

INFORMATIONS ABOUT YOUR RIGHTS IN EXPULSION- OR PREPARATORY-CUSTODY (Ausschaffungs- & Vorbereitungshaft)

With these informations “augenaufl Basel” would like to inform you about your rights and to give you Addresses where you can get help. “augenaufl Basel” is a independent, non-government organisation.

Your rights in expulsion-custody

By means of expulsion-custody the swiss authorities try to stop you from disappearing. They want to make sure, that they’ll be able to expell you to your country of origin. So you are not in custody for having comitted a criminal offence.

Duration of custody

Expulsion-custody is limited to nine months. It consists preparatory-custody and the actual expulsion-custody. If you cannot leave Switzerland for whatever reasons in these nine months, you have to be let free.

Preparatory-custody will be ordered so as to be able to carry through the expulsion-proceedings (Wegweisungsverfahren). It may not last longer than three months. You will be taken into expulsion-custody when the decision to expell you has already been made. It can be extended to a maximum of six months. Inbetween there will be a number of appointments with the custody-judge (Hafttrichter), so called custody-reviewal appointments (Haftüberprüfungstermine). In these it’ll be examined, wheather you have to remain in expulsion-custody or if you should be let free.

Review of custody

At the latest 96 hours after your arrest, a judge has to check that your imprisonment is legal. For this, there will be a court-hearing. You will attend this hearing, a representative of the foreigners-police (Fremdenpolizei) will also be present. For this hearing you can demand support from a lawyer. Usually you will have to take over the costs.

Appealing against the decision of the judge

You can make a founded, written appeal against the judge’s ruling within 30 days. The Address to send it to is: Schweizerisches Bundesgericht, 1000 Lausanne 14.

One month after the review of your custody by the judge, you can demand to be set free again, the Address for this is: Apellationsgericht Basel-Stadt, Bäumleigasse 1, 4051 Basel. After three months there will automatically be a review concerning the continuation of custody. In this hearing you have the right to a legal representation (i.e. a lawyer).

You can make further applications for the termination of you custody after the fifth and the seventh month.

Legal representation

You have the right to be represented by a lawyer or another person. For this you have to tell the authorities by whom (name & Address) you’d like to be represented. You may have to take over the costs.

Your rights in prison

As a rule you may not be isolated from the other prisoners. This means that you must have access to and can spend time in common-rooms.

Visitors: Normally visitors need no special permission.

Exercise: You have the right to a minimum of one hour per day to exercise in the courtyard.

Activities: During a longer custody, you have the right to activities or occupations, if you express the wish.

Letters: Inspection of mail & letters is forbidden.

Telephone: You have the basic right to private & unsupervised phone-calls at your own expense.

Newspapers, books, etc.: You may have friends and/or bookshops send you books, magazines etc. You have the right to use the library.

Doctors: You have the right to medical care. If you are wounded or feel ill, approach the staff and demand to see a doctor.

Your rights during the asylum-procedure

You have the right to apply for asylum during expulsion-custody. Non-admittance ruling: If your petition is not treated by the federal office for refugees (Bundesamt für Flüchtlinge, BFF), one speaks of a non-admittance ruling. You can appeal against it during the next 30 days. Address: Schweizerische Asylrekurskommission ARK, Webergutstr. 5, 3003 Bern-Zollikofen.

Warning: The appeal does not automatically stop the expulsion. You must appeal to the ARK within 24 hours after the announcement of the ruling for it to have a postponing effect of your initial appeal.

Negative ruling against asylum application

Your application was reviewed and turned down by the federal office for refugees (BFF). You can appeal against this ruling within the following 30 days.

Address: Schweizerische Asylrekurskommission ARK, Webergutstr. 5, 3003 Bern-Zollikofen. Until a decision concerning your appeal has been made you may not be expelled.

New pieces of evidence

If you receive new evidence of danger to yourself in your home country after a ruling by the BFF against your asylum petition, you can appeal against this ruling within 30 days.

Address: Schweizerische Asylrekurskommission ARK, Webergutstr. 5, 3003 Bern-Zollikofen. If you're only able to supply new evidence after the 30 days are over, you have the possibility of applying for a re-assessment procedure (an application to re-examine every-thing).

Address: Bundesamt für Flüchtlinge BFF, Quellenweg 6, 3003 Bern-Wabern.

Warning: A re-assessment procedure can only postpone the expulsion if you expressly demand it. If the BFF turn down the re-assessment procedure, you may appeal against it within 30 days.

Address: Schweizerische Asylrekurskommission ARK, Webergutstr.5, 3003 Bern-Zollikofen.

Warning: The appeal will only stop the expulsion, if you petition for a postponing effect.

Where to find help.

If you have problems , the following non-government organisations can support and advise you:

Asylum-related topics:

BAS, Beratungsstelle für Asylsuchende

Schützenmattstr. 16a, Postfach, 4003 Basel

Tel. 061/ 264 94 24 (Monday to Friday, during office-hours)

Fax 061/ 264 94 29.

The BAS offers consultation in all questions concerning the asylum-procedure. Assumption of mandate in asylum-relevant cases, legal aid concerning compulsory measures only in asylum-relevant cases.

General legal representation:

pikett defence counsel

during office hours you will automatically be put through to lawyer under tel. 061/ 272 02 02. In most cases you will have to pay the fee yourself.

Problems concerning the police, prison-staff or the authorities:

augenauf Basel

Postfach, 4005 Basel. Tel. 061/ 681 55 22 (the answering-machine is checked daily, you can reach somebody on Thursday from 6 p.m. to 8 p.m.).

augenauf Basel will consult you in matters concerning infringements and discriminations by policemen, securitas, prison-staff and/or authorities.

Pastoral matters:

Franziska Bangert Lindt

ecumenical prison pastor.

Approach the prison-direction. They'll be able to tell you how to get in touch with Mrs. Bangert Lindt.

If you'd like visitors, please let us know what language you talk!