

'Netzwerk Flüchtlingshilfe Niedersachsen'

and

'Landesarbeitsgemeinschaft der Freien Wohlfahrtspflege in Niedersachsen'

inform on

How To Apply To The Hardship Commission?

How to submit an application?

If you are in danger of being deported despite imminent humanitarian and personal consequences, you or a person mandated by you can submit an application letter to a commission to bring forward your case.

Seek competent advice first

Be sure to get advice at the refugee help desk or from a lawyer experienced in such matters before submitting an application to the hardship commission. You may be advised to pursue alternative paths.

It is crucial for the application to be submitted before a deportation date is set. Once the date is scheduled – you may or may not have been informed of that fact - the application will automatically be denied.

For what reasons does the hardship commission exist?

The hardship commission of lower Saxony was established in 2005 by the minister of the interior. It is comprised of public figures from churches, the commune and various associations. The committee decides if the humanitarian and personal situation of the asylum seeker in Germany should be considered in the decision process. When the case is perceived as strong a request is brought to the minister of the interior who then has to return a verdict.

What should the application focus on?

The commission focuses primarily on your local bonds . The stronger the ties to the local community the better your case.

Thus the following points should be included in the application:

Duration of stay, proficiency in German language, kids going to school or kindergarten, formation and apprenticeships, involvement in churches, communities and associations, voluntary work, interpreter work, social and family ties, etc.

All this information should be described in detail. When possible try to include recommendation letters from schools, associations, neighbours, employers etc. Health issues and disabilities should be attested by a doctor.

Proofs of current such as previous occupations should of course also be included (also applications for work permits, efforts of seeking work, etc.).

Problems and dangers in the country of origin can be included in the application. However the issue at hand and only base for decision is the state of integration in Germany. The commission is specifically required not to include the refugee's homeland situation in the decision process.

It should be emphasized that the whole process is done in written form only. All arguments for your case should be described thorough and comprehensive. If you need help, please contact the local refugee help desk or ask your friends and neighbours. The decision process can take a long time. Be

sure to inform the commission member of any changes or developments that may occur in your life.

When is an application not possible?

If the date of deportation was already scheduled or deportation detention was ordered.

If the applicant was sentenced to more than 90 days of prison in the last three years.

What are common reasons for request to be denied?

A negative decision is mostly due to

-secrecy or deception in the asylum seeking request and when dealing with authorities.

-not earning money to pay your living (an exception is made if the local commune declares its agreement with the application)

Exceptions to these rules can be made. Be sure to bring forward arguments that would support such a decision.

Where do I submit the application?

The application should be submitted to a member of the commission or the ministry of the interior of lower Saxony.

You can find all addresses on

www.mi.niedersachsen.de (search for 'Härtefallkommission').

You will also find the decree of the committee and various forms.

For the application to be considered it is crucial that a deportation date is not yet scheduled. Be aware that it is not the date that the application is sent that counts, but the day it is received.

As long as the application is decided upon the deportation process is pending.

Application process guide

The 'Landesarbeitsgemeinschaft der Freien Wohlfahrtspflege' of lower Saxony offers a guide that helps you through the application process („Arbeitshilfe für Härtefälleingaben“). It gives you insight into rules and regulations of the commission and some valuable tips for the application process.

You'll find the application guide and further infos here:

www.lag-fw-nds.de (click „Aktuelles“)

www.nds-fluerat.org/leitfaden/ (Paragraph titled „Ergänzende Infos“)

www.kargah.de (click „Härtefallberatung“)

For further information and personal consultation go to:

your local refugee help desk