

Living

- During the asylum process asylum seekers are not allowed to choose where they want to live. First, they will be ‚allocated‘ to a federal state. There they have to live up to three months in the so called Initial Reception Centre (Erstaufnahmeeinrichtung). In Schleswig-Holstein this is the former Scholz barrack in Neumünster.
- After that they will be send to an administrative district or a self-governing city. The refugees are obliged to live in the community decided for them by the Ausländerbehörde.
- As a rule they have to live in a community accommodation (Gemeinschaftsunterkunft). It is possible that they have to share a room with several other people. These accommodations are usually not centrally located and far from shopping and leisure facilities. Public transport costs money and is not necessarily frequent.

Area restriction (Residenzpflicht)

- After the first three months of living in the Initial Reception Centre the refugees are allowed to travel freely all over Schleswig-Holstein (but they are still not free to move from their address).
- To go to another federal state, e.g. to Hamburg, a travel permit (Verlassenserlaubnis) has to be requested from the Ausländerbehörde. Leaving without a permit can be fined. Repeated breaches of the travel permit regulations are regarded as a criminal offence and treated accordingly.

Family

- A Temporary Residence Permit (Aufenthaltsgestattung) does not give the right to family reunification.
- To register a marriage or a civil partnership in Germany all necessary papers must be submitted. These documents can be used by the Federal Office for Migration and Refugees (BAMF) for other purposes also.
- Family members of asylum seekers can have a different residence status.

Further information

This information leaflet was issued in November 2011. Changes in the regulations may have taken place in the meantime. Moreover, this information provides only an initial overview and cannot substitute a personal consultation. Please consult an advice centre or lawyers, too!

You will find Immigration Advice Centres (Migrationsberatungsstellen) in your area at www.frsh.de/seiten-im-hauptmenue/service/beratungsstellen. The projects of the network *Land in Sicht!* (Land in sight!) - **Work for refugees in Schleswig-Holstein** you will find at www.landinsicht-sh.de.

This leaflet has been translated into various languages, it is available on-line at www.landinsicht-sh.de/publikationen.html.

Five projects are involved in the network *‘Land in Sicht! – Work for refugee in Schleswig-Holstein’*. They and their partners from administration and economy are working for a sustainable labour market integration of refugees all over Schleswig-Holstein. The goal of this network is to create a supportive climate for the integration of refugees by means of coaching, training, networking and social work in Schleswig-Holstein, also for refugees without any secure residence perspectives.

The network is coordinated by PARITÄTISCHER Schleswig-Holstein e.V. and FLÜCHTLINGSRAT (Refugee Council) Schleswig-Holstein e.V. and is sponsored until October 2013.



Flüchtlingsrat Schleswig-Holstein e.V.

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Attention please:
 This leaflet is meant as an overview of the general living conditions of people with a temporary residence permit (Aufenthaltsgestattung). The individual case of every single person has to be carefully examined. This information has been compiled to the best of our knowledge. Nevertheless, it cannot substitute legal advice. We cannot guarantee the completeness and correctness.
 All data apply to Schleswig-Holstein.

Date of writing: November 2011



Basic Information

Temporary Residence

Permit

(Aufenthaltsgestattung)



Basic information

People who apply for asylum in Germany receive a temporary residence permit (Aufenthaltsgestattung) for the time of their asylum procedure. The Aufenthaltsgestattung comes with a lot of restrictions. This is an overview of the conditions attached to a Aufenthaltsgestattung.

The Aufenthaltsgestattung

- The Aufenthaltsgestattung gives a right to remain in Germany for the duration of the asylum process. After a decision on the asylum application has been made, either a residence permit (Aufenthaltsbescheinigung) or a temporary tolerance certificate (Duldung) is issued.
- The asylum application has to be submitted to a branch of the Federal Office for Migration and Refugees (Bundesamt für Migration und Flüchtlinge). In Schleswig-Holstein this is located in Neumünster.
- Refugees will have their fingerprints taken as part of the asylum application process. These are saved in a central computer system to which all EU member states have access. Within the EU, the country where the first application for asylum has been made is responsible for the whole asylum process according to the so called Dublin-II-Regulation.
- For unaccompanied minor refugees, i.e. children and teenagers who are travelling without custodians, the Youth Welfare Office (Jugendamt) designates a guardian. He or she decides if it is reasonable to apply for asylum.

Education

- Any German language courses have to be financed by asylum seekers themselves. There is no entitlement to participation in integration courses.
- A compulsory school attendance applies to all children and teenagers under the age of 16 and a compulsory vocational school attendance until the age of 18. The compulsory education covers a total of 9 years. School years attended in other countries are taken into account. After that refugees are allowed to stay in education, but the schools do not have to accept them. Ask for available possibilities at the local schools.
- If a child attends a day care centre or a school, the family can apply for social benefits according to the Educational and Social Package (Bildungs- und Teilhabepaket) at the Department of Public Welfare (Sozialamt).
- Further education is possible if all the admission conditions are met. The educational and possibly the living expenses as well have to be carried by asylum seekers themselves. There is no entitlement to financial support according to the Law on the Promotion of Vocational Training (BAFöG).

Employment and vocational training

Ban on work

- Asylum seekers are prohibited to work as well as to take up internships and in-company apprenticeships of their own choice during the first year of their residence in Germany.
- During this time the Department of Public Welfare (Sozialamt) can oblige asylum seekers to community service.

Restricted access to the labour market

After one year in Germany, asylum seekers have a 'subordinated' access to the labour market. This means:

- An application for a work permit (Arbeitserlaubnis) has to be submitted to the Foreigners' Registration Authority (Ausländerbehörde).
- The work permit can only be issued for a specific job offer.
- The Ausländerbehörde forwards the application to the Employment Centre (Agentur für Arbeit). Here they check if any people with priority (e.g. Germans) are available for the job and if the working conditions (especially wage and working hours) are comparable to those of German employees. The Ausländerbehörde issues a work permit only if there is nobody else available for the job.

Unemployment benefits

- Refugees can register as unemployed at the Agentur für Arbeit after one year in Germany. They do not get any cash benefits but the Agentur für Arbeit is responsible for advising and supporting refugees in their job search. In specific cases recruitment grants and costs for additional qualification training can be covered.
- If asylum seekers have been paying social security contributions in Germany for more than a year and then became unemployed, they are entitled to cash benefits from the Agentur für Arbeit (Alg 1).

Social benefits

Asylum applicants only receive limited benefits according to the Law on Benefits for Asylum Seekers (Asylbewerberleistungsgesetz).

- At the Initial Reception Centre in Neumünster the asylum applicants are paid some pocket-money of ca. 40 Euro per month only. Canteen food and shared room accommodation are free. After a transfer to a Community Accommodation (Gemeinschaftsunterkunft) the Department of Public Welfare generally pays cash benefits.
- The benefits according to the Asylbewerberleistungsgesetz are ca. 40% lower than the benefits of the Job Centres (Alg 2 / Hartz IV) during the first four years of payment.
- Lawyers, German courses etc. have to be paid by asylum seekers themselves.

Public health care

- The Law on Benefits for Asylum Seekers grants only limited health care in the first four years (exception: during pregnancy there are no limitations on health care).
- Problems can arise in cases of chronic diseases, rehabilitation expenses and preventative health examinations.
- Before getting any medical treatment, asylum seekers have to apply for a health insurance voucher (Krankenschein) at the Department of Public Welfare (Sozialamt).
- The Sozialamt can demand evidence of the necessity of the examination.