



aus der Pfarrei

Municipality of Alberschwende, 23 March 2015

## MANIFESTO

### Preliminary remark

The following text has been written by citizens who used to have great confidence in Austrian institutions. Every refugee faces the threat of deportation, if the law requires so. But...

### How it all started

The Federal Government of Austria requested all municipalities to create housing for asylum seekers. Many communities and individuals prepared accommodations and so did the village of Alberschwende, located in the Bregenzerwald region. As a village, we wanted to set a positive example.

The first asylum seekers arrived in our village.

Contrary to expectation, they were welcomed with a warm heart.

The image of "asylum seekers" portrayed by the media quickly transformed into real people of flesh and blood who came to us to ask for protection and support.

Far away from the big asylum accommodations, we experienced first-hand what is happening here. We recognized these people's needs and learned about the distress they had suffered. We became aware of the violence and arbitrariness they had experienced during their escape as well as the omnipotence of bureaucracy.

Our new fellow citizens are well-educated, open-minded young men who are eager to help in the community and offer their services wherever they can. A wave of solidarity went through our village. People cared and showed commitment, resulting in many activities being set up (from the parish to the local football club).

People of our community felt it was necessary to support these people and give them back their dignity. We thought that the Federal Government would ensure protection and a secure place to stay. However, this is not the case.

### The case of Ibrahim as an example

Ibrahim, a trained physicist and a mechanical engineer, experienced the civil war in Altal-City near Damascus. Every day, he recovered mutilated corpses and the dead bodies of women and children. Then he was drafted into the army, meaning he would have to shoot at his own fellow citizens. Those who refuse to do so, are summarily executed. He brought his wife to a safe place and fled towards Europe. He earned a good salary in Syria, but the facilitator cost him a fortune.

Ibrahim's refugee group consisted of four persons traveling together, hoping to get to Germany. Personal data and fingerprints were taken from all four of them in Greece and Serbia. In Hungary they were detained. It was here that the journey turned into agony and humiliation.

## **Forced to sign**

The authorities in Hungary demanded the refugees to sign the Hungarian documents. At first, they refused, because they wanted to ask for asylum in a safe country. The four were then locked up with other people (a total of 20) in a 3×3 m cage without any food or drink. The only thing they received, was an empty bottle to urinate in. After 18 hours, some of them were forced – partly by beating – to sign the documents. The others then signed “voluntarily”. Shocked by the cruel treatment, the group fled to Austria, where they applied for asylum.

## **Asylum “lottery”**

Two of the four refugees were granted asylum status in Austria, meaning they received a white card. Ibrahim and the fourth person received a green card (Dublin cases), meaning a deportation order to Hungary.

Yet all four of them arrived in Greece first and were subsequently registered in Serbia, Hungary and finally in Austria. Therefore, the same country should be responsible for all four. No explanation has yet been given.

## **No transcript – but far-reaching consequences**

One reason for the deportation order was that Ibrahim was accused of making different statements at the first and second hearing with respect to his asylum application, and therefore his testimony was dismissed as implausible.

As a matter of fact, the transcription of the first interrogation was neither explained nor handed over to him. This is required according to the law. Thus, he never had the opportunity to point out any mistakes and omissions. This small formal error had far-reaching consequences: Ibrahim is considered non-credible and therefore received a negative decision!

## **Chain deportation – “Hungarian roulette”**

The member states through which asylum seekers first enter the EU are not allowed to send them back, because in such a chain of deportations, refugees are at risk of eventually ending up back in the country they fled from – in Ibrahim's case in Syria, meaning certain death.

Even in Ibrahim's deportation order, the following is explicitly stated: “If, in individual cases, fundamental rights might be threatened, e.g. by chain deportation, the procedure shall be performed in Austria”.

Hungarian authorities illegally perform chain deportations. These are facts that are internationally documented. **In its order, the Asylum Office determines that an asylum seeker should not be deported if such is the case, but at the same time decides to do so anyway.**

## **Prison instead of refugee support**

A further issue: There is documentation that Hungary is detaining asylum seekers. According to International law, European Union law as well as constitutional fundamental rights, it is prohibited to detain asylum seekers in prison, just for having applied for asylum. Asylum seekers are no criminals.

In Hungary, Ibrahim will be imprisoned for no reason – and without a trial – for at least six months, including humiliation and forced labor. Here, entire families, even with young children, are simply locked up in prisons. Common practice in Hungary...

## **Unacceptable situation within the “Dublin area”**

Unfortunately, incidents such as the ones experienced by Ibrahim, are not isolated cases. This is confirmed by numerous reports of the UNHCR, the Human Rights Commissioner of the Council of Europe, the German Foreign Ministry, renowned refugee organizations and NGOs.

**Numerous courts in various European countries – including an Austrian one – have prohibited deportation of asylum seekers to countries such as Hungary, Italy, Romania or Bulgaria, because of the inhumane conditions that prevail here.**

## **The Dublin Regulation**

The Dublin Regulation sets down criteria for the transfer of asylum seekers in most European countries. The Member States have the *right* to deport migrants back to the country in Europe in which they first arrived. However, there is no *obligation* to do so.

A precondition for the Regulation is that there are suitable accommodation facilities in all signatory states. Only then, people can be sent back. Currently, however, people are being deported although these uncertain countries are not prepared at all.

Also Austria sends back persons in need of protection to degrading conditions, although it is aware of the systemic deficiencies. Our authorities feel they are acting in accordance with the law while asylum officers merely carry out the rules, without considering the individual situations. “That’s the way things go with Dublin cases...”

## **A community fights back**

From the numerous reports of UNHCR, the Council of Europe and the judgments of various courts in Austria and abroad, we draw the following conclusions:

- Deportation to the countries mentioned poses a high risk of unauthorized detention, inhumane treatment and chain deportation.
- Whoever currently deports people to an insecure state such as Hungary knowingly accepts human rights violations and thus breaks the European Charter of Fundamental Rights (esp. Art. 4 and 6)
- Whoever protects asylum seekers from being deported, does not break any law. On the contrary: they prevent an action that may lead to a violation of fundamental rights.

**Since protection and safety are not guaranteed by the inhumane deportation procedure, we are forced to protect our asylum seekers even from our own federal authorities in case of “transfers” to Bulgaria, Romania, Hungary and Italy.**

**The community of Alberschwende will not let fundamental rights be violated. It is not only our right, but our duty to prevent injustice.**

## **Collateral damage in our civilized society**

In addition to the recurrent traumatization of asylum seekers, the unjustified deportations to unstable countries cause serious collateral damage in our own ranks: frustration and personnel fluctuation in the institutions in charge (e.g. Caritas) is very high. For socially committed people, it is hard to deal with the high level of hypocrisy and inhumanity in the asylum issue.

In our village, this senseless approach of dislocating vulnerable people from their social environment once more is perceived as wrong, as an attack on humanity and devastating to our efforts. That explains the huge response in many communities, not only in Alberschwende!

The confidence in our authorities is deeply shaken. In this way, we will lose our international reputation as a humanitarian society, acquired for example during the Hungarian crisis in 1956, the Czechoslovakia conflict in 1968 and in the Poland crisis in 1981/82. Now, in the worst crisis since the Second World War, we are failing, fueled by xenophobic manifestations in society.

As a municipality and a community, the people of Alberschwende are doing what they were asked to do:

- we provide accommodation to those entrusted to us and integrate them into our community
- we support them socially by organizing community events, but also by protecting them if circumstances require us to do so
- we offer them security and will not let them be uprooted and humiliated once again

Alberschwende, as a small community, can do no more in this European dilemma than to take care of the people that found their way to us. Those very few, at least, should have the prospect of a fair asylum procedure in a safe country. Hermann Gmeiner, the founder of SOS Children's Villages, was born in this village; Therefore, we carry a social responsibility that can and shall not be broken by immoral bureaucracy.

**If the Federal Asylum status no longer protects people from inhumanity, we will do so as a municipality – consistently and sustainably.** Our community as well as the parish will come up with creative solutions within the context of civil obedience. To this end, a quote from Article 1 of our Federal Constitution: "Austria is a democratic republic. Its law emanates from the people."

What is it that we are demanding?

**We make no claims of our own. Requirements arise from the legal obligations and international conventions to which our country has committed itself. We only demand they are adhered to!**

Alberschwende needs you.

You, or at least your opinion and your support!

In the name of the municipality: Mayor Angelika Schwarzmann

In the name of the Parish: Rev. Peter Mathei

In the name of the Kulturmeile Alberschwende (on behalf of various associations and committed fellow citizens): Dr. Erich Schwarzmann