

GERMANY

2002 COUNTRY

OPERATIONS PLAN

Part I: Executive Committee Summary

(a) *Context and Beneficiary Population(s)*

UNHCR's presence and involvement in the Federal Republic of Germany dates back to the early 1950s, when various offices were opened in the country with the objective of finding durable solutions for refugees and displaced persons who had been uprooted by World War II. Whereas most of these offices were later closed, UNHCR maintains a presence in Berlin and Nuremberg. UNHCR currently has four international, ten national and two project staff in Berlin, as well as three national and two project staff in Nuremberg. Both the BO and SO have interns.

This Country Operations Plan translates objectives and themes of Bureau for Europe's 'Strategic Directions 2000-2005', and instructions by the High Commissioner to re-focus UNHCR on activities which are core, into UNHCR's operations in the Federal Republic of Germany in 2002. Furthermore, it takes into consideration recommendations made by the Inspector General during his mission to Germany of May 2000, as well as other relevant policy documents and regional objectives, *inter alia* the Global Consultations and the Separated Children in Europe Programme (SCEP). Finally, it reflects planning exercises BO Berlin and SO Nuremberg conducted among the staff, and takes due consideration of joint programmes and projects UNHCR developed with strategic and implementing partners.

UNHCR's role and primary objective in Germany is to ensure that **harmonisation in asylum and refugee matters is conducted in conformity with international standards**. Particular attention is paid to improving the fairness and efficiency of the German RSD procedure, to strengthening the status of persons in need of protection, including support for the Kosovo caseload, to ensuring that German support toward EU harmonisation respects international standards, and to assisting the return process of persons without protection needs, e.g. repatriation to Kosovo, and properly rejected asylum-seekers.

Furthermore the offices will support Germany's commitment that *bona fide* refugees will have **access to the territory**. In this respect the office will engage itself in activities to improve respect for human (refugee) rights at the borders, the ports of entry including airport procedure, to supporting the creation of alternative entry/immigration channels, including a resettlement quota, and to prevent *refoulement*. These objectives are directly linked to the Bureau of Europe's **Theme I** of ensuring **quality asylum in Europe**.

Various other objectives are linked to the **Theme II** of the Bureau (**Europe's support to UNHCR**). The offices will focus on increasing Germany's contribution to UNHCR, to enforce private, and to strengthen co-operate fundraising. Furthermore, the project 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 at the **Global Consultations**.

The number of all persons staying in Germany with refugee status or with some form of temporary protection cannot be known with certainty, but was estimated by the government to be 1,100,000 at the end of 2000.

This number includes some 130,000 family members of recognised refugees and 200,000 asylum-seekers whose cases had not been finally decided. It also includes an estimated 30,000 refugees from Bosnia and Herzegovina (1995: 280,000), and an estimated 370,000 *de facto* refugees, of whom approximately 120,000 had fled Kosovo.

BO Berlin estimates that the numbers of persons applying for asylum will continue to be nearly 80,000 p.a. during 2001 and 2002. During 2000, a total of 78,564 persons submitted new asylum applications in Germany. The top ten countries of origin were Iraq 11,601 (compared to 8,662 in 1999), FR Yugoslavia 11,121 (31,451), Turkey 8,968 (9,065), Afghanistan 5,380 (4,458), Iran 4,878 (3,407), the Russian Federation 2,763 (2,094), Syria 2,641 (2,156), Vietnam 2,332 (2,425), China 2,072 (1,236), and India 1,826 (1,499). In addition, 39,084 second asylum applications were registered. In 2000, 105,502 decisions were taken by the Federal Office for the Recognition of Foreign Refugees. Of these, 3,128 persons (3.0%) were recognised as entitled to political asylum under Article 16a of the German Constitution. 8,318 persons were recognised as refugees under Section 51 Aliens Act. Additionally, 1,597 persons were granted temporary permission to stay due to humanitarian reasons. 32.35% of all asylum requests were lodged by female applicants.

(b) *Selected Programme Goals and Objectives*

UNHCR operations in Germany will focus on advocating full, efficient and fair asylum procedures, the integration of refugees, as well as adequate protection of other persons of concern to UNHCR. Support provided under this project will be of potential benefit to all refugees and asylum-seekers in Germany.

Activities under this project include: monitoring, legal counselling and representation, legal aid, research and publication, country-of-origin documentation, family reunification and medical evacuation, training, and public information efforts.

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 to, and remedied through, the courts (approx. 60,000 a year). This requires access to counselling. Asylum-seekers are distributed 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 perspective and which have possible precedent-setting implications, training and co-operation with NGO legal 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. Financial

constraints in a period of austerity 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 provision of training, expertise, and a small legal aid fund for precedent-setting cases.

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 a pilot scheme, the creation of a ‘refugee law clinic’. Students will be able to earn credit/exams after a 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 clinic 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 material 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.

UNHCR further envisaged that several thousand of the 180,000 who fled Kosovo for Germany, have a strong desire to return home in 2002. This desire is strongly encouraged by local aliens and social offices, who often do not differentiate between those still in need of continued protection, i.e. minorities, and others, who do not have valid protection reasons. Therefore, UNHCR will support the German Red Cross in its activities to encourage repatriation for those who are no longer in need of international protection and promote adequate solutions for all those who still face persecution if returned.

This project requires a total budget of US\$ 503,838.

Name of Beneficiary Population/Theme: Theme I: Quality Asylum in Europe	
Main Goal(s): Harmonisation in Conformity with international standards	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> • To improve the fairness and efficiency of the German RSD procedure; • To ensure German support towards ensuring EU harmonisation respects international standards; • To assist in the return of persons without protection needs; strengthen the status of persons in need of 	<ul style="list-style-type: none"> • Improved interpretation of international protection principles, including ECHR, by decision makers and courts; • Decreased number of protection complaints; • Reduced number of persons in need of protection without status; • Improved quality of legal aid; • UNHCR position on key protection issues

protection.	<p>are reflected in national and European asylum systems;</p> <ul style="list-style-type: none"> • Status of Convention refugees is equal to those recognised under the German Constitution; • Return of high numbers of screened-out asylum-seekers; • No violation of Art. 33 of the 1951 Convention.
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Name of Beneficiary Population/Theme: Theme I: Quality Asylum in Europe	
Main Goal(s): Access to the Territory	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> • To improve respect for refugee rights at the borders, the ports of entry, including the airport procedure; • To support the establishment of alternative entry/immigration channels, including a resettlement quota. 	<ul style="list-style-type: none"> • Reduced number of complaints about ill-treatment at the border; • Guarantee of re-admission to first country of asylum • Access also for traumatised and vulnerable refugees, i.e. women and children through a small resettlement quota • Reduction of number of non-refugees who use the asylum system for immigration purposes

Name of Beneficiary Population/Theme: Theme II: Europe's support to UNHCR	
Main Goal(s): Increased support to UNHCR world wide	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> • Increase Germany's core contribution to UNHCR • Enforce private fundraising 	<ul style="list-style-type: none"> • Increase of contribution to 1 US\$ per citizen; • Private and corporate fundraising will increase by 50 per cent.

Name of Beneficiary Population/Theme: Theme II: Europe's support to UNHCR	
Main Goal(s): European people better informed and supportive. European States actively uphold UNHCR's protection concerns and seek solutions to refugee problems internationally.	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> • To rationalise national debate on asylum and migration; 	<ul style="list-style-type: none"> • Adequate models for fair and efficient asylum procedures are developed;

<ul style="list-style-type: none">• To develop strategic partnerships with Government and State authorities in order to find durable solutions;• Promote and encourage active participation in the 'Global Consultation' process.	<ul style="list-style-type: none">• Policy of Governments will focus more to find, jointly with the United Nations, holistic solutions for refugee outflows;• Comprehensive, creative and innovative policy on refugee protection will evolve.
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