

Field: Asylum law

Sources in law:

Asylum Procedure Act	Sections 2(1), Sections 3(2) sentence 1 no. 1 and (2) sentence 2, Section 30(4), Section 73(1) and (2a) sentence 4
Aliens Act 1990	Section 51(1)
Residence Act	Section 60(1) sentence 1
GRC	Article 1 F, Article 33(2)
Basic Law	Articles 16a, 26
Rome Statute	Articles 5, 7, 8, 25, 28
Administrative Code	Sections 94, 139(3) sentence 4
Directive 2004/83/EC	Articles 3, 12(2), 14(3)
UN Charter	Articles 1, 24, 39
Code of Civil Procedure	Section 557(2)

Headwords:

Asylum; reason for exclusion; stay of proceedings; standard of proof; fair procedure; recognition of refugee status; war crimes; non-state actors; terrorism; UN Resolutions; crimes against humanity; international criminal law; priority of EU law; revocation; purposes and principles of the United Nations.

Headnotes:

1. According to Section 73(1) of the Asylum Procedure Act, recognition of refugee status and of the entitlement to asylum must be revoked if the individual concerned brings about reasons for exclusion under Section 3(2) sentence 1 no. 1 or no. 3 of the Asylum Procedure Act after that recognition.
2. Not only those who continue or initiate terrorist activities or their support from the Federal Republic of Germany (the 'terrorism reservation'), but also those who commit or support war crimes or crimes from humanity from here, are excluded from the fundamental right to asylum.
3. Because the legal status of a person entitled to asylum under Article 16a of the Basic Law and a refugee within the meaning of Directive 2004/83/EC may be confused with one another, the requirements of Union law under Article 3 of the Directive forbid recognising an entitlement to asylum or maintaining that recognition for a person who is excluded from being a refugee under Article 12(2) of the Directive.

Judgment of the 10<sup>th</sup> Division of 31 March 2011 – BVerwG 10 C 2.10

I. Ansbach Administrative Court, 13 December 2006 – Case No.: VG AN 9 K 06.30646 -

II. Munich Higher Administrative Court, 11 January 2010 – Case No.: VGH 9 B 08.30223 -