

## General Information for volunteers working with refugees

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In this publication we address questions that frequently arise in volunteering. It does not claim to be exhaustive, nor is every tip suitable for all situations.

1. Duties and standards (Legal Services Act, data protection, etc.)
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### 1

### Duties and standards

Voluntary work is characterised by the fact that it is unpaid and not subject to employment or service law. All agreements regarding the tasks performed are made on a voluntary basis. Despite this lack of formal restriction, there are standards which apply, either by law or due to an ethical obligation towards those seeking help.

#### Advising refugees and the Legal Services Act

There are support services that only professionals can provide. It is important for lay people to know their limits and also to make them clear to the refugees they are supporting. This applies in particular to legal advice, which can only be provided by professionals. Asylum and residence law consists of complex, interlocking legal provisions that cannot be fully understood even after attending a training course. Volunteers can make a valuable contribution to legal counselling especially if they work together with lawyers and counselling centres – for example, by collecting and preparing important information for the asylum procedure (such as information about persecution suffered by a person, or relevant information about the country of

### ABOUT THIS PUBLICATION

The »Basic information for counselling practice« is published at irregular intervals as a supplement to the magazine »Asylmagazin« and/or online.

This issue has been translated into several languages. All versions can be found at [asyl.net](http://asyl.net) under »Publikationen«.

Further information and references to numerous other publications – some of them in several different languages can be found at [basiswissen.asyl.net](http://basiswissen.asyl.net) (formerly [fluechtlingshelfer.info](http://fluechtlingshelfer.info)).



origin). Furthermore, it is important that volunteers receive legal training so that they can inform asylum seekers about the asylum procedure and help them avoid mistakes when dealing with the authorities. However, training does not qualify volunteers to provide legal support in the asylum procedure.

However, it is often unavoidable that volunteers answer detailed questions about individual asylum procedures or other residence or social law issues, for example if there is no specialised counselling centre in their region. Volunteers explain the content of letters from the authorities and give tips on how to react in a specific case. However, they are only allowed to do this under certain conditions. They then provide assistance that falls under the Legal Services Act (Rechtsdienstleistungsgesetz, RDG). This law stipulates that legal laypersons may only provide legal assistance un-

der the guidance of so-called fully qualified lawyers (persons with a second state examination in law). The law understands »guidance« to mean the instruction and further training of laypersons in the respective field of law, so that they can work on typical case constellations independently (§ 6 RDG). Regular training is particularly important in asylum and residence law, because laws, official practice and circumstances in the countries of origin change frequently. In addition, fully qualified lawyers must be available to »participate in the provision of legal services« if necessary (at least by answering questions, but if necessary also by taking over the provision of legal services). It is not enough to be able to ask lawyers for advice from time to time. Accompaniment in the sense of the law must have an institutionalised form. Volunteers who provide counselling in the sense described above should discuss with the organisation where they are active how they can fulfil the legal requirements.

Lawyers who are consulted by volunteers should be specialised in asylum and residence law. Only lawyers with this knowledge can adequately represent the interests of refugees in this complex matter.

#### NOTE

The dividing line between simply providing information and providing assistance that falls under the Legal Services Act is not easy to draw. There are many grey areas. Besides potentially risking prosecution yourself for violating the RDG, you should realise that the law is intended to protect people from receiving unqualified or even false advice. Therefore, in any case, make sure that you have professionals at your side to protect you and those you advise from making mistakes.

#### Expertise and workload: Be aware of your limits!

There is often uncertainty about how to deal with psychological stress resulting from experiences of war, persecution and fleeing. There are information materials to help volunteers deal with the trauma experienced by people seeking protection. They provide insights and can give recommendations for action in specific situations, but do not replace the expertise of professionals.

As a general rule, refugees should be asked only very carefully about their reasons for fleeing and should never be pressured to recount experiences that they have kept locked away for reasons of self-protection. If there are indications of traumatic experiences with lasting consequences, refugees should be supported at an early stage – also with regard to the asylum procedure – to consult experts for diagnosis and, if necessary, treatment.

Last but not least, respect for the abilities of the refugees sets a limit to what you can do: refugees need support because they are in a foreign country and a legally difficult situation. At the same time, they usually bring with them a great deal of life experience and everyday skills and abilities. It is in everyone's interest to talk about problems that can arise from different experiences and habits. However, this should be done with respect and not amount to lecturing.

After some time, many volunteers reach their limits. Especially when working with people who have experienced a lot of suffering and live in great uncertainty during the asylum procedure or are desperate if their asylum application is rejected, emotional stress and frustration can be the result. It is not always easy to be conscious of one's own limits. In such situations, volunteers can make use of clinical supervision, either individually or in groups. There are also free services for small initiatives.

#### Self-reflection in volunteering

Even people who act with good intentions can reproduce discriminatory attitudes and entrench exclusionary structures.

That is why it is important to ask yourself: Do you treat the people who you are supporting as independent, responsible people who know best what they want and need? Do you strengthen their ability to act or do you patronise them?

Respect the right of every person to make their own decisions, even if you think they are wrong or cannot understand them. When discussing problems with refugees, try to show what alternative courses of action exist and their respective possible consequences, so that the person can make an informed decision. Avoid persuading people to make a particular decision.

This also includes considering each person as an individual and not reducing them to their status as a »refugee« or to other characteristics such as nationality,

## TIPS

### Tips for assistance with applications and the asylum procedure

- Volunteers should take on tasks in pairs or arrange to stand in for each other to ensure reliability. Have professionals accompany you.
- Do not take any original documents from refugees. Copy the documents and return them immediately (copies must be kept in a safe place, see box on next page).
- Pay attention to the deadlines for appealing decisions or responding to official letters.
- As a rule, you cannot file applications or appeal by proxy. In general, refugees must sign the relevant documents themselves. Representation in legal matters, especially in court, can only be done by lawyers.
- Insist on written approval or rejection notices in order to have legal certainty and, if necessary, to be able to lodge an appeal or other legal remedies.

religion or »culture«. If a refugee behaves differently than you expect, it may be because they have had different life experiences to you.

Workshops on self-reflection in volunteering and on intercultural skills are offered by many organisations and can be helpful in this regard.

### Due diligence and reliability

Even if the support is voluntary, it must be reliable for the refugees. In order to guarantee this commitment, some groups always employ a team of two to three volunteers for one field of activity, so that they can stand in for each other.

In many tasks, volunteers are »only« under a moral obligation rather than a legal one. This applies to so-called »favours of daily life« according to the German Civil Code (BGB), such as watering flowers for the neighbours. The situation is different if it is recognisable that significant interests of the commissioning party – in this case the refugee – are at stake in the task undertaken. This includes all asylum and residence law matters and possibly also assistance with other

matters (such as social benefits). In such cases, the law assumes that an »unpaid business arrangement« (§§ 662 ff. BGB) exists. The legal regulation thus makes it clear that this is not just a favour, but a legally binding assumption of responsibility. While it is unlikely that volunteers will have to pay damages in the event of omissions or errors in the course of providing support, they are still obliged to act diligently and, if necessary, obtain further information in order to avoid misjudgements.

### Data protection, confidentiality and transparency

Whether volunteers give German courses or accompany refugees to a doctor, help them fill out forms or enroll their children in school, they always receive personal information. Disclosure of such information to others without asking is a violation of the rights of the refugee. While volunteers are not subject to a professional duty of confidentiality, they are subject to an ethical duty of confidentiality. In addition, according to the Basic Law (German Constitution), every person has the right to decide on the disclosure of his or her data (right to informational self-determination). The Federal Data Protection Act and the General Data Protection Regulation provide the legal framework for this. They regulate the handling of personal data such as name, religion, state of health and biographical information. The storage, processing and disclosure of such data is only permitted with the consent of the person concerned. Irrespective of legal regulations, protecting the trust and personal rights of people who are in a very precarious life situation is a special ethical obligation. Data protection also includes ensuring data security: documents containing personal information must be kept safe and protected from access by unauthorised persons.

Furthermore, caution is advised when publishing names or photos of protection seekers, especially on the internet or via social media. Because in this way, information can get to people who may use it to the disadvantage of the protection seekers. For instance, actors in the country of origin can infer a certain attitude or political stance from participation in a certain event, for example. Therefore, this aspect should also be discussed with the refugees in the run-up to a publication – as well as the questions of personal rights that have to be considered in the case of publications (see the box on this page).

Respect also includes transparency in your actions. If volunteers do something, e.g. have a conversation with the management of the accommodation facility,

make an agreement with a doctor or pass on information to authorities, they should only do so in consultation with the persons concerned. It is also only permissible to pass on information to other volunteers, professionals or even to family members if you have been entrusted with a task by the refugee concerned and the completion of this task requires the passing on of limited information. Refugees must be in control of what is being done about their case at all times.

### Official certificates, duties when dealing with minors

Not only youth welfare organisations, but also operators of reception facilities and collective accommodation are legally obliged to demand what is called an »extended certificate of good conduct« (erweitertes Führungszeugnis) from volunteers who regularly come into contact with minors in their field of work. This certificate is issued by the citizens' registration offices (Bürgeramt). The fee is waived for volunteers who have written proof that they need it for their work. Refugees who volunteer can also obtain a police certificate of good conduct, but it only covers their time spent in Germany. Alternatively, or in addition to this, affidavits or self-commitment declarations can be

used by the agencies. Multilingual information sheets and forms should be provided to support refugees active in this field.

In certain cases, a certificate of instruction in accordance with the Infection Protection Act is also required. The instruction takes place at the health office, in some cases also online. This applies to voluntary work in catering or cooking projects if they fall into the category of »communal catering«. An official medical examination is no longer necessary for this.

When dealing with children, it is important to respect the role of caregivers such as parents or guardians. Giving parents something that is meant for their children (e.g. toys) reinforces the parents' role as caregivers. Do not approach or touch children without their parents' permission.

If volunteers accompany refugee children and young people to swim, some agencies require a lifeguard badge, which can be obtained, for example, from the DLRG or the DRK water rescue service. This is not required by law. However, since the minors are under the supervision of the volunteers, it is relieving for all involved to know that the supervisor can not only swim but also rescue them in an emergency. In any

## TIPS AND RULES OF CONDUCT ON PERSONALITY RIGHTS

- Documents with personal details (interview transcripts, copies of official letters, lawyer correspondence, medical and school documents) must be kept in such a way that only authorised persons have access. If you want to send such documents (e.g. to a counselling centre), then only with the consent of the person concerned, anonymised and preferably by encrypted e-mail.
- Translation is often done as a favour by compatriots. Remember that the language mediation process is a matter of trust. Refugees should decide for themselves who they bring in for translation. Interpreting by family members or acquaintances is often problematic and stressful when it comes to personal and intimate matters. If translation by acquaintances is unavoidable, it should at least be ensured that data protection and confidentiality are respected.
- For the publication of photos and names of both refugees and other volunteers, you need their written permission. The same applies to passing on names and photos to the press. The permission must be »informed« according to current case law, i.e. the personal data and images to be published must be precisely named and the purpose and scope of the publication must be recognisable and comprehensible to those concerned. In the case of minors, the written consent of the custodian (usually both parents) is normally required for publication.
- Press work in ongoing court proceedings (e.g. because of right-wing violence, but also in asylum proceedings) should definitely be discussed in advance with the responsible lawyer. Public statements by those affected can invalidate statements made in the proceedings. Organisations should provide all of their volunteers with a leaflet on data protection and personal privacy and have them sign a declaration of commitment.

case, there should be written permission from the parents to visit the swimming pool.

If parents transfer their supervisory responsibility to other persons, such as on an excursion, this does not necessarily have to be formally agreed. The parents' consent to their child's participation is usually sufficient. However, especially in the case of longer events and those with special programme points, it is still recommended to ask for registration by the parents, with which a written declaration of consent for special activities can be obtained at the same time (e.g. swimming excursion, participation in other sporting activities, visit to the cinema).

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## Rights, insurance and payment

### Access to accommodation facilities

It frequently happens that volunteers are denied access to collective accommodation facilities. If they are working on behalf of a recognised non-governmental organisation (charities, churches, refugee councils, etc.), they may only be denied access in exceptional cases. As a matter of principle, residents of shelters have the right to decide for themselves whether they would like to receive visitors and from whom. Blanket bans on visitors or overnight stays for guests of residents do occur in practice, but are highly questionable from a legal point of view.

### Duty to inform the workplace and right to exemption

If volunteers commit themselves to a task with a set number of hours, then they are engaged in secondary employment. They may have to report this to their place of work if their employment contract or collective agreement says so. Such an engagement may only be prohibited if it damages the company's reputation, is contrary to the company's interest or the extent of the secondary employment impairs the performance. This is assumed to be the case if, together with paid employment, more than 48 hours per week are worked.

On a voluntary basis, some companies have introduced »social days«, where employees are given one day off for community service. However, there is no right to time off or special leave for private community service. Special arrangements can be made in the area of

children's and youth work. In many federal states there are regulations according to which volunteers can be released from work to look after minors, e.g. at holiday camps – at least when working with recognised organisations. Such organisations can also provide more information about this. Under certain circumstances, educational leave can be applied for for further training. It is usually stated in the event announcement whether this is possible.

### Insurance

There are various ways to insure against damage that occurs during volunteering. If volunteers are involved in a welfare organisation (»Wohlfahrtsverband«, such as Caritas, Diakonie, AWO ...), an association or a church congregation, they are by law insured against accidents with the Employer's Liability Insurance Association for Health Services and Welfare Care (Berufsgenossenschaft für Gesundheitsdienst und Wohlfahrtspflege, BGW) without having to pay any contributions or make any applications. Accident insurance covers health damage suffered by volunteers themselves, but does not cover damage caused by volunteers to others. For this, liability insurance (»Haftpflichtversicherung«) is required. Many clubs and associations have taken out association liability insurance, which covers accidental damage caused by volunteers (except for board activities). In addition, organisations can insure trips made by volunteers in their private cars with supplementary car insurance.

For those involved in initiatives and projects that do not have their own legal form, the federal states now provide »voluntary work insurance« that is free of charge and does not require an application. This always covers accident risks (with the exception of damage to private cars). Some federal states also insure against liability risks.

If refugees cause damage to volunteers' property, insurance issues can be problematic, as the refugees are often not in a position to compensate for the damage. Municipalities can take out a collective private liability policy for locally accommodated protection seekers. However, this is still the exception so far. The indemnity cover offered by private liability insurers for such cases is only of limited help. This is because the insurance company will only pay for the damage once a court has determined that enforcement proceedings against the person causing the damage have been unsuccessful. However, very few people are likely to initiate enforcement proceedings against the people they want to support.

## Overview: Legally possible combinations of activities with the same institution using upper limits and allowances – subject to applicable requirements

<b>Main occupation</b>	In general, only one				
<b>Marginal employment</b> (up to 520€ / month)	Not allowed	Allowed if combined sum does not exceed the limit stated			
<b>Trainer's allowance</b> (up to 3.000€ / year)	Only if different tasks	Allowed up to a combined maximum of 770€ monthly	Allowed up to a combined maximum of 3.000€		
<b>Volunteer's allowance</b> (up to 840€ / year)	Allowed	Allowed	Not allowed, unless for different tasks	Allowed if combined sum does not exceed the limit stated	
<b>Freelance work</b>	Problematic	Problematic	Allowed	Allowed	Allowed
<b>Is the combination permissible?</b>	<b>Main occupation</b>	<b>Marginal employment</b> (up to 520€ / month)	<b>Trainer's allowance</b> (up to 3.000€ / year)	<b>Volunteer's allowance</b> (up to 840€ / year)	<b>Freelance work</b>

Source: Caritasverband der Diözese Rottenburg-Stuttgart e.V., *Ehrenamt trifft Geld*, June 2014 (updated as of 2022).

### Reimbursement and payment

If costs are incurred as a result of the volunteer work, the expenses can be reimbursed by the coordinating organisation. Proof of the expenses must usually be provided. Loss of earnings or time can also be reimbursed. In this case, however, it is an expense allowance, which counts as income. In order to promote voluntary engagement, there are tax benefits for it, namely the tax- and social security-free honorary lump sum and the exercise leader allowance. There is a tax-free volunteer's allowance (»Ehrenamtpauschale«) of up to 840€ per year which can be paid by public institutions as well as by organisations that are recognised as non-profit or church organisations. The trainer's allowance (Übungsleiterpauschale) of up to 3.000€ per year, on the other hand, can only be claimed for certain activities, namely for care, certain artistic activities and teaching.

When receiving unemployment benefits or social benefits, the honorary and exercise leader allowance is normally not offset against the benefits, at least up to an upper limit of 250€ per month. For refugees who receive benefits under the Asylum Seekers' Benefits Act (Asylbewerberleistungsgesetz), income earned from voluntary work is also exempt from deduction up to 250€ per month. In principle, it should be noted that every person who receives social benefits must report income – also in the form of expense allowances – to the respective social benefits agency.

The combination of different forms of employment with one provider is possible under certain conditions. However, this possibility should not be used to replace regular jobs with poorly paid, semi-voluntary work. Payment also calls into question the independent nature of volunteering.

In principle, people who are employed full-time by an institution cannot also receive an allowance such as the volunteer's allowance or trainer's allowance in the same field of activity and with the same employer. For all others, the following applies: The activity for which a trainer's or volunteer's allowance is granted must be part-time, i.e. the »working time« must not exceed one third of a comparable full-time paid activity (i.e. usually 13 hours per week).

### 3

### Dealing with hostility

Volunteers are often faced with the challenge of how to deal with right-wing extremism and racism. Hostilities and attacks can be directed directly against the volunteers, but more often they are directed against refugees. In this case, it is the responsibility of the volunteers to support those affected, to show solidarity – including making cases public (for example, with press and public relations work or high-profile campaigns) – and to point out options for action. Howe-

ver, this always depends primarily on what the people affected want.

Refugees should also be made aware of the fact that there are counselling centres for victims in all federal states, which offer on-site counselling if necessary. Many refugees experience racist hostility and attacks – often on such a large scale that some refugees resignedly accept the racism they encounter as normal. It is therefore important to raise awareness about the existence of support structures against racist hostility and attacks and to encourage refugees to make use of this help.

Anyone who is the victim of a specific threat or attack can get professional support from an independent and victim-oriented counselling centre. In all federal states there are counselling centres for people who are threatened or affected by racially motivated assaults. The centres are independent, work confidentially (anonymously if desired), are multilingual (with translation if necessary) and come to the place of residence of the person seeking advice or to a place of their choice.

Counselling is advisable in many respects. Among other things, because, unfortunately, victims of racist or right-wing motivated crimes report time and again that they do not feel taken seriously by the police and because going to the police is often not enough to alleviate the psychosocial consequences of attacks or threats. Counselling can also be worthwhile because victims of racist violence may be able to receive »hardship benefits« – emergency aid from the state for victims of extremist attacks. In Berlin and Brandenburg, victims of racist violence who are obliged to leave the country may be granted the right to stay.

## Dealing with threats and hate speech in social media

Anyone who manages the social media channels of a refugee solidarity initiative is quickly confronted with large numbers of comments that may be relevant under criminal law, such as insults, threats, calls for violence or inflammatory statements. The rule here is that such comments should be quickly saved with a screenshot and then deleted. Ideally, they should be reported to Facebook, Twitter and the like and reported to the police. Even if the chances of success are usually extremely low, it is important to make sure that the social media corporations as well as the police statistics do not ignore massive incitement so easily.

### IMPRESSUM

Basisinformationen für die Beratungspraxis Nr.4:  
Rahmenbedingungen des freiwilligen Engagements  
für Schutzsuchende

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