

Germany

COUNTRY OPERATIONS PLAN 2003

Executive Committee Summary

(a) Context and Beneficiary Population(s)

UNHCR is represented in Germany by a Branch Office in Berlin and a Sub Office in Nuremberg. UNHCR's operations plan in Germany for 2003 is based on the Bureau for Europe's 'Strategic Directions 2000-2004', as well as the Inspector General's recommendations, following his February 2000 mission to Germany. Other relevant policy documents and regional objectives and achievements which have been taken into account in the preparation of this plan, include the Agenda for Protection and the Separated Children in Europe Programme (SCEP).

German asylum law is arguably one of the most complex in the world, and asylum seekers require adequate procedural and legal counselling to avoid technical pitfalls which may lead to the rejection on mere formal grounds or unnecessarily protracted handling of asylum applications. In addition, an exceptionally high number of first instance decisions are appealed and remedied through the courts (approx. 60,000 a year). Asylum seekers are dispersed throughout Germany. Federal, State, regional and local authorities have shared competence for them. Thus, there is a need for decentralised legal counselling facilities, through which UNHCR can promote a co-ordinated response to a variety of problems.

To ensure that UNHCR is involved only with cases of particular interest from a refugee law and precedent-setting perspective, training and co-operation with NGO legal advisors and counsellors will be given a high priority. The counselling network of NGOs in Germany is quite dense in western Germany, but less comprehensive in the new federal states of the former East Germany, and at the Czech border. Financial constraints in a period of austerity measures may threaten the availability of such services to refugees and asylum seekers. UNHCR will therefore strengthen NGOs' capacity to maintain and intensify such networks, by supporting the creation of two counselling centres in the East and the Southeast, provision of training, and a small legal aid fund for precedent-setting cases.

UNHCR operations in Germany will focus on advocating fair and adequate protection for refugees and persons of concern, which includes a high quality refugee status determination procedure as well as a comprehensive system of subsidiary protection, a status of refugees which appropriately reflects the scope of the 1951 Convention, the reduction of statelessness, and a better integration of refugees. Specific attention will be given to gender-specific forms of human rights violations and the needs of child refugees. Furthermore the programme is designed to address and improve reception standards of

asylum seekers, and to decrease xenophobia and intolerance towards refugees.

The number of persons with refugee status or with some form of temporary protection in Germany is estimated by the government at 903,000. This number includes some 130,000 family members of recognised refugees and 361,000 persons *de facto* refugees, of whom approx. 100,000 had fled Kosovo. It includes 24,000 refugees from Bosnia and Herzegovina (1995: 280,000). However, this figure excludes approx. 191,000 asylum seekers whose asylum applications were pending on 31 December 2001. BO Berlin estimates that the numbers of persons applying for asylum will continue to be between 80,000 to 90,000 in 2002 and 2003. The top ten countries of origin were in 2001 were Iraq, Turkey, FR Yugoslavia, Afghanistan, Russian Federation, Vietnam, Iran, India, Bosnia and Herzegovina, and Syria.

UNHCR further envisages that several thousand of the 180,000 persons who fled Kosovo and 72,000 who fled Afghanistan for Germany, have a strong desire to return home in 2003. This desire is strongly encouraged by local aliens and social offices, which often do not differentiate between those still in need of continued protection, i.e. minorities, and others, who do not have valid protection reasons anymore. UNHCR will therefore support the German Red Cross in its activities to encourage repatriation for those who no longer need international protection and promote adequate solutions for all those who still risk persecution if returned.

(b) Selected Programme Goals and Objectives

UNHCR's role and primary objective in Germany are:

- (1) To ensure the preservation/improvement of the quality of asylum;
- (2) To find lasting solutions for refugees coming from other parts of the world;
and
- (3) To promote support for UNHCR's efforts to find durable solutions to refugees hosted by countries in the less developed world.

Within the parameters of the primary objective of 'preserving quality asylum', various activities will be carried out to ensure that decrees and regulations issued within the context of the new immigration law will safeguard access to German territory for persons in need of international protection; that asylum-seekers will have access to fair and adequate asylum procedures and be treated in accordance with international standards; that public opinion will be more receptive and supportive of the protection and solution needs of refugees, and that refugees' rights will be respected and durable solutions found for them.

In order to achieve these objectives, the office will engage in activities to improve refugee status determination (RSD) procedures, both at the administrative and appeal (court) levels, and improve the status of recognised refugees as well as beneficiaries of complementary protection. UNHCR will support the Government of Germany to implement a refugee definition which is in accordance with the internationally accepted refugee definition, and

assist the authorities to address gender-related forms of human rights violations. UNHCR will advocate the rights of separated child refugees, and assist the authorities in efforts to integrate refugees and promote a smooth return process for persons without protection needs and unsuccessful asylum-seekers, and also ensure that German support toward EU harmonisation is solution oriented, and in line with international standards. The Office will, in addition, support the creation of a humanitarian resettlement quota, prevent the refoulement of persons of concern to UNHCR, and address and improve reception standards of asylum seekers.

Linked to the Bureau's theme of strengthening partnerships, BO Germany will focus on increasing Germany's contribution to UNHCR, in a bid to re-enforce private and corporate fundraising. Furthermore the office will promote, encourage, and accompany partnership agreements between the Government of Germany and UNHCR, and will encourage the Government and senior opinion leaders to participate actively and progressively in UNHCR's global quest to uphold international refugee protection and actively seek solutions to refugee problems worldwide. Activities under this project include monitoring, social and legal counseling and representation, legal aid, research and publication, country-of-origin documentation, family reunification and medical evacuation, training, and public information efforts.

In order to support a cost-effective way to promote refugee law in universities as well as to provide legal aid regimes and providers with additional capacity, UNHCR will support within the framework of pilot projects the creation of two 'refugee law clinics' at the Universities of Bielefeld and Leipzig. Students will be able to earn credits after one/two semester aliens-refugee law course by providing counselling and legal support for the activities of a lawyer/legal aid NGO. The refugee law clinic will be integrated into the local legal aid regime and will receive referrals from existing NGOs and the Branch Office. It is envisaged that the refugee law clinics will have a spill over effect.

Cases of family reunification with recognised refugees and medically at risk refugees seeking admission and treatment in German institutions will be handled by a Unit at the German Red Cross, co-financed through this project.

The project will also support UNHCR's external relations activities in Germany. Information materials will be produced and/or distributed by the Branch Office in an effort to further enhance awareness of the situation of refugees in Germany and around the world, as well as of UNHCR's role.