

## Information for people who want to defend themselves against their deportation

This information is intended to help people who do not wish, or are unable, to return to their country of origin or another country, to prevent their deportation while still at the airport. If you can, inform your friends that you want to resist the deportation. They can support you from outside by speaking to the airline and informing them that you will not fly voluntarily. At Frankfurt Airport (where most deportations in Germany take place) there is a group that goes to the airport in these cases, informs passengers and airlines and protests against your deportation. You can contact this group via email: [vga@antira.info](mailto:vga@antira.info) or via +49 152 169 355 62 (Please call this number only in case of impending deportation. It is not for counseling.) Please give us some information about yourself, e.g. where you currently live, whether you have juridical support, whether you know when or where you will be deported to.

The following information is about what you can do personally to prevent your deportation, and applies primarily to deportations that take place in normal passenger aircrafts. Currently, Roma people in particular are often deported using charter flights (mostly from Düsseldorf or Baden-Baden). In these cases it is much harder to defend yourself, as in these planes all of the other passengers are other deportees and police officers, so there are no witnesses. Nevertheless, this still applies: the more people know that you are flying against your own free will, the greater the chance of preventing your deportation. There are groups in Düsseldorf und Baden-Baden who protest against deportations as well.

Once you are already on your way to the airport, it will be difficult to think about what you could do to prevent the deportation. Therefore it is good to familiarise yourself beforehand with your possibilities. The following information should help you with this.

### On the way to the aircraft

The German State Police often behave recklessly and brutally to enforce an ordered deportation. If you want to resist the deportation, you should not waste your strength on these officials. The law allows police officers to transport people to the airport in handcuffs and also to use force to suppress any resistance. Sometimes the state police

bully and beat in order to scare and discourage deportees before they reach the aircraft.

### If you are injured or ill

If you get injured or become ill, then you should let everyone you meet on your way to the deportation know (immigration officials, the airport social services, the flight attendants in the plane, the passengers – really everybody). It is possible that because of your condition you are “not airworthy”. This does not always help, but deportations have repeatedly been aborted on medical grounds.

### On the plane

Due to international agreements, inside the aircraft police officers have no special authority. They may no longer use any of their powers. That is why you should save your energy until you are on the plane to prevent your deportation. Try to speak to the pilot (flight captain) or a responsible member of the aircraft crew, shout if necessary. Explain that you are not taking this flight willingly and that you will fight against your deportation. “Fight” does not mean that you need to be violent. Usually a loud and firm “No!” is enough. If this is not helping: scream, refuse to sit down, refuse to fasten your seatbelts or throw yourself on the floor.

If the immigration officials (state police) do not stay on the aircraft, it is very

simple to stand up as soon as they have left the plane, and to go straight to the pilot and insist on having a conversation with her\*him. Explain that you do not want to fly, and that they should not carry out this deportation. If the Pilot wants to force you to travel anyway, threaten him to press legal charges against her\*him. She\*He can also be informed that the German Association of Pilots (*Cockpit*) advises all airline pilots to refuse such forced transportations (see the box below). Explain clearly that you are not flying of your own free will and that you will fight to defend yourself if necessary.

If the immigration officials stay on

### The Position of Pilots' Associations

Legal experts from the German pilots' association *Cockpit* have declared that the deportation of people who are brought onto a plane in handcuffs is not allowed. According to the Association the pilot must make the decision not to carry out such a deportation — otherwise he may face punishment. Accordingly *Cockpit* has asked all of its members to ensure that anyone who is being deported is flying willingly before the flight. The international pilots' association *IFALPA* considers it a requirement of transportation that people “travel willingly”!

the plane and intend to fly with you for reasons of “safety monitoring”, you should still try to reach the pilot. If the immigration officials prevent you from



doing this by cuffing you or detaining you, you can protest with loud screams once the first passengers are on board the plane. Still try to reach the pilot and to tell her\*him that you will resist.

### **The legal situation on the plane**

At the airport in Germany, as soon as the doors of the aircraft are closed, under international law the immigration officials may no longer use force. From this point on the pilot has the last word. The immigration officials no longer have any special legal powers — not in the air and certainly not at an airport in another country. For, often the German immigration authorities are forced to carry out deportations with airlines that do not offer direct flights to the countries of origin. This means that the deportee must change to a connecting flight at an airport in another country. This creates the possibility of getting off the plane and refusing the continuation of the deportation. In several cases the deportees have refused to board the connecting flight and have been returned to Germany.

If other police officers come into addition (e.g. from the Netherlands or Belgium), you can explain your situation. Emphasize that you do not want to fly and strictly refuse to board the connection flight.

### **What happens when a deportation is successfully prevented, or has to be aborted?**

The German officials will usually try to continue to carry out the deportation. If the deportation was preceded by detention, you will firstly be brought back to detention. If there is no custody order, you will be sent back to your current place of residence in Germany, again. In either case there is little time to continue to fight your deportation using legal or political means. After a prevented deportation there is always the danger of an arrest warrant — therefore it would be unsafe to simply wait and see what happens next. Contact a lawyer or legal advice centre immediately.

### **What happens when the deportation takes place within Europe (Dublin II Convention), because my fingerprints were recorded in another EU-country?**

You can also resist a deportation within the EU. Actually sometimes this is easier than resisting a deportation to your country of origin, because for deportations under the Dublin II Convention separate aircrafts are not chartered, so you are certain to fly in a passenger plane. Also, there is a second special feature that makes resistance against Dublin deportations advisable: there is a deadline (usually 6 months)

within which Germany must have carried out the deportation. If this deadline is not met, your application for asylum will be processed in Germany. If you manage to prevent your deportation (e.g. to Italy, Hungary or Malta), then it is highly likely that you will be put in detention. Since most deportations are carried out only after several months have already passed, it is possible that they are not able to deport you in time. If you manage to prevent your deportation until the end of the transfer-deadline, you will be released from removal detention and your asylum case has to be considered in Germany. **Caution:** this applies only for people who have had their fingerprints taken, but do not have refugee status in another European country (e.g. Italy).

#### **Support from the outside**

More and more people in Germany do not agree with the government's deportation-policy. In Frankfurt, for example, there is a group that regularly goes to the airport to protest and intervene when it knows that a deportation is taking place and that the person involved wants to resist it. Reach the group via [vga@antira.info](mailto:vga@antira.info) or +49 152 169 355 62 (Call only in case of impending deportation – no counseling!)

Most of the deportations from Germany are carried out by air. 10 years ago, the anti-racist network *no-one is illegal* started the campaign *deportation class*. Through numerous actions at German airports where deportations take place, the campaign aimed to force the Lufthansa airline to stop carrying out deportations. As a result of this campaign, Lufthansa openly declared that deportations on their flights would no longer be carried out if deportees visibly resisted. In our experience, many deportations were prevented because the pilots refused to fly people who offered or announced resistance.

