

ASYLUM AND RESETTLEMENT FOR MYANMAR REFUGEES IN GERMANY



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About German Solidarity Myanmar

German Solidarity Myanmar (GSM) is a young activist organisation that supports the Myanmar democracy movement through political education, public relations and advocacy. The organisation is committed to a more decisive stance and proactive Myanmar policy on the part of the Federal Republic of Germany and the European Union.

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Executive Summary

The ongoing conflict and human rights crisis in Myanmar since the military coup in 2021 have forced many Myanmar nationals to flee their country, seeking asylum and protection elsewhere in the world. Despite the grave situation, the crisis remains largely underreported, including in Germany, where Myanmar refugees face numerous challenges in the asylum process. This paper examines the asylum and resettlement experiences of Myanmar refugees in Germany, highlighting their lived experiences and the country's legal framework. In this way, we aim to raise awareness and to formulate political demands and recommendations that address the challenges faced by Myanmar refugees in Germany. For this, we conducted interviews with Myanmar individuals in Germany, as well as organisations and professionals working in the fields of asylum and resettlement. Additionally, we submitted a questionnaire to BAMF and BMI, to which we received responses that further informed our analysis.

Our research reveals a growing number of asylum applications from Myanmar individuals since 2021, with 611 applications submitted from January 2021 to September 2024; 481 asylum decisions were taken in the same period with 37.42% being rejections. However, the rejection numbers are somewhat misleading as Myanmar asylum seekers often secure more favourable outcomes through administrative court appeals, which are not reflected in the BAMF statistics. Despite our expectation that BAMF branches handling Myanmar cases should be well-informed, we identified significant gaps in their understanding of Myanmar. The delayed BAMF reassessment of the situation in Myanmar in August 2024, which finally recognised the internal armed conflict throughout the country, is expected to significantly impact asylum decisions in Germany. As a result, many asylum seekers will receive subsidiary protection status. However, this status presents a new obstacle for Myanmar nationals, as they are required to attempt to renew their passports through the military-controlled embassy in order to receive a travel document for foreigners under subsidiary protection. This renewal is nearly impossible due to the embassy's refusal to fulfil its obligations.

The insights from the interviews with Myanmar refugees in Germany reveal that they face various obstacles, including limited knowledge of Myanmar among BAMF employees, significant language barriers, poor translation services during asylum interviews, and the lasting impact of trauma on mental and physical health. Female asylum seekers also face harassment in public but often hesitate to confront it due to their vulnerable status. Additionally, a lack of rights awareness leaves many asylum seekers exposed to discrimination during the asylum process, while the military-controlled embassy in Germany forces Myanmar citizens to apply for asylum by denying them the extension of passports. LGBTQIA+ asylum seekers often experience discomfort in asylum application interviews, which hinders their ability to fully disclose their identities, while skilled Myanmar refugees often struggle to find employment due to the lack of recognition of their qualifications.

Despite Germany's pledge to resettle refugees under the UNHCR Resettlement program, no Myanmar nationals have been resettled to Germany since the military coup, highlighting the program's limitations in addressing the urgent needs of refugees from Myanmar.

The paper concludes with specific demands and recommendations for German authorities, advocating for stronger protection and improved support for Myanmar refugees. These demands and recommendations call for reforms such as better-informed asylum decisions, improved access to translation services, and an expanded resettlement program. They also emphasise the importance of Germany's role in safeguarding the rights of refugees in line with its commitment to human rights.

Executive Summary (စာတမ်းအကျဉ်းချုပ်)

(၂၀၂၁) ခုနှစ် စစ်အာဏာသိမ်းရန် ကြိုးပမ်းချိန်မှစပြီး လက်ရှိအထိ ဖြစ်ပွားနေဆဲ ပဋိပက္ခ နှင့် လူ့အခွင့်အရေး အကြပ်အတည်းကြောင့် မြန်မာနိုင်ငံသူ၊ နိုင်ငံသားများသည် နေရပ်စွန့်ခွာပြီး၊ ကမ္ဘာအနှံ့အပြားတွင် ခိုလှုံခွင့်နှင့် အကာအကွယ်များ ရှာဖွေ နေကြရသည်။ ပြင်းထန်ကြမ်းတမ်းလှသည့် အခြေအနေဖြစ်နေသော်လည်း မြန်မာနိုင်ငံ၏ ပဋိပက္ခ အကြောင်း သတင်း အချက်အလက်များ တင်ဆက်ခြင်း နည်းပါးလွန်းလှသည်။ နိုင်ငံရေးခိုလှုံခွင့် လုပ်ငန်းစဉ် အတွင်း မြန်မာနေရပ်စွန့်ခွာသူများ စိန်ခေါ်မှုအများအပြား ရင်ဆိုင်နေရသည့် ဂျာမနီနိုင်ငံတွင်လည်း ယင်းအခြေအနေကို တွေ့ရှိရသည်။

ယခုစာတမ်းသည် ဂျာမနီနိုင်ငံတွင်းရှိ မြန်မာနေရပ်စွန့်ခွာသူများ ရင်ဆိုင်နေရသည့် ခိုလှုံခွင့်နှင့် အခြေချနေထိုင်ခွင့် အတွေ့အကြုံများကို ဆန်းစစ်ထားပြီး၊ ၎င်းတို့ ကြုံတွေ့ရသည့် အတွေ့အကြုံများ၊ ဂျာမနီနိုင်ငံ၏ ဥပဒေအရ လုပ်ထုံးလုပ်နည်း မူဘောင်များကို ထည့်သွင်းရေးသားထားသည်။ ဤနည်းအားဖြင့် မြန်မာနေရပ်စွန့်ခွာသူများ ဂျာမနီနိုင်ငံတွင် ရင်ဆိုင်နေရသည့် စိန်ခေါ်မှုများကို ကျော်လွှားနိုင်မည့် နိုင်ငံရေးအရ တောင်းဆိုချက်များနှင့် ထောက်ခံချက်များ တင်ပြခြင်း၊ လက်ရှိ အခြေအနေကို လူ့အများသိရှိစေရန် အသိပညာပေးလုပ်ငန်းစဉ် မြှင့်တင်ခြင်းတို့ကို ရည်ရွယ်ပါသည်။ ထို့အတွက် သုတေသနအဖွဲ့က ဂျာမနီနိုင်ငံတွင်း နေထိုင်လျက်ရှိသည့် မြန်မာနိုင်ငံသားများ၊ ခိုလှုံခွင့်နှင့် အခြေချ နေထိုင်ခွင့်ဆိုင်ရာ နယ်ပယ်ရှိ ကျွမ်းကျင်ပညာရှင်များနှင့် တွေ့ဆုံမေးမြန်းခြင်းများ ပြုလုပ်ခဲ့ပါသည်။ ထို့အပြင် ဂျာမနီနိုင်ငံ၏ ရွှေ့ပြောင်း နေထိုင်ခြင်းနှင့် နေရပ်စွန့်ခွာသူများဌာန (BAMF) နှင့် ဂျာမနီနိုင်ငံ ပြည်ထဲရေးဝန်ကြီးဌာန (BMI) တို့ကိုပါ စစ်တမ်း မေးခွန်းလွှာများ ပေးပို့ခဲ့ရာ၊ ယခုစာတမ်း အတွက် သတင်း အချက်အလက်များ ပေးနိုင်သည့် အဖြေများ ပြန်လည် ရရှိခဲ့ပါသည်။

(၂၀၂၁) ခုနှစ်မှ စတင်ကာ ဂျာမနီနိုင်ငံတွင် ခိုလှုံခွင့်လျှောက်ထားသူ မြန်မာလူဦးရေ တိုးလာသည်ကို သုတေသနအဖွဲ့မှ တွေ့ရှိရပြီး၊ (၂၀၂၁)ခုနှစ် ဇန်နဝါရီလမှ (၂၀၂၄)ခုနှစ် စက်တင်ဘာလအထိ ခိုလှုံခွင့်လျှောက်ထားချက် (၆၁၁)ခု ရှိခဲ့ပါသည်။ ထိုကာလအတွင်း ခိုလှုံခွင့်ဆုံးဖြတ်ချက် (၄၈၁)ခုကို ချမှတ်ခဲ့ပြီး ဆုံးဖြတ်ချက်၏ (၃၇.၄၂) ရာခိုင်နှုန်းမှာ ပယ်ချခံခဲ့ရသည်။ မြန်မာခိုလှုံခွင့်လျှောက်ထားသူများ အနေဖြင့် တရားရုံးများတွင် လျှောက်လှဲချက်များကို အကြောင်း ပြုပြီး၊ အပြုသဘော ဆောင်သည့် ရလဒ်များ ရရှိကြသည့်အချက်ကို BAMF ၏ စာရင်းဇယားများတွင် ထည့်သွင်း မဖော်ပြထားသည့် အတွက် အထက်ဖော်ပြပါ ကိန်းဂဏန်းများမှာ အထင်အမြင်မှားစေရာရောက်သည်။ မြန်မာနေရပ် စွန့်ခွာသူများ၏ အမှုကိစ္စများကို စီမံခန့်ခွဲသည့် BAMF ဌာနခွဲများအနေဖြင့် မြန်မာနိုင်ငံအကြောင်း သတင်း အချက် အလက်များ ကောင်းမွန်စွာ ရရှိလိမ့်မည် ဟု မျှော်မှန်း ထားသော်လည်း၊ အဆိုပါအစိုးရဌာနများအနေဖြင့် မြန်မာနိုင်ငံ အကြောင်း သိနားလည်မှုတွင် ထင်သာမြင်သာ သည့် ကွာဟချက်များ ရှိနေသည်ကို တွေ့ရှိရသည်။ (၂၀၂၄)ခုနှစ် ဩဂုတ်လ ကမှ ထုတ်ပြန်သည့် BAMF ၏ မြန်မာနိုင်ငံ ဆိုင်ရာ ပြန်လည်သုံးသပ်ချက်ကြောင့် ဂျာမနီနိုင်ငံတွင် မြန်မာနိုင်ငံ မှ ခိုလှုံခွင့်ရှာဖွေသူများနှင့် ပတ်သက်သည့် ဆုံးဖြတ်ချက်များအပေါ် သိသာသည့် အကျိုးသက်ရောက်မှု ရှိလာလိမ့်မည်ဟု ခန့်မှန်းရပါသည်။ အဆိုပါ ပြန်လည်သုံးသပ်ချက် တွင် မြန်မာနိုင်ငံသည် တစ်နိုင်ငံလုံးအတိုင်းအတာဖြင့် လက်နက်ကိုင် ပဋိပက္ခဖြစ်ပွားနေကြောင်း အသိအမှတ်ပြုထားပြီး၊ ထိုအသိအမှတ်ပြုချက်မှာ အချိန်များစွာ ကြန့်ကြာပြီးမှ ရောက်လာ ခဲ့သည်။

ရလဒ်အနေဖြင့် မြန်မာခိုလှုံခွင့်လျှောက်ထားသူ အများအပြား အရံသဘော အကာအကွယ် (နိုင်ငံရေးခိုလှုံခွင့်မဟုတ်သည့်) ရရှိနိုင်လိမ့်မည် ဖြစ်သည်။ သို့သော် ၎င်းအကာအကွယ်က မြန်မာနိုင်ငံသားများကို နောက်ထပ်အခက်အခဲ အသစ်တစ်ခု ဖြစ်စေသည်။ ၎င်းမှာ ဂျာမနီနိုင်ငံ ပေးသည့် အရံသဘော အကာအကွယ် အဖြစ် ရရှိနိုင်မည့် နိုင်ငံခြားသား များအတွက် နိုင်ငံကူးလက်မှတ်ကို လျှောက်ထားနိုင်ရန် အရင်ဆုံး လိုအပ်ချက်မှာ မြန်မာနိုင်ငံသားများက စစ်အာဏာရှင် လက်အောက် ရှိ သံရုံးတွင် မြန်မာနိုင်ငံကူး လက်မှတ်ကို သက်တမ်း တိုးရန် ကြိုးပမ်း ခဲ့ကြောင်း သက်သေပြသစေခြင်း ဖြစ်သည်။ စစ်အာဏာရှင် လက်အောက်ရှိ မြန်မာသံရုံးက သံရုံးတစ်ရုံး၏ ဝတ္တရားများ ကို ဖြည့်ဆည်းရန် ငြင်းဆန်သည့် အတွက် အဆိုပါ သံရုံးတွင် နိုင်ငံကူးလက်မှတ်ကို သက်တမ်း တိုးရန်မှာ မဖြစ်နိုင်ပါ။

မြန်မာနိုင်ငံမှ နေရပ်စွန့်ခွာလာပြီး ဂျာမနီတွင် ခိုလှုံခွင့်လျှောက်ထားသူများနှင့် တွေ့ဆုံမေးမြန်းရာတွင် ၎င်းတို့အနေဖြင့် အခက်အခဲအတားအဆီးအမျိုးမျိုး ကြုံတွေ့ရကြောင်း တွေ့ရှိရသည်။ BAMF အာဏာပိုင်များက မြန်မာနိုင်ငံအကြောင်း သိစပ်မှုအကန့်အသတ်ရှိခြင်း၊ သိသာထင်ရှားသည့် ဘာသာစကားအခက်အခဲ၊ ခိုလှုံခွင့်ဆိုင်ရာ လူတွေ့မေးမြန်းရာတွင် ရရှိသည့် ဘာသာပြန်အကူအညီက လုံလောက်အောင် ကောင်းမွန်မှုမရှိခြင်း၊ ထရော်မာကြောင့် စိတ်နှင့်ကိုယ် ကျန်းမာရေး အပေါ် အချိန်ကြာမြင့်စွာ သက်ရောက်မှု ရှိခြင်း စသည်တို့ဖြစ်သည်။

ခိုလှုံခွင့်လျှောက်ထားသူ အမျိုးသမီးများအနေဖြင့် လူအများရှေ့ အရှက်ရဖွယ်၊ စိတ်အနှောင့်အယှက် ဖြစ်ဖွယ်များကို ကြုံတွေ့ရပြီး၊ ထိုဖြစ်ရပ်များမှ မိမိကိုယ်ကိုကာကွယ်ရန်မှာ ၎င်းတို့၏ ထိလွယ်၊ ရှလွယ်အခြေအနေကြောင့် မဖြစ်နိုင်ချေ။ စစ်အာဏာရှင်လက်အောက်ခံ မြန်မာသံရုံးက မြန်မာနိုင်ငံကူးလက်မှတ်များကို သက်တမ်းတိုးပေးရန် ငြင်းပယ်ခြင်းက ဂျာမနီနိုင်ငံရောက် မြန်မာနိုင်ငံသားများအနေဖြင့် ခိုလှုံခွင့်လျှောက်ထားရန်မှ တပါး၊ အခြားရွေးစရာလမ်းမရှိသည့် အခြေအနေသို့ တွန်းပို့ခံနေကြရသည်။ ထို့အပြင် BAMF အာဏာပိုင်များ၏ လူ့အခွင့်အရေးဆိုင်ရာ အသိသညာ နည်းပါးမှု က ခိုလှုံခွင့်လျှောက်ထားသူများအနေဖြင့် ခွဲခြားဆက်ဆံမှုခံရသည့် အကြောင်းဖြစ်သည်။

LGBTQIA+ အဖြစ် မိမိကိုယ်ကို ခံယူထားသည့် ခိုလှုံခွင့်လျှောက်ထားသူများအနေဖြင့် လူတွေ့မေးမြန်းစစ်ဆေးမှုများတွင် ၎င်းတို့ မည်သူမည်ဝါဖြစ်သည်ကို အပြည့်အဝ ဖော်ထုတ်ပြနိုင်ခွင့်များ တားဆီးခံနေရသည်။ မြန်မာနေရပ်စွန့်ခွာသူ၊ အရည်အသွေးပြည့်ဝသည့် လုပ်သားများအနေဖြင့် ၎င်းတို့၏ အရည်အသွေးများ၊ ပညာအရည်အချင်းများကို အသိအမှတ်ပြုခံရခြင်း မရှိသည့်အတွက် အလုပ်အကိုင်ရှာဖွေရန် ရုန်းကန်ကြရသည်။ UNHCR ၏ ပြန်လည် နေရာချထားရေး အစီအစဉ်တွင် ပါဝင်ပါသည်ဟု ဂျာမနီနိုင်ငံက ပြောဆိုအတည်ပြုထားသော်လည်း စစ်အာဏာသိမ်းချိန်မှ စတင်ကာ အဆိုပါ ပြန်လည်နေရာချထားရေးအစီအစဉ်ဖြင့် ဂျာမနီနိုင်ငံသို့ ရွှေ့ပြောင်းနေရာချထားခံရသည့် မြန်မာနိုင်ငံသား တစ်ဦးတစ်လေမျှ မရှိပါ။ ထိုသို့မရှိခြင်းက မြန်မာနိုင်ငံနေရပ်စွန့်ခွာ ထွက်ပြေးလာသူများ၏ အရေးပေါ် လိုအပ်ချက်များကို ဖြည့်ဆည်း၊ ထည့်သွင်းစဉ်းစားနိုင်ခြင်းတွင် အကန့်အသတ်ရှိကြောင်း ပြသသည်။

ဤစာတမ်းကို ဂျာမနီနိုင်ငံရှိ အာဏာပိုင်များအတွက် အထူးတလှယ်တောင်းဆိုချက်များနှင့် ထောက်ခံချက်များ၊ မြန်မာနိုင်ငံမှ နေရပ်စွန့်ခွာ လာရသူများအတွက် ပိုမိုခိုင်မာသည့် အကာအကွယ်၊ ပိုမိုသည့် အထောက်အကူများအတွက် လှုံ့ဆော်ဆွေးနွေးခြင်းဖြင့် အဆုံးသတ်ထားသည်။ အဆိုပါ တောင်းဆိုချက်များနှင့် ထောက်ခံချက်များသည် သတင်းအချက်အလက်များအပေါ် ပိုမိုအခြေခံသည့် ခိုလှုံခွင့်ဆုံးဖြတ်ချက်များ ချနိုင်ရေး၊ ဘာသာပြန်ခြင်းလုပ်ငန်းစဉ်များ ပိုမိုကောင်းမွန်စေ ခြင်း၊ ပိုမိုကျယ်ပြန့်သည့် ပြန်လည်နေရာချထားခြင်းအစီအစဉ်တစ်ခု စသည်တို့ကို ထည့်သွင်း ပြောကြားထားသည်။ ထို့ အပြင် နေရပ်စွန့်ခွာထွက်ပြေးရသူများ၏ အခွင့်အရေးများကို အာမခံရာတွင် ဂျာမနီနိုင်ငံ၏ လူ့အခွင့်အရေးနှင့် ပတ်သက် ပြီးစွမ်းစွမ်းတမ်းကြိုးပမ်းမှုနှင့်အညီ အခန်းကဏ္ဍကိုပါ အထူးပြုတင်ပြထားသည်။

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List of Abbreviations

AAPP	Assistance Association for Political Prisoners (Burma)
ACLED	Armed Conflict Location & Event Data
BAMF	Bundesamt für Migration und Flüchtlinge [Engl.: Federal Office for Migration and Refugees]
BMI	Bundesministerium des Innern und für Heimat [Engl.: Federal Ministry of the Interior and Community]
CDM	Civil Disobedience Movement
CEAS	Common European Asylum System
CRC	Convention on the Rights of the Child
GSM	German Solidarity Myanmar
ICCPR	International Covenant on Civil and Political Rights
IHL	International Humanitarian Law
LGBTQIA+	Lesbian, gay, bisexual, transgender, queer, intersex, asexual plus
NGO	Non-governmental organisation
NUG	National Unity Government
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNO	United Nations Organisation
UNHCR	United Nations High Commissioner for Refugees

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1 Introduction

Despite the ongoing conflict and severe human rights violations in Myanmar, the crisis often receives minimal attention both in Germany and globally, earning it the label of a “forgotten war” (International Crisis Group, 2023). This lack of attention has contributed to limited public awareness and advocacy, leaving many unaware of the atrocities committed and the resulting humanitarian crisis, which have forced an estimated 4,5 million Myanmar people to flee their homes, with many becoming internally displaced while others sought refuge abroad (UNO-Flüchtlingshilfe, 2024). Germany is one of the many countries where Myanmar nationals seek asylum and protection.

This research project addresses the topic of asylum and resettlement for Myanmar refugees¹ in Germany. We chose to focus on this issue because German Solidarity Myanmar (GSM) has received numerous requests for assistance from Myanmar nationals and groups, highlighting a clear need to better understand their situation and the challenges they face in Germany. Therefore, this paper examines the reasons driving their displacement, rooted in the ongoing conflict and repression in Myanmar, and explores how international and German legal frameworks intersect to offer—or sometimes withhold—protection in the form of asylum. Through interviews with Myanmar refugees, we shed light on their experiences, offering a unique, human perspective on the challenges they face — from navigating the German asylum system to coping with the trauma of displacement and starting anew in an unfamiliar country. In this way, we focus on the challenges Myanmar refugees face when applying for asylum in Germany. This includes a general lack of awareness among German authorities about the situation in Myanmar, the refusal of the military-controlled Myanmar Embassy in Berlin to extend passports for individuals not supportive of the regime, and the limitations of accessing Germany through the United Nations High Commissioner for Refugees (UNHCR) Resettlement program, which has not resettled any Myanmar refugees to Germany since the coup.

The paper concludes with ten political demands and recommendations for political stakeholders in Germany, including enhanced protection and support for Myanmar refugees while acknowledging the parallels to other marginalised communities in Germany. By linking the plight of Myanmar refugees to broader human rights efforts, the paper advocates for a unified approach to justice and democracy by fostering a deeper understanding of the Myanmar community in Germany.

¹ According to the convention relating to the status of refugees (1951 Refugee Convention), a refugee is a person who "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of [their] nationality and is unable or, owing to such fear, is unwilling to avail [themselves] of the protection of that country; or who, not having a nationality and being outside the country of [their] former habitual residence, is unable or, owing to such fear, is unwilling to return to it" (1951, Article 1).

2 Methodology

This study employed a mixed-methods approach, incorporating both desk research and empirical data collection through interviews and outreach to relevant stakeholders. The methodology was designed to gather insights into the experiences of Myanmar refugees in Germany, as well as the broader legal and policy frameworks that shape their resettlement and asylum processes.

The content of chapters 3, 4, 6, and 7 was primarily drawn from desk research. We reviewed academic literature, legal documents, policy reports, and human rights assessments related to forced migration, asylum, and resettlement. In addition, we reached out to organisations and individuals with expertise in migration, asylum, and resettlement, including Amnesty International, the *Deutscher Caritasverband*, Refugee Law Clinics, *Flüchtlingsräte*, Info Birmanie, as well as Christopher Wohnig, a German lawyer specialising in asylum and residence law. Wohnig has represented several Myanmar refugees in asylum appeals, achieving positive outcomes in cases initially denied asylum. To further inform our analysis, we also submitted a formal questionnaire to the German Federal Office for Migration and Refugees (BAMF) and the Federal Ministry of the Interior (BMI), receiving valuable responses that contributed to our understanding of the asylum process in Germany.

For chapter 5, we conducted empirical research through seven interviews with eight Myanmar asylum seekers living in Germany.² These interviews, conducted by GSM between 18 August 2024 and 11 September 2024, took place via Zoom and lasted between 51 minutes and 1 hour 53 minutes. The interviews were conducted in Burmese (six interviews) and English (one interview). At the outset of each interview, participants were assured of confidentiality, and anonymity was guaranteed to protect their identities.

The interviewees were individuals from Myanmar who had either applied for asylum in Germany and received a decision, or were still in the application process. Six interviewees had been granted asylum, though four of them initially faced rejection. One individual is still undergoing the asylum process, while another has only recently decided to apply. While the sample aimed for diversity, there is a noted overrepresentation of men, due in part to personal security concerns among women in the Myanmar community in Germany. As a result, the interviewees comprised six men and two women. One of the interviewees is Rohingya and another a member of the LGBTQIA+ community.

It is important to note that due to the sensitivity of the subject, the interviewees were not randomly selected. Interviewees were either personally known to GSM or referred by trusted acquaintances. These qualitative research results are not generalisable to all Myanmar refugees in Germany but provide an initial exploration of their lived experiences and challenges, serving as a basis for further research.

² One interview was conducted with two people, a couple, at the same time.

3 Forced Migration, Asylum and Human Rights

This chapter explores the interconnected themes of forced migration, asylum, and human rights, focusing on the impact of the Myanmar coup and the resulting displacement, especially to Germany.

3.1 Forced Migration and Human Rights in Myanmar

On 1 February 2021, the Myanmar military (Tatmadaw) staged a coup against the elected Myanmar government. The coup led to the establishment of a military dictatorship but also triggered a durable, “broad and strong anti-coup mobilization, consisting of diverse actors that deploy economic, symbolic, political, and armed forms of resistance [...]” (Stokke & Kyaw, 2024, p. 2). Over three and a half years later, this resistance persists vigorously but the military junta along with pro-military groups are cracking down on it with extreme brutality, engaging in systemic human rights violations.

	Fatalities	Arrested	Still Detained	Sentenced	Death Penalty*
Women	1,236	5,710	4,050	1,539	16
Men	4,614	21,826	16,956	7,930	109
Not specified**	1	22	14	5	0
Children***	653	570	206	128	0
Total	5,851	27,558	21,020	9,474	125

Note: The data covers the period from 1 February 2021 to 16 October 2024, and is sourced from the Assistance Association for Political Prisoners (Burma) (AAPP) (AAPP, 2024a). The dataset treats gender as a binary category.

* The number represents people sentenced to death in detention, not including 44 people sentenced to death in absentia

** AAPP uses "LGBT" as a gender value but does not specify which gender LGBTQIA+ people identify with, so here every case that is treated as "not specified" has been described as "LGBT".

*** Children are counted in the gender variable as well, therefore the subcategory does not add to the total

Table 1: Post-coup statistics on fatalities, arrests and sentences in Myanmar

Since the coup, 5,851 pro-democracy activists and civilians have been killed. This number includes 653 children and 1,236 women (see Table 1). These figures represent fatalities verified by AAPP, though the actual number is likely much higher.³ In the initial months following the coup, politically motivated killings of civilians were widespread. In 2022, Myanmar carried out its first executions since 1988 (Amnesty International, 2018, p. 10), executing National League for Democracy member and parliamentarian Phyo Zeya Thaw, democracy activist Kyaw Min Yu (Ko Jimmy), Hla Myo Aung and Aung Thura Zaw after non-public military trials (Amnesty International Deutschland, 2022). Since 2023, there has been a marked increase in aerial bombings, indicating a shift in the nature of civilian casualties with civilians mostly being killed as collateral casualties from armed clashes or deliberately targeted through airstrikes (Office of the High Commissioner for Human Rights, 2024; Radio Free Asia Burmese, 2023). These acts of violence against civilians constitute grave human rights violations, infringing upon rights enshrined in the Universal Declaration of Human Rights (UDHR), including the right to life, liberty, and security of person (Article 3) and freedom from torture and degrading treatment (Article 5). They also contravene binding international treaties, including the International Covenant on Civil and Political Rights (ICCPR) (1966, Articles 6 and 7), the Convention on the Rights of the Child (CRC)

³ As of 16 October 2024, 2,500 fatalities still have to be verified by AAPP (AAPP, 2024a). Moreover, AAPP only includes the killings of pro-democracy activists and civilians. For the same period, the Armed Conflict Location and Event Data (ACLED) data set reports 11,127 fatalities amongst protesters and civilians. Counting all fatalities, ACLED reports a much higher number of 60,069 deaths (ACLED Explorer, 2024).

(1989, Articles 6 and 19), and International Humanitarian Law (IHL) under the Geneva Conventions (1949), specifically Common Article 3, which prohibits violence and cruel treatment of civilians and non-combatants. Taken together, these severe breaches of international law may constitute war crimes and even crimes against humanity.

A total of 27,558 people have been arrested by the junta in relation to its seizure of power, including 570 children and 5,710 women, with 21,020 people currently being held in detention (see table 1). Many of these arbitrary detentions were conducted shortly after the coup, during anti-coup demonstrations or night raids. In many cases, the authorities have refused to disclose the whereabouts of the detainees and have denied access to lawyers or family members (Lilly, 2021, p. 4). The conditions in prisons equally fail to meet human rights standards. Numerous released prisoners have reported experiencing torture, mistreatment and other human rights violations (Amnesty International, 2022). Arbitrary arrests and unfair trials, enforced disappearances, as well as extrajudicial killings are common practices used to suppress dissent and instill fear among the population. They also violate human rights, including freedom from arbitrary detention (ICCPR, Article 9), the right to a fair trial (*ibid.*, Article 14), and freedom from torture (*ibid.*, Article 7).

Facing ongoing losses in armed battle against the People's Defense Forces and Ethnic Revolutionary Forces, the military junta enacted a law in February 2024 mandating up to two years of army enlistment for men aged 18-35 and women aged 18-27, prompting a new wave of emigration, especially among youth (Ng, 2024). In August 2024, amid continued military defeats, the junta extended conscription to men over 35 who were previously exempt⁴ (The Irrawaddy, 2024). Following the conscription law, the Tatmadaw abducted and forcibly recruited over 1,000 Rohingya men and boys across Rakhine State, giving them false hopes of citizenship (Human Rights Watch, 2024). For ethnic minorities, such as the Rohingya, who have historically faced severe persecution, marginalisation, and genocide (Hossain, 2021), the prospect of mandatory military service for the same military that perpetrated genocide against them, is particularly alarming. These actions contravene the right to security of person (UDHR, Article 3) and freedom from arbitrary detention (*ibid.*, Article 9). The recruitment of over 1,000 Rohingya men and boys under false pretences highlights systemic discrimination and exploitation, further violating the rights of ethnic minorities (*ibid.*, Article 2). These practices not only breach fundamental human rights, including the CRC, but also contravene IHL, such as the Geneva Conventions, particularly concerning the protection of civilians and the prohibition of forced recruitment in armed conflicts.

Women, girls, and LGBTQIA+ people are severely and uniquely impacted by the crises in Myanmar since the coup. Sexual and gender-based violence in Myanmar, perpetrated by both junta forces and members of armed resistance groups, poses severe threats to women, girls, and LGBTQIA+ individuals (United Nations Human Rights Council, 2024). Survivors face significant barriers to justice and support, while displacement and financial hardships increase their vulnerability to exploitation and abuse. Rohingya women and LGBTQIA+ individuals are particularly at risk due to systemic discrimination and denial of their rights. This environment leads to negative coping strategies, such as early or forced marriages and exposure to human trafficking (*ibid.*). Despite the devastating impact of the coup, women, girls, and LGBTQIA+ individuals in Myanmar are actively leading efforts to build a peaceful and democratic future, challenging patriarchal structures, and advocating for equality and non-

⁴ According to the conscription law enacted in February 2024, men over 35 with specialised technical skills, such as engineers and doctors, were required to serve in the military (The Irrawaddy, 2024).

discrimination, all while playing key roles in protests, humanitarian relief, and policy development (ibid.; Naw Hser Hser & Quadrini, 2024; Frontier Myanmar, 2023; Aung, I., 2023).

Myanmar's economic situation remains dire amid ongoing conflict, with projected growth of just 1% by March 2025. High inflation, a depreciating kyat, and foreign exchange restrictions have strained the economy, leaving around 32% of the 54 million population in poverty (World Bank, 2024). Internally displaced persons are particularly vulnerable, with poverty rates reaching 48% (ibid.).

The crackdown on the resistance movement and the following civil war displaced 3.2 million people internally, while 1.3 million fled to neighbouring countries (UNO-Flüchtlingshilfe, 2024). Others, including anti-coup activists, journalists, human rights defenders, artists, and opposition members, fled to non-neighbouring countries.

3.2 Asylum and Human Rights

Amid ongoing violence, persecution, human rights violations, and political turmoil in Myanmar, many activists, human rights defenders, and opposition members are forced to flee their homeland in search of safety, hoping to return when democracy is restored. In the contexts described above, including internal armed conflict, persecution on the grounds of race, religion, nationality, political opinion, membership in a particular social group, or other serious human rights violations, international and national laws provide mechanisms to protect and assist those affected. These mechanisms include refugee protection, subsidiary protection, and resettlement programs and can offer pathways to safety for individuals forced to flee their homes.

Legal Foundations for Asylum as a Human Right

The UDHR (1948) sets the foundation for international human rights law and explicitly states in the right of individuals “to seek and enjoy in other countries asylum from persecution” (Article 14). Therefore, asylum is a human right. The declaration serves as a moral and ethical guideline for the protection of human rights, including the rights of asylum seekers. The UDHR is not legally binding but recognised by most countries, including by Germany. A core principle of refugee protection is non-refoulement, which prohibits the expulsion of individuals to countries where they may face threats to life or freedom. This principle is upheld in multiple binding international treaties like the 1951 Refugee Convention, and is fundamental to the protection of refugees and asylum seekers worldwide. The ICCPR (1966), rooted in the same principles as the UDHR, includes rights that protect individuals from torture, cruel treatment, and arbitrary detention. These rights can support claims for asylum when individuals face severe human rights abuses. Contrary to the UDHR, the ICCPR is legally binding and has been ratified by 173 countries, including by Germany.

The 1951 Refugee Convention and its 1967 Protocol are key to refugee protection, defining “refugee” and outlining both refugee rights and state obligations. These instruments establish the primary international framework, including the right to asylum and protection from forced return. Germany, a party to both, is therefore obligated to protect individuals with a well-founded fear of persecution based on race, religion, nationality, membership in a particular social group, or political opinion.

At the European level, Article 3 the European Convention on Human Rights (1950) of the Council of Europe prohibits member states from deporting or extraditing individuals to countries where they would face a genuine risk of inhumane treatment or torture. While not specifically mentioning the right to asylum, several of its articles are directly relevant to asylum seekers and refugees, including

the prohibition of torture (Article 3), the right to liberty and security (Article 5), the right to respect for private and family life (Article 8) or the right to an effective remedy (Article 13).

At the EU level, the Qualification Directive (Directive 2011/95/EU)⁵ provides a legal framework for recognising refugees and individuals needing subsidiary protection, aligning EU law with international human rights standards, including non-refoulement.

Germany's constitutional right to asylum, enshrined in Article 16a, states that “[p]ersons persecuted on political grounds shall have the right of asylum”⁶ (Basic Law for the Federal Republic of Germany (*Grundgesetz für die Bundesrepublik Deutschland*), 1949). The Asylum Act (*Asylgesetz*), which implements the EU Qualification Directive, further defines the conditions for refugee recognition and subsidiary protection in Germany. Thus, under international human rights law, European law as well as national law, Germany is bound to provide protection and support to persecuted individuals in need.

Recent developments concerning asylum in Germany

However, recent changes in Germany and the EU, including the Common European Asylum System (CEAS) adjustments through the Migration and Asylum Pact reforms adopted by the EU Council in May 2024, suggest a concerning trend of restricting asylum seekers' rights (Amnesty International, 2024; Amnesty International Deutschland, 2024a; International Rescue Committee, 2024). These changes have raised concerns about the EU's full compliance with the Geneva Conventions and international human rights law as well as primary EU law, particularly with the broad use of detention and de-facto detention, as well as accelerated procedures, and a widened definition of “safe countries of origin” and “safe third countries” (Amnesty International Deutschland, 2024a).⁷ Additionally, in August 2024, for the first time since the Taliban took power in August 2021, Germany resumed deporting Afghan nationals back to Afghanistan (Deutsche Welle, 2024), despite severe security risks, potentially violating the non-refoulement principle. The erosion of the right to seek asylum and of the human rights of asylum seekers not only undermines the protection of refugees but also poses a threat to the integrity of human rights as a whole. Human rights are meaningless if they do not apply to everyone. Therefore, the rights of refugees must be defended. Thus, upholding the right to seek asylum is a reaffirmation of Germany's commitment to human rights.

Despite recent setbacks in asylum policies, Germany's civil society remains a powerful advocate for the rights of refugees and asylum seekers. Numerous organisations, such as Pro Asyl, Amnesty International, *Flüchtlingsräte*, and refugees themselves, work tirelessly to support those seeking refuge, including Myanmar nationals, by challenging unlawful deportations and raising awareness about their human rights situation.

⁵ In May 2024, the Directive 2011/95/EU was repealed by Regulation (EU) 2024/1374 (the EU Migration and Asylum Pact). Member states are given a two-year transition period to align national laws with the new regulation, meaning that existing national laws will continue to operate under Directive 2011/95/EU until June 2026 at the latest (see subsection “recent developments concerning asylum in Germany”).

⁶ The right to asylum was restricted in 1993 through Article 16a and its associated amendments, known as the “*Asylkompromiss*” (Asylum Compromise). These changes introduced significant limitations to the right to asylum, including the safe third country rule, which disqualifies asylum seekers from claiming asylum in Germany if they have entered through a “safe” country, and the concept of “manifestly unfounded” applications, which allows for expedited rejection of certain claims (Oswald 2020, 149f).

⁷ At the time of writing, a draft amendment (*GEAS Anpassungsgesetz*) to the German national asylum law based on the EU reforms has been published (BMI, 2024a).

ASYLUM
IS A
HUMAN RIGHT

“ဝင်ငံရေးခိုလှုံခွင့်
ရရှိရန်
အခွင့်အရေးဖြစ်သည်”



4 The German Asylum Process for Myanmar Applicants: Data, Steps and Challenges

Between January 2021 and September 2024, a total of 611 asylum applications were submitted by Myanmar applicants in Germany, showing a steady increase in asylum applications over the years since the military coup in 2021 (see Figure 1; Table 2). These figures also include a subset of Rohingya applicants. For instance, between January and August 2024, 11 out of 14 Rohingya applicants were categorised as from “Myanmar” in the asylum statistics, which are organised by country of origin but also include a “Stateless” category (BAMF, personal communication, 18 October 2024). Considering the exacerbating situation in Myanmar this trend is expected to continue (see chapter 3.1).

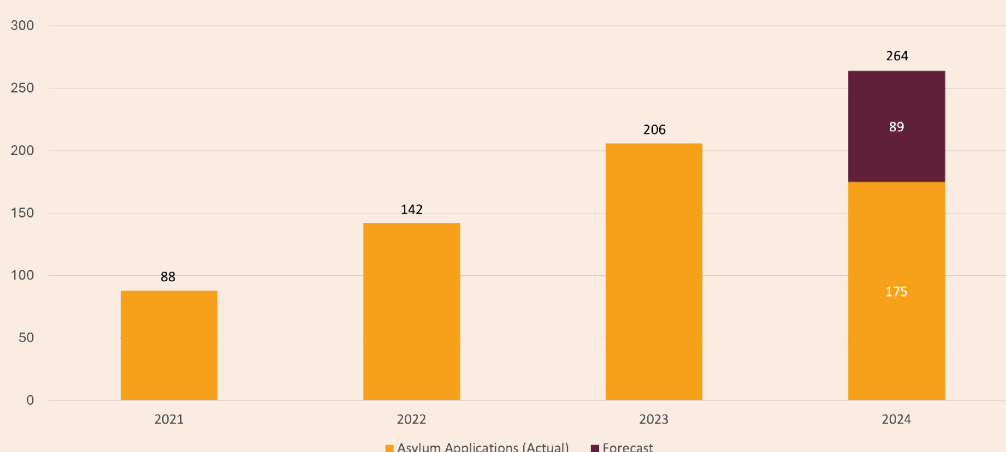


Figure 1: Asylum applications from Myanmar individuals per year (until Sep 2024) with forecast⁸

During this period, 216 asylum applications by people from Myanmar in Germany have led to positive decisions (including entitlement to asylum, refugee protection, subsidiary protection and bans on deportation). Close to the same amount, 180, were rejected (see table 2)⁹. From January 2024 to August 2024, the average duration of the asylum process for applicants from Myanmar was 11.4 months (BAMF, personal communication, September 18, 2024).

Year	2021	2022	2023	2024*	Total
Asylum Applications	88	142	206	175	611
Decisions	118	70	147	146	481
Entitlement to Asylum	4	10	25	37	76
Refugee Protection	10	16	28	32	86
Subsidiary Protection	13	7	5	23	48
Bans on deportation	1	2	1	2	6
Rejections	80	20	44	36	180
Other dismissal of proceedings	10	15	44	16	85

* until 30.09.2024

Note: The data for this table is compiled from asylum statistics of the BAMF (BAMF, 2024b; 2023a; 2022; 2021a).

Table 2: Asylum applications by Myanmar individuals and decisions, Jan 2021 - Sep 2024

⁸ The forecast is based on data of BAMF from Myanmar asylum applications starting in 2018 and may change.

⁹ There is no direct link between the number of applications and decisions each year, as decisions may be made months after applications are submitted. (BAMF, personal communication, September 18, 2024).

Figure 2 illustrates the relative distribution of asylum decisions for Myanmar applicants from January 2021 to September 2024. The chart highlights that rejections make up the largest portion, accounting for 37.42% of all decisions, followed by other dismissals of proceedings and refugee protection, each representing around 18%. Smaller percentages reflect grants of entitlement to asylum (15.8%), subsidiary protection (9.97%), and bans on deportation (1.24%).

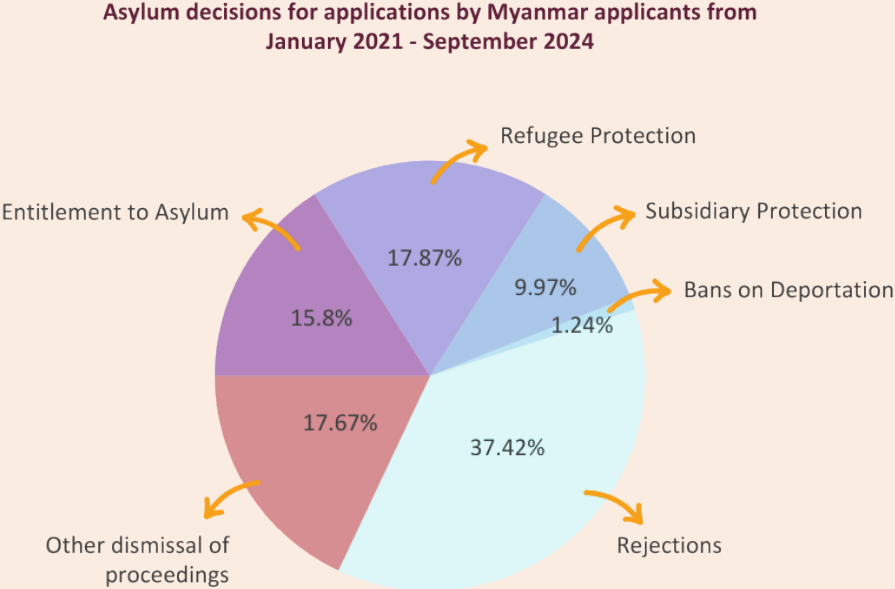


Figure 2: Asylum decisions for applications by Myanmar applicants (Jan 2021 - Sep 2024)

The rejection rate from January to September 2024 is 24.65%, notably lower than the rate for the aforementioned period, likely due to the increasing recognition of Myanmar’s deteriorating situation.

Asylum: Key Steps and Regional Variations

The asylum process in Germany generally involves five key steps (see Figure 3). Once refugees arrive and register in Germany, they will apply for asylum in person. Then, depending on if they have travelled through another EU-country, the Dublin regulation will be conducted.¹⁰ After a personal interview, the decision on the application will be made (BAMF, 2021b).

Asylum Process in Five Steps

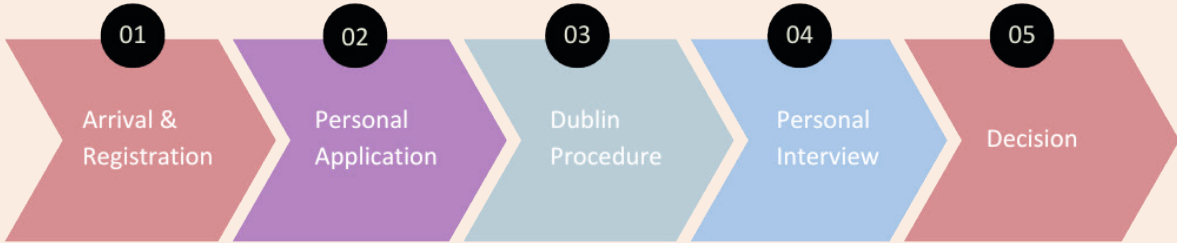


Figure 3: The asylum process in five steps

¹⁰ As part of a new EU Pact on Migration and Asylum, entering into force in June 2026, “robust screening” as well as a new “border procedure” will be introduced (European Commission, 2024). This has raised serious concerns about the EU’s compliance with international human rights law (see chapter 3).

Individuals from Myanmar often arrive in Germany or Europe by air, holding a visa of some kind, such as a Schengen visa for tourists (C. Wohnig, personal communication, September 19, 2024) (see chapter 5). In some cases, Myanmar asylum applicants already hold a residence permit, for example as university students in Germany, and later apply for asylum (see chapter 5). These factors concerning their arrival and status in Germany can have an influence on the course of the asylum process. For example, it is at the discretion of the responsible authority whether the obligation to live in a reception facility is waived (Asylum Act (*Asylgesetz*), 1992, § 49). If an applicant has a residence permit valid for at least six months, the asylum application can be submitted in writing instead of in person, and the obligation to live in a reception facility is waived (*ibid.*, § 14). Furthermore, the visa issuance of an EU member state regularly leads to the legal responsibility for this member state to process the asylum claim (BAMF, 2021b, p. 3). This means Germany as a country of first arrival or as the member state who issued a respective visa may often be responsible for handling the asylum process of Myanmar applicants who arrive directly to Germany by air. Myanmar applicants who have travelled through another EU country may often be obliged to apply for asylum in this EU member state. However, in some cases, Myanmar applicants who have travelled through another EU country or entered Europe with a Schengen visa issued by another state can continue their asylum process in Germany. This may occur for various reasons, such as non-compliance with transfer deadlines or human rights violations in the asylum procedure of another EU country (C. Wohnig, personal communication, September 24, 2024).

Generally, after the registration, asylum seekers are distributed to other parts of Germany. This means asylum seekers will live and go through the process in other federal states. Each federal state receives a different quota of asylum seekers according to the Königstein quota system (*Königsteiner Schlüssel*), which can be found in § 45 of the German Asylum Law (*Asylgesetz*, 1992).¹¹ Another factor influencing the distribution of asylum seekers, including where their case is processed and where their accommodation will be located, is the country of origin responsibility (*Herkunftslandzuständigkeit*) of the BAMF branches. This means, certain branches of the BAMF are responsible for applicants from particular countries of origin. For asylum seekers from Myanmar there are eight BAMF branches with this responsibility (as of June 24, 2024). The BAMF branches handling asylum applications from Myanmar are situated in the states of Saxony, Bavaria, and North Rhine-Westphalia. These include Munich (Bavaria), Leipzig (Saxony), and the North Rhine-Westphalian cities of Bochum, Unna, Bielefeld, Mönchengladbach, Essen, and Bonn (BAMF, 2024a). In theory, decision makers in these branches should have more experience with Myanmar applicants. In general, German authorities are obliged by law to inform themselves about the facts of a case (Administrative Procedures Act (*Verwaltungsverfahrensgesetz*), 1976, § 24). In the asylum procedure that means that the authority must investigate what is going on in Myanmar. However, the extent of this investigation is not specified. According to the applicants interviewed for this paper, the investigation into the situation in Myanmar by BAMF officials needs improvement (see chapter 5).

Usually, the decision on asylum applications from Myanmar applicants is made in the responsible branch offices mentioned above. From January 2024 to August 2024, most of these applications were processed in Munich, Leipzig and Bonn (see Table 3). However, exceptions to this rule are possible, meaning that branches with no responsibility for Myanmar can process applications by Myanmar

¹¹ Tax revenue of a respective federal state is weighted at two thirds, while the population size is weighted at one third.

individuals as well, for example, if close family members of the applicant live in a federal state that does not usually process asylum applications from Myanmar refugees (C. Wohnig, personal communication, October 18, 2024). Even though the asylum process should be standardised to some extent, it can vary in some respects between branch offices, for example in terms of decisions (see table 3.) or processing times for asylum applications. This has already been brought to the attention of the Bundestag (Bünger et al., 2024, p. 4).

	Total	Entitlement to Asylum		Refugee Protection		Subsidiary Protection		Ban on Deportation		Quota: Total Protection		Rejections		Other dismissals	
Total Organisational Units	125	32	25,6%	26	20,8%	14	11,2%	2	1,6%	74	59,2%	36	28,8%	15	12%
of which															
Munich	36	10	27,8%	8	22,2%	3	8,3%	1	2,8%	22	61,1%	13	36,1%	1	2,8%
Leipzig	23	3	13,0%	2	8,7%	6	26,1%	-	-	11	47,8%	12	52,2%	-	-
Bonn	11	5	45,5%	4	36,4%	-	-	-	-	9	81,8%	2	18,2%	-	-
Other branches	55	14	25,5%	12	21,8%	5	9,1%	1	1,8%	32	58,2%	9	16,4%	14	25,5%

Table 3: Decisions on Myanmar applications by branch office, Jan 2024 - Aug 2024

Apart from navigating the administrative and legal frameworks of this process, further obstacles during and after the asylum process affect Myanmar asylum seekers.

Subsidiary Protection and the Passport Dilemma

Although the military coup in Myanmar began in 2021 and the situation deteriorated rapidly, it was not until August 2024 that Germany, through the BAMF, officially reassessed the country-context and recognised that an internal armed conflict was affecting the entire country. As a result, it concluded that all asylum applicants from Myanmar are, at a minimum, eligible for subsidiary protection (BAMF, 2024c). Under this status, individuals are entitled to protection as long as the danger in their home country persists (Regulation (EU) 2024/1347, 2024, Article 3). Individuals under subsidiary protection are entitled to a residence permit (*Aufenthaltsgesetz*, 2004, §25). However, in contrast to individuals under refugee protection or those entitled to asylum who receive a travel document (*Blauer Pass*) issued by foreigners’ registration offices (*Ausländerbehörden*), individuals under subsidiary protection do not easily receive a travel document by the *Ausländerbehörden* (Handbook Germany, 2024). Subsidiary protection holders are generally obliged to present themselves at the Myanmar embassy in Berlin to renew their passport, if this is deemed reasonable by the responsible authority (*Aufenthaltsgesetz*, 2004, § 48). This is because for individuals under subsidiary protection, no personal persecution was identified in the asylum process (see table 4). Individuals under subsidiary protection need to attempt to procure a travel document at the embassy if they want to receive a travel document for foreigners. If it is not possible to procure a travel document at the embassy and they can demonstrate that they have made an effort, they can obtain a travel document for foreigners from the *Ausländerbehörde*. Without a travel document, Myanmar refugees protected by subsidiary protection will not be able to travel outside of Germany and will not have the option of receiving an open-ended residence title according to *Aufenthaltsgesetz* § 9 (2004). Similarly, Myanmar refugees protected by a ban on deportation and others outside of the asylum process, have to assist in procuring a travel document. In contrast to subsidiary protection holders, they must attempt to obtain a travel document in order to receive a residence permit (ibid. § 25). Not having a residence permit can have even more serious consequences than not holding a passport, although both significantly affect a person's quality of life in Germany, since holding a residence permit is often linked to access to other services, such as childcare, employment and health care (Deutscher Caritasverband, 2021).

Protection Status	Legal Base	Who can receive it? ¹²	Rights
Refugee Protection	§ 3 AsylG; EU Regulation 2024/1347, Article 3 (5)	There is a threat to the applicant as a person, rooted in their identity (e.g. due to political activism, sexual orientation, public opinions)	Three years of protection, more if threat persists, family reunification possible, access to the labour market
Entitlement to Asylum	Art. 16a GG; §2 AsylG	Same as Refugee status, only applicable if the applicant has not travelled through another EU country before (No Dublin Procedure)	Same as refugee status
Subsidiary Protection	§ 4 AsylG; EU Regulation 2024/1347, Article 3 (6)	There is a threat in the country of origin of the applicant that constitutes a threat to their life (e.g. civil war)	One year of protections, two more years with each extension, in case the threat persists, usually no family reunification, access to the labour market
Ban on Deportation	§ 60 (5) & (7) AufenthG	There are a range of special conditions (e.g. health problems)	One year of protection, more is possible, no family reunification

Table 4: Protection Statuses according to German law

Rather than allowing a smooth renewal, the Myanmar embassy presents a substantial barrier by prolonging the extension process with bureaucratic burdens, demands for funds to be paid, and by checking if Myanmar nationals are involved in anti-junta political activities. In some cases, they do not renew passports at all after making people wait for a long time (GSM, 2024, p. 26). In addition, according to the cases known to the authors, the embassy does not provide confirmation proving that people have tried to renew their passports. Receiving such confirmation is crucial under German law, as foreigners under subsidiary protection are obliged to contribute to the procurement of an identification document to receive a *Reiseausweis für Ausländer*¹³ (Ordinance Governing Residence (*Aufenthaltsverordnung*), 2004, § 5).

Complicating this process further, an amendment to the Union Tax Law in Myanmar, which came into effect in October 2023, imposes additional burdens on Myanmar nationals living abroad, including those in Germany. This amendment mandates that Myanmar nationals working abroad must pay a minimum of 2% tax on their income to the illegitimate military government in the form of the foreign currency in which their earnings are received. This payment can be demanded when Myanmar nationals try to renew their passport (Embassy of the Republic of the Union of Myanmar Berlin, 2024; Ministry of Planning and Finance, 2023). The goal of the military government is likely an attempt to increase foreign currency reserves which are currently weakened through international sanctions (Nyi Nyi Kyaw, 2023). The junta has spent foreign currency worth more than USD 1 billion on weapons and

¹²Please note: This summary provides an overview of key aspects of the laws but does not cover all details and provisions. For a comprehensive understanding refer to the full legal texts.

¹³ The *Reiseausweis für Ausländer* is a document issued by the foreigners' registration office as an alternative to a passport (Auswärtiges Amt, n.d.).

other military equipment since the coup. Another reason could be the punishment of the Myanmar diaspora, known for supporting the resistance against the military (ibid.).

In a similar case involving an Eritrean citizen before the administrative court in Karlsruhe, the claimant argued that they were obliged to send a tax on their income to the Eritrean state when renewing their passport. The claimant, a subsidiary protection holder, argued that it is unreasonable to be required to pay this tax to the very government from which they are supposed to be protected through their protection status in Germany. The administrative court in Karlsruhe ruled in favour of the claimant (Pro Asyl, 2022b). Just as it is unreasonable for Eritrean refugees, it is equally unjust for Myanmar refugees to be required to pay a tax to the very military government they should be protected from. For Myanmar subsidiary protection holders, the issuance of a travel document for foreigners by foreigners' registration offices (*Ausländerbehörden*) cannot be dependent upon proving that they have attempted to renew their Myanmar passport at the embassy first. Instead, Myanmar refugees should be provided with a travel document for foreign nationals (*Reiseausweis für Ausländer*) as per § 5 of the Ordinance Governing Residence (*Aufenthaltsverordnung*).

Countries like Japan and the US have provided other mechanisms in response to the escalating situation in Myanmar. Japan has offered special visas and residence permits accessible for Myanmar nationals (Semans & Tang, 2024). Another example of efforts is Temporary Protection Statuses (TPS) for people from Myanmar accessible in the US. Myanmar was designated for TPS after the military coup, due to conditions that made it unsafe for Myanmar nationals to return (U.S. Citizenship and Immigration Services, 2024).

Long Path to Asylum via the Legal System

Legal action against asylum decisions in Germany was at 30.7% in 2023, meaning 80,245 decisions were appealed (Bundeszentrale für Politische Bildung, 2024). Among these appeals, around 25% resulted in a more positive outcome, with the respective BAMF decision being declared unlawful (Pro Asyl, n.d.). This is a procedural detour that many refugees - from Myanmar and elsewhere - going through the asylum process in Germany have to take in order to obtain the protection status they deserve.

While many asylum applications by people from Myanmar were rejected at first instance by the BAMF (see Figure 2), filing cases at the administrative court based on these decisions frequently overturns BAMF decisions, often granting a higher protection status, according to a lawyer experienced in representing Myanmar claimants in court (C. Wohnig, personal communication, September 2, 2024). In fact, the success rate for Myanmar asylum seekers is likely higher than the 25% seen across all cases with the lawyer achieving favourable outcomes in approximately two-thirds of the cases he represents. However, these positive outcomes from administrative court cases are not included in the official statistics on asylum decisions of the BAMF (BAMF, personal communication, September 18, 2024).¹⁴ For example, the Munich branch office rejected an asylum application from a Myanmar national, arguing that they had not been able to credibly demonstrate their persecution (Bayerisches Verwaltungsgericht München, 2023, p. 4), which was later disproved in court (ibid.) In Myanmar, the asylum seeker openly positioned themselves against discrimination against the Rohingya and thus against the military (ibid., p. 14-15). These cases can easily be justified in court, for example through the high

¹⁴ This is also the case for figures 1 and 2 as well as tables 2 and 3.

numbers of political prisoners in Myanmar since the coup (AAPP, 2024b). Sources like these prove that politically active individuals that have attended protests or expressed their opinion publicly (also in online spaces) are at risk of being detained and having their human rights violated if they were to return to Myanmar.

The asylum process in Germany for individuals from Myanmar is critically important in light of the 2021 military coup, as evidenced by the rising number of applications (see Figure 1). Even prior to that, the Rohingya genocide and other dangers in Myanmar have compelled individuals to seek asylum in Germany. While many asylum seekers have received a positive decision, the rejection rate of 37.42% (from January 2021 to September 2024) remained concerning for a long time (see Figure 2). Fortunately, the rejection rate in 2024 (up to September) has significantly dropped to 24.65% and may continue to decline in the coming months, as the BAMF reassessed the situation in Myanmar, recognising that all individuals from Myanmar may qualify for at least subsidiary protection (BAMF, 2024c). Still, the process involves various legal frameworks and administrative practices that can create obstacles for applicants from Myanmar. Additionally, obstacles related to documentation and passport renewals further complicate the situation of individuals under lower protection statuses. Rulings in the administrative courts provide some hope for improved outcomes. However, the reliance on appeals reveals shortcomings in the decision-making process of the BAMF.

5 Situation of Myanmar Refugees in Germany

Building on the data and challenges outlined in the previous chapter, we conducted interviews with Myanmar refugees in Germany to gain firsthand insights into their personal experiences and specific needs.

Before and after the military coup, most people from Myanmar arrived in Germany on student or work visas and later applied for asylum due to the escalating political and human rights crisis in their country (C. Wohnig, personal communication, September 19, 2024). Most of these asylum seekers entered the country by air and decided to seek protection depending on the evolving situation back home (ibid.). From our interviews, we identified two main categories of Myanmar asylum seekers in Germany. The first group consists of individuals who were already in Germany before the military coup and actively participated in protest movements and fundraising activities for the revolution, both in-person and online. This includes members of the Civil Disobedience Movement (CDM) who were previously employed in government-related offices. Three out of eight interviewees belong to this group. The second group comprises those who arrived in Germany after the coup, often with the support of German non-governmental organisations (NGOs), or privately through visa programs or specific initiatives. Five of the interviewees belong to the latter group.

Myanmar asylum seekers in Germany face a range of structural challenges that complicate navigating the asylum process. Our analysis revealed the following eight insights into the challenges Myanmar asylum seekers face in Germany.

Insight 1: Limited knowledge of Myanmar among BAMF employees affects asylum seekers' chances for asylum

Myanmar's struggle for democracy and the end to ethnic marginalisation continues to receive limited international attention (Deutsche Welle, 2023). In Germany the ongoing conflict in Myanmar is often overshadowed by other global issues, resulting in relatively low public awareness (Holly, 2024). This lack of general knowledge about Myanmar also impacts Myanmar asylum seekers' experiences in Germany.

"I wonder if the German system even recognizes the political risks faced by people like me who fled Myanmar due to the political situation. Will they understand? Will they acknowledge the risks? How do they measure risk? This is something I worry about, even now [...].The fact that they might not understand what's happening in Myanmar is a real challenge for me."¹⁵

Six interviewees indicated that interviewers from the BAMF have a limited understanding of the situation in Myanmar, including the country's human rights issues. This lack of knowledge negatively impacted the outcomes of their asylum process. One interviewee shared his experience, noting that the interviewer was unfamiliar with the conflict in Myanmar and the key actors involved, such as the National Unity Government (NUG), the Karen National Union, and the Civil Disobedience Movement.¹⁶ A second interviewee shared that his interviewer was unaware of the situation faced by the Rohingya

¹⁵ Interview No. 1

¹⁶ Interview No. 5

in Myanmar and asked for identification documents that Rohingya people are not issued by the Myanmar government.¹⁷ A third interviewee remarked that the interviewer seemed to rely solely on public news sources, lacked an understanding of the realities at the grassroots level, and consequently did not believe the interviewee's account.¹⁸ Similarly, another interviewee recounted that the interviewer focused on irrelevant questions about food and locations in Myanmar rather than the critical issues at hand.¹⁹ Summarising the rejection letters of several interviewees, it was clear that the interviewers did not fully grasp the dangers faced by individuals in Myanmar. They seemed to doubt the credibility of claims regarding interviewees' involvement in the democratic revolution, believing that if the interviewees were truly part of the resistance, they would not have been able to pass through junta border controls.²⁰

Additionally, one interviewee sought assistance from several NGOs in Germany that support asylum seekers. However, she observed that these organisations lacked awareness of the conflict in Myanmar following the military coup. With little to no experience working with Myanmar, they primarily focused on countries like Syria, Iran and other countries experiencing conflict and war. As a result, they declined to help her, citing their priority to support individuals facing "greater risks".²¹ This lack of expertise among NGOs regarding Myanmar's situation poses significant challenges for Myanmar asylum seekers.

Insight 2: Language barriers and poor translation significantly impact asylum seekers' experiences

A major challenge for all interviewees was their limited German language skills, both while living in reception facilities and during the asylum interview process. The interviewees who arrived after the military coup had no long-standing plans to come to Germany and therefore had no opportunity to learn the language, though some had English language skills. The language barrier made it difficult for them to communicate with officials from the BAMF. One interviewee, who arrived during the COVID-19 pandemic when language schools were closed, faced significant challenges in communicating with BAMF to inquire about his asylum process and rights. He also struggled to read letters and notices on the notice board²², as they were in German or other languages like Arabic and Spanish, leaving him and a second interviewee unaware of important information.²³ Even those who could speak English encountered communication difficulties, as German officials often preferred to speak in their native language. Three interviewees noted that BAMF staff did not use English, even though they were capable of doing so.²⁴ Only one interviewee successfully received documents, including German legal documents and official communication, in Burmese.²⁵

"It is a challenge that they do not have Rohingya interpreter, some people wait a long time because of that, because they do not know any other languages."²⁶

¹⁷ Interview No. 6

¹⁸ Interview No. 4

¹⁹ Interview No. 3

²⁰ Rejection letter and interview No. 4, 5 and 7

²¹ *ibid.*

²² Interview No. 4

²³ Interview No. 5

²⁴ Interview No. 4, 5 and 7

²⁵ Interview No. 7

²⁶ Interview No. 6

Language barriers have a significant impact not only on daily life in the reception facilities but also on the asylum interview process and its outcomes. It is important to note that, by law, an interpreter, translator or other language mediator has to be present at the personal interview, in order for the applicant to communicate their story (*Asylgesetz*, 1992, § 17; Regulation (EU) 2024/1348, 2024, Article 8). Six interviewees reported issues with translation during their interviews. One Rohingya interviewee noted the absence of a Rohingya interpreter²⁷, while another interviewee, despite being registered as a Myanmar national, was assigned a Vietnamese translator.²⁸ Three interviewees pointed out that the translators struggled to accurately convey their responses.²⁹ In one case, a German companion who accompanied the asylum seeker had to repeatedly correct the translator, as he was familiar with the asylum seeker's situation.³⁰ As a result, some asylum seekers who could speak English opted to answer the interview questions directly in English to avoid misunderstandings. Another interviewee mentioned that improper translation likely contributed to their initial rejection, highlighting the serious impact of translation issues on the outcome of the interviews.³¹

Insight 3: Trauma and distress severely impact mental and physical health of interviewees

Following the military coup in Myanmar, an online survey found that 61% of respondents across various demographic groups reported symptoms indicative of both anxiety and depression (Saw et al., 2023). These findings suggest a significant mental health burden among the population, even though these conditions may not have been officially diagnosed. Myanmar people have struggled with mental health problems since the coup and they still feel trauma even when they are living in a physically safe place (Kyawt, L., 2021). The experiences of the interviewees support these studies.

Several interviewees had already experienced significant trauma before arriving in Germany, and encountered further distress in the reception facilities. One interviewee shared that his wife and children were deeply traumatised when the military arrested him in Myanmar.³² During the asylum process, one respondent reported being physically assaulted³³, while three others experienced emotional abuse.³⁴ A Rohingya interviewee, who had endured systemic discrimination, racial violence, and trauma since his childhood in Myanmar, was violently attacked by his roommate in the reception facility. While standing on the balcony, his roommate, who struggled with mental health issues and substance use, severely injured him by slashing his neck with a knife. Despite recovering physically, he was sent back to the same reception facility, which triggered immense fear, leaving him unable to eat due to emotional distress.³⁵ Another interviewee described the emotional toll caused by the language barrier and isolation, as he was placed with individuals from other nationalities and felt increasingly isolated. Later, he was relocated to a remote area, where he lived alone in a solitary house, intensifying his sense of despair and making it too painful for him to reflect on that time.³⁶ Moreover, two interviewees reported experiencing depression while in the reception facility, as they had previously held jobs in Myanmar but were now dependent on German government support for their livelihood.

²⁷ Interview No. 6

²⁸ Interview No. 1 and 6

²⁹ Interview No. 3, 5 and 7

³⁰ Interview No. 3

³¹ Interview No. 5

³² Interview No. 2

³³ Interview No. 6

³⁴ Interview No. 1, 5 (woman), 6 and 7

³⁵ Interview No. 6

³⁶ Interview No. 4

This situation made them feel a loss of dignity and status.³⁷ Additionally, three interviewees reported experiencing racism in public, which took a mental toll on them. One interviewee, a woman, shared that while speaking with a Myanmar friend on a bus, a man told her not to speak another language in Germany.³⁸ Two other interviewees observed that some members of the older generation appeared to dislike foreigners, which was evident in their facial expressions.³⁹ One of these interviewees also recalled an incident on a train where a woman directed slanderous remarks toward him.⁴⁰

³⁷ Interview No. 5

³⁸ *ibid.*

³⁹ Interview No. 4 and 7

⁴⁰ Interview No. 7

My wife and children
were traumatised by the constant
searches, the interrogations and
having guns pointed ~~then~~ at them during
the arrests. It became evident that
continuing to live in Myanmar would
only cause more fear and distresses.

Insight 4: Female asylum seekers face public harassment but hesitate to confront it

Female asylum seekers are particularly vulnerable and face a higher risk of sexual harassment, physical violence, abduction, rape, and other forms of violence in unfamiliar environments (Johnsson, 1989, p. 225). Although the female asylum seekers interviewed did not report incidents of sexual harassment within the reception facilities, they did encounter such experiences in public spaces. Two interviewees described instances of sexual harassment: One interviewee felt uncomfortable when a man stared at her for several minutes while she was in the park, and a second interviewee was subjected to racist remarks by a man on a public bus.⁴¹ The women felt unable to defend themselves due to their vulnerability as asylum seekers without secure legal status. As a result, they were hesitant to confront these situations for fear of limiting the chances of getting a protection status.

Insight 5: Limited rights awareness can leave asylum seekers vulnerable to discrimination

Since Myanmar's independence from British colonial rule in 1948, Myanmar people have lived under authoritarian rule for close to 70 years, with only around 10 years of limited democratic governance, leaving many unaware of and hesitant to assert their rights. Interviewees shared that, in the reception facilities, they often did not know their rights or feel empowered to claim them.⁴² Some respondents reported experiencing discrimination and rights violations during the process.⁴³ Based on their experiences, navigating the asylum process with the support of a lawyer or a German companion was much smoother and more effective.

Insight 6: Discomfort in LGBTQIA+ asylum interviews hinders full disclosure

Due to fear and reservation, asylum seekers are not always able to explain their sexuality credibly. Stereotypical prejudices about how people with a certain sexual orientation should behave influence the decision of the BAMF (LSVD⁺ – Verband Queere Vielfalt, n.d.). This leads to many wrong decisions, which are later disproved in court (Pro Asyl, 2022a). This issue was similarly reflected in our interviews. The LGBTQIA+ asylum seeker we spoke to chose not to apply for asylum based on his sexual identity because certain interview questions made him uncomfortable.⁴⁴ Although he was primarily seeking asylum due to his political involvement, his discomfort with the interview questions may have hindered his ability to fully assert his rights and present a comprehensive case. This reluctance to engage openly can lead to misunderstandings and potentially affect the outcome of the asylum decision. The lack of safety that LGBTQIA+ individuals from Myanmar and other countries feel during the asylum process is a serious concern that needs to be addressed.

Insight 7: Military-controlled passport restrictions force Myanmar nationals to seek asylum

Since the military coup, Myanmar nationals living abroad face difficulties renewing their passports. At least three Myanmar nationals with permanent residency in Singapore had their Myanmar passports revoked without prior notice, only discovering the cancellation when attempting to depart from Singapore's airport (Aung, S., 2023). On October 12, 2024, the Myanmar embassy in Bangkok announced that it would no longer extend 'Passports for Education' for short-term program students (Radio Free Asia Burmese, 2024). Myanmar nationals in Singapore, Malaysia, South Korea, and Thailand are also facing significant delays in renewing their passports (Voice of America, 2023). The

⁴¹ Interview No. 1 and 5

⁴² Interview No. 4 and 7

⁴³ Interview No. 1 and 7

⁴⁴ Interview No. 3

same holds true for Myanmar citizens in Germany. Especially those who are politically active have sometimes been unable to renew their passports, as the junta-controlled Myanmar embassy in Berlin has refused to fulfil its obligations (GSM, 2024, p. 26).

“However, the situation with my passport was complicated. The Myanmar embassy in Berlin said they couldn't handle the cases of my passport. They claimed they didn't have the authority to decide. They advised me that I should renew my passport in Naypyidaw, Myanmar, as they couldn't extend it. They did not provide a reason for the denying. They didn't respond to my emails. When I called to ask why my emails weren't answered, I got no response. Two days before the visa expired, I called them, and they told me they couldn't renew the passport.”⁴⁵

Two interviewees decided to apply for asylum due to issues with their passports. One interviewee, a photojournalist, visited the Myanmar embassy in Berlin to extend her passport but was told she needed to travel to Naypyitaw in Myanmar because of her “complicated status”. As she had supported the revolution through her work in Berlin, returning to Myanmar was not an option, leaving her no choice but to seek asylum in Germany.⁴⁶ The second interviewee, a student involved in the CDM, had been arrested in Myanmar for participating in protests. After coming to Germany on a program, he joined protests in front of the Myanmar embassy. With his passport nearing expiration, he feared returning to the embassy for renewal, leading him to apply for asylum as well.⁴⁷

Insight 8: Skilled Myanmar asylum seekers struggle to secure jobs due to certification issues

Since the military coup, many young people have fled Myanmar to other countries by any means possible. Those coming to Germany, however, face distinct hurdles compared to those going to Thailand or India, as they have to obtain a European visa, and illegal entry is not an option. Most of the people arriving in Germany are students and educated professionals, bringing valuable skills such as engineering, mechanics, research, and IT. Yet, two interviewees with engineering degrees and a Certificate of Competency as a sailor officer issued by the Myanmar Ministry of Transport have been unable to find work in their fields. Instead, they are employed at a sushi shop because their qualifications are not recognized by the German government or employers.⁴⁸ Furthermore, they faced additional challenges during the asylum process, as employers were often unwilling to accept their temporary residence permits (*Aufenthaltsgestattung zur Durchführung des Asylverfahrens*). Under this permit, they must apply to the authorities for a work permit, submitting documents prepared by the employer, and then wait over a month for authorization. As a result, they lost job opportunities, even after passing interviews and meeting language requirements.⁴⁹ The German government has recognised this issue and recently committed to easing work restrictions for refugees (Pro Asyl, 2024).

⁴⁵ Interview No. 1

⁴⁶ Interview No. 1

⁴⁷ Interview No. 3

⁴⁸ Interview No. 5

⁴⁹ *ibid.*

6 Resettlement to Germany

The UNHCR Resettlement program is in theory another possible path for Myanmar refugees to come to Germany. It is directed at people in need of special protection who have already fled to a country of first refuge and are then resettled to a third country for their safety and a better future (Amnesty International Deutschland, 2024b; UNHCR, 2024a). According to UNHCR data, 1,341,224 Myanmar refugees and asylum seekers are currently located in a neighbouring country, more specifically 994,124 in Bangladesh (of which all are Rohingya), 169,200 in Malaysia, 93,800 in India, 81,200 in Thailand, and 2,900 in Indonesia (UNHCR, 2024b).

Since the military coup, no refugee who fled from Myanmar to a country of first refuge has been resettled to Germany under this program. At the time of writing, six refugees from Myanmar currently located in India have been suggested for resettlement to Germany by the UNHCR in 2024 (UNHCR, 2024c). However, this suggestion does not guarantee that they will be resettled to Germany.

The program involves many stakeholders, including among others UNHCR, BMI, BAMF, German embassies, the International Organisation for Migration and local communities (Deutscher Caritasverband, n.d.). EU member states pledge quotas for the resettlement program at EU level (European Commission, 2023). In Germany, the number of people and countries of first refuge that are included in these pledges are decided upon by the BMI in consultation with the federal states in the form of the Conference of Interior Ministers (*Ständige Konferenz der Innenminister und -senatoren der Länder*) (Deutscher Caritasverband, n.d.). The capacity of communities to take in people, as well as numbers of refugees that are expected via the asylum path are considered (Deutscher Caritasverband, personal communication, September 5, 2024). In the end, however, the BMI makes the final decision and does not require the consent of the federal states (Management of the Secretariat for the Chairmanship of the 2024 Conference of Interior Ministers, personal communication, September 25, 2024).

For 2024 and 2025, Germany has pledged 13,100 spots for resettlement and humanitarian admission to the European Commission (6,540 for 2024 and 6,560 for 2025) (BMI, 2024a, p. 1) followed by 6,000 spots pledged by France and 2,400 spots pledged by Spain in the same period (European Commission, 2023). Since 2023, for Germany there is an annual figure of up to 50 unallocated spots, reserved for people independent of the country of first refuge. In 2023, all 50 refugees under this quota were successfully resettled to Germany (BMI, personal communication, September 13, 2024). Theoretically, people who have already left Myanmar and are now located in a country of first refuge, could be resettled under this quota (BMI, 2024b, p. 2-3).

Unlike Germany, other countries have accepted Myanmar refugees under the UNHCR program. The United States is a forerunner when it comes to resettling refugees from Myanmar. Since 2021, 13,383 Myanmar refugees who had forcibly migrated to a country of first refuge have been resettled to the US (UNHCR, 2024c). Canada, in second place, has taken in 1,243 refugees from Myanmar since 2021 through the UNHCR resettlement program, followed by New Zealand with 647, and Australia with 490. Within Asia, Myanmar refugees have been resettled to Japan (101) and South Korea (79) (ibid.). Since 2021, Norway has resettled the largest number of refugees from Myanmar in Europe (147), while within the EU, France has resettled the most (46) (see Figure 4). The total number of Myanmar refugees successfully resettled to Europe since 2021 is 258.

UNHCR Resettlement of Myanmar Individuals to Europe since 2021

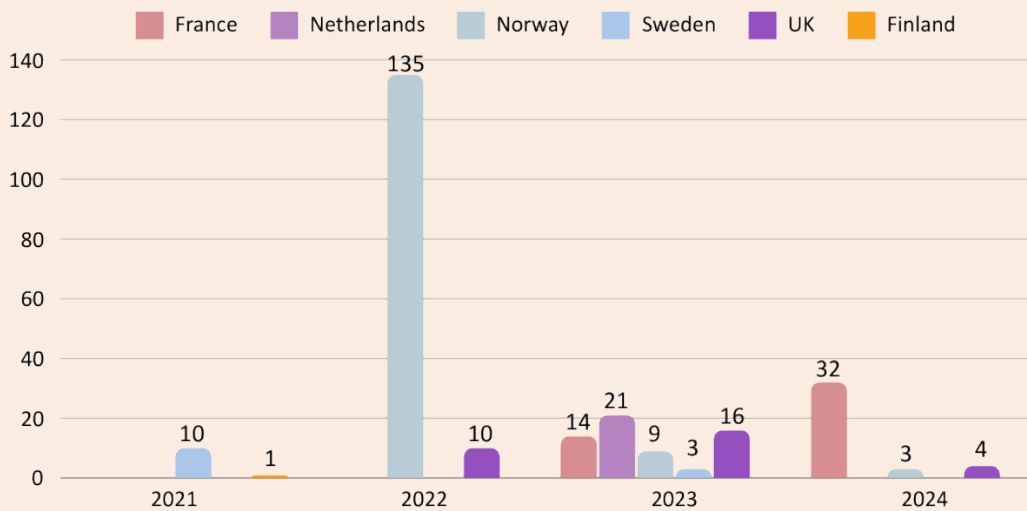


Figure 4: Myanmar individuals: UNHCR Resettlement to Europe since 2021 (as of 29 Sep 2024)

In Germany, the BAMF is responsible for the admission process and examining resettlement cases submitted by the UNHCR (Deutscher Caritasverband, n.d.). Apart from UNHCR selecting refugees for resettlement through their criteria, there are also specific criteria by the German government (see table 5). For the UNHCR at least two categories should be fulfilled for a submission.

UNHCR Resettlement categories (UNHCR, 2024d)	Germany: Resettlement criteria (BMI, 2024, 3)
Legal and/ or physical protection needs	Degree of special protection needs
Women and girls at risk	Family or other ties to Germany that promote integration
Children and adolescents at risk	Ability to integrate (e.g. language skills, educational background)
Survivors of violence and/or torture	Preserving the unity of the family
Medical needs	
Restoring family unit	
Lack of foreseeable alternative durable solutions	

Table 5: Categories by UNHCR and criteria by the BMI for the UNHCR Resettlement program

The resettlement program is quite limited. It accommodates only a fraction of the people worldwide that are in need of durable solutions. As of October 2023, the UNHCR Resettlement program has only covered one percent of refugees in need worldwide. That is why the program should be expanded in Europe and in Germany (Amnesty International Deutschland, 2024c). In some cases, it may be advisable to explore other pathways to Germany before considering resettlement. Resettlement can raise hopes that may take a long time to be fulfilled, or in certain instances, may never be fully realised due to the large gap between the number of people in need and the limited spots available. It is regrettable that, despite Germany's prominent role in the resettlement program at the European level, no Myanmar refugees have been resettled to Germany since the coup.

7 Additional Pathways to Germany

The number of Myanmar refugees coming to Germany remains modest compared to other countries like the US, Canada, Norway or France. As shown in chapter 6, these countries have shown a greater commitment to Myanmar refugees by, for example, providing more opportunities through the UNHCR resettlement process, as well as specialised programs such as student and art scholarships in France, reflecting their proactive approach in offering protection and support.

In Germany, there are several other pathways beyond those discussed in this paper, such as federal humanitarian admission programs and state-specific programs (Länderprogramme) under § 23 of the *Aufenthaltsgesetz* (2004), the “Neustart im Team” (NesT) community sponsorship program, and § 22 of the *Aufenthaltsgesetz* (2004), which provides for admission on humanitarian grounds. These avenues offer additional options for Myanmar refugees to find protection and integrate into German society.

German federal states have implemented two types of humanitarian admission programs under § 23 of the *Aufenthaltsgesetz* (2004) so far. One type focuses on family reunification, allowing refugees, primarily from Syria, Iraq, and Afghanistan, to legally join relatives in Germany. The second type, in cooperation with the UNHCR, helps resettle refugees from first refuge countries like Egypt, Lebanon, or Jordan (BMI, n.d.). A similar type of program could potentially be extended to Myanmar refugees, although such a program would need to be formally established first.

Another option for vulnerable refugees seeking protection in Germany is the NesT program, a community sponsorship initiative where NGOs, businesses, communities, and individuals provide financial and social support. This concept has been established in countries like Canada for many years. In Germany, the NesT program was launched in 2019 to promote community sponsorship domestically. By the end of 2022, a relatively small number of 139 refugees had come to Germany under the NesT programme (BAMF, 2023b). For 2023, the resettlement of 200 refugees through NesT was planned (ibid.). NesT is supported by a broad alliance of governmental and civil society actors, including BMI, BAMF, welfare associations, and churches (Neustart im Team, n.d.). The UNHCR identifies refugees for resettlement, meaning sponsors cannot choose the refugees' country of origin (ibid.).

Under § 22 of the *Aufenthaltsgesetz* (2004), residence permits can be granted in exceptional cases. It focuses on individuals of considerable political significance, particularly those involved in human rights or opposition movements who face serious threats that can be avoided by relocating to Germany (ibid.), representing a viable option for Myanmar activists.

Expanding the scope of existing programs and creating more opportunities for Myanmar refugees will provide critical support to those seeking safety and protection, while also demonstrating Germany's commitment to aiding Myanmar's ongoing struggle for democracy amidst a severe humanitarian crisis.

8 Political Demands and Recommendations

The paper has highlighted the numerous challenges faced by Myanmar refugees in Germany, stemming from limited awareness and focus, systemic barriers and the complex asylum process. The political demands and recommendations presented in this chapter are derived from our interviewees' experiences, distinguishing between demands, based on fundamental rights and legal obligations, and recommendations, which propose strategic improvements to enhance Myanmar refugees' support and integration in Germany.

Demand 1: Germany and every government of the European Union must make a clear commitment to the individual right to asylum: People in Myanmar face severe human rights violations and denying them fair asylum procedures and necessary protection options would undermine the very foundation of human dignity and freedom (see chapter 3). Upholding the right to asylum is not only a moral imperative but also a testament to the EU's commitment to human rights and international law. Germany must stand up for solidarity in the reception of all asylum seekers in the EU. A commitment to the right to asylum is a commitment to inalienable human rights (Amnesty International Deutschland, 2024a).

Demand 2: The Asylum Seekers' Benefits Act (*Asylbewerberleistungsgesetz*) must be abolished: Asylum seekers as well as rejected asylum seekers only receive benefits in accordance with the Asylum Seekers' Benefits Act (1993). This amounts to less than *Bürgergeld* [own translation: citizen's income], which according to German law is intended to ensure a minimum subsistence level in keeping with human dignity. Human dignity applies to all and does not recognise double standards. In line with the call of many human rights organisations, charities and lawyers' associations the *Asylbewerberleistungsgesetz* has to be abolished and those affected must be included in the regular German social benefits system (Pro Asyl 2023a).

Demand 3: The BAMF branches (*Außenstellen*) must be better informed about the situation in Myanmar: The BAMF branch offices must abide by § 24 of the Administrative Procedures Act (*Verwaltungsverfahrensgesetz*), which spells out the duty of authorities to investigate the facts of a case. In the asylum process this means ensuring that decision-makers are thoroughly informed about the current situation in Myanmar. This appears to be an issue with regards to Myanmar asylum seekers, who have reported concerns about uninformed questioning and a limited understanding of the situation in Myanmar during their asylum interviews (see chapter 5). Decision-makers have to take into account the BAMF's reassessment of conditions in Myanmar from August 2024, which acknowledges internal armed conflict in all parts of Myanmar and therefore entitles all Myanmar asylum seekers to subsidiary protection at the least (BAMF, 2024c). When determining the protection status, decision-makers must carefully consider the dangers that applicants from Myanmar may face upon returning to their country of origin (see chapter 3.1). The frequent positive outcomes in administrative court cases that overturn negative BAMF decisions - such as rejections or the assignment of lower protection statuses like subsidiary protection - highlight the need for BAMF branches to approach Myanmar cases with greater care, awareness, and understanding.

Demand 4: German asylum process documents must be officially translated into Burmese and Rohingya languages:

The BAMF must ensure that documents explaining the asylum process and rights of applicants are available in Burmese and Rohingya languages to avoid misunderstandings and counter uncertainties of applicants. This must include, among others, the brochure on “The stages of the German asylum procedure” (BAMF, 2019), as well as the “Information on the asylum procedure: Your rights and obligations” (BAMF, 2021a), which are already available in various languages, but not in Burmese or Rohingya languages. The impending implementation of the CEAS reform (see chapter 3) necessitates the update of informational documents, presenting an opportunity to add both Burmese and Rohingya language translations.

Demand 5: The BAMF must hire qualified Burmese and Rohingya language interpreters for the asylum interview processes and in the arrival centres:

The BAMF must provide qualified Burmese and Rohingya language interpreters in the asylum interview and in the arrival centres, in order to prevent information being misunderstood that could have serious impacts on the asylum process and the wellbeing of asylum seekers (see chapter 5). Furthermore, the BAMF must ensure that interpreters are not provided in languages unfamiliar to Myanmar asylum seekers, such as Vietnamese (ibid.). This is disrespectful and can lead to miscommunication with potentially serious consequences for the asylum applicant.

Demand 6: The German government must provide additional services to address the mental health and trauma-related needs of Myanmar refugees:

Like many other asylum seekers, many Myanmar asylum seekers face a decline in mental health. Since the coup many refugees from Myanmar have reported experiencing significant mental health challenges and trauma, a situation exacerbated for the Rohingya community who have endured severe persecution as well as genocide, and show a comparatively high rate of trauma exposure and depression (Davis et al., 2023, p. 27). According to the *Asylbewerberleistungsgesetz § 4* (1993), asylum seekers and rejected asylum seekers are entitled to basic mental health support limited to treatments for acute conditions, but this falls significantly short of addressing long-term trauma, psychological disorders, and broader mental health needs⁵⁰ (Classen, 2022, p. 206). Myanmar people affected by illness, trauma, disability or the need for care, as well as pregnant women, single parents, elderly people and refugee children must be entitled to all additional services required for their particular situation, in accordance with their rights under the EU Reception Conditions Directive (2013/33/EU)⁵¹ (Pro Asyl, 2023a). One preliminary solution to improve Myanmar refugees’ mental health could be to allocate Myanmar people close to each other in the same reception facility so they can support each other as a community.

⁵⁰ In addition, § 6 *Asylbewerberleistungsgesetz* is an optional provision for essential needs in individual cases and an exceptional provision for atypical needs, but a regular increase in the amounts specified in the law for normal cases to cover standard needs is not permitted according to the system and purpose of the law (Classen, 2022, p. 206).

⁵¹ Directive 2013/33/EU will be repealed by Directive (EU) 2024/1346 as of June 12, 2026.

Recommendation 1: The BMI, in consultation with the Conference of Interior Ministers, should increase the unallocated quota for the UNHCR Resettlement program and prioritise Myanmar refugees under this quota:

Given the growing global demand for resettlement, it is essential to expand the unallocated quota for the UNHCR Resettlement program (Amnesty International Deutschland, 2024c). Under this quota, the BMI should prioritise urgent and emergency cases of individuals from Myanmar residing in neighbouring countries, many of whom face precarious and uncertain futures. By increasing the unallocated quota, Germany can better address pressing humanitarian needs and provide critical support to vulnerable populations, such as the Rohingya refugee community in Bangladesh, which has now surpassed one million people (UNHCR Regional Bureau for Asia and Pacific, 2023). The European Union also has a responsibility to help alleviate the burden on first-refuge countries, as 70 percent of refugees worldwide remain within their region of origin (Amnesty International Deutschland, 2024a). As part of the Multistakeholder Pledge on Resettlement, the German government should continue to develop policies that ensure needs-based access to resettlement, including accepting refugees with diverse profiles from a wider range of populations and locations (Global Compact on Refugees, n.d.). We join in calling for the resettlement numbers pledged at the EU level every two years to not decrease and for unallocated spots to remain available in response to ongoing and emerging global crises (International Rescue Committee, n.d.), including the crisis in Myanmar. While additional pathways such as community sponsorship and state-specific programs (Länderprogramme) exist (see chapter 7), resettlement is the most immediate path available for offering protection to Myanmar refugees who are currently not able to reach Germany.

Recommendation 2: The BMI should issue a recommendation to the relevant migration authorities of the federal states, explaining the unreasonable hardships in securing a passport at the Myanmar embassy:

The BMI should send a recommendation letter to the federal states recognising the unreasonable hardships Myanmar people face when trying to renew their passport at the Myanmar embassy in Berlin. This letter should act as a recommendation for foreigners' registration offices (*Ausländerbehörden*) to issue "travel documents for foreign nationals or stateless persons" to Myanmar people and Rohingya with a residence permit by default. This way, refugees avoid the risks associated with renewing their passports at the Myanmar embassy, such as having to pay taxes on their earnings to the military government. This is the same government that they are supposed to be protected from under subsidiary protection because it causes serious harm, including human rights violations, to the civilian population in Myanmar (see chapter 3.1).

An administrative court has already ruled in favour of a similar case concerning an Eritrean individual under subsidiary protection (see chapter 4). In addition, Germany should follow the examples set by countries like Japan and the US, which have implemented quicker and more straightforward processes to ensure that people from Myanmar can stay without the risk of forced return to Myanmar (ibid.).

Recommendation 3: The German Foreign Office should hold the Myanmar embassy accountable for obstructing the renewal and issuance of passports to Myanmar citizens, particularly those facing political persecution:

The Foreign Office should formally summon the chargé d'affaires to demand compliance with international diplomatic duties and ensure that all Myanmar citizens residing in Germany can access their basic consular services without discrimination or undue delay. This is crucial to safeguarding the legal status and rights of Myanmar refugees and activists in Germany, who are at risk of becoming undocumented due to the junta's deliberate obstruction of passport services. Additionally, the German government should work towards cutting administrative ties with illegitimate Myanmar authorities under the military government, such as the Myanmar embassy in Berlin, and increase cooperation with the NUG and the Committee Representing Pyidaungsu Hluttaw (GSM 2024, p. 28). Among other states, the NUG already has representative offices in the United Kingdom, Czechia and France (Ko Hirano, 2022). While the NUG has yet to establish a representative office in Germany, these examples should be followed to pave the way for legitimate administrative agreements between Germany and Myanmar in general.

Recommendation 4: The Central Office for Foreign Education should make it easier for Myanmar nationals and stateless persons to have their certifications recognised, and the German government should lower bureaucratic barriers to better integrate them and their skills into the German labour market:

The Central Office for Foreign Education (*Zentralstelle für ausländisches Bildungswesen*) should make it easier for people from Myanmar to recognise their degrees and certifications. Additionally, the German government should find solutions regarding the efficient utilisation of refugees' qualifications and skills in the labour market. The German bureaucratic system often results in a disconnect between the available job opportunities for individuals and their actual qualifications. This mismatch means that refugees frequently end up in positions that do not reflect their professional skills (Pro Asyl, 2023b) and therefore do not maximise their potential to contribute to the German economy. An engineer should not have to work as a sushi chef (see chapter 3) unless they desire to do so.

Addressing these issues is essential to ensure that Myanmar refugees receive the support and protection they need, in alignment with Germany's commitment to human rights. These demands and recommendations aim to create a fairer and more effective system that respects the dignity and rights of all refugees.

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