

6th May 2020

The Administrative Court in Leipzig decided on April 22 that a resident of a reception center (camp) near Leipzig no longer has to live there. He claimed that in the reception center he could not protect himself enough against the corona virus. Therefore he turned against the state of Saxony. For this he filed an urgent request and the court found him right. The Administrative Court in Dresden also sees it that way. There were two women right.

The reason is the risk of infection with the corona virus. The courts decided: the people have to be housed decentralized in a way, that they can keep the minimum distance.

The law for asylum seekers states: When people arrive in Germany and seek asylum they have to live in a reception center. But the law also says that this obligation can end. Healthcare and protection against infection can be reasons.

The justification of the Administrative Courts for the decisions is:

1. The spread of the corona virus must be prevented and
2. The resident must be protected against infection.

A lot of people have to live together in reception centers in Saxony. The residents share rooms, dining rooms and sanitary facilities. Therefore it is not possible to keep the obligated distance of 1,5 meters from other people in the common rooms and sanitary facilities.

In Saxony the regulations about Corona are in force since April 17th. It says that contacts to other people need to be reduced. There is to keep a minimum distance of 1.5 m to others - except for the people you live with. These rules apply in all areas of life and according to the Administrative Court also in the reception centers.

The Administrative Court in Leipzig also said: Especially in accommodations for asylum seekers it is important to prevent the spread of the corona virus. The Robert Koch Institute believes: People who have had a physically and mentally stressful escape and need to reorganize their lives are more likely to become infected with the corona virus.

In Saxony the Regional Council (Landesdirektion) is responsible for the accommodation of asylum seekers. It has to ensure that people with a successful urgent request get transferred. An urgent request is successful if an administrative court decides to transfer the person. Everyone who lives in a big camp can apply for decentralized accommodation.

This is also valid in other federal states in Germany because the regulations regarding the corona virus and the conditions in the camps are very similar.

There are a few things to notice:

- The decisions of the Administrative Courts only regulate the housing situation as long as the regulations regarding the protection against the corona virus apply in Saxony or in other federal states.
- An urgent request for decentralized accommodation only works, when you have unsuccessfully turned to the Regional Council (Landesdirektion) or the responsible office in your federal state.
- An application for being transferred is not the best solution for everyone: groups that are currently happy to live together, but are not family, could be separated.
- People with a successful request have no influence to which city, camp or apartment they get transferred. It is possible that after moving out of a reception facility, a person gets transferred to another camp.
- The application is likely to be successful only for people over the age of 35 or in case of other personal medical circumstances (for example pre-existing illnesses)

If I want to make an urgent request for decentralized accommodation, I need the following:

1. An urgent request for decentralized accommodation (there is a template for this)
2. Proof of the current residence: a copy of the front and back of the residence permit is enough
3. A report on your own living situation, especially:
 - What is the size of the room I live in?
 - How many people live in the room?
 - How many toilets and washrooms are there for how many people?
 - How many people share a kitchen?
 - Are there (always) soap and disinfectants?
4. If existing: personal issues to consider

If you also want to apply for legal aid:

- Application for legal aid
- Confirmation that you get money according to the law for asylum seekers (AsylbLG-Bescheid, you get it in your own camp if you don't have one)