

YOUR RIGHTS

in the Federal Asylum Center

FAC



AUGENAUF BERN IS A POLITICALLY INDEPENDENT HUMAN RIGHTS ORGANIZATION THAT STANDS UP FOR THE BASIC RIGHTS OF REFUGEES.

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WE FIGHT AGAINST THE ISOLATION OF ASYLUM SEEKERS IN CAMPS AND FOR A FREE AND JUST SOCIETY.

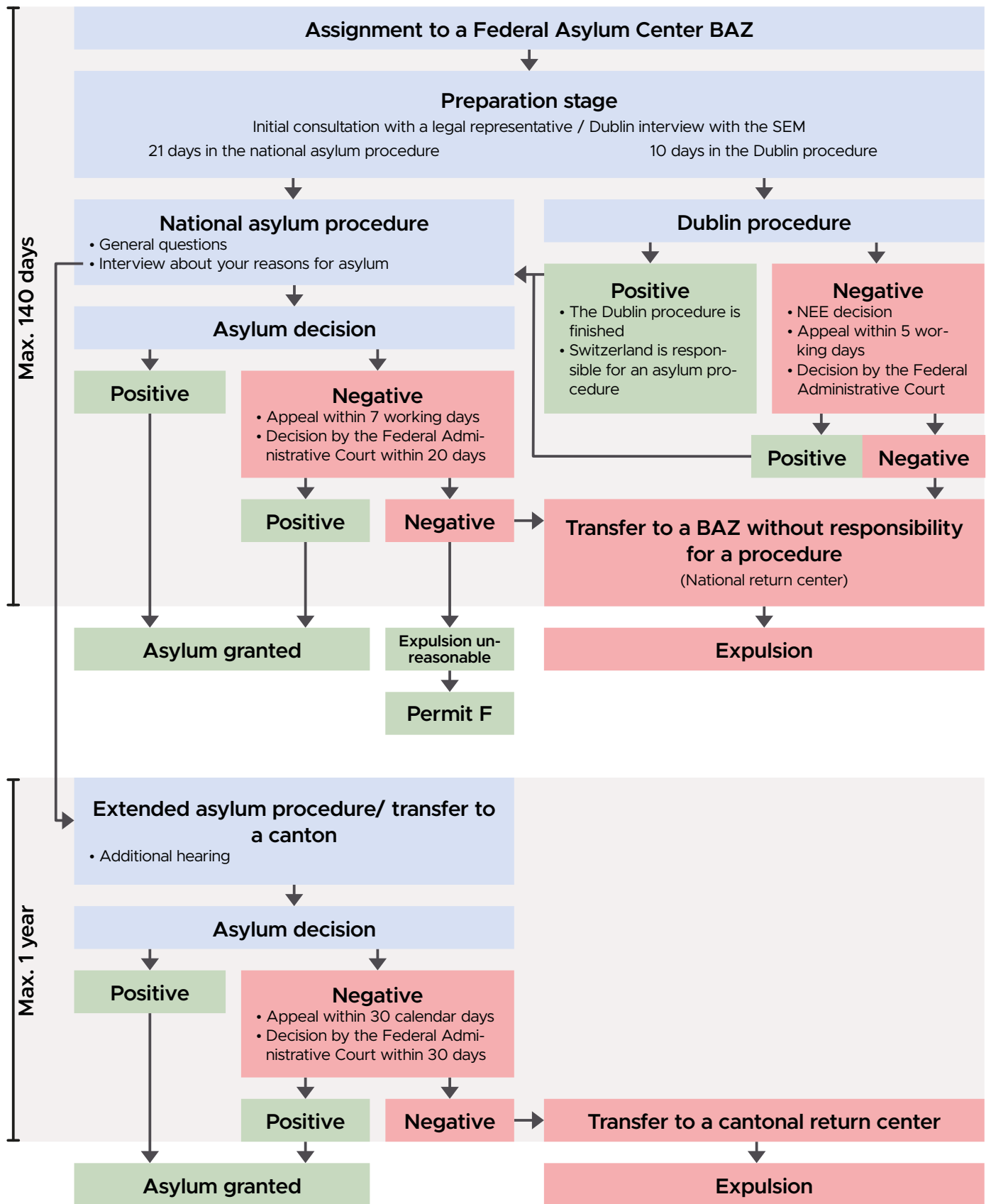
IN THIS SHORT GUIDE WE PROVIDE INFORMATION ABOUT LEGAL ISSUES CONCERNING YOUR ASYLUM PROCEDURE AT THE FEDERAL ASYLUM CENTER BAZ. IT IS IMPORTANT THAT YOU KNOW YOUR RIGHTS.

IF YOU HAVE QUESTIONS ABOUT OTHER TOPICS, PLEASE CONTACT ONE OF THE COUNSELING CENTERS LISTED AT THE END OF THIS BROCHURE.

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ASYLUM PROCEDURE



ASYLUM PROCEDURE

- Upon arrival in Switzerland, you will apply for asylum at a Federal Asylum Center (BAZ). The centers are in Altstätten, Basel, Chiasso, Bern, Boudry, and Zurich. It is also possible to apply for asylum at a border control or at a Swiss airport.
- You will stay in a BAZ for a maximum of 140 days..

PREPARATION STAGE

- The preparation stage takes a maximum of 21 days for a national asylum procedure and a maximum of 10 days for a Dublin procedure.
- The State Secretariat for Migration (SEM) registers your personal data and your fingerprints. The SEM checks your passport or ID. The SEM can make additional clarifications regarding your origin and identity.
- It is your right to get a legal representative free of charge. They will inform you about the procedure and plan the next steps together with you.
- The SEM will conduct the so-called Dublin interview with you. Your legal representative is present. If the SEM argues that another state is responsible for your asylum application, you can object. Then a decision will be made whether to carry out a national asylum procedure or a Dublin procedure.

DUBLIN PROCEDURE

- The country you first entered is responsible for your asylum application (if you have been registered there), the country that issued you a visa, or the country where you first applied for asylum. Documents or other evidence which indicate a transit such as train tickets, receipts, or your statement can be already enough.
- If another state is responsible for you, the SEM will not review the content of your application. You will receive a decision to dismiss the application (“Nicht-eintretensentscheid NEE”).
- A complaint against a NEE must be filed with the Federal Administrative Court within 5 working days. Immediately contact your free legal representative or a legal support center (in the address section under the heading “Legal support”). If nobody can help you, you can file a complaint yourself. To do so, request for your case files at the SEM. You can find a template for this request at www.asylex.ch/?templatesRequestToViewYourFile.

NATIONAL ASYLUM PROCEDURE

- If Switzerland is responsible for your asylum application, the SEM examines the content of your application and initiates the asylum procedure.
- The national asylum procedure should be completed within 140 days.
- Throughout your asylum procedure you have the right to a free legal representative.
- You have an obligation to cooperate in confirming your identity. However, you cannot be obliged to contact the authorities in your country of origin.

Preparation

- Prepare carefully for the interview. Collect pieces of evidence before the interview (warrants, newspaper articles, etc.). Make copies of all these documents and keep the copies with you.
- To prepare for the interview, we recommend that you fill out this personal statement: <https://www.asylex.ch/?templatesPersonalStatement>. It's not an official form, but it can help you to prepare yourself.
- In case you are a family, everyone older than 14 years is interviewed individually. Here it is very important that the different statements do not contradict each other. Therefore, prepare yourselves intensively for the interview with your partner and your children over 14 years of age.

Basic information about the interview

- SEM's personnel who question you are bound to professional confidentiality. They are not allowed to share your statements nor your documents.

- You will be interviewed on the reasons for your asylum and on any reason that oppose an expulsion. Asylum applications are often rejected due to lack of credibility. Always tell truthfully, without contradictions and accurately. Do not exaggerate or simplify.
- At the interview are present: the interviewer from the SEM, your legal representative, the transcript writer, and in most cases an interpreter. You may also bring an interpreter you chose (at your own expense) or a friend (this person must bring a valid ID, you can't bring someone with a Permit N). If you are under 18 years old, one parent may be present.
- The interviews are conducted in German, French, or Italian – depending on the location. Someone will translate into your language. If you realize that the translation is not correct, tell your legal representative or the interviewer. You should insist that problems with the translation are recorded in a protocol.
- If you have been a victim of sexual violence or genital mutilation or are persecuted because of your gender identity or sexual orientation, it is important that you speak about it openly. If you are unable to do so, mention the topic and tell them that you find it difficult to talk about it. You have the right to choose whether you want to talk only to women or only to men in the interview.
- Mention if you have been a victim of torture and try to talk about it.
- If it is difficult to talk about other topics, at least mention them and tell the interviewer that you find it hard to talk about it.
- Talk about your feelings and emotions in situations where you were afraid.
- If you don't remember something accurately: instead of inventing something, tell them that you can't remember all of it.
- You have the right for a break during the interview. You can have a drink or go to the toilet.

- If you are a minor (under 18 years old), make sure that your age is recorded correctly. If the authorities do not believe you, please discuss this with your legal representative or contact a legal support center (in the address section under the heading “legal support”). As a minor you have more rights than an adult person.

General questions

- You will be asked to hand in your documents and translations. Often proofing something is not possible because documents are missing. Then the credibility of your statements will be checked in greater detail.
- In the first part of the interview, you will be asked mainly questions on these topics:
 - about the life in your country of origin
 - about schools and profession
 - about your family and social network
- The general questions provide an insight into your life and the context in which the persecution took place. This is especially important for the test of your credibility (“Glaubwürdigkeitsprüfung”). What you tell about your reasons for fleeing must be credible. This will influence whether an expulsion is considered reasonable or not. If you hardly know any people in your country of origin and cannot provide for your living, this might be a reason why an expulsion order is not reasonable.

Interview about your reasons for asylum

- In the second part of the interview you are asked to explain why you fled your country. You get the opportunity to tell your story in your own words. No questions will be asked and you will only be interrupted for the translation. Especially

for the test of your credibility it is important that your story is detailed. Tell about your life in your country of origin, the persecution, and your journey. You must declare that you are at risk, that you could go to prison, or that you are exposed to unbearable psychological pressure because of your descent, religion, nationality, belonging to a certain social group, or because of your political attitude. Financial or economic reasons are not accepted by the SEM.

- Your explanation must be credible.
- After telling your story, you will be asked in-depth questions about specific parts of your story by the SEM interviewer. Mention as many details as you can remember. For example, “When/how/where and by whom were you arrested and imprisoned?” Can you remember sounds or smells in a particular situation? Can you remember specific details of a person who threatened you (voice, clothes, hair, etc.)? All details can be important.
- The interviewer will point out any inconsistencies in your story or the statements of your family members. It is very important that you explain yourself and fill in any gaps. Contradictions between your statements will have negative consequences for the asylum decision.
- Stay calm and do not let yourself be made insecure.

Closing

- During the interview, a protocol is written. At the end of the interview the interpreter will translate the protocol. If you agree with the contents of the protocol, you can sign it. If you do not agree and your requested changes are not accepted, you can refuse to sign the protocol. You can also refuse to sign only some individual pages. If you refuse to sign, explain why.

- After the interview, the SEM evaluates whether you are granted asylum. It takes 8 working days for the decision in the first instance.
- If you are not happy with your legal representative, contact the legal support center (see address section under the heading “legal support”).
- You can also find a lot of information about the procedure and the preparation for your interview here: https://www.asylex.ch/docs/asylverfahren_en.pdf.

Negative decision

- If the SEM believes that you are not being persecuted in an asylum-related manner in your country of origin, you will receive a negative asylum decision and the SEM will order your expulsion.
- An appeal on the negative decision in the accelerated procedure must be filed with the Federal Administrative Court within **7 working days**. Contact your free legal representative or a legal support (see address section under the heading “Legal support”) immediately after you received the asylum decision.
- If your legal representation resigns, please contact a legal support center listed in the annex. If nobody can help you, you can file a complaint yourself. To do this, apply for your files at the SEM. You will find a template for an application for this purpose at <https://www.asylex.ch/?templatesRequestToViewYourFile>.
- The Federal Administrative Court is the final instance. If an appeal has been rejected, you cannot appeal further in Switzerland. In certain cases, however, an international appeal can be useful. You also have the possibility to request a re-evaluation of your application (“Wiedererwägungsgesuch“). However, strict requirements apply. Please contact your legal representative or a legal support center.
- The authorities set a deadline for you to leave Switzerland. You will be transferred to a return center or to a canton.

- If you decide to leave Switzerland within the set time limit, you can claim return assistance and apply for a return programs (unless you have been convicted of a criminal offence or have behaved “abusively”).
- If you stay in Switzerland after the deadline is expired, you risk mandatory measures, a complaint of an illegal stay, and an entry ban for Switzerland.
- Further information on the subject of mandatory measures and expulsion can be found under the link www.rights-asylum.ch in English, German, Arabic and French.

EXTENDED ASYLUM PROCEDURE

- If your application for asylum cannot be decided immediately after the interview because further clarifications are necessary, an extended procedure will take place.
- The extended procedure should last a maximum of one year.
- You will be assigned to a canton which will be responsible for your accommodation and support.
- During the extended procedure you can contact your current legal representative. If you are assigned to another canton, contact a new legal support center (in the address section under the heading “Legal support”).
- Don't wait until you receive a decision from the SEM before looking for a new legal support center.
- Within the extended procedure you will receive the asylum decision. It can be positive or negative. An appeal against the negative decision must be filed with the Federal Administrative Court within 30 calendar days. Please contact your legal representative immediately upon receipt.

GRANTING OF ASYLUM AND TEMPORARY RESIDENCE PERMIT

- If the SEM believes that you are being persecuted in your country of origin in a manner relevant to asylum law, you will be recognized as a refugee and granted asylum (Permit B).
- If the SEM does not believe you, it will reject the asylum application.
- If the SEM decides that a return to your country of origin is inadmissible, unreasonable, or impossible, it gives you a temporary residence permit.
- This means that you will not be granted asylum, but can remain in Switzerland provisionally (Permit F).

CONTACT WITH THE AUTHORITIES

- When you receive a letter from the authorities, always ask immediately what it is about. You can ask at the BAZ or at a legal support center. Make sure that you understand the letter.
- Keep every letter from the authorities and take all documents with you when you seek advice. If you write to the authorities, always make a copy for yourself.

BASICS FOR STAYING IN A BAZ

In a BAZ your freedom of movement and what you are allowed to do is severely restricted. Normally you cannot receive visitors. If you disobey the orders of staff and security services, you can be punished. Talk about this with as many people as possible, for example with the pastoral counselors at the BAZ or the volunteers around the camp, and report assaults and undeserving conditions to an organization in the address section under the heading “Organization”. You can also report anonymously.

THE ESSENTIALS IN BRIEF

- Prepare well for the hearing on your reasons for applying for asylum.
- The time limits for appeals against a negative decision are
 - in the Dublin procedure: 5 working days
 - in the accelerated asylum procedure: 7 working days
 - in an extended procedure: 30 calendar days.
- You have the right to a free legal representative at the BAZ. If your legal representative resigns, please contact a legal support center (see “legal support” in the address section).
- If you have problems or questions about police checks, detention, expulsion, compulsory measures, health and rights in the accommodation, contact a counseling center in the address section of the homepage www.rights-asylum.ch.

ADDRESSES

- You can find further support centers working on various topics in the address section on the homepage www.rights-asylum.ch. These are mainly addresses in the Bern area. But most of them apply to the whole of Switzerland.
- If you have been assigned to another asylum region, you can find an appropriate counseling center in your area at https://www.asylex.ch/docs/beratungsstellen_en.pdf.

Organization

Migrant-Solidarity-Network

Waldmannstrasse 17, 3027 Bern

www.migrant-solidarity-network.ch

info@migrant-solidarity-network.ch

Menschenrechtsverein augenauf Bern

(human rights organization)

Quartiergasse 17, 3013 Bern

031 / 332 02 35

www.augenauf.ch

bern@augenauf.ch

Legal support

Asylex.ch (homepage in different languages)

www.facebook.com/AsyLex.ch

info@asylex.ch

Offers: online consulting, templates and much information

Berner Rechtsberatungsstelle für Menschen in Not

(Bernese legal advice center for people in trouble)

Eigerplatz 5, 3007 Bern

031 385 18 20 (asylum seekers)

031 385 18 27 (sans-papiers)

www.rechtsberatungsstelle.ch

rbs.bern@bluewin.ch

Solidaritätsnetz Bern (Solidarity Network Bern)

Schwarztorstrasse 76, 3007 Bern

031 991 39 29

www.sans-papiers-be.ch

info@solidaritaetsnetzbern.ch

Asylhilfe Bern (Asylum assistance Bern)

Bahnhöweg 44, 3018 Bern

031 382 52 72

www.asylhilfe.ch

info@asylhilfe.ch

References «Your rights in the Federal Asylum Center BAZ»:

Asylex.ch/SFH/Augenauf/rechte-asyl.ch

