

INTERNATIONAL WOMEN SPACE

A group of Migrants and Refugee women



LEGAL ASSISTANCE BROCHURE

1. GET PREPARED BEFORE APPLYING FOR ASYLUM

During this period it is very important to get support from a professional, a lawyer or somebody from a counseling point like KUB or KIB or the Diakonie. Having a lawyer is also good because she/he can receive the letters from the administration: they can not get lost, so you don't miss any appointments, and she/he may translate the content for you. If you cannot afford this, you can go to a legal counseling point. (Contact us through our webpage for further information regarding available counseling points.)

2. DURING THE ASYLUM INTERVIEW

You have the right to ask for a female translator:

During your asylum interview you should feel free to say anything about your personal life-history without shame or embarrassment, you can take as much time as you need and feel free to make another date if you don't feel prepared enough. You can even interrupt the interview to ask for a women translator or if you don't trust the translation: it is your right to have a good translation.

You can also ask your lawyer before the interview, if the women translator working in your branch of Federal Office of Migration and Refugees (BAMF) is a good civil servant.

3. DURING A MEETING WITH LAWYER

- a) When the whole family comes to the consultation with a lawyer, very often the woman does not speak a lot. At the contrary, it is very important that you are present and tell about your individual experience. This is not only because the asylum procedure is individual, and that your individual/women problems can be a strong argument in the case, but also because women have specific asylum grounds in Germany (see - 4.)
- b) If some facts of your personal story are difficult to say in front of your family, you shall consider meeting your lawyer alone.
- c) Very often it is actually the woman who maintains the family situation: she takes care of children and organizes the every day life. You should carefully mention all these details to the lawyer in order to get sufficient help.
- d) It is as important to talk to your lawyer about political persecution, as well about your personal health situation (see 5-6)

4. WOMEN SPECIFIC ASYLUM GROUNDS

German law (§ 60 Abs. 1 AufenthG) says that some persecutions can be caused by the affiliation to a discriminated gender. It means that certain persecution happen almost only to women, and are recognized as asylum grounds, such as :

- Rape
- Forced sterilization
- Laws or customs rules that discriminate women in your country; such as disproportionate punishment for female adultery, forced marriage and genital mutilation.

In this case you will have to prove, either that your State of origin is anyhow responsible for this persecution, or that the protection the State gives against the human rights violations is insufficient. For example: if you cannot go to the police to make a complaint, or if no law actually forbids the acts that threaten your life, body integrity or individual freedom. Even though those things often happen at home or in the circle of the family, the German asylum law recognizes them as political persecution, if the State of origin does not provide sufficient protection.

5. GENERAL POLITICAL ASYLUM GROUNDS : POLITICAL PERSECUTION

You should talk with your lawyer about the political persecution you might have experienced because of political activity or because you belong to a discriminated group/minority in your country.

Also, if you experienced persecution as wife, sister or mother of a politically active member of your family, you should tell, during the asylum procedure, what happened to you as well as to the political persecution suffered to other members of your family. Most importantly when violence against women is used as a weapon in a conflict.

6. HEALTH SITUATION

If you are suffering from any illness you should tell about it to your lawyer and the Federal Office of Migration (BAMF). This is most important if you come from the country with a weak health system or if you cannot afford medical treatment.

7. BRINGING YOUR CHILDREN TO GERMANY

The main condition to bring your children to Germany is that you already get a residence permit, for example when your asylum application has been accepted. Still, there might be possibilities to bring your children even during the procedure and with a Duldung, but you should talk with your lawyer about it. For children under 16 years old, it is simpler:

a) AGE OF YOUR CHILDREN:

If they are under 16 years old, they can have a visa on the basis of family reunion. If they are over 16 years old, there is no legal obligation for the administration to allow the family reunion. If your children are older than 18 years, they can only obtain a German visa as student.

FAMILY REUNION CONDITIONS

- You must prove that you or your husband are able to finance the family
- You must prove that there is nobody to take care for your children in the country of origin
- You must prove that the reunification of the family will be an integration chance for your children.

b) ADOPTION BY GERMAN HUSBAND

Your children can have a right to stay in Germany if they are adopted by your German husband.

CONDITIONS OF ADOPTION

- You and your husband must be able to finance the life of your children. If you have two children you need to have money to cover all the expenses of your family and the rent. This means that you have to earn around 2000-euro net per month.
- If you can't make this amount of money, you have to oppose this on humanitarian grounds, in order to make an exception to the law.
- You have to prove that the biological father agrees, that your children go to Germany.

c) APPLICATION FOR A TOURIST VISA FOR YOUR CHILDREN

- You will have to prove that he/she will go back. The embassy will check it and ask questions like "Are you married in Germany? Do you or your husband have jobs? Do you have enough money? What is your situation in Germany?"
- You must provide a return ticket for your children.

d) PROVING THAT YOU ARE THE MOTHER OR GRANDMOTHER

If you managed to bring your (grand)children to Germany and you are still in the asylum procedure, then you have to prove that you are their (grand) mother. Also, when the children arrive to Germany, it is possible that they are kept in the Children's Heim. To take them from there, you must prove that you are the mother or grandmother of this child. For that, it is good to have as many documents as possible, like their birth certificates and birth certificates of their mother or father (if you are the grandmother). If there are no papers, you will have to do a DNA test.

For more information, visit our website:

<http://iwspace.wordpress.com/>

