German government further restricts right to asylum

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7 July 2015

A law concerning the right to residence and termination of residence of refugees has been passed by the German parliament with the support of a majority of the ruling Christian Democratic Union/Christian Social Union (CDU/CSU) and Social Democratic Party (SPD). It threatens all refugees who come to Germany with a massive expansion of detention.

The law, presented by Interior Minister Thomas de Maziere (CDU) and passed by parliament, will once again drastically reduce the right to asylum.

At the center of the new law is a further restriction ("restructuring") of the right to asylum. It provides authorities with even more opportunities to impose restrictions on travel into Germany and residence there. In order to carry out expulsions more quickly and effectively, the legislation provides for the introduction of a new form of "outbound detention." Those under suspicion of wanting to escape deportation can be kept in detention centers for up to four days.

But the possible justifications for detention go much further. According to the guidelines of the European Union with regard to deterring refugees—the so-called Dublin Agreement—refugees can only apply for asylum in the European country they enter first. Anyone who further flees to Germany can be interned immediately upon entry into the country at the will of the government, according to the new legal measures.

According to the law, reasons for detention include:

• false or incomplete information provided to the authorities;
• not having a passport;
• making payments to a boat operator;
• avoiding border control on entry into the country.

In short, everything that is an unavoidable part of being a refugee.

How are refugees from the war- and civil war-torn areas of the world—Syria, Iraq, Afghanistan, Libya and Eritrea, to name just a few—supposed to avoid violating at least one or a combination of the grounds for internment provided for by the law?

The German Bar Association criticized the law and the grounds for internment before it was passed, stating: "In effect every person seeking asylum who enters Germany over land fulfils one of these grounds for internment."

After the law was passed, the refugee aid organization Pro Asyl wrote: "Pro Asyl criticizes the internment of asylum seekers under the Dublin procedure on fundamental grounds. Internment is a completely disproportionate measure with regard to those seeking shelter. In addition, a large proportion of those seeking asylum are traumatized or especially in need of protection for other reasons. Internment in these cases is all the more unacceptable."

In the debate that preceded the passing of the law, Interior Minister Thomas de Maizière claimed that the new regulations were necessary in order to maintain Germany's ability to take in those seeking protection. He said, "There must be a clear differentiation between those who have a claim to protection and those who do not have this claim."

This extremely cynical argumentation follows the same model as every demagogic political campaign that has preceded the new law in the past few months and years. The right to asylum in its original form had already been practically abolished in 1993 by the conservative Kohl government, with the support of the SPD.

In September of last year, the Balkan states Serbia, Macedonia, and Bosnia and Herzegovina were declared "safe countries of origin." Applications from refugees from these countries were considered as a consequence

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"obviously unfounded" and were denied without reason in more than 99 percent of all cases. Applicants can be deported quickly once again.

Politicians from the CDU/CSU and SPD at the federal, state and local levels demanded that the western Balkan states be declared "safe countries of origin" and that citizens of these countries who are seeking protection be deported back again as quickly as possible and that their papers be marked with bans on re-entry.

This reactionary and inhumane policy was also justified with the claim that it was only possible to take care of the refugees who really needed protection, such as the refugees from the civil war in Syria. The disgraceful squabbling in the EU over the acceptance of a few thousand refugees from Syria and other countries—whose populations have for years and even decades suffered from wars instigated by the imperialist countries—shows the extent of the hypocrisy and lies in this discussion.

In a commentary with the title "Fleeing as crime" published on *Spiegel Online* on the day the latest restriction on the right to asylum was passed, author Maximilian Popp recalls May 1993: "Hundreds of thousands of people fled to Germany from the war in Yugoslavia. Racists set asylum lodgings in East Germany on fire."

But instead of reacting by protecting the refugees, the members of parliament did the opposite: "The government consisting of the CDU/CSU and the FDP passed a law with the support of the SPD that in fact abolishes the right to asylum. The so-called asylum compromise marked a low point in Germany's parliamentary history after the war."

The *Spiegel* article then says that two decades later, thousands of people are once again fleeing to Germany, above all from the war-torn areas of the Middle East. And once again the political establishment is reacting by placing restrictions on the right to asylum—to the extent that it even exists at all anymore.

The criminalization and imprisonment of refugees through official politics and the detainment of refugees that will be the consequence of the law are particularly perfidious and will provide an impetus to right-wing populists.

Interior Minister de Maiziere claims that the harshness toward new arrivals is necessary in order to "ensure approval of the entry and taking in of those who need protection in Germany."

This argumentation is "dishonest because it suggests that refugees could also travel into Germany legally," writes *Spiegel* 's Popp, adding, "The Dublin agreement, however, stipulates that applicants for asylum stay in the country that they enter first, that is, as a rule in Italy, Bulgaria or Greece."

While there is broad popular support for taking in and supporting refugees, the hostile policy of the federal government toward refugees encourages a far right-wing minority. This support has the effect of emboldening and provoking the extreme right, which has attacked refugees and their housing in Germany.

Not only de Maiziere, but also Economic Minister and SPD President Sigmar Gabriel and the head of the Left Party fraction, Gregor Gysi, support these attacks. Both said at the beginning of the year with regard to the extreme right-wing Pegida movement that one must be ready to discuss with them and regard their right-wing demonstrations and threats against refugees as an expression of justified fears and concerns by broad sections of the population, who feel overwhelmed.

The open hostility to foreigners and the brutal actions against refugees by the German government, along with all other governments of the EU countries, must be seen in the context of the violent attacks of the EU, the European Central Bank and the International Monetary Fund on the Greek working class. An example is currently being made of Greece, but similar attacks are underway against the working class throughout Europe.

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