

Appeal for global solidarity and the safeguarding of the right to asylum¹

With deep concern, we witness the current developments in Germany's asylum policy. The proposed changes are triggered by tremendous shifts in political and medial discourses, and we fear that the political measures being discussed will lead to a serious curtailment of the right to asylum. They are ultimately directed against an open society and global solidarity.

We oppose the current direction for asylum policy!

Instead, we argue that ...

... all refugees have a fundamental right to an assessment of their individual case in conformity with the law

People who are forced to flee from their country of origin rely on finding refuge in another country, and on having their individual case assessed in a fair asylum process, based on the rule of law.² The individual right to asylum is laid down in the German constitution, as well as in the EU Charter of Fundamental Rights, and the Geneva Convention on Refugees.

We criticise the proposal to introduce a procedure at the German border to assess whether a person fulfills certain conditions for claiming asylum under the German or European asylum system. This would mean that asylum seekers would be refused entry at the border if they arrive from a third country, where they are supposed to be "safe from persecution". Another issue of the current debate is the claim that those people who have been registered in another EU-member state before, or those who travel without identity documents (*sans papier*) are rejected automatically at the border. Further proposals include the possibility to install extraterritorial facilities for assessment proceedings outside Germany, or even outside the European Union territory.³ For Germany it is intended that arriving refugees have to stay in special reception camps to await their application to be assessed or rejected.

In all these cases, there is no longer a guarantee of access to regular asylum procedures in Germany and other Schengen countries. A generalised mode of turning back asylum seekers without individual assessment at the border, as demanded by parts of the German government, would constitute a

¹ This English paper (dated July 3rd, 2018) is a modified translation of the German position paper of the DGSA (German Association of Social Work) – online: www.dgsa.de. The German paper was submitted to the German Government on June 26th, 2018. Based on the German version, this English translation includes some updates in consideration of the latest developments in Germany and Europe, launched after the EU Council summit on June 29th, 2018.

² The word "refugee" is used as the general term for all individual subjects in situations of border-crossing forced migration, whereas the term "asylum seekers" indicates the political/legal act of procedures of registration of the respective person.

³ This specific proposal – the installation of "closed camps" outside (or inside) of the European Union – has been adopted and confirmed by the latest EU compromise from June 28th, 2018.

breach of human and European rights.⁴ Under such a policy, people seeking protection would become so-called “refugees in orbit”, trapped in endless cycles of inhumane “chain deportation”, and pushed back and forth between the member states of the EU and other countries.

Political decisions in the declaration of so-called “safe countries of origin” or of “safe areas” in war zones, which suffice to justify deportation to these countries, undermine the essential principles of international protection for refugees under the Geneva Convention on Refugees, as well as the right of individuals to a hearing of their personal reasons for applying for asylum.

We demand that all national decisions and all plans to reform the Common European Asylum System (CEAS) must guarantee access to legally conform asylum proceedings in Germany and in the European Union, with a careful and fair assessment of the individual situation of each applicant. This also includes the right of asylum seekers to claim their rights of objection against authority decisions. A guarantee of fair and just asylum proceedings and international protection is incompatible with conditional “admissibility assessment procedures” outside Germany and the Schengen-area. We condemn all forms of refoulement, and an opportunistic definition of “safe countries of origin” motivated by mere national interests. No person should be returned to a country where his or her life is threatened.

... all refugees have the right to live with their family

Many refugees have left their families behind or were separated from close relatives in the course of their migration. For them it can cause extreme and long-term distress, if there is no prospective hope for family reunification. This applies especially to minors and people with serious illness, who rely on their family ties, and who trust that their forced migration will not result in permanent separation. Being able to lead a normal family life is a vital factor for successful integration in the host society, a fact which has been pointed out by many experts.

We criticise the suspension of family reunification for refugees with subsidiary protection, and the setting of quotas for family reunification. This constitutes a violation of basic rights and of human rights agreements (European Convention on Human Rights). A restriction of family reunification to very few exceptions for those who have been granted residence on humanitarian grounds also confounds the principles of human rights, and a serious disregard of the tenet of best interest of the child. Permanent refusal of family reunification cannot be justified by quotas or cost calculations, nor on the ground of precarious prospects of permanent residence for the persons seeking asylum.

We demand the recognition of the integrity, and the right of the own family for all people in Germany. No one should be hindered from efforts to seek international protection for his or her close relatives (parents, children, siblings) as well.

⁴ Principle of non-refoulement as included in the Geneva Convention on Refugees and the European Convention on Human Rights; see declaration issued by the Deutsches Institut für Menschenrechte [German Institute for Human Rights]: Zurückweisungen von Flüchtlingen an der Grenze? Eine menschen- und europarechtliche Bewertung, revised version from 19/06/2018 (<https://www.institut-fuer-menschenrechte.de/publikationen/show/zurueckweisungen-von-fluechtlingen-an-der-grenze-1/>); see also the article by Constantin Hruschka: Kontrolle oder Chaos? Zur Rechtswidrigkeit der Zurückweisung von Schutzsuchenden an den europäischen Binnengrenzen, 18/06/2018 (<https://fluechtlingsforschung.net/kontrolle-oder-chaos-zur-rechtswidrigkeit-der-zurueckweisung-von-schutzsuchenden-an-den-europaischen-binnengrenzen/>).

... adequate accommodation and full participation must be provided for all refugees from the beginning

For refugees, being able to participate fully in German society under humane conditions, is the starting point to earn their own living, develop new perspectives and play an active role in society. Widening participation for refugees (e.g. in social life, education, and labour) provide indispensable opportunities for contact with the host society, which is important for both sides.

We criticise the planned installation of so called “AnKER” centres⁵ in Germany, and similar types of reception centres with mass accommodation in the federal states, modelled on the Bavarian reception centres. The plan is to accommodate up to 1.500 people in these collective centres until their application for asylum has been decided on. Such facilities blatantly curtail the individuals’ autonomy and opportunities for participation. Many voices have warned that such forms of accommodation tend to produce conflicts, and increase the risk for everyone of becoming victims of violence.⁶ This applies in particular to children, women, and LGBTIQ⁷ persons. AnKER centres cannot do justice to the legal protection rights and the minimum standards required for highly vulnerable groups such as (unaccompanied) minors, people with a disability or a serious physical or mental condition (including trauma), or people who have survived human trafficking, torture or violence.⁸

For refugees, such centres provoke social exclusion, and often they lead to serious mental health problems. Taking up employment is extremely difficult or impossible, and educational opportunities are very restricted, which affects children and adolescents in particular. It is planned that in some of these centres refugees will be given only allowances in kind and very restricted access to medical services. AnKER centres and comparable collective accommodation centres are primarily intended as a deterrent. They result in segregation of the refugees and asylum seekers, and provoke resentment among members of the host society.

We demand decentralised accommodation for refugees and asylum seekers, taking into account the legal regulations and minimum standards in respect of the provision of shelter, food and social services. International and national codified human rights (e.g. UN Convention on the Rights of the Child, Geneva Convention on Refugees, UN Convention on the Rights of Persons with Disabilities) must be respected and implemented. Regardless of their prospects of being allowed to stay, all refugees living in this country must be given an opportunity to participate fully in society from the beginning. This includes access to employment, education and medical care, and full participation in political, social and cultural life, with cash welfare benefits instead of patronizing allowances in kind.

... refugees must have access to independent, free and comprehensive counselling

Every refugee has his or her own specific biographical experience of migration, and there is a corresponding multiplicity of reasons for seeking asylum. All Refugees need independent, free and comprehensive counselling in order to understand their individual rights and possible courses of action in order to take informed decisions about their future. The hermetic logic of the planned AnKER centres

⁵ According to the coalition agreement, AnKER centres will be responsible for arrival, decision, allocation to local communities, or deportation. AnKER is a German acronym for these four functions.

⁶ See, for instance, the statement issued by the Council for Migration on 18/03/2018.

⁷ LGBTIQ stands for lesbian, gay, bisexual, transgender, intersexual or queer.

⁸ See Bundesministerium für Familie, Senioren, Frauen und Jugend / UNICEF Deutschland (2017): Mindeststandards zum Schutz von geflüchteten Menschen in Flüchtlingsunterkünften, Berlin. [Federal Ministry for Family Affairs, Senior Citizens, Women and Youth / UNICEF Germany (2017): Minimum Standards for the Protection of Refugees and Migrants in Refugee Accommodation Centres. Berlin].

makes it likely that many refugees will have no access to appropriate and independent counselling, and thus to take advantage of their existing legal rights.

We criticise the politically motivated dismantling of the legal and social standards for protection of vulnerable groups, and the discreditation of critical social initiatives and solidarity with refugees by misrepresentations and changes of procedures. In certain federal states, heavy pressure has been put on welfare agencies in the past few months by threats to cut their funding if they should continue to provide comprehensive counselling services.⁹ The current political discourse tends to vilify social workers and others who work with refugees. Categorising the social support for asylum seekers according to their prospects of being granted permission to stay is inadequate, and curtails the equal right to open assistance and counselling for everyone. Like the proposal to reverse the burden of proof in determining the legal age of children, other existing legal standards are increasingly being watered down to serve as a deterrent to refugees and migrants. We strongly oppose such attempts to exploit the profession of social work for illegitimate political actions, intended to compel asylum seekers into leaving the country “voluntarily”.

We demand guaranteed and unrestricted access to open and comprehensive social and legal counselling for asylum seekers. This is a universal right that cannot depend on a superficial presumption of prospects to be granted permission to stay. Sound social and legal advice from professional counsellors in a repression-free and trust-inspiring environment must be provided for all asylum seekers, according to the relevant professional standards in respect of both scope and quality.¹⁰ In addition, many civil society initiatives contribute with hands-on support for refugees. Their engagement has a special quality of its own, but cannot replace professional social work and counselling. This kind of social engagement deserves acknowledgement, it should be encouraged and not be criminalised.

... complicated facts require careful analysis and respectful political discourse

A democratic, open and pluralistic society requires a fair culture of debate, based on discursively founded positions and decisions. The primacy of differentiated knowledge and arguments (including scientifically generated knowledge) must be maintained and positioned against emotional rage and agitation. A discussion of challenges and possible solutions in the context of forced migration and other global and social developments requires careful analyses of the facts in all their complexity.

We criticise the spreading use of hostile and contemptuous language in the public discourse, a use of language that also infiltrates the “centre” of political communication with humiliation. Discussions about migration and asylum have increasingly become characterised by resentment, criminalisation of

⁹ See the position paper issued by the Arbeitskreis Kritische Soziale Arbeit München (2017): Wir sind Sozialarbeiter*innen und keine Abschiebehelfer*innen! [Working Group Critical Social Work Munich (2017): We are social workers and not deportation assistants] (<http://www.aks-muenchen.de/2017/04/wir-sind-sozialarbeiterinnen-und-keine-abschiebehelferinnen-positionspapier-und-unterschriftensammlung/>)

¹⁰ For Social Work see for example: Initiative Hochschullehrender zu Sozialer Arbeit in Gemeinschaftsunterkünften: Positionspapier: Soziale Arbeit mit Geflüchteten in Gemeinschaftsunterkünften. Professionelle Standards und sozialpolitische Basis, 2016 [Initiative of Professors on Social Work in Refugee Accommodation Centers: Position Paper: Social Work with Refugees in Refugee Accommodations Centers. Professional Standards and Socio-political Basis.] (http://www.fluechtlingssozialarbeit.de/Position_Paper_Social_Work_with_Refugees.pdf). Specifically on counseling see the joint statement of the DGSA Section “Flucht, Migration, Antisemitismus- und Rassismuskritik: Unabhängigkeit und Ergebnisoffenheit als Leitmotive der Sozialen Arbeit auch im Falle einer angeordneten Abschiebung. [DGSA section on Flight, Migration, Critique of Anti-Semitism and Racism: Independence und openness as guiding principles in case of deportation] (https://www.dgsa.de/fileadmin/Dokumente/Fachgruppen/Migration_und_Rassismuskritik/DGSA_Stellungnahme_final.pdf)

refugees and their helpers, and, not infrequently, open racism. Complex social problems, such as increasing social inequality and precarious life conditions in a welfare state, are mixed up with political issues relating to migration and asylum. Racial and hostile statements are used with populist intentions in a manner likely to stir up hatred. This is the core of the problem and does not contribute to solving the social issues. Rather, the prevailing hostile or racially motivated shifts in discourse are clearly aimed at sowing segregation between social groups. They make civilised political debate impossible, and obstruct agreements on an immigration policy based on solidarity and a sense of responsibility. We vehemently reject arguments that play off general social problems, such as the housing shortage or the increasing risk of poverty, against the plight of those who are seeking asylum.

We demand a respectful and democratic discourse on the political stage. Politicians must present complex facts in a differentiated manner, in order to ensure that opinions are formed on the basis of well-founded arguments. Politicians – together with civil society – must exercise democratic vigilance and firmly oppose racist and inhumane statements or actions aimed at arousing fear or envy, criminalizing whole groups, and filling the discourse space with poisonous rhetoric.

... an asylum policy for a globalised world must be based on solidarity

Forced migration is the consequence of war, persecution, hunger, extreme poverty or climatic disasters, the causes of which can be found in unfair economic conditions, and exploitation and waste of resources. Today, a few people enjoy the privileges of wealth and unlimited mobility and defend these privileges through their economic and foreign policies, while employing all possible means to deny many others the prospect of being able to lead a dignified life in safety and freedom.

We criticise the biased discussions in Germany and the EU, treating refugees and asylum seekers not as people in need of humanitarian aid, but primarily as a perceived threat. Most discussions chiefly focus on ways to “secure the external borders”, for instance a significant increase in funding for the European Border and Coast Guard Agency (Frontex). Yet, the use of violence and restrictive forms of national or European border security will not change the causes of forced migration or solve other basic problems of injustice in the globalised world. This political practice of push-backs, fenced borders and deportation closes its eyes to the fact that those who are seeking protection are exposed to increased risks and dangers. It shifts the international humanitarian and legal obligation to provide protection “outside our borders”, and ignores the burdens borne by other countries and regions which are more directly affected by migration processes because of their geographical location.

In Europe, the “Dublin System” has *de facto* failed. It is not based on solidarity, rather it has undermined a joint responsibility for finding international solutions, resulting in unilateral action by certain countries and the establishment of unacceptable border regimes. This makes it extremely difficult to reach agreement on an international asylum policy based on principles of solidarity, not only in Europe, but globally. The full extent of this inhumane policy can be seen in the proposal to set up “secure zones” along the migration routes (for example in Africa), and in the current attitude of some EU countries towards rescue ships in the Mediterranean.

We demand the development of a new international asylum policy based on the principle of solidarity. Such an asylum policy cannot exist in isolation. It must be accompanied by fair economic conditions, and globally agreed policies on climate, development, peace, and migration. Civil society actors, NGOs and initiatives which act locally, nationally and transnationally not only make an important contribution by rescuing and assisting people in need of humanitarian aid, but also work in favour of

an asylum policy based on social solidarity. Politicians and governments must respect the self-organization and interventions of these actors, enter into dialogue with them and develop action strategies together with them.

We appeal to the German government and all responsible political actors to:

- Put an end to the escalation of an asylum policy based on isolation and deterrence, and instead safeguard the right to seek asylum.
- Contribute to social solidarity by allowing refugees full participation beginning from their arrival.
- Secure and respect independent professional structures offering assistance for refugees and asylum seekers, and support and respect civil society initiatives and voluntary helpers.
- Resist the use of a rhetoric that criminalizes refugees and migrants, and speak out clearly against all forms of racism, hostility, and right wing populism.
- Fight for the establishment of a global ethic of responsibility and social solidarity based on national, European and international measures.

Final note on recent developments

The German version of this appeal was initially addressed to the German Government and other key political actors at the end of June 2018. It is a statement of objection against political positions and certain developments to curtail asylum in Germany, although affecting Europe and the World as well.

During the last days, the debate has escalated into a major political crisis, both on the national and European level. Overshadowed by the German government crisis, the European Council summit in Brussels closed with vague political arrangements and so called “deals”, most of them intending to transform Europe into an almost inaccessible “fortress”.¹¹ The envisioned “concept of regional disembarkation platforms” is only one of many worrying outcomes of a harsh and rejective EU policy that sets the focuses rather on isolation than on dialogue.

Meanwhile several other associations and social initiatives have published similar statements and open letters. They also articulate the fundamental critique against the current directions of (international) asylum policies.¹²

With this English version, published only a week after the German original paper, we have been trying to catch up with the dramatic developments as far as possible. It is our aim, to provide an insight into the “German situation” which is inevitably linked to the European and international dimension. We are hoping to contribute to the initiation of an ongoing international critical discourse. The DGSA welcomes comments and an open dialogue on this global issue within the international social work community.

¹¹ Official results of the Council see: <http://www.consilium.europa.eu/en/meetings/european-council/2018/06/28-29/>

¹² See for example: Berliner Erklärung zum Flüchtlingsschutz (27/06/2018), signed by 17 welfare and human rights organisations (<https://www.der-paritaetische.de/presse/berliner-erklaerung-zum-fluechtlingsschutz/>); kritnet/medico international/ISM : Solidarität statt Heimat; signed by more than 10.000 people so far (<https://solidaritaet-statt-heimat.kritnet.org>); Deutscher Berufsverband für Soziale Arbeit e.V. (DBSH) (02/07/2018): Nein zur Verschärfung der Asyl- und Grenzpolitik! Nein zur Auslagerung des sogenannten „Migrationproblems“! (https://www.dbsh.de/fileadmin/redaktionell/pdf/Sozialpolitik/Kommentar_zum_EU_Gipfel_2_7_2018.pdf).

The **Deutsche Gesellschaft für Soziale Arbeit (DGSA)** [German Association of Social Work] is the German academic social work society representing approximately 700 members. Founded in 1989, it is dedicated to the promotion of social work as a discipline and profession. The board members are: Prof. Dr. Michaela Köttig and Prof. Dr. Barbara Thiessen (chair persons), Prof. Dr. Stefan Borrmann (secretary), Wolfgang Antes (treasurer), Prof. Dr. Sonja Kubisch, Prof. Dr. Dieter Röh, Prof. Dr. Christian Spatscheck and Prof. Dr. Claudia Steckelberg (board members).

Imprint

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July 2018