Reception - Germany

Reception system

Overview

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Relevant EU legislation

Germany is bound by the recast Reception Conditions Directive and has transposed its provisions through the Asylum Act, Asylgesetz ((AsylG).

National legislation

2 September 2008: Germany transposes the recast Reception Conditions Directive by the Asylum Act | Asylgesetz ((AsylG)

Competent authority and stakeholders

Authority responsible for reception	Federal states are responsible for the reception and accommodation of refugees and asylum-seekers, as well as for the provision of benefits. Though there are both national and federal states' regulations regarding the reception of asylum seekers, the administrative implementation is the exclusive responsibility of the federal states. The majority of federal states have referred responsibility for accommodation to municipalities. The responsible authorities can decide whether the management of the centres is carried out by the local governments or whether this is transferred to NGOs or facility management companies (third-party private companies).

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Other actors involved	The everyday running of the activities and services is often outsourced to NGOs, CSOs and reception management companies.

Organisational aspects

Reception in Germany falls under the responsibility of the 16 Länder. The organisational charts of the ministries responsible are available on their websites:

Baden-Württemberg
Ministerium der Justiz und für Migration
www.justiz-bw.de

Bayern
Bayerisches Staatsministerium des Innern, für Sport und Integration
https://www.berlin.de/sen/asgiva

Berlin
Senatsverwaltung für Arbeit, Soziales, Gleichstellung, Integration, Vielfalt und Antidiskriminierung
https://www.berlin.de/sen/ias

Brandenburg
Ministerium des Innern und für Kommunales des Landes Brandenburg
www.mik.brandenburg.de

Bremen
Die Senatorin für Soziales, Jugend, Frauen, Integration und Sport
https://www.soziales.bremen.de

Hamburg
Behörde für Inneres und Sport
https://www.hamburg.de/innenbehoerde

Hessen
Hessisches Ministerium für Arbeit, Integration, Jugend und Soziales
https://www.soziales.hessen.de

Mecklenburg-Vorpommern
Ministerium für Inneres, Bau und Digitalisierung Mecklenburg-Vorpommern

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https://www.regierung-mv.de/Landesregierung/im/

Niedersachsen
Niedersächsisches Ministerium für Inneres und Sport
https://www.mi.niedersachsen.de/startseite/

Nordrhein-Westfalen
Ministerium für Kinder, Jugend, Familie, Gleichstellung, Flucht und Integration des Landes Nordrhein-Westfalen
https://www.mkjfgfi.nrw/

Rheinland-Pfalz
Ministerium für Familie, Frauen, Kultur und, Integration
https://mffki.rlp.de/

Saarland
Ministerium für Inneres, Bauen und Sport
www.saarland.de

Sachsen
Sächsisches Staatsministerium des Innern
https://www.smi.sachsen.de/

Sachsen-Anhalt
Ministerium für Inneres und Sport des Landes Sachsen-Anhalt
https://mi.sachsen-anhalt.de/

Schleswig-Holstein
Ministerium für Soziales, Jugend, Familie, Senioren, Integration und Gleichstellung des Landes Schleswig-Holstein
https://www.schleswig-holstein.de/DE/landesregierung/ministerien-behoerden/VIII/viii_node.html

Thüringen
Thüringer Ministerium für Inneres und Kommunales
https://innen.thueringen.de/

Allocation of applicants to geographical areas within the territory

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A centralised data collection system, EASY (*Erstverteilung Asylbewerber*), is used to distribute refugees and asylum seekers among federal states and to collect data on the availability of places in the initial/first reception centres across Germany.

The system is based on a quota system called Königsteiner Schlüssel, which allocates a share of asylum applicants to each federal state, based on tax receipts and population numbers. The distribution quota is calculated on an annual basis by the Joint Science Conference (*Gemeinsame Wissenschaftskonferenz* – GWK) and takes into consideration two-thirds tax revenue and one-third population of the Länder. This ensures a suitable and fair distribution among federal states.

In principle, the distribution algorithm follows Section 46(2) of the Asylum Act (AsylG) and, in addition to the responsibility of the individual federal states for the countries of origin, takes into account their target/actual deviation from the admission obligation (actual variance), which is calculated on the basis of the quota according to the Königstein Key.

Detailed information about distribution quotas for each federal states is available here

Staff and training

Information is currently not available

Reception phases

The provision of reception conditions is triggered upon registering an application for international protection and the simultaneous issuing of the proof of arrival (*Ankunftsnachweis*) at the reception facility, arrival centre or branch office of the Federal Office (BAMF).

Asylum applicants are generally obliged to stay in the Initial Reception Centres (*Erstaufnahmeeinrichtung, Ankunftszentren* or AnkER facilities, depending on the federal state) for up to 6 months after they have filed their asylum application. However, following a legislative reform in July 2017, federal states are allowed to impose an obligation on applicants to stay in initial reception centres for up to 24 months. Following the Asylum Acceleration Law of October 2015, asylum seekers

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from safe countries of origin must stay in an initial reception centre for the entire duration of the asylum procedure (Section 47(1a) Asylum Act).

All steps necessary for the asylum procedure are carried out in the arrival centre, including the medical examination, the recording of personal data and the identity check, the application, the interview and the Federal Office's decision on the asylum application, as well as initial integration measures.

Once the obligation to stay in the initial reception centre ends, applicants should be accommodated in a collective accommodation centres (Section 53 Asylum Act). Collective and decentralised accommodation is under the responsibility of the federal states or the municipalities. Some federal states prefer to accommodate asylum-seekers in decentralised accommodation (apartments, flats, etc.). Most federal states have special facilities for the reception of vulnerable groups, in particular unaccompanied minors and traumatised persons.

In principle, it is possible for asylum seekers to apply to be allocated to a particular town or district, but such applications are only successful in highly exceptional cases (e.g. if a rare medical condition requires that an asylum seeker must stay close to a particular hospital).

Contingency planning

Capacity planning is organised by each federal state. In case of an emergency or a large number of arrivals, there is an emergency reaction in each federal state and coordination between the federal states and the Federal Office for Migration and Refugees.

Facilities

Overview of different types of reception facilities according to national classification

There are three types of accommodation for asylum seekers:

- Initial reception centres, including arrival centres, AnkER facilities and special reception centres;
- Collective accommodation centres;
- Decentralised accommodation.

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Initial reception facilities (*Erstaufnahmeeinrichtung*): All arriving migrants must register and report their arrival with a state organisation (Section 22 Asylum Act), either at the border, where they will be allocated to an initial reception facility, or within the country. Besides reporting to a security authority (e.g. the police), immigration authority or with a reception facility, they can also directly register with the initial reception facilities, the Arrival Centres (*Ankunftszentren*) or AnkER facilities, depending on each respective facility of the federal state.

Arrival centres (*Ankunftszentren*): Arrival centres are facilities established by the Federal Office for Migration and Refugees (BAMF) in coordination with each respective federal state (*Bundesland*). They serve as a contact point for newly arriving migrants who have not yet been able to lodge an asylum application. The arrival centres are the central entry point when it comes to the asylum procedure since all necessary steps for the asylum procedure will be carried out there, including the medical examination, the recording of the personal data and the identity check, the application, the interview and the Federal Office's decision on the asylum application, as well as initial integration measures. The migrants receive an arrival certificate (*Ankunftsnachweis*), attesting the registration of their intention to apply for asylum.

AnkER facilities: The fundamental concept underlying arrival centres was further enhanced with the AnkER and functionally equivalent facilities (the acronym AnkER stands for arrival, decision and return facilities). AnkER facilities are initial reception centres hosting asylum seekers for a period of up to 24 months and fall within the scope of initial reception centres (*Aufnahmeeinrichtungen*) (Section 47 Asylum Act). The key element of the AnkER concept is the bundling of all the functions and responsibilities from the asylum application and the decision to the allocation to municipalities and initial measures to prepare for the integration or the return of asylum applicants. All role players directly involved in the asylum process are present in the AnkER facility. The Federal Office for Migration and Refugees currently has branch offices in nine AnkER facilities and eight functionally equivalent facilities. In the coalition agreement for the 20th legislative period of the German parliament, the SPD, the Alliance 90/The Greens and the FDP have decided not to continue with the AnkER concept.

Collective accommodation centres (*Gemeinschaftsunterkunft*): The centres are shared accommodation facilities which are decentralised for applicants who no longer have to live in the initial reception centres and who are

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waiting for the decision on their application (Section 53 Asylum Act).

Decentralised accommodation: Accommodation for applicants in private houses, flats, hotels, etc.

Emergency accommodation (Notunterkünfte): Largely used in 2015 and 2016, now mostly closed down, with a few local exceptions remaining (e.g. in Berlin, Bavaria).

Premises at the border

Name of the reception facility	Reception facilities at the airport transit area of 5 airports
Access description	Closed
Management	Federal police/Federal Office for Migration and Refugees
Type of applicants accommodated	Applicants in the airport/border procedure
Number of centres	5 centres
Capacity	Information not available
Location of the centres within the country	Airports of Berlin-Schönefeld, Düsseldorf, Frankfurt/Main, Hamburg and Munich.

Initial reception centres

Name of the reception facility	Initial reception centres (*Erstaufnahmeeinrichtung)*, Arrival centres (*Ankunftszentren*), AnkER facilities
Regime	Open
Management	Federal states

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Type of applicants accommodated	Applicants awaiting a final decision; persons who received a final decision rejecting the application but who have been granted a tolerated stay (*Duldung*); persons who were granted international protection and temporary residence permits.
Number of centres	36 initial reception centres (*Erstaufnahmeeinrichtung*) of which: • 19 arrival centres (*Ankunftszentren*) and • 9 AnkER facilities (*Zentrum für Ankunft, Entscheidung, Rückführung* /Centre for arrival, decision and return)
Capacity	Capacity depends on each federal state

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Location of the centres within the country	At least one initial reception centre (*Erstaufnahmeeinrichtung or Ankunftszentrum*) for each federal state (locations - *Standorte des Bundesamtes*). 19 arrival centres (*Ankunftszentren*) in: • Berlin • Brandenburg: Eisenhüttenstadt • Bremen • Hamburg • Baden-Württemberg: Heidelberg • North Rhine-Westphalia: Bielefeld, Bonn, Dortmund, Mönchengladbach • Saxony: Chemnitz, Leipzig • Lower Saxony: Bad Fallingbostel, Bramsche • Saxony-Anhalt: Halberstadt • Hessen: Gießen • Mecklenburg-Vorpommern: Schwerin • Thuringia: Suhl • Rhineland-Palatinate: Trier, Speyer • Schleswig-Holstein: Neumünster 9 AnkER facilities: • 7 AnkER facilities in Bavaria since 2018 (Bamberg, Regensburg, Schweinfurt, Deggendorf, Zirndorf, Manching and Donauwörth) • 1AnkER facility in Saarland (Lebach) • 1 AnkER facility in Saxony (Dresden)

Collective accommodation centres

Name of the reception facility	Collective accommodation centres (*Gemeinschaftsunterkunft*)
Regime	Open
Management	Federal states and municipalities which can outsource the daily management to NGOs and private companies

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Type of applicants accommodated	Applicants awaiting a final decision; persons who received a final decision rejecting the application but have been granted a tolerated stay (*Duldung*); persons who were granted international protection and temporary residence permits.
Number of centres	Information not currently available
Capacity	Capacity depends on each federal state. According to Section 44 (1) of the Asylum Act (AsylG), the Bundesländer are required to provide the necessary number of places in the reception centres for newly arrived persons requesting asylum per month allocated to them on the basis of their respective admission quotas (*Königstein key*).
Location of the centres within the country	In all 16 federal states (*Bundesländer*) in line with the Distribution Key (*Königsteiner Schlüssel*)

Individual accommodation centres (such as private houses, flats, hotels)

Name of the reception facility	Decentralised accommodation
Regime	Open
Management	Federal states and municipalities, which can outsource to NGOs and management companies
Type of applicants accommodated	Applicants awaiting a final decision; persons who received a final decision rejecting the application but have been granted a tolerated stay (*Duldung*); Persons who were granted international protection and temporary residence permits.
Number of centres	Information not available
Capacity	Information not available
Location of the centres within the country	In all 16 federal states in line with the Distribution Key (*Königsteiner Schlüssel*)

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Temporary solutions when housing capacities is temporarily exhausted

Name of the reception facility	Emergency centres (*Notunterkünfte*) (largely used in 2015 and 2016, now mostly closed down with a few exceptions due to the COVID-19 situation)
Regime	Open
Management	Information not available
Type of applicants accommodated	Information not available
Number of centres	Information not available
Capacity	Information not available
Location of the centres within the country	Mainly in Berlin, Baden-Württemberg

Reception facilities for applicants with special needs

Section 44(2a) of the Asylum Act requires federal states to have measures and provide specific support to ensure the protection of women and vulnerable persons in initial reception centres.

There is no systematic assessment procedure for vulnerable persons, although special needs are to be taken into account as part of the admission procedure.

AnkER centres and functionally equivalent reception centres usually provide for separate accommodation for women and other applicants with special needs. Some AnkER centres and functionally equivalent centres have separate accommodation for LGBTIQ persons. Several cities, authorities and NGOs also have opened specialised accommodation centres for LGBTIQ persons.

Unaccompanied children are placed by the Youth Welfare Office which ensures that they are accommodated with a suitable person (e.g. foster family, relatives) or in a suitable facility (‘clearing houses’ specialised in caring for unaccompanied minors, or youth welfare facilities). Unaccompanied minors do not generally stay where they have arrived as they can be sent to other places throughout Germany as part of the quota distribution system (*Königsteiner Schlüssel*).

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Initial screening is carried out when minors are provisionally taken into care and the responsible Youth Welfare Office estimates whether the implementation of the subsequent distribution procedure may endanger the child's best interests in physical or psychological terms. Furthermore, the possibility of family reunification with relatives living in Germany is also examined in this context.

Material reception conditions provided in kind and cash

Definition of material reception conditions

The nature and amount of the benefits are regulated by the Asylum Seekers' Benefits Act (*Asylbewerberleistungsgesetz*), including basic benefits such as food, housing, heating, clothing, healthcare and personal hygiene, household durables and consumables, benefits to cover personal daily requirements, benefits in case of sickness, pregnancy and birth, as well as individual benefits, depending on the individual case.

Material reception conditions provided in kind

Type and purpose	Food, housing, heating, clothing, healthcare and personal hygiene, household durables and consumables, benefits to cover personal daily requirements, benefits in case of sickness, pregnancy and birth, and also individual benefits depending on the individual case.
Duration and recurrence	Material reception conditions are provided in kind for the entire asylum procedure, including appeals.

Financial allowances and vouchers

Type and purpose	Basic benefits (*Grundleistungen*): Assistance under the Asylum Seekers' Benefits Act which cover costs for food, accommodation, heating, clothing, personal hygiene and consumer goods for the household as well as the personal needs of everyday life, such as public transport and mobile phones (Section 3 (1) Asylum Seekers' Benefits Act)

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Duration and recurrence	Basic benefits are paid monthly for the entire asylum procedure, including appeals.
Calculation and amount	Monthly financial allowance/vouchers granted are laid down in Section 3a of the Asylum Seekers' Benefits Act)
Applicants granted allowance	All applicants falling under the categories of Section 1 of the Asylum Seekers' Benefits Act.
Modalities of provision	Information not available

Material reception conditions for vulnerable persons

Specialised treatment for traumatised asylum seekers and victims of torture (Treatment Centres for Victims of Torture – *Behandlungszentren für Folteropfer*)

Rights and obligations during reception

Provision of information and counselling

Modalities of information provision on benefits and obligations related to reception conditions	Initial reception centres hand out leaflets on how to receive advice or assistance, while UNHCR is entitled by law to visit applicants. Other NGOs may also visit the centres with limitations. The Federal Office has been piloting a two-stage model of asylum procedure counselling in the AnkER since August 2018, and is now operating at 16 locations of the Federal Office for Migration and Refugees, in 14 AnkER facilities, as well as facilities with comparable functions, in the federal states of Bavaria, Brandenburg, Mecklenburg-Western Pomerania, the Saarland, Saxony and Schleswig-Holstein.

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Provision of legal assistance on the reception conditions available	Information not available
House rules	Information not available

Freedom of movement within the territory

Assignment of a particular area of residence to applicants	Normally applicants are allocated within the territory of the federal state of the place of accommodation, but can be assigned to a certain town or district for the first 3 months. Federal states can determine that asylum seekers and refugees are obliged to live in certain areas for 3 years.
Reporting obligations	Those in an initial reception centre must report to security personnel when leaving and re-entering. In most federal states, they need special permission to travel, both within the federal state and outside to other parts of Germany

Employment and vocational training

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Time limit to access the labour market	Generally asylum applicants are not allowed to take paid employment as long as they are required to stay in an initial reception centre, arrival centre or AnkER facility. In principle, labour market access is possible in the following cases: 1. Asylum seekers have access to the labour market • after 3 months for asylum seekers who are not obliged to live in an initial reception centre • after 6 months for asylum seekers with minor children • after 9 months for asylum seekers without minor children (even if they are obliged to live in an initial reception centre). 2. Tolerated persons have access to the labour market after 6 months if they are obliged to live in an initial reception centre, otherwise after 3 months. 3. No labour market access exists during the first 3 months of residence for the period of stay in an initial reception centre (Sections 47 and 61 Asylum Act), for • asylum seekers whose asylum procedure has been rejected as manifestly unfounded or inadmissible and no suspensive effect of the action has been ordered; • for tolerated persons who are themselves responsible for the obstacle to a removal or who have violated their duty to cooperate in the removal procedure; • for applicants from a safe country of origin who filed an asylum application after 31 August 2015. If the applicant is not from a safe country of origin and the application has not been rejected as clearly unfounded or inadmissible, after 9 months the applicant may be given the right to work by the Federal Employment Agency.

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Criteria to access the labour market	The right to work is noted in the residence permit, which is issued by the responsible Foreigners' Authority. There are no costs to be covered by the asylum applicant. A work permit is generally a prerequisite. The employer hiring a foreigner must check the work permit and keep a copy of the residence permit certificate for the duration of the employment. Asylum seekers are not allowed to be self-employed; they have to apply for an employment permit by proving that there is a concrete job offer. All job centres (*Arbeitsämter*) review labour conditions.
Employment support for applicants	Asylum applicants are counselled while their application is being processed about attending the Federal Office's integration courses where they live. They receive advice on the potential for access to the labour market. Counsellors from the Federal Employment Agency collect the applicants' personal data in the arrival centres. Those data are available to the employment agencies and job centres all over the country.

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Adults' access to vocational training	Assisted training and pre-vocational training programmes are available sooner to those with good prospects of remaining. The vocational training grant and training stipend is available to certain groups. Vocational training is not allowed for those staying in an initial reception centre (time limit 6 months) or for those from safe country of origin. In order to start vocational training, asylum seekers need an employment permit; the fact that initial residence permit is issued for only 6 months limits the offer of vocational training from employers. Beneficiaries maintain the tolerated person status for the entire training, irrespective of their age. Applicants who eventually are granted refugee status (3 years residence permit) who also complete vocational training are entitled to residence in Germany for a further two years (the "3+2 rule") if they find a job that reflects their new qualification.
Access to tertiary education	Federal state laws regulate access to higher education (e.g. entrance qualifications, German language skills, etc.). Asylum applicants with a permission to stay (*Aufenthaltsgestattung*) or tolerated stay (*Duldung*) have the same access to university as other foreign nationals.

Healthcare

Medical screening	Asylum applicants are placed in a reception centre where a medical examination is undertaken for communicable diseases. In addition, healthcare benefits will be granted for acute illness or acute states of pain.

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Level of healthcare	During the first 36 months of their stay, asylum applicants are entitled to "necessary or essential" health care. The resulting costs are borne by the responsible social welfare office. This care includes: Instances of acute diseases or pain Necessary treatment in case of illness, pregnancy and birth Vaccination and necessary preventive medical check-ups Other benefits upon application in order to secure health. Other healthcare benefits that are indispensable for securing livelihood or health can also be granted in accordance with the statutory provisions. These include, for example, the decision on necessary medical remedies and aids, such as glasses, wheelchairs but also the granting of psychotherapy or the carrying out of an MRI. After 36 months of stay there is an entitlement to the range of services of the statutory health insurance, which is also responsible for billing. The costs therefore are still borne by the responsible social welfare office.
Access to healthcare	Applicants in an initial reception centre receive a health insurance voucher (*Krankenschein*). Once in collective or decentralised accommodation, they may receive a regular health insurance card, depending on the hosting federal state (5 out of 16 distribute them), giving access to the necessary care.

Education for minors

Children can access education after 3 or 6 months (same as for accessing employment). All children residing in Germany have the right and the obligation to attend school, regardless of their status. Compulsory education ends at the age of 16 or 17, as regulated at federal state level for Germans. Important distinctions may apply in law and in practice since the education system falls under the responsibility of federal states. Some initial reception centres have educational offers or provide state-organised schooling in the reception facilities.

Socio-cultural orientation and language learning

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Access to socio-cultural orientation	Each integration course consists of a language course and an orientation course. The general integration course comprises 700 lesson units. Depending on the orientation of the course that applies to the applicant, the course may last for up to 1,000 lessons in total. Applicants who already have a good starting point may also take the integration course as a fast-track course consisting of 430 lesson units. The following asylum applicants are eligible to participate in integration courses: • Asylum applicants with good prospects to remain; • Persons with temporary suspension of deportation status (*Geduldete*) who hold a residence permit in accordance with Section 60a, subsection (2), third sentence of the Residence Act (*AufenthG*); Persons with a residence permit in accordance with Section 25, subsection (5) of the Residence Act. Applicants attend the orientation course following on from the language course which takes 100 lesson hours to complete. The fast-track course version lasts 30 lesson units. The orientation course covers topics, such as: • the German legal system, history and culture; • rights and obligations in Germany; • forms of community life; • values that are important in Germany, such as freedom of religion, tolerance and gender equality. The orientation course is completed by taking the "Life in Germany" test. More information about orientation courses for asylum applicants are available here from BAMF.

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Language classes	The German language course forms part of the integration course and takes up a total of 600 lesson units (with special courses up to 900 lesson units). The fast-track course consists of 400 lesson units. The language course covers aspects of everyday life including: work and career, • basic and further training, • bringing up and raising children, • shopping/trade/consumption, • leisure time and social interaction, • health and hygiene/human body, • media and media use, and • housing. The course also includes aspects such as how to write letters and e-mails in German, complete forms, make telephone calls and apply for jobs. Topics covered in the language course vary depending on which type of course the applicant attends, e.g. a youth integration course will cover topics that are of particular interest to young people such as applying for an apprenticeship. The final stage of the language course consists of the "German language test for immigrants". More information about language courses for asylum applicants are available here from BAMF.

Sufficient means

Arrangement of private accommodation

Applicants with sufficient means are, in principle, requested to use their own resources to secure accommodation and livelihood.

Contribution to reception and healthcare costs

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If beneficiaries living in collective accommodation work and have an income, the authorities can impose fees as a contribution to the operational costs of the centres or reduce the benefits.

Sufficient means test

Information is currently not available.

Sanction regimes, reduction or withdrawal of material reception conditions

Circumstances for reducing or withdrawing material reception conditions

According to Section 1a of the Asylum Seekers' Benefits Act (*Asylbewerberleistungsgesetz*), material reception conditions can be reduced to the basic necessary benefits only in the following circumstances:

- A person is under the duty to leave but has not left the country until a certain date, although this would have been feasible;
- A person who has entered Germany (solely) for the purpose of receiving benefits and whose obligation to leave is enforceable or who is in possession of a ‘tolerated stay’.
- A person’s removal procedure had been scheduled but could not be carried out and the person is responsible for this fact;
- A person has been allocated to a different EU Member State under an EU redistribution mechanism (such as the EU relocation scheme, but not including Dublin cases);
- A person has already been granted international protection in another EU Member State or in another EU Dublin State or has been granted residence right for another reason;

Applicants or persons with a subsequent asylum application (unless they are not responsible for the breach of the duty):

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- Applicants who fail to fulfil their general duty of cooperation with the authorities;
- Applicants who fail to submit any documents that they carry in order to clarify their identity;
- Applicants who fail to respect the deadline for lodging their application with BAMF;
- Applicants who fail to provide the necessary information, documents for the purposes of the asylum procedure.
- Applicants who intentionally or through gross negligence do not use up assets before claiming benefits under the Asylum Seekers' Benefits Act.

Some of the reception rights may also be curtailed when applicants come from a safe country of origin or when their application was rejected as manifestly unfounded or as inadmissible: they are not entitled to the limited form of integration and education measures or to a work permit after three months.

Possible sanctions and procedure

Information is currently not available.

Review of the sanction decision

Information is currently not available.

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