

The initiative "Stop Deportation Center BER" was founded in December 2021 as a response to the authorities' plans. We resist racist politics of isolation and restriction of the fundamental rights of refugees, demanding an unconditional right to stay for all ("Bleiberecht für alle"). Every single deportation, every case of detention is an expression of unjust, racist border violence. We see ourselves as part of a strong, worldwide refugee movement in opposition of this violence.

The countries of "Fortress Europe" were and are responsible for war, exploitation, climate catastrophes, racism and violence in countries all over the world. It is the legacy of European imperialism which leads people move to Europe, forcibly or voluntarily. Be it for security, health, education, family, or economic dependency, we believe all reasons are legitimate. We demand the right to move for all, instead of the privilege of freedom of travel for the few. With our campaign we aim to imagine and work towards a world without deportations, a world without borders.

Find us on:

 Stopdeportationcenter_ber

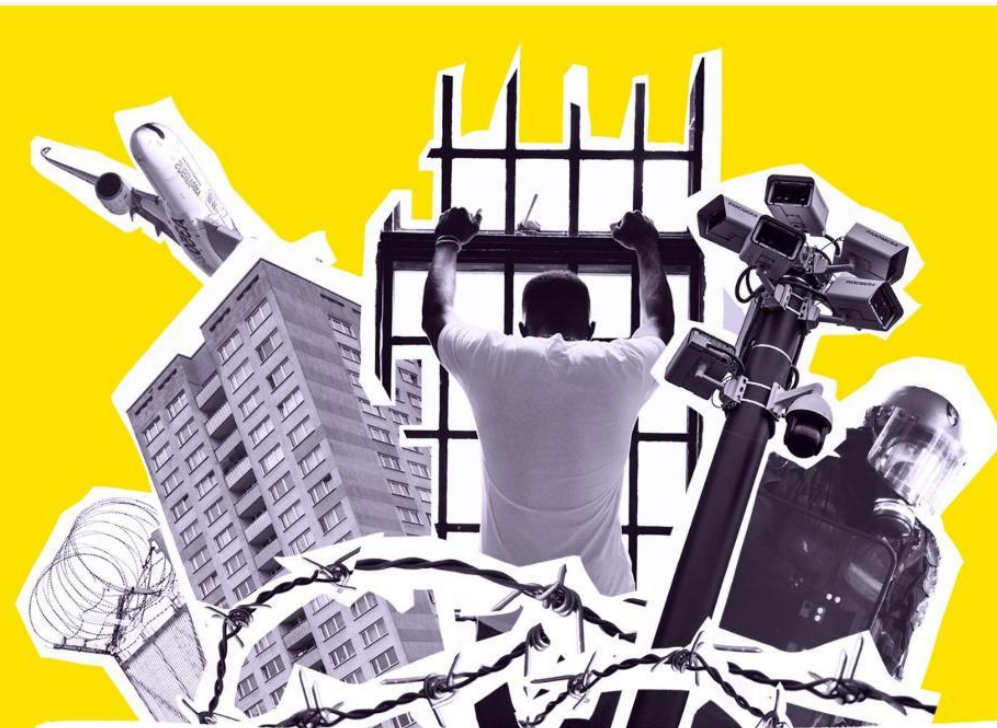
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Website: Scan the QR code!



Authorities are planning to build a new deportation center with a detention prison at BER Airport in Schönefeld.

This leaflet summarizes their plans.



BACKGROUND INFORMATION

**ABOUT THE PLANNED
DEPORTATION CENTER**

AT BER SCHÖNEFELD

POLITICAL BACKGROUND AND LINKS BETWEEN FEDERAL AND STATE LEVELS

2017: BER as pilot project for a planned federal departure centers

In 2017, the Federal Ministry of the Interior (BMI) proposed to the states (Länder) to increase federal responsibility for deportations, including through federal departure centers (detention facilities) at central airports to facilitate charter deportations. The state of Brandenburg (BB) was interested in piloting this. The legal basis for these centers, however, was never established.

2018/2019: Replacement for detention facility in Eisenhüttenstadt

In February 2017 the state of BB was requested to provide a state-owned detention facility (via a resolution from the Ministerpräsidentenkonferenz). The existing facility in Eisenhüttenstadt had been closed: officially due to not meeting fire safety standards, but according to BMI this closure was for political reasons.

The Brandenburg Ministry of the Interior (with then State Secretary Lange, SPD, today Finance Minister) planned to open a new deportation detention facility near BER Airport. To sidestep the Finance Minister, from the Left Party, the Ministry of the Interior did not want to construct the building itself, but rather have it constructed by an investor and then rent it (see point "Investor"). The course was set for the project to come.

New Plan 2020: "Arrival and departure centre" as a European flagship project

Due to the changed political situation (state elections), the facility was no longer planned as a deportation detention center ("Abschiebehafteinrichtung", § 62 Residence Law (AufenthG) paras. 2 ["Vorbereitungshaft"] and 3 ["Sicherheitshaft"]), but as an "authority center" ("Behördenzentrum") with, among other things, places for deportation custody ("Ausreisegewahrsam" § 62b Residence Act). In March 2021, the Brandenburg Central Foreigners Authority (ZABH) explained to the municipal development committee of Schönefeld that the plans are for a "facility that is unique in Europe and that sets new standards for the rapid, networked processing of entry and exit procedures directly at the capital city airport. It is a showcase project of international importance with highest priority at federal and state level."

Seehofer's legacy

In October 2021, a formal agreement was signed between the BMI (Seehofer, still in office on provisional basis after the Bundestag elections) and the interior ministry BB (Stübgen), stating that the state of BB would be responsible for the construction process and the federal authorities would be renting. Even the State Chancellery ("Staatskanzlei") of BB found out about the project only from the press release of the Ministry of Interior.

What is pending?

- Publication of examination of economic efficiency
- Signing of Letter of Intent or lease agreement between investor Harder and the state of BB: negotiations are currently taking place!
- Completion of the development plan procedure by the municipality of Schönefeld: presumably zoning resolution ("Satzungsbeschluss") as a final step for the subsequent issuance of a building permit by the building authority Dahme Spreewald: at present, no dates known
- Granting of building permit and start of construction: original plan was 2023 (Stübgen, 22.12.22 in rbb)
- Completion of deportation center: 2026 (Stübgen, 22.12.22 in rbb), 2025 (BMI, Die Welt, 28.01.23)

IT IS NOT TOO LATE TO PREVENT THE CONSTRUCTION OF THE DEPORTATION CENTER. THE INITIATIVE "STOP DEPORTATION CENTER BER" WILL FIGHT UNTIL NO MORE DEPORTATION FLIGHTS TAKE OFF.

This background information was compiled by the initiative "Stop Deportation Center BER" in May 2023. The sources used were media reports, in particular an investigation by Frag den Staat, ARD Kontraste and RBB which published official correspondence on the project between relevant authorities. This document is intended as a summary and not a political commentary. The descriptions reflect the plans of the authorities and the technical language used does not correspond to our views (see the initiative's self-understanding on the last page). The information compiled does not claim to be exhaustive and is constantly updated. For current developments as well as links to relevant sources visit our website (see QR code).



Criticism of tender procedure and corruption charges against the investor

The investor is Jürgen B. Harder, who has already built a hangar at BER. In 2015 he was sentenced to two years probation by the Frankfurt/Main regional court for his involvement in a bribery scandal related to the expansion of Frankfurt airport. He was subsequently involved in a medical scandal at Heidelberg University.

Why is the state of BB assigning a private investor in the first place? It is suspected that the then SPD Minister of Interior aimed to bypass the then Finance Minister from the Left (Görke) (see above "replacement of Eisenhüttenstadt detention facility"). An internal communication of the BMI (01/19) reads: "As the Finance Minister is a member of the Left-Party, the Minister of Interior does not want to construct a building himself, but to have it built by and then lease it from an investor". By having it built by an external investor, the costs only appear in the state budget with the first rental payments due when construction is completed. If the state built the project itself, the state finance minister would have needed to be involved as early as 2018.

But why was Harder brought on board as an investor? Investigative research by "Frag den Staat" suggests that Harder was already in negotiations with owners of relevant properties before the project was publicly announced. The suspicion is that Harder was secretly informed of the construction project in order to secure purchase options at an early stage. The authorities' narrative that Harder owned the only plots of land available is therefore questionable - there appears to have been a political interest in cooperating with the investor. There was no public tender procedure.

TIMELINE

What has already happened?

- 2017: First ideas for BER as a pilot for "federal departure centers"
- 2020: change of plan, shift towards a "Arrival and departure center"
- 2021: principle agreement between Federal + BB Ministry of Interior
- 08/21: beginning of development plan procedure ("Aufstellungsbeschluss des Bebauungsplanverfahrens") for the area of the deportation center
- 12/22: commitment by state parliament of BB for budget resources for future lease and rent of the deportation centre

WHAT WILL THE DEPORTATION CENTER LOOK LIKE?

Who will be detained?

- deportation custody ("Ausreisegewahrsam") = deportation detention for a maximum of 10 days in advance of an imminent deportation, § 62b Residence Law; currently the federal government seeks to extend it to 28 days!
-> At present no plans for deportation detention in the sense of preventive detention ("Abschiebehaft im Sinne der Sicherungshaft"; § 62 para. 3 Residency Law; detention for up to 18 months, e.g. in cases of an enforceable obligation to leave the country due to unauthorized entry, withdrawal of deportation or suspected risk of absconding). However, this was part of the 2018/2019 plans and might still be included with a change in political power.
- So-called rejections / refusal of entry ("Zurückweisungsfälle") = people who are refused entry at airport (e.g. because of missing visa / forms etc.) (§ 15 Abs. 6 AufenthG)
- Airport Asylum Procedure ("Flughafenasylverfahren") = fast-track asylum procedure (§ 18a AsylG)
- Other groups might still be included (e.g. Dublin cases, "Aufgriffsfälle")

What's the size of the prison?



According to statements made by Interior Minister Stübgen in Dec. 2022, there are currently 48 places for deportation custody and 60 places for transit (including rejections / refusal of entry and Airport

Asylum Procedure) planned.

Compared to the currently existing facility ("Ausreisegesammelstelle") at BER this is a huge increase of capacity. The present facility has 32 places (of which 24 are in use) used for deportation custody (under the authority of the Central Foreigners Office), seized persons and rejections/refusals of entry (authority of federal police), Airport Asylum Procedure (authority of Federal Agency for Migration "BAMF" and federal police) as well as an assembly point for charter deportations.

Planned buildings

The deportation centre is planned as a complex of buildings divided by functions, namely:

- functional building complex which includes an "arrival centre / facility" for the intake of Dublin cases from other EU member states, "quota refugees" and asylum seekers arriving via BER Airport), used by the ZABH, the BAMF and various other authorities (including the public prosecutor's office, administrative court and local court) and including premises for canteen, security, laundry and other infrastructure functions
- custody building for people in deportation custody
- transit building (for the accommodation of people apprehended ("Aufgriffsfälle"), rejections / refusal of entry ("Zurückweisungsfälle") and persons in Airport Asylum Procedure

Additionally, the federal government is expected to rent a repatriation building ("Rückführungsgebäude") for the parallel processing of two charter deportations with up to 100 persons at least once a week as well as for individual deportations; operated 24/7 by the federal police.

WHICH AUTHORITIES ARE INVOLVED?

The role of the Federal Agency for Migration and Refugees (BAMF)

BAMF is responsible for:

- processing of Airport Asylum Procedures (§18a AsylG)
- supporting deportations measures
- processing of asylum procedures of people entering by air (not §18a AsylG): creation of case-file records (including identification and country-of-origin check), hearing and decision on asylum case, which are to take place before people are assigned to a first reception centre (“Erstaufnahmeeinrichtungen”) - according to the BAMF this is to prevent people from discussing “tactics” on asylum applications.
- centralised processing point and competence centre for all follow-up asylum applications (“Asylfolgeanträge”) in BB as well as some other asylum applications
- return counselling
- Regional office branch Frankfurt Oder (Integration)

The BAMF is supposed to ensure the speedy processing of (follow-up) asylum applications so that planned deportation dates are not missed and people can be kept in deportation custody. In addition, the BAMF is meant to support individual and charter deportations of the state of BB, joint operations by several states (Länder) supported by the federal government, as well as other Frontex countries through monitoring, quality assurance and processing of urgent applications. The BAMF expects up to 350 airport asylum procedures per year, due, among other factors, to an increase of entries via air (mainly from Asia) and the expected classification of additional countries as “safe countries of origin” (e.g. Georgia).

Role of Federal Police and the “repatriation” building

Original plans include a “repatriation” building used by the Federal Police with the primary function of processing deportations. As of 05/23, it is unclear whether the repatriation building will be part of the deportation center (“Ein- und Ausreisezentrum”), whether it will be its own construction project or whether an existing property will be rented.

The use of House no.021 (so-called “Generalsvilla”) on Terminal 5 for charter deportations was originally planned until the end of 2024. Since the beginning of 2023, however, it is no longer used and another building was rented for this purpose.

Other actors

The **federal government** (future tenant through the Bundesanstalt für Immobilienaufgaben, which received the procurement contract from BMI) is involved with BMI, Federal Police (BPOL) and BAMF.

The **state of BB** is the building contractor and is involved in the project with the Ministry of the Interior (MIK) (Minister Stübgen, CDU), the Ministry of Finance and for Europe (Minister Lange, SPD, formerly Secretary of the Interior and at that time a proponent of the deportation center), the Ministry of Justice BB, the Central Foreigners Office, the state police and the judicial bodies of the state (Potsdam Administrative Court, Königs Wusterhausen Local Court, Potsdam Public Prosecutor's Office).

The **district of Dahme-Spreewald** is also expected to become a tenant. In addition, the Dahme Spreewald building authority grants the building permit and the municipality of Schönefeld is in charge of the development plan procedure.

COSTS AND ALLEGATIONS OF CORRUPTION

What are the costs? (source: draft Letter of Intent, which to our knowledge has not yet been signed)

- Planned lease for 30 years, with the option of extension by 2 x 5 years
- Monthly base rent (index-linked): min. 795.220 € for authorities centre (“Behördenzentrum”) + min. 549.780 € for the “repatriation” building -> total rent for 30 years of min. 470 MIO €
- reimbursement of start-up costs to the investor of up to 1.2 MIO € if lease agreement is not concluded

According to the investor's planning, he will incur costs of around 155.9 MIO €. Subtracting the costs of maintenance, that could mean a profit of up to 315 MIO€ for the investor.

