de, Ankunftszenrum überlaufen, 5 January 2023, available in German at: <http://bit.ly/3ZZmEMf>.

¹²⁴⁸ MDR, Personalnot und Überforderung: Probleme in Erstaufnahmeeinrichtung nehmen zu, 29 November 2022, available in German at: <https://bit.ly/3GZS6B6>.

¹²⁴⁹ Federal Government, *response to information request by The Left*, 20/8222, 05 September 2023, available in German at: <https://bit.ly/48E1rL3>.

¹²⁵⁰ 'Migrationspolitik der Bundesregierung', 27 February 2025, accessed 15 March 2025, available in German [here](#).

¹²⁵¹ 'Bürgermeister in Bayern lehnt Registrierung weiterer Migranten ab' (*Welt.de*, 11 October 2024), available in German [here](#).

¹²⁵² Terre des hommes, *Zur Lebenssituation von minderjährigen Geflüchteten in Aufnahmeeinrichtungen*, June 2020, available in German at: <https://bit.ly/38Etah0>, 7.

¹²⁵³ Bundesweite Arbeitsgemeinschaft der Psychosozialen Zentren für Flüchtlinge und Folteropfer (BAFF), *Living in a box - Psychosoziale Folgen des Lebens in Sammelunterkünften für geflüchtete Kinder*, 2020, available in German at: <https://bit.ly/2W5DaLo>, 55.

¹²⁵⁴ PROASYL and Refugee Council Berlin, *Das Asylbewerberleistungsgesetz – Einschränkungen des Grundrechts auf ein menschenwürdiges Existenzminimum für Geflüchtete*, 192f., November 2022, available in German at: <https://bit.ly/3XrdSox>.

stabilisation of asylum-seekers at the facility and the NGO was no longer capable to bear responsibility for the mental health of its patients. Moreover, the organisation claims that there was no system for the identification of vulnerable persons in place at the facility.¹²⁵⁵

Situation in collective accommodation centres and decentralised housing

Following the initial reception period, asylum seekers are supposed to be sent to a collective accommodation centre within the same Federal State. However, responsibility for housing at this stage of the procedure often lies with the municipalities and many different forms of accommodation have been established. On the local level, accommodation may still consist of collective housing in former army barracks, in (formerly empty) apartment blocks or in housing containers. At the same time, many municipalities have dissolved collective accommodation centres from the 1990s onwards and are now permitting asylum seekers to rent an apartment on the housing market or in council housing. As mentioned in [Types of accommodation](#), decentralised accommodation is more common in some regions than in others, so whether asylum seekers are housed in collective accommodation or in apartments depends heavily on the situation of the municipalities.

Studies have repeatedly shown that living conditions of asylum seekers differ considerably between regions and sometimes even within the same town.¹²⁵⁶ For example, some municipalities have a policy of generally allowing asylum seekers to live in apartments, which they have to find and rent on their own. In some areas, this is almost impossible in practice for many asylum seekers, since rents are unaffordable in privately owned apartments and space in council housing is extremely limited. This may lead to a situation in which asylum seekers have to stay in collective accommodation centres although they are technically not required to do so.

Because different policies are pursued on regional and local level, it is impossible to make general statements on the standards of living in the follow-up accommodation facilities.

It has also been pointed out that living conditions in individual apartments are not necessarily better than in accommodation centres (e.g. if apartments are provided in run-down buildings or if decentralised accommodation is only available in isolated locations).¹²⁵⁷ Nevertheless, the collective accommodation centres, and particularly the bigger ones (often referred to as 'camps' by critics) are most often criticised by refugee organisations and other NGOs.¹²⁵⁸

Facilities are often isolated or in remote locations. Many temporary facilities do not comply with basic standards and do not guarantee privacy.¹²⁵⁹ According to reports this has led to serious health problems for some asylum seekers, especially in cases of long stays in collective accommodation centres. In facilities in which food is provided, asylum seekers are sometimes not allowed to prepare their own food and/or no cooking facilities exist. The quality of food is often criticised where food is handed out in the form of pre-packed meals.¹²⁶⁰ In **Lower-Saxony** for example, one protection seeker reports that the food was insufficient and inadequate especially for his special needs due to his cancer disease.¹²⁶¹ In one accommodation centre in **Rhineland-Palatinate** it has further been reported that the lightweight construction of the accommodation centre alongside with the asphalted surrounding without any shadow in summer the accommodation centre becomes nearly uninhabitably warm.¹²⁶²

¹²⁵⁵ Frankfurter Rundschau, 'Krankmachende Lebensbedingungen' - Ärzte der Welt zieht sich aus Ankerzentrum zurück', 26 September 2019, available in German at: <https://bit.ly/2Z7NyUE>.

¹²⁵⁶ Boris Kühn / Julian Schlicht, Mediendienst Integration, *Kommunale Unterbringung von Geflüchteten – Probleme und Lösungsansätze*, July 2023, available in German at: <https://bit.ly/3SA0eiO>.

¹²⁵⁷ BAMF, *Die Wohnsituation Geflüchteter*, February 2018, available in German at: <https://bit.ly/3HxQH6B>.

¹²⁵⁸ ProAsyl, 'Ein Leben ohne Privatsphäre? Sammelunterbringung darf nicht zum Dauerzustand werden!', 10 January 2017, available in German at: <http://bit.ly/2kWyj5U>.

¹²⁵⁹ Ibid.

¹²⁶⁰ Ibid.

¹²⁶¹ Refugee Council Lower Saxony, Kritik an Misständen und Gewalt durch Mitarbeiter des Sicherheitsdienstes in der Landesaufnahmebehörde in Osnabrück, 14 December 2022, available in German at: <http://bit.ly/3XS5Jt6>.

¹²⁶² Refugee Council Rhineland-Palatinate: Hitzeinseln – Die Unterbringung von Geflüchteten im Kreis Worms steht im Sommer vor großen Problemen, 29 August 2022, available in German at: <http://bit.ly/405LKcu>.

Concerns have also been raised around limited space and equipment for recreation, including for children, in some facilities. In some centres, no separate and quiet space is available for children, for example to do their homework for school.¹²⁶³

Additionally, criticism has been raised in the last years against restrictive house rules. Already in 2018, the German Institute for Human Rights published an analysis of common house rules in accommodation facilities and plead that the right to privacy under Art. 13 (1) of the German Constitution applies to collective accommodations and that therefore security personnel cannot unreasonably enter the private rooms.¹²⁶⁴ In 2022 the Higher Administrative Court Baden-Wuerttemberg agreed with the position. It decided that indeed private rooms in collective accommodations are protected under Art. 13 (1) of the German Constitution checks of private rooms therefore need to be regulated by law and justified, which is not the case if house rules generally allow for security personnel to enter private rooms.¹²⁶⁵ In June 2023, however, the Federal Administrative Court restricted this protection again.¹²⁶⁶ The Court considered the broad access and control rights of the security staff to be permissible in full respect of fundamental rights obligations. However, these restrictions would have to be regulated by law.

Furthermore, many facilities lack qualified staff, thus highlighting the crucial role played by NGOs and volunteers, particularly regarding counselling and integration. However, there is currently a lack of volunteers, which on top often feel left alone with their work.¹²⁶⁷

2.2. Physical security

In addition to overall living conditions, the security of residents can also be an issue of concern. Since 2020, the number of attacks on refugees and asylum seeker accommodations has been increasing.¹²⁶⁸ Although the number of attacks on accommodation centres had slightly lowered in 2023,¹²⁶⁹ in 2024, authorities recorded 218 politically motivated attacks against refugee and asylum seeker accommodations.¹²⁷⁰ This marked a 22% rise compared to previous years. Among these, 28 attacks were classified as violent, including aggravated assaults and arson. Most of these attacks are classified as racially motivated crimes.¹²⁷¹ Furthermore, there were 1,905 recorded attacks against migrants away from accommodation centres in 2024, including 237 classified as violent. This number is still preliminary at the time of writing of this report (March 2025) and is expected to continue to rise, as numerous records from the fourth quarter are likely to be submitted later. In 2023, the number of politically motivated crimes against refugees in the third quarter tripled retrospectively due to late reports, with a final number of 2,450 recorded criminal offences. Xenophobic sentiments have further increased following a deadly Christmas market attack in **Magdeburg** on December 20, 2024, as well as four other violent attacks in 2024.¹²⁷² These attacks have led to the further stigmatisation of migrants in public debate, and the topic of migration

¹²⁶³ *Ibid.*

¹²⁶⁴ Deutsches Institut für Menschenrechte, *Hausordnungen menschenrechtskonform gestalten*, 4 November 2022, available in German at: <https://bit.ly/3JfFN6O>.

¹²⁶⁵ VGH Baden-Wuerttemberg, Decision 12 S 4089/20, 2 February 2022, available at: <https://bit.ly/3HvQJf1>.

¹²⁶⁶ Federal Administrative Court, Judgment no. 1 C 10.22, 15 June 2023, available in German at: <https://bit.ly/42OG34j>.

¹²⁶⁷ Br.de, *Flüchtlingshelfer fühlen sich von Politik alleingelassen*, 05 March 2023, available in German at: <https://bit.ly/4bHSR0n>.

¹²⁶⁸ Reliefweb.int, *Xenophobic backlash: Germany must tackle alarming increase in assaults on asylum seekers*, available at: <https://bit.ly/48gGzsX>; 'Zahl der Angriffe auf Flüchtlingsunterkünfte ist gestiegen' (*der Spiegel*, 02 February 2025) available in German [here](#); Mathias Brandt, 'Wie oft werden Flüchtlingsunterkünfte angegriffen?' (*Statista*, 6 February 2025) available in German [here](#).

¹²⁶⁹ Infomigrants.net, *Germany: Increase in attacks on migrants and asylum seekers*, available at: <https://bit.ly/3l1a734>.

¹²⁷⁰ 'Zahl der Angriffe auf Flüchtlingsunterkünfte ist gestiegen' (*der Spiegel*, 02 February 2025) available in German [here](#).

¹²⁷¹ Federal Government, *Reply to parliamentary questions by The Left*, 20/49293, 14 November 2023, available in German at: <https://bit.ly/49hgl5q>; tagesschau.de, *Wieder mehr Anschläge auf Flüchtlingsunterkünfte*, 8 November 2022, available in German at: <http://bit.ly/3iXRhBb>.

¹²⁷² Fanny Brodersen and Stefanie Dazio, 'Migrant groups say racist attacks increase in German city after deadly Christmas market violence' (*the Independent*, 19 February 2025), available [here](#).

dominated the election campaign in the beginning of 2025.¹²⁷³ By the end of January 2025, the Ministry of the Interior recorded 20 criminal incidents related to the attack in Magdeburg and involving individuals without German citizenship, most of them in the city itself.¹²⁷⁴

In many accommodation facilities, spatial confinement and lack of privacy led to a lack of security, particularly for women and children.¹²⁷⁵ To counter this problem, most Federal States have developed violence protection concepts in recent years.¹²⁷⁶ Additionally, the Federal Ministry for Family, Seniors, Women and Youth introduced in 2019 a monitoring and evaluating programme which serves to develop common standards for violence protection concepts.¹²⁷⁷ Despite the introduced violence protection concepts, protection seekers continue to report violent and/or racial harassment from security personnel. Refugee Councils from several Federal states therefore call for a more effective implementation of the protection programmes, minimum standards for health care especially for vulnerable groups and the abandonment of big collective accommodation centres.¹²⁷⁸

Fences are used around premises, particularly for large-scale centres, former industrial buildings or former army barracks.

In some facilities asylum seekers have to report to staff upon leaving and upon return. Visitors have to report to staff and there are only limited visiting hours. In some cases, no overnight stays are allowed for visitors, even for spouses.¹²⁷⁹

2.3. Duration of stay

The duration of stay in initial reception centres has been generally set at a maximum of 18 months following the reform in 2019 (see [Freedom of movement](#)). Following the initial reception period, a stay in other collective accommodation centres is also obligatory, until a final decision on the asylum application is reached.¹²⁸⁰ This often takes several years since the obligation applies to appeal procedures as well. In addition, people whose asylum applications have been rejected are now obliged to stay in collective accommodation centres as long as their stay is 'tolerated'.¹²⁸¹ It has been argued that a stay in collective accommodation which lasts several years increases health risks, especially with regard to mental health disorders.¹²⁸²

¹²⁷³ Oliver Pieper, 'Germany: Refugees stigmatized as anti-migrant wave swells' (*DW*, 9 February 2025), available [here](#).

¹²⁷⁴ 'Polizei registriert 2024 weniger Angriffe gegen Asylbewerber' (*die Zeit*, 3 March 2025), available in German [here](#).

¹²⁷⁵ ProAsyl, 'Ein Leben ohne Privatsphäre? Sammelunterbringung darf nicht zum Dauerzustand werden!', 10 January 2017, available in German at: <http://bit.ly/2kWy5U>.

¹²⁷⁶ Bundesinitiative Schutz von geflüchteten Menschen in Flüchtlingsunterkünften, Schutzkonzepte von Bundesländern, available in German at: <http://bit.ly/3yQdzsA>.

¹²⁷⁷ Bundesinitiative Schutz von geflüchteten Menschen in Flüchtlingsunterkünften, *Monitoring und Evaluierung eines Schutzkonzeptes für geflüchtete Menschen in Flüchtlingsunterkünften*, 15 December 2022, available in German at: <http://bit.ly/3j4HZ6d>.

¹²⁷⁸ Refugee Council Lower Saxony, *Dokumentation „Sicheres Ankommen und Gesundheitsförderung für Geflüchtete? Gesundheitliche Auswirkungen der Unterbringung in Sammelunterkünften“*, 23 September 2022, available in German at: <http://bit.ly/3WDT6Rs>; Refugee Council Cologne, North Rhine-Westphalia: *Gewaltschutzkonzept umsetzen – Gemeinschaftsunterkünfte auflösen!*, 30 August 2022, available in German at: <https://bit.ly/3XZw6gT>.

¹²⁷⁹ *Ibid.*

¹²⁸⁰ Section 53(2) 1st Sentence Asylum Act.

¹²⁸¹ Section 61(1d) Residence Act.

¹²⁸² Bayrischer Flüchtlingsrat, *Positionspapier ANKER-Zentren*, available in German at: <https://bit.ly/49zIomT>.

C. Employment and education

1. Access to the labour market

Indicators: Access to the Labour Market

1. Does the law allow for access to the labour market for asylum seekers?
 - ❖ Asylum seekers in initial reception centres ☐ Yes ☒ No
 - ❖ Asylum seekers no longer in initial reception centres ☒ Yes ☐ No
 - ❖ If yes, when do asylum seekers have access the labour market? 3 months
2. Does the law allow access to employment only following a labour market test? ☐ Yes ☒ No
3. Does the law only allow asylum seekers to work in specific sectors? ☒ Yes ☐ No
 - ❖ If yes, specify which sectors: No self-employment
4. Does the law limit asylum seekers' employment to a maximum working time? ☐ Yes ☒ No
 - ❖ If yes, specify the number of days per year
5. Are there restrictions to accessing employment in practice? ☒ Yes ☐ No

1.1. Time limit for the right to work

Access to the labour market for asylum seekers has been subject to further restrictions in recent years. The applicable legislation was amended again in 2019 by the Skilled Workers' Immigration Act (*Fachkräfteeinwanderungsgesetz*) which entered into force in March 2020. As a result, the regulatory system has become more restrictive and complex.

Prior to March 2020, asylum seekers were barred from access to employment as long as they were under an obligation to stay in an initial reception centre. Outside these centres, they could be permitted to take up employment after having stayed in the federal territory for 3 months.

Access to employment for asylum seekers in reception centres

Since March 2020, the general rule still is that asylum seekers in initial reception centres are not allowed to take up employment.¹²⁸³ The scope of this limitation has been severely extended as the result of the extension of the [Obligation to stay in initial reception centres](#). For most adult asylum-seekers, in practice the time-limit before accessing employment is now 18 months, up to 24 months in some Federal States. Nevertheless, some asylum seekers with a permission to stay (*Aufenthaltsgestattung*) in initial reception centres are entitled to an employment permit after 9 months in the asylum procedure under certain conditions.¹²⁸⁴ This applies to asylum seekers whose procedure is still ongoing before the BAMF or where an appeal is pending. Once their asylum procedure has been running for 9 months, they are entitled to access employment pursuant to Section 61(1) of the Asylum Act if the further requirements are met.¹²⁸⁵ However, asylum seekers from safe country of origins are excluded by law from such possibilities. Hence, the law establishes an unequal treatment for the latter category. Since asylum seekers from safe countries of origin are generally obliged to stay in initial reception centres for the whole duration of the procedure, they have effectively been excluded from access to the labour market.

Former asylum seekers with a tolerated stay (*Duldung*), who are still obliged to stay in reception centres, may only be allowed to take up employment after a waiting period of 6 months from the time they are granted a tolerated stay at the discretion of the authorities.¹²⁸⁶

¹²⁸³ Section 61(1) 1st Sentence Asylum Act.

¹²⁸⁴ Section 61(1) 2nd Sentence Asylum Act.

¹²⁸⁵ Section 61(2) 5th Sentence Asylum Act.

¹²⁸⁶ Section 61(1) 1st Sentence Asylum Act.

Access to employment for asylum seekers staying outside of reception centres

Outside of reception centres, asylum seekers with a permission to stay (*Aufenthaltsgestattung*) are not allowed to take up employment during the first 3 months of their stay on the territory, after which they can be permitted to do so on a discretionary basis.¹²⁸⁷

Planned changes for 2024

In February 2024, the "**Repatriation Improvement Act**" (Rückführungsverbesserungsgesetz) came into force, mitigating some of the restrictive rules.¹²⁸⁸ Although the legislation was officially justified by relieving the burden on public budgets, these changes were preceded by a prominent debate about the national lack of skilled labour. Various stakeholders and media reports criticised that Germany seeks skilled labour abroad while a lot of asylum seekers are trained and willing to work but forbidden to do so by law.¹²⁸⁹ After plenary discussion those plans now foresee that asylum seekers inside reception centres should already be able to work after six months. For those outside reception centres, working should be definitely allowed after three months and not be up to discretion of the authorities. Also, asylum seekers with a *Duldung* should be able to work after six months without being dependent on this discretion. In November, the Federal Government has provided a draft legislation and the parliament adopted the law according to the recommendation for a decision by the Ministry of Interior.¹²⁹⁰

1.2. Restrictions on access to the labour market

Before the 2020 amendment of the Asylum Act, asylum seekers were not allowed to work on a self-employed basis for the whole duration of their asylum procedure, since the permission to pursue self-employment requires a regular residence permit. The asylum seeker's permission to stay (*Aufenthaltsgestattung*) does not qualify as such.¹²⁹¹ However, the new Section 4a(4) Residence Act now provides that it is at the discretion of the responsible authorities to permit any economic activity including self-employment for those with a permission to stay (*Aufenthaltsgestattung*) or tolerated stay (*Duldung*). This only applies to those living outside of initial reception centres, though.¹²⁹²

On top of the restrictions mentioned above, there are additional limitations to the access to the labour market in practice. Firstly, asylum seekers have to apply for an employment permit each time they want to take up employment. To that end, they have to prove that there is a 'concrete' job offer, i.e. an employer has to declare that the asylum seeker will be employed in case the employment permit is granted, and a detailed job description must be shared with the authorities.

Secondly, employment is only granted upon approval of the Federal Employment Agency.¹²⁹³ There are a few exceptions to this rule, e.g., for internships and vocational training.¹²⁹⁴ Such approval depends *inter*

¹²⁸⁷ Section 61(2) 1st Sentence Asylum Act and Section 61(2) 5th Sentence Asylum Act.

¹²⁸⁸ Deutscher Bundestag, Recommendation for a resolution and report of the Committee on Home Affairs and Community (4th Committee) on the Federal Government's draft bill of the Act to Improve Removals (Entwurf eines Gesetzes zur Verbesserung der Rückführung (Rückführungsverbesserungsgesetz)), available in German at: <https://bit.ly/49CaKMs>.

¹²⁸⁹ WDR.de, *Fachkräfte-Mangel: Bloß keine Flüchtlinge?*, 8 June 2023, available in German at: <https://tinyurl.com/3ak7sv67>; SWR.de, *Fachkräftemangel in RLP - sind Flüchtlinge die Lösung?*, 16 November 2023, available in German at: <https://tinyurl.com/ynxn83s7>; Spiegel, *Das große Rätsel der offenen Stellen*, 17 March 2024, available in German at: <https://tinyurl.com/2rcekmmwr>.

¹²⁹⁰ Federal Parliament, Recommendation for a resolution and report of the Committee on Home Affairs and Community (4th Committee) on the Federal Government's draft bill of the Act to Improve Removals (Entwurf eines Gesetzes zur Verbesserung der Rückführung (Rückführungsverbesserungsgesetz), Ds. 20/10090, available in German at: <https://bit.ly/3uEbG3S>.

¹²⁹¹ Section 21(6) Residence Act.

¹²⁹² Section 61(1) 1st Sentence Asylum Act.

¹²⁹³ Section 61(1) 2nd Sentence Number 2 and Section 61(2) 1st Sentence Asylum Act.

¹²⁹⁴ Section 32(2) Employment Regulation (*Beschäftigungsverordnung*).

alia on a 'review of labour conditions', i.e. an examination of whether labour rights are complied with and whether wages correspond to regional standards.

The so called 'priority review' which was previously applied in practice, and which consisted in checking whether another job-seeker would be more suited for the position (i.e. German citizens or foreigners with a more secured residence permit) has been abandoned following the 2020 reform.

The available statistic from the Employment Agency concerning asylum seekers only encompasses data concerning so-called "persons in the context of refugee migration" (*Personen im Kontext von Fluchtmigration*). These are people from third countries (*Drittstaatsangehörige*) with either a permission to stay (*Aufenthaltsgestattung*), a permit of residence due to refugee or subsidiary status or a tolerated stay (*Duldung*). Not included in those numbers are those within family reunification with asylum seekers or those that originally came as asylum seekers but now have a settlement permit (*Niederlassungserlaubnis*).¹²⁹⁵ In February 2025, 455,316 persons in the context of refugee migration were registered as unemployed which means a share of 15.23% of all unemployed people in Germany.¹²⁹⁶ Out of these, 212,000 were people originating from Ukraine.¹²⁹⁷

Another statistic of the Employment Agency only differentiates between those that have, inter alia, German citizenship (*Deutsche*) and those that do not (*Ausländer*). Accordingly, 15.7 % of all people without German citizenship were unemployed in January 2025.¹²⁹⁸ This is a slight decrease from 16 % in January 2024. However, it has to be kept in mind that the data encompasses also people that are born and raised in Germany but always kept the citizenship of their parents or people that migrated for other reasons to Germany besides asylum.

While searching for employment, asylum seekers are regularly confronted with diverse hurdles in addition to legal restrictions. Insecurity about the residence status, lack of language skills or prejudices and discrimination are just some of them.¹²⁹⁹ Especially qualification recognition is a significant issue. The recognition procedure is regulated by every Federal State itself and is thus not uniform and difficult to understand. In addition, the recognition procedures are only possible for those degrees that lead to a regulated profession such as professors or lawyers. Degrees that do not lead to a certain profession, such as Mathematics, Economics or others, need to be evaluated at the Central Office for Foreign Education at the Conference of Ministers of Education and Cultural Affairs.¹³⁰⁰

Support during this process can be sought at the ESF programme "Integration through qualification". However, this is a project dependent on funding and the current funding period is only running until 2027.¹³⁰¹ Other European funds, like the AMIF, funds diverse and regional projects that help asylum seekers through the different stages of their arrival, inter alia with finding employment. The Employment Agency has established in 2022 the 'Service Centre for Professional Recognition' that counsels jobseekers and supports them in the recognition process. However, the process remains lengthy and expensive.¹³⁰² In order to further simplify access to the labour market, the Federal Government once again approved measures for labour market integration in November.¹³⁰³ The so-called "Job-Turbo" is divided

¹²⁹⁵ Statistik der Bundesagentur für Arbeit, *Personen im Kontext von Fluchtmigration*, 28 February 2025, available in German [here](#).

¹²⁹⁶ Ibid.

¹²⁹⁷ Bundesagentur für Arbeit, *Auswirkungen der Fluchtmigration aus der Ukraine auf den Arbeitsmarkt und die Grundsicherung für Arbeitsuchende*, 28 February 2025, available in German [here](#).

¹²⁹⁸ Bundesagentur für Arbeit, *Monatsbericht zum Arbeits- und Ausbildungsmarkt*, January 2025, available in German [here](#).

¹²⁹⁹ Informationsverbund Asyl & Migration, *Themenschwerpunkt Integration in den Arbeitsmarkt, Teil II*, available in German at: <https://bit.ly/3uNuoGa>, 10.

¹³⁰⁰ Informationsverbund Asyl & Migration, *Themenschwerpunkt Integration in den Arbeitsmarkt, Teil II*, available in German at: <https://bit.ly/3uNuoGa>, 16.

¹³⁰¹ Netzwerk Integration durch Qualifizierung, available in German at: <https://bit.ly/48gFFN6>.

¹³⁰² Informationsverbund Asyl & Migration, *Themenschwerpunkt Integration in den Arbeitsmarkt, Teil II*, available in German at: <https://bit.ly/3uNuoGa>, 16.

¹³⁰³ BMAS, *Job-Turbo zur Arbeitsmarktintegration von Geflüchteten*, available in German: <https://bit.ly/3l1E4js>.

into three phases. In the first phase, basic German language skills are to be taught and workers who could work in their profession even without German language skills are to be placed directly by the job centre. In phase two, asylum seekers are to be placed in cooperation with the job centre. Companies and associations are specifically approached for this purpose. At this point, the Federal Government also deliberately reduces benefits if the refugees do not cooperate as desired. Phase three is also intended to stabilise employment through further training.

The assessment of these new instruments, although so far only preliminary, are mixed. The Federal Court of Auditors criticised the measures of the "Job-Turbo" for its lack of adequate counselling and poor job placement outcomes.¹³⁰⁴ The Special Commissioner for the Labour Market Integration of Refugees describes the measures as a promising step in the right direction: despite economic challenges, more refugees have found employment since the beginning of 2024 compared to the previous year.¹³⁰⁵ Yet, there is room for improvement, such as enhanced data transparency, more language programs, improved childcare availability to support working parents, and better integration support through organisations.

2. Access to education

Indicators: Access to Education

- | | |
|--|---|
| 1. Does the law provide for access to education for asylum-seeking children? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 2. Are children able to access education in practice? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

As a matter of principle, the right and the obligation to attend school applies to all children in Germany, regardless of their status. The same applies to early childhood education and care opportunities. Children from asylum seeking families have the same entitlement to a day-care centre. However, day-care places are generally very scarce and there is no priority or other special facilities for asylum seekers. For more detailed information on programs available see ([Content of international protection – Access to education](#)).

Since the education system falls within the responsibility of the Federal States, there are some important distinctions in laws and practices. Some Federal States have special preparatory classes, others accompanying support classes.¹³⁰⁶ For example, compulsory education ends at the age of 16 in several Federal States, therefore children in those states do not have the right to enter schools when they are 16 or 17 years old.

Furthermore, it has frequently been highlighted that parts of the education system are insufficiently prepared to address the specific needs of newly arrived children. In some regions, there are examples of good practices in terms of integration of refugee children into the education system; however, obstacles remain in other places, such as lack of access to language and literacy courses or to regular schools.¹³⁰⁷ One such good practice example for education during the Covid-19 pandemic is the district of Treptow-Köpenick in **Berlin**, which deployed mobile teams and tablets to support distance learning of children and youth living in youth welfare facilities in 2021.¹³⁰⁸ The "Trauma-Sensitive Support for Refugee Children and Adolescents" program helps teachers support refugee children dealing with chronic stress, violence, and insecurity in school, enabling them to feel safer and continue learning despite difficult life circumstances. The four-hour course, developed in cooperation with the Augéo Foundation (Netherlands),

¹³⁰⁴ Miriam Holstein, Bundesrechnungshof: Vernichtendes Urteil über Heils „Job-Turbo“ (*Capital*, 31 October 2024) available in German [here](#).

¹³⁰⁵ SGB II, „Der Job-Turbo, Erfahrungsbericht des Sonderbeauftragten der - Bundesregierung für die - Integration von geflüchteten - Menschen in den Arbeitsmarkt“, 19 December 2024, available in German [here](#).

¹³⁰⁶ ZDF-heute, GEW: Flüchtlinge zügig in Schulen integrieren, available in German at: <https://bit.ly/49EY3jL>.

¹³⁰⁷ For an overview of practices regarding the integration of refugee children into schools as of 2018, see See Julian Tangermann and Paula Hoffmeyer-Zlotnik, 'Unaccompanied Minors in Germany – Challenges and Measures after the Clarification of Residence Status', March 2018, available in English at <https://bit.ly/3KcEEe6>, 56-57.

¹³⁰⁸ Bezirksamt Treptow-Köpenick, 'Mobile Unterstützung in der Pandemie: Jugend-Lern-Hilfe für Kinder und Jugendliche in Heimen', 05 January 2021, available in German at: <https://bit.ly/3J5jvDc>.

the Federal Association for Unaccompanied Minor Refugees, and the Federal Association of Psychosocial Centers for Refugees and Torture Victims, offers flexible, independent learning modules.¹³⁰⁹ In general, however, it remains to say that German schools are full and overwhelmed with the organization of special needs classes.

Access to education in initial reception centres

Access to education is particularly problematic in initial reception centres such as arrival and AnKER centres. Especially the lack of sufficient internet access and digital infrastructure in many reception centres, make it difficult to access education offers which have been moved online.¹³¹⁰ In 2016, an association of various NGOs (regional refugee councils, Federal Association for Unaccompanied Refugee Minors, Youth without Borders) started a campaign called 'School for all' (*Schule für alle*) to draw attention to the fact that children in many initial reception centres have only had very basic schooling and no access to the regular school system for the duration of their stay in these facilities (see [Freedom of Movement: Obligation to Stay in Initial Reception Centres](#)). The Federal Ministry for Education and Research partly acknowledged the shortcomings and launched a programme to facilitate the early access to educational material. Along with the 'Foundation reading' (*Stiftung Lesen*) the Federal Ministry aims to distribute reading material to arrival centres to support children and their families in gaining access to the German language.¹³¹¹ Furthermore, NGOs have criticised the fact that access to education services is severely limited for asylum seekers above the age of 16, many of whom have not finished school in their countries of origin and therefore need access to the school system in order to gain a degree.¹³¹²

These problems continue to exist today. In 2021, the Leibniz Institute for Educational Trajectories started a comprehensive study called 'ReGES – Refugees in the German Educational System'.¹³¹³ The first preliminary findings suggest, that especially the regional differences in how and when access to the schooling system is granted for children seeking asylum highly impacts the participation opportunities of children.¹³¹⁴ The team of researchers identified four main factors which influence the educational participation. Whereas family and individual resources seem to play a minor role, external factors stemming from the regulatory system of the different Federal states predominantly determine participation in the educational system. Four factors have been identified as influential. First of all, the duration until school enrolment in Germany.¹³¹⁵ Half of all federal states exempt asylum-seeking children from compulsory education until they have been assigned to a municipality (**Hesse, Mecklenburg-Vorpommern, Lower Saxony, North Rhine-Westphalia, Rhineland-Platinat, Saxony, Saxony-Anhalt**).¹³¹⁶ According to the study, this delays the start of school for one to two months. Second, the type of class attended and third, access to different types of schools is important. Here the preliminary data suggests that the more restricted children are in choosing their path in the educational system, the less chances of participating in the regular educational system they have. Here more research is required,

¹³⁰⁹ Immerse, 'E-Learning: Traumasensible Unterstützung für geflüchtete Kinder und Jugendliche', available in German [here](#).

¹³¹⁰ See AWO Bundesverband, 'Unterbringung von geflüchteten Menschen und die Corona-Pandemie. Forderungen an die Politik und Empfehlungen an die Praxis', October 2021, available in German at: <https://bit.ly/3fDYj8U>, 18.

¹³¹¹ Federal Ministry for Education and Research, 'Stark-Watzinger: Flüchtlingskindern Bildungschancen ermöglichen', press release 3 January 2022, available in German at: <https://bit.ly/3Dm032G>.

¹³¹² See the campaign at: <http://kampagne-schule-fuer-alle.de/>.

¹³¹³ Leibniz Institute for Educational Trajectories, 'ReGES – Refugees in the German Education System', project description available at: <http://bit.ly/407TcDL>.

¹³¹⁴ G. Will et al., 'Educational Policies Matter: How Schooling Strategies Influence Refugee Adolescents' School Participation in Lower Secondary Education in Germany', *Frontiers in Sociology*, vol 7, 22 June 2022, available at: <http://bit.ly/3wDwV34>.

¹³¹⁵ Ibid.

¹³¹⁶ Deutsches Kinderhilfswerk, 'Beginn der Schulpflicht für asylsuchende Kinder' - Datengrundlage für den Strukturindikator zum Recht auf Bildung, available in German at: <https://bit.ly/3iNtUFq>.

according to the research team. Fourth, the flexibility of the school system on age-appropriate placement in school classes impacts the participation of asylum-seeking children in the educational system.¹³¹⁷

Problems with access to the education system have particularly been reported with regard to initial reception centres renamed as AnKER centres in **Bavaria** in 2018. The general policy foresees the provision inside the AnKER centres of both schooling for children aged 6-16 and professional school (*Berufsschule*) for persons aged 16-21. The AnKER centre in **Regensburg** is one of the only facilities allowing children up to the age of 16 to go to regular schools. This was originally only made possible because the authorities did not manage to build the necessary facilities on time, but has stayed that way. However, persons aged 16-21 are provided education in containers in the centre, not at school.¹³¹⁸

In the AnKER centre in **Manching/Ingolstadt** classes are provided within the facility. The classes mainly focus on German language, but also cover maths and other subjects. A certificate is provided upon completion of the course. However, asylum seekers do not undergo examinations at the end of the year since people stay for shorter periods. If an asylum seeker wishes to access regular schools, a test assessing their capacity to attend classes in regular schools is conducted, namely to assess German language level.¹³¹⁹ This was done following successful litigation in March 2018, when Manching/Ingolstadt was a 'transit centre', which led authorities to grant access to regular schools for six children from Kosovo, after an Administrative Court had decided that children from these centres with sufficient German language skills had the right to attend the regular school system.¹³²⁰

The problem of lack of access to the education system in initial reception centres may have been mitigated to a certain extent by the legal clarification, introduced in 2019, according to which the general maximum time-limit for a stay in initial reception centres is of six months for families with minor children. Because of this amendment, children should be housed in decentralised accommodation after a few months (possibly earlier than the maximum six-months time-limit allows), which should in turn result in them having access to regular schools at their new place of residence. By way of example, in Saxony the authorities have 'an established policy' of allocating families with school-age children to municipalities within three months.¹³²¹

The challenges faced by refugee children and adolescents are also structured by the structural deficits of the broader education system. In Saxony, for example, shortages of teachers, school places near accommodations, and specialised German-as-a-second-language (DaZ) instructors hinder access to education. This results in delayed German language acquisition, slower social integration, and increased anxiety and depression among refugee children.¹³²²

Vocational training and higher education

In legal terms, asylum seekers generally have access to vocational training. In order to start vocational training, they need an employment permit.¹³²³ However, the fact that asylum seeker's permission to stay (*Aufenthaltsgestattung*) are issued for a 6-month-period frequently renders access to vocational training impossible. Training contracts usually have to be concluded for a duration of two or three years. Hence

¹³¹⁷ G. Will et al., Educational Policies Matter: How Schooling Strategies Influence Refugee Adolescents' School Participation in Lower Secondary Education in Germany, *Frontiers in Sociology*, vol 7, 22 June 2022, available at: <http://bit.ly/3wDwV34>.

¹³¹⁸ ECRE, *The AnKER centres Implications for asylum procedures, reception and return*, April 2019, available at: <https://bit.ly/2W7dICZ>.

¹³¹⁹ *Ibid.*

¹³²⁰ Süddeutsche Zeitung, 'Flüchtlingskinder aus Transitzentrum dürfen reguläre Schule besuchen', 9 March 2018, available in German at: <http://bit.ly/2Dzi9fX>.

¹³²¹ BAMF, Evaluation of AnKER Facilities and Functionally Equivalent Facilities, Research Report 37 of the BAMF Research Centre, 2021, available in English at <https://bit.ly/3FgxXnq>, 85.

¹³²² Education and Science Trade Union Sachsen, 'Schulpflicht – gilt sie in Sachsen noch?', 29 January 2025, available in German [here](#).

¹³²³ Section 32(2)(1) Employment Regulation.

potential employers are often hesitant to offer vocational training to asylum seekers since there is a considerable risk that the training cannot be completed if the asylum application is rejected.¹³²⁴

Studying at university is generally permitted for asylum seekers but hindered by practical difficulties. The Federal States' laws that regulate access to higher education do not impose any restrictions with regards to a foreigner's residence status. Thus, asylum seekers with a permission to stay (*Aufenthaltsgestattung*) or tolerated stay (*Duldung*) legally have the same access to university as other foreigners. However, the higher education laws set requirements with regard to qualifications (university entrance qualification), knowledge of the German language and health insurance coverage, which are difficult to meet in practice for asylum seekers. Additionally, they are also not entitled to students' financial aid when in possession of a permission to stay (*Aufenthaltsgestattung*). However, Universities can reduce or defer the costs in individual cases.

In the Federal States, which are responsible for university education, and on the Federal level there have been numerous initiatives to support refugees and asylum seekers to access universities and successfully conclude their studies.¹³²⁵ Funded with EUR 100,000 million by the Federal Ministry of Education and Research, the German Academic Exchange Service (DAAD) for example introduced from 2016 onwards several measures and programmes to facilitate access to university for refugees.¹³²⁶ These are not restricted to either beneficiaries of international protection or asylum seekers but should address people that fled their home country in general. Firstly, the DAAD implemented several testing methods and counselling centres so that refugees and asylum seekers can recognise their skills and qualifications.¹³²⁷ On a second level, they should be integrated into preparatory colleges that concern language and subject-related preparation. At a third and fourth level, integration into universities and the job market are supported through different initiatives.¹³²⁸

The 'German Rectors' Conference' (*Hochschulrektorenkonferenz* (HRK)) of higher education facilities stated that the numbers of newly registered refugees at German continue to rise or remain at a higher level. In 2020 around 3,000 beneficiaries of international protection registered for universities. The HRK confirms the findings of the study in stating that there is a growing synergy between support programmes of universities and the special need of refugee students.¹³²⁹ However, other studies suggest that once accepted at universities, refugees continue to face difficulties in their studies. The difficulties mainly stem from a lack of mixed social networks between refugee and German students. Accordingly, this is rooted in forms discrimination, different teaching and studying approaches in Germany compared to countries of origin and deficiencies in the German language.¹³³⁰

Integration courses

An education measure of practical relevance for adult asylum seekers are the integration courses, coordinated and financed by the BAMF. In contrast to beneficiaries of international protection, asylum seekers were in the past not entitled to participate in an integration course. Only two groups of asylum seekers were eligible to participate:

- those with a 'good prospect to remain' based on their nationality and its recognition rate
- asylum seekers who have arrived in Germany before 1 August 2019 and who are employed, follow vocational training, are registered as unemployed, participate in preparatory training to take

¹³²⁴ Informationsverbund Asyl & Migration, *Themenschwerpunkt Integration in den Arbeitsmarkt, Teil II*, available in German at: <https://bit.ly/3uNuoGa>.

¹³²⁵ See for example the overview provided by the conference of university rectors, <https://bit.ly/3rD6KXx> or the programmes of the DAAD, <https://bit.ly/3nJoz5V>.

¹³²⁶ German Academic Exchange Service, Refugees at Higher Education institutions, available at: <http://bit.ly/425go6C>.

¹³²⁷ DAAD programmes, available at: <https://bit.ly/3nJoz5V>.

¹³²⁸ Ibid.

¹³²⁹ German Rectors' Conference, *Studium für Geflüchtete – Zahl der Neuimmatrikulierten von Geflüchteten stabil auf hohem Niveau*, 2020, available in German at: <http://bit.ly/3RIsR11>.

¹³³⁰ A. Bouchara, 'Bildungsbedürfnisse und Hindernisse von Geflüchteten in Deutschland: eine empirische Studie zu sozialen Netzwerken von Geflüchteten an deutschen Hochschulen', *interculture Journal* vol. 18, Issue 31, 2019, available in German at: <https://bit.ly/3WOxy4u>.

up employment, or are taking care of children under the age of three.¹³³¹ According to the government, a registration as unemployed requires that access to the labour market exists in the first place.¹³³² However, such access is very limited especially during the first nine months (see [Access to the labour market](#)).

Since the beginning of 2023, this restriction is no longer in place, and all asylum seekers are eligible to participate.¹³³³

Asylum seekers can also be obliged to participate in integration courses by the authority providing social assistance.¹³³⁴ Participation is free of charge for asylum seekers.¹³³⁵ In their general form, integration courses consist of 600 language lesson units and 100 lesson units in an 'orientation course' where participants are meant to learn about the legal system as well as history and culture in Germany and about 'community life' and 'values that are important in Germany'.¹³³⁶

In 2023, the BAMF published its third interim report of an evaluation study on the integration programmes.¹³³⁷ According to the first findings published already in 2020, only half of the enrolled participants – which *inter alia* included asylum seekers as well as beneficiaries of international protection – reach the level B1 in German language after the completion of the course, although according to the teaching schedule this is the goal (exception: the learning goal of the curriculum for literacy courses is A2 CEF).¹³³⁸ The BAMF explains this by the increasing heterogeneity of the participants in their general educational background, their knowledge of the latin characters and possible trauma.¹³³⁹ In the 2023 update of the report, the BAMF further adds that people in literacy courses face significantly greater challenges in learning German compared to those in general integration courses, due to lower prior education levels, limited experience with formal language learning, and more difficult learning conditions at home. Other researchers criticise these evaluations, arguing that systematic and didactic shortcomings have been left out. According to their experience, teachers for integration courses work under precarious conditions,¹³⁴⁰ which leads to not well-prepared classes and a lack of a didactic concept. Instead of a holistic approach, participants often memorise the answers for class tests and do not gain profound knowledge of the democratic system in Germany.¹³⁴¹ In addition to the general integration courses, there are special integration courses e. g. courses for women or parents, literacy courses or intensive courses for experienced learners.

At the end of November 2024, the German cabinet passed a new Integration Course Ordinance (IntV), introducing several cuts. The option to repeat courses has been largely removed, travel cost reimbursements are granted beyond a range of 5 km instead of 3 and only to a limited group of people, and special courses for youth, parents, and women will be discontinued.¹³⁴² This has been criticised by several organisations working in the field of integration courses.¹³⁴³ While the passing of the federal

¹³³¹ Section 44 para. 4 Residence Act (before 01.01.2023).

¹³³² Der Paritätische Gesamtverband, 'Arbeitshilfe zum Thema Flucht und Migration. Soziale Rechte für Flüchtlinge, 3. aktualisierte Auflage, December 2019, available in German at: <https://bit.ly/3fDooVv>.

¹³³³ Section 44 para 4 Residence Act.

¹³³⁴ Section 44a para. 1 Residence Act.

¹³³⁵ BAMF, 'Integration courses for asylum applicants and persons whose deportation has been temporarily suspended', 298 November 2018, available at: <https://bit.ly/3uuHeFk>.

¹³³⁶ See BAMF, 'The content and stages of the procedure', available at: <https://bit.ly/3fNqh1S>.

¹³³⁷ BAMF, *Zwischenbericht III zum Forschungsprojekt "Evaluation der Integrationskurse (EvIk)"*, 27 October 2023, available in German [here](#).

¹³³⁸ Migration Media Service, *Wie entwickeln sich die Integrationskurse?*, 25 June 2020, available in German at: <http://bit.ly/3j9PsB9>.

¹³³⁹ BAMF, Forschungsprojekt "Evaluation der Integrationskurse", 16 September 2019, available in German at: <http://bit.ly/3RfZFbH>.

¹³⁴⁰ 'BAMF-Zwischenbericht zur "Evaluation der Integrationskurse" (*Lehrkräfte für Deutsch als Fremd- und Zweitsprache*, 31 October 2023), available in German [here](#).

¹³⁴¹ Friedrich-Ebert Stiftung, 'Integrationkurse auf dem Prüfstand', 22 April 2020, available in German at: <http://bit.ly/3Jie45j>.

¹³⁴² BAMF, 'Informationen zum Gesamtprogramm Sprache 2025', 23 December 2024, available in German [here](#).

¹³⁴³ See "Stellungnahmen" by four different organisations [here](#).

budget had to be postponed after the premature ending of the government coalition in November 2024, during the provisional budget management the federal integration courses remain in place and continue on the basis of the new Integration Course Ordinance.

D. Health care

Indicators: Health Care

1. Is access to emergency healthcare for asylum seekers guaranteed in national legislation?
☒ Yes ☐ No
2. Do asylum seekers have adequate access to health care in practice?
☐ Yes ☒ Limited ☐ No
3. Is specialised treatment for victims of torture or traumatised asylum seekers available in practice?
☒ Yes ☐ Limited ☐ No
4. If material conditions are reduced or withdrawn, are asylum seekers still given access to health care?
☒ Yes ☐ Limited ☐ No

The law restricts health care for asylum seekers currently during the first 36 months of stay to instances 'of acute diseases or pain', in which 'necessary medical or dental treatment has to be provided including medication, bandages and other benefits necessary for convalescence, recovery, or alleviation of disease or necessary services addressing consequences of illnesses'.¹³⁴⁴ Furthermore, vaccination and 'necessary preventive medical check-ups' shall be provided.¹³⁴⁵ The law further contains a special provision for pregnant women and women who have recently given birth. They are entitled to 'medical and nursing help and support', including midwife assistance.¹³⁴⁶ In addition, the law states that further benefits can be granted 'if they are indispensable in an individual case to secure health'.¹³⁴⁷

After 36 months, asylum seekers are entitled to social benefits as regulated in the Twelfth Book of the Social Code (*Sozialgesetzbuch*). These 'standard' social benefits include access to health care under the same conditions that apply to German citizens who receive social benefits.¹³⁴⁸ The waiting period until a person is eligible for 'standard' social benefits was last extended in 2024 through the so-called *Rückführungsverbesserungsgesetz* (Act to Improve Removals) which includes various measures, e.g., acceleration of removals, reduction of benefits and faster access to labour.¹³⁴⁹ PRO ASYL argues that through this act, access to healthcare has become significantly more difficult, which could have serious health consequences for affected individuals.¹³⁵⁰ The organisation questions the constitutionality of extending the period of limited access to such a long time.

The term 'necessary treatment' within the meaning of the law has not conclusively been defined but is often considered to mean only medical care that is absolutely unavoidable. However, the wording of the law suggests that health care for asylum seekers must not be limited to 'emergency care' since the law refers to acute diseases or pain as grounds for necessary treatment. Accordingly, it has been argued that a limitation of treatment to acute diseases is not in accordance with the law. If chronic diseases cause pain, they have to be treated as well.¹³⁵¹ There remains a dispute, however, as to what treatment is necessary in these cases, i.e. if the treatment of pain requires treatment of the causes of the chronic

¹³⁴⁴ Section 4(1) 1st Sentence Asylum Seekers' Benefits Act.

¹³⁴⁵ Section 4 Asylum Seekers' Benefits Act.

¹³⁴⁶ Section 4(2) Asylum Seekers' Benefits Act.

¹³⁴⁷ Section 6(1) Asylum Seekers' Benefits Act.

¹³⁴⁸ However, the reduction of benefits may apply for more than 36 months (i.e., without any time limit) to persons who have 'abused the law to affect the duration of their stay'.

¹³⁴⁹ Recommendation for a resolution and report of the Committee on Home Affairs and Community (4th Committee) on the Federal Government's draft bill of the Act to Improve Removals (Entwurf eines Gesetzes zur Verbesserung der Rückführung (Rückführungsverbesserungsgesetz), available in German at: <https://bit.ly/3T2zNT7>.

¹³⁵⁰ Pro Asyl, 'Vom Aufbruch zur Abschottung: Die bittere Bilanz der Ampel-Migrationspolitik', 14 February 2025, available in German [here](#).

¹³⁵¹ Higher Administrative Court Baden-Württemberg, Decision 7 S 920/98, 4 May 1998.

disease, or if a more cost-effective treatment option (usually medication) that eliminates the pain, at least temporarily, is sufficient. It has been reported that necessary but expensive diagnostic measures or therapies are not always granted by local authorities, which argue that only 'elementary' or 'vital' medical care would be covered by the law.¹³⁵² NGOs and other stakeholders repeatedly criticise differentiated access to health care, resulting in discriminatory practices.¹³⁵³ Especially Federal Chamber of Psychotherapists (BPTK), medical associations and other organisations have expressed criticism due to the legal changes concerning the time extension of the reduced health care benefits.¹³⁵⁴ The delay in accessing regular social benefits disproportionately affects refugees with traumatic experiences, as they must wait up to three years for essential mental health support, potentially exacerbating their psychological distress.¹³⁵⁵

Even if a chronic disease is not causing pain momentarily, asylum seekers might still be entitled to treatment, if it is indispensable to secure their health pursuant to Section 6(1) of the Asylum Seekers' Benefits Act. Recently, some Regional Social Courts have argued that this provision must be interpreted broadly in accordance with the constitution. Thus, apart from a few exceptions, especially in the case of minor illnesses or short stays, a level of benefits must be established that corresponds to regular health insurance.¹³⁵⁶

In general, the practice with regard to access to health care varies between Federal States and at times between municipalities.¹³⁵⁷ A common problem in practice is caused by the need to obtain a health insurance voucher (*Krankenschein*). These vouchers or certificates are usually handed out by medical personnel in the initial reception centres, but once asylum seekers have been referred to other forms of accommodation, they usually have to apply for them at the social welfare office of their municipality. Critics have pointed out that the ambiguity of the scope of benefits under the law leads to varying interpretations in practice from municipality to municipality and may result in bureaucratic arbitrariness by case workers at the social welfare offices, who usually have no medical expertise.¹³⁵⁸ The necessity to distribute health insurance vouchers individually also imposes significant administrative burden on the social services.

In response, the Federal States of **Berlin, Brandenburg, Bremen, Hamburg, Schleswig-Holstein and Thuringia** issue 'normal' health insurance cards to asylum seekers, enabling them to see a doctor without permission from the authorities. In some Federal States (**North Rhine-Westphalia, Lower Saxony and Rhineland-Palatinate**) the health insurance card for asylum seekers has been introduced in principle, but it has only been implemented in a few municipalities.¹³⁵⁹ Other Federal States (e.g. **Bavaria and Baden-Württemberg, Saxony, Mecklenburg-Vorpommern**) have announced that they will not participate in the scheme. In a policy paper it has been shown that not only the access to regular health

¹³⁵² Georg Classen, *Leitfaden zum Asylbewerberleistungsgesetz* (Guideline to the Asylum Seekers' Benefits Act), September 2018, available in German at: <https://bit.ly/3ef7zwl>, 13.

¹³⁵³ ProAsyl, *#GesundheitFürAlle – Schluss mit der diskriminierenden Gesundheitsversorgung von Geflüchteten!*, available in German at: <https://bit.ly/3wiXaPn>.

¹³⁵⁴ Aertzederwelt.org, *Gesundheit von schutzsuchenden Menschen gefährdet: Zeitraum für abgesenkte Sozial- und Gesundheitsleistungen für Asylsuchende (AsylbLG) darf nicht verlängert werden!*, 04 January 2024, available in German at: <https://bit.ly/3T3gmtz>; Aertzeblatt.de, *Ärzte und Psychotherapeuten kritisieren Einschränkung der Gesundheitsversorgung für Asylbewerber*, 24 January 2024, available in German at: <https://bit.ly/3OJcSJV>.

¹³⁵⁵ 'Versorgung psychisch kranker Geflüchteter' (Deximed, 29 January 2025) available in German [here](#).

¹³⁵⁶ Regional Social Court Hesse, Decision L 4 AY 9/18 B ER, 11th July 2018, available in German at: <https://bit.ly/471UTF2>; Regional Social Court Mecklenburg-Vorpommern, Decision L 9 AY 13/19 B ER, 28th August 2019, available in German at: <https://bit.ly/4asqdzK>.

¹³⁵⁷ A study published in early 2022 gives an overview of the regulations and practices in place in the Federal States: Katja Lindner, 'Gesundheitsversorgung von Asylsuchenden In den Bundesländern. Rahmenbedingungen und Reformbedarfe', MIDEM-Policy Paper 01/22, available in German at: <https://bit.ly/42RwOjN>.

¹³⁵⁸ *Gesundheit für Geflüchtete*, Healthcare vouchers, available at: <https://bit.ly/2BXoxme>; Georg Classen, *Leitfaden zum Asylbewerberleistungsgesetz* (Guideline to the Asylum Seekers' Benefits Act), September 2018, available in German at: <https://bit.ly/3iJEDAB>, 13.

¹³⁵⁹ See overview of Federal States, see *Gesundheit für Geflüchtete, Regelung in den Bundesländern*, available at: <https://bit.ly/2U7GRRL>.

insurance cards but also the scope of benefits awarded highly impact the access to health care in practice in the different Federal states.¹³⁶⁰

It has to be pointed out, however, that even in a Federal State like **Brandenburg**, where almost all municipalities are issuing health insurance cards, the policy does not apply to asylum seekers in initial reception centres, which fall under the responsibility of the Ministry of the Interior. Due to the recently extended obligation to stay in these centres, this affects many asylum seekers for a substantial amount of their asylum procedure (see [Obligation to stay in initial reception centres](#)). This means that they cannot access a medical professional of their choice as they depend on the medical personnel present in the initial reception centres. While nurses are present daily in initial reception centres **Eisenhüttenstadt** and **Doberlug-Kirchhain**, medical doctors are only on site three days a week.¹³⁶¹ A further practical problem reported is the fact that the medical staff is very restrictive in referring patients to medical specialists. This makes it almost impossible for asylum seekers to meet the legal requirements for the proof of medical conditions in asylum procedures, which explicitly requires a qualified certificate from a medical specialist.¹³⁶²

Similarly, in **Bavaria**, access to health care is rendered extremely difficult for asylum seekers living in *AnKER Dependancen*. There is often no general practitioner in the *Dependancen* and residents have therefore to receive care in the main AnKER building, which can be located miles away. Moreover, the doctor present in an AnKER centre is usually a general practitioner and does not provide medical reports, while access to specialised doctors can only take place following a referral from the general practitioner.¹³⁶³ As seen above, this problem is not specific to AnKER centres, but also prevalent in other reception centres.

According to Section 1a of the Asylum Seekers Benefits Act, reception conditions can be reduced for reasons defined in the law (see [Reduction or withdrawal of reception conditions](#)). Even if benefits have been reduced, however, asylum seekers remain entitled to medical treatment pursuant to Section 4 of the Asylum Seekers' Benefits Act. However, treatment pursuant to Section 6(1) of the Asylum Seekers' Benefits Act is not accessible in these cases.

Specialised treatment for traumatised asylum seekers and victims of torture can be provided by some specialised doctors and therapists and in several specialised institutions (Treatment Centres for Victims of Torture – *Behandlungszentren für Folteropfer*). Since the number of places in the treatment centres is limited, access to therapies is not always guaranteed. In 2022 for example, it was reported that treatment centres have to cover most of the costs for therapies (96.7%) through donations or other funds since therapies are often not covered by the health and social authorities for asylum seekers.¹³⁶⁴ Large distances between asylum seekers' places of residence and treatment centres may also render an effective therapy impossible in practice. The Psychosocial Support Centres for Refugees and Victims of Torture (BAFF) criticises that Germany is not meeting its obligations under international law. The BAFF calls for financial stability for psychological support programmes, funding for translation within these programmes and access to regular health insurance cards everywhere in Germany.¹³⁶⁵

Access to treatment for persons suffering mental health problems is available for refugees and beneficiaries of subsidiary protection under the same conditions as for Germans.¹³⁶⁶ In practice, however,

¹³⁶⁰ K. Lindner, Gesundheitsversorgung von Asylsuchenden in den Bundesländern – Rahmenbedingungen und Reformbedarfe, January 2022, available in German at: <https://bit.ly/42RwOjN>, 17ff.

¹³⁶¹ Information provided by local social workers of Komm Mit e.V. June 2020.

¹³⁶² Section 60(7) in conjunction with Section 60a(2c) Residence Act.

¹³⁶³ ECRE, *The AnKER centres Implications for asylum procedures, reception and return*, April 2019, available at: <https://bit.ly/2W7dICZ>.

¹³⁶⁴ BAfF, *Versorgungsbericht - Zur psychosozialen Versorgung von Flüchtlingen und Folteropfern in Deutschland*, 2022, available in German at: <https://bit.ly/3HNgZSx>.

¹³⁶⁵ BAfF, *Versorgungsbericht - Zur psychosozialen Versorgung von Flüchtlingen und Folteropfern in Deutschland*, 2022, available in German at: <https://bit.ly/3HNgZSx>.

¹³⁶⁶ Section 92 (6a) Social Code V.

access to specialised treatment for traumatised refugees or survivors of torture is difficult. According to the Psychosocial Support Centres for Refugees and Victims of Torture (BAFF), refugees face many barriers in the access to specialised treatment.¹³⁶⁷ Often access to specialised centres is not available, since only 47 Psychosocial Support Centres for Refugees and Victims of Torture exists in Germany, which have long waiting lists and may be located far from the place of residence of the person in need.¹³⁶⁸ These centres prioritise asylum seekers without any secured residence permit but still, access is quite complicated. In 2025, only 3.1 % of the persons potentially in need of psychological treatment due to traumatic experiences such as torture, war, and displacement receive the appropriate care.¹³⁶⁹ In psychological care facilities which are not specifically trained for assisting refugees and victims of torture, persons in need may face language or cultural barriers which may lead to misunderstandings with non-trained interpreters or psychologists.¹³⁷⁰ The BAfF has persistently criticised the German government for not meeting their obligations under international law concerning the treatment of asylum seekers and victims of torture. They further criticise that the Psychological Support Centres for Refugees and Victims of Torture are all based on private initiatives and have no stability in funding. They run on annual funding from the Federal states (36% in 2022), from the Federal government (14.2%) and only 6.3% are financed through the regular social insurance system.¹³⁷¹ In 2023, the Federal government announced to cut the funding from EUR 17.5 million to EUR 7 million, constituting a cut of nearly 60%, which would heavily affect the already insufficient structures, according to the BAFF.¹³⁷² After political negotiations, the cuts were reduced to EUR 4 million, leading to a funding sum of EUR 13.5 million for 2024.¹³⁷³ In 2025, the government announced its intention of another budget cut of about 50 %.¹³⁷⁴ The mental health care of refugees has become a widely discussed topic in public debates, as recent attacks in Aschaffenburg and Munich led to the framing of refugees with psychosocial treatment need as a “security threat”.¹³⁷⁵

E. Special reception needs of vulnerable groups

Indicators: Special Reception Needs

1. Is there an assessment of special reception needs of vulnerable persons in practice?
- ☐ Yes ☒ No

In 2019, a provision was introduced requiring Federal States to take appropriate measures to ensure the protection of women and vulnerable persons when accommodating asylum seekers in initial reception centres.¹³⁷⁶ However, this provision does not justify any legal claim for vulnerable groups concerning specific measurements. The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth has published a handbook on minimum standards in reception centres.¹³⁷⁷ This does also recommend separate bathrooms and toilets and standardised measures to prevent gender-based violence. What these ‘standardised measures’ entail is, however, not specified.

¹³⁶⁷ BAfF, *Traumasensibler und empowernder Umgang mit Geflüchteten ein Praxisleitfaden*, 2022, available in German at: <https://bit.ly/48jfWDO>, 35.

¹³⁶⁸ BAfF, *Flucht und Gewalt, Psychosozialer Versorgungsbericht 2023*, available at: <https://bit.ly/49jWoQM>, 10.

¹³⁶⁹ PRO ASYL, *Psychische Erkrankungen bei Geflüchteten: »Wir brauchen Lösungen statt Stigmatisierungen«*, 26 February 2025, available in German [here](#).

¹³⁷⁰ BAfF, *Traumasensibler und empowernder Umgang mit Geflüchteten ein Praxisleitfaden*, 2022, available in German at: <https://bit.ly/48jfWDO>, 36.

¹³⁷¹ BAfF, *Flucht und Gewalt, Psychosozialer Versorgungsbericht 2024*, available in German [here](#). at: https://www.baff-zentren.org/wp-content/uploads/2024/06/BAfF_VB2024_web_01.pdf

¹³⁷² BAfF, *Bundesregierung will psychosoziale Unterstützung für traumatisierte Geflüchtete um fast 60% kürzen*, available in German at: <https://bit.ly/3SFLBtf>.

¹³⁷³ Diakonie Deutschland, *Bundeshaushalt 2024*, available in German at: <https://bit.ly/3UEjCwF>.

¹³⁷⁴ BAfF, *Psychosoziale Versorgung für Geflüchtete soll gekürzt werden*, 27 August 2024, available in German [here](#).

¹³⁷⁵ PRO ASYL, *Psychische Erkrankungen bei Geflüchteten: »Wir brauchen Lösungen statt Stigmatisierungen«*, 26 February 2025, available in German [here](#).

¹³⁷⁶ Section 44(2a) Asylum Act.

¹³⁷⁷ Federal Ministry for Family Affairs, Senior Citizens, Women and Youth and UNICEF, *Mindeststandards zum Schutz von geflüchteten Menschen in Flüchtlingsunterkünften*, available in German at: <https://bit.ly/48WAaV2>.

Even before this provision was introduced, authorities were required to provide specific support to those with special reception needs in accordance with the Reception Conditions Directive.¹³⁷⁸ Special needs should be taken into account as part of the admission procedure to the initial reception centres, and social workers or medical personnel in the reception centres can assist with specific medical treatment. However, the Asylum Act does not foresee a systematic assessment procedure for vulnerable persons. A systematic screening for vulnerabilities is only in place in three Federal States (for details see [Screening of vulnerability](#)). Practices differ between Federal States and also municipalities, as not all Federal States have laws or protection concepts in place that apply to all accommodation centres for asylum seekers. Even if concepts for protection against (gender specific) violence theoretically exist, they are not legally binding, and their implementation is not reviewed. Women repeatedly report about assaults, not lockable sanitary facilities and confined spaces.¹³⁷⁹

The AnKER centres and functionally equivalent reception centres usually provide for separate accommodation for women travelling alone and other vulnerable groups in some cases.¹³⁸⁰ However, whether or not protection of vulnerable groups is taken seriously in practice often depends on the local management of reception centres.¹³⁸¹ For example, there are reports of women travelling alone being housed next to men with psychological difficulties.¹³⁸²

By way of example, in **Rhineland-Palatinate**, the regional government has adopted a protection concept which also includes methods for the identification of vulnerabilities.¹³⁸³ This includes the following measures:

- ❖ Accommodation of possible vulnerable persons (i.e., persons who are suspected to have special needs) in separate areas of the reception centres where social services can provide better care and easily identify vulnerabilities;
- ❖ If special reception needs have been established, vulnerable persons shall be accommodated in designated (i.e., separate) 'protection areas' with easy access to social services;
- ❖ If necessary, vulnerable persons shall be able to lock their rooms. Single women shall be accommodated in areas to which male residents have no access and where, if possible, social services and supervision are only carried out by female staff members;
- ❖ Separate rooms for LGBTI persons shall be provided upon request or if considered necessary by the reception centre's management staff;
- ❖ Persons with physical disabilities shall be accommodated in barrier-free parts of the centres and shall be provided with adequate equipment. If necessary, they shall be accommodated outside of the reception centres in specialised facilities for persons with disabilities.

GREVIO, the independent expert group on combating violence against women, highlighted significant safety concerns for domestic violence victims in Germany (regardless of status or nationality) in its report on the implementation of the Istanbul Convention. Many regions lack sufficient shelters, and access barriers persist, particularly for women with older sons, large families, disabilities, or care needs, as well as those fleeing "honor"-based violence, asylum seekers, and women with insecure residency status.¹³⁸⁴

¹³⁷⁸ Section 21 et seq. Directive 2013/33/EU.

¹³⁷⁹ BR24.de, Wie sicher sind Asylbewerberunterkünfte für Frauen?, 27 September 2023, available in German at: <https://bit.ly/3wn8g5X>.

¹³⁸⁰ See BAMF, Evaluation of AnKER Facilities and Functionally Equivalent Facilities, Research Report 37 of the BAMF Research Centre, 2021, available in English at: <https://bit.ly/3FgxXnq>, 85.

¹³⁸¹ PRO ASYL e.V., Bayerischer Flüchtlingsrat e.V., Flüchtlingsrat Brandenburg e.V., Hessischer Flüchtlingsrat Flüchtlingsrat Niedersachsen e.V., Flüchtlingsrat Sachsen-Anhalt e.V., Universität Göttingen, 'Zur Umsetzung Der Istanbul-Konvention In Bezug Auf Geflüchtete Frauen Und Mädchen In Deutschland. Schattenbericht für GREVIO', July 2021, available in German at: <https://bit.ly/3LdLTDg>, 10.

¹³⁸² Baff, 'Identifizierung besonderer Schutzbedürftigkeit am Beispiel von Personen mit Traumafolgestörungen. Status quo in den Bundesländern, Modelle und Herausforderungen', June 2020, 28. Study available in German at: <https://bit.ly/3GsdrSm>.

¹³⁸³ Konzept zum Gewaltschutz und zur Identifikation von schutzbedürftigen Personen in den Einrichtungen der Erstaufnahme in Rheinland-Pfalz, available in German at: <https://bit.ly/3uD8xkO>.

¹³⁸⁴ Federal Government, *Information from the Federal Government, 20/14479, 23 December 2024*, available in German [here](#).

1. Reception of unaccompanied children

Unaccompanied children should be placed in the care of a youth welfare office which has to seek 'adequate accommodation'.¹³⁸⁵ This means that, legally, unaccompanied minors are not to be placed in general reception centres. Adequate accommodation can consist of private accommodation with other relatives, at foster families, general children's homes or specific children's homes tailored to the need of foreign unaccompanied children (*Clearinghäuser*).¹³⁸⁶ The type of accommodation varies according to the different Federal States and the available capacities. The total overload and missing capacities of youth welfare offices has not only consequences for the legal proceedings but first and foremost also for housing. In some places, unaccompanied minors have to be in general reception centres or gymnasiums.¹³⁸⁷ The Federal State of Saxony even legalised the housing of unaccompanied minors above 16 in general reception centres.¹³⁸⁸

The total number of unaccompanied foreign children and young adults under the care of youth authorities remains at a lower level compared to 2016 where 64,045 were taken care of, but their number is generally on the rise again, with 42,900 in June 2024,¹³⁸⁹ compared to 30,221 in December 2023.¹³⁹⁰ No exact differentiation is available for December 2023, but in December 2022, out of these unaccompanied children, 29,6% were older than 18 years but still fell under the competence of youth welfare offices because they were entitled to youth welfare measures.¹³⁹¹

Unaccompanied children do not generally stay in the place in which they have arrived, but they can be sent to other places throughout Germany as part of a distribution system (see [Legal representation of unaccompanied children](#)). Figures in 2021 show that unaccompanied children were sent to all 16 Federal States. Since 2017 the distribution system does not correspond to the *Königsteiner Schlüssel*, but is based on a separate procedure.¹³⁹² In 2024, the Federal States with the largest number of unaccompanied children were North Rhine Westphalia (7,368), Bavaria (3,429) and Baden-Wuerttemberg (3,373).¹³⁹³

A study of the BumF, published in March 2021, shows significant disparities between regions regarding reception conditions for unaccompanied children.¹³⁹⁴ Around 1,000 persons working in youth welfare institutions and NGOs participated in an online survey for this study. The authors of the report observe that reception conditions for unaccompanied children have generally improved in recent years due to a significant decrease in the number of newly arriving asylum seekers. Nevertheless, they also conclude that a good quality of accommodation and of other supportive measures for unaccompanied children is still not ensured in all parts of Germany. According to the authors, the data indicates that especially the Federal States of, **Bremen, Brandenburg, Mecklenburg-Vorpommern** and **Saxony** need to undertake systematic efforts in this regard. Disparities are especially big as regards support for young adults. Moreover, a major point of concern for them are municipalities where unaccompanied minors will primarily be housed in regular collective accommodation or face homelessness once they turn 18. This happens

¹³⁸⁵ Section 42(1) Social Code, Vol. VIII.

¹³⁸⁶ Federal Office for Migration and Refugees, *Unbegleitete Minderjährige*, 14 November 2019, available at: <http://bit.ly/3Hlg7P0>.

¹³⁸⁷ Bundesfachverband unbegleitete minderjährige Flüchtlinge, *Es ist 5 nach 12: Rechtsverletzungen bei unbegleiteten geflüchteten Kindern und Jugendlichen*, 16 November 2023, available in German at: <https://bit.ly/49h12PN>.

¹³⁸⁸ Ibid.

¹³⁸⁹ Federal Government, *Reply to the request in Parliament*, 20/13040, 18 September 2024, available in German [here](https://dserver.bundestag.de/btd/20/130/2013040.pdf). <https://dserver.bundestag.de/btd/20/130/2013040.pdf>

¹³⁹⁰ Federal Government, *Zahlen in der Bundesrepublik Deutschland lebender Flüchtlinge zum Stand Ende 2023*, Ds. 20/9931, 28 December 2023, available in German at: <https://bit.ly/3uHbCjV>.

¹³⁹¹ Federal Government, *Bericht der Bundesregierung über die Situation unbegleiteter ausländischer Minderjähriger in Deutschland*, Ds.20/7120, 01 June 2023, available in German at: <https://bit.ly/3UH1gex>.

¹³⁹² Jugend- und Familienministerkonferenz, *Umlaufbeschluss 02/2017*, 27 April 2017, available in German at: <https://bit.ly/48vggiY>.

¹³⁹³ Federal Government, *Zahlen in der Bundesrepublik Deutschland lebender Flüchtlinge zum Stand 30. Juni 2024*, Ds. 20/13040, 18 September 2024, available in German [here](#).

¹³⁹⁴ Federal Association for Unaccompanied Refugee Minors, *Die Situation unbegleiteter minderjähriger Flüchtlinge in Deutschland*, March 2021, available in German at: <https://bit.ly/3GMm1f5>, 40.

most frequently in the Federal States of **Bavaria, Thuringia, North Rhine-Westphalia** and **Brandenburg**. Youth welfare offices however have the possibility under the law to continue to offer care and accommodation up to the age of 21 and up to 27 in individual cases.¹³⁹⁵ It has been observed that at least in North Rhine-Westphalia the local authorities are rather good willing to grant prolonged care and accommodation if needed in the individual case.¹³⁹⁶ Since the update of June 2022 to the study, it was additionally stated there was an increase in legal insecurity against local distribution decisions and age assessment. The June 2022 report also emphasised racism by the German society.¹³⁹⁷ The June 2024 report confirms this trend and further highlights an alarming increase in reported violence and racism experienced by young refugees, as well as worsening delays in accessing education, healthcare, and asylum procedures.¹³⁹⁸

The regional authority in **Berlin** started a pilot project in 2021 to house former unaccompanied minors in reception centres, with continued support by youth welfare organisations. A number of NGOs criticised the project for not providing adequate individual support and assistance.¹³⁹⁹ In 2023, a new reception centre has opened in Berlin, that has been praised for the above average child-care ratio, language courses and leisure opportunities.¹⁴⁰⁰ However, this centre remains an exception as the reception capacities for unaccompanied children and adolescents have been exhausted since September 2021.¹⁴⁰¹ In November 2022 the Refugee Council **Berlin** reported alarming conditions for unaccompanied children who reside in regular reception centres. Due to the general overcrowding of reception facilities in Berlin, unaccompanied children even more suffer from the bad conditions there. According to the report of the Refugee Council Berlin, unaccompanied minors do not receive adequate assistance are badly treated by overburdened staff members, do not receive adequate food and access to schooling is postponed. Additionally, given the rise of arrivals in 2022, there are not enough legal guardians available for unaccompanied children which take care of support and assistance programmes.¹⁴⁰² In March 2025, the Refugee Council Berlin and the Green Party further criticised Berlin's handling of unaccompanied minors, arguing that the absence of immediate legal guardianship violates both German and European law.¹⁴⁰³ Unaccompanied minors in Berlin are often left without a legal guardian for 74 to 80 days, during which critical decisions about their asylum claims, age assessments, and relocation are made without independent representation.

The rising numbers of arrivals not only caused problems to the reception of unaccompanied minors in Berlin but in all over Germany, several organisations therefore called upon the local authorities to guarantee the standards provided by the law for unaccompanied children.¹⁴⁰⁴ Federal Working Group of Psychosocial Support Centres for Refugees and Victims of Torture, Deutschlandfunk and XENION, a

¹³⁹⁵ See Julian Tangermann and Paula Hoffmeyer-Zlotnik, 'Unaccompanied Minors in Germany – Challenges and Measures after the Clarification of Residence Status', Study by the German National Contact Point for the European Migration Network (EMN). Working Paper 80 of the Research Centre of the Federal Office for Migration and Refugees, March 2018, available in English at: <https://bit.ly/3KcEEe6>, 30-31.

¹³⁹⁶ Individual Interview with Institute for Youth Support, Duisburg, 30 January 2023, contact: <http://bit.ly/3Yc3ocJ>.

¹³⁹⁷ Federal Association for Unaccompanied Refugee Minors, *Die Situation geflüchteter junger Menschen in Deutschland*, June 2022, available in German at: <http://bit.ly/3wDbW0e>.

¹³⁹⁸ Federal Association for Unaccompanied Refugee Minors, *Die Situation geflüchteter junger Menschen in Deutschland*, June 2024, available in German [here](#).

¹³⁹⁹ See Flüchtlingsrat Berlin e. V., 20.09.2021: Keine 'Jugendhilfe Light' in Sammelunterkünften für junge volljährige Geflüchtete!, 22 September 2021, available in German at: <https://bit.ly/3L9AOIL>.

¹⁴⁰⁰ Tagesspiegel.de, *Unbegleitete minderjährige Flüchtlinge: Neues Vorzeige-Wohnheim in Berlin eröffnet – doch die Probleme bleiben groß*, 01 June 2023, available in German at: <https://bit.ly/3SIRBBq>.

¹⁴⁰¹ FRA, *Migration – Fundamental Rights Concerns – Bulletin 1 January 2022*, available at: <https://bit.ly/3Ng4gbF>, 23.

¹⁴⁰² Refugee Council Berlin, *Kinderschutz in Berlin jetzt gewährleisten!*, 9 November 2022, available in German at: <https://bit.ly/3JpysBq>.

¹⁴⁰³ Marina Mai, 'Viele Wochen ohne Beistand' (*Taz*, 11 March 2025) available in German [here](#).

¹⁴⁰⁴ Deutsche Institut für Jugendhilfe und Familienrecht e. V. (DIJuF), *Forderungen zur Unterbringung von unbegleiteten minderjährigen Flüchtlingen*, 20 December 2022, available in German at: <http://bit.ly/3RdQ4SQ>.

centre providing psychosocial assistance to refugees, also reported limited access to psychotherapy for refugees, unaccompanied children and adolescents.¹⁴⁰⁵

2. Reception of LGBTQI+ persons

The situation of LGBTQI+ persons in reception centres and other collective accommodation centres has been frequently discussed, after many reports emerged about LGBTQI+ persons being harassed and attacked by other asylum seekers. In several cities, authorities and/or NGOs have opened specialised accommodation centres for LGBTQI+ persons.¹⁴⁰⁶ Regional guidelines for protection against violence in refugee accommodation centres regularly refer to LGBTQI+ persons as a particularly vulnerable group.¹⁴⁰⁷ Special protection measures should be taken following an individual assessment of the situation. For example, the guidelines for the Federal State of **North Rhine-Westphalia** state that vulnerable persons, such as pregnant women, single women, families and LGBTQI+ persons should be given priority when (single) rooms are allocated in accommodation centres. In **Hamburg** in 2022, civil society organisations started a petition to urge the Senate to introduce similar guidelines after several cases of harassment and re-traumatisation have been reported.¹⁴⁰⁸ So far, this has not led to significant changes in the practice of accommodation in Hamburg,¹⁴⁰⁹ which had first planned but then abandoned the idea of a specific accommodation just for queer refugees.¹⁴¹⁰ Furthermore, LGBTQI+ persons together with victims of trafficking and persons who have suffered from severe violence, are listed among persons for whom 'other accommodation' (i.e. not in collective accommodation centres) can be necessary, again following an individual assessment of the situation.¹⁴¹¹ Some of the AnkER and functionally equivalent centres provide for separate accommodation for LGBTQI+ persons, but sometimes upon request of the individuals only.¹⁴¹²

F. Information for asylum seekers and access to reception centres

1. Provision of information on reception

The law imposes an obligation upon the authorities to provide general information on the rights and obligations of asylum seekers:

'Within 15 days of the filing of an asylum application, the reception centre shall inform the foreigner, if possible in writing and in a language which he can reasonably be assumed to understand, of his rights and duties under the Asylum Seekers Benefits Act. With the information referred to in the first sentence, the reception centre shall also inform the foreigner about who is

¹⁴⁰⁵ Ibid. See also: Deutschlandfunk, 'Flucht und TraumaWarum in Deutschland Therapieplätze für Migranten fehlen', 5 November 2021, available in German at: <https://bit.ly/3uOqzR7>; Xenion, 'Deutschlandfunk: Janina Meyeringh im Interview zum Thema: Warum in Deutschland Therapieplätze für Migrant:innen fehlen', 9 November 2021, available in German at: <https://bit.ly/3DiBu5H>.

¹⁴⁰⁶ Queer.de, 'München schafft Schutzräume für LGBTI-Flüchtlinge', 19 January 2017, available in German at: <http://bit.ly/2jByQkW>; Die Welt, 'Hamburg bietet Wohnungen für schwule Flüchtlinge an', 4 August 2016, available in German at: <http://bit.ly/2DBL6rl>.

¹⁴⁰⁷ For protection concepts of different Federal States see Bundesinitiative Schutz von geflüchteten Menschen in Flüchtlingsunterkünften, Schutzkonzepte von Bundesländern, available in German at: <https://bit.ly/4bEF5LT>.

¹⁴⁰⁸ Change.org, 'Umfassende Schutzmaßnahmen für LGBTQIA* Geflüchtete – von Tag 1 im Asylverfahren', available at: <http://bit.ly/3Y2otpM>. Report on harassment: Lesben- und Schwulenverband (LSVD), 'Ausgangsbeschränkungen verschärfen LSBTI-feindliche Gewalt', available in German at: <http://bit.ly/3XOXBK7>.

¹⁴⁰⁹ Katharina Schipkowski, 'Queere Geflüchtete in Hamburg: Schutzlos in der Unterkunft' (Taz, 4 October 2023) available in German [here](#).

¹⁴¹⁰ 'zu Drs. 22/17749: Den Schutz queerer Geflüchteter gewährleisten und dafür geeignete Unterkünfte bereitstellen' (SPD Fraktion Hamburg, 11 February 2025), available in German [here](#).

¹⁴¹¹ Ministry of the Interior for North Rhine-Westphalia, 'Landesgewaltschutzkonzept für Flüchtlingseinrichtungen des Landes Nordrhein-Westfalen', March 2017, available at: <https://bit.ly/3USmzto>.

¹⁴¹² BAMF, 'Evaluation of AnkER Facilities and Functionally Equivalent Facilities', Research Report 37 of the BAMF Research Centre, 2021, available in English at: <https://bit.ly/3FgxXnq>.

able to provide legal counsel and which organizations can advise him on accommodation and medical care.’¹⁴¹³

In practice, the initial reception centres hand out leaflets which contain information on where and when asylum seekers can receive advice or assistance. In general, though, asylum seekers are expected to contact social services in the reception centres to get more detailed information on reception conditions.

Since 2019, Section 12a of the Asylum Act ensures that asylum seekers receive free of charge counselling on the asylum procedure (see [Provision of information on the procedure](#)). Legally this does not include information on reception conditions, however. In some cases, the consultants might inform further about reception conditions, while individual states (*Länder*) also provide their own counselling programmes that include issues such as integration, medical care and reception conditions.

2. Access to reception centres by third parties

Indicators: Access to Reception Centres

1. Do family members, legal advisers, UNHCR and/or NGOs have access to reception centres?
☐ Yes ☒ With limitations ☐ No

UNHCR is entitled by law to visit foreigners, including those in detention and in airport transit zones.¹⁴¹⁴ Any restriction of access to reception centres for UNHCR would therefore be considered illegal.

There is no general rule for other third parties. Access of other organisations or individuals to reception centres can be restricted by house rules issued by the owner of the premises or by the management of the facilities. For instance, visits can generally be restricted to daytime hours, even for spouses in some facilities. In **Bavaria** for example, very strict visiting rules apply in some AnKER centres, whereby family members and lawyers must be announced 3 days in advance. There have also been cases in which NGOs staff or volunteers were banned from entering premises of reception or accommodation centres.¹⁴¹⁵

In practice, the geographical location of reception centres can pose a considerable obstacle to visits due to their remoteness. In addition, many accommodation centres do not have an office or another room in which confidentiality of discussions between an asylum seeker and a visitor is ensured.

G. Differential treatment of specific nationalities in reception

Asylum seekers from a [Safe country of origin](#) are subject to special reception conditions. Asylum seekers from these countries are obliged to stay in initial reception centres for the whole duration of their procedure. Since asylum seekers are barred from access to the labour market as long as they are obliged to stay in an initial reception centre, these provisions also mean that these groups are effectively excluded from employment for the duration of their stay in these centres.

Moreover, given that the distribution of asylum seekers takes into account the capacities of the BAMF to process specific applications, people may be faced with different reception conditions due to their nationality.

¹⁴¹³ Section 47(4) Asylum Act.

¹⁴¹⁴ Section(9) Asylum Act.

¹⁴¹⁵ For further information on restrictions during Covid-19 see AIDA country report Germany 2021.

Detention of Asylum Seekers

A. General

Indicators: General Information on Detention

1. Total number of asylum seekers detained in 2024:	Not available
2. Number of asylum seekers in detention at the end of 2024:	Not available
3. Number of pre-removal detention centres (as of August 2024):	13
4. Total capacity of detention centres (as of December 2024):	800 (until 6/2024), 790 (since 6/2024) ¹⁴¹⁶

Responsibility for detention, including detention pending removal (*Abschiebungshaft*), lies with the Federal States. Available statistics on detention pending removal do not provide information on the number of people who have applied for asylum while in detention.

Asylum seekers are generally not detained as long as their application is not finally rejected and as long as they have permission to stay (*Aufenthaltsgestattung*). However, some exceptions have been introduced with recent legal changes. In cases of applications which have been rejected as inadmissible or manifestly unfounded, a removal order may take effect regardless of legal remedy, unless a court grants an interim measure suspending such a removal. However, if applicants are detained at this point, they do not have the legal status of asylum seekers, as the asylum seekers' permission to stay ceases to be valid once a removal order becomes enforceable.¹⁴¹⁷ Accordingly, within the meaning of German law, detention is only ordered once an asylum application has been finally rejected or in the context of a Dublin transfer.¹⁴¹⁸ However, with the entry into force of the Act on the Improvement of Removals on 27 February 2024, asylum applicants can now be detained if grounds for detention apply at the time when they lodged their application. This is relevant notably for cases where persons file a subsequent application in order to avoid imminent removal (see [Legal framework of detention](#)). Another change of the Residence Act introduced in 2020 had already allowed for the 'preparatory' detention of persons who are subject to an entry ban and present 'a significant danger to their own or others' lives, or to internal security or have been convicted for criminal offences, including asylum seekers (see below).

If an asylum application is lodged after a person has been taken into detention pending removal, this does not necessarily lead to a release and detention may be upheld for a period of 4 weeks (see [Grounds for detention](#)). The application is filed in written form to the BAMF, who then designates the responsible branch office.¹⁴¹⁹ The personal interview may take place in detention during that period. There are no special rules applicable for an interview in detention and the asylum applicants have the same rights and obligations as in any other interview carried out in a branch office of the BAMF. All interviews with detained applicants are conducted by the BAMF in person.

In Dublin cases, asylum applications are rejected without any examination of the substance of the case and applicants are referred to another Member State to carry out their asylum procedure. Detention of asylum seekers therefore may occur in Dublin cases to prepare the transfer to the responsible Member State if grounds for detention exist. Transfers are usually preceded by arrests and police custody, which usually lasts for a very short period since many people are transferred on the same day.

¹⁴¹⁶ Federal Government, Reply to parliamentary question by the AfD, 20/12833, 9 September 2024, available in German [here](#).

¹⁴¹⁷ Section 67 Asylum Act.

¹⁴¹⁸ For an overview of cases in which detention can be ordered during an asylum procedure, see Friederike Haberstroh, *Detention and Alternatives to Detention*. Study by the German National Contact Point for the European Migration Network (EMN). Working Paper 92 of the Research Centre of the Federal Office for Migration and Refugees, available at: <https://bit.ly/41ljHRv>, 10.

¹⁴¹⁹ Section 14(2) Asylum Act.

The majority of the Federal States (9 out of 16) do not differentiate in their statistics between detention in the context of a Dublin transfer or a return decision. Nevertheless, the last available statistics provided by the other seven Federal States in 2021 indicate that persons detained for a Dublin transfer made up between 0% and 25% of all detainees in 2020,¹⁴²⁰ with an overall average of 20.8% (2019: average of 30.8%, 2018: average of 34.4%).¹⁴²¹ Available statistics also indicate that the number of Dublin transfers preceded by detention is relatively low, albeit with large differences between Federal States: between 0.8% and 50% of all Dublin transfers were preceded by detention in 2020.¹⁴²² In 2024, 5,827 persons were transferred following a Dublin procedure, compared to 5,053 in 2023, 4,158 in 2022, 2,656 in 2021, 2,953 in 2020 and 8,423 in 2019 (see [Dublin](#)).¹⁴²³

Pre-removal detention facilities existed in eleven Federal States in 2024 (with Berlin being temporarily closed; see [Place of detention](#)).¹⁴²⁴ The capacity of these detention facilities has increased significantly in recent years, from around 400 places in 2016 to 821 available places at the beginning of 2022 (see [Place of detention](#)).¹⁴²⁵ As of December 2024, the capacity seems to have decreased slightly with 790 places available.¹⁴²⁶ The high number of removals and the comparably low capacity of pre-removal detention facilities indicate that the vast majority of removals and Dublin transfers are carried out within a few hours or during the same day. This enables the authorities to put persons who are obliged to leave the country in short-term custody and no formal detention order has to be issued by a court. Still, the increase in detention facilities over the last years occurred in parallel with rising numbers of cases of detention since 2017. The decrease in both removals and detentions in 2020 is related to the COVID-19 pandemic and travel restrictions, which resulted in a suspension of removals for a certain period.

Number of removals: 2017-2024							
2017	2018	2019	2020	2021	2022	2023	2024
23,966	23,617	22,097	10,800	11,982	12,945	16,430	20,084

Source: [Statista](#), 'Anzahl der Abschiebungen aus Deutschland von 2014 bis 2024', last updated February 2025, consulted 18 April 2025, available [here](#).

Number of persons detained for removal or Dublin transfer: 2015-2024						
2018	2019	2020	2021	2022	2023 (first half)*	2024
4,481	5,208	3,063	4,191	4,937	2,020	Not available

Source. Federal Government, Reply to parliamentary question by The Left, 19/31669, 4 August 2021, available in German at: <https://bit.ly/4awfTGM> (Data for 2017-2020), Mediendienst Integration, "Im großen Stil" abschieben?, 23 October 2023, available in German at <https://bit.ly/3tPuZqp> (Data for 2021-2022), and data obtained by the Mediendienst Integration from Federal State authorities (Data for 2023). Please note that the data for the years 2021 – 2023 are not complete as not all Federal States replied to the query (i. e. no data were provided for the facility at Berlin airport). In addition, there might be over- or undercounting due to different reporting practices by the different Federal States.

* Data for Berlin as of 14 August 2023

¹⁴²⁰ Hesse, North Rhine-Westphalia, Rhineland Palatinate, Saxony, Saxony Anhalt, Schleswig-Holstein, Thuringia.

¹⁴²¹ Federal Government, Reply to parliamentary question by The Left, 19/31669, 4 August 2021, available in German at: <https://bit.ly/4awfTGM>. 109-123

¹⁴²² Bremen: 4 transfers out of detention (50% of all transfers); North Rhine Westphalia: 119 transfers out of detention (15.5% of all transfers), Saxony: 1 transfer out of detention (1.5% of all transfers), Saxony Anhalt: 5 transfers out of detention (0.8% of all transfers), Schleswig-Holstein: 3 transfers out of detention (4% of all transfers), Thuringia: 5 transfers out of detention (6.3% of all transfers), see Federal Government, Reply to parliamentary question by The Left, 19/31669, 4 August 2021, available in German at: <https://bit.ly/4awfTGM>.
¹⁴²³ Statista, 'Überstellungen von Asylbewerbern aus und nach Deutschland bis 2023', available [here](#).

¹⁴²⁴ Stefan Keßler, *Abschiebungshaft*, socialnet.de, 14 January 2019, available in German at: <https://bit.ly/2TiNCji>.

¹⁴²⁵ Paula Hoffmeyer-Zlotnik, *Return Policy in Germany in the Context of EU Rules and Standards*, Study by the German National Contact Point for the European Migration Network (EMN), Working Paper 80, BAMF Research Centre, March 2018, available [here](#), 38.

¹⁴²⁶ Federal Government, Reply to parliamentary question by the AfD, 20/8280, 8 September 2023, available in German at: <https://bit.ly/47kxVO>, 22.

Legal changes as a result of the ‘enforcement deficit’ debate

Despite the stable number of removals over the last years prior to the Covid-19 outbreak, an alleged ‘enforcement deficit’ had become the subject of a heated political debate since 2017, as the authorities were being criticised for their failure to carry out removals.¹⁴²⁷ The debate continued in the past years and led to numerous restrictive reforms in 2017, 2019, 2020 and 2022 as well as an additional reform proposed in November 2023 (see below), and a demand for increased use of detention in the removal procedure. In 2024, a total of 33,717 removals failed.¹⁴²⁸ This does not mean that all 33,717 persons were not returned, however, since authorities often carry out another removal attempt after the failed one.¹⁴²⁹ The reasons for failure to carry out removals were as follows:

Failed removals in focus: 2024	
Reasons for cancellation or abandonment of removal measures	Number of cases
Cancellation of the request (by the day before the measure at the latest)	12,296
Rejection of takeover by federal police (BPOL) under Best Return Air (VS-NfD)	106
Active resistance of persons to be deported	74
Passive resistance of persons to be deported	214
Refusal of pilots or other flight personnel to transport the person to be deported	342
Refusal of takeover by escorting state personnel	5
Cancellation of flights (for technical reasons, strikes etc.)	20,069
Reasons affecting the flight / ship passage	85
Delayed transfer	10
Medical concerns	84
Legal actions (appeals or interim measures)	73
(Attempted) suicides or self-harm	15
Attempt to flee or abscond	11
Refusal by receiving states to accept deported persons	50
No return place available	17
Lack of travel documents	21
Missing transit authorisation	17
Failure during transit	5
Other reasons	175

Source: Federal Government, *Reply to parliamentary question by the AFD, 20/15103*, 11 March 2025, available in German [here](#).

The above statistics show that the most common reason for failed removal attempts was that the transfer simply did not take place, including same-day cancellations (20,069 cases). This suggests that a significant number of removals fail at a late procedural stage, although the precise reasons often remain

¹⁴²⁷ Deutsche Welle, How do removals work in Germany?, 16 July 2018, available at: <https://bit.ly/2Hhh3uM>.

¹⁴²⁸ Federal Government, *Reply to parliamentary question by the AFD, 20/15103*, 11 March 2025, available in German [here](#).

¹⁴²⁹ PRO ASYL, *Das angebliche »Abschiebungsvollzugsdefizit«: Statistisch fragwürdig, aber gut für Schlagzeilen*, 14 July 2020, available in German at: <https://bit.ly/3XLnGtl>.

unspecified. In addition, more than 12,000 removals were cancelled proactively by the authorities through the withdrawal of the removal request. With these two categories alone accounting for the vast majority of failed removals, the available figures indicate that a broad range of structural and logistical reasons contribute to the high number of failed removal attempts. By contrast, cases where the person actively resisted (214 cases) or attempted to escape (only 11 cases) were relatively rare. Since removals are not announced to the persons concerned, it is also likely that persons can simply not be found on the date of the scheduled removals, due to them staying at another place rather than because they are deliberately avoiding arrest.¹⁴³⁰ Nevertheless, despite the lack of empirical evidence, the comparatively high number of cancellations of removal attempts is often associated with the absconding of the persons concerned.¹⁴³¹

Statistics on removals from detention also show that an increase in detention is not necessarily associated with a higher number of removals.¹⁴³² In addition, there are strong differences between the Federal States in how often detention actually results in a removal: by way of example, in **North Rhine-Westphalia** and **Rhineland-Palatinate**, four out of five people detained in the first half of 2023 were also removed, while the ratio is only one out of ten in **Saxony**.¹⁴³³ Nonetheless, over the past years, requests for more frequent use of detention pending removal in the political debate resulted in several legislative reforms since 2015, of which the ones adopted over the past four years are briefly presented here.¹⁴³⁴ August 2019 saw the entry into force of the Second Act for an Improved Enforcement of the Obligation to Leave the Country (*Zweites Gesetz zur besseren Durchsetzung der Ausreisepflicht*, also known as the ‘Orderly Return Act’/*Geordnete-Rückkehr-Gesetz*). The law expanded authorities’ power to access private apartments and to arrest persons to be removed, expanded the grounds for detention and introduced a new form of ‘detention to enforce the obligation to cooperate’ with authorities (*Mitwirkungshaft*, Section 62 VI Residence Act; for details see the 2019 Update to the AIDA Country Report for Germany).¹⁴³⁵

The numerous and increasingly restrictive legal changes in previous years continued with a new detention provision in Section 62c Residence Act adopted in November 2020 and an extension of detention possibilities for criminal offenders which entered into force on 31 December 2022 (see [Grounds for detention](#)). In October 2023, the Federal Government issued a proposal for an additional reform of detention and the return procedure in the *Act on the Improvement of Removals (Rückführungsverbesserungsgesetz)*.¹⁴³⁶ The bill, which *inter alia* would expand detention grounds and duration, was voted on in parliament on 18 January 2024 and entered into force in February 2024 (see [Legal framework of detention](#)).¹⁴³⁷

¹⁴³⁰ Thomas Hohlfeld, *Brief analysis of the Federal Government’s reply 19/17100*, 20 March 2020, available [here](#), 5.

¹⁴³¹ DIE ZEIT, ‘Mehr als jede zweite Abschiebung gescheitert’, 24 February 2019, available [here](#).

¹⁴³² Mediendienst Integration, *“Im großen Stil” abschieben?*, 23 October 2023, available in German at: <https://bit.ly/3tPuZqp> and Victoria Rietig and Mona Lou Günnewig, *Deutsche Rückkehrpolitik und Abschiebungen. Zehn Wege aus der Dauerkrise*, DGAP Analyse, May 2020, available in German at: <https://bit.ly/41PPlwm>.

¹⁴³³ Mediendienst Integration, *“Im großen Stil” abschieben?*, 23 October 2023, available in German at: <https://bit.ly/3tPuZqp>.

¹⁴³⁴ For an overview of the legal changes between 2015 and 2020, see Friederike Haberstroh, *Detention and Alternatives to Detention*. Study by the German National Contact Point for the European Migration Network (EMN). Working Paper 92 of the Research Centre of the Federal Office for Migration and Refugees, available at: <https://bit.ly/41ljHRv>, 13-18.

¹⁴³⁵ AIDA, *Country Report Germany - Update on the year 2019*, July 2020, available at: <https://bit.ly/3GlpjEQ>, 107.

¹⁴³⁶ Federal Government, *Gesetzentwurf der Bundesregierung Entwurf eines Gesetzes zur Verbesserung der Rückführung (Rückführungsverbesserungsgesetz)*, 20/9463, available in German at: <https://bit.ly/3tBmMGr>.

¹⁴³⁷ For the current state of the legislative procedure, see Federal Ministry of the Interior, *Gesetzgebungsverfahren - Gesetzentwurf zur Verbesserung der Rückführung*. available in German at: <https://bit.ly/48AlaKw>.

B. Legal framework of detention

1. Grounds for detention

Indicators: Grounds for Detention

1. In practice, are most asylum seekers detained
 - ❖ on the territory: ☐ Yes ☒ No
 - ❖ at the border: ☐ Yes ☒ No
2. Are asylum seekers detained in practice during the Dublin procedure?
☐ Frequently ☒ Rarely ☐ Never
3. Are asylum seekers detained during a regular procedure in practice?
☐ Frequently ☐ Rarely ☒ Never

Legal changes through the Act on the Improvement of Removals

The Act on the Improvement of Removals was introduced by the coalition government in October 2023. It was voted through parliament on 18 January 2024 and entered into force on 27 February 2024. The reform involves changes in the legal framework for detention, among other reforms. More specifically:

- ❖ Asylum applicants can now be detained if grounds for detention apply at the time when they lodged their application. Before the reform, asylum seekers could only be detained in cases where they lodged the asylum request from within detention.¹⁴³⁸ This is relevant notably for cases where persons file a subsequent application in order to avoid imminent removal.
- ❖ For pre-removal detention to be ordered, it is sufficient that the removal can take place within 6 months, instead of 3.¹⁴³⁹
- ❖ The grounds for pre-removal extension are extended to cases where persons entered legally, visa-free or with a Schengen visa, and then overstayed their period for legal stay.¹⁴⁴⁰
- ❖ The maximum duration of custody pending removal increases from 10 days to 28 days.¹⁴⁴¹
- ❖ The grounds for detention to enforce cooperation will be expanded so that this form of detention can also be ordered in cases of persons who do not cooperate in the establishment of their identity.¹⁴⁴²
- ❖ Detainees who are not yet represented by a lawyer will be provided with a lawyer by the court.¹⁴⁴³
- ❖ Minors and families will not be detained 'in principle', whereas previously they could be detained 'only in exceptional cases and only for as long as it is adequate considering the well-being of the child.'¹⁴⁴⁴

¹⁴³⁸ Federal Government, *Draft Bill of the Act to Improve Removals (Entwurf eines Gesetzes zur Verbesserung der Rückführung (Rückführungsverbesserungsgesetz))*, available in German at: <https://bit.ly/49CaKMs>, 14; Section 14(3) Asylum Act.

¹⁴³⁹ Federal Government, *Draft Bill of the Act to Improve Removals (Entwurf eines Gesetzes zur Verbesserung der Rückführung (Rückführungsverbesserungsgesetz))*, available in German at: <https://bit.ly/49CaKMs>, 11; Section 62 (3) Residence Act.

¹⁴⁴⁰ Federal Government, *Draft Bill of the Act to Improve Removals (Entwurf eines Gesetzes zur Verbesserung der Rückführung (Rückführungsverbesserungsgesetz))*, available in German at: <https://bit.ly/49CaKMs>, 10, 46; Section 62 (3) Residence Act.

¹⁴⁴¹ Federal Government, *Draft Bill of the Act to Improve Removals (Entwurf eines Gesetzes zur Verbesserung der Rückführung (Rückführungsverbesserungsgesetz))*, available in German at: <https://bit.ly/49CaKMs>, 11; Section 62b (1) Residence Act.

¹⁴⁴² Federal Government, *Draft Bill of the Act to Improve Removals (Entwurf eines Gesetzes zur Verbesserung der Rückführung (Rückführungsverbesserungsgesetz))*, available in German at: <https://bit.ly/49CaKMs>, 11; Section 62 (6) Residence Act.

¹⁴⁴³ Deutscher Bundestag, Recommendation for a resolution and report of the Committee on Home Affairs and Community (4th Committee) on the Federal Government's draft bill of the Act to Improve Removals (*Entwurf eines Gesetzes zur Verbesserung der Rückführung (Rückführungsverbesserungsgesetz)*), available in German at: <https://bit.ly/49CaKMs>, 8; new Section 62d Residence Act.

¹⁴⁴⁴ Deutscher Bundestag, Recommendation for a resolution and report of the Committee on Home Affairs and Community (4th Committee) on the Federal Government's draft bill of the Act to Improve Removals (*Entwurf*

- ❖ The new law foresees a possibility for authorities to file a complaint against the refusal by courts to order detention¹⁴⁴⁵

The Act also changes the authorities' competences for enforcing removals:

- ❖ Exact timing of removals can no longer be announced unless they involve families with children under 12 years of age.¹⁴⁴⁶ Previously, the date of removals had to be announced to persons who had been holding a tolerated status for at least one year.
- ❖ In enforcing removals, authorities will be able to search not only the room of the person to be deported but also other rooms in a reception centre.¹⁴⁴⁷ It will also be easier for authorities to enter reception centres during the night to apprehend a person.¹⁴⁴⁸
- ❖ Search competences of the authorities are being extended so that the living space and personal belongings of persons can be searched in order to seize documents or electronic devices that can help establish their identity or nationality or to establish whether a removal is possible. In cases of 'imminent danger', a search no longer requires a court order.¹⁴⁴⁹

The reform also tightens rules around the enforcement of entry bans and extends possibilities for the expulsion of persons with a criminal conviction.¹⁴⁵⁰

According to the government, the reform aimed to facilitate the enforcement of removals by eliminating "obstacles" in response to rising asylum applications. In 2024, 20,084 deportations were carried out, marking a 22.24% increase from 16,430 in 2023—far surpassing the government's projected 5% increase.¹⁴⁵¹ However, whether this surge is a direct result of the reform remains speculative. The reform was heavily criticised by NGOs for leading to a brutalisation of returns and for drastically reducing the rights of non-nationals by heavily extending the grounds for detention, including for asylum seekers. In addition, stakeholders criticised that they were only given 2 days to comment on the proposals.¹⁴⁵² The Parliament Committee on Home Affairs and Community included some changes in the government's draft, including the granting of a lawyer and the rule that minors and children are not to be detained in principle.

An asylum application lodged after a foreigner has been detained for the purpose of removal does not always lead to release from detention, as detention is legally possible under certain circumstances. However, it has to be noted that detention pending removal, ordered solely on the grounds of illegal border crossing, is in itself not a sufficient reason to uphold such detention in case an asylum application is

¹⁴⁴⁵ *eines Gesetzes zur Verbesserung der Rückführung (Rückführungsverbesserungsgesetz)*), available in German at: <https://bit.ly/49CaKMs>, 7; Section 62(1) Residence Act.

¹⁴⁴⁶ Federal Government, *Draft Bill of the Act to Improve Removals (Entwurf eines Gesetzes zur Verbesserung der Rückführung (Rückführungsverbesserungsgesetz))*, available in German at: <https://bit.ly/49CaKMs>, 18; Section 62 Act on Proceedings in Family Matters and in Matters of Non-contentious Jurisdiction.

¹⁴⁴⁷ Federal Government, *Draft Bill of the Act to Improve Removals (Entwurf eines Gesetzes zur Verbesserung der Rückführung (Rückführungsverbesserungsgesetz))*, available in German at: <https://bit.ly/49CaKMs>, 10; Section 60a (5a) Residence Act.

¹⁴⁴⁸ Federal Government, *Draft Bill of the Act to Improve Removals (Entwurf eines Gesetzes zur Verbesserung der Rückführung (Rückführungsverbesserungsgesetz))*, available in German at: <https://bit.ly/49CaKMs>, 10; Section 58 (5) Residence Act.

¹⁴⁴⁹ Federal Government, *Draft Bill of the Act to Improve Removals (Entwurf eines Gesetzes zur Verbesserung der Rückführung (Rückführungsverbesserungsgesetz))*, available in German at: <https://bit.ly/49CaKMs>, 8; Section 48 (3) Residence Act.

¹⁴⁵⁰ Deutscher Bundestag, Recommendation for a resolution and report of the Committee on Home Affairs and Community (4th Committee) on the Federal Government's draft bill of the *Act to Improve Removals (Entwurf eines Gesetzes zur Verbesserung der Rückführung (Rückführungsverbesserungsgesetz))*, available in German at: <https://bit.ly/49CaKMs>, 6; Section 54 (1) Residence Act.

¹⁴⁵¹ Tagesschau.de, 'Wie Abschiebungen erleichtert werden sollen', 19 January 2024, available in German [here](https://www.tagesschau.de); Statista, 'Abschiebungen aus Deutschland bis 2023', available [here](https://www.statista.com).

¹⁴⁵² GGUA Flüchtlingshilfe e.V., „Rückführungsverbesserungsgesetz“, 16 January 2024, available in German at: <https://bit.ly/43NQk11>; PRO ASYL, *Kommentierung zum Entwurf eines Gesetzes zur Verbesserung der Rückführung*, 13 October 2023, available in German at: <https://bit.ly/3I91TWz>; LTO, *Bundestag beschließt "Rückführungsoffensive"*, 18 January 2024, available in German at:

lodged. In addition, the authorities have to prove that there are further reasons for the prolongation of detention, such as a risk of absconding or an illegal stay for a duration of one month. The lodging of a subsequent or second application also does not preclude the ordering of detention unless the BAMF has decided to open another asylum procedure.¹⁴⁵³

The second possibility for detention during the asylum procedure was introduced in 2020 and relates to persons who are subject to an entry ban and present ‘a significant danger to their own or others’ lives, or to internal security’ or have been convicted for criminal offences, including asylum seekers (Section 62c Residence Act). According to the government, the provision is meant to allow for the detention of persons who are obliged to leave the country and who file an asylum application.¹⁴⁵⁴ NGOs such as PRO ASYL and the Federal Association for Unaccompanied Minors heavily criticised the new provision as it contains no safeguards for vulnerable groups and lacks a proper legal basis in the grounds for detention as provided by the EU Reception Conditions Directive.¹⁴⁵⁵

If the lodging of an asylum application does not lead to release from detention, a detained person may be kept in detention until the BAMF has decided upon the case, but for a maximum of four weeks after the asylum request has been submitted to the BAMF.¹⁴⁵⁶ Detention may even be upheld beyond that period if another country has been requested to admit or re-admit the foreigner on the basis of European law, i.e. the Dublin Regulation, or if the application for international protection has been rejected as inadmissible or as manifestly unfounded.¹⁴⁵⁷

1.1. Pre-removal detention (*Abschiebungshaft*) (including Dublin removal)

Pre-removal detention is ordered to secure removal to the country of origin or to a third country (usually in the form of a Dublin transfer). It can only be ordered for asylum seekers in the situations described above. The German Constitution provides that detention may only be ordered by a judge. The responsible authorities may only take a person into custody if there is reason to believe that this person is trying to abscond to avoid removal and if a judge cannot be requested to issue a detention order beforehand. In such cases, the detention order must be subsequently obtained from a court as soon as possible.

A judge may issue a detention order as ‘preparatory detention’ (*Vorbereitungshaft*) in cases of persons who have been expelled (usually following a criminal conviction) and in cases of persons who have been given a removal order on the grounds that they pose a risk to national security.¹⁴⁵⁸ In most cases, however, a detention order is issued for the purpose of ‘securing the removal’ (*Sicherungshaft*). This type of detention is defined in Section 62(3) of the Residence Act.

This provision underwent a major amendment in August 2019 as part of the so-called Second Act for an Improved Enforcement of the Obligation to Leave the Country (*Zweites Gesetz zur besseren Durchsetzung der Ausreisepflicht*, also known as the ‘Orderly Return Act’/Geordnete-Rückkehr-Gesetz). Section 62(3) of the Residence Act now states that a foreigner shall be placed in detention pending removal ‘if:¹⁴⁵⁹

- ❖ there is a risk of absconding;
 - ❖ the foreigner is required to leave the country on account that they entered the territory unlawfully;
- or

¹⁴⁵³ Sections 7(8), 71a(2) Asylum Act.

¹⁴⁵⁴ Deutscher Bundestag, ‘Bundestag verschiebt Zensus in das Jahr 2022, 5 November 2020, available in German at: <https://bit.ly/3H2nY6U>.

¹⁴⁵⁵ PRO ASYL, *Stellungnahme zum Entwurf eines Gesetzes zur Einführung eines § 62c Aufenthaltsgesetz*, 16 July 2019, available in German at: <https://bit.ly/3ltbtSy>.

¹⁴⁵⁶ Section 14(3) Asylum Act.

¹⁴⁵⁷ Section 14(3) Asylum Act.

¹⁴⁵⁸ Section 62(2) Residence Act.

¹⁴⁵⁹ Unofficial translation by the author, with minor abridgements.

- ❖ a removal order has been issued pursuant to Section 58a [against persons who have been expelled or who have been found to pose a risk to national security] but is not immediately enforceable’.

However, detention remains lawful only when removal cannot be ensured by other, less severe means.¹⁴⁶⁰ Authorities have discretion to refrain from ordering detention if the person credibly demonstrates that they do not intend to evade the removal.¹⁴⁶¹ The detention order is unlawful in cases where it is clear that the removal cannot take place within 3 months for reason outside the control of the detained person.¹⁴⁶² This period was extended to six months for persons with a criminal conviction (unless the person is subjected to juvenile criminal law) with a reform that entered into force on 31 December 2022.¹⁴⁶³ Further changes entered into force with the Act on the Improvement of Removals in 2024, which extended this 3-month period to 6 months in general cases, not only for those with a criminal conviction. In addition, the grounds for pre-removal detention were expanded to include cases where individuals had entered the country legally — for example, visa-free or with a Schengen visa — but subsequently overstayed the permitted duration of their legal stay.¹⁴⁶⁴

Risk of absconding

With the 2019 amendments, two new sub-paragraphs 62(3a) and 62(3b) Residence Act were introduced which contain an extensive definition of the grounds which may lead to the assumption of the **risk of absconding** (*Fluchtgefahr*). According to section 62(3a) a risk of absconding is to be assumed (as a refutable assumption), if:¹⁴⁶⁵

- ❖ the foreigner is providing the authorities with misleading information about their identity or has done so in connection with the planned removal or with possible impediments to removal and has not corrected false information on their own initiative, in particular by withholding or destroying documents or by claiming a false identity;
- ❖ the foreigner has been asked to remain at the disposal of the authorities at a certain place to carry out an official hearing or a medical examination and was not present at this place without good reason;
- ❖ the deadline set for leaving the country has expired and the foreigner has changed their place of residence without notifying the foreigners’ authority of an address at which they can be reached, in spite of having been informed about his/her obligation to do so;
- ❖ the foreigner has been banned from (re-)entering Germany and has not been granted an exceptional permission to enter Germany in spite of such a ban;
- ❖ the foreigner has avoided removal in the past;
- ❖ the foreigner has expressly declared that they will resist removal.

Section 62(3b) of the Residence Act then defines ‘specific indications’ for risk of absconding as follows:

- ❖ The foreigner has provided the authorities with misleading information about their identity in a manner which might result in an impediment to removal and has not corrected this piece of information on his/her own initiative, in particular by withholding or destroying documents or by claiming a false identity;
- ❖ The foreigner has paid substantial amounts of money, in particular to a third person [a smuggler or a trafficker] and it can be concluded under the individual circumstances that they will resist removal because otherwise their expenditures would have been of no avail;

¹⁴⁶⁰ Section 62(1) Residence Act.

¹⁴⁶¹ Section 62(3) Residence Act.

¹⁴⁶² Section 62(3) Residence Act.

¹⁴⁶³ Section 62(3) Residence Act.

¹⁴⁶⁴ Informationsverbund Asyl & Migration, ‘Rückführungsverbesserungsgesetz tritt in Kraft’, 26 February 2024, available [here](#).

¹⁴⁶⁵ Unofficial translation by the author, with abridgements.

- ❖ The foreigner poses a significant risk to life and limb of third persons or to 'significant legal interests of national security';
- ❖ The foreigner has been sentenced repeatedly to at least one prison term for intentional criminal offenses;
- ❖ The foreigner has failed to obtain a passport or has refused or omitted to cooperate with authorities to fulfill other legal requirements for the clarification of his/her identity. The foreigner must have been informed in advance about the possibility of detention in case they did not comply with the aforementioned obligations;
- ❖ The foreigner has repeatedly failed to comply with an obligation imposed by the authorities to take up residence in a particular region or place [residence obligation] or with other obligations imposed by the authorities to secure and enforce the removal order;
- ❖ A foreigner who has entered the country legally but is now obliged to leave, cannot be apprehended by the authorities, because they do not have a place of residence at which they are predominantly staying.

It has been noted that the relationship between the newly introduced sub-paragraphs 62(3a) and 62(3b) Residence Act is not entirely clear.¹⁴⁶⁶ The Explanatory Memorandum to the new Act states that the 'indications' listed in Section 62(3b) aim to define the more concrete grounds, whereas the 'assumptions' listed in Section 62(3a) 'allow for a more reliable prognosis' as to whether a person is trying to avoid removal.¹⁴⁶⁷ This seems to imply that the 'assumptions' listed in sub-paragraph 3a are supposed to serve as additional grounds for detention, while the concrete evidence as listed in Section 3b would provide the basis for a possible detention order as 'objective criteria'. However, the wording of the law does not support this interpretation: according to the law, a detention order can be based both on the 'assumptions' of sub-paragraph 3a and on the 'indications' of sub-paragraph 3b. The 2019 amendments therefore simply seem to have expanded the list of possible grounds for detention, rather than clarifying the preconditions for detention orders.

The new provisions have been criticised for their contradiction with the principle of detention as a 'last resort'. Furthermore, it has been pointed out that the concept of a 'refutable assumption' as it is now set out in paragraph 3a is vaguely worded and places the full burden of proof on the individual who has to provide evidence that he/she is *not* trying to evade removal. Furthermore, Article 15 of the Return Directive (2008/115/EC) does not refer to the concept of a 'refutable assumption' as sufficient grounds for a detention order. For this reason, it is doubtful whether the amendments, in particular, the concept of the 'refutable assumption' of sub-paragraph 3a are in line with the Return Directive.¹⁴⁶⁸

Detention in the context of the Dublin procedure

Section 2(14) of the Residence Act further contains special provisions for **detention in the course of Dublin procedures** (also referred to as *Überstellungsgewahrsam*/transfer detention). As a general rule, this section provides that most of the grounds for detention referred to above have to be regarded in the context of this provision as well: thus, the grounds listed in Section 62(3a) of the Residence Act shall apply accordingly to constitute a 'refutable assumption for a risk of absconding within the meaning of Article 2 of the Dublin III Regulation.' The grounds listed in Section 62 (3b) No. 1-5 of the Residence Act shall be regarded as objective criteria to assess a risk of absconding within the meaning of Article 2(n) of the Dublin III Regulation.

¹⁴⁶⁶ Stefan Keßler, *Freiheitsentzug ad libitum? Die Auswirkungen des „Hau-Ab-Gesetzes II“ auf die Abschiebungshaft*, in: *Das Migrationspaket, Beilage zum Asylmagazin 8-9/2019*, available in German at: <https://bit.ly/3boa7HM>, 44-54 (45).

¹⁴⁶⁷ Explanatory memorandum to draft bill, Parliamentary document 19/10047, 10 May 2019, 39.

¹⁴⁶⁸ PRO ASYL, *Stellungnahme zum Entwurf eines Zweiten Gesetzes zur besseren Durchsetzung der Ausreisepflicht (BT-Drucksache 19/10047)*, 29 May 2019, available in German at: <https://bit.ly/2WqrSlit>, 16.

With the general reference to the ‘risk of absconding’ as defined in Section 62, the expansion of possible grounds for detention is now applicable to the transfer detention in Dublin cases as well. NGOs have raised doubts as regards the compliance of this provision with the Dublin III Regulation.¹⁴⁶⁹ According to the latter, Member States may detain the person concerned only if there is a significant risk of absconding and on the basis of an individual assessment (Article 28 II of the Dublin III Regulation). In contrast, German law now lists numerous grounds for detention, some of which are vaguely worded thus raising the question as to whether they constitute significant reasons to assume a risk of absconding.

In addition, Section 2(14) of the Residence Act defines two other criteria for a ‘risk of absconding’:

- ❖ An asylum seeker has left another Dublin Member State before their asylum procedure (or Dublin procedure) had been concluded in this state and if there is no indication that they are going to return to the responsible Member State in the near future.
- ❖ An asylum seeker has repeatedly applied for asylum in another Dublin Member State (or several other Dublin Member States) and has left this state before the asylum procedure had been concluded.¹⁴⁷⁰

Through the introduction of another amendment in 2019, which is similar to an existing provision on detention pending removal, the authorities are now expressly given competence to temporarily detain people if there is a risk of absconding and if a court order cannot be obtained immediately. This can be regarded as providing a legal basis for what has been common practice. In these cases, authorities have to present the case to a court as soon as possible (Section 2 XIV 4th sentence of the Residence Act).

1.2. Custody pending departure (*Ausreisegewahrsam*)

According to Section 62b of the Residence Act, ‘custody pending departure’ can be carried out in the transit zones of airports or in other facilities ‘from where a direct departure is possible without having to cross a long distance to reach a border crossing point’.¹⁴⁷¹ This does not mean that this type of detention is limited to facilities close to airports, it is also frequently carried out in other detention facilities (see Place of detention). This form of detention is limited to a period of 10 days as of 2023 and shall apply in cases in which the deadline for leaving the country has expired and in which an immediate removal (i.e., a removal within the time-limit of 10 days) is feasible. The foreigner must further have ‘displayed a behaviour which leads one to assume that he/she will make the removal more difficult or impossible.’

An amendment which took effect in August 2019 as part of the Second Act for an Improved Enforcement of the Obligation to Leave the Country (*Zweites Gesetz zur besseren Durchsetzung der Ausreisepflicht*, also known as the ‘Orderly Return Act’/*Geordnete-Rückkehr-Gesetz*) now further defines the grounds for this assumption. According to this provision, it is to be assumed that a foreigner is likely to obstruct removal measures, if:

- ❖ they violated their legal obligations to cooperate;
- ❖ they misled the authorities on their identity or nationality;
- ❖ they have been convicted of intentionally committing a criminal offence (with the exception of offences which are subject to a fine of up to 50 daily rates)
- ❖ they have exceeded the deadline allowed for voluntary departure by more than 30 days.’

Custody pending departure is subject to the same rules as the regular pre-removal detention procedure. A court order is therefore necessary and the detention can only be carried out in specialised facilities.¹⁴⁷² Between 2018 and 2021, custody pending departure was carried out in 10 out of 16 Federal States.¹⁴⁷³

¹⁴⁶⁹ Ibid., 5.

¹⁴⁷⁰ PRO ASYL, *Stellungnahme zum Entwurf eines Zweiten Gesetzes zur besseren Durchsetzung der Ausreisepflicht (BT-Drucksache 19/10047)*, 29 May 2019, available in German at: <https://bit.ly/2WqrSlt>, 5.

¹⁴⁷¹ Section 62b(2) Residence Act.

¹⁴⁷² Section 62b(3) Residence Act.

¹⁴⁷³ Federal Government, Reply to parliamentary question by The Left, 19/31669, 4 August 2021, available in German at: <https://bit.ly/4awfTGM>.

1.3. Detention to enforce cooperation (*Mitwirkungshaft*)

The amendments introduced in 2019 through the 'Orderly Return Act' (*Geordnete-Rückkehr-Gesetz*) also established a new ground of detention to 'enforce cooperation' with the authorities (*Mitwirkungshaft*, Section 62 (6) Residence Act). Before the 2024 reform, this form of detention could only be applied in the following cases:

- ❖ Failure to appear in person at the diplomatic mission or at a meeting with authorised officials of the foreigner's assumed state of origin;
- ❖ Failure to appear in person for a medical examination for the purpose to establishing the foreigner's ability to travel.

The maximum period foreseen for this detention ground is 14 days and is subject to a court order, which means that the authorities may not carry out short-term arrests on the basis of this provision. There is no information or case law available as to whether this ground for detention has been implemented since it entered into force in August 2019. In January 2020 media reports seemed to suggest that the new 'detention to enforce cooperation' had not been used yet,¹⁴⁷⁴ but it was not entirely clear from these reports which type of detention they were referring to. Data from Germany's largest detention facility in Büren (**North Rhine Westphalia**), for 2023, show that the instrument is used, but only comparatively rarely with 5 cases over the first half of 2024.¹⁴⁷⁵

1.4. *De facto* detention at the airport

Asylum seekers can be apprehended and *de facto* detained in the transit zone of an international airport. Although they are confined within the premises of a dedicated facility for the duration of the airport procedure, according to the Federal Constitutional Court, being held at the transit zone is not considered detention in terms of the law.¹⁴⁷⁶

In practice, the applicant receives a decision of placement in the facility. For example, persons placed in the detention centre of **Munich Airport** receive a 'notification of residence in the airport facility' (*Bescheinigung für den Aufenthalt in der Flughafenunterkunft*) for the purpose of the airport procedure under Section 18a of the Asylum Act. This notification expressly states that this form of residence is not a freedom-restrictive measure. The legal fiction of non-entry into the territory is maintained, even if the person is transferred to a hospital or to court. Police officers must escort the person whenever they leave the facility to preserve this legal construct.

However, this interpretation has been challenged by European jurisprudence. The European Court of Human Rights (ECtHR) has found that holding individuals in transit zones for prolonged periods, under continuous supervision and without the possibility to freely leave, constitutes deprivation of liberty.¹⁴⁷⁷ Similarly, the Court of Justice of the European Union (CJEU) has held that such restrictions qualify as detention under EU law, especially when there is no legal alternative or meaningful access to exit options.¹⁴⁷⁸ Given these rulings, airport transit zones – though not formally classified as detention under German law – may in effect operate as *de facto* detention facilities, raising concerns about the adequacy of legal safeguards and the compatibility of the practice with European human rights standards.

¹⁴⁷⁴ br.de, Bericht: 'Kein Bundesland nutzt 'Geordnete-Rückkehr-Gesetz'', 3. January 2020.

¹⁴⁷⁵ Ministry for Children, Youth, Family, Equality, Refugees and Integration of North Rhine Westphalia, „Sachstandsbericht Unterbringungseinrichtung für Ausreisepflichtige (UfA) in Büren“, quarterly report available on the website of the Federal State parliament: <https://bit.ly/49r2hvD>.

¹⁴⁷⁶ Federal Constitutional Court, Decision of 14 May 1996, 2 BvR 1516/93. See also Federal Supreme Court, Decision V ZB 170/16, 16 March 2017, available in German at: <http://bit.ly/2oRx9B4>.

¹⁴⁷⁷ Hungarian Helsinki Committee, 'European Court of Human Rights: Hungary's detention of asylum seekers in transit zones condemned', 22 November 2023, available [here](#).

¹⁴⁷⁸ PICUM, 'Immigration detention in transit zones: What European courts say', 18 January 2024, available [here](#).

2. Alternatives to detention

Indicators: Alternatives to Detention

1. Which alternatives to detention have been laid down in the law?
 - ☒ Reporting duties
 - ☒ Surrendering documents
 - ☒ Financial guarantee
 - ☒ Residence restrictions
 - ☒ Other
2. Are alternatives to detention used in practice?
 - ☒ Yes ☐ No

The section on pre-removal detention in the Residence Act opens with a general clause on the principle of proportionality:

‘Detention pending removal is not permissible if the purpose of the detention can be achieved by other, less severe but equally sufficient means. The detention shall be limited to the shortest possible duration. Minors and families with minors shall in principle not be taken into detention awaiting removal.’¹⁴⁷⁹

In spite of this provision, the federal law does not explicitly define alternatives to detention. Administrative guidelines do contain some milder measures such as reporting requirements (see below), but these do not depend on there being a ground for detention and hence it is questionable whether they can be considered alternatives to detention.¹⁴⁸⁰ By 2021, some Federal States (**Bremen, North Rhine-Westphalia, Lower Saxony, Brandenburg and Schleswig-Holstein**) had regulated the use of alternatives to detention in decrees.¹⁴⁸¹ Lawyers and NGOs have frequently criticised that detention pending removal is imposed by the responsible local courts ‘too often and too easily’ and a high number of detention orders were overturned by higher courts upon appeal.¹⁴⁸² In court decisions, alternatives to detention are rarely discussed substantially,¹⁴⁸³ and some authorities have been found to always request the maximum duration of three months without laying out how far this is necessary given the preparations for removal.¹⁴⁸⁴ The practice of resorting to detention also differs widely between Federal States: by way of example, in 2022 in Lower Saxony detention was only ordered in 134 cases compared to 789 forced removals (17%), whereas in Bavaria, 1,966 persons were detained for a total of 2,046 forced removals (i.e., 96%).¹⁴⁸⁵ The share of detention orders in relation to the overall number of removals has increased from around 10% in 2015 to around 28% in 2020.¹⁴⁸⁶ However, this might also be related to the fact that

¹⁴⁷⁹ Section 62(1) Residence Act.

¹⁴⁸⁰ Friederike Haberstroh, *Detention and Alternatives to Detention*. Study by the German National Contact Point for the European Migration Network (EMN). Working Paper 92 of the Research Centre of the Federal Office for Migration and Refugees, available at: <https://bit.ly/41ljHRv>, 19.

¹⁴⁸¹ Friederike Haberstroh, *Detention and Alternatives to Detention*. Study by the German National Contact Point for the European Migration Network (EMN). Working Paper 92 of the Research Centre of the Federal Office for Migration and Refugees, available at: <https://bit.ly/41ljHRv>, 19.

¹⁴⁸² Die Rechtsberaterkonferenz, *50 Forderungen zum Flüchtlings-, Aufenthalts-, Staatsangehörigkeits- und Sozialrecht*, November 2017, available in German at: <https://bit.ly/48kVKSX>, 32-34. See also Positionspaper Pflichtbeordnung von Anwält:innen in der Abschiebungshaft, available in German at: <http://bit.ly/3knqnTI>, preliminary remark of parliamentary group of The Left in Federal Government, *Reply to parliamentary question by The Left, 19/5817*, 16 November 2018, available in German at: <https://bit.ly/485NINs>, 2; See also the statistics of the pilot project of the Refugee Council of Lower Saxony at Judicial Review of the Detention Order. Stefan Keßler, *Abschiebungshaft*, socialnet.de, 14 January 2019, available in German at: <https://bit.ly/2TiNCji>, and Community for all, *4 Jahre Abschiebeknast Hessen*, July 2023, available in German at: <https://bit.ly/3RLsmxS>, 35.

¹⁴⁸⁴ Community for all, *4 Jahre Abschiebeknast Hessen*, July 2023, available in German at: <https://bit.ly/3RLsmxS>, 35.

¹⁴⁸⁵ Federal Government, Reply to parliamentary questions by The Left, 20/5795, 24 February 2023, available in German at: <https://bit.ly/3nGxgRt>, 15, and Information collected by the Mediendienst Integration from the Governments of the Federal States in August 2023.

¹⁴⁸⁶ Community for all, *4 Jahre Abschiebeknast Hessen*, July 2023, available in German at: <https://bit.ly/3RLsmxS>, 13.

in 2015 and 2016, the majority of forced returns were to Western Balkan states, where returns have been comparatively fast and frictionless.¹⁴⁸⁷

Among the available alternatives is the 'geographical restriction' which normally applies to asylum seekers for a period of 3 months and can be re-imposed if 'concrete measures to end the foreigner's stay are imminent' (see [Freedom of Movement](#)).¹⁴⁸⁸ The law also contains a general provision according to which 'further conditions and sanctions' may be imposed on foreigners who are obliged to leave the country.¹⁴⁸⁹ In particular, these sanctions may consist of reporting duties, the obligation to reside in a specific place or to be home during night-time, but also of an obligation to consult a counselling service for returnees.¹⁴⁹⁰ Passports of foreigners obliged to leave the country can be confiscated.¹⁴⁹¹ The authorities may also ask foreigners who are obliged to leave the country to deposit a security to cover the costs of a possible removal.¹⁴⁹² However, the law does not allow for security deposits which may be used as bail and confiscated in cases of 'absconding'.¹⁴⁹³

Responsibility for carrying out removal procedures lies with local or regional authorities or, when the person reaches the airport, with the Federal Police. Therefore, no common approach to the use of alternatives to detention could be adequately ascertained.¹⁴⁹⁴

3. Detention of vulnerable applicants

Indicators: Detention of Vulnerable Applicants

1. Are unaccompanied asylum-seeking children detained in practice?
☐ Frequently ☒ Rarely ☐ Never
❖ If frequently or rarely, are they only detained in border/transit zones? ☐ Yes ☒ No
2. Are asylum seeking children in families detained in practice?
☐ Frequently ☒ Rarely ☐ Never

According to German law, minors and members of other vulnerable groups must not be detained while they have the status of asylum applicants. However, asylum seekers may lose this status as a result of a Dublin procedure and may hence be detained for the purpose of a Dublin transfer (see section on [Grounds for detention](#)).

Section 62(1) of the Residence Act contains the following provision regarding the detention of children and families:

'Minors and families with minor children are not to be taken into custody awaiting deportation.'¹⁴⁹⁵

¹⁴⁸⁷ Federal Government, Reply to parliamentary questions by The Left, 18/7588, 18 February 2016, available in German at <https://bit.ly/3JAXSLz>, 2 and Federal Government, Reply to parliamentary questions by The Left, 18/11112, 9 February 2017, available in German at <https://bit.ly/3TYYbnY>.

¹⁴⁸⁸ Section 61(1)(c) Residence Act.

¹⁴⁸⁹ Section 61(1)(e) Residence Act. For an overview of possible alternatives see Friederike Haberstroh, *Detention and Alternatives to Detention*. Study by the German National Contact Point for the European Migration Network (EMN). Working Paper 92 of the Research Centre of the Federal Office for Migration and Refugees, available at: <https://bit.ly/41ljHRv>, 21.

¹⁴⁹⁰ Section 46(1) General Administrative Regulations relating to the Residence Act.

¹⁴⁹¹ Section 50(5) Residence Act.

¹⁴⁹² Section 66(5) Residence Act.

¹⁴⁹³ Ministry of the Interior of the Federal State of Schleswig-Holstein, *Interministerielle Arbeitsgruppe (IMAG) 'Alternative Abschiebungshaft'* (Report of a working group 'alternative detention pending removal'), 25 March 2014, available in German at: <https://bit.ly/3S451ce>, 5.

¹⁴⁹⁴ Friederike Haberstroh, *Detention and Alternatives to Detention*. Study by the German National Contact Point for the European Migration Network (EMN). Working Paper 92 of the Research Centre of the Federal Office for Migration and Refugees, available at: <https://bit.ly/41ljHRv>, 19-20.

¹⁴⁹⁵ Federal Republic of Germany, *Residence Act (AufenthG)*, available [here](#).

In 2024, 3,687 children (under 18 years) were deported to third countries or transferred to another state under the Dublin Regulation. These measures usually involve that children are taken into custody for a few hours on the day the transfer takes place. Furthermore, 266 minors were returned to neighbouring countries after being refused entry to the territory, out of which 216 were unaccompanied by parents or legal guardians.¹⁴⁹⁶ The immediate returns (*Zurückweisungen*) or removals (*Zurückschiebungen*) are usually preceded by an arrest and a short-term apprehension.

With the exception of these short-term apprehensions, detention of minors ordered by a court seems to be exceptional. In practice, however, detention of (possible) minors may occur in cases in which the age of the persons concerned is uncertain or disputed. The Jesuit Refugee Service and the local NGO *Hilfe für Menschen in Abschiebehäft Hof e. V.* reported to ECRE a few cases in 2024 of minors who were briefly detained in the facilities in Hof and Eichstätt. In addition, *Abschiebehäftberatung Nord* refers to the case of a minor who was briefly held at the Glückstadt detention facility in 2023. The local NGO *Community for All* reports one case of a detained minor aged 17 years and nine months in the detention facility in Darmstadt-Eberstadt in the period between 2017 and 2022 (**Hesse**)¹⁴⁹⁷ and the Refugee Council of **Lower Saxony** highlighted the case of an unaccompanied minor who had been detained by way of judicial order in the detention facility of **Hannover-Langenhagen** immediately after he had arrived from the Netherlands in February 2020. Detention was ordered by a judge despite the fact that the police had recorded his statement that he was 16 years old. An age assessment which took place in the detention centre later on came to the conclusion that it could not be excluded that he was younger than 18. As a result, the detention order had apparently been in breach of a directive from the Federal State which stipulates that minors should not be held in detention pending removal as a matter of principle.¹⁴⁹⁸ An activist from North Rhine-Westphalia further reported in an interview conducted at the end of 2019 that in some cases detained persons have entered the detention facility of **Büren** as adults (following an age assessment), but have left it as children, because they were found to be of minor age when travel documents were issued by the authorities of the country of origin. In one of these cases, a person detained as an adult was later found to be only 14 years old. The persons concerned were released from detention. Nevertheless, they remain registered as adults in the detention centre's statistics, which leads to the false impression that no minors have been detained, according to the interviewee.¹⁴⁹⁹

A few Federal States have regulations in place for the detention of other vulnerable groups (such as elderly persons, persons with disabilities, nursing mothers, single parents),¹⁵⁰⁰ but most do not have any special provisions for these groups and detain them in practice. The same applies to *de facto* detention at airport detention facilities, which is applied *inter alia* to pregnant women, victims of torture and persons with medical conditions. Civil society organisations supporting people detained in the German facilities report about elderly persons, persons with disabilities and persons with illnesses being detained.¹⁵⁰¹ According to the local Amnesty university student group, one pregnant person and one trans woman were

¹⁴⁹⁶ Federal Government, Reply to parliamentary question by The Left, 20/14042, 11 February 2025, available in German [here](#).

¹⁴⁹⁷ Community for all, *4 Jahre Abschiebeknast Hessen*, July 2023, available in German at: <https://bit.ly/3RLsmxS>, 21.

¹⁴⁹⁸ Flüchtlingsrat Niedersachsen, 'Unbegleiteter minderjähriger Flüchtling seit 13 Tagen rechtswidrig in Abschiebungshaft', Press release of 3 March 2020, available in German at: <https://bit.ly/2YZedDC>.

¹⁴⁹⁹ ze.tt, 'Eingesperrt ohne Straftat: So sind die Bedingungen in einem Abschiebegefängnis', 14 December 2019, available in German at: <https://bit.ly/2T0KZ3g>.

¹⁵⁰⁰ Regulations regarding vulnerable groups can be found in the law on removal detention for **Bremen** (available in German at: <http://bit.ly/3wlsJVD>). In **Hesse**, the law (available in German at: <http://bit.ly/3XvPOkv>) requires that special attention be paid to the healthcare of particularly vulnerable persons. In **Schleswig-Holstein**, the respective law (available in German at: <https://bit.ly/3Hn50KS>) contains a provision on the detention of minors, which must be in compliance with Art. 37 UN Convention on the Rights of the Child. No specific provisions could be found in the laws and regulations of **Berlin** (available in German at: <http://bit.ly/3H69Efg>), **Baden-Württemberg** (available in German at: <https://bit.ly/3HkMOBE>), Brandenburg (available in German at: <http://bit.ly/3HI9z8I>), **Hamburg** (available in German at: <http://bit.ly/3HmWaNi>), North **Rhine Westphalia** (available in German at: <http://bit.ly/3QZ55b0>), and **Saxony** (available in German at: <http://bit.ly/3ZUSDNI>). **Bavaria** and **Rhineland Palatinate** do not have a specific law or regulation on detention.

¹⁵⁰¹ Information provided by Jesuit Refugee Service Germany, *Hilfe für Menschen in Abschiebehäft Hof e. V.*, Support PiA, *Abschiebehäftberatung Nord* via email and phone on March 2025.

detained in Darmstadt-Eberstadt in 2024. The trans woman was held in the men's section, as there is no clear regulation governing the placement of transgender individuals in detention. Additionally, all interview partners highlighted the extremely high number of detained persons suffering from mental health problems.

Of the few people who come to us for counselling, around 90% are psychologically unstable – whether due to the detention itself, the circumstances of their arrest, or the fears they had to live with beforehand. An estimated 10–20% are given sedatives. Some individuals show clear psychological abnormalities that would actually require treatment – but this would also need to involve securing their living conditions, and that is not ensured in Germany. Women often suffer prolonged nervous breakdowns, crying for hours or even days. When young women are deported to countries like Romania, Bulgaria, or Croatia, even though their families have already been granted protection in Germany, they know exactly what awaits them: violence, threats, rape, homelessness. Women who are forced to return to their home countries have justified fears – but these are not recognised as grounds for asylum, for instance in the case of family feuds. All individuals undergo visible changes during detention: they lose weight, neglect themselves, self-harm, or develop health problems, including dental issues.¹⁵⁰²

While some Federal States provide for separate detention of women, others use the facilities of other Federal States – notably the detention facility of Ingelheim in Rhineland-Palatinate - and only detain men in their own detention facilities.¹⁵⁰³ The local Amnesty university student group states usually only few women are detained in Darmstadt-Eberstadt and raises awareness for the issue that at times when there is only one woman held in the facility, this leads to solitary confinement by default.¹⁵⁰⁴

4. Duration of detention

Indicators: Duration of Detention

- | | |
|--|---------------|
| 1. What is the maximum detention period set in the law (incl. extensions): | |
| ❖ Pre-removal detention | 18 months |
| ❖ Custody pending removal | 28 days |
| 2. In practice, how long in average are asylum seekers detained? | Not available |

The maximum duration of pre-removal detention (*Abschiebungshaft*) is 6 months, subject to a possibility of extension to a total of 18 months if the person hinders removal.¹⁵⁰⁵

The maximum time limit for the duration of custody pending departure (*Ausreisegewahrsam*) was previously limited to 10 days but has been extended to 28 days following the enactment of the Act on the Improvement of Removals (*Rückführungsverbesserungsgesetz*) on 27 February 2024.¹⁵⁰⁶

Between 2018 and the first quarter of 2021, the average duration of detention was 22.1 days (see table below for a breakdown by year and Federal State). Statistics made available by Federal States further show that detention for a period of less than six weeks seems to be the rule, while cases of detention lasting longer than 6 months seem to be exceptional with only a handful of cases reported every year overall.¹⁵⁰⁷ More recent publicly available data was not found as of March 2025.

¹⁵⁰² Information provided by *Hilfe für Menschen in Abschiebehaft Hof e. V.* via email on March 2025.

¹⁵⁰³ Federal Government, Reply to parliamentary question by The Left, 19/31669, 4 August 2021, available in German at: <https://bit.ly/4awfTGM>, 23-25.

¹⁵⁰⁴ Information provided by Support PiA via phone on March 2025.

¹⁵⁰⁵ Section 62(4) Residence Act.

¹⁵⁰⁶ Section 62b (1) Residence Act.

¹⁵⁰⁷ Federal Government, Reply to parliamentary question by The Left, 19/31669, 4 August 2021, available in German at: <https://bit.ly/4awfTGM>, 38 et seq.

Average duration in days of pre-removal detention: 2018 – Q 2021				
	2018	2019	2020	Q1 2021
Baden-Württemberg	33.8	29.7	22.3	N/A
Bavaria	33.3	30.1	19.5	19.2
Berlin	59	17	28	20
Brandenburg	-	-	-	-
Bremen	18.5	21.4	15.8	8
Hamburg	16	17	12	14
Hesse	22	23	22	16
Mecklenburg-Vorpommern	N/A	N/A	less than 2 weeks	2-6 weeks
Lower Saxony	20	22	21	19
Rhineland-Palatinate	29	26	25	25
North Rhine-Westphalia	33.8	29.5	23.1	15.8
Saarland		-	-	-
Saxony	8	22	16	17
Saxony-Anhalt	24.6	23.5	13.42	9.57
Schleswig-Holstein	23	26	22	23
Thuringia	30.7	19.1	22.2	20.3
Overall average	27.1	23.6	20.2	17.2

Source: Federal Government, *Reply to parliamentary question by The Left, 19/31669*, 4 August 2021, available in German at: <https://bit.ly/4awFTGM>, 67-68.

C. Detention conditions

1. Place of detention

Indicators: Place of Detention

- Does the law allow for asylum seekers to be detained in prisons for the purpose of the asylum procedure (i.e. not as a result of criminal charges)? ☐ Yes ☒ No
- If so, are asylum seekers ever detained in practice in prisons for the purpose of the asylum procedure? ☐ Yes ☒ No

1.1. Pre-removal detention centres

Detention pending removal is usually carried out in specialised detention facilities. Since July 2014, when the CJEU ruled that detention for the purpose of removal of illegally staying third-country nationals has to

be carried out in specialised detention facilities in all Federal States of Germany,¹⁵⁰⁸ most Federal States which did not have specialised facilities before announced that the necessary institutions would be established; deportees were sent to facilities in other Federal States in the meantime. As of December 2024, not all Federal States have dedicated detention centres, since some Federal States use facilities jointly (see below).

Between August 2019 and June 2022, due to a temporary change in the law, detention pending removal could also be carried out in regular prisons. Since 1 July 2022 the wording of the provision has changed back to: 'As a rule, detention pending removal is to be carried out in specialised detention facilities.'¹⁵⁰⁹

The provision was challenged before the CJEU, as critics and serious doubts were raised as to whether Germany was facing such an emergency situation when the provision entered into force in 2019.¹⁵¹⁰ When issuing its decision on 10 March 2022,¹⁵¹¹ the Court did not adjudicate on the existence of an emergency situation, but ruled that national courts would have to examine the question when asked to issue a detention order. However, the CJEU argued that an emergency situation cannot be based solely on a high number of persons who are obliged to leave, and that a failure on the side of the state to provide for sufficient specialised detention facilities cannot justify an emergency situation. Available statistics suggest that Federal States hardly used regular prisons for detention pending removal. Only 10 cases (3 in Mecklenburg-Vorpommern and 7 in Saxony-Anhalt) had been recorded by the Federal States as of March 2021,¹⁵¹² while the majority of Federal States reported in August 2023 to not have used regular prisons for detention¹⁵¹³ (for more information see the 2022 Update to this report).¹⁵¹⁴

Plans for a combined facility, which nevertheless takes into account the separation of prisoners and pre-removal detainees, were announced in **Bavaria** during the summer of 2018. According to media reports, both detention facilities are to be built on the same site in the town of **Passau**. However, the facility for detention pending removal will be separated from the other buildings by a wall and it will be separately accessible from the outside.¹⁵¹⁵ The opening of the facility is planned for 2027.¹⁵¹⁶ To this day, several pre-removal detention centres are former prisons turned into specialised facilities e.g. **Büren** in North Rhine-Westphalia, **Eichstätt** and **Erding** in Bavaria and **Darmstadt-Eberstadt** in Hesse.

In January 2022, a new detention centre was opened at Munich airport (Bavaria) which replaced the more provisional detention facility 'Hangar 3'.¹⁵¹⁷ In 2021, two new detention facilities had opened: one in Glückstadt, Schleswig-Holstein, which is used by the Federal States **Schleswig-Holstein, Hamburg, Mecklenburg-Vorpommern** and has the capacity to accommodate up to 60 people,¹⁵¹⁸ and one in Hof, **Bavaria**. The detention centre in Hof can accommodate a total of 150 people, making it the second largest detention centre in Germany. The Federal State of **Saxony-Anhalt** announced in October 2022 that it

¹⁵⁰⁸ CJEU, Joined Cases C-473/13 and C-514/13 *Bero v. Regierungspraesidium Kassel & Bouzalmane v. Kreisverwaltung Kleve*, Judgment of 17 July 2014, available at: <https://bit.ly/3TyTz9M>.

¹⁵⁰⁹ Article 6 of the 'Second Act for an improved enforcement of the obligation to leave the country'.

¹⁵¹⁰ Stefan Keßler, *Freiheitsentzug ad libitum? Die Auswirkungen des „Hau-Ab-Gesetzes II“ auf die Abschiebungshaft*, in: *Das Migrationspaket*, Beilage zum Asylmagazin 8-9/2019, available in German at: <https://bit.ly/3boa7HM>, 44-54 (53).

¹⁵¹¹ CJEU, Case C-519/20, 10 March 2022, available in German at: <https://bit.ly/3NtZt6u>.

¹⁵¹² Federal Government, Reply to parliamentary question by The Left, 19/31669, 4 August 2021, 6,8, 20-21.

¹⁵¹³ Information collected by the Mediendienst Integration from the Governments of the Federal States in August 2023.

¹⁵¹⁴ AIDA, *Country Report Germany - Update on the year 2022*, April 2023, available at <https://bit.ly/3S8iHmD>, 163-164.

¹⁵¹⁵ Passauer Neue Presse, 'JVA Passau wird mit Neubau eigenständig', 3 August 2018, available in German at: <https://bit.ly/3cG3bH6>.

¹⁵¹⁶ Passauer Neue Presse, 'JVA-Neubau in Passau: Kostensteigerung um 40 Millionen', 13 March 2024, available in German [here](#).

¹⁵¹⁷ Süddeutsche Zeitung, 'Haftteinrichtung am Airport: 'Überteuertes Symbol bayerischer Abschreckung'', 12 January 2022, available in German at: <https://bit.ly/33XJcEG>.

¹⁵¹⁸ NDR, 'Abschiebehaft in Glückstadt fertig, Insassen sollen bald kommen', 5 August 2021, available in German at: <https://bit.ly/33L1toG>.

was planning to open a detention facility close to an existing prison in Volkstedt with an expected opening date at the end of 2027.¹⁵¹⁹

As of December 2024, facilities for detention and custody pending removal existed in eleven Federal States (with Berlin being temporarily closed from June 2024 to the end of 2025). The detention facility in Erding (**Bavaria**) is no longer used for detention pending removal since 1 July 2023.¹⁵²⁰

Pre-removal detention facilities in Germany: 2024		
Federal State	Location	Maximum capacity
Baden-Württemberg	Pforzheim	51
Bavaria	Eichstätt	90
	Munich Airport	20
	Hof	150
Berlin	Berlin (only for 'persons posing a risk')	10 (Temporarily closed since 6/24)
Brandenburg	BER Airport (custody pending removal)	20
Bremen	Bremen	16
Hesse	Darmstadt-Eberstadt	80
Lower Saxony	Hannover (Langenhagen)	48
North Rhine-Westphalia	Büren	175
Rhineland-Palatinate	Ingelheim am Rhein	40
Saxony	Dresden	58
Schleswig-Holstein	Glückstadt	42
Total	13	790 / 800 (when incl. Berlin)

Source: Federal Government, *Reply to parliamentary question by The Left, 20/14042*, 11 December 2024, available in German [here](#).

Other types of detention facilities

Currently closed, the Federal State of Berlin has established a specialised facility for 'persons posing a risk' only ('*Gefährder*', i.e., terrorist suspects) with a capacity of 10 places.¹⁵²¹

Persons in custody pending removal under Section 62b of the Residence Act (*Ausreisegewahrsam*) are usually detained in general detention facilities. However, not all Federal States differentiate between pre-removal detention and custody in available statistics.¹⁵²² The Federal States of **Berlin** and **Brandenburg** run a facility for custody with 20 places at the Berlin Brandenburg Airport, according to press reports (BER, see above).¹⁵²³ As of December 2022, planning for the new 'arrival and departure centre' at the Berlin airport includes 48 places for custody pending departure (see [Airport detention facilities](#)). A similar facility with 25 places of custody pending departure was planned at the airport of Düsseldorf (**North Rhine-**

¹⁵¹⁹ Tagesschau.de, 'Abschiebegefängnis in Volkstedt soll Ende 2027 einsatzbereit sein', 8 July 2024, available in German [here](#).

¹⁵²⁰ Information collected by the Mediendienst Integration from the Governments of the Federal States in August 2023.

¹⁵²¹ Senate Administration for Justice, Consumer Protection and Anti-Discrimination of Berlin, Reply to parliamentary question by Marcel Luthe, 26 April 2021, available in German at: <https://bit.ly/48yXlig>, 6.

¹⁵²² Federal Government, Reply to parliamentary question by The Left, 19/31669, 4 August 2021, available in German at: <https://bit.ly/4awfTGM>.

¹⁵²³ Rbb.de, *BER-Ausreisegewahrsam bekommt ein Viertel weniger Plätze*, 22 December 2022, available in German at: <http://bit.ly/3HrJwJ>.

Westphalia) but will ultimately be built in Mönchengladbach.¹⁵²⁴ The custody facility at **Hamburg** airport was closed on 31 December 2022.¹⁵²⁵

1.2. Airport detention facilities

As mentioned in [Grounds for detention](#), asylum seekers subject to the airport procedure are *de facto* detained in facilities near the airport, as their stay is not legally considered to be deprivation of liberty. Since such facilities are managed by the different Federal States, they can differ in typology and even in name.¹⁵²⁶

For example, the airport detention facility at **Frankfurt Airport**, located in the the 'Cargo City Süd', a large complex of buildings in a restricted area near the airport, is entitled 'initial reception centre' (*Erstaufnahmeeinrichtung*). The centre has a maximum capacity of 105 places. On the other hand, the facility at **Munich Airport** is located in the 'visitors' park' (*Besucherpark*) of the airport and its denomination is 'combined transit and detention facility' (*Kombinierte Transit- und Abschiebungshafteinrichtung*).¹⁵²⁷ The new facility opened in January 2022 and hosts both pre-removal detention (22 places) and the 'transit centre' for persons subject to the airport procedure (29 places).¹⁵²⁸ The new airport of **Berlin and Brandenburg** (BER) currently hosts a 'reception centre' (*Aufnahmeeinrichtung*) that includes a facility to host asylum seekers during the airport procedure, a facility for custody pending departure, as well as a 'transit facility' for persons subject to a refusal of entry.¹⁵²⁹ The opening of a new 'arrival and departure centre' is foreseen for 2026.¹⁵³⁰ The centre is to include facilities to carry out the airport procedure (60 places are planned as of December 2022) but also facilities and personnel from other authorities which are involved in the return procedure such as the Federal Police, local courts, the public prosecutor's office and the municipal authority.¹⁵³¹ The plans also include facilities for custody pending removal. Original plans foresaw a total of 64 such places, but this was reduced to 48 after controversies within the Brandenburg government, with the Greens criticising that the facility was oversized compared to actual needs.¹⁵³²

2. Conditions in detention facilities

Indicators: Conditions in Detention Facilities

- | | | |
|---|---|-----------------------------|
| 1. Do detainees have access to health care in practice? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ If yes, is it limited to emergency health care? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

National law only provides basic rules for detention centres. As a result, conditions differ very much throughout the country. Health care in detention is in general provided according to the provisions of the Asylum Seekers Benefits Act, which foresees emergency care only (see [Health care](#)).¹⁵³³ The Federal

¹⁵²⁴ n-tv, 'Ort für zweites Abschiebegefängnis in NRW steht fest', 11 March 2024, available in German [here](#).

¹⁵²⁵ Senate of Hamburg, Reply to parliamentary question by Dr. Carola Ensslen, 22/10712, 27 January 2023, available in German at: <https://bit.ly/490uvwT>, 6.

¹⁵²⁶ ECRE, *Airport procedures in Germany Gaps in quality and compliance with guarantees*, April 2019, available at: <https://bit.ly/2QgOmAH>.

¹⁵²⁷ Bayerisches Landesamt für Asyl und Rückführungen, *Kombinierte Transit- und Abschiebungshafteinrichtung*, available in German at: <http://bit.ly/3wrzdCf>.

¹⁵²⁸ Bayerisches Landesamt für Asyl und Rückführungen, *Kombinierte Transit- und Abschiebungshafteinrichtung*, available in German at: <http://bit.ly/3wrzdCf>.

¹⁵²⁹ Flüchtlingsrat Brandenburg, *Abschiebehaft am Flughafen BER*, 22 May 2023, available in German at: <https://bit.ly/3lulik5>.

¹⁵³⁰ rbb24, 'Flughafen BER: Bund plant eigenes Gebäude für Asylzentrum', 17 July 2024, available in German [here](#).

¹⁵³¹ Der Tagesspiegel, *Planung für Behördenzentrum am BER: Brandenburgs Innenminister streicht Plätze im Ausreisegewahrsam zusammen*, 22 December 2022, available in German at: <http://bit.ly/3WwMwMI>; Information provided by the BAMF, 10 March 2022.

¹⁵³² Der Tagesspiegel, *Planung für Behördenzentrum am BER: Brandenburgs Innenminister streicht Plätze im Ausreisegewahrsam zusammen*, 22 December 2022, available in German at: <http://bit.ly/3WwMwMI>.

¹⁵³³ PRO ASYL, 'Schutzlos hinter Gittern. Abschiebungshaft in Deutschland', June 2013, available in German at: <https://bit.ly/3JCqxOv>, 24.

States are responsible for the organisation of these detention facilities. Despite the lack of federal-level rules on detention conditions, the 2022 ruling of the CJEU on the use of prisons for detention purposes stated that conditions in detention facilities must not be prison-like if they are to qualify as specialised detention facilities in the sense of the EU Return Directive. According to the lawyer filing the original case, this puts in question some of the existing specialised detention facilities such as Glückstadt in **Schleswig-Holstein** or Hof in **Bavaria** that are surrounded by high walls and barbed wire.¹⁵³⁴ In addition, in many detention facilities detainees are not granted substantially more freedom of movement than in regular prisons,¹⁵³⁵ and many facilities resort to the practice of detention in heightened security cells and under constant supervision which has been widely criticised by NGOs.¹⁵³⁶ In **Bavaria**, the appeals court of Coburg found on 24 November 2022 that conditions in the detention centre in Eichstätt are not in line with the CJEU's ruling (see below). In December 2023, the Federal Supreme Court ruled that when ordering detention, courts need to examine the detention conditions' conformity with EU law, noting that common rules in the detention centre of Hof (**Bavaria**) such as the ban to wear own clothes or the severe restrictions on visits go beyond what is strictly necessary to enforce removal.¹⁵³⁷

Following another Federal Court of Justice ruling of March 26, 2024, which established stricter requirements for conditions in deportation detention, some federal states have taken steps to adjust their detention conditions. For example, Bavaria has announced a review of conditions at the Hof deportation detention centre and, if necessary, will implement changes to comply with the BGH ruling. However, reports indicate that some facilities continue to impose restrictive conditions similar to those in criminal detention. Several non-governmental organisations have criticised the insufficient implementation of the ruling in practice. It remains to be seen to what extent further adjustments will be made to fully comply with legal requirements.¹⁵³⁸

The competent authorities for the management of the centres are the prison authorities under the Ministry of Justice or the (regional) police authorities. Therefore, members of staff are usually either prison staff or police officers or employees of the administrative part of the police or the prison services. By way of exception, the **Munich Airport** detention centre opened in September 2018 is directly managed by the newly funded Bavarian State Office for Asylum and Returns (*Bayerisches Landesamt für Asyl und Rückführungen*). No centre is managed by external companies but, in some cases e.g., **Munich Airport**, the authorities cooperate with private security companies to take over certain tasks.

As facilities vary greatly in terms of size and equipment, it is not possible to describe the overall conditions in the detention centres. The paragraphs below describe the situation of a few institutions only and do not claim to provide a comprehensive overview of the detention conditions in Germany. An overview of facilities and a collection of reports in German on detention conditions can also be found at '[100 Jahre Abschiebehaft](#)' (100 years of custody pending removal), a website run by activists campaigning for the general abolishment of detention pending removal.

Darmstadt-Eberstadt, Hesse

The facility was opened at the beginning of 2018. A new, enlarged facility was opened in **Darmstadt-Eberstadt** in January 2021. As of September 2024, the average detention duration is approximately 20

¹⁵³⁴ PRO ASYL, 'Abschiebehaft: Der EuGH schiebt Deutschland einen Riegel vor', 16 March 2022, available in German at: <https://bit.ly/3wIGz5S>.

¹⁵³⁵ Community for all, *4 Jahre Abschiebeknast Hessen*, July 2023, available in German at: <https://bit.ly/3RLsmxS>, 50.

¹⁵³⁶ Lena Böllinger, *Werden in Abschiebehaftanstalten Menschenrechte verletzt?* Deutschlandfunk Kultur, available in German at: <https://bit.ly/49dyrrur>, *Report to the German Government on the visit to Germany carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 13 to 15 August 2018*, 9 May 2019, available at: <https://bit.ly/2JJiN0z>, 27.

¹⁵³⁷ Federal Supreme Court, Decision XIII ZB 45/22, 5 December 2023, available in German at: <https://bit.ly/4abZoPF>.

¹⁵³⁸ Weltkirche.katholisch.de, 'BGH: Menschen in der Abschiebungshaft nicht wie Strafgefangene behandeln', 30 May 2024, available in German [here](#).

days, with stays ranging from 1 to 145 days.¹⁵³⁹ According to the state government, the reception standards in the new facility are ‘considerably higher’ than in the previous facility.¹⁵⁴⁰ The State law of 2017 sets out some basic principles for the facility.¹⁵⁴¹ These include the following: (a) Detainees are allowed to move freely within the facility during the day and shall have access to open-air spaces. Restrictions of movement shall be possible only to uphold security and order in the facility; (b) The facility shall make all possible efforts to provide rooms and opportunities for spare time activities and also for work (which should be remunerated). According to a local activist and visitors’ group, however, in 2023 detainees were only allowed one hour of yard exercise per day, cells are closed from 8 pm onwards and no possibilities for work exist.¹⁵⁴² Local activists say the yard is comparable to a cage, surrounded by barbed wire and exposed to the view of other parts of the building and the prison attached to the detention facility, making it an unpleasant space especially for women and families.¹⁵⁴³ There are two social workers at the facility, one of which is employed by the police who is also in charge of the detention facility.¹⁵⁴⁴ One external person employed by the Diakonie provides counselling but does not have a stable presence in the facility.¹⁵⁴⁵ Pastoral care is provided by both Protestant and Catholic chaplains, who regularly visit the centre to offer spiritual and psychosocial support to detainees.¹⁵⁴⁶ Detainees are allowed to use their mobile phones but without the camera function, and they have to buy mobile subscriptions at their own costs.¹⁵⁴⁷ They receive € 20 of ‘pocket money’ per week with which they can buy products from a pre-defined shopping list, however delivery is only every two weeks, which is criticised by local activists as the often short stays in detention make it impossible for some detainees to actually make use of this, and there is no possibility of handing out the pocket money.¹⁵⁴⁸ Health care in detention is described by local activists as insufficient, especially for detainees with serious conditions as there is no possibility for continuous treatment.¹⁵⁴⁹ Furthermore, the confidentiality of conversations with healthcare professionals is not guaranteed.¹⁵⁵⁰

Büren, North Rhine-Westphalia

Detention conditions in Büren are governed by the Federal State’s law on the enforcement of detention pending removal.¹⁵⁵¹ As of 2024, the average length of detention has increased from 23 days in 2023 to 28 days. This rise is attributed to challenges in deportation procedures, including difficulties in obtaining travel documents and limited cooperation from countries of origin.¹⁵⁵² The Refugee Council of North Rhine-Westphalia has highlighted that it includes restrictions on freedom of movement within the facility and on the use of internet, TV and mobile phones that are very similar to the restrictions used in the

¹⁵³⁹ Recht & Politik, ‘Hessens Innenminister Poseck: "Für mehr Abschiebungen müssen Weichenstellungen auf Bundesebene erfolgen"', 2 April 2024, available in German [here](#).

¹⁵⁴⁰ Frankfurter Rundschau, ‘Hessen vervierfacht Haftplätze in Abschiebegefängnis in Darmstadt’, 30 January 2021, available in German at: <https://bit.ly/3ot0ot1>.

¹⁵⁴¹ Official Gazette for the Federal State of Hesse, Gesetz über den Vollzug ausländerrechtlicher Freiheitsentziehungsmaßnahmen (VaFG), 18 December 2017, available at: <https://bit.ly/2Cael74>.

¹⁵⁴² Community for all, *4 Jahre Abschiebeknast Hessen*, July 2023, available in German at: <https://bit.ly/3RLsmxS>, 49-58.

¹⁵⁴³ Information provided by the local activist and assistance group ‘Support PiA – Hilfe für Personen in Abschiebehaft’, 13 February 2023.

¹⁵⁴⁴ Community for all, *4 Jahre Abschiebeknast Hessen*, July 2023, available in German at: <https://bit.ly/3RLsmxS>, 64.

¹⁵⁴⁵ Community for all, *4 Jahre Abschiebeknast Hessen*, July 2023, available in German at: <https://bit.ly/3RLsmxS>, 63-64.

¹⁵⁴⁶ Menschen wie wir, ‘Jahresbericht AHE 2022’, 22 March 2023, available in German [here](#).

¹⁵⁴⁷ Section 14, Gesetz über den Vollzug ausländerrechtlicher Freiheitsentziehungsmaßnahmen (VaFG), 18 December 2017, available at: <https://bit.ly/2Cael74>, see also Community for all, *4 Jahre Abschiebeknast Hessen*, July 2023, available in German at: <https://bit.ly/3RLsmxS>, 55-56.

¹⁵⁴⁸ Community for all, *4 Jahre Abschiebeknast Hessen*, July 2023, available in German at: <https://bit.ly/3RLsmxS>, 51-52.

¹⁵⁴⁹ Information provided by the local activist and assistance group ‘Support PiA – Hilfe für Personen in Abschiebehaft’, 13 February 2023.

¹⁵⁵⁰ Community for all, *4 Jahre Abschiebeknast Hessen*, July 2023, available in German at: <https://bit.ly/3RLsmxS>, 59-60.

¹⁵⁵¹ Ministry of the Interior North Rhine Westphalia, *Gesetz über den Vollzug der Abschiebungshaft in Nordrhein-Westfalen*, version of 5 March 2024, available in German at: <https://bit.ly/3QZ55b0>.

¹⁵⁵² WDR, ‘Abschiebehaft Büren: Kritik an Bedingungen’, 23 March 2025, available in German [here](#).

regular prison system.¹⁵⁵³ The support group ‘Hilfe für Menschen in Abschiebehaft Büren’ shares this view¹⁵⁵⁴ and further criticises that complaint mechanisms and legal measures to challenge the security measures are insufficient and even worse compared to the remedies available to regular prisoners.¹⁵⁵⁵ They also demand that psychological and social assistance be truly independent and confidential, as it often leads to isolation of detainees when suicidal thoughts are expressed (see below).¹⁵⁵⁶

As of March 2024, detention conditions at the Büren facility were described as follows by Frank Gockel, a local activist and member of the support group ‘Hilfe für Menschen in Abschiebehaft Büren’ which offers advice for detainees on a weekly basis:¹⁵⁵⁷

- ❖ Upon arrival detainees have to undress completely to be checked (mouth, ears, nose, anus). This check can be carried out by force if the person refuses to undress. Male detainees report that female guards are sometimes present during the undressing.
- ❖ Most cells are equipped with a table, bed, television, locker, chair, toilet and a sink.
- ❖ Cells are open for at least eight hours a day, the courtyard is accessible for one or two hours a day (even though the law states that it should be accessible for at least 8 hours per day)¹⁵⁵⁸. Leisure activities include table tennis, billiard, a gym, a library and a computer room with access to selected websites. There is a common kitchen for four to five people but its use is limited by the fact that detainees have to be able to pay for food to prepare by themselves.
- ❖ People of the same nationality are sometimes detained in different corridors to ‘avoid conflict’ leading to even more isolation especially in the case of people speaking less frequent languages.
- ❖ Visits can take place between 9 a.m. and 7 p.m. according to the law, but the facility is located far out of town and there is no connection to public transport (nearest bus stop is 8 km away; see also [Access to detention facilities](#)).
- ❖ Various sanctions can be imposed against persons who act in breach of the house rules. This usually means that persons remain locked in their cells for the most part of the day and therefore have no contact to other detainees. In more serious cases, detainees may be banned from all leisure activities and they may even be placed under 24-hour surveillance. This is ordered more often than necessary in the view of the support group, and often as a response to behaviour showing psychological distress.
- ❖ For persons who pose a risk to themselves or to others, specially secured cells are available, in which persons may be tied to a bed frame. The latter measure requires a court order, according to the regional government and it has not been applied in many cases (below 10 cases since 2015, according to the government, more than 10 cases according to the interviewee). Persons detained in specialised cells are under constant supervision, and detainees have reported to be detained in them without clothes.¹⁵⁵⁹

According to the support group, one social assistant and one psychologist work in the detention facility. When talking to detainees, both have to take notes that are available to the facility staff and can lead to the ordering of isolation measures in cases of psychological distress, instead of adequate psychological or psychiatric treatment.¹⁵⁶⁰ One Arabic-speaking medical doctor is present in the facility half-time. The

¹⁵⁵³ Flüchtlingsrat Nordrhein-Westfalen, Stellungnahme: Referentenentwurf Gesetz zur Änderung des Abschiebungshaftvollzugsgesetzes Nordrhein-Westfalen, 9 August 2018, available in German at: <https://bit.ly/2XxduGq>.

¹⁵⁵⁴ Hilfe für Menschen in Abschiebehaft Büren, *30 Jahre Abschiebehaft Büren*, 19 January 2024, available in German at: <https://bit.ly/3vdXC1j>.

¹⁵⁵⁵ Hilfe für Menschen in Abschiebehaft Büren, *Stellungnahme zur Anhörung zum Abschiebungshaftvollzugsgesetz*, 7 November 2018, available in German at: <https://bit.ly/2UmjGiG>. Information obtained from the support group ‘Hilfe für Menschen in Abschiebehaft Büren’ in March 2024.

¹⁵⁵⁶ Hilfe für Menschen in Abschiebehaft Büren, Verein fordert mehr Transparenz zur Abschiebehaft, 23 February 2024, available in German at: <https://bit.ly/3TnMkj9>.

¹⁵⁵⁷ ze.tt, Eingesperrt ohne Straftat: So sind die Bedingungen in einem Abschiebegefängnis, 14 December 2019, available in German at: <https://bit.ly/2T0KZ3g> and Information obtained from the support group ‘Hilfe für Menschen in Abschiebehaft Büren’ in March 2024.

¹⁵⁵⁸ Ministry of the Interior North Rhine Westphalia, *Gesetz über den Vollzug der Abschiebungshaft in Nordrhein-Westfalen*, version of 5 March 2024, available in German at: <https://bit.ly/3QZ55b0>.

¹⁵⁵⁹ Information obtained from the support group ‘Hilfe für Menschen in Abschiebehaft Büren’ in March 2024.

¹⁵⁶⁰ Information obtained from the support group ‘Hilfe für Menschen in Abschiebehaft Büren’ in March 2024.

support group reports that treatment by a specialised doctor or in hospital is often difficult to obtain given the need for accompanying security personnel and the reluctance of specialised doctors to offer consultations. If detainees have an addiction, they have to withdraw before departure, which puts additional intense physical and psychological stress on detainees especially if the detention period is short.¹⁵⁶¹ According to the support group, most of the staff working in the facility do not have any specialised training in dealing with detainees.

The detention centre has an advisory board where representatives of political parties, welfare associations, religious organisations, the Refugee Council and the support group as well as the city of Büren are present. However, the advisory board is described as ineffective by the local support group: most of the members do not work in or enter the facility on a regular basis; and while detainees can send complaints to the board, these must be sent in German and via e-mail, whereas detainees in isolation have no access to a computer and many do not have e-mail addresses. If a complaint is sent to the board, it usually gets forwarded to the centre's complaint officer.

Over the course of 2023, there were three incidents where detainees allegedly set fire to their cells, possibly as part of suicide attempts. One detainee was found dead in his cell in September. The cause of death was not known as of March 2024.¹⁵⁶² The support group 'Hilfe für Menschen in Abschiebehaft Büren' demanded more transparency from authorities on suicide attempts and suicides in detention and put them into the context of high psychological pressure induced by detention in isolation and constant supervision, e. g. through "life controls" where detainees are checked on every 15 minutes, making rest and deep sleep impossible.¹⁵⁶³

Pforzheim, Baden-Württemberg

According to the Federal State government, detainees in Pforzheim can move around freely within the facilities' accommodation and 'leisure' areas during the day but are confined to their cells at night for security reasons. Mobile phones are not permitted; instead, detainees may use basic phones, and the acquisition of SIM cards often requires support from volunteers.¹⁵⁶⁴ This restriction has been criticised for limiting access to the outside world at a crucial time during deportation proceedings.¹⁵⁶⁵ Two social workers are officially assigned to the facility, however de-facto only one was present over the latter half of 2023, according to the NGO Caritas, which provides external support to detainees through visits (see [Access to detention facilities](#)).¹⁵⁶⁶ The Refugee Council of Baden-Württemberg highlighted in 2019 that medical care had not always been guaranteed. For example, a priest had organised an urgent appointment at an ophthalmologist for a detainee, but the person concerned had not been allowed to leave the facility for this appointment.¹⁵⁶⁷ According to Caritas, information on the availability of medical care cannot be verified as NGOs and support groups do not have contact to medical professionals working with detainees.¹⁵⁶⁸ While the State government that took office in 2021 pledged some improvements, they have only partially been adopted so far. By way of example, a "round table" was set up in 2023 to exchange information between authorities in charge of detention and civil society. However, on the side of the civil society, no staff member who works in the detention facility is involved in this discussion format,

¹⁵⁶¹ Information obtained from the support group 'Hilfe für Menschen in Abschiebehaft Büren' in March 2024.

¹⁵⁶² Hilfe für Menschen in Abschiebehaft Büren, Verein fordert mehr Transparenz zur Abschiebehaft, 23 February 2024, available in German at: <https://bit.ly/3TnMkj9>.

¹⁵⁶³ Hilfe für Menschen in Abschiebehaft Büren, *Brand in der Abschiebehaft*, 13 November 2023, available in German at: <https://bit.ly/43mL2tp>.

¹⁵⁶⁴ SWR, 'Abschiebegefängnis Pforzheim: Ausreisepflichtige Flüchtlinge', available in German [here](#).

¹⁵⁶⁵ State Ministry Baden-Württemberg, *Lorek zu Besuch in Abschiebungshafteinrichtung Pforzheim*, 22 July 2022, available in German at: <https://bit.ly/4byGSCd>.

¹⁵⁶⁶ Information provided by the Caritasverband Karlsruhe e. V. who offers counselling in the detention centre together with the Diakonie Rastatt (see <http://bit.ly/404RnXC> for more information).

¹⁵⁶⁷ Flüchtlingsrat Baden-Württemberg, *Misstände in der Abschiebehaft werden geleugnet, Stellungnahme des Flüchtlingsrats Baden-Württemberg zur Berichterstattung über die Abschiebehaft Pforzheim*, 17 May 2019, available in German at: <https://bit.ly/3dVHgFf>.

¹⁵⁶⁸ Information provided by the Caritasverband Karlsruhe e. V. who offers counselling in the detention centre together with the Diakonie Rastatt (see <http://bit.ly/404RnXC> for more information).

nor is the Refugee Council part of it.¹⁵⁶⁹ The promise to set up and make available separate premises for full-time and voluntary staff and pastoral care has been only partially implemented thus far, according to Caritas: such a room is available in principle, but not yet fully operational as of January 2024 due to questions of financing. When ready, the room will be used not only for independent counselling but also for BAMF interviews in case of asylum requests filed during detention and for pastoral care.¹⁵⁷⁰ No psychological support is available in the facility. Furthermore, as in many other detention facilities in Germany, special rooms for detention with heightened security measures exist and detainees are placed there “too often”, e.g., if there is an assumed risk of suicide attempts before the planned removal.¹⁵⁷¹ In August 2024, a fire broke out in one of the facility's rooms. Two detainees were treated for smoke inhalation, though hospitalisation was not necessary. The incident is still under investigation.¹⁵⁷²

Hof, Bavaria

The detention centre in Hof opened on 26 October 2021 and has a capacity of 150 places. It is administrated by the prison in Hof but is structurally and organizationally separated from it.¹⁵⁷³ According to the Ministry of Justice, 16 of the 150 places are reserved for female detainees and 4 are designed to accommodate persons with disabilities. As of October 2022, 54 law enforcement officials and 20 staff members including social workers, psychologists, chaplains, and medical personnel worked at the facility.¹⁵⁷⁴ Detainees have access to leisure and sports facilities, and each room is equipped with a television with international channels. Leisure activities are organised by the facility's social services.

In May 2024, significant changes were introduced in response to a Federal Court of Justice (BGH) ruling (XIII ZB 85/22), which found certain detention conditions unlawful.¹⁵⁷⁵ As a result, daily unlock times were extended. Detainees can now leave their rooms from 7:30 am to 7:00 pm on weekdays and from 8:00 am to 7:00 pm on weekends, with one mid-day lock-in period of one hour. These times include access to an outdoor area for up to two hours per day.¹⁵⁷⁶ Prior to this ruling, detainees had been confined for longer periods, drawing criticism for resembling penal detention. Additionally, previous restrictions limiting visits to four hours per month were lifted following the BGH decision.

According to the Jesuit Refugee Service Germany, each detainee has access to a landline phone in their room and may use it free of charge for up to 30 minutes daily, including for international calls.¹⁵⁷⁷ However, the use of mobile phones remains prohibited, even when the camera is sealed. Detainees are also denied internet access. Wearing one's own clothing is practically impossible, as clothes must be washed outside the facility by friends or relatives, making regular use difficult. Another ongoing issue is the limited access to fax services: lawyers must use postal mail to receive signed authorisation forms from clients, which can delay legal assistance by several days.

Two fire incidents occurred at the Hof facility around Christmas 2024, as reported in the press. Further details have not been made public.¹⁵⁷⁸

¹⁵⁶⁹ Information provided by the Caritasverband Karlsruhe e. V. who offers counselling in the detention centre together with the Diakonie Rastatt (see <http://bit.ly/404RnXC> for more information).

¹⁵⁷⁰ Information provided by the Caritasverband Karlsruhe e. V., an organisation that offers counselling in the detention centre together with the Diakonie Rastatt (see <http://bit.ly/404RnXC> for more information).

¹⁵⁷¹ Information provided by the Caritasverband Karlsruhe e. V., an organisation that offers counselling in the detention centre together with the Diakonie Rastatt (see <http://bit.ly/404RnXC> for more information).

¹⁵⁷² BILD, 'Pforzheim: Brand in Abschiebehaft einrichtung gelöscht', available in German [here](#).

¹⁵⁷³ Bavarian Ministry of Justice, 'Einrichtung für Abschiebungshaft Hof', available in German [here](#).

¹⁵⁷⁴ BR24, 'Panische Angst vor Rückführung: Ein Jahr Abschiebehaft in Hof', 26 October 2022, no longer available online as of January 2024.

¹⁵⁷⁵ Informationsverbund Asyl & Migration, Bundesgerichtshof, Beschluss vom 26. März 2024 – XIII ZB 85/22, available [here](#).

¹⁵⁷⁶ Ibid.

¹⁵⁷⁷ Information provided by Jesuit Refugee Service Germany via email on March 2025.

¹⁵⁷⁸ Extra Radio, 'Hilfe für Menschen in Abschiebehaft Hof e. V. äußert sich nach Brand', 15 January 2025, available in German [here](#).

Eichstätt, Bavaria

As of September 2023, the Eichstätt detention facility employed 52 staff members, including four social workers and two psychologists.¹⁵⁷⁹ The former prison, originally opened in 1900, was converted into a pre-removal detention centre in 2016. Since the opening of the Hof facility in 2021, women are no longer detained in Eichstätt but exclusively in Hof.¹⁵⁸⁰ The living units are divided into rooms, including single rooms and rooms with a number of beds. There are common showers, in which detainees also do their own laundry. People are generally free to move within the facility, except during lunch and dinner. During lunch (starting 11:30 and until 13:00) and dinner, the men are locked in their rooms (a head count also takes place during dinner).

Following a ruling by the Federal Court of Justice (BGH) from 26 March 2024 (published on 28 May 2024), new rules were introduced to distinguish detention conditions from those of the penal system.¹⁵⁸¹ Detainees are now allowed out of their rooms from 7:00–19:00 on weekdays and from 8:00–19:00 on weekends, with a 1.5-hour midday lock-in. These hours include two hours of outdoor access daily. Previous limits of four hours of visiting time per month have been lifted.

According to the Jesuit Refugee Service Germany, detainees can use the landline phone in their rooms for up to 30 minutes per day, free of charge and internationally.¹⁵⁸² Mobile phones remain prohibited, even with sealed cameras, and internet access is not provided. Although detainees are technically permitted to wear their own clothing, the requirement that it be washed externally makes this difficult in practice. Communication with lawyers is hampered by continued restrictions on fax access, requiring powers of attorney to be sent via postal mail, which can delay proceedings by several days.

Reports of self-harm remain frequent, often in attempts to prevent deportation. Tensions were frequent. Disciplinary measures can be taken if a person violates rules e.g., withdrawal of shopping rights, access to television etc. in accordance with prison rules. Detainees can also be isolated for a certain period of time. Where isolation is used, it is usually for very short periods of time.¹⁵⁸³ However, few cases are known where the detention lasted for days or even weeks.¹⁵⁸⁴

A 2019 report by the European Committee for the Prevention of Torture (CPT), based on a 2018 visit, found that while material conditions at Eichstätt were generally good, the regime mirrored that of criminal detention. It criticised the lack of access to outdoor exercise for people placed in security cells, who were sometimes held in conditions “akin to solitary confinement.”¹⁵⁸⁵

On 24 November 2022, the Court of Appeal of Coburg ruled a detention order unlawful on the basis that the Eichstätt facility did not meet the definition of a “specialised detention facility” under EU law. The state government subsequently announced changes, including extended visiting hours and the permission to wear personal clothing, claiming that the centre now complies with the EU Return Directive as interpreted by the CJEU. However, NGOs continue to report that implementation remains limited.¹⁵⁸⁶

¹⁵⁷⁹ Bavarian Ministry of Justice, *Justizvollzugsanstalt Eichstätt - Einrichtung für Abschiebungshaft*, no longer available online as of January 2024.

¹⁵⁸⁰ Information provided by Jesuit Refugee Service Germany via email on March 2025.

¹⁵⁸¹ Informationsverbund Asyl & Migration, Bundesgerichtshof, Beschluss vom 26. März 2024 – XIII ZB 85/22, available [here](#).

¹⁵⁸² Information provided by Jesuit Refugee Service Germany via email on March 2025.

¹⁵⁸³ ECRE, *The Anker centres Implications for asylum procedures, reception and return*, April 2019, available at: <https://bit.ly/2W7dICZ>.

¹⁵⁸⁴ Information provided by Jesuit Refugee Service Germany via email on March 2025.

¹⁵⁸⁵ CPT, ‘Report to the German Government’, 9 May 2019, available [here](#).

¹⁵⁸⁶ BR24, ‘Grüne halten Abschiebehaft in Eichstätt für rechtswidrig’, 8 December 2022, available [here](#).

Glückstadt, Schleswig-Holstein

The detention facility in Glückstadt was opened on 16 August 2021. At the start, capacity was limited to 12 people, and this was gradually increased to the maximum capacity of 60 places. As of January 2024, media reported that the facility had a capacity of 42 places.¹⁵⁸⁷ The State government describes the facility as 'setting new standards for humane enforcement', with rooms with private toilets, mobile phones without camera provided by the facility and pocket money for detainees. While being of a comparatively high standards when it comes to detention conditions, the facility is surrounded by high walls and barbed wire like facilities in other Federal States. Furthermore, while mobile phones are provided, they do not allow communication via internet-based messengers, which means most communication with family, friends or supporters is only possible via the three shared computers, making private communication difficult. As of January 2024, detainees are no longer allowed to use their own smartphones, according to a local support group.¹⁵⁸⁸ The facility employed five full-time medical staff and one psychologist, who works part-time and on call, as of January 2023. The almost exclusive use of internal medical personnel was seen critically by local support groups, who argue that this increases the tendency to deal with all issues 'internally' decreasing the availability of information on the quality of medical and psychological support provided in the facility. In addition, psychologists cannot issue medical reports which might give rise to a removal ban based on the applicant's condition (e.g., in case of post-traumatic stress disorder), and the presence of doctors and a psychologist in the detention centre makes it more difficult to obtain outside medical treatment and reports. According to the same group, while doctors from a clinic in nearby Itzehoe were regularly visiting the detention facility in 2022, they are no longer allowed access since November 2022.¹⁵⁸⁹ Support groups report that treatment is inadequate in that it is mostly limited to pharmaceutical care and that patients are not taken seriously.¹⁵⁹⁰ In early January 2024, media and support groups reported a suicide attempt, where a detainee had set fire to the mattress in his cell. Even though the psychiatrist who treated the detainee in the hospital after the attempt recommended a transfer to a psychiatric hospital, detention was maintained in a 'heightened security' cell and a deportation attempt a few days later failed due to resistance from the detainee. The facility's administration denies that the detainee's behaviour amounted to attempted suicide and argues that the maintenance of detention including in a heightened security under constant surveillance is justified.¹⁵⁹¹

According to the *Abschiebebehaftberatung Nord*, this 'heightened security' cell is completely isolated from the rest of the facility.¹⁵⁹² It is under constant observation and detainees have reported that during all hours of day and night staff had repeatedly turned on the ceiling lights within very short periods of time to „check if they were still alive“ - without regard if the person was trying to sleep. This kind of treatment of the detainees seems to be possibly even harmful to their mental and overall health, instead of providing extra care for persons under psychological stress.

As of January 2024, no independent social counselling was available at the facility after the Protestant welfare association Diakonie was unable to renew its contract due to staffing shortages.¹⁵⁹³ However, a new agreement was concluded with a different diaconal organisation, Diakonie Altholstein, which assumed responsibility for social counselling. Since May 2024, two full-time staff members have been present on site. As of June 2024, Diakonie Altholstein provides daily social counselling from Monday to

¹⁵⁸⁷ Federal Government, *Reply to parliamentary question by The Left, 20/14042*, 6 December 2023, available in German [here](#).

¹⁵⁸⁸ Information provided by the legal advice and support group *Abschiebebehaftberatung Nord*. in January 2023, see <https://abschiebebehaftberatung-nord.de/>.

¹⁵⁸⁹ Information provided by the legal advice and support group *Abschiebebehaftberatung Nord*. in January 2023, see <https://abschiebebehaftberatung-nord.de/>.

¹⁵⁹⁰ Taz.de, *Abschiebehaft in Schleswig-Holstein: Allein hinterm Stacheldraht*, 9 January 2024, available in German at: <https://bit.ly/3uDEFok>.

¹⁵⁹¹ Taz.de, *Brand in Abschiebehaft Glückstadt: Abschieben um jeden Preis*, 30 January 2024, available in German at: <https://bit.ly/42Dz2Tl>.

¹⁵⁹² Information provided by *Abschiebebehaftberatung Nord* via email on March 2025.

¹⁵⁹³ NDR, *'Abschiebehaft Glückstadt: Bewohner haben keine Sozialberatung'*, 15 January 2024, available in German [here](#).

Friday. Independent legal advice continues to be provided by the Refugee Council of Schleswig-Holstein and by a student-led initiative comprising three law clinics based in Hamburg and Kiel.¹⁵⁹⁴

3. Access to detention facilities

Indicators: Access to Detention Facilities

1. Is access to detention centres allowed to

❖ Lawyers:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Limited	<input type="checkbox"/> No
❖ NGOs:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Limited	<input type="checkbox"/> No
❖ UNHCR:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Limited	<input type="checkbox"/> No
❖ Family members:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Limited	<input type="checkbox"/> No

3.1. Access to pre-removal detention centres

Section 62a of the Residence Act states: 'Upon application, staff of relevant support and assistance organisations shall be permitted to visit detainees awaiting removal if the latter so request.' Access of NGOs to detention centres varies in practice (see below).

An overview of existing detention facilities and support services is also available on the website of the activist group 'No Border Assembly'.¹⁵⁹⁵

Pforzheim, Baden-Württemberg

The facility at Pforzheim does not provide priests and other persons offering advice with a separate room. In August 2022, the inadequate conditions for chaplaincy were again highlighted by chaplains and priests. For example, there is still no extra room for pastoral care. A multi-functional room for counselling services and pastoral care is currently available.¹⁵⁹⁶ However the room is not yet used for independent counselling by the Diakonie and Caritas due to unresolved questions of financing. Support is provided through visits to the centre by staff, which are not present in the centre every day,¹⁵⁹⁷

In addition, no church services can take place and there is no space for worship. Finally, unlike in normal prisons, priests are not allowed to enter detainees' cells.¹⁵⁹⁸ According to the catholic and the protestant priest working with detainees and imprisoned people in Pforzheim, this makes contact with detainees difficult in practice, especially since detainees are not informed adequately about the possibility to get in contact with them.¹⁵⁹⁹

Büren, North Rhine-Westphalia

The support group 'Hilfe für Menschen in Abschiebehaft Büren' reported in January 2018 that the general access to the detention centre, as well as the access to certain particular detainees, was 'massively impeded' by the authorities.¹⁶⁰⁰ Visit restrictions related to the Covid-19 pandemic were in place until February 2023.¹⁶⁰¹ As of March 2024, visitors and detainees are still not allowed to touch, a restriction that was not in place prior the Covid-19 outbreak. Visits have to be announced one day in advance with

¹⁵⁹⁴ Abschiebehaftberatung Nord, 'Legal advice and support information', April 2022, available [here](#).

¹⁵⁹⁵ No border assembly, available in English at: <http://bit.ly/41e9QC7>.

¹⁵⁹⁶ Information provided by the Caritasverband Karlsruhe e. V., an organisation that offers counselling in the detention centre together with the Diakonie Rastatt (see <http://bit.ly/404RnXC> for more information).

¹⁵⁹⁷ Information provided by the Caritasverband Karlsruhe e. V., an organisation that offers counselling in the detention centre together with the Diakonie Rastatt (see <http://bit.ly/404RnXC> for more information).

¹⁵⁹⁸ SWR, 'Vorwurf: Wenig Raum für Seelsorge im Pforzheimer Abschiebegefängnis', 15 August 2022, available in German at: <http://bit.ly/3n8C2Xy>.

¹⁵⁹⁹ SWR, 'Vorwurf: Wenig Raum für Seelsorge im Pforzheimer Abschiebegefängnis', 15 August 2022, available in German at: <http://bit.ly/3ZVD3Bn>.

¹⁶⁰⁰ Hilfe für Menschen in Abschiebehaft Büren, 'Schwere Menschenrechtsverletzungen in der Abschiebehaft Büren', 24 January 2018, available in German at: <https://bit.ly/2pYgn3k>.

¹⁶⁰¹ Ministry for Children, Youth, Family, Equality, Refugees and Integration of North Rhine Westphalia, 'Sachstandsbericht Unterbringungseinrichtung für Ausreisepflichtige (UfA) in Büren for the first quarter of 2023', quarterly report available on the website of the Federal State parliament.

the district government (*Bezirksregierung*) and only five visits can take place at the same time, according to the local support group. The support group is present in the facility once per week. One catholic and one protestant priest as well as one imam also regularly visit the facility. Detainees are handed a leaflet informing them that they can speak to the support group, which they have to request via the detention centre personnel. The support group then requests visits for the respective persons. If too many detainees request a visit for the same day, the centre management decides whose requests are passed on. NGOs have the right to bring in the documents of a person and a laptop but recently laptops with a built-in camera function have been banned, making the use of laptops practically impossible. Detainees can get one session of free legal advice, but access to lawyers is steered by the centre management.¹⁶⁰² Journalists are not allowed to speak to detainees. Legal assistance for detainees is limited, and access to external legal counsel can be challenging. Civil society organisations, such as *Hilfe für Menschen in Abschiebehaft Büren*, continue to advocate for detainees' rights and provide support through visitation and counselling.¹⁶⁰³ However, their access to the facility and ability to monitor conditions remain restricted.

Darmstadt-Eberstadt, Hesse

According to the law which sets out basic principles for the facility,¹⁶⁰⁴ individuals are not allowed to use mobile phones with a camera function but should be allowed to make phone calls, receive and send letters, read books and papers, watch TV and listen to radio. However, they have to pay for these services themselves if costs arise. Visitors are allowed upon request by the detainees during visiting hours for a maximum of one hour and for a maximum of three visitors at a time,¹⁶⁰⁵ while lawyers and consular representatives may visit at all times. The local activist and visitors group 'Support PiA' provides legal and social support through private visits and via telephone. In a 2023 report, the group criticises the fact that visits can only take place upon request by the detainees: in practice this means that if detainees do not have their own phone or otherwise access to contact details, they are not able to request visits including from family members.¹⁶⁰⁶ The Diakonie provides counselling and support through individual visits and pastoral care is provided by both Protestant and Catholic chaplains, who regularly visit the centre to offer spiritual and psychosocial support to detainees.¹⁶⁰⁷ In addition, 'Support PiA' reports that external support is often provided when individuals had existing connections prior to their detention. However, this usually takes place informally through visitation requests.¹⁶⁰⁸

Hof, Bavaria

Detainees have a right to free worldwide phone calls of up to 30 minutes a day with a maximum of 10 persons and to a video phone service 'comparable to Skype'. Visits are limited to maximum 60 minutes, but the number of visits per detainee is not limited. A maximum of three persons can visit at the same time for each detainee. Following a ruling by the Federal Court of Justice (BGH) from 26 March 2024 (published on 28 May 2024), previous limits of four hours of visiting time per month have been lifted. The Jesuit Refugee Service, the association 'Support for persons in detention Hof' and the Refugee Law Clinic Regensburg (on a monthly basis) provide counselling and support to detainees, but the government does not state how this is organised in practice.¹⁶⁰⁹

¹⁶⁰² Information obtained from the support group 'Hilfe für Menschen in Abschiebehaft Büren' in March 2024.

¹⁶⁰³ WDR, 'Abschiebehaft Büren: Kritik an Bedingungen', available in German [here](#).

¹⁶⁰⁴ Official Gazette for the Federal State of Hesse, Gesetz über den Vollzug ausländerrechtlicher Freiheitsentziehungsmaßnahmen (VaFG), 18 December 2017, available at: <https://bit.ly/2Cael74>.

¹⁶⁰⁵ Community for all, *4 Jahre Abschiebeknast Hessen*, July 2023, available in German at: <https://bit.ly/3RLsmxS>, 53.

¹⁶⁰⁶ Community for all, *4 Jahre Abschiebeknast Hessen*, July 2023, available in German at: <https://bit.ly/3RLsmxS>, 54.

¹⁶⁰⁷ Community for all, *4 Jahre Abschiebeknast Hessen*, July 2023, available in German at: <https://bit.ly/3RLsmxS>, 63-64.; Menschen wie wir, 'Jahresbericht AHE 2022', 22 March 2023, available in German [here](#).

¹⁶⁰⁸ Information provided by Support PiA via phone on March 2025.

¹⁶⁰⁹ Bavarian Ministry of Justice, *Einrichtung für Abschiebungshaft Hof*, 02 January 2023, available in German at: <https://bit.ly/3Dee826>.

According to *Hilfe für Menschen in Abschiebehaft Hof*, support and counselling are provided by several actors.¹⁶¹⁰ The Jesuit Refugee Service (JRS), the association *Hilfe für Menschen in Abschiebehaft Hof e. V.*, and the Refugee Law Clinic (RLC) Regensburg are regularly present in the facility. Young volunteers from the RLC Regensburg visit every first Tuesday of the month. JRS and *Hilfe für Menschen in Abschiebehaft Hof e. V.* offer joint counselling every Thursday from 13:00 to approximately 15:15 or 16:00, and this time slot was extended in the course of 2024. Detainees must register for these sessions in advance, and access is organised by housing units on alternating weeks (e.g., corridor A one week, corridor B the next). Due to the lower number of female detainees (about 10 places out of 150), women can attend every week without restriction. In urgent cases—such as when a signature is required or when family members, friends, support groups, lawyers, or counselling staff from outside raise concerns—*Hilfe für Menschen in Abschiebehaft Hof* is generally able to request additional visits on non-counselling days, which are usually approved. Occasionally, the facility itself requests assistance from the support group; for example, in 2024, they were contacted around four times to collect luggage or carry out errands outside the centre on behalf of detainees. A significant part of the association's work also takes place outside the facility: responding to inquiries from relatives, friends, lawyers, and support networks—sometimes over the course of several weeks—and assisting with legal or administrative issues. Examples include support in cases of paternity recognition or custody agreements, among others.

Eichstätt, Bavaria

The Jesuit Refugee Service visits the detention centre on a weekly basis. Detainees are informed when the NGO is present in the facility through announcements through the intercom. Moreover, every person is given a mobile phone without camera upon arrival, and has an allowance of 30 minutes per day for calls with numbers notified to the management of the centre. Calls with lawyers are exempted from the 30-minute rule.¹⁶¹¹ Following a ruling by the Federal Court of Justice (BGH) from 26 March 2024 (published on 28 May 2024), previous limits of four hours of visiting time per month have been lifted.

Glückstadt, Schleswig-Holstein

Access for visitors and legal representatives to the detention facility is generally possible between 8:00 am and 12:00 pm and between 2:00 pm and 8:00 pm.¹⁶¹² However, the local support and visit group, established in September 2021, reports that access has occasionally been restricted due to staff shortages. On such days, visitors have been turned away at the door, and detainees have also reported that they were at times denied access to the outdoor area of the facility for the same reason.

While the Refugee Council of Schleswig-Holstein provided counselling during the early phase of the facility's operation, it no longer offers counselling as of 2024.¹⁶¹³ Following a six-month interruption, independent social counselling was reintroduced in June 2024 through Diakonie Altholstein, which now provides on-site support from Monday to Friday. However, this counselling is explicitly limited to social matters and does not include legal advice which means that external and voluntary support is the only type of social and legal support provided (see [Conditions in detention facilities](#)).

3.2. Access to airport de facto detention facilities

Access to airport de facto detention facilities is also regulated by the relevant Federal State and is often difficult due to their location. At the 'initial reception centre' (*Erstaufnahmeeinrichtung*) of **Frankfurt/Main Airport**, for example, the centre is located in a restricted area of the airport cargo. The Church Refugee Service (*Kirchlicher Flüchtlingsdienst am Flughafen*) run by Diakonie is present in the facility and provides psychosocial assistance to asylum seekers in the airport procedure, as well as reaching out to lawyers depending on available capacity. Access to other NGOs remains difficult, however.

¹⁶¹⁰ Information provided by *Hilfe für Menschen in Abschiebehaft Hof* via email on March 2025.

¹⁶¹¹ ECRE, *The AnKER centres Implications for asylum procedures, reception and return*, April 2019, available at: <https://bit.ly/2W7dICZ>.

¹⁶¹² Abschiebehaftberatung Nord, 'Legal advice and support information', April 2022, available [here](#).

¹⁶¹³ Flüchtlingsrat Schleswig-Holstein, 'Beratungsangebot beim Flüchtlingsrat', available in German [here](#).

At the 'combined transit and detention facility' (*Kombinierte Transit- und Abschiebungshafteinrichtung* of **Munich Airport**, the Church Service (*Kirchliche Dienste*) has access but no permanent presence on the premises; staff of the service travel thereto from the airport terminal when necessary.¹⁶¹⁴

At the 'reception centre' located in the airport of **Berlin and Brandenburg** (BER), internal guideline state that visits to detainees in custody pending removal are possible between 1 pm and 5 pm, upon their specific request. The Jesuit Refugee Service provides pastoral care on an individual basis and sometimes helps with contacting lawyers, but it is unknown how systematically detainees have access to or knowledge about this service.¹⁶¹⁵

D. Procedural safeguards

1. Judicial review of the detention order

Indicators: Judicial Review of Detention

- | | | |
|---|---|-----------------------------|
| 1. Is there an automatic review of the lawfulness of detention? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. If yes, at what interval is the detention order reviewed? | 4 weeks | |

Under German law, only a judge is competent for the order and the prolongation of detention. The responsible courts are the District Courts (*Amtsgericht*) and their decision can be challenged at a Regional Court (*Landgericht*), in another instance at High Regional Courts (*Oberlandesgericht*) and under certain conditions before the Federal Supreme Court (*Bundesgerichtshof*) as final instance.

The authorities therefore must apply to the court for a detention order. The application has to lay out the detailed reasons for the necessity of detention and the authorities' entire file should be presented to the court. The foreigners should be heard by the court and shall be able to call witnesses. In cases of detention pending removal, this may be particularly relevant if the detention order is based on an alleged risk of absconding and the foreigners have to prove that they have an address at which they can be reached by the authorities. Before the hearing at the court, the foreigner has to receive a copy of the request for detention (*Haftantrag*) which the authorities have filed. This copy has to be orally translated if necessary.¹⁶¹⁶ Case law also states that the foreigner shall have sufficient time to prepare an answer to the content of the authorities' request. This means that it can be sufficient to hand out the request immediately before the hearing if the content is simple and easily understandable. In other cases, if the content is more complicated, it can be necessary that the foreigner is handed out the authorities' request in advance of the hearing.¹⁶¹⁷ The court has to inform the foreigner of all possible legal remedies against the detention order and this information has to be translated if necessary.

Detention pending removal can only be ordered or prolonged if there is a possibility for the removal to be carried out in the near future. The maximum duration of detention therefore has to be expressly stated in the detention order. The immigration authority has the responsibility to monitor whether the grounds for detention continue to apply and, according to administrative guidelines of the Federal Ministry of the Interior and Community, 'shall immediately suspend the execution of detention for up to one week and immediately apply for the revocation of the order if the grounds on which it was based no longer exist

¹⁶¹⁴ ECRE, *Airport procedures in Germany Gaps in quality and compliance with guarantees*, April 2019, available at: <https://bit.ly/2QgOmAH>.

¹⁶¹⁵ Flüchtlingsrat Brandenburg, *Abschiebehaft am Flughafen BER*, 22 May 2023, available in German at: <https://bit.ly/3lulik5>.

¹⁶¹⁶ Federal Supreme Court, Decision V ZB 67/12, 18 April 2013, available in German at: <https://bit.ly/3NDf9pD>.

¹⁶¹⁷ Federal Supreme Court, Decision V ZB 141/11, 1 July 2011, available in German at: <https://bit.ly/3TxzccY>.

(62.3.3 of the General Administrative Regulation to the Residence Act)¹⁶¹⁸ Once the requested period of detention has expired, the detained person either has to be released or an automatic judicial review of detention takes place.¹⁶¹⁹

In spite of the safeguards outlined above, the system of ordering detention pending removal has been severely criticised by lawyers for alleged violations of the standards applicable to detention. In particular, it has been noted that judges frequently issue orders for detention pending removal even if authorities' applications for detention orders do not lay out sufficient reasons as to why detention is necessary.¹⁶²⁰ A monitoring project on removals in **North Rhine-Westphalia** reported in 2022 that persons were frequently arrested and taken into detention when they come to the immigration authorities for appointments.¹⁶²¹ The Convention of Legal Advisors (*Rechtsberaterkonferenz*), a group of lawyers cooperating with German welfare organisations on asylum matters, notes that detention pending removal is again ordered 'too often and too easily'. According to them, this development began with a political 'change of climate' in 2016 and public debate based on 'misleading, partly wrong information' on the number of persons who were obliged to leave the country.¹⁶²²

There are no encompassing statistics regarding judicial review of detention.¹⁶²³ Available information is thus based on testimonies and data collected by activists, lawyers and NGOs.

In December 2019, a local activist from North Rhine-Westphalia claimed in an interview that both the local authorities (which apply for a detention order), and the local courts (which decide upon these applications), often 'have no idea of what they are doing'. Both institutions therefore would often ignore the most basic standards and procedural guarantees.¹⁶²⁴ Common mistakes included:

- ❖ Court decisions are based on outdated laws;
- ❖ The application for a detention order is not handed out to the person concerned and is not translated;
- ❖ An interpreter has to be present at the court hearing and they must have sufficient language skills both in the language of the person concerned and in German. This is not always taken care of in practice.

Because these standards were often ignored, an estimated 50% of complaints to higher courts were successful and the detention orders issued by the local courts were found to be unlawful, according to the activist (see also below). Other sources seem to confirm that local courts often do not sufficiently

¹⁶¹⁸ Paula Hoffmeyer-Zlotnik, 'Return Policy in Germany in the Context of EU Rules and Standards.', Study by the German National Contact Point for the European Migration Network (EMN). Working Paper 80 of the Research Centre of the Federal Office for Migration and Refugees, March 2018, available at: <https://bit.ly/3fRwsln>, 37.

¹⁶¹⁹ Paula Hoffmeyer-Zlotnik, 'Return Policy in Germany in the Context of EU Rules and Standards.', Study by the German National Contact Point for the European Migration Network (EMN). Working Paper 80 of the Research Centre of the Federal Office for Migration and Refugees, March 2018, available at: <https://bit.ly/3fRwsln>, 37.

¹⁶²⁰ This is a recurrent concern. See Peter Fahlbusch, *Haft in Verfahren nach der Dublin II-Verordnung*, Asylmagazin 9/2010, 289-295, Die Rechtsberaterkonferenz, *50 Forderungen zum Flüchtlings-, Aufenthalts-, Staatsangehörigkeits- und Sozialrecht*, November 2017, available in German at: <https://bit.ly/48kVKSX>, 32-34. See also Positionspapier Pflichtbeordnung von Anwält:innen in der Abschiebungshaft, available in German at: <http://bit.ly/3knqnTI>, preliminary remark of parliamentary group of The Left in Federal Government, *Reply to parliamentary question by The Left*, 19/5817, 16 November 2018, available in German at: <https://bit.ly/485NINs>, 2.

¹⁶²¹ Abschiebungsreporting NRW, *Ausländerbehörden als Orte der Angst*, 19 December 2022, available in German at: <http://bit.ly/3X2KCU3>.

¹⁶²² Die Rechtsberaterkonferenz, *50 Forderungen zum Flüchtlings-, Aufenthalts-, Staatsangehörigkeits- und Sozialrecht*, November 2017, available in German at: <https://bit.ly/48kVKSX>, 32-34. See also PRO ASYL, »Es ist skandalös, welche Fehler in Abschiebungshaft passieren«, 29 July 2022, available in German at: <http://bit.ly/3JH3FQF>.

¹⁶²³ Individual Federal States have provided some numbers on court proceedings or on revocation of detention orders by courts, but they do not allow to assess their overall number or rate of success, see Federal Government, *Reply to parliamentary question by The Left*, 19/31669, 4 August 2021, available in German at: <https://bit.ly/4awfTGM>, 25 et seq. The only Federal States which report both the number of detention orders and the number of such orders revoked again by courts are Saxony (5 out of 50 revoked in 2021, 4 out of 109 in 2020), Saxony Anhalt (for 2020 only, 3 out of 31) and Schleswig Holstein (1 out of 9 in 2021, 1 out of 16 in 2020).

¹⁶²⁴ ze.tt, *Eingesperrt ohne Straftat: So sind die Bedingungen in einem Abschiebegefängnis*, 14 December 2019, available at: <https://bit.ly/2TOKZ3g>.

examine whether the detention order is necessary and proportionate and it has been further reported that basic procedural standards are sometimes violated.¹⁶²⁵ The Federal Supreme Court has therefore frequently ruled such detention orders as unlawful. According to the lawyer Peter Fahlbusch, this occurred in around two thirds of all cases brought before the Federal Supreme Court in 2021.¹⁶²⁶ Recent decisions of the Federal Supreme Court in which a detention order was ruled unlawful include cases where:

- ❖ The detention order was not given by a judge but by an executive authority without due justification of not awaiting a court order;¹⁶²⁷
- ❖ A lawyer was not given the opportunity to attend a hearing;¹⁶²⁸
- ❖ Authorities had not given sufficient reasons to justify the duration of detention. The authorities have to explain which organisational steps justify the period of detention they have applied for.¹⁶²⁹ Simply stating that a Dublin transfer to Italy ‘might take place in between 6 and 8 weeks’¹⁶³⁰ was not deemed sufficient. Similarly, the fact that a person has been booked on a charter flight is not sufficient if the authorities do not lay out why an earlier removal is not possible.¹⁶³¹
- ❖ The authorities were not able to justify the necessity and the proportionality of a 21 days pre-removal detention period;¹⁶³²
- ❖ The court had wrongfully assumed that a delay in presenting identity documents was in itself constituting a ‘risk of absconding’;¹⁶³³
- ❖ The detainee had filed a secondary application for asylum that was accepted as admissible by the BAMF;¹⁶³⁴
- ❖ The Court had not examined the person’s casefile before ordering detention;¹⁶³⁵
- ❖ The Court failed to adequately assess the risk of absconding by taking into account all available evidence¹⁶³⁶ or has assumed the risk solely based on a previous evasion of removal by the detainee;¹⁶³⁷
- ❖ The detention resulted in an unjustified separation of a mother and her minor children;¹⁶³⁸
- ❖ The Court had not sufficiently examined whether the detainee was a minor;¹⁶³⁹
- ❖ The authorities did not adequately speed up the removal procedure;¹⁶⁴⁰

¹⁶²⁵ Stefan Keßler, *Abschiebungshaft*, socialnet.de, 14 January 2019, available in German at: <https://bit.ly/2TiNCji>.

¹⁶²⁶ PRO ASYL, »Es ist skandalös, welche Fehler in Abschiebungshaft passieren«, 29 July 2022, available in German at: <http://bit.ly/3JH3FQF>.

¹⁶²⁷ Federal Constitutional Court (BVerfG), Decision 2 BvR 2247/19, 10 February 2022, asyl.net: M30479, available in German at: <https://bit.ly/3tnBDnL>.

¹⁶²⁸ Federal Supreme Court, Decision XIII ZB 49/20, 12 September 2023, asyl.net: M31947; Federal Supreme Court, Decision XIII ZB 74/20, 22 February 2022, asyl.net: M30748; Decision XIII ZB 158/20, 31 August 2021, Federal Supreme Court, Decision XIII ZB 34/19, 12 November 2019, asyl.net: M27939, available in German at: <https://bit.ly/2Z96SBc>; and Federal Supreme Court, Decision V ZB 79/18, 6 December 2018, available in German at: <https://bit.ly/2EQAPeO>.

¹⁶²⁹ Federal Supreme Court, Decision XIII ZB 68/20 – 12 September 2023, asyl.net: M31909; Federal Supreme Court, Decision XIII ZB 40/20, 20 December 2022, asyl.net: M31336; Federal Supreme Court, Decision V ZB 62/18 – 24 January 2019, asyl.net: M27471, available in German at: <https://bit.ly/2YXslrw>. See also Federal Supreme Court, Decision XIII ZB 12/20 of 31 August 2021, available in German at: <https://bit.ly/3uAymOo> and Federal Supreme Court, Decision XIII ZB 30/19 of 20 May 2020, available in German at: <https://bit.ly/3Nw8n3o>.

¹⁶³⁰ Federal Supreme Court, Decision V ZB 62/18 – 24 January 2019, asyl.net: M27471.

¹⁶³¹ Federal Supreme Court, Decision XIII ZB 68/20 – 12 September 2023, asyl.net: M31909

¹⁶³² Federal Supreme Court, Decision V ZB 54/18, 22 November 2018, available in German at: <https://bit.ly/2IWq4vP>. See also Federal Supreme Court, Decision XIII ZB 125/19 of 25 August 2020, available in German at: <https://bit.ly/35s758s>.

¹⁶³³ Federal Supreme Court, Decision V ZB 151/17, 13 September 2018, available in German at: <https://bit.ly/2SL9wqg>.

¹⁶³⁴ Federal Supreme Court, Decision XIII ZB 10/21, 20 July 2021, available in German at: <https://bit.ly/3NloBXk>.

¹⁶³⁵ Federal Constitutional Court, Decision 2 BvR 2345/16 of 14 May 2020, available in German at: <https://bit.ly/36VIPwP>.

¹⁶³⁶ Federal Supreme Court, Decision XIII ZB 29/20, 18 July 2023, asyl.net: M31835.

¹⁶³⁷ Federal Supreme Court, Decision XIII ZB 47/20 of 20 April 2021, available in German at: <https://bit.ly/38h83pb>.

¹⁶³⁸ Federal Supreme Court, Decision XIII ZB 95/19, 23 March 2021, available in German at: <https://bit.ly/3LnlmRZ>.

¹⁶³⁹ Federal Supreme Court, Decision XIII ZB 101/19, 25 August 2020, available in German at: <https://bit.ly/3wKJQ4E>.

¹⁶⁴⁰ Federal Supreme Court, Decision XIII ZB 9/19, 24 June 2020, available in German at: <https://bit.ly/3uGHfG6>.

- ❖ The authorities did not give an estimation of the time required to procure the necessary travel documents and whether this can occur in parallel to the organisation of security escort during the removal.¹⁶⁴¹

Many other court decisions collected in the case law database of asyl.net also demonstrate that court orders issued by local courts are frequently overturned by higher courts.¹⁶⁴² However, in many cases this does not result in a release since the court procedures take much longer than the average duration of detention – often, persons have been removed by the time their detention is declared unlawful.¹⁶⁴³

Lawyer Peter Fahlbusch (from Hannover) regularly publishes statistics on the cases that were represented by his law firm. According to these numbers, half of the detention orders that have been issued by local courts since 2002 were overturned in further proceedings. According to Peter Fahlbusch, the firm represented 2,673 clients who were in detention pending removal since 2001 (as of February 2025). In 1,365 of these cases (51.1%), courts found detention orders to be unlawful. For the clients affected, this had resulted in about four weeks of detention on average (25.6 days). Peter Fahlbusch reports that these figures have remained almost the same over the years.¹⁶⁴⁴

Support groups who work with detainees in specific detention centres report lower shares of unlawful detention orders compared to the total number of persons detained.¹⁶⁴⁵ This is related to the fact that detainees often do not have access to legal representation or other types of support from the start, and that in many cases filing a legal challenge would take longer than the actual duration of detention and does not hinder removal (see above). Furthermore, court orders that are issued after detention has ended are not systematically entered into statistics.¹⁶⁴⁶

2. Legal assistance for review of detention

Indicators: Legal Assistance for Review of Detention

1. Does the law provide for access to free legal assistance for the review of detention?
☐ Yes ☒ No
2. Do asylum seekers have effective access to free legal assistance in practice?
☐ Yes ☒ No

If asylum applications are lodged by persons in detention, applicants shall immediately be given an opportunity to contact a lawyer of their choice, unless they have already secured legal counsel.¹⁶⁴⁷

In general, persons in detention pending removal have the right to contact legal representatives, family members, the competent consular representation and relevant aid and support organisations.¹⁶⁴⁸ In a case concerning detention pending removal, the Constitutional Court ruled in May 2018 that barriers to a lawyer's access to the **Eichstätt** facility were not in line with the constitution. In this case, the management of the facility had advised the lawyer that the next available opportunity to contact her client was on the

¹⁶⁴¹ Federal Supreme Court, Decision XIII ZB 17/19, 19 May 2020, available in German at: <https://bit.ly/3DnrMPi>.

¹⁶⁴² A collection of the most important court decisions in that regard can be found in German at: <https://bit.ly/2HieAjB>.

¹⁶⁴³ Community for all, *4 Jahre Abschiebeknast Hessen*, July 2023, available in German at: <https://bit.ly/3RLsmxS>, 39; Information provided by the Caritasverband Karlsruhe e. V. who offers counselling in the detention centre together with the Diakonie Rastatt (see <http://bit.ly/404RnXC> for more information).

¹⁶⁴⁴ Law Firm Lerche | Schröder | Fahlbusch | Wischmann, *Statistiken | Peter Fahlbusch*, available in German at: <https://bit.ly/3HY9x66>. See also PRO ASYL, »Es ist skandalös, welche Fehler in Abschiebungshaft passieren«, 29 July 2022, available in German at: <http://bit.ly/3JH3FQF>.

¹⁶⁴⁵ Community for all, *4 Jahre Abschiebeknast Hessen*, July 2023, available in German at: <https://bit.ly/3RLsmxS>, 39-40, and Information provided by the Caritasverband Karlsruhe e. V. who offers counselling in the detention centre together with the Diakonie Rastatt (see <http://bit.ly/404RnXC> for more information).

¹⁶⁴⁶ Community for all, *4 Jahre Abschiebeknast Hessen*, July 2023, available in German at: <https://bit.ly/3RLsmxS>, 39.

¹⁶⁴⁷ Section 14(3) Asylum Act.

¹⁶⁴⁸ Section 62a II of the Residence Act.

day of the removal.¹⁶⁴⁹ Moreover, in many detention facilities no contact information of available lawyers is provided by the detention administration or social services.

In October 2022, a coalition of over 50 NGOs, including PRO ASYL, Amnesty International, welfare associations and lawyer associations, published a position paper to demand free legal representation of all persons subject to detention, pointing to the frequent errors in detention orders as well as the high number of detention cases found to be unlawful by courts.¹⁶⁵⁰ While legal amendments adopted in late 2022 did not address this issue, a change introduced by the Act on the Improvement of Return, which entered into force in February 2024, established the right to be appointed legal representation in detention proceedings. According to the amended Section 62d of the Residence Act (AufenthG), persons who are not yet represented by a lawyer are to be assigned a court-appointed lawyer.

However, concerns have been raised regarding the implementation and effectiveness of this provision. As of April 2024, the appointed legal assistance is limited to the detention procedure itself, with some unsolved questions of scope remaining,¹⁶⁵¹ and does not extend to matters of asylum or residence law. The option to request a change of assigned lawyer remains legally unclear. Another gap in the legal provision is the exclusion of *Zurückweisungshaft* (detention for refusal of entry) from the scope of mandatory legal representation.¹⁶⁵²

Moreover, the future of Section 62d remains uncertain: the coalition agreement of the newly elected government in 2025 indicates that the provision may soon be repealed. If so, individuals in detention would again be required to apply for legal aid (*Verfahrenskostenhilfe*), which is frequently rejected by courts, or rely once more on civil society actors and NGOs, such as the Jesuit Refugee Service, for independent legal support. Some NGOs or support groups provide access to funds to pay for legal representation but cannot do so systematically.¹⁶⁵³ These concerns have led several organisations to emphasise that complementary legal counselling remains essential, regardless of the existence of court-appointed representation.

E. Differential treatment of specific nationalities in detention

No information on differential treatment of specific nationalities was found in the course of the research for this update.

¹⁶⁴⁹ Federal Constitutional Court, Decision 2 BvQ 45/18, 22 May 2018, available in German at: <https://bit.ly/3RNxQJE>.

¹⁶⁵⁰ Flüchtlingsrat Brandenburg, *Gesetzeslücke endlich schließen: Menschen in Abschiebehaft brauchen einen Pflichtanwalt!*, 12 October 2022, available in German at: <http://bit.ly/3RdsRjw>.

¹⁶⁵¹ Rolf Stahmann, 'Pflichtanwalt/Pflichtanwältin in Abschiebungshaftsachen nach § 62d AufenthG' (*Asylmagazin*, 7–8/2024), available [here](#), 272–277.

¹⁶⁵² Rolf Stahmann, 'Pflichtanwalt/Pflichtanwältin in Abschiebungshaftsachen nach § 62d AufenthG' (*Asylmagazin*, 7–8/2024), available [here](#), 273.

¹⁶⁵³ Caritasverband Karlsruhe e. V., 'Counselling in the detention centre', available in German [here](#).

A. Status and residence

1. Residence permit

Indicators: Residence Permit

- | | |
|--|---------|
| 1. What is the duration of residence permits granted to beneficiaries of protection? | |
| ❖ Refugee status | 3 years |
| ❖ Subsidiary protection | 3 years |
| ❖ Humanitarian protection | 1 year |

According to Section 25(2) of the Residence Act, both refugees and beneficiaries of subsidiary protection are entitled to a residence permit (*Aufenthaltserlaubnis*). According to Section 26(1) of the Residence Act, the duration of residence permits differs for the various groups:

- ❖ Three years for persons with **refugee status** and for beneficiaries of **subsidiary protection**, with an extension possible if the protection status remains valid;
- ❖ Usually, one or two years for beneficiaries of **humanitarian protection**, with an extension possible if the humanitarian grounds persist.

Responsibility for issuing and renewing the residence permits lies with the local authorities of the beneficiary's place of residence. In 2017, the Federal government introduced the Act to Improve Online Access to Administrative Services, following which most of the administrative services were to be made available online by 2022. In the field of Migration *inter alia* the application for the issuance and renewal of residence permits, the application for citizenship and social benefits for beneficiaries of and applicants for international protection or subsidiary protection shall be made possible.¹⁶⁵⁴ However, the first evaluations on the implementation showed that only very few of the overall administrative services have been moved online and that the online availability sometimes means that a PDF document with the application form can be downloaded but without the possibility of handing in the form and the necessary documents online.¹⁶⁵⁵ The main reason for the delay was supposedly unclear responsibilities between the Federal level, the states, and the municipalities.¹⁶⁵⁶ According to a website set up by the Federal Government providing the exact status of the digitalisation of the administration, applying for a residence permit is now available in all federal states.¹⁶⁵⁷ There is however no current report, if the application for such a permit is running smoothly.

Renewal of residence permits is generally subject to the same regulations as apply to issuance.¹⁶⁵⁸ Therefore, residence permits have to be renewed as long as the reasons which have led to the first issuance persist. The refugee status, subsidiary protection and the status of the so-called 'removal ban' (*Abschiebungsverbot*), which is the basis of national protection status, have to be formally revoked by the BAMF – otherwise, the residence permit has to be issued and/or renewed.¹⁶⁵⁹

Following the outbreak of COVID-19 in Germany, the Federal Ministry of the Interior and Community issued guidance to local immigration authorities and recommended allowing for online applications to extend residence permits and being lenient regarding the expiry of residence permit when filing for renewal was impossible, e.g. because the concerned person could not return to Germany.¹⁶⁶⁰ Residence permits were not prolonged automatically, however. However, an application in written form (via e-mail or

¹⁶⁵⁴ Federal Ministry of Interior, OZG-Umsetzungskatalog, April 2018.

¹⁶⁵⁵ Deutschlandfunk, 'Deutschland bleibt offline', 16 December 2022, available in German at: <http://bit.ly/3JpZZCR>.

¹⁶⁵⁶ Ibid.

¹⁶⁵⁷ Federal Ministry of Interior, Dashboard Digitale Verwaltung, available in German at: <https://bit.ly/42NL2IJ>.

¹⁶⁵⁸ Section 8(1) Residence Act.

¹⁶⁵⁹ Sections 73a to 73c Residence Act.

¹⁶⁶⁰ Pro Asyl, 'Newsticker Coronavirus: Informationen für Geflüchtete und Unterstützer*innen', available in German at: <https://bit.ly/3n5bqEe>.

mail) is possible in all cases.¹⁶⁶¹ It has been reported that many beneficiaries of international protection did not know about the newly introduced possibility to apply via e-mail or mail and that the local authorities in many cases did not process the mail in time. The Refugee Council Berlin therefore recommended to include deadlines for responses in all communication concerning the renewal of residence permits.¹⁶⁶²

2. Civil registration

2.1. Registration of childbirth

If a child is born in a hospital, the hospital automatically informs the local civil registry office. If the birth of a child takes place outside a hospital, parents themselves have to inform the civil registry office. In both cases, parents or persons authorised by the parents have to formally register the birth afterwards and they have to collect the certificate of birth 'within a reasonable timeframe' after the date of birth. This timeframe is defined as a period of up to 3 months.¹⁶⁶³

The issuance of the certificate of birth is dependent on a number of documents that parents usually have to submit. These include, among other documents:¹⁶⁶⁴

- ❖ Passport or identity card from the country of origin. Asylum seekers (for as long as the asylum procedure is ongoing) and people with refugee status or subsidiary protection are not obliged to submit these documents if this would involve getting in contact with the authorities from their countries of origin. Instead, they have to submit the asylum seeker's permission to stay (Aufenthaltsgestattung) or the residence permit respectively.
- ❖ Birth certificates of parents in the original document and an officially certified translation;
- ❖ If the parents are married, a marriage certificate or marriage contract in original document and an officially certified translation.

If one of these documents cannot be submitted, the civil registry office may accept a declaration 'in lieu of an oath', but no general rules exist for this procedure, so acceptance of such a declaration is dependent upon the individual circumstances and the practice of the local civil registry office. An overview of the procedure in English has been published by the German Institute for Human Rights.¹⁶⁶⁵

Problems occur in particular if the parents do not have a passport or birth certificate from the country of origin and if the authorities find that the identity of the parents has not been sufficiently clarified by other means. In these cases, many civil registry offices regularly refuse to issue birth certificates. However, they may issue other documents instead. A 2018 study by the Humboldt Law Clinic found that offices have various strategies to deal with these cases of 'unclarified identity':¹⁶⁶⁶

- ❖ Most civil registry offices issue a confirmation that birth has been registered ('extract from the Birth Registry' / *Auszug aus dem Geburtenregister*) which is an official document that has the same legal effect as a birth certificate. In practice, however, some local authorities are not aware that the extract has the same legal effect which in effect leads to difficulties in access to health care and other social benefits.¹⁶⁶⁷

¹⁶⁶¹ Make it in Germany, 'Special regulations on entry and residence', last update 1 June 2021, available at: <https://bit.ly/3DIBNfK>.

¹⁶⁶² Refugee Council Berlin, Kein Termin beim Berliner Landesamt für Einwanderung – was tun?, 12 February 2021, available in German at: <https://bit.ly/3HK2lv8>.

¹⁶⁶³ Humboldt Law Clinic Grund- und Menschenrechte, *Geboren, registriert – und dann? Probleme bei der Geburtenregistrierung von Flüchtlingskindern in Deutschland und deren Folgen*. Working Paper no. 16/2018, available in German at: <http://bit.ly/2pw1Dln>, 10-11.

¹⁶⁶⁴ Section 33 Personenstandsverordnung

¹⁶⁶⁵ Deutsches Institut für Menschenrechte 'How to register your newborn - Information for refugees', July 2016, available at: <https://bit.ly/3OMiQtM>.

¹⁶⁶⁶ Humboldt Law Clinic Grund- und Menschenrechte, *Geboren, registriert – und dann? Probleme bei der Geburtenregistrierung von Flüchtlingskindern in Deutschland und deren Folgen*, Working Paper 16/2018, available in German at: <https://bit.ly/3HZOsYT>.

¹⁶⁶⁷ Deutsches Institut für Menschenrechte, *Papiere von Anfang an*, 13, September 2021, available in German at: <https://bit.ly/3WIYfrf>.

- ❖ Other civil registry offices issue substitute documents such as an 'attestation' that the office has been notified of the birth. The legal effect of these substitute documents is unclear;
- ❖ There have also been reports that a few civil registry offices do not issue any documents in cases of 'unclarified identity' of the parents, although this may include cases in which the parents refuse to accept an alternative document and legal measures for the issuance of a 'proper' birth certificate are pending.¹⁶⁶⁸ It is also possible that parents refuse a document if it does not refer to the father of the child but only contains the name of the mother; this happens in cases in which the parents cannot produce sufficient evidence that they are married.¹⁶⁶⁹

Refusal by the German authorities to issue birth certificates to newborn children has frequently been criticised as a violation of the Convention on the Rights of the Child. To safeguard access to the health system and to social benefits for newborn children, the German Institute for Human Rights has repeatedly asked authorities to issue birth certificates or, alternatively, 'extracts from the Birth Registry' as a 'minimum obligation'.¹⁶⁷⁰

The birth certificate is formally required to claim a number of rights and services, including:

- ❖ Registration with health insurance services, including family insurance i.e. extension of parents' insurance on children;
- ❖ Child allowances (as of 2024) of at least € 250 per month available to all families staying in Germany, regardless of legal status;¹⁶⁷¹
- ❖ Parental allowances for persons in employment who stop working for a certain period after the child is born. Allowances amount to a standard 65% of monthly income and up to 100% of monthly income for people with lower wages and they are provided for a period of up to 14 months if both parents divide these periods between them;
- ❖ Change of the parents' tax status, in connection with registration at the (residents') registration office.
- ❖ In cases of unmarried couples, recognition of paternity of the child's father.

Failure to obtain a birth certificate from the civil registry office regularly results in difficulties with access to rights and services. In a study on the difficulties with the registration of newborn children, authors from the Humboldt Law Clinic refer to the following problems which have been reported in the course of their research: problems with health insurance and/or access to hospitals or medical practitioners; (temporary) denial of child allowances; problems with payment of parental allowances; problem with registration of newborn children at local residents' registration offices.¹⁶⁷² These difficulties were apparently also encountered by persons who had been issued an 'extract from the Birth Registry', even though this document is supposed to replace the birth certificate officially. All of these difficulties were further encountered by persons who were issued other substitute documents instead of a birth certificate.¹⁶⁷³ Since problems in the issuance of birth certificates in cases where the necessary identity documents from the parents are missing persist, the German Institute for Human Rights published in 2022 in different

¹⁶⁶⁸ *Ibid*, 18.

¹⁶⁶⁹ Deutsches Institut für Menschenrechte, *Papiere von Anfang an - Das Recht auf eine unverzügliche Geburtenregistrierung nach der UN-Kinderrechtskonvention und seine Durchsetzung*, October 2021, available in German at: <https://bit.ly/4bDubGa>.

¹⁶⁷⁰ Deutsches Institut für Menschenrechte 'Keine Papiere – keine Geburtsurkunde? Empfehlungen für die Registrierung von in Deutschland geborenen Kindern Geflüchteter', *Position paper*, December 2018, available at: <https://bit.ly/39Qtrxm>, 2; Deutsches Institut für Menschenrechte, *Papiere von Anfang an*, September 2021, available in German at: <https://bit.ly/3WIYfrf>, 13.

¹⁶⁷¹ Federal Government, 'Leistungen für Kinder steigen', 28 October 2024, available in German [here](#).

¹⁶⁷² Humboldt Law Clinic Grund- und Menschenrechte, *Geboren, registriert – und dann? Probleme bei der Geburtenregistrierung von Flüchtlingskindern in Deutschland und deren Folgen*. Working Paper no. 16/2018, 17-18, available in German at: <https://bit.ly/3HZOsYT>.

¹⁶⁷³ Deutsches Institut für Menschenrechte, *Keine Papiere – keine Geburtsurkunde? Empfehlungen für die Registrierung von in Deutschland geborenen Kindern Geflüchteter*, December 2018, available in German at: <https://bit.ly/2FJynpL>.

languages a website for beneficiaries of and applicants for international or subsidiary protection on their rights and legal steps to take.¹⁶⁷⁴

2.2. Registration of marriage

There is no obligation in German law for a marriage that has been concluded in another country to be registered again at a German civil registry office. Instead, marriage certificates from other countries are generally considered to be sufficient evidence of the validity of a marriage in legal affairs. However, German authorities and courts often ask for certificates of legalisation of marriage from other countries. This legalisation usually has to be carried out by the German embassy in the respective country.¹⁶⁷⁵

An important restriction on the legal recognition of marriages concluded in other countries was introduced in 2017. The new Law on combating child marriages which took effect on 22 July 2017 contains the following measures:¹⁶⁷⁶

- ❖ Marriages concluded in another country are considered invalid in all cases in which one or both of the spouses were younger than 16 years old at the time of marriage;
- ❖ The validity of marriages concluded in another country can be challenged by the authorities and nullified in cases in which one or both of the spouses were between 16 and 18 years old at the time of marriage. However, the marriage has to be recognised by the German authorities if both spouses have reached the age of 18 years in the meantime and both declare that they want to remain married. Furthermore, the marriage may also be recognised in exceptional cases in which annulment of the marriage would cause 'serious hardship' to the minor involved.

Rights and obligations in connection with marriage are dependent on whether the competent authorities recognise the marriage certificates or other documents from the country of origin as sufficient evidence for the validity of the marriage in question.

Problems with recognition of marriages concluded in another country occur regularly in practice, in particular if the couple does not have an official marriage certificate or if the German embassy is unable to carry out the legalisation of a foreign marriage certificate.

3. Long-term residence

Indicators: Long-Term Residence

1. Number of permanent residence permits issued to beneficiaries in 2022 (latest available figure):
59,890

Refugee status

After a certain period, a permanent status, 'settlement permit' (*Niederlassungserlaubnis*), also translated as 'permanent residence permit', can be granted. However, the preconditions for this are more restrictive since August 2016.¹⁶⁷⁷

¹⁶⁷⁴ Deutsches Institut für Menschenrechte, Recht auf Geburtsurkunde, April 2022, available at: <https://bit.ly/3JvbrNL>.

¹⁶⁷⁵ Leaflets on the legalisation of documents in various countries can be found on the homepage of the Foreign Office, available in German at: <http://bit.ly/2DKI4kL>.

¹⁶⁷⁶ An overview of the new law has been published by Terre des Femmes, 'Die wichtigsten Änderungen im Rahmen des Gesetzes zur Bekämpfung von Kinderehen', December 2017, available in German at: <http://bit.ly/2DLyGgG>.

¹⁶⁷⁷ Section 26(3) Residence Act.

- ❖ After three years from the issuance of a residence permit, persons with refugee status can be granted a *Niederlassungserlaubnis* if they have become 'outstandingly integrated' into society.¹⁶⁷⁸ The most important preconditions are that they have to speak German on an advanced level (level C1 of the Common European Framework of Reference for Languages, CEFR), have to be able to cover the 'overwhelming part' of the cost of living and have to prove that they have sufficient living space for themselves and their families;¹⁶⁷⁹ The 'overwhelming part' leaves the local authorities some discretion. Reliable numbers only exist for Berlin, where more than 75% of their living costs have to be provided.¹⁶⁸⁰
- ❖ After five years of stay in Germany (into which period the duration of the asylum procedure is included), persons with refugee status can be granted a *Niederlassungserlaubnis* under certain conditions. Most importantly, they have to be able to cover the 'better part' of the cost of living, have to speak basic German (level A2 of the CEFR) and have to prove that they have sufficient living space for themselves and their families. As above, the authorities may exercise some discretion in the interpretation of the 'better part'. In Berlin, the 'better part' of the cost of living is reached if beneficiaries provide for 50% of their living costs.¹⁶⁸¹

Overall, in 2022, 59,890 third country nationals (including non protection beneficiaries) were granted a *Niederlassungserlaubnis* in 2022, compared to 70,705 in 2021. This is still much higher than in previous years (in 2019, 25,145 persons were granted a *Niederlassungserlaubnis*; in 2018 it was only 7,538 persons).¹⁶⁸² For 2023, the BAMF reported that a total of 281,647 people held a *Niederlassungserlaubnis* throughout the year. Data on 2024 was not available as of March 2025.

In both cases, the *Niederlassungserlaubnis* can only be granted if the BAMF has not initiated a procedure to revoke or withdraw the status. In general, the *Niederlassungserlaubnis* shall be granted as long as the local authorities do *not* receive a notification from the BAMF about the initiation of a revocation procedure. This approach was introduced in 2015 in order to simplify procedures, since before that date the local authorities as well as the refugees always had to wait for a formal notification from the BAMF, regardless of whether the BAMF actually carried out a so-called 'revocation test' or not. However, the initial precondition of a mandatory notification from the BAMF was re-established in 2019 for all cases in which persons had been granted protection status in 2015, 2016 and 2017, as a consequence of an extension of the time limits of the so-called 'routine revocation procedures' for these cases (see below: [Cessation and review of protection status](#)). Therefore, persons who were granted refugee protection between 2015 and 2017 and apply for a *Niederlassungserlaubnis* either after three or after five years of stay, now need a formal notification from the BAMF confirming that no revocation or withdrawal procedure is going to be initiated.¹⁶⁸³ The specific regulation concerning the years between 2015 and 2017 was cancelled at the end of 2022. The law now demands for all applicants of a *Niederlassungserlaubnis*, that the local authorities should not have been notified by the BAMF about the fulfilment of the revocation prerequisites.

Subsidiary protection and humanitarian protection

Beneficiaries of other types of protection (subsidiary or national) do not have privileged access to a *Niederlassungserlaubnis*. They can apply for this status after five years, with the duration of the asylum

¹⁶⁷⁸ Government's explanatory memorandum to the Integration Act. Cf. Melina Lehrian and Johanna Mantel, 'Neuerungen durch das Integrationsgesetz', *Asylmagazin* 9/2016, available in German: <https://bit.ly/4avw1Zq>, 293.

¹⁶⁷⁹ Section 26(3) Residence Act

¹⁶⁸⁰ Netzwerk Berlin Hilft, Lebensunterhaltssicherung für Aufenthalts- oder Niederlassungserlaubnis, lastly updated 2020, available in German at: <https://bit.ly/3jjBUD5>.

¹⁶⁸¹ Netzwerk Berlin Hilft, Lebensunterhaltssicherung für Aufenthalts- oder Niederlassungserlaubnis, lastly updated 2020, available in German at: <https://bit.ly/3jjBUD5>.

¹⁶⁸² Federal Government, *Responses to parliamentary questions by The Left*, 20/5870, 28 February 2023, available in German at: <https://bit.ly/40KZhWi>, 47; 20/1048, 16 March 2022, available in German at: <https://bit.ly/3GQwiZ7>, 37; 19/28234, 6 April 2021, available in German at: <https://bit.ly/3twjPXq>, 41; 19/19333, 25 March 2020, available in German at: <https://bit.ly/41uaAna>, 37, and 19/8258, 12 March 2019, available in German at: <https://bit.ly/3RowKCQ>, 47.

¹⁶⁸³ Amendment to Section 26(3) Residence Act, entered into force on 21 August 2019.

procedure being taken into account.¹⁶⁸⁴ However, they have to meet all the legal requirements for the *Niederlassungserlaubnis*,¹⁶⁸⁵ such as the requirement to completely cover the cost of living and to possess sufficient living space for themselves and their families. In addition, they have to prove that they have been paying contributions to a pension scheme for at least 60 months (which generally means that they must have had a job and met a certain income level for 60 months).

4. Naturalisation

Indicators: Naturalisation

- | | |
|---|------------------------------|
| 1. What is the waiting period for obtaining citizenship? | 5 years (as of 27 June 2024) |
| 2. Number of citizenship grants to beneficiaries in 2024: | Not available |

Like other foreign nationals, refugees and beneficiaries of subsidiary protection can apply for German citizenship subject to a number of conditions. Most of these conditions apply to all foreign nationals who wish to become German citizens:

- ❖ Residency condition:
 - Until 26 June 2024, applicants had to have stayed legally in Germany for 8 years without interruptions. The duration of a former asylum procedure could be included in this waiting period if the applicants had been granted refugee status or subsidiary protection status. The residence period could be reduced to 7 years if applicants had attended an integration course successfully, and it could be reduced to 6 years if applicants had integrated particularly well into society, which was the case if the applicant's level of German exceeded the B1 certificate, if the applicant had obtained outstanding educational or professional degrees in Germany or if the applicant was involved in voluntary work in Germany;¹⁶⁸⁶
 - On 27 June 2024, the Act to Modernise Nationality Law (Gesetz zur Modernisierung des Staatsangehörigkeitsrechts) entered into force. To apply for German citizenship, applicants now only need to have been legally ordinarily residing in Germany for five years instead of 8 years. This period can be further reduced to 3 years in cases of exceptional integration, such as achieving a German proficiency level of C1 or higher, obtaining outstanding educational or professional qualifications in Germany, or engaging in significant voluntary work. The duration of a former asylum procedure continues to count toward this waiting period if applicants have been granted refugee status or subsidiary protection.¹⁶⁸⁷
- ❖ Applicants must be able to cover the cost of living for themselves and their families;
- ❖ Applicants must have sufficient German language skills (level B1 of the Common European Framework of Reference for Languages);
- ❖ Applicants must pass a 'naturalisation test' to prove that they have sufficient knowledge of Germany's legal and social system, as well as living conditions in Germany; and
- ❖ Applicants must not have committed criminal offences. All actions and omissions which are sanctioned by the German Criminal Code are considered grounds for denial if the person has been convicted. Some minor criminal charges might under certain circumstances not be held against the applicant for naturalisation.¹⁶⁸⁸ Criminal offences that have been committed abroad are also considered if the action or omission is equally sanctioned in the German Criminal Code and if the verdict was reached by due process and if the charges of the foreign country are proportionate.¹⁶⁸⁹

¹⁶⁸⁴ Section 26(4) Residence Act.

¹⁶⁸⁵ Section 9 Residence Act.

¹⁶⁸⁶ Section 10 (3) Nationality Act.

¹⁶⁸⁷ Federal Government, 'Schnellere Einbürgerungen unter strengeren Voraussetzungen', 27 June 2024, available in German [here](#).

¹⁶⁸⁸ Section 12a (1) Nationality Act.

¹⁶⁸⁹ Hailbronner et al., *Staatsangehörigkeitsrecht*, Beckscher Kurz-Kommentar, 7th Edition, 2022, Section 10 Nationality Act, para. 108f.

Already prior to the modernisation of the citizenship law, **refugees** (specifically, any person that has a travel document in accordance with Article 28 of the Agreement of July 28, 1951 on the Legal Status of Refugees) were, in contrast to other foreign nationals, not required to give up their former nationality.¹⁶⁹⁰ Since 27 June 2024, dual citizenship is now generally permitted, meaning applicants are no longer required to renounce their previous nationality when becoming German citizens.

Fees for naturalisation are € 255 for an adult person and € 51 for children (if together with a parent).¹⁶⁹¹

In 2023 200,095 persons received German citizenship compared to 168,775 in 2022,¹⁶⁹² but available statistics do not differentiate between residence and/or protection statuses.¹⁶⁹³ While 2023 marked a 19% increase compared to the previous year and the highest number recorded since 2000, preliminary figures from individual federal states indicate a continued upward trend for 2024. This trend suggests that the total number of naturalisations in Germany in 2024 will likely exceed that of the previous year. The number of former Syrian nationals among the persons granted citizenship in 2023 was 75,485 (a 56% increase compared to 2022) which might stem from the fact that those who fled the Syrian war in 2015 or 2016 now fulfil the criteria of 6 or more years of legal stay in Germany. The number of naturalisations of Ukrainian nationals increased by 300 (+6%) in 2023, reaching 5,900. This follows a near-tripling from 1,900 to 5,600 between 2021 and 2022 in response to Russia's attack on Ukraine. In 2023, Ukrainian naturalisations accounted for 3% of all naturalizations in Germany. 10,735 Turkish, 10,710 Iraqi, 2,575 Romanian and 6,520 Afghan nationals were naturalised in 2023.

5. Cessation and review of protection status

Indicators: Cessation

1. Is a personal interview of the beneficiary in most cases conducted in practice in the cessation procedure? ☐ Yes ☒ No
2. Does the law provide for an appeal against the first instance decision in the cessation procedure? ☒ Yes ☐ No
3. Do beneficiaries have access to free legal assistance at first instance in practice? ☐ Yes ☒ With difficulty ☐ No

5.1. Cessation (*Erlöschen*) based on individual conduct

With its entry into force on 1 January 2023, the grounds for Cessation (*Erlöschen*) have been amended in the context of the Act on the Acceleration of Asylum Court Proceedings and Asylum Procedures (see [Regular procedure](#)). The legal reforms aimed to relieve courts and the Federal Office for Migration and Refugees from case overload. Elsewhere the Act has been criticised by civil society organisations that the relief for the authorities comes at the price of restricted legal protection for asylum seekers and refugees. Concerning grounds for cessation and revocations, however, the reforms seem to extend the protection of the status, since the grounds for cessation and revocation have been restricted. The Federal government emphasises in the draft of the Act, that the amendments of the cessation grounds also serve to a more coherent and certain legal framework in line with Directive 2011/95/EU and respectively extended the scope of the cessation clause to beneficiaries of subsidiary protection. Following the reforms, cessation is only possible if the refugee has acted voluntarily. Cessation (*Erlöschen*) of a protection status is defined in Section 72(1) of the Asylum Act as follows:

Recognition of constitutional asylum and **international protection** (including refugees and beneficiaries for subsidiary protection) shall cease to have effect if the foreigner:

¹⁶⁹⁰ Section 12 (1)(Nr. 6) Nationality Act.

¹⁶⁹¹ Section 38 Nationality Act.

¹⁶⁹² Information provided by the BAMF, 10 May 2024.

¹⁶⁹³ Federal Statistical Office, '200 100 Einbürgerungen im Jahr 2023', 28 May 2024, available in German [here](#).

- ❖ Unequivocally, voluntarily and in writing declares in front of the Federal Office for Migration and Refugees the renunciation of the status.
- ❖ has obtained upon his application the German nationality.

According to the new Act, the authorities may only start the cessation procedure upon application or declaration of the refugee. In this case, the authorities ask them to hand in their residence permit, travel documents and other documents relating to the asylum procedure. It is possible to appeal the decision at an Administrative Court and the appeal has a suspensive effect.¹⁶⁹⁴

5.2. Revocation (*Widerruf*) based on change in circumstances

With the Act on the Acceleration of Asylum Court Proceedings and Asylum Procedures, the grounds and the procedure for revocations (*Widerruf*) have been changed drastically. Since the aim of the reforms was to relieve the workload of the authorities, the routine revision of the status under the former Section 73 (2a) Asylum Act has been abandoned completely. Prior to the reforms a revision of the asylum and refugee status was initiated automatically by the BAMF three years after the first final decision on the status.¹⁶⁹⁵ Additionally, the grounds for revocation (*Widerruf*) shall be bound more closely to the concrete events.

More importantly, the Asylum Act also contains a 'ceased circumstances' clause in Section 73(1), and the procedure for the respective loss of status is called revocation (*Widerruf*) in German. Responsibility for the revocation procedure lies with the Department for Revocations and Cessation at the BAMF.¹⁶⁹⁶ The law distinguishes between revocation grounds for refugees in Section 73 (1) Asylum Act, for beneficiaries of subsidiary protection in Section 73 (2) Asylum Act and revocation grounds for family members of beneficiaries of international protection in Section 73a Asylum Act. The procedure for revocations and withdrawal is now regulated in Section 73b Asylum Act.

Additionally, for all beneficiaries of international protection (refugees and subsidiary protection holders) revocation is also possible after they have been granted the status, they are found to have committed offences which fulfil the criteria of exclusion from refugee status, e.g. acts that violate the aims and principles of the United Nations or serious criminal offences in Germany (see section on [Withdrawal](#)).

a) Revocation of asylum or refugee status: Section 73(1) Asylum Act

This provision is generally applicable if the conditions on which the recognition of status was based have ceased to exist. A cessation of the conditions may especially be assumed in cases where refugees:

- ❖ voluntarily avail themselves of the protection of their country of origin;
- ❖ after loss of their nationality voluntarily regain the nationality of the country of origin
- ❖ have obtained another nationality upon application and enjoy the protection of the states from which they obtained the nationality
- ❖ voluntarily and permanently returned to the country which they left due to former fear of persecution
- ❖ can no longer refuse to claim the protection of the country of which they are citizens, or if they, as stateless persons, can return to the country where they had their usual residence', for example if the conditions on which their recognition as being entitled to asylum or refugee status is based have ceased to exist.¹⁶⁹⁷ Accordingly, a change of circumstances in the country of origin must be substantial and permanent and in a way that the fear of persecution in the country of origin can no longer be maintained in the individual case,¹⁶⁹⁸ but it also has to be ascertained whether the

¹⁶⁹⁴ Section 74 Asylum Act.

¹⁶⁹⁵ AIDA, *Country Report Germany - Update on the year 2021*, April 2022, available at: <https://bit.ly/3XnN7RS>, 163-168.

¹⁶⁹⁶ BAMF, *Dienstanweisung Asyl*, 1 January 2023, available in German at: <https://bit.ly/3Ht4JVw>, 519.

¹⁶⁹⁷ Section 73(1) Asylum Act.

¹⁶⁹⁸ Section 73 (1) Sentence 3 Asylum Act.

refugee can be reasonably expected to return to the country of origin. Case law which so far only exists on the former legal framework, has established that trauma or mental disorders that result from persecution constitute compelling reasons within the meaning of this provision.¹⁶⁹⁹ The assessment does not look at the strength of the person's ties with Germany since settling there.

b) Revocation of subsidiary protection: Section 73 (2) Asylum Act

Subsidiary protection may be revoked, if the circumstances on which the recognition of status was based have ceased to exist or changed in such a way that subsidiary protection is no longer necessary. The change of circumstances must be permanent and in such a significant way that in practice the risk of serious harm no longer exists.¹⁷⁰⁰

c) Revocation of the status of family members of beneficiaries of international protection Section 73a Asylum Act

The so-called 'family asylum' (see [Status and rights of family members](#)) and the status of family members of beneficiaries of international protection can be revoked if family members have committed offences which fulfil the criteria of exclusion from refugee status (see above). The status is also revoked if the status of the person the family members are dependent on ceases, is revoked or withdrawn and no independent grounds for protection exist.¹⁷⁰¹

Revocation procedure – applicable for all beneficiaries of international protection (Section 73 and Section 73a Asylum Act)

While the legal reforms in the Act on the Acceleration of Asylum Court Proceedings and Asylum Procedures the legal basis changed for the revocation procedure, the procedure itself mainly remained the same.¹⁷⁰² If the BAMF intends to revoke or withdraw the status, the beneficiary of international protection is informed in advance and in writing that revocation or withdrawal is intended. The beneficiary of protection can have one month to respond in writing or orally, at the discretion of the BAMF.

As a consequence of legislation that entered into force in December 2018, beneficiaries of international protection and constitutional asylum are now obliged to cooperate fully with authorities in revocation and withdrawal procedures. Since January 2019, the law authorises the BAMF to impose obligations that are very similar to the obligations that apply during the asylum procedure. This includes:

- ❖ Obligation to attend a hearing at the BAMF (personal attendance is necessary, so representation through a lawyer is usually not sufficient),
- ❖ Obligation to cooperate with the authorities in clarifying identities (including the obligation to hand over identity documents or other certificates);
- ❖ Obligation to undergo other identification measures to clarify identities (especially photographs and fingerprints);
- ❖ Obligation to accept storage of personal data by German authorities (in particular the Federal Criminal Police Office) and to accept transfer of data to other authorities both inside and outside Germany.¹⁷⁰³

The law expressly states that these measures have to be necessary and should be carried out only if the concerned person can be reasonably expected to undergo these measures. This is an important limitation as it is a common understanding that refugees and other beneficiaries of protection cannot be expected

¹⁶⁹⁹ Federal Administrative Court, Decision 1 C 21/04 of 1 November 2015, asyl.net, M7834. See also Kirsten Eichler, *Leitfaden zum Flüchtlingsrecht* (Guideline to refugee law), 2nd edition (2016), 105.

¹⁷⁰⁰ Section 73 (5) Asylum Act.

¹⁷⁰¹ Section 73a Asylum Act.

¹⁷⁰² Prior to the reforms the legal framework on the procedure was Section 73 Asylum Act, it now changed to Section 73b Asylum Act.

¹⁷⁰³ Michael Kalkmann, 'Das Gesetz zur Einführung der Mitwirkungspflicht in Widerrufsverfahren', Asylmagazin 1-2/2019, available in German at: <https://bit.ly/3tqstH3>, 6.

to approach the authorities of their country of origin, i.e., that they cannot obtain passports or other identification documents at embassies of their home country. Furthermore, the obligation to undergo new identification measures, especially the taking of fingerprints and photos, is only considered necessary (and therefore reasonable) if these measures had not already been carried out on an earlier occasion.¹⁷⁰⁴

Therefore, although it is not mandatory for the BAMF to organise one, the hearing at the BAMF is a crucial part of the revocation examination procedures and since attendance can now be mandatory, according to NGOs persons with protection status are summoned to these hearings on a regular basis.¹⁷⁰⁵ Moreover, although the BAMF is not obliged to organise a hearing in each case, they do have the obligation to inform beneficiaries of the intention to revoke the status and then give the beneficiaries the opportunity to make a written or oral statement.¹⁷⁰⁶ There is a specialised unit for revocation procedures at the BAMF which initiates the procedures. The local authorities at the BAMF are then responsible for conducting the oral hearing.¹⁷⁰⁷ The invitation letters to these hearings generally refer to the 'obligation to cooperate in an examination of whether grounds for a withdrawal or revocation exist'. In practice, a major part of the hearings is dedicated to questions concerning the identity of the persons concerned, because for most refugees there are no reasons to assume that a revocation of status could be based on the cessation clause (i.e. a change of circumstances in the countries of origin). It has been noted by stakeholders that these 'retroactive identity checks', in some cases, seem to take on the character of 'security interviews' with questions being asked that 'have nothing to do with revocation or withdrawal' in the specific case at hand but aim, for instance, at the BIP's integration in Germany or their exercise of religion.¹⁷⁰⁸ German NGO PRO ASYL has therefore criticised the examination procedures for creating uncertainty in thousands of cases, in spite of the 'extremely small' number of cases in which protection status is revoked or withdrawn in the end¹⁷⁰⁹ (see statistics below).

In 2021, fines were issued in 212 cases where persons did not follow the order to appear for the hearing. This resulted in 34 hearings being carried out.¹⁷¹⁰ In the year 2022, however, fines were issued only in eight cases where persons did not appear although ordered and resulted in two hearings carried out afterwards.¹⁷¹¹ In 2023, fines were issued in ten cases where individuals failed to comply with orders to appear for hearings, resulting in two hearings being conducted subsequently. In 2024, only one fine was issued under similar circumstances, with no hearings conducted thereafter.¹⁷¹²

If the BAMF decides to revoke or withdraw the status, the BIP has two weeks' time to appeal the decision before an Administrative Court. The appeal normally has a suspensive effect (with exceptions),¹⁷¹³ so the BIP retains such status until the court has decided upon the appeal. If BIPs choose to be represented by

¹⁷⁰⁴ Kirsten Eichler, GGUA Flüchtlingshilfe: 'Einführung von Mitwirkungspflichten im Widerrufs- und Rücknahmeverfahren', 12 December 2018, available in German at: <https://bit.ly/3auqFxR>.

¹⁷⁰⁵ In a response on 28 May 2025, the BAMF stated that 'In most cases a hearing is not necessary, because a hearing has already taken place in the recognition procedure. Therefore, persons with protection status are not summoned to these hearings on a regular basis.'

¹⁷⁰⁶ Section 73b (6) Asylum Act.

¹⁷⁰⁷ See Federal Office for Migration and Refugees, Organigramm, lastly updated 01 December 2022, available at: <http://bit.ly/3XQEkYZ>.

¹⁷⁰⁸ Pro Asyl, 'Hintergrund: Viel hilft nicht viel: Widerrufs- und Rücknahme-Aktionismus beim BAMF', 29 April 2019. See also: Taz, 'Wiederrufsprüfverfahren beim Asyl', 20 February 2020, available in German at: <https://bit.ly/3apZoMe>. The BAMF considers these relevant as 'questions to the BIP's integration in Germany (workplace, education, financial situation) can help to determine whether the foreigner would be able to secure his or her livelihood in the country of origin (see Article 3 ECHR).; Questions to their exercise of religion, can be necessary if recognition was based on conversion and it needs to be checked whether the foreigner still belongs to religion.' Information received on 28 May 2025.

¹⁷⁰⁹ Ibid.

¹⁷¹⁰ Federal Government, *Responses to parliamentary questions by The Left*, 20/940, 7 March 2022, available in German at: <https://bit.ly/3TuNOJV>, 7.

¹⁷¹¹ Federal Government, *Responses to parliamentary questions by The Left*, 20/5850, 2 March 2023, available in German at: <https://bit.ly/49CFGMa>.

¹⁷¹² Federal Government, *Responses to parliamentary questions by The Left*, 20/15142, 21 March 2025, available in German [here](#).

¹⁷¹³ According to Section 75 (2) Residence Act, the appeal has no suspensive effect if the foreigner is to be regarded as a danger to the security of the Federal Republic of Germany for serious reasons or represents a danger to the general public, has committed a crime or serious offences.

lawyers in this procedure, they would usually have to pay the fees themselves. It is possible to apply for legal aid, which is granted under normal conditions, i.e., the court decides upon legal aid after a summary assessment of the appeal's chances.

If international protection status is revoked or withdrawn, this does not necessarily mean that a foreigner loses their right to stay in Germany. The decision on the residence permit has to be taken by the local authorities and it has to take into account personal reasons which might argue for a stay in Germany (such as length of stay, degree of integration, employment situation, family ties). Therefore, it is possible that even after loss of protection status another residence permit is issued on another ground.

The legal framework applicable until end of 2022 for revocation procedures is explained in the AIDA country report Germany – update on the year 2021.¹⁷¹⁴ The following numbers of revocation procedures thus rely on the former legal framework.

The total number of revocation procedures that have been initiated in recent years is as follows:

Total number of revocation and withdrawal procedures initiated: 2017-2024							
2017	2018	2019	2020	2021	2022	2023	2024
77,106	192,664	205,285	187,565	117,093	51,537	15,424	17,578

Source: BAMF, *Aktuelle Zahlen* (monthly asylum and integration report), available in German [here](#).

As appears from the table above, there was a sharp and consistent increase in revocation procedures being initiated from 2017 to 2019, followed by a decrease from 2020. As regards the outcome of these revocation and withdrawal procedures that were already examined, they were as follows (note that the figures above cover both revocation and withdrawal procedures as national statistics do not distinguish between the two (see below [Withdrawal of protection status](#)):

Outcome of revocation and withdrawal procedures 2020 - 2024					
	2020	2021	2022	2023	2024
Revocation or withdrawal of national asylum status	155 (0.1%)	157 (0.1%)	96 (0.3%)	82 (0.41%)	53
Revocation or withdrawal of refugee status	6,339 (3.7%)	3,776 (2.2%)	1,361 (4.18%)	1,045 (5.17%)	1,071
Revocation or withdrawal of subsidiary protection	1,027 (0.6%)	1,531 (0.9%)	767 (2.36%)	614 (3.04%)	730
Revocation/withdrawal of humanitarian protection / removal ban	1,189 (0.5%)	1,166 (0.7%)	425 (1.3%)	299 (1.48%)	375
No revocation or withdrawal	244,230 (96.6%)	162,693 (96.1%)	29,889 (91.86%)	18,167 (89.9%)	50,384
Total	252,940	169,323	32,538	20,207	52,613

Source: BAMF, *Aktuelle Zahlen*, December 2024, available in German [here](#).

In the vast majority of these cases, the BAMF found no reason to revoke or withdraw the protection statuses. The total number of revocation or withdrawal decisions affected a total of 2,229 persons in 2024.

¹⁷¹⁴ AIDA, *Country Report Germany - Update on the year 2021*, April 2022, available at: <https://bit.ly/3XnN7RS>.

73,591 revocation procedures were still pending at the end of 2024. Nationalities with a comparatively high number of revocations in 2024 include Syria, Iraq and Afghanistan.

The following table outlines the outcome of revocation procedures in 2024 by nationality:

Nationality	Revocation or withdrawal of national asylum status	Revocation or withdrawal of refugee status	Revocation or withdrawal of subsidiary protection	Revocation/ withdrawal of humanitarian protection / removal ban	No revocation or withdrawal	Total
Outcome of revocation procedures in 2024						
Syria	3	388	261	22	21,346	22,020
Iraq	1	183	157	30	5,839	6,210
Afghanistan	4	65	42	57	6,543	6,702
Türkiye	10	46	36	5	3,850	3,947
Iran	10	67	6	4	1,952	2,039
Eritrea	4	59	24	9	2,618	2,714
undetermined	1	45	36	3	2,002	2,087
Somalia	0	22	18	16	1,594	1,650
Pakistan	0	8	2	11	639	660
Stateless	0	11	6	1	558	576

Source: Federal Government, *Responses to parliamentary questions by The Left*, 20/15142, 21 March 2025, available in German [here](#).

In 2024, 1,573 court decisions regarding challenges of revocation decisions were registered.¹⁷¹⁵ Only 163 appeals against revocation or withdrawal decisions by the BAMF were successful (10.36%). This rate is comparable to previous years (2023: 11%, 2022: 12.5%, 2020: 8.9%, 2019: 9.6%, 2018: 12.6%). In 735 cases (46.72%), the BAMF decision to withdraw or revoke a protection status was upheld by the courts, and 675 cases (46.92%) of appeal procedures were terminated for other reasons, e.g., because the appeal was withdrawn by the claimant, or because a settlement out of court took place. A nationality with a comparatively high rate of successful appeals in 2024 was Armenia with 21 favourable outcomes, representing a success rate of 26.92%.

¹⁷¹⁵ Federal Government, *Responses to parliamentary questions by The Left*, 20/15142, 21 March 2025, available in German [here](#).

6. Withdrawal of protection status

Indicators: Withdrawal

1. Is a personal interview of the beneficiary in most cases conducted in practice in the withdrawal procedure? ☐ Yes ☒ No
2. Does the law provide for an appeal against the withdrawal decision? ☒ Yes ☐ No
3. Do beneficiaries have access to free legal assistance at first instance in practice? ☐ Yes ☒ With difficulty ☐ No

The grounds for withdrawal of refugee status are defined in Section 73(4) of the Asylum Act: **international protection** 'shall be withdrawn if it was granted on the basis of incorrect information or withholding of essential facts and if such recognition could not be based on any other grounds.'

The procedure for withdrawal of protection status is identical to the revocation procedure, and usually the examination of the various grounds is carried out as a combined 'revocation and withdrawal procedure'. Therefore, the information given above on procedures and on statistics for the revocation procedures also applies to the withdrawal of protection (see section on [Cessation: Revocation](#)).

B. Family reunification

1. Criteria and conditions

Indicators: Family Reunification

1. Is there a waiting period before a beneficiary can apply for family reunification? ☐ Yes ☒ No
 - ❖ If yes, what is the waiting period?
2. Does the law set a maximum time limit for submitting a family reunification application?
For preferential conditions: refugee status ☒ Yes ☐ No
 - ❖ If yes, what is the time limit? 3 months
3. Does the law set a minimum income requirement? ☒ Yes ☐ No

Family reunification for refugees

Persons with **refugee status** enjoy a privileged position compared to other foreign nationals in terms of family reunification since they do not necessarily have to cover the cost of living for themselves and their families and they do not have to prove that they possess sufficient living space. In order to claim this privilege, refugees have to notify the local authorities within 3 months after the refugee status has become incontestable (final) that they wish to be reunited with a close family member (notification).¹⁷¹⁶ This notification by the refugee can be done online through the website of the Federal Foreign Office or at the local authorities.¹⁷¹⁷ The application itself has to be handed in by the family members at the embassy of the country where the family members are staying.

Persons eligible for family reunification under this provision are:

- ❖ Spouses or 'registered same-sex partners';¹⁷¹⁸

¹⁷¹⁶ Section 29(2)(1) Residence Act.

¹⁷¹⁷ Handbook Germany, Familiennachzug für Geflüchtete, lastly amended 20 August 2022, available at: <http://bit.ly/3jh3P6z>.

¹⁷¹⁸ 'Registered same-sex partnership' was introduced in 2001 as equivalent to marriage which was at that time still reserved to heterosexual couples. From 2017 on same-sex marriage is allowed in Germany. However, the term is still used, since there may still be same-sex couples who formerly registered as such and/or a similar concept might exist in other countries.

- ❖ Minor unmarried children;
- ❖ Parents of unaccompanied children, if no other parent with entitlement to custody is living in Germany;
- ❖ Minor siblings of unaccompanied children.

Depending on who is to be reunited additional criteria apply. For example, spouses need to be above eighteen years and need to have basic knowledge of German if marriage occurred post-flight.¹⁷¹⁹

In order to demonstrate the family link first and foremost official documents are considered by the authorities.¹⁷²⁰ There is no obligation to demonstrate the family link through DNA testing. However, in cases where the family link cannot be proven by official documents and reasonable doubts cannot be removed regarding the existence of a family link, the authorities are required to inform applicants about the possibility to use voluntarily DNA testing as evidence.¹⁷²¹ The question of who covers the costs for the required documents and the family reunification procedure in total is disputed and differs in individual cases. It is generally established that only the sponsors present in Germany may apply for financial compensation. Additionally, costs will only be compensated if sponsors are unable to cover the costs themselves and if the general social benefits are not sufficient to cover the costs.¹⁷²²

The family link does not need to be established before the entry of the sponsor to Germany. Explicitly family reunification is possible not only for the “protection of family life” but also for the “establishment of family life”.¹⁷²³ However, the applicability of additional criteria may depend on whether the link already existed prior to the arrival of the sponsor in Germany. For example, basic German knowledge of spouses is not required if the link already existed prior to the arrival of the sponsor in Germany.¹⁷²⁴

If refugees are entitled to family reunification under this provision, the local authorities in Germany examine the application. They then approve the application if the criteria set out above are fulfilled. The approval is sent to the embassy. Based on the approval, the German embassy in the country where the family members are staying then must issue the necessary visa. An administrative fee of € 75 for adults and half of it for minor children must be paid for the issuance of the visa.¹⁷²⁵

Generally, the reunited person must be in possession of a valid passport or equivalent travel documents.¹⁷²⁶ As mentioned above, it is contested whether sponsors or family members may apply for financial support. Exemptions are only possible if all other criteria for family reunification are fulfilled and if the identity of the person is established. The person who wishes to be reunited must apply for the exemption of holding valid travel documents and a decision on whether the exemption will be granted is discretionary.¹⁷²⁷

The overall visa application process for family reunification may take several months, depending on the embassy. The long waiting times have been a persistent issue and are frequently criticized by civil society organisations.¹⁷²⁸ In response to this, the German government introduced an action plan in 2023 aimed

¹⁷¹⁹ Section 30 para 1 Residence Act.

¹⁷²⁰ Federal Ministry of Interior, *Allgemeine Verwaltungsvorschrift zum Aufenthaltsgesetz* (General Administrative Guidelines for the Residence Act), 26 Oct. 2009, no. 27.0.4, available in German at: <https://bit.ly/3wfvPh7>.

¹⁷²¹ Federal Ministry of Interior, *Allgemeine Verwaltungsvorschrift zum Aufenthaltsgesetz* (General Administrative Guidelines for the Residence Act), 26 Oct. 2009, no. 27.0.5, available in German at: <https://bit.ly/3wfvPh7>.

¹⁷²² Eva Steffen, Infoblatt für Mitarbeitende in den Migrationsfachdiensten, Zu den rechtlichen Möglichkeiten der Übernahme von Kosten des Familiennachzuges zu international Schutzberechtigten, 18 November 2019, available in German at: <https://bit.ly/3uH0NOE>.

¹⁷²³ Section 27 para. 1 Residence Act.

¹⁷²⁴ See e.g., Section 30 para 1 sentence 2 no. 1 Residence Act.

¹⁷²⁵ Section 46 para 2 Regulation on Residence.

¹⁷²⁶ Section 3 para 1 Residence Act.

¹⁷²⁷ Federal Foreign Office, *Visumhandbuch, Ausnahme von der Passpflicht*, 130. Ergänzungslieferung, August 2022.

¹⁷²⁸ German Institute for Human Rights, *Hürden beim Familiennachzug*, December 2020, available in German [here](#).

at accelerating visa procedures for family reunification.¹⁷²⁹ However, as of September 2024, the waiting times remain significantly long at many embassies. While applicants at the German mission in New Delhi reportedly receive an appointment within two weeks, waiting times exceed 52 weeks at embassies in Addis Ababa, Beirut, Dhaka, Erbil, Islamabad, Lagos, Rabat, and Tunis.¹⁷³⁰ In Tehran, applicants also face waiting periods of over a year.¹⁷³¹ Some embassies explicitly state in advance that the processing time will take at least 12 months. There is no legal regulation that sets a maximum timeframe for visa processing. If an embassy fails to respond, applicants may file an action for inactivity, but such complaints are often dismissed if delays are considered justified due to high caseloads. As a result, overloaded embassies make legal challenges against delays largely ineffective. In cases of visa refusal, applicants can appeal the decision in writing to the diplomatic mission abroad.

According to German law, parents of unaccompanied minors may only be granted a visa if the child is still underage. Section 36 para 1 Residence Act only speaks of “parents of a minor” and does not specify the point in time at which the child has to be a minor. German Courts have previously required the minority at the time of the judicial decision, even if the child turns 18 due to a lengthy judicial process.¹⁷³² This practice has been challenged, however in the context of a CJEU decision of 2018 which clarified that the date of lodging the asylum application, and not the date of entry of the parents, is decisive for the right to family reunification, meaning that family reunification is still possible if the minor turns 18 before the arrival of the parents.¹⁷³³ The Federal Administrative Court requested a preliminary ruling of the CJEU on the matter in April 2020.¹⁷³⁴ In August 2022 the CJEU strengthened the right to family reunification in its decision. The CJEU decided that the child needs to be underage at the time of the application for asylum but not necessarily at the time of their family’s departure.¹⁷³⁵ This counts for cases where the underaged child is the sponsor as well as for cases where the parent is the sponsor. The CJEU strengthened this position again in January 2024.¹⁷³⁶ As of August 2022, according to the Federal government, 330 cases were pending at German embassies on the matter and another 250 cases were pending before courts.¹⁷³⁷ As of early 2025, according to the Federal Government, there were 11,057 unaccompanied minors in asylum or asylum litigation proceedings in Germany, with 806 of them under 14 years old. The majority of these cases involved minors from Syria and Afghanistan. While specific data on pending family reunification cases for unaccompanied minor refugees in German embassies and courts for the year 2024 is not available, it is anticipated that the CJEU’s January 2024 ruling will influence the processing of such cases. The Federal government declared that they advised the embassies and Federal states to quickly implement the CJEU’s decision to respond to the backlog of cases. The party *The Left* however criticised that the non-compliance with the CJEU decision of 2018 already led to wrong decisions causing serious harm and trauma to many families in the last years.¹⁷³⁸

Another discussion arose in 2022 on the additional criteria for family reunification in cases where minor children are the sponsors and want to reunite with their parents. Parents of unaccompanied minors may

¹⁷²⁹ German Bundestag, *Minutes of the 72nd Meeting of the Committee on Tourism, 20th Electoral Term*, June 26 2024, available in German [here](#).

¹⁷³⁰ German Bundestag, *Waiting times for visa applications for family reunification*, 30 September 2024, available in German [here](#).

¹⁷³¹ German Federal Foreign Office, *Appointment-System of the German Foreign Office – Tehran: Registration to apply for a long-term visa for family reunification (for stays exceeding 90 days)*, n.d., available [here](#).

¹⁷³² Federal Administrative Court, 10 C 9.12 - Decision of 18 April 2013, available in German at: <https://bit.ly/49jMBdC>.

¹⁷³³ CJEU, Case C-550/16, *A und S / Staatssecretaris van Veiligheid en Justitie*, Judgement of 12 April 2018, available at: <https://bit.ly/3RuoEbL>.

¹⁷³⁴ Federal Administrative Court, 1 C 9.19 – Decision of 23 April 2020, available in German at: <https://bit.ly/486ZFCn>.

¹⁷³⁵ CJEU, Joined Cases C-273/20, C-355/20, Judgement of 1 August 2022, ECLI:EU:C:2022:617, available in German at: <https://bit.ly/3Tz9THo>.

¹⁷³⁶ CJEU C-560/20, Judgment of 30 January 2024, ECLI:EU:C:2024:96, available at: <https://bit.ly/3uxVr8z>.

¹⁷³⁷ Federal Government, *Response to parliamentary question by The Left, 20/4146*, 20 October 2022, available in German at: <https://bit.ly/3RkYCYa>, 20.

¹⁷³⁸ Tagesschau.de, Bundesregierung will Familiennachzug erleichtern, 26 October 2022, available in German at: <http://bit.ly/3kXFWSf>.

only be granted a visa if the family already existed in the country of origin.¹⁷³⁹ In the case discussed, the child was born in Germany, so it was argued that the ‘family’ did not exist yet at the time the parents were in the country of origin. However, the Higher Administrative Court decided that the criterion of the ‘already existing family’ does not necessarily require identical persons but that the family already exists as a family tribe, meaning that the child does not need to be born prior to their arrival in Germany in order to later become a sponsor for the parent.¹⁷⁴⁰

If family members of refugees apply for family reunification later than 3 months after the status determination has become final, ‘normal rules’ for family reunification apply. In particular, refugees living in Germany have to prove that they can cover the cost of living for themselves and their families and that they have sufficient living space.¹⁷⁴¹ For family reunification of spouses, a further requirement is that both spouses have to be at least 18 years of age.¹⁷⁴²

One important privilege applies regardless of whether the procedure for family reunification is initiated within the three-month period or at a later date: Spouses of refugees who wish to immigrate to Germany by means of family reunification do not have to prove that they have basic German language skills.¹⁷⁴³

In 2024, German embassies issued around 123,475 visas for the purpose of family reunification¹⁷⁴⁴ – approximately 28,300 of those were granted to individuals from the following countries of origin for asylum seekers: Syria (approx. 20,000), Iran (4,400), Afghanistan (2,600), and Iraq (1,300). Approximately 12,000 visas were issued to family members of beneficiaries of subsidiary protection.¹⁷⁴⁵ In 2023 a total of 124,625 visas for family reunification were issued, out of which 10,570 were for beneficiaries of refugee protection and 12,067 for beneficiaries of subsidiary protection.¹⁷⁴⁶ The number of visas issued in 2023 was again higher than in 2022 (19,449) and in the years 2020 and 2021 when Covid impacted the family reunification procedure,¹⁷⁴⁷ but is still a little below the 2019 numbers (24,835).¹⁷⁴⁸

Family reunification for beneficiaries of subsidiary protection

In 2018 the right to family reunification was effectively abolished for **beneficiaries of subsidiary protection** and was replaced with a provision according to which 1,000 relatives shall be granted a visa to enter Germany each month.¹⁷⁴⁹ This means that the privileged conditions that apply to family reunification for refugees do not apply to beneficiaries of subsidiary protection and have been replaced with a ‘humanitarian clause’ which places family reunification at the discretion of the authorities. As such, the beneficiary of subsidiary protection does not have a right to family reunification. Instead, the family members need to apply themselves for reunification and the decision is at the discretion of the authorities.

¹⁷³⁹ Section 26 (3) (no.2) Asylum Act.

¹⁷⁴⁰ Higher Court of Rhineland-Palatinate, Decision 13 A 11241/21.OVG, 25 June 2022, available in German at: <http://bit.ly/3HolJwj>.

¹⁷⁴¹ Sections 27(3) and 29 Residence Act.

¹⁷⁴² Section 30(1)(1) Residence Act.

¹⁷⁴³ Section 30(1)(3) Residence Act.

¹⁷⁴⁴ German Bundestag, *Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten Clara Büniger, Dr. Gökay Akbulut, Nicole Gohlke, weiterer Abgeordneter und der Gruppe Die Linke – Rückführungen und Abschiebungshaft von Ausreisepflichtigen*, Drucksache 20/15151, 27 March 2025, available [here](#).

¹⁷⁴⁵ Mediendienst Integration, ‘Was bedeutet ein Stopp des Familiennachzugs?’, 10 March 2025, available in German [here](#).

¹⁷⁴⁶ Reply to oral parliamentary question by Clara Büniger (Die Linke), 19 December 2023, question no. 80, available in German [here](#).

¹⁷⁴⁷ Reply to oral parliamentary question by Clara Büniger (Die Linke), 8 February 2023, question no. 37, available in German at: <https://bit.ly/3OJPJaq>; for information on the impact of Covid-19 on the family reunification procedure, see: AIDA, *Country Report Germany – Update on the year 2021*, April 2022, available at <https://bit.ly/3XnN7RS>, 170.

¹⁷⁴⁸ Neue Osnabrücker Zeitung, ‘Familiennachzug hat im vergangenen Jahr wieder deutlich zugenommen’, 10 March 2022, available in German at: <https://bit.ly/389cYbi>.

¹⁷⁴⁹ Section 36a Residence Act; Section 104(13) Residence Act.

This is regulated in Section 36a of the Residence Act, according to which only members of the ‘immediate family’ (spouses, registered partners, minor unmarried children, parents of unaccompanied children) are eligible for family reunification. In order to be included in the monthly quota of 1,000 visas, ‘humanitarian reasons’ shall be decisive, which are listed in the law as follows:

- ❖ Long duration of separation of family members,
- ❖ Separation of families with at least one (minor) unmarried child,
- ❖ Serious risks to life, limb or personal freedom of a family member living abroad,
- ❖ Serious illness, need for care or serious disabilities of a family member living abroad.

In addition, the welfare of the child and ‘integration aspects’ (e.g., language skills, ability to provide for means of living) may be taken into account.¹⁷⁵⁰

The monthly quota for visas has not been reached since the introduction of the new regulation for beneficiaries of subsidiary protection, due to a complicated procedure involving three different authorities: Embassies or consulates – often in cooperation with IOM – have to carry out an interview with the family members who have applied for visa; then the local alien’s offices in Germany have to decide whether the necessary humanitarian criteria are fulfilled; and then they have to pass on the visa applications to the Federal Administrative Office (*Bundesverwaltungsamt*) which theoretically should select the most urgent 1,000 cases per month.¹⁷⁵¹ In practice, this selection does not take place since procedures at the local authorities are lengthy, resulting in less than 1,000 applications per month. As a result, the Federal Administrative Office usually authorises all cases submitted by the local authorities and informs the embassies or consulates that visas may be issued.

In 2024, approximately 12,000 visas were issued to family members of beneficiaries of subsidiary protection.¹⁷⁵² As of December 12, 2023, Germany had issued 12,067 visas to family members of beneficiaries of subsidiary protection, fully utilizing the annual quota of 12,000 visas for that year. 10,778 of those visas in 2023 were granted to Syrian nationals, 176 to Afghan, 54 to Turkish, 83 to Iraqi and 2 to Iranian nationals.¹⁷⁵³ In 2022, 8,859 visas were granted, representing 74% of the annual quota.

Also for beneficiaries of subsidiary protection, the question arises concerning the time of their minority in relation to family reunification. As already mentioned, the German Courts have in the past evaluated the age of the beneficiary at the time of the court decision and must now refer to the time of the asylum application due to several CJEU rulings (see above). However, those rulings are based on the directive 2003/86/EC,¹⁷⁵⁴ which does not apply to beneficiaries of subsidiary protection.¹⁷⁵⁵ Thus, German courts have argued, that the right to family reunification ends when the subsidiary protection status holder becomes an adult.¹⁷⁵⁶ Until January 2024, there is no final decision concerning this matter of the highest administrative court. This means that a delay in procedures, in particular on the part of local authorities, might put family reunification of young persons with subsidiary protection again at risk.¹⁷⁵⁷ In order to

¹⁷⁵⁰ Detailed information on the legal requirements and the procedure can be found at: <https://familie.asyl.net/>.

¹⁷⁵¹ A description of the procedure in English has been published by Initiative ‘Familienleben für alle’, available at <https://bit.ly/2V6QzBg>.

¹⁷⁵² Mediendienst Integration, ‘Was bedeutet ein Stopp des Familiennachzugs?’, 10 March 2025, available in German [here](#).

¹⁷⁵³ *Reply to oral parliamentary question by Clara Büniger (Die Linke)*, 19 December 2023, question no 80, available in German at: <https://bit.ly/3SOEbnl>.

¹⁷⁵⁴ See inter alia CJEU, Case C-550/16, *A und S / Staatssecretaris van Veiligheid en Justitie*, Judgement of 12 April 2018, available at: <https://bit.ly/3RuoEbL>.

¹⁷⁵⁵ Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, available at: <https://bit.ly/3UINR5z>.

¹⁷⁵⁶ Administrative Court of Berlin, Decision 38 K 27.18 V, 29 March 2019, available at: <https://bit.ly/2VGrPQW>.

¹⁷⁵⁷ An account of a case in which a 17-year-old Syrian could only be reunited with his mother following a ‘last-minute’ court intervention can be found here: Pro Asyl, *Aus der Praxis: Familiennachzug – Zustimmung in letzter Minute*, 2 January 2020, available at: <https://bit.ly/39VrQp9>.

safeguard the right to family reunification, the Administrative Court of Berlin has repeatedly asked authorities to prioritise procedures of unaccompanied minors who were approaching their 18th birthday.¹⁷⁵⁸

The suspension of family reunification for beneficiaries of subsidiary protection coincided with a steep rise in decisions in which asylum applicants were granted subsidiary protection instead of refugee status. At the same time, the suspension of family reunification resulted in tens of thousands of beneficiaries of subsidiary protection appealing against the authorities' decisions in order to gain refugee status ('upgrade-appeals', see [Subsequent applications](#) and [Differential treatment of specific nationalities in the procedure](#)).

The coalition programme of November 2021 underlines in this regard that the restrictions on family reunification for beneficiaries of subsidiary protection should be removed. Minors who have received a protection status should be allowed to bring their siblings, and not only their parents as is currently the case. It remains to be seen if these measures will be implemented in practice. However, the Federal government has not initiated any legal reforms yet. Instead, the Federal Administrative Court ruled in December 2022 that a distinction between refugees and beneficiaries of subsidiary protection concerning the right to family reunification does not violate the Constitution.¹⁷⁵⁹

Ad hoc family reunification programmes for Syrian and Afghans

For Syrian refugees, some regional programmes for family reunification were still in place until the end of 2024. These programmes were reserved for first- and second-degree relatives of persons living in Germany with refugee status or another legal residential status. In contrast to the 'normal' family reunification procedures, the family members living in Germany had to act as sponsors by declaring that they will cover the cost of living of their relatives (either from their own resources or with the help of external sponsors). In 2020 and 2021 such programmes were in place in the Federal States of **Berlin** (until the end of 2024 with a decision on further extension pending),¹⁷⁶⁰ **Brandenburg** (until the end of 2023),¹⁷⁶¹ **Bremen** (until the end of September 2021), **Hamburg** (until end of November 2023),¹⁷⁶² **Schleswig-Holstein** (until end of 2023)¹⁷⁶³ and **Thuringia** (until end of December 2024).¹⁷⁶⁴

Established in 2021 and 2022, several Federal States (**Berlin, Bremen, Hessen, Schleswig-Holstein** and **Thuringia**) implemented similar family reunification programmes for family members of Afghan refugees until the end of 2023.¹⁷⁶⁵ The Federal government approved these programmes.¹⁷⁶⁶

¹⁷⁵⁸ Administrative Court of Berlin, Decision 38 L 502.19 V, 16 January 2020, available in German at: <https://bit.ly/34NRMCO>; Decision 38 L 442.19 V, 26 November 2019, available at: <https://bit.ly/3cDid0d>. For an overview of jurisprudence on this subject, see German Red Cross: *Nachzug zu subsidiär Schutzberechtigten, besonders Minderjährige vor Eintritt der Volljährigkeit: Fachinformation des DRK-Suchdienstes zum Familiennachzug (FZ) von und zu Flüchtlingen*, February 2020, available in German at: <https://bit.ly/2wuFwK8>.

¹⁷⁵⁹ Judgement not available yet. Instead see: Federal Administrative Court, 'Voraussetzungen für den Familiennachzug zu subsidiär Schutzberechtigten', press release Nr. 78/2022, 8 December 2022, available in German at: <https://bit.ly/3YcL6rO>.

¹⁷⁶⁰ Berlin, Aufnahmeregelung für afghanische, syrische und irakische Flüchtlinge mit Verwandten in Berlin, available in German at: <https://bit.ly/42EZgFB>.

¹⁷⁶¹ Brandenburg, Allgemeine Weisung Nr. 4/2022, available in German at: <http://bit.ly/3HJGRyj>.

¹⁷⁶² Hamburg, Anordnung Nr. 2/2022, available in German at: <https://bit.ly/3wIz6T3>.

¹⁷⁶³ Schleswig-Holstein, Landesaufnahmeprogramm für syrische Familien bis Ende 2023 verlängert, 21 December 2022, available in German at: <http://bit.ly/3jh0KDH>.

¹⁷⁶⁴ Refugee Council Thuringia, Familiennachzug - Syrien Aufnahmeprogramm, available in German at: <http://bit.ly/40g4eqA>.

¹⁷⁶⁵ Netzwerk Berlin Hilft, 'Berlin & Bremen beschließen Landesaufnahmeprogramme für Afghanistan – mit Defiziten', 29 December 2021, available in German at: <https://bit.ly/3rLdHFS>, Ministry of the Interior of Schleswig-Holstein, 'Innenministerin Sütterlin-Waack: Schleswig-Holstein bereitet ein eigenes Landesaufnahmeprogramm für Menschen aus Afghanistan vor', 17 August 2021, available in German at: <https://bit.ly/3KYl1fv>.

¹⁷⁶⁶ Federal government, *response to parliamentary request, 20/4209*, available in German at: <https://bit.ly/3jhzuFc>, 30.

Civil society organisations have welcomed the introduction of such programs and the corresponding prerequisites for the family members, however, criticises that only a small number of Federal States have implemented them. In addition, the conference of interior ministers of the Federal States has decided that such programmes should have more restrictive prerequisites.¹⁷⁶⁷ In any case, the programs unfortunately are coming to an end. For example, for family members of Afghan refugees, only Berlin still provides an ad hoc reunification program that was halted at the end of 2024 with a decision on its further extension still pending as of April 2025.¹⁷⁶⁸

In parallel, in October 2022, the Federal Government introduced a reception and family reunification programme for Afghans and family members of Afghans with a monthly quota of 1,000 people (see also [Differential treatment of specific nationalities in the procedure](#) for further details).¹⁷⁶⁹ Criticism has been raised by the party *The Left* as to the fact that the visa procedure for family reunification from Afghanistan is extremely lengthy. Accordingly, despite the discretion of the local authorities to shorten the procedure in cases of concrete danger, the procedure continues to take over one year.¹⁷⁷⁰ The Left further criticises that because applications for the special reunification programmes may only be filed in Afghanistan and embassies in Pakistan and India are overburdened with applications for family reunification, many family members in practice do not have access to family reunification.¹⁷⁷¹

2. Status and rights of family members

If family members are already in Germany and have applied for asylum at the same time as or prior to the person granted protection or if family members arrive in Germany and immediately apply for asylum while their partner has already been granted protection, they are usually granted the protection status at the same time, often as part of the same decision, within the concept of 'family asylum'. These provisions apply to refugees and beneficiaries of subsidiary protection accordingly.¹⁷⁷²

If family members arrive without a visa after the partner has been granted protection and do not immediately apply for asylum, they may face charges for illegal entry under Section 95 Residence Act.

Family members who reach Germany by means of family reunification are entitled to a residence permit with a validity of at least one year. The maximum period of validity must not exceed the period of validity of the residence permit held by the beneficiary of protection.¹⁷⁷³ At first, the right of residence is generally dependent on the status of the beneficiary of protection, so residence permits of family members are prolonged as long as this person enjoys protection status. However, after a period of three years, spouses may gain entitlement to a right of residence which is independent of the beneficiary of protection. Accordingly, they can be issued a residence permit of their own in case of a divorce.¹⁷⁷⁴

¹⁷⁶⁷ ProAsyl, Flüchtlingspolitische Anliegen zur Tagung der Innenminister*innenkonferenz im Juni 2023, 12 June 2023, available in German at: <https://bit.ly/3utlQo2>.

¹⁷⁶⁸ Berlin, Aufnahme- und Asylverfahren für afghanische, syrische und irakische Flüchtlinge mit Verwandten in Berlin, available in German at: <https://bit.ly/42EZgFB>.

¹⁷⁶⁹ Federal Ministry of Interior, Aufnahme- und Asylverfahren, 21 December 2022, available in German at: <http://bit.ly/3jhXlnY> and Federal Foreign Ministry, 'Action Plan for Afghanistan', 23 December 2021, available at: <https://bit.ly/3uF42IJ>.

¹⁷⁷⁰ Federal government, *response to parliamentary request*, 20/3430, available in German at: <https://bit.ly/3HOs4Tk>, 22.

¹⁷⁷¹ Federal government, *response to parliamentary request*, 20/3430, available in German at: <https://bit.ly/3HOs4Tk>, 22.

¹⁷⁷² Section 26(5) Asylum Act.

¹⁷⁷³ Section 27(4) Residence Act.

¹⁷⁷⁴ Section 31 Residence Act.

C. Movement and mobility

1. Freedom of movement

No restrictions on the freedom of movement within Germany exist for refugees and beneficiaries of subsidiary protection. They can travel at any time to any destination within Germany, without having to ask for permission from the authorities, in contrast to the so-called 'residence obligation' which applies to asylum seekers during the early stages of the procedure (see [Reception Conditions: Freedom of Movement](#)).

However, since August 2016, refugees and beneficiaries of subsidiary protection are generally obliged to take up their place of residence within the Federal State in which their asylum procedures have been conducted. This has been regulated by the 'residence rule' of Section 12a of the Residence Act.¹⁷⁷⁵

Further to the obligation to reside in a Federal State, authorities can impose further restrictions and oblige beneficiaries to take up a place of residence in a specific municipality within the Federal State. This obligation is now applied in seven Federal States: **Bavaria, Baden-Württemberg, North Rhine-Westphalia, Hesse, Saarland, Saxony** and **Saxony-Anhalt**, with some regional distinctions. For instance, in the Federal State of **Saxony**, the obligation to live in a particular place is limited to a one-year period, as opposed to the possible three-year period applied in other states.¹⁷⁷⁶ Furthermore, the Federal States of **Lower Saxony** and **Rhineland-Palatinate** introduced 'negative' regulations according to which refugees can be asked *not* to move to certain municipalities. This regulation is effective for three towns in **Lower Saxony** (Salzgitter, Delmenhorst and Wilhelmshaven) and one in **Rhineland-Palatinate** (Pirmasens) which are faced with structural economic difficulties and already house a comparably high number of migrants and refugees. In Rhineland-Palatinate, the 'negative' regulation for Pirmasens was lifted in 2021 but reinstated in January 2025. The 'city-states' (Berlin, Hamburg, Bremen) and several smaller Federal States (**Brandenburg, Mecklenburg-Vorpommern, Schleswig-Holstein, Thuringia**) have not introduced any further restrictions beyond the obligation to take up residence in the respective Federal State.¹⁷⁷⁷

The obligation to live in a certain Federal State or in a certain municipality remains in force for a maximum period of three years, but it can be lifted for certain reasons e.g., for family-related reasons or for education and employment purposes.

The regulation of Section 12a of the Residence Act only applies to beneficiaries of protection who have been granted a residence permit based on protection status since 1 January 2016. The residence rule shall not apply if a beneficiary of protection (or one of their family members) can take up a job in another place if this job provides for a sufficient income to cover the cost of living. For the lifting of the obligation in case of a job in another place, it is now sufficient that the beneficiaries are able to cover the 'overwhelming part' of the cost of living with the income, whereas before beneficiaries had to cover all the living costs.¹⁷⁷⁸ It also has to be lifted, if a beneficiary of protection takes up vocational training or university education in another place. Furthermore, the rule shall not apply if family members (spouses, registered partners or minor children) live in another place.¹⁷⁷⁹ In 2022 the legal framework for the obligatory place of residence has been slightly changed. New exception grounds for the obligation to take up a specific place of residence have been introduced. Accordingly, beneficiaries of international protection may be

¹⁷⁷⁵ Not to be confused with the 'geographical restriction' or 'residence obligation' (*Residenzpflicht*) as described above. The residence rule is part of the so-called Integration Act of 31 July 2016, Official Gazette I no. 39 (2016) of 5 August 2016, 1939.

¹⁷⁷⁶ Welt.de, 'Dort wohnen, wo der Staat es will', 1 March 2019, available in German at: <https://bit.ly/2XiTGZH>.

¹⁷⁷⁷ Melina Lehrian, 'Zwei Jahre Wohnsitzregelung nach Artikel 12a AufenthG – Ein Überblick zur Umsetzung der Regelung in den einzelnen Bundesländern', *Asylmagazin* 12/2018, available at: <https://bit.ly/2V7T1rn>, 416-423.

¹⁷⁷⁸ GGUA, 'Änderungen ab 1. June 2022 für Geflüchtete aus der Ukraine mit Aufenthaltserlaubnis nach § 24 AufenthG oder nach Antrag auf § 24 AufenthG', 27 May 2022, available in German at: <https://bit.ly/3JwRohS>.

¹⁷⁷⁹ Section 12a(5) Residence Act.

exempted from the obligation if their participation in an integration course or other qualification measures requires them to move somewhere else.

According to the official explanatory memorandum, the residence rule is supposed to promote sustainable integration by preventing the segregation of communities.¹⁷⁸⁰ However, it has been questioned whether the way in which the provision has been put into effect is suitable for achieving the intended aim.¹⁷⁸¹ A study by the Technical University of Dresden on existing ‘residence rules’ was published in March 2018. The author points out that it will take more time to assess the positive or negative effects of the regulations introduced in 2016. At the same time, she concludes that the new measures should not be expected to have too many regulatory effects on the labour and housing markets and on the integration efforts of refugees. This is because the number of persons affected by the new regulations was rather low in comparison to the overall migrant and refugee communities in Germany. Furthermore, she argues that integration processes are generally difficult to regulate by law.¹⁷⁸²

A brief analysis of the impact of the residence rule was published in January 2020.¹⁷⁸³ This paper is based on the ‘IAB-BAMF-SOEP survey’, a representative study on the living conditions of refugees which has been carried out on an annual basis since 2016. In this analysis, the situation of refugees who are subject to the residence rule is compared to other refugees, in particular those who were granted refugee status at an earlier date, before the introduction of the regulation. The duration of stay in Germany as well as other regional and individual factors were taken into account in order to avoid possible distortions. The main findings of this analysis are:

- ❖ Refugees who are subject to the residence rule are less likely to be employed;
- ❖ Refugees who are subject to the residence rule are less likely to live in private accommodation (as opposed to collective accommodation);
- ❖ It could not be ascertained whether the residence rule had a positive or negative impact on refugees’ German language skills or their (successful) participation in integration courses.

Another report based on the ‘IAP-BAMF-SOEP survey’ from October 2024 confirms the hindering effect of residency restrictions on access to employment among refugees, particularly space-specific restrictions within federal states.¹⁷⁸⁴

An independent study from ‘Paritätischer Gesamtverband’ from 2022 confirmed these findings. In the study, the obligation has been highly criticised as standing in contrast to the aim of facilitating integration. E.g. access to the job market, access to regular housing and protection for victims of violence is heavily impeded by the obligation.¹⁷⁸⁵

In a ruling of 4 September 2018, the High Administrative Court of North Rhine-Westphalia decided that the Federal State’s regulation on the residence obligation for refugees was illegal. According to the court, the wording of the directive was too restrictive as it stated that refugees ‘should, as a rule’ be obliged to reside in the town or district to which they had been accommodated during the asylum procedure.¹⁷⁸⁶ Although the decision was restricted to North Rhine-Westphalia, it highlights that authorities generally have to conduct an individual assessment to determine whether a residence obligation is useful ‘to enhance the prospects of a sustainable integration’.¹⁷⁸⁷ In the aftermath of the judgment the government

¹⁷⁸⁰ Explanatory memorandum, Bundestag Document no. 18/8614, 42-43.

¹⁷⁸¹ Clara Schlotheuber and Sebastian Röder, *Integrative (?) Zwangsmaßnahme (!), Die neue Wohnsitzregelung nach § 12a AufenthG*, Asylmagazin 11/2016, available in German at: <https://shorturl.at/gvDJ5>, 364-373.

¹⁷⁸² Nona Renner, *Die Wohnsitzauflage als Mittel deutscher Integrationspolitik? Das Beispiel Sachsen*, MIDEM-Policy Paper 01/18, Dresden, available at: <https://bit.ly/3wkFVGn>.

¹⁷⁸³ Institut für Arbeitsmarkt- und Berufsforschung (IAB): *Wohnsitzauflagen reduzieren die Chancen auf Arbeitsmarktintegration*, IAB-Kurzbericht 2/2020, January 2020, available in German at: <https://bit.ly/34rH7wL>.

¹⁷⁸⁴ IAB, *Labor market integration of refugees: Improved institutional settings promote employment*, IAB Kurzbericht 10/2024, accessed 10 April 2025, available [here](#).

¹⁷⁸⁵ Der Paritätische Gesamtverband, *Die Wohnsitzregelung gem. § 12a AufenthG*, April 2022, available in German at: <https://bit.ly/3jmhNEq>.

¹⁷⁸⁶ High Administrative Court North Rhine-Westphalia, Decision 18 A 256/18, 4 September 2018.

¹⁷⁸⁷ Claudius Voigt, ‘Zum Urteil des OVG Nordrhein-Westfalen: Rechtswidrige pauschale Wohnsitzzuweisung’, Asylmagazin 12/2018, 454-458.

of North Rhine-Westphalia generally evaluated the state's rules and amended those parts where the court objected.¹⁷⁸⁸ Apart from this ruling, few cases have become known in which courts were asked to decide on the legality of the residence rule.

The residence rule for persons with protection status had originally been introduced for a period of three years, so it would have run out at the end of July 2019. The explanatory memorandum to the integration act of 2016 had stated that the decision on whether the rule would be discontinued or extended should be based on an evaluation of its impact. Although this evaluation never took place, a new law was introduced in the spring of 2019 and entered into force on 12 July 2019.¹⁷⁸⁹ This law has now made the residence rule permanent. The main principles of the regulation remain unchanged, as only a few clarifications were introduced (e.g. concerning the continuation of the residence rule after an authorised move to another Federal State). Furthermore, a new sanction was introduced for persons who have moved to another place without permission while they were subject to the residence rule: In these cases, the obligation to stay in the assigned place of residence can now be extended 'by the (same) period of time at which the foreigner has not complied with the obligation'.¹⁷⁹⁰ Again, the explanatory memorandum to the law states that an evaluation of the impact of Section 12a of the Residence Act is supposed to take place within three years.¹⁷⁹¹ The amendments in the legal framework slightly improve the situation of beneficiaries since more exceptions and reasons for lifting the obligation have been introduced.

However, according to an evaluation by the BAMF from 2023, the obligation to take up residence in specific does not show to have a positive effect on integration. In contrast, due to the general shortcomings in housing, the obligation fosters a prolonged stay in accommodation centres, since refugees cannot find private housing in the assigned places. Furthermore, the obligation to reside in specific places has a negative impact on access to the labour market.¹⁷⁹² The German Institute for Economic Research (DIW) published a similar analysis in May 2024 titled "Residence Regulation for Refugees: Small Impact, Large Effort."¹⁷⁹³ The findings indicate that this regulation restricts refugees' mobility without promoting integration in areas such as employment, housing, social connections, and language acquisition. Additionally, the study highlights the significant administrative burden associated with implementing the regulation.

2. Travel documents

Persons with **refugee status** are entitled to 'travel documents for refugees' (*Reiseausweis für Flüchtlinge*) in accordance with Article 28 of the 1951 Refugee Convention. The travel document for refugees and the residence permit are usually issued together on application after the refugee status has been established. The document shall adhere to European standards¹⁷⁹⁴ and therefore has to include a storage medium with the facial image, fingerprints, etc.¹⁷⁹⁵

The duration of the travel document for refugees is usually up to three years. For each renewal, the refugee has to pay a EUR 70 fee.¹⁷⁹⁶ Alternatively, it can be issued as a preliminary travel document, i.e.

¹⁷⁸⁸ Ministry for children, family, refugees and integration North Rhine-Westphalia, Bericht zur Evaluierung der Wohnsitzregelung für anerkannte Schutzberechtigte in Nordrhein-Westfalen, 1 August 2019, available in German at: <http://bit.ly/3Jyhm4E>.

¹⁷⁸⁹ Act to remove the time-limit of the integration Act (*Gesetz zur Entfristung des Integrationsgesetzes*), Official Gazette I, No. 25, 11 July 2019, 914.

¹⁷⁹⁰ Section 12a(1)(3) Residence Act.

¹⁷⁹¹ Explanatory memorandum to draft bill, 25 March 2019, 19/8692, 9.

¹⁷⁹² BAMF, *Evaluation der Wohnsitzregelung nach § 12a AufenthG*, 29 August 2023, available in German at: <https://bit.ly/49yB2Po>.

¹⁷⁹³ Ludger Baba and others, 'Wohnsitzregelung für Geflüchtete: Kleine Wirkung, großer Aufwand' (*DIW Wochenbericht 20/2024*, May 2024), available in German [here](#).

¹⁷⁹⁴ Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States, OJ L385/1.

¹⁷⁹⁵ Section 4(4) Residence Regulation (*Aufenthaltsverordnung*).

¹⁷⁹⁶ Section 48 Residence Regulation.

without an electronic storage medium, for 'up to one year'.¹⁷⁹⁷ A prolongation of the document is not possible, so refugees have to apply for a new document once the old one has expired. If their travel document expires on a journey, they may exceptionally apply for a travel document for aliens (see below) from abroad.¹⁷⁹⁸ In these cases, applicants need a valid residence permit and the embassy checks whether a cessation of the German residence permit due to an absence of more than six months from Germany can be assumed.¹⁷⁹⁹ If the beneficiary has been absent for more than six months, it is assumed that the responsibility for the beneficiary has been shifted to the state where the beneficiary is present. However, the travel document is usually valid for the same period as the residence permit.

In cases where the validity of the residence permit will expire during the time abroad, the beneficiary is required to apply for a renewal of the residence permit prior to his absence. Since online applications for the renewal of residence permits are not (yet) possible and the application for a renewal needs to be done at the responsible local authority (see [Residence permit](#)) the beneficiary needs to make sure that his application for a renewal of residence permit is done prior to his journey. If the application for renewal has been lodged prior to the expiration, a 'Fictional approval' (*Fiktionsbescheinigung*) is granted, which secures the legality of the stay in Germany until the renewal and equally allows travelling abroad and re-entry to Germany in combination with the expired residence permit.¹⁸⁰⁰

Beneficiaries of **subsidiary protection** can be issued with a travel document for foreigners (*Reiseausweis für Ausländer*) if they do not possess a passport or a substitute document and if they cannot be reasonably expected to obtain a passport or a substitute document from the authorities of their country of origin.¹⁸⁰¹ This is a general provision which applies to beneficiaries of subsidiary protection as well as to other aliens with residence status in Germany. In 2022, the Federal Administrative Court decided that if the obtainment of a passport from the authorities of their country of origin is made conditional on a 'declaration of repentance' (*Reueerklärung*), it is not reasonable to require the beneficiary of subsidiary protection to do so. In this case, Eritrean nationals had to sign 'declarations of repentance' of having committed a crime at the Eritrean embassy when applying for national passports. The very reason for being granted subsidiary protection was that they faced the risk of being subjected to torture in prison. The court decided that the 'declaration of repentance' violates the Right to Privacy.¹⁸⁰²

While it is generally accepted that refugees and their family members cannot be reasonably expected to obtain a passport from the authorities of their country of origin,¹⁸⁰³ this is not the case for beneficiaries of subsidiary protection. Guidelines by the Federal Ministry of Interior stipulate that persons who cannot be deported for legal or humanitarian reasons generally cannot be expected to travel to their countries of origin if this is necessary to obtain a passport.¹⁸⁰⁴ This applies to beneficiaries of subsidiary protection as well. However, if it is possible to obtain a passport from an embassy in Germany, beneficiaries of subsidiary protection are generally required to do so. If they argue that this is impossible for them, they have to apply for a 'travel document for aliens' on individual grounds and have to demonstrate that they cannot be reasonably expected to get a passport on individual grounds. Beneficiaries of subsidiary protection often face difficulties in demonstrating that they cannot be reasonably expected to get a passport.¹⁸⁰⁵ In one recent case, the Federal Administrative Court rebutted the assumption that beneficiaries of subsidiary protection can reasonably be expected to obtain a passport from the embassy

¹⁷⁹⁷ Section 4(1) Residence Regulation.

¹⁷⁹⁸ Section 4(1) No. 1, Section 5 and Section 7 and Section 11 Regulation on Residence.

¹⁷⁹⁹ Foreigners Office, Visumhandbuch, Fiktionsbescheinigung, 297 (pdf Version), 77. Ergänzungslieferung, October 2023, available in German at: <https://bit.ly/49Ddqcx>.

¹⁸⁰⁰ Foreigners Office, Visumhandbuch, Fiktionsbescheinigung, 297 (pdf Version), 77. Ergänzungslieferung, October 2023, available in German at: <https://bit.ly/49Ddqcx>.

¹⁸⁰¹ Section 5(1) Residence Regulation.

¹⁸⁰² Federal Administrative Court, Decision 1 C 9.21, available in German at: <https://bit.ly/3wmkdJi>.

¹⁸⁰³ Asyl.net, *Passbeschaffung und Ersatzpapiere*, Oktober 2022, available in German at: <https://bit.ly/3UEKtss>.

¹⁸⁰⁴ Federal Ministry of Interior, *Allgemeine Verwaltungsvorschrift zum Aufenthaltsgesetz* (General Administrative Guidelines for the Residence Act), 26 Oct. 2009, available in German at: <https://bit.ly/3ONlqPb>, no. 3.3.1.3.

¹⁸⁰⁵ Federal Association for Unaccompanied Refugee Minors (BumF), *Passbeschaffung & Identitätsklärung*, available in German at: <http://bit.ly/3jiEAKy>.

of their country of origin if they require the beneficiary to sign a 'repentance statement' (*Reueerklärung*).¹⁸⁰⁶

German passport replacement documents, such as the travel document for foreigners (*Reiseausweis für Ausländer*), are usually issued with the same validity as the residence permit.¹⁸⁰⁷ Travel documents and residence permits are valid on a case-by-case basis. When issuing these documents, the fee specified in the German laws (*Aufenthaltsverordnung*) must be paid.¹⁸⁰⁸

D. Housing

Indicators: Housing

- | | |
|---|--------------------------|
| 1. For how long are beneficiaries entitled to stay in reception centres? | No limit ¹⁸⁰⁹ |
| 2. Number of beneficiaries staying in reception centres as of 31 December 2024: | Not available |

Neither refugees nor beneficiaries of subsidiary protection are obliged to stay in reception centres or other forms of collective accommodation centres. However, in many places, particularly in the big cities, it often proves very difficult for beneficiaries to find apartments after they have been granted protection status. The pressure on the housing market has been increasing since 2022. The reasons are numerous. The general housing situation in Germany is very tense. According to an economist who advises local cities in their building projects, the number of immigrants does not meet the number of newly constructed flats and the building capacity is even decreasing.¹⁸¹⁰ The federal government's target of 400,000 new homes annually is still not met by reality. In 2024, the Central Association of the German Construction Industry expected a maximum of only 255,000 completions of new flats – a significant decrease compared to 294,400 in 2023.¹⁸¹¹ This shortfall exacerbates the already tense housing situation, making it increasingly challenging for beneficiaries to secure adequate housing. The economist criticises that the funding of the government for new low-cost units does not suffice. A network of welfare associations, tenant associations and the construction union demand EUR 50 billion to combat the shortcomings in housing. Refugees and beneficiaries of subsidiary protection de facto compete with the already existing lack of low-cost units, which leads to tensions and resentment against refugees. Additionally, beneficiaries of international protection face discrimination in the regular job market or scepticism if the landlords hear that the rent is paid by the Social Welfare Office.¹⁸¹² Infomigrants has collected a series of reports on the current situation of housing for beneficiaries of international protection.¹⁸¹³ As a consequence, it has been reported that many beneficiaries stay in collective accommodation centres for long periods. This can pose a problem for municipalities since it is not clear on which legal basis they are staying in those centres and which institution has to cover the costs.¹⁸¹⁴

¹⁸⁰⁶ Federal Administrative Court, Decision BVerwG 1 C 9.21, 11 October 2022.

¹⁸⁰⁷ Section 8 Residence Regulation.

¹⁸⁰⁸ Section 48 Residence Regulation.

¹⁸⁰⁹ They are allowed to stay in reception centres until they secure housing – although this should not be interpreted as an entitlement but rather as a necessity.

¹⁸¹⁰ ZDF, *Flüchtlingskrise steigert Wohnungsnot*, 24 October 2023, available in German at: <https://bit.ly/3l2Y5q2>.

¹⁸¹¹ Wolfgang Schubert-Raab, 'Bauwirtschaft zwischen Krise und Aufbruch' (*Allgemeine Bauzeitung*, 10 January 2025), available in German [here](#).

¹⁸¹² Infomigrants, Germany: Finding housing as a refugee – an obstacle course (1/3), 14 September 2022, available at: <https://bit.ly/3HodAl7>.

¹⁸¹³ Infomigrants, Germany: Finding housing as a refugee – an obstacle course (1/3), 14 September 2022, available at: <https://bit.ly/3HodAl7>; Infomigrants, Germany: Finding housing as a refugee – an obstacle course (2/3), 19 September 2022, available at: <https://bit.ly/3Rq1kve>; Infomigrants, Germany: Finding housing as a refugee – an obstacle course (3/3), available at: <https://bit.ly/3XWdoa9>.

¹⁸¹⁴ In most Federal States, the municipalities receive support for accommodation of asylum seekers from the Federal State's budget, but it is not regulated whether this applies to recognised refugees as well. According to a media report, the Federal State of **Thuringia** has declared that it will cover the municipalities' costs if refugees are housed in collective accommodation centres: mdr.de, 'Federal State opens accommodation centres for recognised refugees', 27 May 2017, available in German at: <http://bit.ly/2notjRc>.

Recent data on the housing situation of refugees in Germany remains scarce. However, past studies provide insights into key trends and challenges. A 2020 representative study found that 83% of individuals with protection status, who arrived as asylum seekers between 2013 and January 2016, were living in individual accommodation rather than collective housing.¹⁸¹⁵ A 2022 WISTA journal article, based on the 2017 Microcensus, confirmed that most refugees in Germany reside in private households, with a significant proportion in shared accommodations.¹⁸¹⁶ The study highlighted overcrowding and difficulties in securing independent housing, while also noting that the Microcensus data does not fully capture the complexities of refugees' living conditions. Similarly, a BAMF Short Analysis (January 2022) examined refugees' residential mobility using IAB-BAMF-SOEP survey data.¹⁸¹⁷ The findings revealed that many refugees relocate frequently, mainly due to legal regulations, housing conditions, and employment factors. The study emphasised that frequent moves hinder integration and called for more stable housing solutions. A later BAMF analysis (March 2023) focused specifically on Ukrainian refugees, showing that while most initially stay in collective accommodations, many eventually move into private housing.¹⁸¹⁸ Access to independent housing was strongly influenced by family connections, employment, and language skills. The study suggested that targeted support in these areas could improve housing outcomes for refugees.

Some detailed figures are available for the Federal State of Bavaria: In 2022, 20.2% of persons living in collective accommodation centres in March 2022 were considered to be 'false occupants' (*Fehlbeleger*), which is the bureaucratic term for persons who are allowed to leave the centres but have not found an apartment yet. Out of the 36,835 persons living in decentralised accommodation, 25.6% are 'false occupants' (i.e., 9,429 persons).¹⁸¹⁹

A study by the Federal Institute for Research on Building, Urban Affairs and Spatial Development from October 2017 examines the housing situation of beneficiaries of international protection in 10 German municipalities. While more recent studies are unavailable, the issues persist. Key findings include:

- ❖ Housing market integration does not equal societal integration: In municipalities where refugees find housing, job and training opportunities are often lacking. Limited access to public transport in rural areas further hinders integration by making it difficult to reach essential services and social networks.
- ❖ A tense housing market obstructs refugee integration: In large and university cities with housing shortages, many refugees remain in emergency and collective accommodation for long periods. Social housing construction is slow, and in some cases, bottlenecks lead to an informal housing market.
- ❖ Placement in flats is not always better than collective accommodation: Decentralised housing supports integration only if refugees can take over rental agreements. In some cases, overcrowded flats with limited privacy and substandard conditions offer no real improvement over collective housing.

If refugees or beneficiaries of subsidiary protection cannot provide for the costs, the rent for a room or an apartment is covered by the local social welfare office or the local job centre, but – as is the case for all beneficiaries of social aid in general according to national social law – only up to an 'adequate' level. What

¹⁸¹⁵ Tanis, Kerstin (2020): *Entwicklungen in der Wohnsituation Geflüchteter*, Ausgabe 05|2020 der Kurzanalysen des Forschungs- zentrums Migration, Integration und Asyl des Bundesamtes für Migration und Flüchtlinge, available in German at: <https://bit.ly/3qSymZk>.

¹⁸¹⁶ Sonja Haug and Simon Schmidbauer, 'Household and Housing Structures of Refugees in Germany – Possibilities and Limitations of Microcensus Analysis' (*WISTA – Wirtschaft und Statistik, Issue 1, 2022*), available in German [here](#).

¹⁸¹⁷ Kerstin Tanis, 'The Housing History of Refugees in Germany' (*BAMF-Kurzanalyse*, January 2022), available in German [here](#).

¹⁸¹⁸ Manuel Siegert et al, *Entwicklung der Wohnsituation ukrainischer Geflüchteter in Deutschland*, 2023, available in German [here](#).

¹⁸¹⁹ Bavarian Ministry for the Interior, Sport and Integration, '*Unterbringung und Versorgung*', available in German at: <https://bit.ly/3rluDWL>.

is considered 'adequate' depends on the local housing market, so beneficiaries of protection have to inquire with the local authorities as to what amount of rent will be reimbursed.

If beneficiaries of protection have an income but are still living in collective accommodation, authorities regularly impose fees as a contribution to the operational costs of the centres. However, the fees imposed by municipalities can vary significantly and, in some cases, exceed local apartment rental prices, placing a substantial financial burden on refugees. In Hamburg (as of September 1, 2024), the standard fee per person per month is € 850. For individuals within certain income brackets, a reduced fee of € 304 is applied for the first person in a household, with an additional € 210 for each subsequent person.¹⁸²⁰ In Berlin, reports indicated in November 2024 that refugees receiving citizen's income (Bürgergeld) and residing in accommodations managed by the State Office for Refugee Affairs (LAF) are charged a monthly fee of € 763. This amount can be reduced to € 294 for those with personal income.¹⁸²¹ In Lower Saxony, fees differ across municipalities. For instance, the city of Garbsen charges between € 753.60 and € 855.30 per person monthly, while the district of Harburg imposes a maximum of € 180 per person per month.¹⁸²² These costs, some of which appear excessive, result from a calculation which includes all operational expenses for the centres, such as costs for social services as well as security and maintenance. In practice, the fees may lead to a situation in which refugees have to pass on their complete income to the local authorities in exchange for a place in a shared room.¹⁸²³

Many local organisations and initiatives try to support refugees in finding apartments. One initiative operating for the whole of Germany, 'Living Together Welcome' (*Zusammenleben willkommen*, formerly 'Refugees Welcome/Flüchtlinge Willkommen') runs an online platform providing assistance for people who want to share a flat with asylum seekers and refugees.¹⁸²⁴

Since August 2016, refugees and beneficiaries of subsidiary protection are generally obliged to take up their place of residence within the Federal State in which their asylum procedures have been conducted. Furthermore, under Section 12a of the Residence Act authorities can oblige them to take up a place of residence in a specific municipality within the Federal State (see section on [Freedom of movement](#)). One of the provisions introduced in the context of the new law refers explicitly to refugees and beneficiaries of subsidiary protection who still live in a reception centre or another form of temporary accommodation after their status has been determined. They can be obliged to take up their place of residence in a 'specific place' in order to provide themselves with 'suitable accommodation'.¹⁸²⁵ The Federal States which have applied this regulation so far refer beneficiaries of international protection to a municipality, not to a particular apartment.

E. Employment and education

1. Access to the labour market

Persons with refugee status and beneficiaries of subsidiary protection have unrestricted access to the labour market, including self-employment, under the same conditions as German citizens.¹⁸²⁶ They are entitled to all supportive measures offered by the labour agency. This includes qualification offers and training programmes but also costs which may result from the need to have professional qualifications recognised. There are some specialised training and qualification programmes for migrants from which

¹⁸²⁰ City of Hamburg, 'Adjustment of fees for accommodation in reception centres', available in German [here](#).

¹⁸²¹ Federal Ministry of Labour and Social Affairs (BMAS), 'FAQs on Ukrainian refugees', available [here](#).

¹⁸²² Niedersächsischer Flüchtlingsrat, 'Fees in municipal accommodation', available in German [here](#).

¹⁸²³ Frankfurter Rundschau, 'Wohngebühren für Flüchtlinge: Monatlich bis zu 930 Euro', 12 August 2019, available at: <https://bit.ly/3nQtMsQ>.

¹⁸²⁴ Zusammenleben Willkommen, WG-Zimmer für geflüchtete Personen, available at: <https://bit.ly/3uGyrUI>.

¹⁸²⁵ Section 12a(2) Residence Act.

¹⁸²⁶ Section 25(2) Residence Act.

refugees also benefit, like vocational language courses¹⁸²⁷ or integration courses (see below [Access to education](#)).

On the Federal level, the BAMF is responsible for 'Migration counselling for adult immigrants' (*Migrationsberatung für erwachsene Zuwanderer (MBE)*) which are then executed by welfare associations and the Federation of Expellees.¹⁸²⁸ In 2023, 594,000 people benefitted from the programme.¹⁸²⁹ In individual and group counselling sessions the programme support them in their linguistic, professional and social integration. It should enable them to act independently in all matters of daily life. The counselling is in many cases provided in the mother tongue of the beneficiary or in a language the person can understand. The counselling service is solely addressing adult immigrants. However, the MBE refers young adult immigrants under 27 on their website (*Migrationsberatung für erwachsene Zugewanderte*, available at: <https://tinyurl.com/38kf4dkj>) to a counselling service by the Youth Migration Service (JMD). The JMD is administered by the BMBFSFJ (Federal Ministry of Education, Family Affairs, Senior Citizens, Woman and Youth) and offers similar services that are tailored to the needs of young adults, e.g. career planning and youth issues. Since 2019 the service is also provided online through an application which is available in German, Russian, English and Arabic. The counselling measures are available for foreigners in general but can be adapted to the needs of beneficiaries of international protection.¹⁸³⁰ For 2023 the Federal government decided to spend in total 81,5 million € for the 'Migration counselling for adult immigrants'.¹⁸³¹ For 2024, the Federal government initially announced severe cuts and wanted to limit the funding to EUR 57 million. Social welfare associations heavily criticised that the cuts in funding stand in contrast to the rising need due to the increased numbers of immigrants in the last years.¹⁸³² Following political pressure from the opposition and the welfare associations, the funding was raised to EUR 77,5 million for 2024. In 2015, ten years after its introduction, the BAMF conducted a first study on the impact of 'Migration counselling for adult immigrants'.¹⁸³³ Former clients reported that the program provides diversified information and counselling for different aspects such as labour, access to language classes, and access to social benefits. 46% of former clients mentioned that they needed counselling for support with forms and in contact with public authorities. Clients were mostly satisfied with the counselling, but several mentioned the lack of capacities in staff and regional availability. The 2024 evaluation of the Migration Counselling for Adult Immigrants (MBE) by the DeZIM Institute analysed the program's resources, client composition, work processes, and overall impact.¹⁸³⁴ According to the study, the MBE has proven to be an effective short- to medium-term support system, significantly contributing to the resolution of immediate integration challenges and improving the living conditions of migrants. Clients report high satisfaction with the counselling, which promotes self-reliance and access to integration services, though full integration into regular services is not consistently achieved. Key challenges include limited resources, increasing workloads, and structural barriers, particularly in cooperation with authorities and regular service providers. The report recommends securing sustainable personnel and financial resources, clarifying the scope of MBE tasks, strengthening intercultural opening in regular services, and improving access to language mediation and specialised training for counsellors.

Some Federal States set up additional integration programmes or fund projects of private initiatives which aim at the integration of migrants. **North Rhine-Westphalia** reformed in 2021 the 'Act to Support Social Participation and Integration in North Rhine-Westphalia' (*Gesetz zur Förderung der gesellschaftlichen*

¹⁸²⁷ See BAMF, 'German for professional purposes, 7 June 2021, available in German at: <https://bit.ly/3rP6W6e>.

¹⁸²⁸ Federal Ministry of Interior, *Migrationsberatung für erwachsene Zuwanderer*, available in German at: <http://bit.ly/40h6DS5>.

¹⁸²⁹ BMI, *Migrationsberatung für erwachsene Zugewanderte*, last access 8 June 2025, available in German at: <https://bit.ly/3SZZ0xv>.

¹⁸³⁰ BAMF, *Integrationsangebote im Überblick*, available at: <http://bit.ly/3HNkU1o>.

¹⁸³¹ Filiz Polat, *Budgeterhöhung für die Migrationsberatungen für erwachsene Einwanderinnen und Einwanderer*, Newsletter Flucht, 28 September 2022.

¹⁸³² See, AWO, *Jede dritte Migrationsberatung vor dem Aus*, 13 September 2023, available in German at: <https://bit.ly/49gNyDk>.

¹⁸³³ Lisa Brandt, Rebekka Risch, Susanne Lochner, *Zehn Jahre Migrationsberatung für erwachsene Zuwanderer (MBE)*, 2015, available in German at: <https://bit.ly/4bxugv4>.

¹⁸³⁴ Sarah Berndt, Begüm Güngör, Niklas Harder and Alina Mocek, 'Evaluation of the Migration Counselling for Adult Immigrants (MBE) 2024' (*DeZIM Institute*, October 2024), available in German [here](#).

Teilhabe und Integration in Nordrhein-Westfalen) by which the state's government commits itself to invest at least € 130,000 per year on integration programmes.¹⁸³⁵ For the implementation, the state reconceptualised 'municipal centres of integration' (*Kommunale Integrationszentren*) which shall coordinate and conceptualise integration programmes tailored to the needs and existing private initiatives in the municipalities. As for the Federal programmes, the services are open to migrants in general, but some programmes are specifically tailored to beneficiaries of international protection and people with a 'tolerated stay' (*Duldung*).¹⁸³⁶ **Berlin** already introduced a similar Act in 2010 which was though completely revised in 2021. The 'Act to Support Participation in the Migration Society' (*Gesetz zur Förderung der Partizipation in der Migrationsgesellschaft*) foresees likewise to support integration programmes but additionally focuses on the diversification of the administration in Berlin.¹⁸³⁷ According to a study from 2022, five states (**Berlin, Bavaria, Baden-Wuerttemberg, North-Rhine Westphalia and Schleswig-Holstein**) implemented regional laws on integration and participation.¹⁸³⁸ The study concludes that these regional laws have been successful if they see integration as a task for the whole society and not only the individual migrant. The advantage of these laws is that processes and actors are streamlined and that the laws have a symbolic function in advocating integration and participation. However, the success depends a lot on the political will in the different states according to the study.

Recognition of professional qualifications has been often described as a major practical obstacle to access to the labour market. This does not only affect refugees but other immigrants as well. The main reasons identified are the administrative hurdles since the procedure is highly formalised. The first barrier is that depending on which qualification should be recognised foreigners need to approach different authorities. Secondly, foreigners need to understand whether the recognition of their qualifications is mandatory. The recognition is mandatory for third-country nationals and independently from the nationality for so-called 'regulated labour' (*reglementierte Berufe*) e.g., teachers, engineers, and health practitioners.¹⁸³⁹ Moreover, the recognition usually requires certificates and additional documents. In case foreigners cannot provide these documents, they need to undergo additional tests and contact a counselling person.¹⁸⁴⁰

In addition to the bureaucratic barriers, the recognitions scheme works largely to the disadvantage of refugee women as their qualifications from the country of origin often do not match the formal requirements for recognitions under German Law.¹⁸⁴¹ If recognitions take place there is a highly positive effect on the income and the formal level of the labour market involvement of migrants in general and persons granted a protection status in particular.¹⁸⁴² Studies show a significant gender gap in access to the labour market, employment levels as well as remuneration that is far greater than the 'usual' gender pay gap in Germany.¹⁸⁴³ The German government therefore has set up an information portal offering advice on the necessary procedures ('Recognition in Germany'). However, the recognition of

¹⁸³⁵ North Rhine-Westphalia, Gesetz zur Förderung der gesellschaftlichen Teilhabe und Integration in Nordrhein-Westfalen (Teilhabe- und Integrationsgesetz – TIntG), 25 November 2021, lastly amended 1 January 2022, available in German at: <http://bit.ly/3DwZpPO>.

¹⁸³⁶ See e.g. Kommunales Integrationszentrum Köln, Durchstarten in Ausbildung und Arbeit, available in German at: <http://bit.ly/3YfFHjx>.

¹⁸³⁷ Gesetz zur Förderung der Partizipation in der Migrationsgesellschaft des Landes Berlin (Partizipationsgesetz – PartMigG) 5 July 2021, lastly amended 2 November 2022, available in German at: <http://bit.ly/3kQGA3F>.

¹⁸³⁸ Sachverständigenrat für Integration und Migration (svr), Integrationsgesetze auf Länderebene: Eine aktualisierte Bestandsaufnahme – und was der Bund daraus lernen kann, 2022, available in German at: <https://bit.ly/42FUgAi>.

¹⁸³⁹ All labour where the scope of practice is defined by law is counted as 'regulated labour'.

¹⁸⁴⁰ On the procedure of recognition of qualifications, see: Bundesagentur für Arbeit, Anerkennung von Abschluss und Zeugnis, available in German at: <http://bit.ly/3l4l6jP>.

¹⁸⁴¹ See Kosyakova, Yuliya; Gundacker, Lidwina; Salikutluk, Zerrin; Trübswetter, Parvati (2021): Arbeitsmarktintegration in Deutschland: Geflüchtete Frauen müssen viele Hindernisse überwinden. (IAB-Kurzbericht, 08/2021), Nuremberg.

¹⁸⁴² Brücker, Herbert; Glitz, Albrecht; Lerche, Adrian; Romiti, Agnese (2021): Occupational recognition and immigrant labor market outcomes. In: Journal of Labor Economics, Vol. 39, No. 2, S. 1-15.

¹⁸⁴³ See in particular: See Kosyakova, Yuliya; Gundacker, Lidwina; Salikutluk, Zerrin; Trübswetter, Parvati (2021): Arbeitsmarktintegration in Deutschland: Geflüchtete Frauen müssen viele Hindernisse überwinden. (IAB-Kurzbericht, 08/2021), Nuremberg.

qualifications remains challenging despite its clear positive effects on integration into the labour market as well as integration more generally.¹⁸⁴⁴

Available official statistics on unemployment only distinguish between nationalities, but not between residence statuses of persons concerned. Therefore, it is not possible to determine how many beneficiaries of international protection have successfully integrated into the labour market.

Research on labour market integration of refugees over the last decade highlights both significant progress and persistent challenges. Refugees face unique hurdles compared to other migrant groups, as forced displacement often leaves them unprepared for life in the host country, particularly in terms of language acquisition and professional qualifications. Despite these challenges, long-term trends indicate that their labour market integration improves considerably over time.

An OECD study published in July 2024 emphasises that, while refugees initially have low employment rates — only 34% of refugees are employed upon arrival — these figures improve significantly with time. After five years in Germany, employment rates nearly double, and refugees who have lived in the country for over 20 years show employment rates comparable to the general population. This demonstrates that, while integration takes time, structured support measures yield positive outcomes. However, the study also highlights that Germany has one of the highest overqualification rates among refugees, with less than a third of highly qualified refugees working in roles that match their education. Furthermore, female refugees remain at a particular disadvantage, as they are often affected by multiple intersecting barriers, including their migration status, gender, and limited access to childcare and education opportunities. In Germany, fewer than one-third of refugee women are employed, a rate significantly lower than in other OECD countries.

A ‘brief analysis’ on the integration of refugees into the labour market was published in 2020, based on the IAB-BAMF-SOEP survey, and updated in 2023, providing further insights into employment trends among refugees.¹⁸⁴⁵ According to the study, 54% of refugees found employment within six years, with this figure rising to 62% after seven years. The COVID-19 pandemic initially slowed employment growth, but integration into the labour market accelerated again from 2021 onwards. Encouragingly, 70% of refugees in employment have secured skilled jobs, demonstrating their ability to contribute meaningfully to the German workforce. However, 41% of employed refugees hold jobs below their qualification level, illustrating the ongoing challenges associated with recognising foreign qualifications. The survey also found substantial gender differences, with 67% of refugee men employed within six years, compared to just 23% of refugee women. The study attributes this disparity to unequal investment in language and education, caregiving responsibilities, and different educational backgrounds in refugees' countries of origin.

Findings from the final report on the IAB-BAMF-SOEP long-term survey, published in November 2020, further support these observations.¹⁸⁴⁶ The study confirms that labour market integration typically occurs within three to five years of arrival. One key factor influencing employment is the duration of asylum procedures—if an asylum process is extended by six months, the likelihood of successful labour market integration drops by 11%. Conversely, securing a stable residence status increases employment chances by 30%, underlining the importance of legal certainty.¹⁸⁴⁷ However, the residence restriction under Section

¹⁸⁴⁴ See on these effects: Brücker, Herbert; Glitz, Albrecht; Lerche, Adrian; Romiti, Agnese (2021): *Occupational recognition and immigrant labor market outcomes*. In: Journal of Labor Economics, Vol. 39, No. 2, S. 1-15.

¹⁸⁴⁵ Herbert Brücker, Yuliya Kosyakova and Eric Schuß, *Fünf Jahre seit der Fluchtmigration 2015: Integration in Arbeitsmarkt und Bildungssystem macht weitere Fortschritte*, IAB-Kurzbericht 4/2020, 4 February 2020, available in German [here](#); Herbert Brücker and others, *Entwicklung der Arbeitsmarktintegration seit Ankunft in Deutschland: Erwerbstätigkeit und Löhne von Geflüchteten steigen deutlich*, 2023, available in German [here](#).

¹⁸⁴⁶ Herbert Brücker and others, *Fünf Jahre ‘Wir schaffen das’ - Eine Bilanz aus der Perspektive des Arbeitsmarktes*, IAB-Forschungsbericht 11/2020, Nuremberg, available in German [here](#).

¹⁸⁴⁷ Ibid. 24 ff.

12a of the Residence Act was found to hinder, rather than support, employment opportunities, despite its initial aim of facilitating integration.¹⁸⁴⁸

2. Access to education

Persons with refugee status and beneficiaries of subsidiary protection are entitled to take up vocational training as well as school or university education, if they can prove that they have the necessary qualifications. They can also receive support for the costs of living for the duration of training or studies under the same conditions as German citizens. Furthermore, adults with a protection status are entitled to participate in the 'integration courses' which in their general form consist of 600 language lesson units and 100 lesson units in an 'orientation course' where participants are meant to learn about the legal system as well as history and culture in Germany and about 'community life' and 'values that are important in Germany'.¹⁸⁴⁹ Participants have to cover part of the costs themselves unless they receive unemployment benefits or social assistance. Next to the general integration courses, there are special courses e. g. courses for women or parents, literacy courses or intensive courses for experienced learners.

According to the updated brief analysis mentioned in [Access to the labour market](#), 33% of persons surveyed (i.e. persons who arrived in Germany as asylum seekers between 2013 and 2019) had attended one of the following educational institutions:¹⁸⁵⁰

- ❖ Schools, further education: 12%;
- ❖ Vocational training institution: 18%;
- ❖ Universities, colleges: 5%.

As noted above, the study does not distinguish between the protection status (and/or the residence status) of people surveyed, but it can provide an indication of the situation of persons with protection status. More recent data is not available.

Concerning access to higher education (more extensively discussed, see [Access to education](#)) while there have been some improvements, the lack of sufficient language skills, discrimination and the recognition of former degrees, continue to hinder access to higher education for beneficiaries of and applicants for international protection.

For refugees and beneficiaries of subsidiary protection, several options are available if they were not able to finish school neither in their country of origin nor in Germany. Some vocational trainings do not require graduation from school. Most of these trainings are two-year trainings which require less theoretical skills. After the completion of the two-year training, there are in many cases career options through further trainings available. Additional support programs designed for young immigrants shall facilitate the search for adequate vocational trainings, support the integration in the labour market and in the vocational training itself and support companies that provide vocational trainings for young immigrants.¹⁸⁵¹ For example, the 'orientation program for refugees' offers a 13-week program in which refugees and beneficiaries of subsidiary protection acquire the language and skillset necessary for the vocational training they wish to start.¹⁸⁵² In 2022, 1,045 people participated in the program.¹⁸⁵³ 26% of those who completed the program

¹⁸⁴⁸ Herbert Brücker, Andreas Hauptmann and Philipp Jaschke, *Beschränkungen der Wohnortwahl für anerkannte Geflüchtete: Wohnsitzauflagen reduzieren die Chancen auf Arbeitsmarktintegration*, IAB-Kurzbericht 03/2020, Nuremberg, available in German [here](#).

¹⁸⁴⁹ See BAMF, 'The content and stages of the procedure', available at: <https://bit.ly/3fNqh1S>.

¹⁸⁵⁰ Herbert, Brücker, Philipp Jaschke, Yuliya Kosyakova & Ehsan Vallizadeh, *Entwicklung der Arbeitsmarktintegration seit Ankunft in Deutschland: Erwerbstätigkeit und Löhne von Geflüchteten steigen deutlich*, 2023, available in German at: <https://bit.ly/3fNqh1S>.

¹⁸⁵¹ For an overview: *Stark für Ausbildung, Deutschlandweite Programme und Projekte für Junge Geflüchtete, Zuwanderer, Migranten*, last access 16 February 2024, available in German at: <https://bit.ly/3uByh0S>.

¹⁸⁵² Federal Ministry of Education and Research, *Vocational orientation – provision for refugees*, last access 16 February 2024, available at: <https://bit.ly/3UGRNUK>.

¹⁸⁵³ Federal Ministry of Education and Research, *BOF-Programm erreicht immer mehr Frauen – Unterstützung auf dem Weg in eine Ausbildung bleibt wichtig*, last access 16 February 2024, available in German at: <https://bit.ly/49zNlpg>.

started a vocational training afterwards. There are also possibilities to complete school education after having dropped out of the regular school system. The exact programs depend on the Federal states. In most states, the successful completion of a vocational training equalises lower school education and additionally, daytime or evening schools are available to catch up the school education.¹⁸⁵⁴

For refugees and beneficiaries of subsidiary protection, the same support structures as for German nationals are available for families with young children. From the age of one year, the state is by law obliged to provide a place in a nursery or kindergarten.¹⁸⁵⁵ However, since the introduction of the obligation the state has been unable to provide enough nursery or kindergarten places. A study from 2023 concludes that there is currently a lack of 430,000 places. According to a study published in 2024, there is a lack of 306,000 childcare places for children younger than three.¹⁸⁵⁶ For disadvantaged families e.g., refugee families, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth set up a programme to facilitate access and integration into the German nursery and kindergarten system.¹⁸⁵⁷ The programme includes the dissemination of information on the nursery system and aims to facilitate contact between families and nurseries or kindergartens.

F. Social welfare

Both refugees and beneficiaries of subsidiary protection are entitled to social benefits, in particular unemployment benefits, on the same level as German nationals. There have been substantial reforms of the legal framework governing social benefits in Germany through the so-called 'citizens benefits law' (*Bürgergeld Gesetz*) which entered into force on 1 January 2023. They entail changes to social benefits which respectively apply for German nationals as well as for beneficiaries of international protection. By January 2024, the amount of financial benefits has been lifted from € 502 to € 563 for single adults, € 506 for spouses, children between 14 and 17 years € 471 and children between six and thirteen € 390 and children under six years € 357. Additionally, the reform reduced grounds for penalties upon non-compliance with obligations to cooperate and raised the amount of financial reserves and extra income next to the unemployment benefits.¹⁸⁵⁸

In order to meet the late effects of the Covid-19 pandemic and inflation the Federal government further introduced several ad hoc measures. Children receive a monthly support of € 20 to facilitate social and financial participation, and adults who received unemployment benefits in June 2022 received an additional sum of € 200 for July 2022.¹⁸⁵⁹

Beneficiaries of international protection are entitled to benefits, starting from the first day of the month after the recognition of their status has become legally valid i.e. usually with the arrival of the decision by the BAMF. Problems with access to social benefits may occur during the period when persons have already been granted protection status but still only have the asylum seeker's permission to stay (*Aufenthaltsgestattung*) because they have not yet received the residence permit (*Aufenthaltserlaubnis*) which officially confirms that they have protection status. This may lead responsible authorities to deny social services for the first couple of weeks following the recognition of the status. However, persons

¹⁸⁵⁴ Planet-Beruf.de, *Ausbildung ohne Schulabschluss - das sind die Möglichkeiten*, last access 16 February 2024, available in German at: <https://bit.ly/3ImCIAd>.

¹⁸⁵⁵ Section 24 (2) Social Code VIII.

¹⁸⁵⁶ Wido Geis-Thöne, *306,000 childcare places missing for children under three*, Institut der deutschen Wirtschaft Köln, 16 January 2024, available in German [here](#).

¹⁸⁵⁷ Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, *Bundesprogramm "Kita-Einstieg: Brücken bauen in frühe Bildung"*, 26 November 2021, available in German at: <https://bit.ly/3SEPNCJ>.

¹⁸⁵⁸ NDR, *Bürgergeld statt Hartz IV: Was ändert sich und was bleibt?*, last amended 2 January 2023, available in German at: <http://bit.ly/3WU8s4u>.

¹⁸⁵⁹ Federal Ministry for Labour and Social Affairs, *Sofortzuschlags- und Einmalzahlungsgesetz*, available in German at: <http://bit.ly/3Hq3B59>.

concerned would in any case be entitled to the (lower) asylum seekers' benefits during this period and they can claim payments to which they would have been entitled at a later date.¹⁸⁶⁰

For persons who are registered as unemployed, the responsible authority is the job centre or Employment Agency. This institution is responsible for the disbursement of unemployment benefits as well as for the provision of other benefits and measures for integration into the labour market; job training measures, support with job applications, specific language courses etc. For persons who are not registered as unemployed (e.g., because they have reached the age of retirement or are unable to work on health grounds), the responsible authority is the Social Welfare Office.

Since August 2016, beneficiaries of protection are generally obliged to take up their place of residence within the Federal State in which their asylum procedures have been conducted for a maximum period of three years (see [Freedom of movement](#)). In these cases, social benefits are only provided in the respective municipality.

G. Health care

Persons with refugee status and beneficiaries of subsidiary protection have the same status as German citizens within the social insurance system. This includes membership in the statutory health insurance if they have a job other than minimal employment (i.e., a low-paid part-time job). If they are unemployed, the job centre or the social welfare office provides them with a health insurance card which entitles them to the same medical care as statutory health insurance. Access to COVID-19 vaccines is based on residence in Germany and not health insurance status. As a result, beneficiaries of international protection have access to vaccines in the same conditions as all other persons living in Germany.¹⁸⁶¹

Access to treatment for persons suffering from mental health problems is available for refugees and beneficiaries of subsidiary protection under the same conditions as for Germans.¹⁸⁶² In practice, however, access to specialised treatment for traumatised refugees or survivors of torture is difficult. For more detailed information see [Reception Conditions - Health Care](#).

¹⁸⁶⁰ Georg Classen, *Ratgeber für Geflüchtete in Berlin*, 2nd ed., November 2017, available in German at: <https://bit.ly/2DOV0X5>, 156-157.

¹⁸⁶¹ Federal Ministry of Health, 'Verordnung zum Anspruch auf Schutzimpfung gegen das Coronavirus SARS-CoV-2 (Coronavirus-Impfverordnung – CoronaimpfV)', 1 June 2021, Section 1, available in German at: <https://bit.ly/3wO3lDX>.

¹⁸⁶² Section 92 (6a) Social Code V.

ANNEX – Transposition of the CEAS in national legislation

Directives and other CEAS measures transposed into national legislation

Directive	Deadline for transposition	Date of transposition	Official title of corresponding act	Web Link
Directive 2011/95/EU Recast Qualification Directive	21 December 2013	1 December 2013	Act for the Transposition of the Directive 2011/95/EU	http://bit.ly/1eVWZfC (DE)
Directive 2013/32/EU Recast Asylum Procedures Directive	20 July 2015	20 October 2015 6 August 2016 1 January 2023	Asylum Procedures Acceleration Act Integration Act (provisions on inadmissibility only) Act on the acceleration of asylum court proceedings and asylum procedures	http://bit.ly/1PVCs9T (DE)
Directive 2013/33/EU Recast Reception Conditions Directive	20 July 2015	5 November 2014 20 October 2015	Act on classification of further states as safe countries of origin and on the facilitation of access to the labour market for asylum seekers and tolerated foreigners Asylum Procedures Acceleration Act	http://bit.ly/1RtIQIb (DE) http://bit.ly/1PVCs9T (DE)
Regulation (EU) No 604/2013 Dublin III Regulation	Directly applicable 20 July 2013	1 August 2015	Act on the redefinition of the right to stay and on the termination of stay	http://bit.ly/1lbaPmO (DE)

Note that the Asylum Procedures Directive and the Reception Conditions Directive have only partially been transposed by the corresponding acts referred to here. As of 1 January 2023, amendments of the Asylum Act entered into force through the Act on the acceleration of asylum court proceedings and asylum procedures which transposed several provisions of the APD. This includes the time limits for the first instance procedure and the reasons for dispensing with the personal interview (see [Regular procedure](#)).

Doubt as to the correct transposition or application of EU Directives on Asylum and Return remain regarding the following issues:

- ❖ **Procedural guarantees for vulnerable applicants:** Section on vulnerable groups in the procedure: There is no requirement in law or mechanism in place to systematically identify vulnerable persons in the asylum procedure, except for unaccompanied children. According to the BAMF, the identification of vulnerable applicants as required by the APD is primarily the remit of the Federal States, who are responsible for reception and accommodation. However,

since 2022 the BAMF internal guidelines also acknowledge a duty on the side of the BAMF to identify vulnerabilities to guarantee a fair asylum procedure for the persons concerned. In addition to identification, there are no provisions in German law regarding adequate support for applicants in need of special procedural guarantees throughout the procedure (see [Guarantees for vulnerable groups](#)).

- ❖ **Legal representation of unaccompanied minors:** the current legal situation as to legal guardians is not in line with relevant provisions of the recast APD and other European legal acts which state that children should be represented and assisted by representatives with the necessary expertise, since there is no specific training for legal guardians regarding asylum law or the asylum procedure (see [Legal representation of unaccompanied children](#)).
- ❖ **Border procedure:** The scope of the airport procedure in Germany is not consistent with the boundaries set by the recast APD since German law triggers the airport procedure as soon as it is established that the asylum seeker is unable to prove their identity by means of a passport or other documentation, with no requirements of misleading the authorities by withholding relevant information on identity or nationality, or destroying or disposing of an identity or travel document in bad faith. Moreover, the German Asylum Act exempts neither unaccompanied children nor persons with special procedural guarantees from the airport procedure, despite an express obligation under the APD to provide for such exemptions under certain conditions. It also makes no reference to 'adequate support' which should be provided to those requiring special procedural guarantees (see [Border procedure \(border and transit zones\)](#)).
- ❖ **Grounds for detention:** The grounds for detention have been expanded in 2019 through several provisions providing grounds for the assumption of a risk of absconding as well as 'indications' for such a risk. The new provisions have been criticised for being in contradiction with the principle of detention as a 'last resort'. Furthermore, it has been pointed out that the concept of a 'refutable assumption' for the risk of absconding does not exist in the EU Return Directive, which is why the compatibility of national law with this Directive has been put in doubt. For detention to enforce Dublin transfers, the general reference to the 'risk of absconding' as a ground for detention as defined in Section 62, NGOs have raised doubts as regards the compliance of this provision with the Dublin III Regulation.¹⁸⁶³ According to the latter, Member States may detain the person concerned only if there is a significant risk of absconding and on the basis of an individual assessment (Article 28 II of the Dublin III Regulation). In contrast, German law now lists numerous grounds for detention, some of which are vaguely worded thus raising the question as to whether they constitute significant reasons to assume a risk of absconding. In 2020, the possibility of detention during the asylum procedure was introduced for persons who are subject to an entry ban and present 'a significant danger to their own or others' lives, or to internal security' or have been convicted for criminal offences, including asylum seekers (Section 62c Residence Act). NGOs such as PRO ASYL and the Federal Association for Unaccompanied Minors heavily criticised the new provision as it contains no safeguards for vulnerable groups and lacks a proper legal basis in the grounds for detention as provided by the EU Reception Conditions Directive (see [Grounds for detention](#)).
- ❖ **Place of detention:** Between 2019 and July 2022, Federal States had the legal possibility to detain persons in regular prisons, which was justified by an alleged acute shortage of detention places. In March 2022, the CJEU ruled that an emergency situation cannot be based solely on a high number of persons

¹⁸⁶³ PRO ASYL, *Stellungnahme zum Entwurf eines Zweiten Gesetzes zur besseren Durchsetzung der Ausreisepflicht (BT-Drucksache 19/10047)*, 29 May 2019, available in German at: <https://bit.ly/2WqrSIt>, 5.

who are obliged to leave, and that a failure on the side of the state to provide for sufficient specialised detention facilities cannot justify an emergency situation (see [Place of detention](#)).

- ❖ **Detention conditions:** In its March 2022 ruling, the CJEU ruled that conditions in detention facilities must not be prison-like if they are to qualify as specialised detention facilities in the sense of the EU Return Directive. According to the lawyer filing the original case, this puts in question some of the existing specialised detention facilities such as Glückstadt in **Schleswig-Holstein** or Hof in **Bavaria** that are surrounded by high walls and barbed wire. In **Bavaria**, the appeals court of Coburg found on 24 November 2022 that conditions in the detention centre in Eichstätt are not in line with the CJEU's ruling (see [Conditions in detention facilities](#)).