

Paying the price for helping refugees in Germany

Thousands of people in Germany have vouched for refugees in recent years and are now being asked to pay high sums. Were their good intentions misguided?



His wife warned him. But what could go wrong? Christian Osterhaus was convinced that he was doing the right thing. And hadn't the foreign nationals' office assured him and his fellow campaigners from the "Flüchtlingshilfe Syrien" ("Refugee Aid for Syria") that the guarantors for refugees would be liable only until official asylum status was granted?

Osterhaus signed two declarations of commitment — one for a Syrian child and one for a teenage girl. "We paid for the flights, found apartments and made sure that the people got something to eat here," he says.

In the western German city of Bonn alone, 450 people acted as guarantors. Nationwide, there are over 7000 refugee guarantors who have received unpleasant mail from job centers as well as city and municipal administrations in recent months. Or, as the 61-year-old Osterhaus puts it: "It's been a real slap in the face. You could also describe it as absolutely absurd!"

Osterhaus, who has been involved in civil society causes and development aid projects throughout his life, produces a gray folder in which he has meticulously filed all documents pertaining to the dispute over refugee guarantees in transparent plastic sleeves. The latest document is from 20 June, 2018, and was sent by Bonn's job center. It wants Osterhaus to pay €7,239.84 (\$8,268.29) and warns that the sum could be even higher.

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Unclear legal situation

The payment demand by Bonn's job center is based on a change in the law from 2016: At that time, the ruling coalition tightened the rules for moving to Germany. According to Section 68 of the Residence Act, "A declaration of commitment does not expire if there is a change in residence status." Obligations entered into before 6 August, 2016, end after three years, the others after five years.

This regulation was affirmed by the Federal Administrative Court in Leipzig in January 2017. In April 2018, however, the German Ministry of Labor and Social Affairs announced that guarantors of refugees would not have to make repayments to state authorities until a final decision was reached by the Federal Administrative Court. Although job centers would continue to send payment notices, the money would not be collected until further notice, it said.

Would Osterhaus decide differently and no longer sign a commitment knowing what he does today? "I would still sign it. In the end, I am proud of what all of us from Refugee Aid for Syria have done. We have done our bit for integration." What Osterhaus has lost, however, is some of his faith in the German justice system: "I was proven wrong, as I thought that laws and regulations couldn't be changed retrospectively. It really comes down to whether there is any legal certainty in Germany."

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Judgments vary from state to state

For many of the people who are in situations like Osterhaus', Lothar Mahlberg is a kind of last hope. The Bonn-based lawyer is concurrently representing 20 refugee guarantors and has recently won four cases before the Cologne

Administrative Court. Cologne was the first court in Germany to decide in favor of the guarantors, and against the city of Bonn.

“This has offered a glimmer of hope,” Mahlberg says, relieved, “but we don’t know whether the nightmare is really over.” Unlike courts in Hanover and Minden, the Cologne court pointed out that the foreign nationals’ office, as the competent authority, had failed to properly check the guarantors’ solvency and to make sure they were given adequate advice. Mahlberg is optimistic that the Cologne ruling will also act as a precedent for other German states, which would mean that thousands of guarantors will be released from their obligation to pay.

His advice: “If it is feasible, witnesses who were present when the commitment was made should be called.” Above all, however, “these witnesses must be able to confirm that [at the time,] the authority definitively stated something other than what is now stated in the notifications, or that the guarantor made it clear when signing the document that his or her liability would end with the granting of asylum.”

Mahlberg finds it hard to understand that people who pitched in and helped are, ultimately, being punished for their benevolence. He sums it up in this way: “These people have worked on a voluntary basis and at their own risk to ensure that civil war refugees reach safety in Germany in a legal manner and not via the dangerous Mediterranean route. The fact that they are now being told they are to remain financially liable for years to come is causing a lot of bitterness and frustration.”

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Penalized for honesty?

One such example is Farid Hassan. Originally from Syria, he has been living in Germany for more than 20 years and has, as a guarantor, brought his parents and two siblings, with their respective families, to Germany.

“I’m at the end of my tether; I can’t go on,” says the 53-year-old today, pulling out of his pocket the city’s notifications with payment claims of €85,000. “I can’t pay this; where am I to get the money from?” Hassan asks desperately.

Hassan studied English literature and music in Syria. Here in Germany, he works

at a drugstore. His net income is €2,000, with €800 of that going on rent. That leaves €1,200 for his family of four, plus his relatives. “It breaks my heart when I always have to tell my children that we can’t afford this or that because uncle might need the money. How are my children supposed to understand that?”



Hassan is grateful to Germany, but thinks authorities should keep their word

Hassan says that many families who have acted as guarantors have not been able to cope with this situation. He himself is fighting it. He has already made representations everywhere and has even met with Ralf Jäger, the former interior minister of the state of North-Rhine Westphalia, where Hassan lives. “He told me he would do everything he could to help us.”

So far this has been without success. Hassan is angry. “If my family had come with the help of people smugglers via the Balkan route I would have been off the hook. But because I’ve chosen the official route, I’m supposed to pay up.”

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