

German government proposes law to jail asylum-seekers

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The German Grand Coalition of the Social Democratic Party and Christian Democrats is preparing to even further restrict asylum rights and expand the jailing of asylum-seekers.

The interior ministry recently released a 58-page draft bill that would allow public authorities to arrest asylum seekers on the grounds of “danger of flight,” entry “while bypassing border control,” the destruction of identification cards or passes as well as providing “dissonant or false data” regarding their person, origin or route of entry.

Under the proposal, declined asylum seekers will be subject to an entry and residence prohibition. Moreover the list of “safe countries of origin,” from which asylum seekers will be denied outright will be extended to include Serbia, Bosnia-Herzegovina and Macedonia.

Writing in the *Süddeutsche Zeitung*, Heribert Prantl called the draft “perfidiousness in paragraph form.” He noted that the continued tightening of immigration laws is making it so that a refugee has almost no chance of legally immigrating to Germany or applying for asylum. If he declares his identity or flight route truthfully he will nearly always automatically end up in custody pending deportation. On the other hand, if he obscures his flight route and identity he will be placed in detention. “In future an asylum seeker can do what he wants, but it will always be wrong,” Prantl said.

The refugee organisation Pro Asyl warned that the proposal sets up a “vast imprisonment programme.” The bill provides the grounds for imprisoning asylum seekers who enter Germany via other EU member states, where there is “significant danger of flight.”

As a result of the law, asylum hearings will concentrate less on the actual reasons for the flight, and focus instead on contradictions in the asylum-seekers’ statements and the question of whether or not they

entered via a safe third state.

Minister of the Interior Thomas de Maizière justified the drastic tightening of asylum laws in the *ARD-Morgenmagazin* newspaper, saying that the legislation would only put into legal form what German authorities are already doing. If this is the case then the German authorities have already imprisoned refugees illegally.

The imprisonment of refugees is becoming increasingly common throughout the EU. The Greek government recently decreed that refugees apprehended on its borders could be imprisoned for up to twelve months. Currently more than 50,000 refugees are incarcerated in Greek jails under inhuman conditions. In Malta and Hungary refugees are also systematically locked away.

According to EU directives, EU member countries are not allowed to put asylum seekers in prison for merely applying for international protection. However the directive lists numerous exceptions to this rule. Refugees may be imprisoned to validate their identity or their right to entry, or to secure evidence. Persons applying for asylum too late, ostensibly posing a threat to national security, or having the potential to abscond can be detained according to current EU legislation.

“What further reasons should be taken into account?” asked Karl Kopp, Director for European affairs for Pro Asyl. “It is enough to detain any person seeking asylum in the EU anytime and anywhere.”

Last year Germany had 127,000 requests for asylum, and this number is expected only to increase with the escalation of the Middle East crisis and the impending threat of civil war in Ukraine.

German Interior Minister de Maizière justified the planned classification of Serbia, Bosnia-Herzegovina and Macedonia as “safe countries of origin” by stating that since these countries are “all striving to become

members of the EU, one should assume they deal well with their citizens.”

“There are enough international reports describing the disturbing human rights situation in these countries,” said Günter Burkhardt, managing director of Pro Asyl. The organization has observed significant violations of human rights in the three Balkan countries. Roma are massively discriminated against and systematically excluded from schools, healthcare, and the employment and housing market, threatening their existence. “Classification of these countries as safe is not at all justified,” concluded Burkhardt.

Applications for asylum by Roma from Serbia, Bosnia-Herzegovina, Montenegro, Albania or Macedonia are declined by the German government en masse without a substantive case-by-case analysis. Those who are fleeing from misery, prosecution and racial discrimination are to be additionally punished by a permanent prohibition from entering and residing in Germany.

The overall rejection of asylum seekers from countries considered “safe” results in seriously erroneous decisions again and again. German administrative courts increasingly rule against migrants from Serbia and other countries in the West Balkans. Whereas in Germany the recognition rates of asylum seekers from Serbia is close to zero, more than 10 percent of these asylum seekers are recognised in EU countries such as Belgium.

De Maizière justified the classification of the Western Balkan countries as “safe countries of origin” by pointing to the low recognition rate of refugees from these countries. “The number of asylum-seekers justify and call for this solution,” he said. “Early in the first quarter of this year just under a third of all asylum seekers in Germany were from these countries, with an approval rate of less than one percent.”

But the low rate of recognition is itself the result of political decisions. Former Interior Minister Hans Peter Friedrich had already accused Roma from these countries seeking asylum of abusing the German welfare system and declared that no persecution or discrimination was involved. Subsequently, the Federal Office began rejected Roma asylum applications in toto. Now this procedure is cited as justification for even further limiting the chance of their being recognized as refugees.



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