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Information leaflet for persons with exceptional leave to remain ("Duldung")

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Hello

Are you, or acquaintances of yours, to move to the "community home for foreigners who are obligated to depart" ("Gemeinschaftsunterkunft für ausreisepflichtige Ausländer") in Neumünster?

We would like to provide you with some information that could help you to insist on your legal rights in this "community home" and not be too intimidated by officials.

What will the move to Neumünster entail?

The public authority responsible for aliens ("Ausländerbehörde") and the regional authorities want to get you to depart "of your own choice". The authorities want you to sign the papers to apply for a passport. The forced move to Neumünster means that you may lose your work or may have to interrupt a school qualification, and that you may be separated from friends.

In Neumünster you will find a room with several beds, full board and spending money. All of which is a first step to apply pressure, and to get you to depart Germany "of your own free will". Note that you will not be locked up there - you are allowed to receive visitors and you may travel within the Neumünster city area. Whether the public authority is allowed to send you there, is a matter you should have checked by an information centre or by your lawyer.

What can actually happen and how can you react?

- The public authority responsible for you has made an application to the regional authorities in Neumünster, to get you accepted there.
- Should the regional authorities agree, you will be called upon to go to a hearing in the rooms of the public authority ("Ausländeramt"). You don't have to go there on your own, you can take along a witness or your lawyer can write a letter on your behalf. Should you go to this hearing, you will be asked i.a. whether you are

prepared to depart from Germany of your own free will and to sign papers stating this. And whether you are prepared to help in organising the travel documents.

- Should you not be prepared to do this, you will receive a letter at some later time, ordering you to show up in Neumünster by a certain date and time. You or your lawyer now have 4 weeks' time to object against this order. Should the objection be overruled, you can claim, i.e. take legal proceedings. Unfortunately such a claim will not delay the move, i.e. you will have to move to Neumünster, even if your objection or your claim has not yet been ruled on. Your lawyer should therefore simultaneously mark your application at the administrative court ("Verwaltungsgericht") as urgent ("Eilantrag").
- It is likely that Neumünster was already entered in your exceptional leave ("Duldung") documents as the place where you must stay eventually ("Residenzpflicht").
- If you arrive on your own at the departure centre ("Ausreisezentrum"), you should state at the entrance that you want to speak to an attendant of the German Red Cross ("Deutsches Rotes Kreuz" or DRK). You should under no condition let them show you at once to the office of the regional authorities - insist on speaking with the DRK first. The employees of the DRK organise you a place to stay, but are independent of the regional authorities.
The DRK is reachable via phone daily from 7 a.m. to 8 p.m. (20h00).
Telephone number: 04321-974400
- Perhaps the regional authorities will try to fetch you for the interview as quickly as possible, with your having had time to prepare. During this interview you are to be "persuaded" to sign the papers necessary for your departure: From what we have heard, maybe several officials will try to convince you all at the same time, so it is possible that this may be frightening. You should insist that someone from the DRK accompanies you to ALL appointments, so that you have a witness present at all times.
- We cannot advise you on a personal decision, neither do we want to. But we know that a person can be put upon very badly in these interviews with the regional authorities.
We give this advice: Don't sign the papers right away. Think about what this means in your own time, when you aren't in the presence of officials. Perhaps you could speak to an information centre or your family and friends. You can always return to the regional authorities later and sign the papers, should this be what you want to do.
You also have the right to reject signature.

In any case stay in contact with your current information centre, your lawyer and friends.

This information leaflet will be translated into other languages. You will find the translations, as soon as is possible, under

<http://www.frsh.de/>