



Resettlement Country: Germany

Last updated: 08-Dec-22

1. Resettlement Policy and Programme Description

1.1 Programme Year/Cycle:

- Start date: 01-Jan-22 End Date: 31-Dec-22

1.2 Resettlement Policy and Programme

Following the decision of the Conference of the Ministers of the Interior of the Federal States ('Innenministerkonferenz') in December 2011, Germany started its own resettlement programme and resettled 300 persons per year between 2012 and 2014. The number increased in 2015 with 500 persons resettled. Between 2016 and 2021, a total of 6,000 people have been taken in from countries such as Egypt, Ethiopia, Jordan, Kenya, Lebanon, Niger and Sudan.

Based on Section 23 (4) Residence Act, the Federal Government, in consultation with the federal states, decides to what extent the programme will be continued beyond the current resettlement period in the upcoming year. In 2022, the aim is to admit up to 2,700 people through resettlement in cooperation with the UNHCR.

Germany currently lays its focus for resettlement missions on countries in the Middle East and Africa. However, in 2023 a mission in Pakistan will be added to the German resettlement programme. Refugees have access to the German resettlement programme only through UNHCR submissions. After being submitted by UNHCR, the resettlement candidates take part in two interviews. During the first interview, criteria such as the degree of vulnerability, preservation of family unity, integration-promoting ties to Germany and the ability to integrate are being examined. In addition, this first interview serves to explain the meaning of resettlement to Germany to the participants and to inform them about the procedure. In a further interview, security institutions will verify that no exclusion causes for a resettlement to Germany exist.

Persons admitted under the resettlement programme are allocated to the federal states depending on the states' population and its financial capacities, reflected in the so-called "Königstein Key". As far as possible, regional ties of the refugees admitted (e.g. family links) are taken into account. Travel to Germany may be carried out by charter or commercial flights. Group departures are usually preferred. The IOM is entrusted with organizing the transfer to Germany. In Germany, the resettlement refugees regularly spend two weeks in a reception center before they are being transferred to their host cities by the federal states.

1.3 Ministries and Departments

The Federal Ministry of the Interior and Community (BMI), the Federal Office for Migration and Refugees (BAMF) and the Federal Foreign Office (AA) are responsible for implementing the Resettlement Programme as well as the Humanitarian Admission Programme.



The interior ministries of the federal states and the local authorities (foreigners' authorities and social welfare authorities) are responsible for looking after the resettled persons once they arrive in Germany.

1.4 Process for Determining the Resettlement Admission Targets

Towards the end of the current resettlement period, usually in the third quarter of the year, the Federal Government submits resettlement and humanitarian admission pledges for the implementation of the programme in the upcoming year to the European Commission. The Federal Ministry of the Interior and Community in close consultation with the Federal Foreign Office and UNHCR as well as other involved national partners determines from which countries resettlement refugees are taken in and to what extent.

2. Eligibility for Refugee Status and other forms of International Protection

2.1 National Legislation defining refugee status eligibility

Resettlement is currently conducted on the basis of Section 23 (4) Residence Act which states that the Federal Government, in consultation with the Governments of the Federal States, can instruct the Federal Office for Migration and Refugees to admit certain protection seekers selected for resettlement. So far, selection of foreigners eligible for resettlement in Germany is based on recommendations by UNHCR.

Given that the criteria based on which UNHCR grants mandate refugee status may be wider than those of the 1951 Geneva Convention relating to the Status of Refugees, persons recommended by UNHCR can nevertheless be admitted to Germany. However, their residence permit is not based on refugee status. During the selection procedure, the presence of family members or other factors promoting the prospect of integration in Germany (e.g. educational background, language skills) may be taken into account.

2.2 Additional Information

German national legislation distinguishes between various types of protection offered to persons in need of international protection. Section 3 (1) Asylum Act and Section 60 (1) Residence Act defines a refugee as declared in Article 1 of the 1951 Geneva Convention relating to the Status of Refugees. Persons who apply for asylum in Germany are issued a residence permit pursuant to Section 25 (1) of the Residence Act if their application for asylum is granted, or pursuant to Section 25 (2) of the Residence Act if they are granted Convention refugee status. Pursuant to Sections 23 (4), 25 (1) and 25 (2) of the Residence Act, all these temporary residence permits (Aufenthaltserlaubnis) authorize the permit holder to pursue paid employment. These permits are regularly issued in conjunction with the exemption from the requirement to be able to support oneself. Temporary residence permits may be renewed, and after five years holders of permits pursuant to Section 23 (4) of the Residence Act may be granted a permanent residence permit (Niederlassungserlaubnis), under Section 26 (4) of the Residence Act.

2.3 Requests for Reconsideration



Resettlement admissions are voluntary and there is no legal entitlement included in the German resettlement program. In principle, legal recourse is therefore excluded.

2.4 Dependency

In order to ensure that the family unit is maintained, persons who are not individually in need of international protection can also be admitted in justified cases.

3. Legal Status on Arrival and Citizenship

4.1 Legal Status on Arrival

Resettled refugees receive a temporary residence permit pursuant to Section 23 (4) Residence Act (refugees admitted via humanitarian admission pursuant to Section 23 (2)) which so far has been issued for three years and can be extended consecutively. Equal to refugees recognized in the German asylum procedure, resettled refugees are entitled to gainful employment, participation in language and integration classes as well as to social benefits similar to German nationals. However, as long as resettled refugees receive social welfare to maintain themselves, their residence is restricted to the district where they were assigned to live.

4.2 Eligibility for Citizenship

The requirements for acquiring German citizenship through naturalization are laid out in Section 10 of the Nationality Act. Naturalization typically requires eight years of legal and habitual residence in Germany. However, depending on the successful completion of integration programmes, it is possible to already become naturalized after six or seven years. Citizenship law is currently reformed in Germany.

4. Processing Priorities

4.1 Processing Priorities

Processing priorities can potentially occur in the cases of unaccompanied minors, persons with serious medical conditions or persons affected by an acute threat situation in the country of residence.

5. Special Considerations

5.1 Unaccompanied and Separated Children

According to German civil law, a person under the age of 18 is considered a “minor”. Minor refugees who are in Germany without their parents or legal guardians and who are separated from their parents for a longer period of time are considered “unaccompanied”.

The inclusion of unaccompanied minors in the German resettlement program is possible. The UNHCR should examine the possibility of family reunification with relatives living in



Germany as part of its BID. If there are close social ties to other unaccompanied minors in the country of residence, a joint resettlement of the unaccompanied minors can be considered.

After their arrival in Germany, unaccompanied minors are accommodated by the authorities of the federal states with a suitable person or in a suitable facility. Suitable persons may be relatives or foster families. Suitable facilities are usually youth welfare services specialized in the care of unaccompanied minors.

5.2 Minor Marriage

In the interest of the child's well-being, the age of marital maturity is set at 18 in Germany. Marriages are therefore only possible if both parties are of legal age. A marriage that was entered between the ages of 16 and 18 in violation of the marriageable age provision will generally be annulled by a judicial decision. This also applies if the minor spouse has meanwhile come of age and confirms the marriage.

Marriage is automatically void if one partner is under 16 at the time of marriage. It does not need to be rescinded in court. These principles also apply if the marriages were effectively concluded under foreign law. There are transitional provisions for old cases.

The children of persons whose marriage is void in Germany are considered to be born out of wedlock in Germany. However, the marriage remains effective in the country of origin according to the foreign law, and the children also remain legitimate according to the law in the country of origin. Paternity must be recognized in Germany. Children born out of wedlock and children in wedlock are legally equal in Germany, the father is responsible for alimony, has access rights and inheritance claims can be made. Non-marital mothers are entitled to alimony for at least the first 3 years of the child's life.

Married minors are considered unaccompanied (unless traveling with their parents) even if they are accompanied by their adult 'husband'. They are not vested with legal capacity. The Youth Welfare Office is entitled and obliged to temporarily take care of the minors as soon as their unaccompanied entry is established (Section 42a, Paragraph 1, Sentence 1 of Book VIII of the Social Code). The Youth Welfare Office will check whether the minor needs to be separated from his/her spouse to avert a threat to the welfare of the child.

An independent guardian must be appointed for minors. The adult spouse is usually unsuitable, as he is latently in a conflict of interests. If there is no danger to the child's well-being and both would like to stay together, the minor could also be housed with the spouse in close consultation with the youth welfare office/guardian. A marriage under German law could then take place upon reaching the age of majority.

5.3 Refugees with psychosocial, intellectual, sensory or physical disabilities or a serious medical condition

The quota of refugees with serious medical conditions should not exceed 5% of the total caseload annually admitted. Severe medical cases are considered to be cases with physical or mental conditions that cause high or permanent costs after resettlement.



Typical examples for severe medical conditions include amongst others epilepsy, hepatitis B and C, HIV+, cancer, multiple sclerosis, muscular dystrophy, polio, severe mental illness, severe organ diseases and cerebral palsy. Health conditions such as amputated limbs, severe paralysis, mental and/or physical disabilities (with severe mobility restrictions) and (advanced) deafness and blindness are also classified as severe medical conditions.

A case can also be determined as medically severe if less severe conditions are present cumulatively.

5.4 Large families and single adults

There are no explicit restrictions regarding large families and single adults. However, single adults should be particularly vulnerable (e.g. single women, sexual minorities, etc.) or have family ties to Germany.

5.5 Polygamous Marriage

In German civil law, polygamy is generally not permitted. In the case of a polygamy that is valid under the law of the respective home country, the other spouse is not granted a residence permit for family reunification in Germany (§ 30 Para. 4; No. 27.1.6 AufenthGAVwV). This is provided for in Art. 4 Para. 4 of the Family Reunification Directive. Polygamous families will not be admitted in the German resettlement program.

5.6 Other

In cases of binational marriages, a careful examination of the prospects of returning to each country of origin is necessary.

6. Dossier Selection Processing

Cases submitted on a dossier basis do not involve resettlement country selection interviews. Acceptance decisions are based on the documentation submitted by UNHCR. If the programme does not include dossier selection processing indicate "N/A."

6.1 Dossier Selection Policies

N/A.

6.2 Additional Information

N/A.

7. Interview Selection Processing

Resettlement country interview selection processing means that the resettlement country conducts an interview as part of the selection process. If the programme does not include a resettlement country interview indicate "N/A."

7.1 Interview Selection Policies



After being submitted by UNHCR, the resettlement candidates take part in two interviews. During the first interview criteria such as the degree of vulnerability, preservation of family unity, integration-promoting ties to Germany and the ability to integrate are being examined. In addition, the interview serves to explain the meaning of resettlement to Germany to the participants and to inform them about the procedure. In a further interview, the possible presence of exclusion causes will be verified. Virtual interviews are generally not intended.

7.2 Other information

N/A.

8. Processing Timeframes

8.1 Policies for receiving emergency and/or urgent submissions

Germany will implement an unallocated quota for such cases in 2023. As of now, Germany has no specific mechanism for receiving emergency cases, but, in exceptional cases, emergency and/or urgent submissions were prioritized and accelerated.

8.2 Average Processing Times for Emergency Cases

N/A.

8.3 Average Processing Times for Urgent Cases

N/A.

8.4 Average Processing Times for Normal Cases

Normal cases that were submitted by UNHCR in the first third of the year will usually be able to travel to Germany in the last third of the year. In the meantime, among other things, selection and security missions, applications for visas and exit permits as well as medical screenings and PDOs take place. Depending on the capacity of the German reception centers, delays may occur, especially in times of heavy immigration. The processing time of the resettlement procedure may also vary from country to country, e.g. due to the different processing times for exit permits.

8.5 Additional Information

N/A.

9. Pre-departure Arrangements

9.1 Pre-departure Medical Screening



After a successful selection process, a medical examination is carried out to determine the need for medical treatment or special accommodation needs after arrival in Germany and to rule out contagious diseases. In addition, the persons' ability to travel will be checked again at least 48 hours before departure. The Federal Government covers all costs related to medical examinations. IOM is entrusted with conducting the medical examinations.

9.2 Required Pre-departure Treatment

Necessary pre-departure treatment takes place depending on the individual case. Costs are only covered in urgent emergencies.

9.3 Pre-departure Orientation

Persons who have been accepted for admission to Germany receive three-day courses (so-called 'pre-departure cultural orientation') by IOM on behalf of the Federal Office for Migration and Refugees, in which information about Germany is conveyed and initial cultural orientation takes place. The courses are designed to support the development of realistic goals and expectations, thereby facilitating integration. Before departure, people have the opportunity to ask questions and thus enhance clarity, reduce worries and avoid disappointment.

The pre-departure courses use various methods, some of which are interactive, and usually take place right before departure. Contents that are addressed in these courses include the journey to Germany itself, the first steps after arrival in the reception center, history and geography of Germany, culture and values, mobility, accommodation, employment and education as well as information about the health system. In order to enable everyone to take part in the course, childcare is organized on site.

9.4 Travel Arrangements and Documents.

Persons are allowed to travel to Germany with a valid, recognized passport and a formal approval for their resettlement admission by the Federal Office for Migration and Refugees (BAMF). If the passport presented is not recognized by the German authorities, but the refugee has other documents to verify his or her identity, then an exception can be made to the passport obligation under Section 3 (2) of the Residence Act. If the refugee is unable to present any passport but can otherwise verify his or her identity (including for example a UNHCR refugee certificate or registration document), the German diplomatic representation abroad issues a travel document for foreigners pursuant to Sections 5 and 7 of the Ordinance Governing Residence. The approval for admission and the exception from the passport obligation are valid for six months from the date of issuance and expire if the refugee does not enter Germany within this time frame. The travel document for foreigners is issued by the responsible diplomatic representation.

10. Reception and Integration

10.1 Overview

See details below.



10.2 Placement

Persons admitted under the resettlement programme are allocated to the federal states by the Federal Office for Migration and Refugees. The distribution of the resettlement refugees is largely based on the so-called “Königstein Key”, which reflects the states' population and their economical capacities. As far as possible, regional ties of the admitted refugees (e.g. family links) are taken into account. The place of residence is determined by the authorities of the respective federal state.

10.3 Reception

The first two weeks in a reception facility (usually in ‘Friedland’ or ‘Doberlug-Kirchhain’) are used for initial care, orientation and advice after arrival. Various offers are available from the state reception authorities as well as from the welfare organizations such as Caritas or the German Red Cross located on the premises of the reception center. Later, the refugees are picked up from the reception center by the assigned federal states and taken to their new home towns.

10.4 Orientation

In the reception center the resettlement refugees take part in additional orientation courses. They are taught the basic German vocabulary to be able to communicate in everyday life. In addition, information about life in Germany such as education, work, mobility and health is provided. Also, advice on the first steps at the new place of residence is given.

10.5 Financial Assistance

Persons who travel to Germany via resettlement are entitled to social benefits under SGB II or SGB XII from the first day of their arrival. Short applications for social benefits that have already been prepared are signed in the first few days after checking in at the reception center. After arriving at the new place of residence, the application for basic security for jobseekers can be completed at the local ‘Jobcenter’. Benefits for integration into work and benefits to secure a sufficient living are provided. Unemployment benefits (‘ALG II’) consist of benefits for accommodation and heating, increased demands for single parents, in the event of pregnancy, in the event of a disability or other special needs constellations.

10.6 Housing

Housing is organized by the municipal authorities of the federal states. Often resettlement refugees will have their own apartment available right from the start. However, the first housing may sometimes also take place in a shared accommodation. In each case, a rental contract is signed, which is used for submission to various authorities. In principle, it is also possible for refugees who arrive via resettlement to look for their own apartment. The costs are covered by the ‘Jobcenter’ up to a prescribed maximum rate.

10.7 Health



Resettlement refugees are legally insured and the costs for health insurance are covered by the Jobcenter. There is a free choice of health insurance. For families there is the possibility of family insurance. The medical reports created by IOM can be helpful for the first appointments with doctors.

10.8 Language

Resettlement refugees are entitled to a one-time participation in an integration course. A certificate of eligibility will be handed out at the reception center. Integration courses usually comprise a total of 700 teaching units and consist of a language course and an orientation course. The language course accounts for 600 units.

10.9 Education

In Germany, schooling is compulsory for children from the age of six. Depending on the federal state, there are different types of schools. Various secondary schools follow the primary school. For children who come from abroad and do not yet master the German language, there are special language classes or support programs at some schools. Depending on their level of knowledge, the children are placed in an appropriate class. Registration takes place directly at the school. State schools are free. Children under the age of six can register in a day-care center or kindergarten.

10.10 Employment

In addition to paying social benefits, the Jobcenter also takes care of job placement. An orientation interview takes place regarding the professional background, in which previous certificates, qualifications and experiences are taken into account. It is being checked whether a foreign qualification could be recognized for integration into the German labor market. As part of the job center appointment, usually a so-called integration agreement is signed. The goals and obligations for participation are recorded in this agreement. Often there is also an obligation to participate in the integration course.

10.11 Supporting Specific Needs

For this, please refer to points 5.1. and 5.3. Additional costs are covered by the German government.

11.13 Family reunification

Immigration to join resettled refugees is based on the general provisions governing family reunification with foreigners living in Germany according to Sections 27 et seqq. of the Residence Act. Family members are defined as all persons whose personal ties to the foreigner in Germany fall under the protection of Article 6 of the Basic Law (Constitution), for example spouses and all relatives by blood or marriage. Foreigners with a residence permit can reunify in Germany with their nuclear family including: spouses and same sex partners (according to the national law on same sex partners), minor unmarried children, a parent with custody over a minor and also other family members if there is an extraordinary vulnerability according to 36 paragraph 2 of the Residence Act.



Spouses need to prove basic German language skills prior to entry (Deutsch A1: 300 words active, 600 words passive). Children as of 16 years also need to prove German language skills (Deutsch C1) or a positive prognosis for integration based on previous education or living situation. Generally, the family member in Germany needs to have sufficient living space and sufficient income to support the rest of the family. In the case of family reunification of resettled refugees, the requirements must be waived under the conditions laid down in section 29 paragraph 2 of the Residence Act.

Cases of family reunification are not counted within the German resettlement / humanitarian admission quota.

11. References & Resources on resettlement

- <https://www.bmi.bund.de/DE/themen/migration/asyl-fluechtlingsschutz/humanitaere-aufnahmeprogramme/humanitaere-aufnahmeprogramme-node.html>
- <https://www.bamf.de/DE/Themen/AsylFluechtlingsschutz/ResettlementRelocation/Resettlement/resettlement-node.html;jsessionid=D6BA672AC8763B45085ABAD43CB709B3.intranet262>
- <https://www.resettlement.de/>

Addendum on complementary pathways

Complementary pathways to Germany include education pathways (via scholarships, apprenticeships or trainee programmes), employment pathways (<https://www.make-it-in-germany.com>), family reunification and visas on humanitarian or political grounds for highly exposed persons of political interest.

Participation in the German private sponsorship program ('NesT') requires successful participation in the regular resettlement process (<https://www.neustartimteam.de/>).