

Appendix

Funding the stay of female refugees in women's shelters, written by Prof. Dr. jur. Dorothee Frings

Stage of procedure / Status	Assigned location	Duration since arrival	Residence obligation / restriction	Responsibility for reallocation	Responsibility for cost coverage	Legal basis
I. Seeking asylum	Reception centre (sec. 47, Asylum Act)	Regular stay for up to 6 months; extension for up to 24 months based on state law; indefinite for women from "safe countries of origin"	Residence obligation	Federal Refugee Office (BAMF) is responsible for approval of temporary stay outside of reception centre (sec. 57, sen. 1, Asylum Act). Responsible regional authority can issue release from reception centre and assign municipality where women's shelter is located (sec. 49, sen. 2, Asylum Act). Both requests can be filed at once.	While allocation to reception centre applies: Social welfare office (SWO) at assigned location. Forum necessitatis provision in case of service refusal or processing delays: SWO at location of women's shelter (sec. 11a, sen. 2, Asylum Seekers Benefits Act). After allocation to municipality where women's shelter is located: SWO at location of women's shelter.	Sec. 10, sen. 1, Asylum Seekers Benefits Act for accommodation expenses outside jurisdiction according to sec. 3, Asylum Act, and sec. 6, Asylum Seekers Benefits Act for socio-educational assistance (must be justified).
II. Seeking asylum	Municipality	Until first 15 months of stay (sec. 3, Asylum Seekers Benefits Act)	Residence restriction (until the end of the third month of residence obligation, see under I).	Responsible for reallocation within federal state: state authority in question (sec. 50, Asylum Act); for reallocation to another state: branch office of host state (sec. 51, Asylum Act).	Until reallocation: Social welfare office at assigned location, otherwise as set out under I.	See under I.
III. Seeking asylum	Municipality	Following the 16th month (sec. 2, Asylum Seekers Benefits Act, benefits analogous to payments according to Social Code Book XII)	Residence restriction	Reallocation as set out under II.	Responsibility as set out under II.	Sec. 10, sen. 1, Asylum Seekers Benefits Act for accommodation expenses in accordance with Social Code Book XII (sec. 2, Asylum Act); socio-educational assistance only in exceptional cases, at discretion of court (sec. 23, sen. 1, Social Code Book XII). Requires justification.
IV. Allocation when deportation has been suspended according to sec. 15a, Residence Act (unauthorised entry)	Municipality		Residence restriction for reception centre or municipality (sec. 15a, sen. 4, subs. 4, Residence Act)	The state authority, which issued a previous allocation, is always responsible for reallocation (sec. 15a, sen. 4 and 5, Residence Act).	Social welfare office at assigned location.	Sec. 10a, sen. 1, Asylum Seekers Benefits Act. Otherwise see under I. After 16th month: see under III.
V. Restriction issued by Foreigners Office when deportation has been suspended	Municipality		Residence restriction according to sec. 12, Residence Act.	No reallocation, instead it must be requested at location of women's shelter that deportation will be suspended anew.	Social welfare office at location of existing residence restriction.	See under IV.
VI. Residence permit for women recognised as beneficiaries of protection	Federal state	Within first three years after recognition	Residence restriction according to sec. 12a, sen. 1, Residence Act (pertaining to a federal state)	Request to suspend restriction due to case of hardship (sec. 12a, sen. 5, subs. 2, Residence Act) must be filed only when relocating to another federal state. Responsibility according to state jurisdiction.	Employment office at location of women's shelter, as allocation only pertains to federal state, not to locality (according to Higher Social Court NRW; Higher Social Court Berlin-Brandenburg disagrees).	Benefits according to Social Code Book XII (i.a. sec. 67) will only be granted in another federal state when considered appropriate under given circumstances (sec. 23, sen. 5., Social Code Book XII). Requires justification.
VII. Residence permit for women recognised as beneficiaries of protection	Municipality	Within first three years after recognition	Residence restriction according to sec. 12a, sen. 2 or 3, Residence Act (pertaining strictly to a particular municipality)	Request to suspend restriction due to case of hardship (sec. 12a, sen. 5, subs. 2, Residence Act) must also be filed when relocating within a federal state.	Employment office at assigned location.	Coverage of accommodation expenses remains unresolved. On benefits according to Social Code Book XII, see under VI.