

What is the Hardship Case Commission?

The Lower Saxony Hardship Case Commission is a board appointed by the Home Secretary with persons from public life (amongst other things from churches, communes, associations, economics and doctors). It is responsible for registering hardship cases in foreigners living in Lower Saxony

The Hardship Case Commission investigates the special individual reasons for hardship which speak against termination of residence.

If the commission endorses a hardship case, it sends a *hardship case request* to the Home Secretary. The Home Secretary then decides on the grant of a residence permit for reasons of hardship (§ 23 a residence law).

Who can submit a hardship case?

Foreigners who are obliged to leave the country or are to be deported can submit a case of hardship to the Hardship Case Commission if there are urgent personal or humanitarian reasons speaking against their departure.

When can there be reasons for a hardship case?

The social, school and occupational integration of the person or family who is to leave the country and to what extent they have put down roots in society here play an important role in the investigation of hardship cases. For this reason, it is particularly important to have details and documents on the following points, e.g.:

- duration of residence
- kindergarten and school attendance of the children
- professional training and further education
- gainful employment
- activities in the neighbourhood and in clubs
- voluntary work
- social and family relationships and connections
- knowledge of German

Statements e.g. from schools, clubs, neighbours and employers can also be submitted in support of the request.

No investigation of obstacles to deportation in the country of origin

The Hardship Case Commission is not responsible for investigating possible problems and dangers in the country of origin. This is the responsibility of the Federal Office for Migration and Refugees and the administrative courts.

Written proceedings

The entire hardship case is conducted only in writing. For this reason all the reasons should be represented in a comprehensive, individual and descriptive way.

Authorized proxies can help

The foreigners concerned can authorize persons of their trust with the submission of the hardship case. The authorized persons do not need to be lawyers; advisory centres, friends and other persons of trust can also submit a case to the Hardship Case Commission.

When is it not possible to submit a hardship case?

According to § 5 of the regulation of the Lower Saxony Hardship Case Commission (NHärteKVO) a case may not be accepted for investigation if

- the foreigner is not living in federal territory or his/her whereabouts is not known,
- the foreigner has not been living in federal territory for at least 18 months,
- if serious crimes have been committed in recent years – a deportation date has already been set or a set date has elapsed. The concrete regulation of non-acceptance reasons can be found in § 5 NHärteKVO.

Where can the hardship case request be submitted?

The hardship case request can be submitted to a member of the Hardship Case Commission or to the office of the Lower Saxony Home Office.

The addresses of the members can be found at www.hfk.niedersachsen.de.

The regulation on the Hardship Case Commission as well as forms and aids

for submitting a request can also be downloaded on this website.

Further information can be obtained at

**Geschäftsstelle der Härtefallkommission
beim Nds. Ministerium für Inneres und
Sport**

**(Office of the Hardship Case Commission
at the Lower Saxony Home Office and
Sports Dept.)**

**Postfach 221
30002 Hannover.**

Before submitting a request it is recommended obtaining comprehensive information and also personal advice from the responsible foreigners' registration office and/or a migration advisory centre.

**The office of the Hardship Case
Commission of the Lower Sax-
ony Home Office and Sports
Dept. provides information**

Hints on hardship case requests at the Lower Saxony Hardship Case Commission



Niedersachsen