

# German government adopts new law to expand immigrant deportations

By Peter Schwarz  
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Asylum seekers whose applications have been rejected are to be ruthlessly bullied, persecuted, detained and deported. In summary, this describes the content of the Orderly Return Act adopted by Germany's federal cabinet on Wednesday. It now only has to be approved by the Bundestag and Bundesrat, the lower and upper houses of Germany's parliament, where, with a few cosmetic changes, the law is assured of winning a majority.

The draft bill, prepared jointly by the Interior Ministry under the leadership of Horst Seehofer (Christian Social Union, CSU) and the Ministry of Labour led by Hubertus Heil (Social Democratic Party, SPD), was made public several weeks ago and has already provoked widespread protest and opposition. It abrogates fundamental democratic rights and in parts violates European law. Nonetheless, all of the SPD ministers backed the new law, including Justice Minister Katarina Barley, the SPD's lead candidate in the European elections.

With its new law, the grand coalition is in effect enforcing the far-right policies of the Alternative for Germany (AfD). Although the right-wing extremist party won just 12.6 percent of the vote at the last federal election, it is dictating the government's refugee policy.

The Orderly Return Act enforces the following changes to existing legal instruments:

- \* Refugees required to leave the country can be taken into custody much more easily than is currently the case. To this end, the prerequisites to deem someone a potential flight risk have been reduced.

- \* In order to make available a sufficient number of detention places, the European Separation Order, which stipulates that detention pending deportation and standard criminal imprisonment must be kept strictly

separate, is to be suspended for three years. As a result, refugees who have committed no crime will be detained in normal prisons.

- \* Immigrants who, in the opinion of the authorities, fail to make the effort to provide missing paperwork will fall under a new designation: tolerated with unconfirmed identity. They will have fewer rights than tolerated refugees, who, although they have had their asylum applications rejected, are often allowed to remain in Germany for a period of time. Missing passports and failing to turn up to meetings can be used as grounds for deportation. Anyone who fails to attend an embassy appointment can be detained for 14 days, a crime which has not previously existed. In summary, anyone who refuses to voluntarily cooperate in their own deportation will be thrown in jail and deported as a punishment.

- \* The date and planned route of a deportation will be declared a state secret. Any public servant who provides advanced warning of a deportation thus commits a criminal offence. Although the original plan for a criminal offence for refugee aid workers and journalists who report deportation dates was formally removed from the bill, it was reintroduced through the back door. This is because the assistance in or encouragement of the circulation of state secrets is punishable as a criminal offence.

- \* Asylum seekers whose applications fall under the responsibility of authorities in another European country will receive virtually no support. They will be starved into leaving the country. If they are deemed to be in need of aid, they can receive a maximum of two weeks of limited financial support to cover costs until their deportation, and the support can be claimed only once within a two-year period.

- \* The Federal Agency for Immigration and Refugees

(BAMF), which to date had three years to review the grounds for offering protection to asylum seekers, will have five years in the future. This means that refugees who have been accepted will be left living in fear for five years, since their recognition of their asylum claims could be revoked at any time.

\* Individuals convicted of a crime can be immediately deported if they receive a six-month sentence, a reduction from the previous 12-month minimum.

In the first instance, the Orderly Repatriation Act is aimed at getting rid of the 240,000 people currently living in Germany who are required to leave the country, and in particular the 56,000 who received no tolerated status. Seehofer intends to send 18,000 people back to war-ravaged Afghanistan alone.

But the law goes even further. It is not merely anti-refugee and undemocratic, but also inhumane and barbaric. It recalls the darkest chapters of German history.

The Himmlers, Heydrichs, and others in SS uniforms were not sufficient to carry out the industrial extermination of 6 million Jews. It was also necessary to have an army of officials in every ministry who identified, rounded up and deported the Jews to concentration camps in a cold-blooded and bureaucratic manner. Hannah Arendt coined the phrase “the banality of evil” to describe this.

Such a layer of unscrupulous apparatchiks, who suppress any trace of empathy and bully their victims with inhumane laws, regulations that are impossible to comply with, and prison, all in the name of “law and order,” is once again being trained.

Even the law’s cynical name, Orderly Return Act, underscores this fact. Reinhard Müller summed it up in a comment for the *Frankfurter Allgemeine Zeitung*. He enthused, “Why hasn’t this long been the case?” and proposed naming the law “Return to Legality Act.”

Seehofer and the FAZ’s term “legality,” which pours scorn on all core democratic principles, is directed not only against refugees, but the working class as a whole. It takes aim at anyone viewed by the ruling class as a hostile entity or a threat, either because they are fighting mounting exploitation, poverty and social inequality, or because they oppose the witch-hunting of refugees, the strengthening of the repressive state apparatus and militarism.

The new deportation law goes hand in hand with the strengthening of the instruments of state repression, including the police, and the rise of militarism. Seehofer’s department alone has tabled the Intelligence Agencies Special Powers Act and an IT Security Act this month alone, which lay the basis for a state of all-embracing surveillance.

None of the other parties oppose this. As coalition partners of the CDU and CSU, the SPD bears direct responsibility for the new law. Justice Minister Barley, who loudly proclaimed her objections to the suspension of the separation of refugee detainees and prisoners just a few weeks ago, supported the law. SPD leader Andrea Nahles has not uttered a word of criticism of the law.

The Greens and Left Party agree with the measure in principle and have at most raised verbal objections. In the two German states with a Green and Left Party minister president, Baden-Württemberg and Thuringia, the authorities are deporting refugees just as eagerly as anywhere else. The Greens’ only concern, raised by Hamburg’s Justice Senator Till Steffen, is that the prisons are already overcrowded and are therefore unable to accommodate refugees.

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