

SOLIDARITY ASYL

SUPPORT PEOPLE IN HIDING
FROM THEIR DEPORTATION



A PRACTICAL GUIDE TO
ACTS OF SOLIDARITY

WHAT IS SOLI-ASYL?

The German state deports people. These deportations, which deprive people of their livelihoods and knowingly expose them to life-threatening situations, are happening on a weekly basis. This form of state violence is also exercised in Würzburg.

Many people living in Würzburg and elsewhere are resisting these violent deportations. **Not being at home when the police carry out their deportation raids is a form of resistance.** To be able to continue to defy deportations and to stay in Germany, people at threat of deportation are looking for safe places to sleep.



Soli-Asyl refers to the concept and practice of offering temporary refuge to people who are threatened with deportation.

In a joint act of civil disobedience and lived solidarity, active parts of civil society are opposing and standing up against the ruthless deportation practices of the German immigration authorities. Instead of simply accepting this reality, people open up their doors and support others in their fight for their right to stay.

From a global and historical perspective, it is a long-standing practice to provide shelter to people who are threatened by the state. To ensure that a deportation can be carried out, authorities often do not announce the date. Consequently, thousands of people hide from deportation every day. However, this usually happens within self-organized groups of refugees and family circles. These struggles therefore commonly take place far away from the broader public and tend to remain invisible in isolated refugee camps.

It is about time that also people with more privileges follow these examples of resistance, show solidarity, and open up places of refuge for people at risk of deportation.

WHY SOLI-ASYL?

The German asylum system to this day is based on racist and colonial categories which define who is allowed to live in Germany and who is not. Categories that serve to criminalize freedom of movement and provide exceptions only for those whose presence is considered economically and politically valuable.

SEEKING
ASYLUM
IS NOT A
CRIME
IT IS A
HUMAN
RIGHT

Whether immigration office, police, reception facilities, or BAMF [Federal Office for Migration and Refugees] – they all contribute to the conscious maintenance of the prevailing power structures and colonial power relations. In doing so, they transform a racist world view that is deeply rooted in our society into a violent reality.

Moreover, the German immigration authorities often do not recognize people's individual reasons for wanting or having to leave their country. The criteria for asylum are formulated in general and complex ways and are based on the racist assumption that people disguise their reasons for seeking protection.

Experience has shown that deportations can affect anyone without a supposedly secure residence status. The German immigration authorities do not shy away from forcibly deporting people that have been living in Germany for years or even those who were born in the country. The same applies to people in vulnerable or precarious situations. People are being deported to either other European countries or to their countries of origin, regardless of what awaits them there.

As long as deportations are carried out as a form of nationalist state violence, there needs to be resistance!

WHO IS SOLI-ASYL FOR?

Soli-Asyl is aimed in principle and without exception at all people who are threatened with deportation and who are fighting for their right to stay in Germany.

When people seeking protection enter Germany but were previously registered in another EU country, Germany will attempt to deport them to the »country of first entry« **under the EU Regulation »Dublin III«.**

Only if the responsible immigration authorities are unable to deport a person to the respective EU Member State **within six months**, Germany will become responsible to process the asylum procedure. This period is extended to 18 months if the authorities assume that the person is deliberately evading their deportation. The person then is considered as being »fugitive«.

However, also people for whom Germany has declared its responsibility may need a safe place **after their asylum application has been rejected in the last instance**. In this case, people often try to find alternative solutions to secure their right to stay. These options include, for example, obtaining medical certificates, a soli-marriage, or legal ways through the German Residence Act.



To sum up: Who is Soli-Asyl for?

- People who are at risk of a Dublin deportation within six to 18 months after their asylum application has been rejected.
- People whose asylum application has been definitively rejected and who need a place of refuge which gives them time to find alternative solutions.

Whether and for how long Soli-Asyl makes sense always depends on the individual's situation. At the same time, Soli-Asyl is the last option for obtaining a right to stay. Soli-Asyl can only make a meaningful contribution to preventing deportations once all legal options have been exhausted.

FIRST STEPS

The realization of Soli-Asyl does not require completely freely available housing, but rather a place where people can be safe for at least a few days or weeks.

Is there a temporarily free room available in your shared flat? Is one of your flatmates away for a few days or weeks? Do you have a guest room that is not used most of the time anyway? Or do you own a sofa that someone could sleep on every now and then?

Deportations usually take place between 10:00 p.m. and 08:00 a.m. It is therefore often sufficient and represents an enormous relief for many people if they get the opportunity to sleep peacefully at night without being in constant fear of a potential deportation. To avoid that people threatened with deportation are being considered »fugitive« and thus suffer disadvantages, they **mostly spend the rest of the day at the place where they have been officially registered.**

If you would like to make a room available but have (financial) difficulties in doing so, we can support you and your flatmates with **a contribution to the rental costs** during the period of Soli-Asyl.

As a very first step, you and your flatmates could think about and discuss some of the following basic questions:



How long would I like to offer a room for? Can I let people sleep at my place for only a few days or several weeks?

How many people can I take in? A single person or a family?

Is the space open to everyone or only to certain people (women, LGBTQI*, ...)?

What else is important to me?

DURING THE SOLI-ASYL

As with all flatmates, it is important to clarify everyone's needs and expectations in order to avoid misunderstandings.

We won't leave you alone before, during, or after the time of a Soli-Asyl. **We are always available for you and your flatmates.** We are also happy to act as mediators on request.

Even if needs and expectations have been clearly defined from the beginning, it makes sense to speak about them regularly. Perhaps you would also like to assist or support your new flatmate in their fight for their right to stay in Germany in some other way?



Sharing a cup of tea, getting to know each other, going for a walk together, accompanying people to the immigration authorities, to lawyers, or to doctors. There are countless ways to show your solidarity with people at risk of deportation. And they are often much easier and less complicated than you might think.

If you can spare some of your personal time and capacities, simply ask the person concerned what they may need and how you can support them. However, you should never initiate things or take any decisions without having clearly communicated and agreed upon them beforehand.

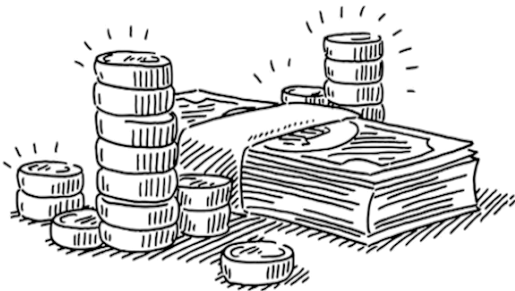
You are not (solely) responsible for any care work that may arise during the Soli-Asyl. Luckily, we can fall back on a circle of supporters who may currently not be able to provide accommodation, but who are willing to share their time and responsibility.

Lastly, you should know that we are in constant contact with the person that will be staying at your place. The person knows that also they can contact us at any time with any questions or concerns. Although we may not be experts in many things, we usually know who we can turn to for answers or further support.

SUPPORT OUR NETWORK

People who have been illegalized in Germany receive little or no financial support from the state. **However, the fight for a right to stay is often expensive.** Especially when lawyers have to be involved. But also everyday basic needs, such as food or mobility, require quite some financial resources.

We try to cover the basic financial needs of people in Soli-Asyl with donations. This is why we are grateful for every contribution that reaches us on our donation account, no matter how small it may be. Also monthly donations of e.g., 5.00 to 10.00 euros are of immense help and support us in maintaining what we do.



Würzburg Solidarisch e.V.

IBAN: DE91 8306 5408 0005 3407 80

BIC: GENO DEFI SLR

Bank: Deutsche Skatbank eG

Purpose: »Solidarity«

To support us financially, you could also tell your friends and family about our network, ask them for donations, organize a soli-party, or invite people to your home for a »Küfa« (Kitchen for all). We would be happy to support you with the organization or give you advice and tips in the preparations and in the realization of an event.

We also gladly welcome interested people that share our values and basic principles and who would like to join our network. Here, it does not matter how much time or resources you currently may have available. You also do not need to have any previous knowledge or experience. There are countless opportunities to get actively involved and to contribute to an open and solidary society. **Please feel free to get in touch!**

For only together are we strong and can resolutely oppose deportations!

FURTHER SUPPORT

If you would like to get actively involved in supporting refugees within or outside of Soli-Asyl, you can find some practical ways to do so below.

Support with visits to public authorities and offices

To hide from deportation first means not being discovered during deportation raids. Nevertheless, people have to renew their identity papers or residence permits at the immigration office or attend other official appointments. **In the past, deportations have occurred because the police have waited for people at appointments at the immigration office. In other cases, police were called at short notice to arrest people.** Being accompanied or being represented at these appointments can reduce the risk of deportation.

Many people also report that they were treated very differently and far more respectfully just because a German-speaking friend accompanied them to the immigration office. It may not be a big deal for you to spend an hour or two at an appointment. **But for people at risk of deportation, your time can make a huge difference.**

Clarifying the legal situation

Since hiring a lawyer can often be very expensive, you should first seek out (free) counseling centers. In many cases, however, it can make sense to involve a lawyer in order to fully seize the chances of obtaining a right to stay. You could get involved by finding out about counseling options – either from us or by yourself – and*or by making an appointment at a counseling office, if the person concerned wishes you to do so. You can also find a list of useful links and contacts on our website: <https://soliasylwue.noblogs.org>.

We know that it is anything but easy to fully understand the legal regulations of the German asylum system. However, it can be very helpful to calmly explain to people during or after an appointment what happens next. You usually do not

need any specialist knowledge of asylum and residence law to do this.

We also support people at risk of deportation in legal matters. In case you have any legal questions, you are welcome to contact us at any time. If we don't know what to do ourselves or are not entirely sure, we will consult trustworthy lawyers and counseling offices or put you in touch with them.

Ensuring medical care

In the case of an imminent deportation, there are a few other ways to fight for a right to stay. For instance, a psychiatrist can issue a certificate confirming that a deportation cannot be carried out for medical reasons. To do this, consultations must be arranged with a psychiatrist who can issue such a certificate. The certificate must meet very strict requirements in order to be recognized by the court. Counseling centers can provide you with more information about the requirements for psychiatric certificates.

Regardless of this possibility of preventing a deportation, people need to see a doctor from time to time. Here, it may also be of great help for people if you take the time to accompany them to appointments and explain the content of the conversation again in a calmer atmosphere, if necessary.

»**MediNetz Würzburg**« (<https://medinetz-wuerzburg.de>) aims to improve the situation of refugees in Würzburg who have no or only limited access to the German health care system. During consultation hours, they arrange medical assistance and access to appropriate treatment. You can contact MediNetz either by phone (+49 (0) 160 916 610 78) or via email (orga@medinetz-wuerzburg.de).

Support a solidary marriage or marry yourself

Another practical way to maintain a perspective to stay can be to marry a person who has EU citizenship. **A solidary marriage is hence a good way to share one's own privileges out of solidarity.** At the same time, this project requires comprehensive preparation and advice. While the state is not interested in people with a German passport, binational couples must convincingly explain

that love is the only effective reason for their marriage. The German authorities may nevertheless refuse to issue or extend the residence permit or not even allow the marriage.

Despite these challenges, many people have already taken this step and decided to marry for the right to stay. If you, for whatever reason, might be interested in a solidary marriage, you can find more detailed information at **»Marriage against Borders«** (<https://marryme.blackblogs.org>).

Break the Isolation

To force people to live in so-called communal accommodation facility for refugees not only deprives them of their agency and freedom of movement. It also denies them the chance to gain a foothold in the new society, to be seen, and to become a part of it.

As part of the weekly **»Welcome Café«**, we want to create places of encounter and exchange both inside and outside Würzburg's largest communal accommodation facility for refugees. We aim to build a space for conversations, board games, getting to know each other, drinking tea together, and any other activities. Through this, the residents of the facility meet each other as well as people from outside. In this way, the isolation imposed on them shall be broken at least to some extent.

The **»Welcome Café«** is open to everyone and is always happy to welcome new participants. In case you are interested in getting to know us or joining us, please feel free to contact us at: ak-teestube@web.de.

SAFETY AND LEGAL MATTERS

Showing solidarity is human. The German government has a different view. Threats of criminalization are intended to deter people from acts of solidarity and practical political intervention. We want a Würzburg in which we are not afraid to stand up for each other as well as a city in which we are ready to bear possible consequences together. With a few security measures taken into account, it is highly unlikely that the deportation authorities will find out where a person is hiding.

If legal repression nevertheless does occur, we will of course not leave you alone with possible threats or punishments. Instead, we will try to find a solution to the situation together. There are also a number of solidarity structures that can absorb the burden of potential fines.

What is the legal status of people who are at threat of deportation?

People who are seriously threatened with deportation often own a so-called **»Duldung«, a tolerated stay permit.** According to § 60a (1) AufenthG [German Residence Act], a **»Duldung«** (**»Temporary suspension of deportation«**) is primarily granted to **those who are obliged to leave the country but cannot be deported due to legal or factual reasons.** This may occur, for example, if no passport is available or deportation is not permitted for humanitarian or other reasons.

Refugees are obliged to leave the country if their asylum application is rejected. However, people who enter Germany without a visa or remain in Germany after their visa expires and who do not apply for asylum are also required to leave the country (§ 50 AufenthG [German Residence Act]).

A **»Duldung«** is usually only valid for a short period of time (with the exception of those issued for educational and employment reasons). It is often issued for one, three, or six months. A **»Duldung«** granted due to the impossibility of

deportation, is extended if deportation is still not possible. In this way, a »tolerated stay« may last for many years.

At the same time, the withdrawal of a »Duldung« may happen suddenly and at any time. Hence, the legal status is associated with permanent stress and fear of deportation for many of those affected. As soon as the obstacle to deportation no longer applies or if a certain event occurs (for example, if the country of origin issues travel documents or a hardship application is rejected), there is an acute risk of deportation.

People who are facing a Dublin deportation usually carry a so-called »**Aufenthaltsgestattung**« (temporary stay permit) or a »**Ausweisersatzpapier**« (ID replacement document). As with people owning a »Duldung«, they are also allowed to move freely and sleep in places outside their assigned communal accommodation facility, provided they comply with their residence and registration obligations.

What consequences do people have to fear when making use of Soli-Asyl?

As described previously, Soli-Asyl can be a useful instrument for bridging a Dublin deportation period. At the same time, there is a certain risk that the deportation period will be extended from six to 18 months. Especially if the person concerned is not staying permanently at their registered address. Moreover, Soli-Asyl can provide people threatened with deportation time to explore alternative solutions that may allow them to stay in Germany. However, whether and for how long Soli-Asyl makes sense always depends on the individual's situation.

Legally speaking, staying in Germany without papers is a criminal offense (§ 95 AufenthG [German Residence Act]). **In most cases, however, people have a so-called »Duldung«, a tolerated stay permit, or another identity document. They are therefore not illegalized.** In other cases, the danger of imminent deportation outweighs the risk of criminalization. This is why we are in regular contact with other solidarity initiatives and lawyers and examine the chances and risks of a Soli-Asyl together in advance in each individual case.

Can I make myself liable to criminal prosecution by providing Soli-Asyl?

Supporting people in need, welcoming them, and offering them protection is one of the most natural things in the world. **Hospitality and solidarity are no crimes and anyone can invite people into their home.** Threats of prosecution and attempts to criminalize Soli-Asyl are of course still possible.

The authorities may argue that Soli-Asyl constitutes aiding and abetting illegal stay under § 95 AufenthG [German Residence Act] («Gesetz über den Aufenthalt, die Erwerbstätigkeit und die Integration von Ausländern im Bundesgebiet» [Act on the Residence, Employment and Integration of Foreigners in the Federal Territory]). **However, the form of Soli-Asyl that we practice does not constitute the aiding and abetting of an illegal stay.** As long as the person at risk of deportation has a valid »Duldung« or another identification document – which is not uncommon – Soli-Asyl is nothing more than hospitality. Thus, it will often not be possible to criminalize the provision of a place of refuge due to the lack of fulfilment of the offence. In addition, as already mentioned, it is very unlikely that the authorities will find out where a person is staying.

Nevertheless, it makes sense to be aware of the possibility and the risks of the threat of criminalization. **But remember: the risk you bear is probably much lower than that of the person who is facing deportation.**

What can I do to minimize the risk of a potential criminal prosecution?

Generally speaking, it is advisable to rely on secure communication channels. This means using forms of protected communication that not everyone has access to. To this end, you should avoid sending unencrypted messages with sensitive content via insecure channels (email, Facebook, WhatsApp, ...). Instead, you can encrypt your emails or use an encrypted open-source messenger app such as »Signal«. Encrypting your laptop or smartphone is much easier than you might think.

Whenever possible, it is best to discuss confidential matters with others in person. Naturally, we also provide people who make use of Soli-Asyl with a briefing on security matters.

In the (very unlikely) event that the police show up at your door, it's good to be prepared. The police may only enter your home with a court search warrant. You can find more information on how to act during a house search in the flyer »Hausdurchsuchung. Was tun?« from »Rote Hilfe e.V.«. If police arrest the person staying with you, contact us immediately. In many cases, an urgent court application can prevent deportation at the last minute.

And what about people like you who publicly call for the granting of Soli-Asyl?

Previous experiences from other cities show that attempts to criminalize the behavior of those involved in the organization of Soli-Asyl are possible. In this sense, calling for support for Sol-Asyl could be a punishable offense under § 111 StGB [German Criminal Code] (»Öffentliche Aufforderung zu Straftaten« [Public incitement to commit criminal offenses]). For this, the form of Soli-Asyl that we practice would have to constitute an unlawful act. **However, we are not calling for the commission of criminal offenses.** Rather, we are simply declaring our intention to support people in need, to welcome them, and to offer them protection.

At the same time, we are aware that the more broadly a campaign of civil disobedience is supported, the higher are the chances of a criminal prosecution. **Therefore, we cannot completely rule out the possibilities and risks of criminalization.**

Moreover, in May 2021, the Regional Court of Aschaffenburg confirmed that the »call to grant solidary asylum to people threatened with deportation and to hide them in their homes if necessary« cannot be considered a call to commit an unlawful act. Further information on Hagen Kopp's acquittal can be found on the website of »Aktion Bürger*innenasyl« (<https://aktionbuergerinnenasyl.de>).

REFLECTIONS ON PRIVILEGE AND POWER RELATIONS

We are convinced that migration, the overcoming of borders, and the struggle for the right to stay represent central forms of active political resistance against global relations of domination and exploitation. **As people who organize and provide Soli-Asyl, we want to show solidarity with these struggles and support them.**

We are aware that the concept of Soli-Asyl is not an invention of *white* activists, but has been practiced by refugees themselves for a very long time. Our work hence only constitutes a small addition to everyday refugee resistance practices. **At the same time, the fight against deportations in a racist society is a fight that concerns us all.** Especially *white* people, who benefit from the prevailing system of exclusion and prosecution and are not threatened by violent deportations share a responsibility to show solidarity with refugees in precarious living situations.

We live in a society in which racism and other forms of discrimination are a daily reality. This often goes unnoticed by people who are not affected by specific forms of discrimination themselves. As we have all grown up in an environment in which discrimination takes place, each one of us has unconsciously and inevitably internalized discriminatory behavior. This means that *white* people can act in a racist way even with the best of intentions. The same applies to other power structures. We are thus convinced that we all benefit from becoming (more) aware of our discriminatory behavior, language, and attitudes. In consequence, we can try to avoid them and to unlearn them at least to a certain extent.

Let us work on ourselves and our environment so that every Soli-Asyl can be a place where racism, sexism, homophobia, transphobia, anti-Semitism, ableism, and all other forms of discrimination are resolutely opposed.

NETWORK SOLI-ASYL WÜRZBURG

»**Network Soli-Asyl Würzburg**« is a local and independent association of activists, solidarity initiatives, and individuals in Würzburg and part of the network »**Aktion Bürger*innenasyll**«.

Together with people who are fighting against their deportation, we want to create solidarity structures that support them in their struggle for their right to stay in Germany. The aim of our initiative is to provide people threatened with deportation temporary places of refuge and shelter, to ensure their access to health care and legal advice, and to support them in finding and developing sustainable perspectives.

In a joint act of civil disobedience and lived solidarity, we want to put a spanner in the works of the deportation machinery and contribute to making this inhumane practice impossible. We stand for the unconditional right to stay and the freedom of movement of all people, as well as for a world of solidarity in which human dignity is truly unimpeachable. We refuse to accept the prevailing policy of deportations and exclusion and demand that people may decide freely where they can and want to live.

Our initiative is deliberately not secret, its purpose political. We want to live in a city of solidarity and consider Soli-Asyl as part of a global social movement that works to ensure that human rights apply to all people without exception or condition. Everyone has a right to housing, education, health and mobility, regardless of social or legal status, origin, gender, or other constructed criteria.

Let us together prevent deportations and resolutely oppose the German and European policies of isolation!

No one is illegal! For a world without borders! For an unconditional right to stay for all!



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