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[NAIMAH H. AND ASYLUM SEEKERS IN GERMANY]

Initially this paper will launch its readers into the world of political asylum and immigration through the eyes of Naimah Hajar at the Frankfurt Airport in 2000. This introductory story will support three separate and important aspects of the current controversy within the diversity amongst foreigners and citizens in Germany. One aspect is the Humanitarian issue that affects the asylum seekers and immigrants every day. It delves into the story of Naimah H. and other stories of a similar nature from asylum camps to deportation jails, and even the very terminals themselves. It will also address the bureaucratic system that corrals these people into "Asylkläranlage" ("Asylum Sewers"). Lastly this paper will address the native Germans' attitudes and political influences on asylum policies

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The Story of Naimah H (Shaules, Joshua)

On Saturday, May 6, 1999, Naimah H. ,a 40- year old asylum seeker, committed suicide in a shower room of the transit accommodation facilities in the Frankfurt Airport. She had been under arrest and placed in a holding cell for over seven months before deciding to hang herself in the shower room of the airport. She chose the shower room because this was the only time of day that she had any privacy. In the next few pages we will discuss the story of Naimah H. as well as talk about what moves have been made if any since this tragic event.

Naimah was an Algerian woman trying to seek asylum in Germany so that she could escape her horrible past in her home country of Algeria. In Algeria Naimah's husband was viewed as a terrorist, therefore she and her family were treated horribly. Naimah herself was raped by Algerian police several times before she decided to leave the country for good. Little did she know her troubles were only beginning.

Upon her arrival the Federal Office for Recognition of Foreign Refugees declined her asylum application. Then, just a few weeks later, the Frankfurt Commissions court also dismissed her appeal because it was unworthy of credit due to the lack of authenticity. After she had been rejected for asylum, Naimah knew that her application was going to be a long process that was caused by her lack of identity papers. She now knew that she was only waiting for her deportation back to Algeria.

During this long process Naimah was treated terribly. According to witnesses, once she landed in Frankfurt she was met with immediate hardships. Social workers in the airport stated that she cried hysterically in fear for hours at a time. Then on February 26, after being tortured for a few months, she finally collapsed. She was then taken to the hospital. Just before this all

occurred, her lawyer Andreas Metzner, submitted an appeal to the Federal Ministry that his client, Naimah H. should be allowed to enter the country of Germany on humanitarian grounds, but their request was unanswered.

Then in September of 1999, after she her asylum application was denied Naimah H. signed a voluntary declaration that was very controversial. But, because she was so psychologically distraught, she had it taken away by law on February 29. Naimah was then placed in the Frankfurt-Preungesheim deportees prison. Andreas Metzner, her lawyer, reports that Naimah could not handle the the conditions she was faced with in the prison. She then decided to sign the voluntary declaration to serve another period of detention at the airport. So on May 4 officers from the Federal Border Protection squad escorted Naimah back the the airport accommodations facility where she then committed suicide two days later. Many say the main reason she took her own life was because she could not cope with the fears and troubles that she faced back home in Algeria.

Naimahs suicide is the first among the refugees at the Frankfurt Airport since the introduction of the highly disputed asylum law. This act was not the first time someone had tried to commit suicide but the first time it was successful. Church groups have reported 18 suicide attempts since 1997 by asylum seekers. According to the director of Caritas, the reason for all the psychological stress is because of the cramped living spaces, air traffic noise, absence of green space, and inadequate separation of the sexes. Just a few years ago 30 refugees all made very strong appeals to Frankfurt Amnesty International stating that the living conditions in the holding zones were “inhumane and degrading conditions.” These 30 refugees had all been held in the transit zones for longer than 100 days. In 1997 a record 13% of asylum seekers were held for more than 100 days while waiting on appeals and permission to enter the country. But in 1999

these records were put to shame when 21% of all asylum seekers were held in the Frankfurt transit zones for more than 100 days consecutively. These numbers are astonishing because of the fact that laws and regulations state that no one person can be held for more than 19 days (Zimmermann).

Human Rights vs. Privileges (Andre, Bettina)

Asylum support organizations have sprouted throughout nations in response to experiences and injustices of refugees within their own borders. They reach out to asylum seekers by providing them with legal aid and voicing the rights of detainees and the existing discrimination they experience within detainee centers. Organizations do this through various political actions and demonstrations. They encourage their countries to take a closer look at the violations of human rights experienced by these refugees. Many organizations have been disputed by governments, anti-immigration groups, and even their country's own citizens, each declaring that receiving asylum is a privilege. Earlier in the century this allowed governments to deny and revoke any immigrant's citizenship.

Foundations established in Germany include *PRO ASYL*, *NOII* (No One is Illegal), and *IRR* (Institute of Race Relations). *PRO ASYL* was founded by "Members of welfare and human-rights organizations..." in 1986 (*PRO ASYL*, 186). They strive to protect the natural human rights of these immigrants, which *PRO ASYL* believes they should attain, accompanied by assistance in achieving a successful asylum within Germany. At the onset of restrictive immigration laws set forth by the Bundesregierung there has been, and continues to be, controversy over whether or not asylum should even be considered for refugees. In 1992, *PRO ASYL* issued a campaign with intentions to "preserve" asylum, guaranteed and protected under Article 16 of the Basic Law (*PRO ASYL* History). This campaign resulted in nearly nothing

because of the German parliament favoring limitations on the asylum-seeking law. “*PRO ASYL* reacts by filing sample action, mandating expert opinions and documenting individual cases” (*PRO ASYL* History). By 1995, Frankfurt Airport became the main hub for deportations within Germany wherein asylum seekers were legally deported at any moment. This procedure was named *Flughafenverfahren* (*PRO ASYL* History).



Figure 1
<http://www.proasyl.info/serien/flughafen02/unterkunft/ulthm3.htm>

PRO ASYL has continued to fight for the human rights of refugees throughout the years thereafter. In 1998, they were awarded the Bonhoeffer prize, “for overcoming xenophobia, racism and violence.” (*PRO ASYL* History) In the year 2000, Otto Schily voted against a motion that children should be exempt from the *Flughafenverfahren* law “thus consciously acting against the *UN Declaration of Rights of the Child*” (*PRO ASYL* History).



Figure 2
<http://www.proasyl.info/serien/flughafen02/unterkunft/ulthm.htm>

Thereafter, *PRO ASYL* focused thoroughly on the rights of children and their families within detention centers. They have voiced concern over violations of human rights, such as unequal standards of living and lengthy durations of detainment, all of which have been problems within the Frankfurt Airport for its long term detainees (*Mesovic, PRO ASYL*).

In response to these accusations, the Frankfurt Airport decided to build a new facility by the year 2003. Plans were

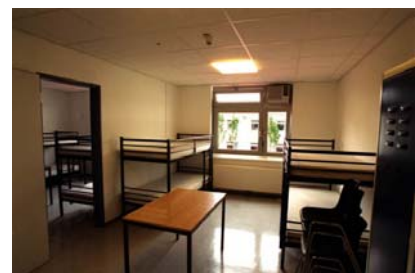


Figure 3
<http://www.proasyl.info/serien/flughafen02/unterkunft/ulthm2.htm>

made to build it at the site of an existing, unused terminal. It would hold another 100 asylum seekers. At first glance, it looks like a good idea and has been falsely accused of being a free resort for refugees: a courtyard with trees, children's playgrounds, kitchens with free provided food and beds for everyone. In actuality, the courtyard is surrounded by the walls of the tall building and has barbed wire at the roof-tops. There is only one plastic play structure and there are children's bunk beds, two to a room, for every refugee (PRO ASYL). The center itself is deliberately angled out of the way and out of sight of Frankfurt's main airport and it neighbors the entire airport's sewage facility. *PRO ASYL* speaker Bernd Mesovic portrayed Frankfurt Airport's new "refugee accommodation facility" with one illustrative word of his own: "Asylkläranlage" (PRO ASYL), an "Asylum-Sewer."

No one is allowed to leave the confines of this building at their own will. Upon their departure, a refugee will either be allowed into the country, thus succeeding in achieving asylum from the government, or, on most occasions, they are deported back to their homelands due to improper paperwork and identification. Deportation has produced and presented some of the most extreme instances of injustices of human rights. In 2000, Naimah Hajar committed suicide after finding out she would be deported back to Algeria. Just months before, a nineteen-year-old Algerian asylum seeker set himself on fire while in a confined cell (IRR News). A 1998 article reported that most deportees were forced to wear a

straightjacket (right), a black helmet that covered their eyes, and tape that was placed over their mouths. These deportees, innocent Algerians and violent others, guilty of resistance to deportation, were indiscriminately viewed as equally violent persons and were rejected to deportation;

Figure 4 (Mesovic, PRO ASYL)



the Germans have stereotyped them as a dangerous people. Through this injustice, they boarded the aircrafts that would transport them back to their countries of origin (Mesovic, PRO ASYL).

These organization's viewpoints have not and are not usually favored due to Germany's history of opinions against immigrants. The debate whether asylum is a human right or a privilege will continue until laws are set. *PRO ASYL*, *NOII*, and *IRR* continue to fight for the rights of refugees through demonstrations held at airports that regularly deport refugees and by seeking laws that better the environments in which asylum seekers are detained. Nevertheless, upon entry of a different country's airport, refugees are thrown into a whirlwind of questionable circumstances that violate their human rights.

Entering the Airport (Land, Zach)

What does a refuge or asylum seeker experience when entering German airport? An investigation of the airport system is in order to determine why stories like Naimah Hajar's come to pass. First, it is important to understand that there is a separation between First-class, Business, Economy travelers and Asylum travelers. The Frankfurt International Airport is an excellent example of high-class travel. The system that this

airport utilizes is much akin to the common system familiar to citizens of the United States. When the traveler arrives at the airport the price of the traveler's ticket determines where the traveler checks in, what security line the traveler must use, what lounges the traveler can access, and in some cases what terminal the traveler uses. Of course the price of the ticket is in correlation to the ease with which the traveler passes through

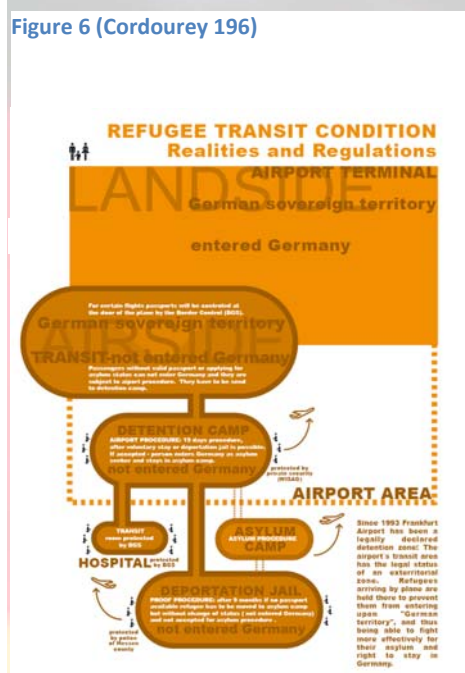
Figure 5 (Cordourey 192)



the airport system. As in the United States, passengers with first-class tickets have specialized check in desks for easy check-in. Certain security lines are only for first-class customers, shortening wait time. Lounges range from elite members' lounges like the HON to lounges that are paid for by the hour. If Frankfurt International is the traveler's final stop, then first-class passengers have their own dedicated passport control line (Codourey 189-190).

For asylum seekers entering Germany the experience is quite different. Many come to the

Figure 6 (Codourey 196)



separate Frankfurt-Hahn airport. This low-cost economy airport is "...located 150 km away from Frankfurt City and linked by bus services with Frankfurt International Airport" (Codourey). The asylum seekers arrive at a different terminal from the one used by other customers. Even though the asylum seeker has landed in Germany, the Frankfurt-Hahn airport was designated an extraterritorial zone. This zone means that legally the passengers are still in transit and have not technically set foot in German territory. Because of the amendment 16a

"(2) The right of Paragraph (1) cannot claim who enters from a European Communities country or from another country where the application of the Convention on the Legal Status of Refugees and the Convention to Protect Human Rights and Civil Liberties is ensured. States outside of the European Communities for which the prerequisites of the first sentence hold true are determined by a statute requiring the consent of the Senate. In the cases of the first sentence, measures to end a stay can be effectuated independent of recourse to the course sought against these measures. (Germany - Constitution)". This law, combined with extraterritorial zones at airports, effectively

limits all official attempts of Asylum seekers (Asylum Procedure Act)(Section 47). Asylum applicants are then kept in this zone for the duration of their application. An asylum seeker's arrival at Frankfurt-Hahn begins the airport procedure. This procedure establishes "...if refugees get the right to apply for asylum in Germany. It lasts 19 Days (and during this time the asylum seekers are housed in a detention camp). If a refugee gets sick in the camp and has to be brought to the hospital he still stays in transit" (Codourey 191). If an Asylum Seeker is determined to have the right to seek asylum then the asylum seeker is sent to an asylum camp. The applicant stays here throughout the duration of the Asylum Procedure. If the applicant is not accepted for asylum then the deportee has two options. The deportee can go to voluntary detention, until suitable papers are required for a return to the country of origin, or deportation jail and undergo the proof procedure. If suitable papers are not received within nine months the deportee must go to asylum camp. The deportee does not receive a "...change of status. He is still not accepted for the asylum procedure and can be deported as soon as travel documents are available" (Codourey 191).

Detention and Deportation (Palacios, Sergio)

According to The Berlin *Initiative Against Deportations*, there are over 50,000 immigrants who are deported from Germany every year. About 130 foreigners are returned to the country from which they were fleeing each day. "The current policy in Germany of widespread detention of those awaiting deportation was introduced when the right of asylum, originally guaranteed in the German constitution of 1949, was largely abolished in 1993" (Asian Tribune) Because of this revised law, people have taken their own lives in these detention centers rather than return to their country of origin, which characterizes how difficult and harsh life in their

original countries is. “Since 1993, 99 people have taken their own lives or died trying to avoid deportation, 45 while in detention” (World Socialist Website)

There are a number of reasons for which a person can become deported from the Republic of Germany. A person can be deported if he or she is not granted asylum nor citizenship as stated in Section 34 paragraph 1 of the Asylum Procedure Act, “Pursuant to Sections 50 and 51, paragraph 4 of the Aliens Act, the Federal Office shall issue a notification announcing deportation if the alien is not recognized as a person entitled to asylum and if he does not hold a residence authorization (*Aufenthaltsgenehmigung*). A hearing of the alien prior to the issue of the notification announcing deportation shall not be required.” People who can be deported include refugees who are refused asylum, civil war refugees whose right to remain has not been extended, and immigrants who either entered Germany without a valid visa or whose residence permit has expired (World Socialist Website). Because the foreigner is not granted asylum, he or she is considered an illegal immigrant. Illegal immigrants are usually detained somehow until either the proper documents are processed or they are deported to another country. The asylum seeker is then deported to a country that is deemed safe by the Federal German Republic. These “safe countries” are the countries through which the foreigner entered Germany, or the countries in which airplanes land, before they reach the country to which the asylum seeker is trying to be returned.

To properly enter the country of Germany a passport and some form of identification are needed. This is usually a problem with asylum seekers because either their country of origin has not given them the proper documents so that the citizens cannot flee or they have lost the documents en their route to Germany. The corrupt governments keep people from fleeing their country, so the government intentionally doesn't give visas or proper documents to citizens in

order to ensure that their citizens cannot flee. This is one hardship that asylum seekers encounter when fleeing their country.

The Former Federal Minister of the Interior of Germany, Otto Schily (1998-2005), was an advocate for the establishment of refugee camps in Africa for the refugees from there, meaning they would not be allowed to enter European Union (EU) territory until their

applications had been accepted. This is unique because of the fact that he was rejecting the idea of asylum in the whole European Union rather than just Germany itself. He said that this would be better for asylum seekers as it would provide

an alternative to taking dangerous routes to reach

Europe (*The New York Times*). Schily also

advocated for the establishment of internment c

amps in locations that were close to the routes

taken by refugees. It is unsure what these

internment camps would appear like. Would they

appear like the detention centers for foreigners

awaiting deportation like the ones in airports? Whatever they might look like, they would not be

a place of comfort and they would be places that refugees would dread because most of them

wouldn't be granted asylum in their country of choice. Refugees would have a tough time

making it into the European Union because any country in Africa that has an agreement with the

EU would be deemed a "safe country" and therefore the refugees would get asylum in that

country if at all rather than in Germany or the EU. There is also an issue as to which countries in

Africa comply with human rights laws established by the UN, despite the UN's warnings that

Figure 7 http://www.dw-world.de/image/0,,349070_1,00.jpg



creating these camps could potentially close the borders of Europe to legitimate asylum seekers (*The New York Times*).

If the centers were opened then Otto Schily said that, “Refugees no longer have the fundamental right to receive asylum in Germany” (*Deutsche Welle*). Human rights groups and activists claim that these camps violate refugee rights in the provisions of the Geneva Convention.

There was a case in which 37 African refugees were picked up by a German aid organization in the Mediterranean Sea. The refugees had been shipwrecked off of the coast of Italy and they were brought to Sicily. “Not only did the German Immigration Department deny

the right of these refugees to even apply for asylum, Schily went so far as to threaten criminal proceedings

against the crew of the ship and the leader of Cap Anamur on charges of aiding illegal immigration” (World Socialist Website). The refugees were immediately deported from Italy back to their respective countries. This case apparently fueled Schily’s campaign to establish these refugee camps (World Socialist Website).

Figure 8 http://www.dw-world.de/image/0,,1006106_1,00.jpg



African refugees are arrested by Italian officers.

An Overview of German Political Parties (Lowe, Warnesia)

Political parties play a major role in German history and in their culture, today. These parties are known to be active with a lot of issues throughout Germany. Some are more infamous than others within Germany, such as the radical right wing party. But today there are political

parties that strive to be internationally friendly. In the case of Naimah H, there were political groups in Germany that could have taken up her case. That is not to say that they would have but if they had, these groups would have been able to help speed her asylum application. Some groups stand out more for aiding asylum seekers.

There is the Social Democratic Party. In Germany they are known as the *Sozialdemokratische Partei Deutschlands* and are one of the oldest political parties in Germany, active since 1863. The Social Democratic Party or SPD for short has become a distinguished political party in Germany, especially since the Second World War. The party “advocates social justice” (Social Democratic Party of Germany), which supports the major social groups and issues that have arisen in Germany.

There have even been known cases of asylum-seeking women who have even been attacked by Germans. To make matters worse, these women were attacked by local German policemen. For instance, there was a case of nine Iranian asylum seekers women who were beaten by local German police. These women were immigrants seeking asylum. They were severely beaten and their native garb was removed by the policemen. Photographs were then taken of the women. The women were employed with the Iranian Embassy. “The International

Federation of Iranian Refugees (IFIR) calls on individuals and groups to resolutely condemn the German government’s violations of refugee and human rights...” (Iranian Women Asylum Seekers Are Beaten by the German Police).

The logo for the Social Democratic Party (SPD) of Germany, consisting of the letters "SPD" in white, bold, sans-serif font on a red square background.

The case of the Iranian women being mistreated in Germany is an extreme case, but a case nevertheless. It was a call



for help from immigrant and asylum seekers to the political parties in Germany. In this case, major political parties, such as the SPD and the

FDP, were lobbied for action.

The FDP stands for the Free Democratic Party in Germany. In German they are referred to as *Freie Demokratische Partei*. It was founded after the Second World War in the year 1948. This political party “is much smaller than the CDU or SPD, but its limited electoral strength masks the party's inordinate influence” (Free Democratic Party of Germany).



As stated earlier, there is a group called the CDU or *Christliche Demokratische Union Deutschlands*. This stands for the Christian Democratic Union in Germany. This political party is sometimes linked with the group Christian Social Union of Bavaria (CSU). Together these political groups support Christian religious principles in Germany. These two parties are allied on many issues.

This could have been helpful for Naimah H.

All of these parties have helped fight for asylum seekers' rights in Germany. In fact, a quote by a representative of the Federal Ministry of the Interior says in reference to the growth of asylum policy in Germany, “To deal with these developments, in 1993 four political parties - the CDU, CSU, SPD and FDP - agreed to a comprehensive reform of asylum law, known as the compromise on asylum. Part of this reform was to create Article 16a of the Basic Law. But new provisions were added to ensure



that asylum can be claimed only by persons who are actually suffering (political) persecution and require protection in Germany. The right of asylum in the Basic Law continues to exist alongside Germany's obligations under international law” (Asylum, protection of refugees and subsidiary protection).

Conclusion

Refugees have faced a number of morally conflicting events while seeking asylum within Germany. Their human rights have been challenged by legal processes and through the environmental living conditions they face within detention centers. Political parties have increasingly ignored lobbying attempts made by *PRO ASYL*, *NOII*, and *IRR*. They have brought up the numerous instances of suicide within detention centers, providing basis for their human rights arguments. Political parties believe in reducing the number of immigrants by deporting them to their homelands or restricting existing immigration laws. The shocking event of Naimah Hajar had little influence on changes made to the overall asylum system and the process involved. What is required to change these upsetting conditions is a shift in perspective of the people of Germany. Until there is a wider acceptance of other ethnicities and foreigners in Europe there will be no alteration to the asylum system. Awareness needs to continue to be raised about the conditions that refugees are confronted with at the very airports that the public visit every day, but still turn a blind eye toward.

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