

Position Paper

# Making it easier for persons with disabilities to obtain a permanent settlement permit and citizenship



## NOW! Not without the We

### About us

„NOW! Not without the We“ is the self-advocacy organisation of refugees with disabilities. We are refugees ourselves and we have a disability. Since our arrival in Germany we have been facing barriers. But in our group we find solidarity and understanding. We mutually strengthen each other and work together for an inclusive society.

We ensure that refugees with disabilities and their families can live better lives in Germany.

**Refugees with disabilities and their relatives are often confronted with enormous problems when they try to obtain a permanent settlement permit (Niederlassungserlaubnis) or German citizenship. The reason for that is that the current legal situation does not really reflect the everyday reality of people with disabilities and their relatives. The barriers to access to the first labour market as well as the great efforts of nursing relatives with regard to securing their living and language learning are not sufficiently taken into account. Exceptions for persons with disabilities and their relatives reflect this reality only to a very small extent.**

### Reasons:

Some essential prerequisites have to be fulfilled to obtain a permanent settlement permit (Niederlassungserlaubnis) or to be naturalised. Mainly, these are the ability to provide for one's own living over several years and the proof of sufficient German language skills.

**For refugees with disabilities** it is difficult to find a job in the first labour market and thus to guarantee that they can fully secure their living. Many people with disabilities work in sheltered workshops. The work they do there is not recognized as securing their subsistence when they apply for German citizenship or a permanent settlement permit.

**Nursing relatives** do not have the capacity to work full-time, so that they often cannot provide for their own living either. Nursing a relative is often very demanding and requires a lot of time and energy.

Many refugees with disabilities meet with great barriers when they want to **learn German**. German courses often do not provide enough accessibility. Many schools for the blind are not sufficiently suitable for immigrants. There are not enough integration courses for blind people. Nursing relatives often lack the time to attend a German course.

**The current laws** about naturalisation (Section 10 StAG – Nationality Act) and the permanent settlement permit (Section 9 AufenthG – Act on Residence) do not sufficiently take into account the special situation of refugees with disabilities. The existing exceptions fall short:

With regard to securing one's subsistence it is stipulated in the case of naturalisation that *"recourse to benefits in accordance with Book Two or Book Twelve of the Social Code" is acceptable## "if recourse to such benefits is due to conditions beyond their [the applicant's] control"*. (Section 10, para. 1, sentence 1 and 3 StAG [Nationality Act]). Exceptions have also been defined for persons with disabilities with regard to German language skills: The requirements of sufficient command of the German language *"are waived if the foreigner is unable to fulfil them on account of a physical or mental illness or disability."* (Section 10, para. 6 StAG – Nationality Act). The challenging situation of nursing relatives is not mentioned at all in the Nationality Act. In the regulations on the permanent settlement permit (Niederlassungserlaubnis) exceptions are only mentioned with regard to the contribution to the statutory pension insurance: *"...; time off for the purposes of child care or nursing at home are to be duly taken into account"* (Section 9, para. 2, AufenthG [Act on Residence]).

Unfortunately, the exceptions described above often do not work in practice. The immigration authorities often decide upon the basis of the health status of applicants and their theoretical ability to work. They overlook the barriers to access to the labour market.

## Consequences:

Thus, the daily lives of refugees with disabilities and their relatives are characterised by continuous uncertainty and relations of dependence with regard to their right of residence. The fear of old age poverty is also very realistic. Although many people have worked all their lives in their home countries, they are not entitled to a pension in Germany.

## What has to change?

With regard to the issues of permanent settlement permits and naturalisation we would like to see a clear commitment to the existence of refugees with disabilities and the recognition of the often very challenging work of nursing relatives.

1. Nursing relatives must be exempted from the requirements of providing for their own living and sufficient command of German. Nursing should be appreciated as important work.
2. People with disabilities should be exempted from the requirement of providing for their own living when applying for naturalisation or a permanent settlement permit.

When deciding whether exceptions with regard to a disability are to be applied, the actual barriers to access to the labour market should be taken into account and not only the health status of the applicant.

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