

# SOLIDARITY ASYL

SUPPORT PEOPLE IN HIDING FROM DEPORTATION



**A HOW-TO GUIDE FOR  
PEOPLE OFFERING ROOMS**



# WHAT IS SOLI-ASYL?

The German state deports people. Also in Berlin, this form of state violence takes place. There are many people living in Berlin who resist being violently removed from Germany. One form that this resistance can take, is not being at home when police enact their morning deportation raids. These deportation visits are always unannounced and hence, in order to resist deportation, people are searching for a safer sleeping place.

There is a long-standing practice in history and around the world to shelter people who face danger from the state. Many people in Berlin have spaces to provide temporary shelter. Soli-Asyl is the concept of providing temporary shelter to people who fight their deportation.

# WHY SOLI-ASYL?

The German asylum system is based on narrow categories of who is allowed to live in Germany and who is not. It adheres to the racist and colonial logic that European wealth accumulated in colonial times should mostly be accessible to the white descendants of those who enacted colonial domination and continue to benefit from globalized capitalism. Exceptions are limited to the ones whose presence is assumed to be beneficial for German economic and political interests. The asylum/immigration system does not accept people's own reasons for needing or wanting to move. Instead, immigration criteria are based on economic usefulness. Asylum criteria are generalized, complex, ignore economic reasons for flight and are based on the racist assumption that people are lying about their reasons of flight.

In addition, EU rules define the so-called Dublin Regulation, which states that anyone asking for asylum should do so in the first EU country they enter. In most cases, this means Greece, Italy or Spain. These are countries with a non-functioning asylum system, very low asylum acceptance rates and due to the lack of jobs, almost no possibility of financial survival. If people arrive in Germany, but have already had their fingerprint taken in another EU country: the German state will try to deport the person to that country. If the German state does not manage to deport within 6 months, the person is allowed to ask for asylum in Germany (this increases to 18 months when the person is perceived as "hiding" and therefore not fulfilling cooperation requirements as described by the Dublin Regulation).

So in summary:

- **People who are in a Dublin situation are looking for a place to hide for 6 to 18 months.**
- **People with rejected asylum cases are looking for a place to hide in order to enable alternative solutions to stay in Germany.**

Alternative solutions to the asylum system include a medical document providing medical reasons not to deport, marriage with an EU passport holder or starting an Ausbildung.

Thousands of people are hiding from deportation every day. Every day people find ways to subvert deportation raids. Currently, this mostly happens within self-organized refugee initiatives, invisibilized in isolated Lagers. It is high time that more privileged passport-holders follow this example and open their rooms for people looking to hide.

Collectively, we can stop any deportation from happening. And offering a room as form of direct solidarity is one tactic (among many) to strive for a reality without deportations.

## GETTING STARTED

Do you have a room free for some weeks or months? Great! Let's put some solidarity in practice! Here are some hints on what steps you can take.

### Define your hosting possibility

There are many people who look for a room to hide from deportation. First you could ask yourself (and your current housemates) about the following details:

- How long would you like to offer the room? Any period of time is useful!
- How many people can you imagine to host? One person or possibly a family?
- Are there any criteria? For example, is your flat is only for women\* (see footnote), non-binary or LGBTQI people? Or would you only like to live with people who speak one of the languages you speak?

### Make the offer to your new housemate

Maybe you already know someone? Or perhaps you have friends who know friends? If not, you could write one of the self-organized refugee groups in Berlin. Another possibility would be to come to anti-deportation events happening in Berlin (check the website: Stressfaktor): here you can get more information or make your offer in person. You will then be put in contact with someone who is looking for a room.

### Communicate clearly about needs

Like with any housemate, it is always good to clarify what the needs and expectations of everyone included are, in order to avoid misunderstandings. What is everybody's cleaning and cooking preferences? How much collective living would someone like? How does your flat deal with money (like do you have a shared food budget)? Smoking? Can your guest get their own key? Set a clear starting day and ending day of the room.

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*Footnote: with women\* we want to point out the construction of gender categories. We see gender as an identity category which can not be allocated from other persons but only by oneself.*

# DURING SOLI-ASYL

Even if needs and expectations are clearly defined from the beginning, it is always good to check-in with each other. Maybe you are able to support your housemate's struggle against border repression. Please keep always in mind that the only person who can define how they'd like to deal with a situation is the person who is affected by the situation. You can make your offer of support available, but don't decide anything for someone.

There are many forms of support possible.

## **Organizing money**

Avoiding one's own deportation can lead to the illegalization of the affected person. A situation where the system takes away someone's basic rights. There are many potential costs that come with fighting for the right to stay: Lawyer costs, marriage costs or if someone is illegalized, basic survival costs like food, transport and health care. If the person who is fighting for this wishes financial support, there are ways to raise this money. Ask friends for donations. It is for example possible to organize a soli-party with donation on entry or a kitchen event (Küfa).

## **Accompanying to Ausländerbehörde**

Hiding from deportation means not being found during deportation raids. But people still have to renew their ID cards (e.g. Duldung) in Ausländerbehörde. Deportations occasionally happen during that appointment. If someone wishes, it is possible to join people to this appointment and slightly decrease the risk.

## **Communication with lawyer**

In general, it is not easy to understand the legal process of asylum law. Additionally, explanations are often not given precisely. It can be helpful if someone is supporting and accompanying talking to a lawyer.

## **Communication with doctor and psychotherapist**

After a final rejection of asylum, there are ways to fight for the right to stay. One option is to visit a psychiatrist who can write a medical document (Attest) that indicates someone cannot be deported due to medical reasons. This is a long process! It includes meetings with a psychiatrist who would write such a statement. Additionally, it means regular appointments with a psychotherapist to show regular treatment. This medical document has strict requirements in order to be accepted by the court and the 'case' presented needs to be credible/fit to the asylum 'case'. Counseling will provide advice about proper psychiatric treatment.

## **Supporting process of Ausbildung / language course**

One way to stay after asylum rejection is to start an apprenticeship (Ausbildung). This is a job training of 1-4 years. Doing an Ausbildung mostly needs a German language level of at least B1. Once an Ausbildung has started, the person receives an Ausbildungsdundung. As long as the Ausbildung is continued, a deportation cannot happen. If the person finishes it and manages to get a job after, a residence permit can be given. Counseling will provide advice about which apprenticeship makes sense.

## **Supporting process of marriage**

Another way to stay in Germany is to marry an EU passport holder. Solidarity marriages are great ways for people with privileged passport to use those privileges for solidarity. It is a long process which needs a lot of communication and marriage is expensive. But it is a sure way for someone to get a residence permit if everything works out! Information can be found online.

## **Supporting process of Härtefall Kommission**

The senate has a Committee that can influence exceptional permissions for some people to stay in Germany, based on certain criteria. It is for people who have received their final asylum rejection, but who are (according to them) extraordinarily “integrated”. Counseling can provide advice.

# **RISKS & SECURITY**

To do an act of basic solidarity is common sense. The current immigration law disagrees. The threats of punishment that the law indicates primarily function to scare people away from forms of solidarity and away from practical political intervention. We would like a climate in Berlin where we are not afraid to stand up for each other and where we will handle consequences together. If we take some security measures, it is very unlikely that the state will find out about where someone is hiding. In case that repression does happen, there are solidarity structures in Berlin sharing the burden of any fines.

## **Legal risk for person hiding**

Whether and in what form a Soli-Asyl makes sense varies from case to case. Staying in a Soli-Asyl can be a useful tool to overcome a deadline for a Dublin deportation, but hiding from deportation often means the state prolongs the period for a Dublin deportation to 18 months. Often there are possibilities to decrease such risks depending on the specific practices of local authorities and organizations. Theoretically, staying in Germany without any paper is considered a crime. But in most cases people do still have a Duldung, and in other cases the risk of a criminal case can outweigh the risk of a deportation. Anyway, we strongly recommend to get advice from a lawyer in advance to discuss the potential risks of staying in a Soli-Asyl, as well as to think of ways to make it safer.

## Legal risk for host

If the person hosted by you still has a Duldung or another valid Ausweis, your hospitality is likely to be just hospitality and legal. If the person is illegalized, judges would later on have to prove that you knew the person was illegalized. According to the German residency act (§96 AufenthG), solidary acts with a person threatened by a deportation can be considered “aid to an unauthorized stay”. While the maximum punishment allowed in the law is one year of imprisonment or a respective fine, **without any previous conviction the punishment will probably be limited to a lower fine in most cases.** It is good to be aware of the risk of a criminal investigation. But don't forget: the risk you take is probably much lower than for someone threatened by a deportation.

## Tips to decrease risks

It can never hurt in these times to make your communication more secure. This means using forms of communication that not everybody can read. Any messages sent on unencrypted email, facebook or many messenger apps (like whatsapp) can be accessed by anyone with a certain technological knowledge. Alternatively, you can use an encrypted, open source messenger app like Signal or encrypt your email. Encrypting your phone, laptop and computer is also very useful and easier than you think. Speaking about sensitive topics, it is advisable to speak in person with each other. Generally, also think about what information you share with whom and talk about these issues with your new housemate.

In the very unlikely case that the police knocks on your door, it is good to be prepared. Police is only allowed to enter with a court's warrant. If they arrest the person hiding, try to reach the person's lawyer. Sometimes a legal fast track intervention can still prevent a deportation.

## Legal support

If someone gets charged, it is very important that we stand together to face any state repression. No one getting charged shall stand alone! From support in the legal process to collectively carrying the financial burden of a fine and lawyer costs, there are groups in Berlin which help with this.

When you get charged: contact anti-repression groups for legal tips, contacts to lawyers and to get in touch with any other support needed. In Berlin, Rote Hilfe pays 50% of any fine received for this form of political involvement. Solidarity structures will do their best to raise as much as possible to raise the rest.

# **REFLECTION ON POWER & PRIVILEGE**

We live in a society in which different forms of discrimination play out on a daily basis, often unnoticed by people that are not affected by them. While growing up in an environment, in which these discriminations are present, all of us have unconsciously learned some form of these discriminations. Even when having the best intentions, white people sometimes act in a racist way without wanting to do so. The same happens concerning other power structures. That's why we think that all of us can benefit from a continuous learning process to unlearn discriminatory behaviors, terminologies and internalized attitudes. Let's work on ourselves and our surroundings to make every Solidarity Asyl a place where we challenge forms of racism, sexism, homophobia, transphobia, ableism or any other discrimination.

# **CIVIL DISOBEDIENCE! FOR A DEPORTATION-FREE BERLIN!**

It does not look like politicians will make Berlin a deportation-free city any time soon, but we collectively, as people living in Berlin, can make it impossible for deportations to happen. Housing and health care should be the right of all people living here and if the government refuses to give that right, then networks of solidarity can take those initiatives themselves.

Halting all deportations would be a step towards a fairer world, in which all people can freely decide where they want to live. Civil disobedience can go a long way in creating a world with more solidarity and we can start now in our direct surroundings. As long as the injustice of deportation exists, we should all continue the long-standing practice to provide safer shelters. There are many people living in Berlin who resist being violently removed from Germany. Let us all stand by their side!



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Stop all deportations

Arrêt total des expulsions

توقف اخراج پناهندگان



إيقاف جميع عمليات الترحيل Alto a las deportaciones

Alle Abschiebungen stoppen ملك بدرى بند کریں

GET INVOLVED, OPEN YOUR HOMES FOR THOSE FIGHTING THEIR DEPORTATIONS