

German government moves to loosen restrictions on refugee deportations

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The German government is exploiting the racist hysteria being whipped up by the media over alleged sexual attacks by immigrants in Cologne, Germany, to rush through measures that restrict the right to asylum and accelerate the deportation of refugees.

The governing coalition of the Christian Democratic Union/Christian Social Union (CDU/CSU) and Social Democrats (SPD) are being supported in implementing the proposed crackdown by the Greens and Left Party.

CDU Interior Minister Thomas de Maizière has agreed to a series of measures with SPD Justice Minister Heiko Maas on the basis of which refugees and immigrants can be deported more quickly. Non-citizens who receive a suspended sentence for inflicting grievous bodily harm, robbery, sexual assault, repeated theft or resisting the state power are to be deported. Neither the length of the sentence, nor whether it is served on probation, will be considered in carrying out deportations.

Asylum seekers who receive a sentence of a year or more for any of the same crimes face the automatic rejection of their asylum application, regardless of the causes for their flight. It is again irrelevant whether the sentence is served on probation. Even adolescents and youth, who are supposed to be given special protection, will not be exempted from this draconian measure.

These measures throw open the door to arbitrary treatment of refugees by the police and judiciary. Since it proposes deportation or the rejection of asylum seekers for relatively modest crimes, the measure creates the basis for forcibly deporting as many refugees as possible.

The attacks on the right to asylum are part of a campaign to whip up racism and anti-refugee sentiments in the wake of alleged criminal actions by refugees in Cologne on New Years' Eve. One leading

news magazine carried a cover showing a black hand grasping a white woman, while another depicted a nude white woman covered in black handprints.

These measures helped create the atmosphere in which hundreds of neo-Nazis carried out what could only be called a pogrom in the city of Leipzig earlier this week, breaking windows and assaulting people in an immigrant neighbourhood.

De Maizière referred explicitly to the alleged attacks in Cologne as the reason for loosening deportation regulations. He stated, "This is a harsh, but correct response by the state to those who believe that although they seek protection here, they can commit crimes without it having any impact on their presence in Germany."

In an interview with public broadcaster ARD on Sunday evening, Vice Chancellor Sigmar Gabriel called for stepping up deportations. The SPD chairman is now going even further with his calls for law-and-order than the CDU/CSU. In the *Bild* newspaper, Gabriel called for "the utilisation of all possibilities of international law to send criminal asylum seekers back to their home country." There had to be "more rapid and efficient deportations."

Gabriel threatened African states with the cutting off of development aid "if they refuse to take back convicted or rejected asylum seekers." Further, he wanted to review whether "the necessary prison time [could] be served in the home country," asking, "why should German taxpayers pay for the detention of foreign criminals?"

Gabriel knows very well that his demands conform neither to the Geneva Refugee Convention, nor Germany's asylum law. These laws clearly set out that charging and sentencing must not take into account the defendant's country of citizenship. Deportation along

with the serving of a prison sentence is in this sense double jeopardy, which is impermissible.

The proposed laws follow an earlier loosening of deportation regulations that came into force on January 1, which reduced the sentence that would justify a deportation from three to two years.

On Tuesday, CDU General Secretary Peter Tauber went a step further and demanded a deportation quota of 1,000 refugees per day. In the *Rheinische Post*, he called on the states to strictly implement mass deportations of rejected asylum seekers. "If, according to empirical data, on average one of two applications obtains a negative decision, the states have an obligation to deport 1,000 asylum seekers every day," he said.

The extent of the entire political system's shift to the right is shown by the support for anti-refugee policies by the Left Party. The leader of the Left Party parliamentary group, Sahra Wagenknecht, demanded, in the same spirit as de Maizière and Gabriel, decisive action against convicted immigrants, because, as Wagenknecht put it, "whoever abuses the right to hospitality, has also lost the right to hospitality."

In reality, asylum is not a privilege granted by the authority of the state, but rather a basic right guaranteed in the Geneva Refugee Convention. Wagenknecht's statements recall those of the right-wing SPD Chancellor Gerhard Schröder, who told *Bild am Sonntag* in 1997, "Those who abuse the right to our hospitality have only one option: get out, and quickly."

Wagenknecht is not the only one in the Left Party calling for a strong state. Party chairman Berndt Riexinger demanded a massive build-up of the police, while Wagenknecht's co-leader of the parliamentary group Dietmar Bartsch called for the utilisation of "existing legislation to deport convicted foreigners with great decisiveness."

At the same time, the ruling grand coalition is planning the next police-state measure against refugees. Gabriel declared in his *ARD* interview, "I believe we need a restriction on residence. Otherwise the people including asylum seekers who have been accepted will move into the big cities. The problem will coalesce there and we will have a real ghetto problem."

Gabriel is kicking at an open door with the CDU, which adopted a corresponding motion at its December conference. Minister of the Chancellor's office Peter

Altmeier saw a high likelihood "that we can reach agreement on such a residence regulation in the coming weeks."

The residence obligations are officially presented as being intended to combat the dying out of rural communities. In fact, they are aimed at making life as unpleasant as possible for refugees in Germany. The residency obligation is a clear violation of the Geneva Refugee Convention, which provides for asylum seekers to freely choose their own area of residence and move within the country freely.

Thus far, Germany was the only European country to have a residency obligation for rejected asylum seekers who have not (yet) been deported. Last year, it was restricted to a maximum of three months.

With the introduction of a residency obligation for recognised asylum seekers, a legal precedent is being set. Using the same arguments as the CDU and SPD are currently making, Hartz IV social welfare claimants or the unemployed could have the area in which they live imposed upon them. Since the Second World War, none of the Western "democracies" have limited the freedom of people to choose where they live.

Gabriel allegedly wants to combat the "ghettoisation" of refugees and immigrants. A "ghetto" is a district of a city where specific groups of people are sent, above all due to their ethnic origin or religion precisely the measure the grand coalition now plans.



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