

Handbook Germany Artikel:

Deportation

How does the deportation procedure work in Germany?

Attention: This page is not up-to-date. Legal changes due to the so-called "Repatriation Improvement Act" ("Rückführungsverbesserungsgesetz") are missing here.

When your asylum application is conclusively rejected, or in case you lose your residence permit (or were never issued one), you are obliged to leave Germany. In such cases, the Federal Office for Migration & Refugees (BAMF) asks for your departure within a specified time limit and threatens to deport you according to the [§34 Asylum Act](#). They will send you a formal notice which is called "Abschiebungsandrohung". In this notice, the destination of deportation must be specified. Sending such a letter is mandatory before deportation, i.e. If you have not received it, you must not be deported. In principle, when your asylum application is rejected, you receive a deportation order along with your rejection notice from the BAMF. The deportation orders are sent as registered letters, which means the BAMF will be informed when the letter arrives in your mailbox.

With a simple rejection ("einfache Ablehnung"), you have 30 days to leave Germany voluntarily. If your application for asylum is rejected as "inadmissible" (unzulässig) or "obviously unfounded" ("offensichtlich unbegründet"), you have only one week to leave Germany. Your asylum application can be rejected as "inadmissible", if, due to the Dublin Regulation, another EU country is responsible for your asylum case. Your application may be rejected as "obviously unfounded" when, for instance, the BAMF sees significant contradictions in your story or your reasons for flight or believes that you have fled to Germany solely for economic reasons. Check the notice you have received from BAMF to learn how much time you have to react - the countdown starts from the day you receive the notification.

If you have received a deportation notice, law firms and counselling centres can provide advice and support. Even after an asylum application has been rejected, there are still some legal options for staying in Germany. In chapter "[Rejected Asylum](#)" you can learn more about these options.

If you neither voluntarily leave Germany within the designated deadline nor take any further actions, the police may be called to intervene, and you may be forcibly sent back to your country of origin or to a third country which accepts you and to which you have a specific connection (e.g. a country in which you used to live). This process is called deportation ("Abschiebung") or repatriation ("Rückführung"). The deportation is regulated in [§58 of the Residence Act](#). A deportation can take place, only when sending the person back is actually possible and not prohibited by law. Therefore, before deportation, all the possible obstacles (legal or practical) are examined. The Immigration Office is responsible for the deportations. If your deportation is forbidden by law or simply not possible for practical reasons, the Immigration Office may grant you a [tolerated stay \("Duldung"\)](#) or issue you a residence permit. Check our chapter "[Rejected Asylum](#)" for more detailed information.

Can I be deported?

You may be deported when you are obliged to leave the country under an enforceable decision ("vollziehbar ausreisepflichtig"), but do not leave voluntarily within the departure period. This, however, will be the case only if your deportation is actually possible and not prohibited for legal reasons. To learn more about the circumstances in which deportation is forbidden or not feasible, read the chapter "[Rejected Asylum](#)". When you do not have a residence permit, your application for a [residence permit](#) has been rejected incontestably, and you have entered Germany illegally, you are obliged to leave the country under an enforceable decision (or "vollziehbar ausreisepflichtig"). Such an obligation applies to you when, for instance, your [asylum application](#) has been rejected, and you have exhausted all legal options or have missed the chance as you have not acted within the specified time limit for an appeal. As long as your asylum application is not decided, your deportation is not enforceable, and therefore, you may not be deported.

In principle, the following groups are obliged to leave Germany, and their deportation is enforceable:

- Asylum seekers whose cases have been incontestably rejected. It also applies to those whose application is rejected due to the [Dublin Regulation](#).
- Illegalised individuals, i.e. people who are (no longer) registered in Germany.
- Foreign citizens whose residence permit is expired or has been revoked.
- Foreign citizens who are to be expelled for committing serious crimes or the like.
- Individuals with a tolerated residence ("Duldung"). In this case, however, the execution of the obligation to leave is suspended, and the individual's stay is allowed until further notice. You can find more about this topic below in the section "Can I be deported despite having a 'Duldung'?"

Please note: Parents may only be deported together with their children. If a minor child cannot be found at the time of deportation, the rest of the family may not be deported without the child.

What steps does the deportation process entail?

The Immigration Office coordinates deportations. In the first step, the staff check whether there is a deportation obstacle, e.g. whether you are able to travel or have a passport. If nothing impedes the deportation, the Immigration Office sets a date for the deportation. The exact date, however, is usually not communicated to the person whose deportation is being planned. Many deportations take place at night hours. The **state police** will pick you up in your flat or accommodation centre and take you to the airport, where you will be handed over to the Federal Police. The Federal Police will then take you on board and accompany you during the flight out of Germany. In principle, deportations take place by normal passenger flights. Sometimes, however, aircraft are chartered just for deportation. If the Immigration Office suspects that you want to prevent your deportation, for instance, by going into hiding, you may be taken into custody for a few days before the deportation ("Ausreisegewahrsam") or be placed in a deportation detention centre for months until your deportation is organised ("Abschiebungshaft").

Can I be placed in deportation detention centre?

If the Immigration Office believes that you want to prevent your deportation, you may be placed in a [deportation detention](#) centre. The authorities, however, need to justify such a decision by presenting specific evidence, e.g. changing the place of residence without informing the Immigration Office counts as a legitimate reason here. In this case, the Immigration Office assumes that you want to go into hiding. Before you can be placed in a detention centre, there must be a court hearing where the judge gives you the chance to defend yourself and then decides whether the immigration authorities' application to place you in a detention centre is legitimate.

You have the right to appeal against the court's decision. You can find help and advice from a lawyer, at Pro Asyl, and other counselling centres. To find a counselling centre nearby, visit our **Local Information** page. You can enter the name of your city and search for asylum, residence and legal advice services in your area.

Certain conditions must be met before the Immigration Office can place an individual in a deportation detention centre:

- You must be legally obliged to leave Germany, and your deportation must be enforceable ("Vollziehbar ausreisepflichtig"). This enforceable obligation applies to you when you do not have a **residence permit** or in case you have illegally entered Germany, and your application for a residence permit has been incontestably rejected. You can find more about this topic in the section "Can I be deported?".
- Your deadline for voluntary departure has expired.
- There are specific indications that you want to prevent your deportation.

In principle, however, it is not allowed to take a person into custody if it is not clear whether their deportation process can be concluded within three months or not. However, it is possible to derogate from this rule if the individual is personally responsible for the deportation impediments or when he or she is considered to be an actual danger to the security of Germany or others. In this case, the person may also be placed in a detention centre before the expiration of the deadline for voluntary departure.

What rights do I have during deportation detention ("Abschiebungshaft")?

In principle, you may be detained for up to six months before deportation. If you try to prevent your deportation, this detention period can be extended for another 12 months. Minors and families with minor children, however, may only be detained in exceptional cases and for a short time prior to deportation. As a family, you also have the right to stay together and cannot be separated during the detention period.

During such a detention, individuals are usually placed in special deportation detention centres rather than ordinary prisons. If you are held in a regular prison, you must be separated from the inmates.

You are entitled to have visitors and use the telephone. You also have the right to contact your lawyer and the prison chaplain at any time. You can talk about your concerns and problems with the prison chaplain. Prison chaplains are often Protestant or Catholic priests, but you do not have to be a Christian yourself to seek help from them.

Please note: The police may detain you provisionally even without a court order if the conditions for detention ("Abschiebungshaft") are met and the Immigration Office suspects that you plan to prevent your deportation. In such cases, the court will be informed within 48 hours and then decide whether you must stay in deportation detention or not.

Is there any other way for the police to detain me prior to my deportation?

If the date of your deportation is already fixed and the Immigration Office has successfully concluded the necessary preparations (your documents, the flight, etc.), the police may take you into custody ("Ausreisegewahrsam"). "Ausreisegewahrsam" or departure custody means that you are held in the transit area of an airport or a special accommodation centre (deportation detention centre, repatriation centre) until the day of your deportation. The objective here is to make sure that you cannot prevent your deportation by, for instance, going into hiding. In such cases, the authorities are permitted to keep you in custody for up to ten days with no need to a court order. However, the following prerequisites must be met:

- Your deadline for voluntary departure must have expired
- There must be concrete evidence that you want to prevent your deportation. This could be the case, for instance, if you have provided false information about your identity.

If you do not show up for the appointment that the Immigration Office makes for you at your embassy or the Public Health Office ("Amtsarzt"), you may be taken into custody for up to 14 days to make sure you cooperate with the authorities ("Mitwirkungshaft"). That means you will be detained in a particular location, so the authorities can make you show up at the next appointment.

If you have been taken into custody before deportation ("Ausreisegewahrsam") or detained to make sure you cooperate with the authorities ("Mitwirkungshaft"), you have the right to contact your lawyer, a relief organisation, a deportation observer ("Abschiebungsbeobachter"), and your family. Check the section "What can I do if I am being deported?" for relevant addresses and contact information.

To which destination can I be deported?

In principle, you are deported to your country of origin. However, it is also permitted to deport you to another country if you have connections there (for example, if you have lived there for a long time or have family members there) and that country is ready to resettle you. If you are being deported under the Dublin Regulation, you may not be deported to your country of origin but only to the EU country responsible for your asylum application. You can learn more in our chapter "[Dublin Procedure](#)".

Can I be Deported Despite having a "Duldung"?

A "[Duldung](#)" is not a residence permit but rather a suspension of deportation. Having a "Duldung" does not eliminate your obligation to leave Germany, but only postpones it for a specific period. If your tolerated stay ("Duldung") expires or is revoked, you may be deported. A tolerated stay can be revoked if the reason for its issuance is not valid any more. If you, e.g. have been issued a "Duldung" because you did not have a passport and now can obtain one from your country, your "Duldung" may be revoked.

After the expiration or revocation of your "Duldung", in principle, you can be deported. Your deportation then may be carried out immediately and without any notice. Only if you have lived with a "Duldung" for more than a year, the authorities are obliged to notify you of your deportation at least one month in advance. In this case, you will be sent a deportation order ("Abschiebungsandrohung").

What are the consequences of deportation?

If you are deported, you will be issued with an official ban of entry and residence according to [article 11 of the Residence Act](#). Such a ban is also called a re-entry ban ("Wiedereinreisesperre"). The ban comes into effect with your deportation and is usually valid for five years. However, the period may be extended to up to ten years if you have been convicted of a crime or are believed to pose a severe threat to public order and security in Germany. The re-entry ban applies not only to Germany, but to all the Schengen states. For a list of current Schengen member states, check [auswaertiges-amt.de](#). If you try to go to one of the Schengen states despite the ban, you will be refused entry.

In addition, the word "deported" ("Abgeschoben") is stamped on your passport.

Please note: You may be issued an unlimited ban on entry and stay, although it is against the law. If this is the case, consultation with a lawyer is necessary. You can find a lawyer through [Pro Asyl](#) or other counselling centres. To find a counselling centre nearby, visit our [Local Information page](#). You can enter the name of your city and search for asylum, residence and legal advice services in your area.

What can I do if I am being deported?

If you are facing deportation, it is beneficial to call a law firm and inform a counselling centre or initiative. To find a counselling centre nearby, visit our [Local Information page](#). You can enter the name of your city and search for asylum, residence and legal advice services in your area.

You have the right to file an urgent application with the administrative court to halt the deportation temporarily. You can also ask your neighbours or staff at your accommodation centre for help. For a neighbour or staff at the accommodation centre to help you, it is necessary to give the individual power of attorney, so that they can hire a lawyer or file an urgent appeal ("Eilantrag") at the administrative court on your behalf.

Deportation observers ("Abschiebungsbeobachter") can also be informed and asked for assistance. Deportation observers are available at the airports in Frankfurt, Düsseldorf, Berlin, Hamburg, Halle/Leipzig. They can connect you to lawyers. They can also assist you in case you have been taken into custody shortly before deportation ("Ausreisegewahrsam") or have been placed in a deportation detention centre ("Abschiebungshaft").

If you were able to stop your deportation, it is beneficial to act immediately and contact a lawyer and a counselling centre. After a stopped deportation, you may be taken into custody pending deportation again ("Abschiebungshaft"). In general, after the first unsuccessful attempt, the next one will be scheduled immediately.

Please note: If you are deported and do not have any cash with you, the police are legally obliged to give you some cash.

What can I do after I have been deported?

Your lawyer offers necessary support and advice. They can check if your deportation is legally justified. Otherwise (e.g. when your appeal against the ruling of your asylum application has not yet been decided), you may be allowed to return to Germany.

If you do not have a lawyer, friends or a counselling centre can provide support. Assistance is available, for example, from Pro Asyl or other counselling centres. To find a counselling centre nearby, visit our Local Information page. You can enter the name of your city and search for asylum, residence and legal advice services in your area. It could be beneficial to contact one of the local counselling centres if you have been deported to another EU country under the Dublin Regulation.

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