

Admission of Syrian Refugees by the State of Lower Saxony

At the end of September 2013, all federal states except Bavaria and Saxony decided to accept refugees from Syria in accordance with the Federal Government's admission program (admission of 5,000 Syrian refugees) provided that the refugees have family in the respective states and the living expenses will be covered by relatives. The government of Lower Saxony has not yet set a refugee quota. There is no upper limit, but certain criteria must be met.

The following will explain how the state of Lower Saxony has organized the admission of Syrian refugees and who can find admission in Lower Saxony under what conditions. See also the relevant decrees of the country:

[Lower assembly of Lower Saxony](#)

[Issuing at immigration offices](#)

[Application notes for the admission of Syrian relatives](#)

[Summary of the results](#)

[Leaflet on admission of relatives from Syria](#)

[Pre-consent form § 31 AufenthV SYR Vordruck-3](#)

The Syrian refugees who wish to enter Lower Saxony to get to their family must go through the process of obtaining a visa. This process is described in more detail below.

People who are eligible for admission to Lower Saxony:

Syrian nationals who are in Syria's neighboring countries fleeing the civil war or who are still in Syria will be admitted. Neighboring countries include Lebanon, Jordan, Iraq, Turkey, and Egypt.

In some cases it is possible that the admission can also occur from another country.

People will be allowed to enter if they have family in Lower Saxony who have German citizenship or a temporary or permanent residence permit and have been living in Germany since 1 January 2013.

Degree of Relationship:

Who can enter: spouses, first-degree relatives (parents, children), second-degree relatives (grandparents, grandchildren or siblings) and their spouses and minor children. Additional people who are guardians to beneficiary minor children can be included (in an effort to preserve the family unit).

The relationships will be verified by the immigration authorities. In exceptional cases, the consulate can also check the family relationships on the basis of documents submitted by the fleeing relatives if the relatives in Lower Saxony are unable to provide documents for proof of kinship. Under certain circumstances, the consulate will include the immigration authorities in the review of the documents.

The Process of Obtaining a Visa

An introduction to the process of obtaining a visa

The relatives in Lower Saxony must submit a statement of interest to the immigration authority which has jurisdiction over them or their residence, where the reunion of relatives shall then take place. With the statement of interest they make it clear that they want to take in their relatives who have fled and accept liability for the costs. With this, the visa process will be initiated. Moreover, they must demonstrate how they are related to their relatives, thereby proving that they are one of the relationships described above.

Declaration of Commitment

At the same time the relatives in Lower Saxony must submit a declaration of commitment for each relative that they are willing to take in. That is, they explain that they will take responsibility for the living expenses and the health care costs for these relatives. The commitment applies to the full duration of the stay unless the residence permit changes.

The immigration authority checks the creditworthiness of those who make the commitment. Thus it is determined whether the relatives living in Lower Saxony earn enough income to cover the living expenses. For that purpose, the garnishment exemption threshold will be taken as a baseline. The relatives living in Lower Saxony must have an income that is greater than this threshold. The garnishment exemption threshold takes into consideration each person in the household and increases accordingly with each additional person in the household. So for example, if a family of five takes in one relative, the income must be greater than the garnishment exemption threshold for six people.

A table with the garnishment exemption thresholds can be found [here](#).

However, the costs of illness, pregnancy, birth, disability, or nursing care must be covered, in the current state, by the person making the commitment.

Problem: In many cases it will not be possible to get healthcare insurance. Unless it is possible to admit the relatives of those living in Lower Saxony as insured family in the required health insurance, admission into the required health insurance cannot take place, and private health insurance plans are not required to insure the people. This means that the cost of health care for the relatives who have submitted the commitment must be borne.

A declaration of commitment can also be submitted together with a third person (including distant relatives or friends of the person) if the income will not otherwise suffice. The relative, however, remains the actual person making the commitment

Additional information about declarations of commitment and healthcare insurance can be found here.

Sufficient accommodation

It is assumed that the relatives in Lower Saxony will accommodate their family members in their home. The immigration authority can request (though it is not a requirement) proof of sufficient living space, a copy of a lease, or other documents.

Approval of the immigration office

When the immigration authority (or in exceptional cases, the consulate) has verified the family relationship and credit, it will give its preliminary approval and pass the agreement form on to the German Consulate in the country in which their family members are located. The contact information (telephone number or email address) of the fleeing relatives will also be given to the consulate with this form. The consulate then uses the contact information to notify the relatives of an appointment at which they can apply for the visa.

Issuing visas

As a rule, the relatives must present a valid passport to the consulate representative. If no passport can be presented, other documents that are qualified to establish identity can also be presented. The consulate then checks the identity, takes biometric data (e.g., fingerprints), and a security check is done by the German authorities. Under certain circumstances the legalization of documents will be dispensed with when this would be accompanied by risk to Syrian citizens (see the letter from the Federal Government Commissioner for Human Rights Policy and Humanitarian Aid at the Federal Foreign Office, Mr. Loening, from 04.09.2013 to Minister Pistorius).

Then the visa will be issued. It is usually valid for three months. At the request of immigration authorities in Lower Saxony, the visa can be issued for a longer period of time.

Residence Permit in Germany

In Germany, the relatives who enter receive a residence permit according to § 23 Paragraph 1 of the Residence Act (AufenthG.). The residence permit shall be valid for one year, but may be issued for up to two years in justified individual cases.

In accordance with § 23 Paragraph 1 of the Residence Act, sufferers with the residence permit actually fall under the Asylum Seekers Benefits Act (AsylbLG).

Because of the family's given declaration of commitment, however, the Asylum Seekers Residence Act, which excludes that payments will be made if such a declaration of commitment was made, takes effect. As a consequence no assumption of health care costs takes place through the social welfare office.

The residence permit allows for paid employment. Self-employment is possible with the approval of the immigration authority.

Criticism

As described above, the delivery of the declaration of commitment is the central and crucial issue for the granting of visas to the fleeing relatives. The conditions of the declaration of commitment, however, are for many families not easily met. In particular, the assumption of the costs of healthcare and living expenses is unreasonable. These costs can increase immeasurably in cases of illness or nursing care and ruin the donor commitment.

Here, the state of Lower Saxony should follow the example of exemptions of other states such as Thuringia, North Rhine-Westphalia, or Saxony-Anhalt. Benefits "of sickness, pregnancy, birth, disability and long-term care" are specifically excluded from the declaration of commitment. These services will be taken over by the competent authorities according to the Asylum Seekers Benefits Act.

In addition, in Saxony-Anhalt the immigration authorities can, at their sole discretion, allow a lower income (under the garnishment exemption threshold plus the earned rate according to the Asylum Seekers Benefits Act) as proof of creditworthiness to avoid special hardship.

Sigmar Walbrecht, translation by Becky Seabrook