



Bundesministerium
des Innern



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Dear Mr. Nowicki,

thank you very much for your letter of 30 August 2005 to the Federal Minister of the Interior, Mr. Otto Schily, who asked me to answer your questions.

As regards fundamental aspects of the issues raised by you, I should like to offer the following comments:

Germany's aliens law complies with the provisions under international law and the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and, in addition, ensures that a person will not be deported if he or she would be exposed to a serious and concrete threat to life, limb or freedom in the country of destination. Thus, medical treatment first taken up in Germany does not *per se* create the right to a residence title and to deferment of deportation; in special cases, however, decisions on residence permits may take account of such treatment. Moreover, every decision on ending a foreigner's stay in the country can be controlled by administrative courts. The same applies to decisions on the need for medical care to be provided in Germany. In this respect, I firmly reject the validity of your "serious questions" regarding the compatibility of Germany's return procedures with human-rights standards.

Any decisions made by German public authorities on ending residence are based, inter alia, on information obtained by the Federal Foreign Office with regard to the current situation in the



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prospective returnee's country of origin, and such information is included in the so-called situation reports prepared by the Foreign Office.

As regards your doubts about the findings reported by the German liaison office in respect of the medical care situation in Kosovo, it is pointed out that, according to information available to the Foreign Office, these findings were in part obtained from UNMIK, UNHCR and non-governmental organizations operating in Kosovo. Also, when preparing its situation report on Kosovo, the Foreign Office takes particular account of reports provided by the United Nations, other international organizations operating in Kosovo, e.g. Amnesty International, as well as findings obtained by local human-rights groups and non-governmental organizations.

Moreover, the individual review procedure applied by UNMIK prior to every instance of returning a person belonging to a minority ensures that special account is taken, once again, of the situation in Kosovo. In this context, UNMIK looks into security aspects as well as other issues, including the possibility of providing medical treatment on a case-by-case basis.

Sincerely yours,