

Germany deports 50,000 immigrants a year

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The current policy in Germany of widespread detention of those awaiting deportation was introduced when the right of asylum, originally guaranteed in the German constitution of 1949, was largely abolished in 1993. The imprisonment of asylum-seekers is based on paragraph 57 of the Aliens Act, a paragraph with a long and terrible tradition. Its forerunner was paragraph 7 of the Aliens Police Regulation, which goes back to the days of Nazi rule, and was in force from 1938 to 1965, enabling the forcible deportation of foreigners who refused to leave the country voluntarily. Detention pending deportation served to prepare and effect this measure.

Today, any foreigner residing in Germany without legal immigration status can be arrested and placed in detention pending deportation. This includes refugees who are refused asylum, civil war refugees whose right to remain has not been extended, and immigrants in the broadest sense, who either entered Germany without a valid visa or whose residence permit has expired.

Since the beginning of the 1990s, the law has allowed the detention of such people, in order to procure passports or travel documents before deporting them. Those affected are in a desperate situation lacking any recourse. The reason for their arrest is not any criminal offence they have committed, but restrictive German laws that turn them into “illegal immigrants.” Moreover, deportation detention can drag on for up to 18 months. During this time, people threatened with deportation are almost completely cut off from the external world and can neither seek legal advice nor—if they prefer to leave the country “voluntarily”—even obtain their departure papers.

The Berlin *Initiative Against Deportations* has recently documented how many people are affected and, citing individual examples, has shown the desperate situation of many of those arrested.

According to the Initiative, over 50,000 migrants and

asylum-seekers are deported from Germany each year, most of them by plane. Each day, 130 to 140 are returned to the conditions from which they fled—civil war, political persecution, dire economic hardship and regimes that suppress ethnic minorities and women.

Deportees are frequently accompanied by the paramilitary German Border Police or private security agents, who are prepared to use force. Those who resist are beaten, restrained and injected with drugs. A number have already been killed, but the culprits and the authorities responsible have so far escaped prosecution. The dead and abused refugees and immigrants are consciously accepted as the price of a brutal deportation practice.

Since 1993, 99 people have taken their own lives or died trying to avoid deportation, 45 while in detention.

In 2000, more than 7,000 were taken into detention in Berlin; at any one time there were about 50 women and 250 men being held. In 2001, there were over 5,000 in detention in the city. Those arrested are between 16 and 65 years old. Pregnant women are detained in hospital six weeks before they are due to give birth. German objections to the UN Rights of the Child Convention mean that minors can also be detained and deported without an accompanying adult. Those aged 16 years and over count as refugees and are subject to the restrictive asylum law. They are also prohibited from seeking training and work.

The massive introduction of deportation detention is a part of the dismantling of democratic rights and the almost complete abolition of the right of asylum in Germany. It is part of a system of state deterrence and intimidation.

For 10 years, detention facilities in North Rhine-Westphalia have been used to hold those facing deportation. According to official figures, in 2002 the biggest detention facility in Bueren held on average 599 detainees at any one time, most of them for many

months. On one day in April, seven young people under 18 years old were being held in detention in Bueren, and four at another facility in Moers.

Deportation detainees frequently resort to desperate acts to protest their imprisonment. On July 31, Hueseyin Dikic set himself on fire when faced with deportation to Turkey. He died recently as a result of his injuries.

It is no wonder that those taken into detention to ensure their deportation from Germany, and are then exposed to subhuman prison conditions and mistreated by the guards, try to resist. In the Berlin detention facility, there have been several hunger strikes.

Sixty-eight prisoners took part in the last hunger strike at the end of January, predominantly emigrants from Russian-speaking countries and India. Their demands included the immediate release of those who could not be deported for legal reasons but who had nevertheless spent more than six months in detention, an end to inhumane treatment by the guards, and an improvement in their intolerable hygienic conditions.

A March 11 report in the *Frankfurter Rundschau* exposed the situation for those in deportation detention: before the fall of the Berlin Wall, “the Gruenauer building was a women’s prison. Since 1995, the Berlin city government has jailed accommodated those awaiting deportation there. It is a collection centre for those who are now stranded and who wanted a better life for themselves in Germany, but were prevented from remaining in the country. Like Larissa from Azerbaijan, a woman of 34, who has lived in Germany for 10 years, with some interruptions. In Hanover and Berlin she worked illegally looking after old people at home. Her mobile phone rang and an old woman asked whether she could come today. But Larissa cannot, she is sitting in detention.”

Another detainee, who features in the report, is a student from Moldavia who has attempted suicide in the past. He is now free, but is required to leave the country. He expects to be deported to Moldavia at any time. He has no legal possibility of entering Germany again. If he nevertheless tried to, the German government would ask him to pay 60 euros per day for holding him in deportation detention. That is as much as he could earn as a bookkeeper in a month in Moldavia, if he could get at a job there.

Desperate living conditions in their home countries

push people again and again to risk mortal danger to emigrate. The reaction of the German authorities and politicians, whether in Berlin or elsewhere, is to sharpen the policy of deterrence.

The governing SPD (German Social Democratic Party) and the Greens, as well as the PDS (Party of Democratic Socialism, governing in a state coalition with the SPD in Berlin), have no other answer to the social and political problems bound up with immigration than to intensify repression. They attempt to save money for the state coffers by increasing the use of private security agencies to carry out the dirty work in the detention facilities.

Germany’s conservative parties also adopted repressive immigration measures, but the situation facing asylum-seekers and immigrants has worsened considerably since the SPD and Greens entered government in 1998 and were re-elected in 2002. Although the number of asylum-seekers has declined to an historic low due to the restrictive laws and deterrence measures employed by the federal and state governments, deportations have increased—even of those with families who have lived in Germany for a long time.

Those migrants who have work, whose children were born here and go to school, or are undertaking an apprenticeship and are fully integrated into society, can also face deportation. A sinister statement issued in December 2001 makes clear that this is the declared policy of the Social Democratic-Green Party government: “The government will also in future undertake all steps required to safely and securely return foreigners subject to deportation—if necessary, also against their will.”



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