Forms of protection - Germany

Overview

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Relevant EU legislation

Germany is bound by the recast Qualification Directive (Standards Qualification Regulation) and has transposed its provisions through the Asylum Act | Asylgesetz (AsylG) and Residence Act (Act on the Residence, Economic Activity and Intergation of Foreigners in the Federal territory) | Aufenthaltsgesetz (AufenthG) – Gesetz über den Aufenthalt, die Erwerbstätigkeit und die Integration von Ausländern im Bundesgebiet

National legislation

Refugee status	Asylum Act | Asylgesetz (AsylG) Residence Act (Act on the Residence, Economic Activity and Intergation of Foreigners in the Federal territory) | Aufenthaltsgesetz (AufenthG) – Gesetz über den Aufenthalt, die Erwerbstätigkeit und die Integration von Ausländern im Bundesgebiet
Subsidiary protection	Asylum Act | Asylgesetz (AsylG) Residence Act (Act on the Residence, Economic Activity and Intergation of Foreigners in the Federal territory) | Aufenthaltsgesetz (AufenthG) – Gesetz über den Aufenthalt, die Erwerbstätigkeit und die Integration von Ausländern im Bundesgebiet

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Temporary protection	Residence Act (Act on the Residence, Economic Activity and Intergation of Foreigners in the Federal territory) | Aufenthaltsgesetz (AufenthG) – Gesetz über den Aufenthalt, die Erwerbstätigkeit und die Integration von Ausländern im Bundesgebiet
National forms of protection	Ban on removal (*Abschiebungsverbot*): A person who is seeking protection may not be returned if: • A return to the destination country constitutes a breach of the European Convention for the Protection of Human Rights and Fundamental Freedoms (Section 60(5) Residence Act); or • a considerable concrete danger to life, limb or liberty exists in that country. A considerable concrete danger can be considered to exist for health reasons if a return would cause life-threatening or serious diseases to become much worse (Section 60(7) Residence Act).

Competent authority and stakeholders

Refugee status	Federal Office for Migration and Refugees (BAMF) | Bundesamt für Migration und Flüchtlinge
Subsidiary protection	Federal Office for Migration and Refugees (BAMF) | Bundesamt für Migration und Flüchtlinge
Temporary protection	Federal Office for Migration and Refugees (BAMF) | Bundesamt für Migration und Flüchtlinge
National forms of protection	Federal Office for Migration and Refugees (BAMF) | Bundesamt für Migration und Flüchtlinge

Renewal and withdrawal of international protection and national forms of protection

Refugee status

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Information currently not available.

Subsidiary protection status

Legal provisions relating to review, renewal and withdrawal of subsidiary protection: Section 4(2) of the Asylum Act.

Length of the first and subsequent residence permits: Subsidiary protection status: 1 year

National forms of protection

Information currently not available.

Content of protection

Overview

There are four forms of protection:

- Acknowledgement of entitlement to asylum (Article 16a Basic Law)
- Award of refugee protection (Section 3 Asylum Act)
- Award of subsidiary protection (Section 4 Asylum Act)
- Imposition of a ban on return (Section 60 V+ VII Residence Act).

The Federal Office for Migration and Refugees (BAMF) examines each asylum application on the basis of the Asylum Act (*Asylgesetz*), the Basic Law and the Residence Act if one of the four forms of protection applies.

- Refugee Status (*Flüchtlingsschutz*): Section 3 of the Asylum Act - on the basis of the Geneva Refugee Convention and Directive 2011/95/EU.
- Entitlement to asylum (*Asylberechtigung*): According to Article 16a of the Basic Law, persons persecuted on political grounds have the right of asylum. The right of asylum has a constitutional status as a fundamental right and serves to protect human dignity, but also protects life, physical integrity, freedom and other fundamental human rights. It is the only

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fundamental right to which only foreigners are entitled.
- Subsidiary protection (*subsidiärer Schutz*): Section 4 of the Asylum Act.

Provision of information on the content of protection

The Asylum Act foresees that the Federal Office for Migration and Refugees (BAMF) | Bundesamt für Migration und Flüchtlinge informs asylum seekers in a language they can reasonably be supposed to understand about the various steps of the procedure, including the applicant's rights and duties.

Residence permits

Refugees:

First permit: A residence permit of 3 years (*Aufenthaltserlaubnis*) is issued by the municipal foreigners' office.

Subsequent permit: A settlement permit (*Niederlassungserlaubnis*) may be issued after 5 years if preconditions are met. This period can be reduced to 3 years if the applicant has an advanced command of German (level C1 of the Common European Framework of Reference for Languages) and the foreigner's subsistence is for the most part ensured.

- Section 3 subsection (1) of the Asylum Act
- Section 25 (1) to (3) of the Residence Act
- Section 26 of the Residence Act

Beneficiaries of subsidiary protection:

First permit: A 1-year residence permit (*Aufenthaltserlaubnis*) is issued by the local foreigners' authority of the place of residence).

Subsequent permit: If it is extended, it is for another 2 years in each case (*Aufenthaltserlaubnis*). After 5 years (including the duration of the asylum proceedings), a settlement permit (*Niederlassungserlaubnis*) may be granted upon application if preconditions are met, such as being able to make a secure living and having adequate knowledge of German.

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Travel documents

Information is currently not available.

Freedom of movement

Information is currently not available.

Access to employment and employment-related education

Information is currently not available.

Access to education

Information is currently not available.

Access to procedures for recognition of qualifications and validation of skills

Information is currently not available.

Social security and social assistance

Information is currently not available.

Healthcare

Information is currently not available.

Access to accommodation

Information is currently not available.

Access to integration measures

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Information is currently not available.

Family reunification for beneficiaries of international protection

Information is currently not available.

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