

# 'Residenzpflicht' Changed in Berlin and Brandenburg

## Information for Refugees

On July 29<sup>th</sup>, 2010, the Berlin and Brandenburg governments made an amendment to the so-called '*Residenzpflicht*' (territorial restriction of movement) but stopped short of abolishing the law entirely. We would like to give you some information about how this could affect you.

### 1 For refugees whose asylum procedure is not yet finalised there are some changes

- From now on, you may move freely in the whole of the state of Brandenburg. You do not have to apply for permission. Some *Ausländerbehörden* (aliens departments) stamp or write the permission into your *Aufenthaltsgestattung* (residence title for asylum seeker), but the new regulation is valid even without this stamp.
- If you want to travel to Berlin you still have to apply for permission from the *Ausländerbehörde*. But, and this is new, the *Ausländerbehörde* is now legally obliged to issue a *Dauerverlassenserlaubnis* (permanent permit to leave) valid as long as your *Aufenthaltsgestattung*. You do not have to state the reasons why you want to visit Berlin. We recommend that you use the form '*Antrag Verlassenserlaubnis Aufenthaltsgestattung*' (application permit to leave for asylum seekers, see attachment).
- If you intend to travel to a different federal state, say for example to Hamburg, you still have to apply for a single permit with the *Ausländerbehörde*. Then you will get an '*Urlaubsschein*' valid exactly as long as your planned journey. The *Ausländerbehörde* is again obliged to issue this *Urlaubsschein* in various circumstances, e.g. if you want to visit your grandparents, if your children go on a school outing or in many other cases.

### 2 For refugees whose asylum procedure is finalised and who have been granted "*Duldung*" status (exceptional leave to remain) some things have also changed

- Now you may travel freely in the whole of the federal state of Brandenburg. However you still have to apply for this permission from the *Ausländerbehörde*.
- If you want to travel to Berlin you still have to apply to the *Ausländerbehörde*. But the *Ausländerbehörde* is obliged to issue a *Dauerverlassenserlaubnis* (permanent permit to leave) valid as long as your *Duldung*. You do not have to state the reasons why you want to visit Berlin. We recommend that you use the form '*Antrag Verlassenserlaubnis Duldung*' (application permit to leave *Duldung*, see attachment).
- In the case that the *Ausländerbehörde* accuses you of violating your '*Mitwirkungspflichten*' (obligation to cooperate) because they say you conceal your true identity or you have not made sufficient effort to acquire a new passport—you are ex-

cluded from this new waiver. That means; you still have to state the reasons why you want to travel to another *Landkreis* (county) or to Berlin when you file an application. The *Ausländerbehörde* may then decide that the given reason is not important—and refuse permission.

- You do not have to put up with this. Quite often, the *Ausländerbehörde* unjustly or vexatiously claims that you have violated your '*Mitwirkungspflichten*'. If you file a *Widerspruch* (appeal) there is a good chance that a law court will rule in your favour. In case the *Ausländerbehörde* refuses your application you should seek further guidance through an advice centre. The people there will assist you.
- If you intend to travel to a different federal state, say to Hamburg, you still have to apply to the *Ausländerbehörde* for a single permit. Then you should be issued with an '*Urlaubsschein*' valid exactly as long as your Planned journey. The *Ausländerbehörde* is obliged to issue this *Urlaubsschein* in various circumstances, e.g. if you want to visit your grandparents, if your children go on a school outing or in many other cases.

### 3 If you decide against applying for an *Urlaubsschein*

- In case you travel without an '*Urlaubsschein*' because e.g. you consider the freedom of movement a human right, it is possible that the police may perform a stop check on you and if you are found to be in breach of the *residenzpflicht* regulations you may have to pay a fine or you are prosecuted and sentenced to a suspended sentence. In this case, you have two weeks to file an *Einspruch* (appeal). We urgently ask you to seek advice from a lawyer, to contact the *Flüchtlingsrat Brandenburg* or the *Flüchtlingsinitiative Brandenburg*.

You see '*Residenzpflicht*' is still far from being abolished. That's why we must continue our struggle until '*Residenzpflicht*' is history once and for all. It's up to you to join the struggle!

You can obtain support at the following organisations:

#### Flüchtlingsrat Brandenburg

Rudolf-Breitscheid-Str. 164  
14482 Potsdam  
ph +49-(0)331-716 499  
e-mail [info@fluechtlingsrat-brandenburg.de](mailto:info@fluechtlingsrat-brandenburg.de)  
web [www.fluechtlingsrat-brandenburg.de](http://www.fluechtlingsrat-brandenburg.de)



More information on the campaign to abolish '*Residenzpflicht*':

[www.residenzpflicht.info](http://www.residenzpflicht.info)

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