

Berlin, 12th October 2020

**OPEN LETTER
FOR THE PERMANENT AND UNCONDITIONAL LEGALISATION OF ALL UNDOCUMENTED AND
ILLEGALISED MIGRANTS**

The current situation calls on us as a network of migrant and anti-racist groups and organizations in Berlin to demand the permanent and unconditional legalization of all migrants without residence documents in this country.

It is estimated that between 60,000 and 100,000 undocumented migrants live in Berlin. There are many reasons why they are in this situation.

The situation of this social group is marked by precariousness and social invisibility. They suffer from lack of access to health, housing, education, decent work and exercise of a free life, which shows that human rights are not for everyone.

The majority of those made vulnerable by illegalization come from the Global South and are racialized, that is, they are people of colour categorized in different “races” under the white supremacist gaze. They are largely women or feminized bodies. The reality of women and sexual dissidents in this situation is particularly difficult. When experiencing gender violence, they do not have access to the resources necessary to denounce and access support services. However, the situation of men in illegality also has its particular difficulties, for instance the exposure to police controls and abuse through racial profiling, when accessing jobs in public spaces.

The inequality between the Global South and the Global North as a historical reality demands that European governments take political responsibility. While the policies of the EU continue to privilege financial agreements and the exploitation of natural resources to the detriment of the peoples and territories of the Global South, at the same time retrograde migration policies are being consolidated. These criminalize the human right to mobility for a large majority. Goods can move, but people cannot.

As a result of these policies, people are being made illegal and consequently criminalized, turning them into a perfect target for both in illegal and legal activities that serve the interests of big capital and the German economy. Such are for instance care work (taking care of people, including children, cleaning etc.), construction and agriculture.

In the German context we have two particular problems: On one hand the policies of criminalization, persecution and control of migration, on the other, the silencing of this reality in the German society. Both contribute to rendering the undocumented population invisible. One example of this politically produced invisibility is the lack of qualitative and quantitative data, which prevents us from knowing how many they are, where they are and which urgencies are pressing them.

A similar situation prevails in many other EU countries. It should be however mentioned, that during the COVID 19 crisis Portugal legalized all migrants whose residence permit applications were pending and Italy issued special residence permits, which to this day has had no negative consequences for the society. In other countries, such as France and Spain, campaigns are underway calling for similar measures.

Today, facing a global pandemic, it is time to break the taboo and proceed towards full citizenship rights for all undocumented migrants. That is why we demand the following from the corresponding authorities:

- 1. The extraordinary, universal, urgent and permanent legalization of all migrants in an irregular situation in Berlin.**
- 2. That the procedure to be implemented towards this put migrants at the center as subjects with rights and guarantee the concrete access to and the promotion of these rights.**
- 3. Legalization by means of existing legal instruments such as § 23(1) of the Residence Act (AufenthG), which could be used to grant residence to persons in an irregular migration status on humanitarian grounds.**
- 4. Abolition of paragraph 87 of the Residence Act, which requires that employees of public bodies, (with the exception of educational bodies), transfer to the immigration authority (Ausländerbehörde) the personal data of anyone in an illegal situation.**

Although the COVID 19 crisis has exposed and exacerbated existing social inequalities, illegalized persons are particularly affected as they do not enjoy full citizenship as subjects with rights. These times demand a lot of responsibility and solidarity from us and it is vital to demand that illegalized people do not remain adrift; that is why we urge civil society and possible allies in the political sphere to listen to our demands, based on the legitimate right to a dignified life. We are especially calling on all political and social organizations to join the initiatives that we have worked on in the framework of this struggle.

It is also important to remember all the anti-racist, migrant struggles that for decades have demanded legalization and access to fundamental rights in Germany. The Caravan for the Rights of Refugees and Migrants, the Society for Legalization and the refugee marches and the occupation of Oranienplatz have been some of the activities, groups and networks of undocumented people. We also greet the struggles for legalization in all corners of the world and join each of them with great joy from our own campaign in Berlin:

LEGALISATION NOW!

Join us to demand legalization; the current crisis shows more clearly that no one should be excluded from fundamental social rights!

First Signatories:

Respect Berlin
Solidarity City Berlin
La Casita
La Pachangona
Asamblea Mujeres Disidencias Sexuales/Bloque Latinoamericano
Justizwatch
KuB – Kontakt- und Beratungsstelle für Flüchtlinge und Migrant_innen e.V.
Oficina Precaria
LAFI – Lateinamerikanische FrauenInitiative in Neukölln e.V.
No Border Assembly Berlin
Migrationsrat Berlin e.V.
Voces de Guatemala
Corasol

Women in Exile
ABA - Aktionsbündnis Antira
korientation. Netzwerk für Asiatisch-Deutsche Perspektiven e.V.
NaturFreunde Berlin
Die Meute
Sprungbrett Zukunft Berlin e.V.
xart splitta e.V.
Seebrücke Berlin
Flüchtlingsrat Berlin
Medibüro Berlin
Each One Teach One (EOTO) e.V.
TransInterQueer e.V.
Verein Migration, Entwicklung und Partizipation MEPa e.V.
CILIP – Bürgerrechte und Polizei
Berliner Bündnis gegen Rechts
glokal e.V. Berlin
Gabriela Germany
Netzwerk Reproduktive Gerechtigkeit Berlin
kitchen politics
Theater X
Migrantifa Berlin
Anna-Maria Wünst
Unidos por la paz
Radio Matraca
Nachrichten Pool Lateinamerika e.V.
Frauenkreise Berlin
Space2groW
Kolumbienkampagne Berlin
borderline-europe Menschenrechte ohne Grenzen e.V.
Initiative Schwarze Menschen in Deutschland ISD
Death in Custody - Bündnis
International Women Space
Culture of Deportation
Critical Workers Berlin
SoIA
Colectivo MAWVN, Berlin
Andrea Molina
LINKS*KANAX Berlin
ReachOut – Opferberatung und Bildung gegen Rechtsextremismus, Rassismus und Antisemitismus
Allmende e.V.
RaumErweiterungsHalle
We'll come united Berlin/Brandenburg
association14a
FAU Berlin