

Unravelling Gender-Based Persecution in Germany's Asylum Process: A Qualitative Comparative Analysis of Legal and Judicial Practices

Nina Lotz

School of Advanced Study, University of London

lotznina0@gmail.com

August 2025

Abstract

The research aims to identify flaws and biases in the asylum determination process for women whose claims were initially rejected, before appealing these decisions through administrative courts. The paper analyses the asylum process, including the initial decision and the appeal outcomes for women seeking international protection based on gender-based persecution in Germany. It evaluates whether the asylum determination process upholds asylum seekers' rights and ensures procedures aligned with contemporary standards on gender-based protection, specifically addressing women's protection needs. The paper examines how the Federal Office for Migration and Refugees, along with regional administrative courts, handle claims of gender-based persecution. By comparing decisions from the Federal Office, followed by court rulings, it highlights potential systemic challenges and biases within the German asylum system. Additionally, the paper assesses improvements in procedures following Germany's ratification of the Istanbul Convention and evaluates the effectiveness of the asylum process in protecting women from gender-based violence in line with international protection standards.

Keywords *Gender-Based Persecution, Refugee Status Determination, Asylum Appeals, Istanbul Convention, Germany*

Contents

1.	Introduction	4
1.1	Context and Relevance	4
1.2	Hypothesis and Outline	4
2.	The Legal Framework and Procedure of Refugee Protection in Germany	6
2.1	A Definition of Gender-Based Persecution	6
2.2	Legal Frameworks of Gender-Based Protection in Germany	6
2.2.1	The Refugee Convention	6
2.2.2	The European Legal Framework	7
2.2.3	The European Convention on Human Rights (ECHR)	7
2.2.4	The Istanbul Convention	8
2.3	The Refugee Status Determination Process in Germany	8
3.	Methodology	10
3.1	Definition and Research Design	10
3.2	Data Collection	10
3.3	Data Analysis	10
3.4	Limitations	10
4.	Comparative Analysis of the German Administrative Court Decisions	12
4.1	Protection Granted versus Protection Denied	12
4.1.1	Protection Granted	12
4.1.2	Protection Denied	13
4.2	Judicial Reasoning	13
4.2.1	Evidence Assessment	14
4.2.2	Credibility Determination	14
4.3	State Protection and Persecution by Non-State Actors	15
4.3.1	Effectiveness and Willingness of State Protection	16
4.3.2	Judicial Recognition of Persecution by Non-State Actors	17
4.4	Internal Flight Alternative (IFA)	17
4.4.1	Application of IFA	17
4.4.2	Challenges of IFA	18
4.5	Membership of a Particular Social Group (PSG)	18
4.5.1	Recognition of PSG	19
4.5.2	Impact on Decisions	19
5.	Conclusion and Recommendations	21
6.	Appeal Judgments	24

Dedication

*"I want to go home,
but home is the mouth of a shark
home is the barrel of the gun
and no one would leave home unless home chased you to the shore."*

"Home" by Warsan Shire

I dedicate this paper to all women* courageously fighting for the recognition of their asylum claims, enduring gender-based persecution and further violence beyond. This dedication honours the resilience and resistance of survivors who withstand discriminatory asylum procedures, fighting for their rights to international protection and a lawful residency. It acknowledges their strength in the face of structural and institutionalised racism, and authorities perpetuating white supremacy, eurocentrism, and a flawed interpretation of feminism.

I am hopeful that this paper will contribute to the existing literature on asylum decision-making in Germany and beyond, and supports a positive transformation for all those who must navigate the asylum determination process.

1. Introduction

1.1 Context and Relevance

Refugees are forced to flee due to war, poverty, natural catastrophes, and the overall need to secure and sustain a livelihood. Additionally, gender-based violence such as sexualised violence and domestic abuse, among others forced marriage, or the threat of female genital mutilation (FGM), forces individuals to flee.¹ Women and girls² make up about half of the global refugee population, however, precise numbers are difficult to obtain. Apart from that, it is unknown how many internally displaced and undocumented refugees are women; it additionally lacks worldwide statistics about gender regarding proportions in asylum procedures and refugee status determination (RSD) outcomes. As for 2022 and the first half of 2023, one third of all asylum claims in Germany are made by women.³ The proportion of female asylum seekers in Germany has been steadily increasing. In 2022, 78.759 women claimed asylum in Germany, with 2.800 claims being positively recognised as gender-based persecution. Additionally, in 2022, women made up 67% of all asylum seekers whose claims were recognised as gender-specific persecuted claims.⁴ The Federal Office for Migration and Refugees (BAMF) does not comprehensively track gender-specific risks or rejections of such claims.⁵ For years, gender-specific factors were overlooked due to a male-dominated perception of refugee protection.⁶

In an exclusively quantitative analysis of RSD outcomes in Western states, it seems that women are at an advantage when it comes to gaining refugee status compared to their male counterparts. The generalised interpretation “give[s] a false picture of a system which is underpinned by deeply gendered assumptions, and where, qualitatively, women may be negatively affected by these gendered inequalities in the asylum process.”⁷ It also shows a generalised assumption that leaves details of the decision-making process untouched, such as gendered assumptions of favourable or unfavourable treatment during the RSD.

This paper demonstrates a deficiency in gender-disaggregated data and therefore a lack of understanding of female asylum seeker⁸ and protection gaps, implying a lack of interest and goodwill in the subject matter, which does not stem from a lack of capability since Germany is collecting all relevant data within the RSD process.⁹

1.2 Hypothesis and Outline

This paper probes how Germany handles gender-based asylum claims by women, exposing gaps and inconsistencies in the RSD and appeals process. Despite formal recognition of gender-based and non-state persecution since 2005, and the 2018 implementation of the Istanbul Convention in Germany, violence against women is still often dismissed as a private matter in asylum proceedings.¹⁰ Gender-sensitive guidelines exist, but female asylum seekers continue to face major hurdles during the RSD process.¹¹

1 Bundeszentrale für politische Bildung, *Geschlechtsbezogene Verfolgung – Rechtlicher Schutz* (accessed 17 August 2024) <https://www.bpb.de/themen/migration-integration/kurzdossiers/280272/geschlechtsbezogene-verfolgung-rechtlicher-schutz/>

2 In this paper the term “women” includes underage women and girls.

3 Bundesregierung, *Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten* (Drucksache 20/8032, 2021) Büniger, C., Reichinnek, H., Gohlke, N., DIE LINKE, 1, 13-15.

4 Bundesregierung, *Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten* 1, 13-15.

5 Bundesregierung, *Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten* – (Drucksache 19/32684, 2021) Jelpke, U., Möhring, C., Dr. Hahn, A., et al, DIE LINKE.

6 Informationsverbund Asyl und Migration e.V., *Geschlechtsspezifische Rechte im Asylverfahren - Teil II: Frauen Beiträge zur Situation geflüchteter Frauen im Asylverfahren und zur Anerkennung frauenspezifischer Verfolgung* (2019) *Asylmagazin, Zeitschrift für Flüchtlings- und Migrationsrecht*, 392.

7 J. Freedman, *Gendering the International Asylum and Refugee Debate*, (2nd edn, Palgrave Macmillan 2015), 30.

8 The terms “asylum seeker” and “asylum applicant” are used interchangeably, referring to individuals who have applied for asylum or are in the process of having their asylum claims determined and are awaiting a decision on their cases.

9 Freedman (n 7) 24.

10 Claire Derry, *Geschlechtsspezifische Verfolgung und Durchsetzung von geschlechtsspezifischen Rechten im Asylverfahren. Eine Arbeitshilfe für Beraterinnen** (Der Paritätische Gesamtverband 2022).

11 Bundesregierung, *Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten Clara Büniger, Heidi Reichinnek, Nicole Gohlke,*

Two primary research questions are guiding this paper:

1. How does the German asylum determination process address and protect the rights of women seeking asylum based on gender-based persecution?
2. What challenges do women face in securing protection, considering the roles of the BAMF and the administrative courts?

The secondary research questions are as follows:

1. How does the BAMF and the administrative courts interpret women's protection needs in gender-based persecution cases?
2. What challenges do women face in the RSD process, and how do these affect protection outcomes?
3. Has the 2018 Istanbul Convention influenced gender-based asylum claims in Germany, and how can the RSD process be improved to better meet women's protection needs?

2. The Legal Framework and Procedure of Refugee Protection in Germany

2.1 A Definition of Gender-Based Persecution

UNHCR defines gender-based violence as an overarching term that includes various forms of harm, such as sexual violence, domestic violence, forced family planning, FGM, and discrimination against LGBTQ+ individuals.¹² Gender, as a socially and culturally constructed concept, differs from biological sex and encompasses the roles, identities, and responsibilities assigned to individuals based on their sex. Gender-related persecution refers to harm to those who do not conform to culturally determined gender norms or roles. This persecution is not just the result of individual acts but is deeply rooted in institutional and sociocultural power structures, often targeted at individuals who challenge these norms.¹³ Gender-based violence disproportionately impacts women and while domestic violence plays a significant role, it is frequently dismissed as a private matter.¹⁴

2.2 Legal Frameworks of Gender-Based Protection in Germany

2.2.1 The Refugee Convention

The 1951 Refugee Convention and its 1967 Protocol are the most widely ratified international instruments defining refugee status and rights.¹⁵ Central to the Convention is the principle of non-refoulement (Art. 33) and the requirement of a well-founded fear of persecution.¹⁶ While the Convention does not precisely define the term persecution it is generally understood to involve serious harm and a failure of state protection. Such harm may include cruel, inhuman, or degrading treatment, with consideration given to factors like duration, effects, and the individual's vulnerability. Cumulative forms of harm, including social ostracism, may also amount to persecution.¹⁷

Article 1A(2) of the Convention outlines criteria for refugee status, which apply similarly to all individuals regardless of their gender. A Convention refugee must present a well-founded fear of persecution based on one of the five grounds: either nationality, race, political opinion, membership of a particular social group (PSG), or religion. Additionally, they must be outside their country of nationality or habitual residence, demonstrating a reasonable unwillingness to seek protection there.¹⁸ The UNHCR Handbook acknowledges that both female and male asylum seekers may experience gender-specific harm.¹⁹ Certain forms of persecution, such as forced pregnancy or forced abortion are unique to women. This has led to criticism that women's claims must fit existing Convention grounds, highlighting the illogical and discriminatory nature of this approach, particularly regarding the membership of a PSG criterion, which has evolved through case law and legal commentary.²⁰ While discrimination that violates human rights is widely recognised as persecution, applying this concept to sex or gender discrimination is challenging due to its absence from the Convention itself. To effectively protect individuals facing gender-based persecution, non-discrimination

¹² Federal Office for Migration and Refugees (BAMF), *Konzept zur Identifizierung vulnerabler Personen im Asylverfahren* (2022) <https://www.bamf.de/SharedDocs/Anlagen/DE/AsylFluechtlingsschutz/konzept-identifizierung-vulnerable-personen.html?nn=282388> accessed 16 September 2024, 35-36.

¹³ Adrienne Anderson and Michelle Foster, 'A Feminist Appraisal of International Refugee Law' in Cathryn Costello and others (eds), *The Oxford Handbook of International Refugee Law* (OUP 2021) 62-63.

¹⁴ C. Beyani, 'The Needs of Refugee Women: A Human-Rights Perspective' (1995) 3(2) *Gender and Development* 29-35, 29; *Guidelines on International Protection: Gender-Related Persecution within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees* (2002) UNHCR, 2.

¹⁵ UNHCR, *About UNHCR. The 1951 Refugee Convention* (2024) <https://www.unhcr.org/about-unhcr/who-we-are/1951-refugee-convention> accessed 26 August 2024.

¹⁶ A. Fortin, 'The Meaning of 'Protection' in the Refugee Definition' (2000) 12(4) *International Journal of Refugee Law* 548-576, 550. Convention Relating to the Status of Refugees (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137 (Refugee Convention), 30; M. Gil-Bazo and E. Guild, 'The Right to Asylum' in C. Costello, M. Foster & J. McAdam (eds), *The Oxford Handbook of International Refugee Law* (Oxford University Press 2021) 876.

¹⁷ James C. Hathaway and Michelle Foster, 'Serious Harm' in *The Law of Refugee Status* (Cambridge University Press, 2014), 182-206.

¹⁸ Convention Relating to the Status of Refugees (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137 (Refugee Convention), 14-15.

¹⁹ UNHCR, *Guidelines on International Protection: Gender-Related Persecution within the Context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol Relating to the Status of Refugees* (2002) New Issues in Refugee Research <https://www.unhcr.org/media/guidelines-international-protection-no-1-gender-related-persecution-within-context-article-1a> accessed 26 August 2024, 2.

²⁰ A. Macklin, 'Refugee Women and the Imperative of Categories' (1995) 17(2) *Human Rights Quarterly* 213, 257.

principles based on gender in the Refugee Convention must be linked with the concept of persecution.²¹

2.2.2 The European Legal Framework

The EU's commitment to assist those requiring protection is embedded in the Charter of Fundamental Rights and the Treaty on the Functioning of the European Union. Since 1999, the EU has been developing the Common European Asylum System (CEAS), adopting several legal measures in asylum and refugee policy.²² Directive 2011/95/EU is the current result of the European Council's agreement to establish a common European asylum system. The EU aims to streamline the identification and classification of those in need of international protection and to ensure a similar minimum level of standards across Member States.²³

The Directive clarifies elements of the Refugee Convention that Member States have interpreted differently, such as Article 6, stating that persecution can also emerge from non-state actors.²⁴ The concept of refugee status as outlined in the Refugee Convention is reflected in Article 2 of the Directive, which additionally introduces subsidiary protection, as it addresses a broader range of threats and operates within the wider context of international protection status.²⁵ The nature of harm qualifying for subsidiary protection is specified in Article 15 as "(a) the death penalty or execution; or (b) torture or inhuman or degrading treatment or punishment of an applicant in the country of origin; or (c) serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict".²⁶ Article 8 bears an exclusion of international protection in cases where an internal flight alternative (IFA) exists. The Directive also rejects international protection if protection is provided by non-state actors in an effective and non-temporary manner, as stated in Article 7(1) and (2). The term "effective" is described as "reasonable steps to prevent the persecution",²⁷ without consideration of whether those steps lead to effective protection of individuals.²⁸ Under Article 9, acts of persecution, the Directive recognises gender and child specific forms of persecution. Article 10(1)(d) explicitly mentions that gender-related aspects should be given consideration when interpreting PSG, and explicitly points to the relevance of gender in PSG analysis, making it clearer that gender-based persecution can fall under PSG.²⁹ The Directive adds a layer of specificity regarding gender-based claims, which is less explicitly addressed in the Refugee Convention.

2.2.3 The European Convention on Human Rights (ECHR)

Beyond refugee and subsidiary protection, deportation may be prohibited on specific grounds such as humanitarian concerns or threats to personal safety. Return is also barred if it would breach the ECHR, even without individual persecution or serious harm.³⁰ Although not specifically designed for refugee protection, the ECHR can still serve as a protective tool, as deportation may violate its provisions in certain circumstances.³¹ Article 3 of the ECHR states that "[n]o one shall be subjected to torture or to inhuman or degrading treatment or punishment."³² In line with the principle of non-refoulement, it complements the refugee protection framework by allowing asylum seekers who are victims of gender-based violence to

21 Beyani (n 14) 32.

22 Bundesamt für Migration und Flüchtlinge, *The Common European Asylum System – CEAS* (2019) <https://www.bamf.de/EN/Themen/AsylFluechtlingsschutz/EuropaeischerKontext/GEAS/geas-node.html> accessed 17 August 2024.

23 Directive 2011/95/EU of the European Parliament and of the Council on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, and the content of the protection granted [2011] OJ L337/9.

24 M. Gil-Bazo, *Refugee Status, Subsidiary Protection, and the Right to be Granted Asylum under EC Law* (Research Paper No. 136) (2006) *New Issues in Refugee Research*, 1; https://papers.ssrn.com/sol3/papers.cfm?abstract_id=951097 accessed 27 September 2024.

25 E. Tsourdi, 'What Protection for Persons Fleeing Indiscriminate Violence? The Impact of the European Courts on the EU Subsidiary Protection Regime' in D Cantor and JF Durieux (eds), *Refuge from Inhumanity? War Refugees and International Humanitarian Law* (Oxford University Press 2014), 272.

26 Directive 2011/95/EU (n 23) 337/18.

27 Ibid 337/15.

28 Gil-Bazo (n 24) 1.

29 Directive 2011/95/EU (n 23) 337/16.

30 Bundesamt für Migration und Flüchtlinge, *National Ban on Deportation* ([28 November 2018]) <https://www.bamf.de/EN/Themen/Asyl-Fluechtlingsschutz/AblaufAsylverfahrens/Schutzformen/Abschiebeverbote/abschiebeverbote-node.html> accessed 17 August 2024.

31 Jane McAdam, *Seeking Refuge in Human Rights: Complementary Protection in International Refugee Law* (DPhil Thesis, University of Oxford 2004), 168.

32 *European Convention on Human Rights* (Council of Europe, 4 November 1950) https://70.coe.int/pdf/convention_eng.pdf accessed 17 August 2024, 7.

argue that their return would violate Article 3 of the ECHR.

2.2.4 The Istanbul Convention

The Istanbul Convention, adopted in 2011 and in force in Germany since 2018, obliges the country to prevent violence against women, combat discrimination, and promote gender equality. As federal law, it requires national compliance and applies to all women, regardless of residency status, without discrimination.³³

Article 60 of the Istanbul Convention requires state parties to recognise gender-based violence as a form of persecution that may justify refugee or subsidiary protection. It calls for a gender-sensitive interpretation of all relevant asylum grounds and the establishment of procedures that account for the specific needs of applicants facing such risks. This ensures that refugee status is granted where there is a credible fear of gender-based persecution. Additionally, Article 61 reinforces the principle of non-refoulement by prohibiting the return of women to countries where they risk serious harm, including life-threatening violence or torture, irrespective of their legal status.³⁴

However, as of late 2019, the Information Service on Asylum and Migration observed that Germany's reception and asylum procedures largely fell short of the Istanbul Convention's standards.³⁵ The Council of Europe's expert body GREVIO, which monitors implementation of the Convention, received Germany's first shadow report in 2020. The report highlights significant shortcomings in the protection of refugee women, including the absence of standardised procedures to identify vulnerabilities, placing women at risk of being denied the legal protection they are entitled to under asylum law.³⁶

2.3 The Refugee Status Determination Process in Germany

Germany's Refugee Status Determination (RSD) process is conducted by the Federal Office for Migration and Refugees (BAMF).³⁷ Central to this process is the personal asylum hearing, during which applicants must provide a coherent and credible account of their reasons for fleeing. These hearings, held at one of 47 BAMF branch offices, are interpreted in real-time and supported by any available evidence. The hearing transcript and country-of-origin information (COI) typically form the basis of the protection decision.³⁸ Due to the difficulty of providing documentary evidence, decisions often rely heavily on personal testimony and credibility assessments. The BAMF is expected to evaluate the applicant's narrative against COI and to accept claims that meet a reasonable standard of plausibility, even where some uncertainty remains.³⁹

Gender-specific cases may be handled by specially trained decision-makers, known as special representatives. However, access to such representatives is not guaranteed, and their availability varies by location. Vulnerable applicants, particularly women, may not be informed of their right to same-sex hearings or that gender-based violence can constitute grounds for asylum.⁴⁰ Specific figures on special representatives and BAMF guidelines on FGM or human trafficking remain confidential, affecting transparency.⁴¹

33 Council of Europe, *Convention on Preventing and Combating Violence Against Women and Domestic Violence* (Istanbul Convention) (adopted 11 May 2011, entered into force 1 August 2014) <https://rm.coe.int/168008482e> accessed 27 September 2024. Article 4, paragraph 3.

34 Louise Hooper (ed), *Gender-Based Asylum Claims and Non-Refoulement: Articles 60 and 61 of the Istanbul Convention* (Council of Europe 2019), 12-13, 43; Council of Europe (n 33) 24-25.

35 Informationsverbund Asyl und Migration e.V. (n 6) 400.

36 PRO ASYL and others, *The Implementation of the Istanbul Convention in Relation to Refugee Women and Girls in Germany: Shadow Report for GREVIO* (2021) 18-20.

37 Bundesamt für Migration und Flüchtlinge, *Asylberechtigung* (22 June 2023) <https://www.bamf.de/DE/Themen/AsylFluechtlingsschutz/AblaufAsylverfahrens/Schutzformen/Asylberechtigung/asylberechtigung-node.html> accessed 17 August 2024.

38 Bundesamt für Migration und Flüchtlinge, 'Country-Specific Analysis' <https://www.bamf.de/EN/Behoerde/Informationszentrum/Laenderanalyse/laenderanalyse-node.html> accessed 17 September 2024; Informationsverbund Asyl und Migration e.V. (n 6) 394.

39 Ibid.

40 Bundesregierung, Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten Clara Bünger, Nicole Gohlke, Gökay Akbulut, weiterer Abgeordneter und der Fraktion DIE LINKE – Drucksache 20/7080 – Queere Geflüchtete im Asylverfahren (28 June 2023) 4; Informationsverbund Asyl und Migration e.V. (n 6) 394.

41 PRO ASYL and others, (n 36) 22.

If none of the protection forms are granted, applicants receive a rejection notice that includes a threat of deportation. Rejected asylum seekers can appeal to an administrative court, which reassesses the claim, often through a second hearing. Appeals can also be filed to seek a higher protection status, for example, from a deportation ban to subsidiary protection or to refugee status.⁴² Similar to the asylum determination hearing, applicants must independently provide a detailed and coherent narrative of their personal experiences that clearly supports their claim and illustrates the dangers they face in their home country. The court bases its ruling on the plausibility and consistency of the applicant's account and may overturn or uphold BAMF's decision. Conversely, if the rejection of all forms of protection upholds, the appeal is dismissed, and the obligation to leave remains.⁴³ The court's decision usually concludes the process, however, appeals to the Higher Administrative Court are possible if critical issues remain unresolved or if there is significant judicial disagreement. Further stages include the Federal Administrative Court as the third instance, followed by the European Court of Justice and the European Court of Human Rights.⁴⁴

42 Bundesamt für Migration und Flüchtlinge, *Appeals Against the Decision* (14 November 2019) <https://www.bamf.de/EN/Themen/Asyl-Fluechtlingsschutz/AblaufAsylverfahrens/Rechtsmittel/rechtsmittel-node.html> accessed 17 August 2024.

43 Handbook Germany, *Asylum Application Rejected* <https://handbookgermany.de/en/rejected-asylum> 02 October 2024.

44 Bundesamt für Migration und Flüchtlinge (n 42); Handbook Germany (n 43).

3. Methodology

3.1 Definition and Research Design

The study employs a desk-based methodology centred on case analysis. I deliberately chose not to conduct primary research through interviews due to ethical considerations and the risk of bias. Women seeking asylum on the grounds of gender-based persecution can carry significant trauma. Re-examining their asylum experiences, particularly the RSD outcomes and appeal procedures could have re-traumatising effects, especially for those who endured prolonged uncertainty. Moreover, access would likely be restricted to those with positive appeal outcomes, as women with negative outcomes might have left Germany or faced deportation, if there were no other possibilities for a legal stay. Discussing their asylum procedures might also raise false expectations that participation could influence ongoing or future legal decisions.

Instead, the research draws exclusively on publicly accessible, anonymised appeal decisions. I chose this approach to uphold ethical standards and ensure compliance with the university's timeframe while providing a robust and reliable basis for analysing gender-based claims within the RSD process in Germany.

3.2 Data Collection

The data is drawn from the decision database on [asyl.net](https://www.asyl.net), maintained by the Information Network for Asylum and Migration. Supported by organisations such as Amnesty International, and in cooperation with UNHCR, the platform is known for reliable legal information, though it disclaims liability for accuracy.⁴⁵ The database enables targeted searches by decision date and keywords.⁴⁶ To find relevant cases for his study, the term “geschlechtsspezifische Verfolgung” (gender-based persecution) was searched, followed by manual filtering to exclude ineligible cases, such as those involving male applicants or other unrelated issues. A total of 86 decisions from 2019 to 2023 were reviewed; 26 were selected based on relevance to the research questions. These cases involve various forms of gender-based persecution (e.g., forced marriage, domestic violence, FGM) and originate from diverse countries, allowing comparative analysis. They reflect a range of legal outcomes, from refugee status to rejection, illustrating the differing interpretations of asylum law by German administrative courts.

3.3 Data Analysis

The analysis is based on a systematic review of 26 selected cases, compiled into a table containing key details such as the country of origin, the year of the asylum application and court decision, and the type of claim, for example, an appeal to upgrade a deportation ban to refugee status. Each case was examined to identify the initial reasons for seeking asylum and the grounds on which the BAMF rejected the application. The analysis also considered new evidence or arguments submitted during the appeal, the administrative court's final decision, and its legal reasoning, particularly with regard to the recognition of persecution and membership of a particular social group (PSG). Significant quotations and citations were included to highlight important legal and contextual aspects. This approach made it possible to identify recurring patterns and trends in how gender-based asylum claims are addressed within the German legal system.

3.4 Limitations

Out of 86 appeal decisions that were initially reviewed, 26 were selected for detailed analysis. A larger study could encompass more claimants' countries of origin and a broader range of gender-based asylum claims,

⁴⁵ Impressum (Asyl.net) <https://www.asyl.net/service-navigation/impressum> accessed 17 August 2024.

⁴⁶ Entscheidungsdatenbank (Asyl.net) <https://www.asyl.net/recht/entscheidungsdatenbank> accessed 17 August 2024.

offering a more comprehensive analysis.

The chosen analysis with the focus on appeal decisions of initially rejected RSD outcomes for women seeking asylum based on gender-based persecution provides insights into judicial practices but may not fully capture the broader spectrum of gender-sensitive asylum determinations. The desk-based nature of this research restricts it to the data provided in the decision protocols of the administrative courts. Another limitation arises from the translation of the protocols from German to English. Despite efforts to ensure accuracy, translation is inherently imperfect, and discrepancies and nuances in the original texts may affect the interpretation of the protocols.

It is important to note that much of the work on refugee protection originates from the Global North and the voices of women seeking protection remain largely unheard. Thus, this research contributes to analyses that are predominantly Western in perspective, without directly incorporating the voices of female asylum seekers, the claimants themselves.

4. Comparative Analysis of the German Administrative Court Decisions

A total of 26 administrative court cases involving female claimants were evaluated. Eleven included children, but only the main claimants' protocols were analysed. The claimants came from a diverse range of countries: six from Afghanistan; four from Ethiopia; three each from the Russian Federation, Nigeria, and Turkey; two each from Armenia, Gambia, and the Kurdistan Region of Iraq; and one from Ukraine. The appeals were heard between 2019 and 2023 in various German administrative courts, with initial asylum applications submitted between 2014 and 2021. The following analysis focuses on key case characteristics: protection granted versus denied, judicial reasoning, state versus non-state persecution, internal flight alternatives, and PSG membership. Some cases are discussed in multiple sections due to their relevance, while others are briefly referenced to support the broader argument.

4.1 Protection Granted versus Protection Denied

This first chapter summarises the cases in which protection was granted, with a detailed analysis of three cases to examine the criteria behind their success. The following chapter, Protection Denied, reviews the six cases where protection was refused and includes an in-depth examination of one representative case.

4.1.1 Protection Granted

Of the 26 cases, 14 resulted in the granting of refugee status,⁴⁷ two cases led to subsidiary protection,⁴⁸ and three previously rejected cases led to ban on deportation.⁴⁹ Out of the six upgrade appeals from deportation ban to recognition of refugee status or subsidiary protection, five claims upgraded to refugee status,⁵⁰ while one claim did not result in an upgrade.⁵¹ The claimants cited multiple protection grounds per case, including human trafficking (3 cases), fear of FGM (6), forced marriage (9), honour killings (3), domestic or sexual violence by family or partners (12), persecution for adopting a Westernised lifestyle (5), and persecution due to homosexuality (2). Additionally, one claimant cited political activities and another religious affiliation.⁵²

A notable trend is that in all six cases involving Afghan applicants, the courts overturned the BAMF rulings, with the Taliban takeover playing a significant role in their decisions.⁵³ In three of these six cases, the courts explicitly recognised the heightened risk of persecution under the Taliban when upgrading the status from a deportation ban to refugee recognition. The Taliban's severe human rights violations against women substantiated the claimants' well-founded fears of persecution.⁵⁴

One Afghan claimant initially received a deportation ban after BAMF dismissed threats from her deceased boyfriend's family as not credible and cited her long stay in Iran as reducing her risk in Afghanistan. However, the court ruled that, as a woman with a Westernised identity and prolonged absence, she faces severe gender-based persecution under Taliban rule. After the initial rejection, she married an Afghan Hazara Shia man against her Sunni parents' wishes, defying Afghanistan's religious and traditional norms.⁵⁵

47 Case number 4 K 3363/17.WI.A (Wiesbaden, 17 November 2022) Protocol, VG 8 K 1588/16.A (Frankfurt (Oder), 25 November 2020) Protocol, 5a K 6223/17.A (Gelsenkirchen, 08 November 2021) Protocol, 3 K 302/20 (Bremen, 26 November 2021) Protocol, VG 13 K 3688/16.A (Potsdam, 02 December 2020) Protocol, VG 20 K 141.17 A (Berlin, 17 July 2019) Protocol, 8 A 115/19 (Schlesweig-Holstein, 28 January 2022) Protocol, VG 16 K 3097/17.A (Potsdam, 08 June 2022) Protocol, AN 9 K 18.31016 (Ansbach, 27 May 2020) Protocol, A 15 K 6731/12 (Freiburg, 24 June 2020) Protocol, A 9 K 4048/18 (Sigmaringen, 29 June 2020) Protocol, 4 A 175/19 (Göttingen, 08 November 2022) Protocol, 5 A 4802/17 (Oldenburg, 10 November 2021) Protocol, 12 A 4514/21 (Hannover, 30 May 2023) Protocol

48 Case number VG 16 K 2743/17.A (Potsdam, 28 April 2022) Protocol, A 2 K 10762/18 (Stuttgart, 03 November 2020) Protocol

49 Case number 8 K 1507/19.A (Cottbus 12 August 2020) Protocol, A 4 K 3531/18 (Sigmaringen, 29 January 2020) Protocol, A 6 K 601/22 (Freiburg, 07 October 2023) Protocol

50 4 K 3363/17.WI.A, VG 8 K 1588/16.A, 5a K 6223/17.A, 3 K 302/20, VG 20 K 141.17 A

51 Case number A 10 S 2189/21 (Baden-Württemberg, 12 July 2021) Protocol

52 Case number A 10 S 2189/21

53 Case number 4 K 3363/17.WI.A, VG 8 K 1588/16.A, 5a K 6223/17.A, 3 K 302/20, VG 13 K 3688/16.A, VG 20 K 141.17 A

54 Case number 5a K 6223/17.A, 3 K 302/20, 4 K 3363/17.WI.A

55 Case number 5a K 6223/17.A, 2, 7

In case 3 K 302/20, the court similarly noted the severe deterioration of women's rights under the Taliban. The underage claimant faced heightened risk of forced marriage due to her age and lack of family support, while her Westernised lifestyle further increased her vulnerability.⁵⁶

Case 4 K 3363/17.WI.A presents another successful upgrade claim, where during the court hearing the claimant gave detailed accounts of her risk of gender-based persecution, forced marriage, honour killing due to refusal of marriage proposals, and severe domestic violence experienced by her mother. The BAMF did not recognise a significant risk of forced marriage, arguing the claimant was too young and no concrete marriage arrangements existed at the time. She was 15 at the asylum hearing. However, five years later, the court ruled differently, noting she was then of marriageable age.⁵⁷ In the first case, 5a K 6223/17.A, the BAMF dismissed the claimant's risk of persecution in Afghanistan, citing her many years living in Iran. However, the court viewed this same fact as evidence of the claimant's increased vulnerability and granted her refugee protection.⁵⁸ The three court decisions presented highlight the lack of state protection and the risk of gender-based persecution, particularly for women with Westernised identities, under the Taliban regime.

4.1.2 Protection Denied

In six cases, no form of protection was granted. A Yazidi claimant fled the Russian Federation, fearing for her life due to physical abuse from her husband, who had also harmed their daughter.⁵⁹ A Ukrainian claimant, who similarly feared domestic violence from her husband, was also denied protection.⁶⁰ An Ethiopian claimant, who feared forced marriage and FGM, and was at risk of being trafficked again, had her appeal rejected.⁶¹ Similarly, another Ethiopian claimant's appeal, also based on the risk of FGM, was dismissed.⁶² Additionally, a Nigerian claimant, appealing on the grounds of being at risk of FGM, was rejected.⁶³

An Armenian claimant was rejected, despite providing evidence of ongoing threats and violence from her ex-husband and emphasising the lack of state protection.⁶⁴ Although the court acknowledged that the Armenian claimant was beaten and abused by her ex-husband, it did not find her fear of persecution to be credible or sufficiently substantiated. The protocol noted that the claimant presented her case in a consistent, understandable, and emotional manner, describing years of regular beatings and public humiliation by her then-husband, particularly because she could not bear children. The claimant emphasised that her ex-husband had contacts within the police, which had prevented her from seeking help, but the court also determined that there was an IFA available within Armenia and suggested that she could live with one of her siblings. Since she did not have children and has no support obligations for anyone in particular, the court stated that she would be able to earn an income at least at the level of the subsistence minimum through her own employment. The court mentioned that ultimately, there was little to suggest that the ex-husband would seek out and abuse the claimant again at her new place of residence two years after the separation.⁶⁵

All six denials involved the application of IFA as a viable option. Additionally, the courts questioned the credibility and evidence provided by the claimants, noting that the claimants did not provide sufficient evidence for a risk of persecution that would justify overturning the BAMF decisions.

4.2 Judicial Reasoning

⁵⁶ Case number 3 K 302/20, 7-9

⁵⁷ Case number 4 K 3363/17.WI.A, 3, 17

⁵⁸ Ibid 8

⁵⁹ Case number 1 K 2919/18.KS.A

⁶⁰ Case number 5 A 1332/18 SN

⁶¹ Case number M 13 K 18.31589 (München, 24 March 2022), Protocol

⁶² Case number B 7 K 17.32298 (Bayreuth, 14 March 2019) Protocol

⁶³ Case number A 4 K 2687/22

⁶⁴ Case number W 6 K 20.30279 (Würzburg, 01 January 2021) Protocol

⁶⁵ Ibid 10

This chapter focuses on how courts evaluate evidence in asylum cases, examining the types and quality of evidence presented to support claimant's cases. Afterwards, the chapter delves into the process of determining the credibility of the claimants, analysing the methods and standards used by judges to assess the truthfulness and reliability of their testimonies.

4.2.1 Evidence Assessment

In case VG 8 K 1588/16.A, the judge sought evidence of the claimant's Westernised lifestyle, asserting that she was no longer able to adapt to expected behaviours and traditions upon returning to Afghanistan. The court protocol stated, that for a Western lifestyle adaptation to be significant it must fundamentally shape the woman's identity, reflecting a serious and enduring inner conviction. To determine whether women with a Western-influenced identity would have faced persecution upon returning to Afghanistan, their specific circumstances, including regional, social, and familial background, had to be thoroughly evaluated. The judge mentioned that the claimant, due to her appearance, clothing, and hairstyle, did not differ from other young Western women.⁶⁶ Similarly, in case 5a K 6223/17.A, the judge observed during the oral hearing that the claimant's appearance did not differ from that of other young Western women, noting in particular that she had not been wearing a headscarf since living in Germany, which provided evidence to her case.⁶⁷

In the case 8 K 1507/19.A, an Ethiopian claimant was denied protection due to a lack of credible evidence and the possibility of internal relocation (IFA). The fear of becoming a victim of FGM was dismissed. The court argued that the claimant's parents had distanced themselves from such practices and had no relatives in Ethiopia who could be considered potential perpetrators. Before the appeal, the BAMF determined that there were no deportation bans based on the current humanitarian conditions in Ethiopia, because a dignified minimum standard of living could generally be assured. However, just one year after the BAMF's decision, the court acknowledged the risk of inhumane treatment and the harsh living conditions in Ethiopia, justifying a deportation ban for the claimant, who is part of a five-member family with very young children and without a family network in Ethiopia.⁶⁸

A Nigerian claimant was denied protection due to insufficient evidence of risk and state protection capabilities. The claimant, a minor born in Germany to parents of Nigerian nationality, sought asylum because she would have faced the risk of FGM if returned to Nigeria. The asylum application was initially filed by her parents on her behalf, citing cultural practices in their community that could have subjected her to FGM. The BAMF concluded that the claim was based on general cultural practices rather than specific threats or credible evidence indicating that the claimant would be subjected to FGM, which Nigeria could provide adequate protection, and that internal relocation within Nigeria was a viable option. The court took into account the BAMF's information, which indicated that legal options and the possibility to relocate were accessible.⁶⁹ Overall, these cases underscore the complexities involved in evaluating evidence related to women's experiences and identities, illustrating the challenges courts face in assessing evidence related to women's experiences of persecution.

4.2.2 Credibility Determination

A Nigerian woman sought asylum on the grounds of severe domestic abuse by her stepfather, the threat of female genital mutilation (FGM) for both herself and her daughter, and her experiences as a victim of human trafficking and forced prostitution in Italy. The BAMF initially rejected her application, citing insufficient evidence and suggesting IFA.⁷⁰ During the court hearing, the claimant provided detailed and emotionally charged accounts of her abuse and trafficking experiences. However, the claimant's assertion that the risk of FGM was imminent in July 2016 was not upheld by the court, as she reported this for the first time during the oral hearing and not in her initial asylum interview. The court argued that it is expected that such an event, which according to her statements directly triggered her flight, would be reported

⁶⁶ Case number VG 8 K 1588/16.A, 11-12

⁶⁷ Case number 5a K 6223/17.A, 7

⁶⁸ Case number 8 K 1507/19.A, 7

⁶⁹ Case number A 4 K 2687/22 (Stuttgart, 24 November 2022) Protocol, 6, 7

⁷⁰ Case number A 9 K 4048/18, 3

immediately, and that the truth of this claim was questionable. Nevertheless, the court assumed that the claimant faced a significant risk of FGM upon returning to Nigeria, as the rest of the account in this regard was credible, granting her refugee protection. The medical certificates presented during the court hearing, stating that the claimant had not undergone FGM, additionally determined the credibility. The court was convinced that she was unable to avoid forced circumcision if she returned to her family.⁷¹

Another case involving a Nigerian woman also centred on experiences of forced prostitution in Italy following flight due to economic hardship. In addition, she feared for her son's safety, anticipating that her brothers might subject him to traditional circumcision upon their return to Nigeria. The BAMF rejected the applications as they found no credible evidence of persecution. However, the court found the risk of serious harm to the son due to ritualistic circumcision credible, recognised the hardship and inability of the mother to support her children in Nigeria, and acknowledged that internal relocation was not a feasible option in this case. In the judge's opinion, the claimant's statements regarding forced prostitution lacked sufficient credibility. Furthermore, the court found her statement that she faced persecution from a human trafficking ring because she refused to engage in prostitution as planned to be inconsistent and therefore not credible. During her hearing with the BAMF, she did not mention being contacted or threatened by any such organisation in Italy, nor did she indicate having any agreement or obligation to the person who persuaded her to go to Italy, such as repaying travel costs. The apparent inconsistency in her statements, coupled with her continued claims during the oral hearing, led the court to believe that she exaggerated her story upon realising her initial claims would not succeed. The court granted subsidiary protection to her son and recognised an internal deportation ban for her, as a violation of Article 3 of the ECHR had occurred due to non-state dangers arising from precarious living conditions.⁷²

A Kurdish woman from Turkey emphasised in her appeal the threat of a forced marriage, the lack of protection and the fear of being a victim of honour violence. She referred to her statements made during the asylum interview at the BAMF, asserting that she had described the incidents in detail and with emotional depth, provided the relevant political context, and answered all questions appropriately. As no further questions were raised, she believed that the circumstances had been sufficiently clarified.⁷³ The court granted refugee status, recognising her membership in a PSG, the substantial risk of gender-based persecution, and the inability of Turkish authorities to provide effective protection. However, it found the claimant's account of the man her father wanted to force her to marry vague and lacking detail. This was because she referred to him as "a man" without mentioning his name or the circumstances of his approach. Their further contact and meetings at her parents' house remain unclear. She described him as an unattractive, short, chubby, older man with a moustache. The court found this description insufficient for the required judicial conviction that she was to be forcibly married to him. Despite this reasoning, the court believed it is highly likely she would be forcibly married against her will if she returned, as she explained convincingly that she remained unmarried.⁷⁴

This chapter illustrates the complexities involved in assessing credibility in asylum cases concerning claims of gender-based persecution. While the courts examined credible evidence of risk, they often focused on inconsistencies that ultimately shaped their decisions. These outcomes reveal a systemic challenge in adequately understanding the multifaceted nature of gender-related persecution.

4.3 State Protection and Persecution by Non-State Actors

The analysis within this chapter highlights the nuances in judicial reasoning, particularly regarding the existence of state protection and the effectiveness and willingness of the state to protect claimants. This, in combination with persecution by non-state actors is a critical aspect in the presented cases, with courts having examined whether the state could and would provide protection.

⁷¹ Case number A 9 K 4048/18, 7-8

⁷² Case number A 4 K 3531/18, 5, 6, 12

⁷³ Case number 5 A 4802/17, 3

⁷⁴ Ibid 5, A 4802/17, 8, 13

4.3.1 Effectiveness and Willingness of State Protection

A Kurdish woman from Turkey was denied any form of protection by the BAMF based on insufficient evidence of risk in combination with available state protection from domestic violence for her and her children. The court assessed the effectiveness and willingness of the Turkish state in detail using country information among other sources. It concluded that it could not be generally established that the Turkish state never provided sufficient protection for affected women, but it also could not be established that it always provided adequate protection. The court noted that while the Turkish state was theoretically willing to provide protection, it frequently failed to do so effectively in practice, especially for vulnerable groups such as Kurdish women.⁷⁵ The court stated that the claimant did not adequately demonstrate that protection was unavailable to her in Turkey and that given her level of education and the impression she made during the hearing, they assumed she could seek help from state institutions in Turkey for herself and her children. The judge was not convinced that the Turkish state is proven to be unable or unwilling to offer the claimant protection from persecution as outlined.⁷⁶ However, the claimant and her children were entitled to a deportation ban in conjunction with Article 3 of the ECHR, because as a single mother she would have needed to provide for herself and her two children, with no expectation of support from her violent and alcoholic ex-husband. Official information indicated that single Kurdish women without family support struggled to survive.⁷⁷

A Kurdish Yazidi claimant from Iraq feared persecution by the terrorist organisation ISIS in the Sinjar region of Northern Iraq. The BAMF did not determine an individual persecution since ISIS no longer controlled the region. In the appeal, the claimant emphasised a Western lifestyle and gender-based threats in Iraqi society. The court recognised the risk of persecution due to her Western lifestyle and the inability of Iraqi authorities to protect her, categorising the claimant as a member of the social group of Iraqi women with a Western-influenced identity, she would likely face persecution if she returned to Iraq. The judge noted that, due to the claimant's command of the German language and her appearance, she was indistinguishable from other young adults living in Germany. This clearly demonstrated to the court her appreciation for, and exercise of the freedoms afforded to women in Germany. The judge assessed the credibility of the claimant's membership in a PSG on their interpretation of her appearance. The court identified the claimant's Western lifestyle as a significant risk factor and recognised her as part of a PSG, leading to the granting of refugee status.⁷⁸

In contrast, another court did not recognise a membership to a PSG or an active persecutor in a relatively similar case. Instead, the focus laid on socio-economic dangers, resulting in the denial of refugee status. This Yazidi claimant from Iraq also feared ISIS persecution in the same location, the Sinjar region, and appealed for an upgrade from a deportation ban, but was denied refugee or subsidiary protection. The court did not categorise the claimant under a PSG. It focused on the absence of a specific persecutor at the time of return and on socio-economic dangers rather than personal characteristics that might have led to persecution. The claimant described that she experienced not only group persecution as a member of the Yazidi ethnic group but also individual persecution as she suffered severely from previous enslavement by ISIS, resulting in significant psychological trauma that persists to this day. The court recognised the claimant's past persecution by ISIS but deemed these acts as completed without current specific threat of persecution.⁷⁹

The decision emphasised that the continuation of past persecution effects without an active threat does not meet the requirement for refugee status. The deportation ban stayed in place. The court stated that the dangers threatening the claimant upon her hypothetical return to her home region mainly stemmed from the absence of certain male family members, which, in the judge's opinion, would not have justified granting her refugee status. However, due to the lack of a safe place to return to and the absence of protection from male family members, all of whom were killed by ISIS, she would be extremely vulnerable. Furthermore, while women who were abducted by ISIS are no longer ostracised by the Yazidi community, they are still likely to be viewed with significant scepticism and apprehensions. The court therefore recognised the continued risk resulting from a lack of socio-economic safety. However, it did not find sufficient grounds for refugee status, as the mere continuation of the effects of a completed act of persecution, particularly

⁷⁵ Case number A 6 K 601/22, 10-15

⁷⁶ Ibid 15-16

⁷⁷ Ibid 20-21

⁷⁸ Case number 12 A 4514/21, 5, 10

⁷⁹ Case number A 10 S 2189/21, 16

in the absence of a persecutor at the time of return, is not considered sufficient to constitute ongoing persecution.⁸⁰

4.3.2 Judicial Recognition of Persecution by Non-State Actors

The following two cases with claimants originating from the Russian Federation, both from the region of Chechnya, highlight the judiciary's crucial role in recognising persecution by non-state actors and the state's inability or unwillingness to provide adequate protection, which are essential factors for granting asylum. Both claimants sought asylum due to fear of persecution by their husbands and additional family members, facing the threat of forced marriage, physical, psychological, and sexual violence, as well as fear of honour killing. Both were declined any form of protection by the BAMF, that cited a lack of credible evidence and suggested IFA within Russia.⁸¹ While one claimant was granted refugee status by the court, the second one received subsidiary protection, though the same administrative court ruled both decisions.

In case VG 16 K 3097/17.A the court found the forced marriage and violence described by the claimant to be credible. After filing for divorce, the claimant became the target of an attempted murder by her husband, with Chechen authorities refusing to take any police or judicial action. The threat to her safety was further heightened by the fact that her husband was a police officer, holding significant power, which led the court to recognise that the Chechen authorities were neither willing nor able to protect her from his violence. In conclusion, these severe and immediate threats, her well-founded fear of persecution due to her husband's influence, and the lack of effective protection resulted in the court granting her refugee status.⁸²

In the second case, the court acknowledged the claimant's fear of persecution, but it found some aspects of her account less compelling or lacking in detail compared to the first case. The court recognised that the claimant's forced marriage, the experienced violence, and the lack of effective state protection warranted protection but may have viewed the state's failure as less absolute or immediate, concluding in the court granting subsidiary protection, and with this decision indicating a serious risk of inhuman treatment by the claimant's family. The court did not acknowledge a well-founded fear of persecution to grant refugee status.⁸³

4.4 Internal Flight Alternative (IFA)

The application of IFA is one of the most common reasons for the rejection of asylum claims by the BAMF. In total, 13 out of the 26 cases mention IFA in the BAMF's rejection of refugee protection.⁸⁴ This chapter examines the application of the internal flight alternative, focusing on its role in the rejection of claims to refugee protection. It also explores the challenges and criticisms associated with the concept, including practical difficulties faced by asylum seekers and concerns about its human rights implications.

4.4.1 Application of IFA

A two-year-old minor,⁸⁵ who was represented by her parents, was denied protection because she could find protection within Nigeria, questioning the substantiation of the risk of FGM, with a considerably low probability. The court stated that the claimant's parents could reasonably pursue internal relocation options, even without social support, as a person returning to Nigeria would not face life-threatening conditions. It concluded that they would be able to meet their basic needs through self-employment, particularly with the aid of return assistance.⁸⁶

⁸⁰ Ibid 12, 16

⁸¹ Case numbers VG 16 K 3097/17.A, 4; VG 16 K 2743/17.A, 2

⁸² Case number VG 16 K 3097/17.A, 7-9

⁸³ Case number VG 16 K 2743/17.A, 8

⁸⁴ Case number VG 13 K 3688/16.A, VG 20 K 141.17 A, VG 16 K 3097/17.A, VG 16 K 2743/17.A, 1 K 2919/18.KS.A, 1 K 2919/18.KS.A, 5 A 1332/18 SN, M 13 K 18.31589, 8 K 1507/19.A, A 15 K 6731/12, B 7 K 17.32298, A 4 K 2687/22, A 9 K 4048/18

⁸⁵ Case number A 4 K 2687/22; evaluated in 5.2.1 Evidence Assessment.

⁸⁶ Ibid 7

The BAMF stating that the claimant had a viable IFA in another part of Afghanistan rejected an Afghan claimant's asylum application. The claimant reported that after the death of her husband, she was forced to live with her brother-in-law who repeatedly raped and mistreated her over a period of years. She was unable to report him to the police due to his threats of taking her children from her. The claimant left her two daughters with her sister, because she did not have enough money to leave the country with her four children. The BAMF claimed her sister's home to be the viable IFA after her return. Through her appeal, the claimant stated to fear continued persecution and violence from her brother-in-law and highlighted her status as a single woman without male protection in Afghanistan, making her particularly vulnerable. She stated that her brother-in-law threatened to kill her and her children if they would return. Contrary to the BAMF's assumption, the court's contested decision found that there was no viable IFA available for the claimant. To the court, it was not reasonable to refer her to internal protection given the danger that the information about her return will reach the brother-in-law.⁸⁷

These two cases illustrate the significant challenges and inconsistencies in the application of IFA in asylum claims, highlighting how courts may assess the availability of internal protection in contexts where claimants face substantial risks of harm and demonstrate the potential disconnect between the assumptions made by authorities and the realities of the claimants' situations.

4.4.2 Challenges of IFA

An Afghan claimant did not receive refugee protection, but a national deportation ban was acknowledged by the BAMF as they argued that IFA was a viable option, precisely in the capital, Kabul. The claimant highlighted in her appeal her status as a widow without male protection and the risks she faced due to her ethnic and religious background. Between the asylum application and the administrative court's decision, five years had already passed. She emphasised her Westernised lifestyle that she developed during her stay in Germany and the threats posed by the Taliban. The court acknowledged the claimant's legitimate fear of persecution based on her gender and ethnicity, highlighting the systemic discrimination and threats faced by Hazara women, especially those lacking male protection and influenced by Western values.⁸⁸

An Ethiopian claimant reiterated her concerns during the appeal following the BAMF's rejection of her application for international protection. She detailed ongoing threats from her father, the risk of forced marriage and genital mutilation, the danger of being trafficked again, and the possibility of being targeted by the same traffickers. She also highlighted the poor security situation and economic instability in Ethiopia's Amhara region. The court did not find the claimant's fear of persecution to be credible or sufficiently substantiated and determined that there was an IFA available within Ethiopia, particularly in the capital, Addis Ababa, where she had previously found refuge.⁸⁹ The judge assumed that the claimant and her child's livelihood could be sustained through familial support in Addis Ababa. The judge stated that the father of her son and her uncle could financially support the claimant from Germany. However, the uncle was unable to support her before, and the contact with the father of the child was not further explored. The court argued that the claimant was now capable of contributing to her own livelihood through employment, saying that her uncle's family could care for the claimant's son during those times when she was unable to do so due to her own employment.⁹⁰

The courts often argued that IFA is possible to capitals and bigger cities, but in the analysed cases it was overlooked that the claimants were particularly vulnerable due to either their status (e.g., as a widow or single woman with minors), or that the perpetrators (e.g., ex-husband, family member) are mobile and well connected within the country. Challenges associated with IFA include assessing the feasibility and safety of internal relocation, particularly for women facing gender-based persecution.

4.5 Membership of a Particular Social Group (PSG)

⁸⁷ Case number VG 13 K 3688/16.A, 8

⁸⁸ Case number VG 20 K 141.17 A, 17

⁸⁹ Case number M 13 K 18.31589, 7

⁹⁰ Ibid 11-12

In the final chapter of this case analysis, the discussion centres on the concept of PSG and its influence on asylum decisions. The following chapter explores how the membership of a PSG is recognised by the courts. Afterwards the impact of this recognition on the outcomes of asylum claims will be examined, highlighting the factors that shape judicial decisions in the presented cases.

4.5.1 Recognition of PSG

Membership in a PSG played a pivotal role in many decisions, with courts recognising various PSGs based on gender, Westernised lifestyle, FGM, and other factors. Out of the 26 selected cases, the courts analysed if a membership to a PSG existed in 15 cases and recognised the membership of a PSG in 13 of these 15 cases, which ultimately resulted in the claimants receiving refugee status following their appeal.⁹¹

In case VG 13 K 3688/16.A, the claimant was denied any form of protection by the BAMF due to an alleged IFA.⁹² The court recognised the claimant's well-founded fear of persecution due to her gender and the membership of a PSG. The court further emphasised that the forced living arrangement and abuse by her brother-in-law, combined with the lack of legal protection for women in Afghanistan constituted grounds for refugee status. The court then concluded that the membership of a PSG was to be interpreted as single Afghan women, or in this case, a widowed woman, without male protection. According to the stated standards, the claimant had sufficiently and credibly demonstrated previous persecution carried out by a non-state actor.⁹³

One Afghan claimant was granted a deportation ban by the BAMF, but the court recognised the claimant's well-founded fear of gender-specific persecution due to her young age, Westernised identity, and lack of male protection.⁹⁴ The court emphasised the severe restrictions and threats against women, especially those who defy traditional norms, under the Taliban regime. The court did not mention the membership to a PSG in its reasoning, though the argumentation in their decision is very similar to the previously analysed case, VG 13 K 3688/16.A.⁹⁵

A claimant of Armenian nationality fled due to violent threats from her ex-husband towards her, she feared for her and her daughter's safety. The claimant provided evidence of ongoing threats and violence from her ex-husband, including a severe incident where he beat her unconscious. She also highlighted the lack of state protection and the risk of honour-related violence. The BAMF rejected any form of protection, but the court acknowledged the claimant's well-founded fear of persecution due to gender-based violence and the lack of state protection in Armenia. The court emphasised the systemic issues in Armenia, including ineffective law enforcement and societal norms that disadvantage women. The court stated that women subjected to domestic violence in Armenia are also regarded as members of a particular social group distinguished by gender-related factors. This was especially the case when domestic violence was not merely an expression of a private conflict, but rather an institutionalised discrimination against women by the legal and social system.⁹⁶

These three cases highlight the essential role of membership in a PSG in asylum decisions related to gender-based persecution. Though a significant number of court decisions are based on the claimants' membership of a PSG, the reasoning is not used consistently.

4.5.2 Impact on Decisions

In case A 2 K 10762/18, the claimant fled her home country Gambia due to the threat of forced marriage arranged by her parents. The claimant suffered from FGM, claiming that she still faces medical consequences. She stated that she is homosexual, which was discovered by her parents, and she was subjected to violence by her father. The BAMF rejected her claim stating that her account was not credible. In court, the judge

⁹¹ Case number 4 K 3363/17.WI.A, VG 8 K 1588/16.A, 5a K 6223/17.A, VG 13 K 3688/16.A, 8 A 115/19, VG 16 K 3097/17.A, AN 9 K 18.31016, A 15 K 6731/12, A 2 K 10762/18, A 9 K 4048/18, 4 A 175/19, 5 A 4802/17, 12 A 4514/21

⁹² Evaluated in 4.4.1 Application of IFA.

⁹³ Case number VG 13 K 3688/16.A, 6

⁹⁴ Evaluated in 4.1.1 Protection Granted.

⁹⁵ Case number 3 K 302/20, 6

⁹⁶ Case number 8 A 115/19, 7

believed that she had left her home due to an imminent forced marriage, based on her credible testimony. The claimant also supported parts of her testimony such as her circumcision with the proof of specialist medical documentation.⁹⁷ The claimant stated that she had not acted on her homosexuality in Germany. She mentioned that she had neither pursued nor engaged in a homosexual relationship during her stay in Germany and did not have a partner at the time of the hearing. Instead, she focused on her health. The judge assumed that consequently, it would be unlikely that she would outlive her homosexuality upon returning to Gambia, meaning her father would not suspect her of being homosexual. Though the claimant credibly described the persecution events during the asylum hearing with the BAMF, and provided even more detailed and convincing accounts, answering all questions without contradictions in the court hearing, the judge argued that it does not justify granting refugee status. According to the court, the Refugee Convention and the Qualification Directive 2011/95/EU did not directly list gender as a persecution characteristic. Therefore, the claimant had to have been persecuted as a member of a PSG. The judge argued that these requirements were not fulfilled in her case, and granted subsidiary protection as the claimant faces a serious risk of degrading treatment by her father upon her return but did not grant refugee status.⁹⁸

A Turkish woman sought asylum, fearing persecution due to her political beliefs; however, her application was rejected by the BAMF on the grounds of insufficient evidence of risk and the availability of adequate state protection. During her appeal at the court hearing, the claimant revealed her homosexuality for the first time, as she had previously lacked the courage to disclose this information in front of the male BAMF interviewer and translator. She stated that she had been unaware her sexual orientation could be relevant to her asylum case, as no questions had been asked about it. The questioning led her to believe that the hearing had focused solely on political persecution. Consequently, she declined the offer of being interviewed by female personnel.⁹⁹ The expression of her political beliefs and her connections to opponents of the government did not suffice to assume persecution based on her political beliefs. However, the court decided that the claimant belongs to a PSG based on her sexual orientation. The claimant credibly described that her father could harm her, since her parents viewed homosexuality as a disease that needed treatment, and that was incompatible with the Islamic beliefs. Thus, she faced a severe threat to her human dignity and her health upon her return.¹⁰⁰

In the case of a Kurdish claimant from Turkey who feared domestic violence and a lack of effective protection, the court did not assess the claimant's membership in a PSG, as her request had already been denied prior to addressing this issue.¹⁰¹ The court deemed it unnecessary to decide whether the described actions, classified as persecution, were linked to a specific ground for persecution. This was because the claim for refugee status had already been denied due to the absence of a recognised persecutor, as the ex-husband did not qualify as such in this context. Consequently, although the claimant may have faced persecution, no formal determination was made since this issue had already been ruled out by the court.¹⁰²

The outcomes of these cases illustrate the inconsistencies in judicial reasoning regarding PSG membership reflect broader challenges faced by female claimants seeking protection from gender-based violence and persecution. The decision to recognise or reject an individual's membership in a particular social group significantly influences whether female asylum seekers relying on gender-based persecution claims are granted refugee protection.

97 Case number A 2 K 10762/18, 3

98 Ibid 7, 12

99 Case number 4 A 175/19, 2

100 Ibid 9

101 Evaluated in 5.3.1 Effectiveness and Willingness of State Protection.

102 Case number A 6 K 601/22, 10

5. Conclusion and Recommendations

In summary, misjudgements in the initial RSD by the BAMF are responsible for many flawed protection rejections. The flawed evaluations stem from several key issues. Firstly, the initial assessment by the BAMF often failed to adequately consider gender-specific risks such as domestic violence, forced marriages, and FGM, particularly when perpetrated by non-state actors. Secondly, the claimants were not always recognised as belonging to a persecuted PSG in their home countries. The initial rejection of claims frequently relied on the possibility of IFA, overlooking the social and practical barriers, including the lack of support networks and existence of persistent threats. Moreover, the assumption that state protection was available was often unrealistic, given systemic failures in law enforcement and the unwillingness to protect women. Lastly, the initial evaluation often failed to fully grasp the cultural and societal context in which these women were persecuted, leading to an underestimation of the risks they would likely face upon return to their home countries. This interpretation seems rooted in a Western feminist framework that does not adequately account for the complexities of the claimants' lived experiences.

Held and Tschalaer¹⁰³ point out that BAMF decision makers may rely on emotional distancing to cope with the psychological burden of their work while objectifying applicants and perceiving their stories as repetitive or implausible. This detachment can cause distrust and contribute to a hierarchy of suffering, where only the most extreme cases are taken seriously.¹⁰⁴ As illustrated in several presented cases, the credibility assessment is a crucial aspect of the process. If a narrative is deemed not credible, the claim fails, regardless of whether the legal criteria for persecution are otherwise met.¹⁰⁵

Another frequent source of error is the rejection of responsibility. BAMF decision makers may downplay the impact of their decisions, assuming that appeals will serve as a safeguard.¹⁰⁶ This belief, that someone else will ultimately make the final call, deflects accountability and overlooks the serious consequences of an initial rejection, especially for applicants lacking the financial means to appeal or facing years of legal uncertainty, as illustrated by the 26 analysed cases. It is deeply problematic that the very authority tasked with determining protection needs is so prone to error, thereby endangering the lives of those seeking refuge.

The administrative courts, as the second and in most cases final instance, often corrected the evaluation errors of the initial assessments, as demonstrated in 19 out of 26 cases in this research. The BAMF's errors, as detailed above, are not isolated but part of a broader pattern, as the courts likewise failed to apply objective evaluation criteria in decisions concerning gender-based persecution. The analysis of the appeals revealed that decisions often reflected personal biases of judges, particularly cases involving claims of domestic violence, forced marriage, FGM and Westernised lifestyles.

A concerning pattern of subjective judgments in appeal decisions becomes visible, where judges often rely on personal views rather than thorough examination of the evidence. This is particularly evident in cases involving assessments of claimants' credibility, cultural identity, and risk factors, where assumptions are made without sufficient context or understanding of the claimant's individual circumstances. The claimants' credibility is based on superficial indicators which, in the analysed cases, are frequently appearance and lifestyle. For instance, in several cases involving women claiming asylum due to threats of persecution linked to their Westernised appearances or lifestyles, judges frequently based their decisions on personal impressions of how "Western" the claimants appeared, such as their lack of headscarves or their Westernised clothing.¹⁰⁷ This raises concerns: if the claimant had worn a veil, would her credibility have been undermined? The judges' assumptions overlook the complexities of individual identity and the pressures that might be faced by claimants, to conform to cultural expectations to gain protection, reinforcing a narrow view of what it means to "integrate".

More examples of subjective judgements are visible in cases such as W 6 K 20.30279, where the court concluded that it was unlikely that the ex-husband would seek out and abuse the claimant at her new

¹⁰³ 2023

¹⁰⁴ Held and Tschalaer, *Die Intersektionalität von Geschlecht und Sexualität in Asylanträgen von lesbischen Geflüchteten. Ein Leitfaden zur Verbesserung der Asylpraxis in Bezug auf lesbische Geflüchtete in Deutschland* (2023) 17-18.

¹⁰⁵ C. G. Oxford, 'Protectors and Victims in the Gender Regime of Asylum' (2005) 17(3) *NWSA Journal* 18, 24-27.

¹⁰⁶ Held and Tschalaer (n 104) 17-18.

¹⁰⁷ Case number VG 8 K 1588/16.A; 5a K 6223/17.A; 12 A 4514/21

residence two years after their separation.¹⁰⁸ Or in case M 13 K 18.31589, the judge assumed the claimant could be financially supported by her son's father and that her uncle's family would care for her son during work hours.¹⁰⁹ Further, the courts often failed to adequately account for trauma and fear experienced by claimants, overlooking the reality of trauma, and rather focussing on minor inconsistencies in the testimonies. Such as in case 5 A 4802/17, the judge questioned the claimant's vague description of the man her father wanted her to marry. A pattern of the judges' consistent underestimation of the social and cultural contexts exists, shown in multiple cases, such as case A 2 K 10762/18, where they overlooked the severe risks faced by LGBTQ+ individuals.¹¹⁰ This flawed reasoning reflects a significant misunderstanding of the real dangers involved.

The gendered and racialized aspects of RSD have often led to a narrow and problematic portrayal of women. Decision makers prioritise claims involving 'exotic' harms, such as FGM, while overlooking more common forms of violence, such as domestic abuse, that are also common within their own societies in the Global North.¹¹¹ Researchers have called for a shift from using PSG as the standard ground to focusing more on political opinion. These scholars argue that examining gender relations and the structural roots of inequality provides a better understanding of the political nature of gendered harm, rather than relying on rigid notions of traditional politics and gender roles.¹¹² It is worth examining why it is so difficult for advocates and decision makers to acknowledge that many acts are political and not merely related to PSG considerations. Why are women who refuse to undergo FGM not seen as political dissidents that are challenging fundamental customs of their society?¹¹³ Additionally, the victimisation, and protectionism of women can be classified as harmful experiences, taking place during the RSD, resulting in weakening women's agency, and creating cultural essentialism.¹¹⁴ While I presented it positively that women can find protection based on the membership of a PSG, this should also raise concerns, since additionally to the above stated reasons, it reinforces outdated divisions between public and private spheres, overlooking the diverse ways in which women actively participate and resist, while relying on traditional, male-centric notions of politics, which marginalises women's experiences.¹¹⁵

An investigation revealed that the administrative court in Gera, East Germany, has significantly higher rejection rates compared to the national average, particularly for Ethiopian and Nigerian asylum seekers. For instance, between 2014 and 2023, the success rate for Ethiopian cases was only 1.24%, while the national average was 21.28%. Concerns have arisen about some judges' connections to the far-right AfD party, with one judge reportedly making racist remarks, such as questioning why a woman cannot be "forcibly married off in her homeland".¹¹⁶ This raises concerns about racist and sexist attitudes among judges. It highlights how the assignment of cases to specific administrative courts can determine an asylum seeker's fate.¹¹⁷

In conclusion, while the courts have served as a necessary corrective to the BAMF's flawed decisions, the broader pattern of subjective judgments and personal biases within the asylum system reveals grave systemic issues. These findings highlight the need for more consistent and objective evaluation criteria to ensure fairness and accuracy. All decision makers and judges should receive thorough training on gender- and cultural sensitivity, ensuring they understand the broader social and political contexts of the claimants' persecution, and are equipped to make fair and accurate assessments. Additionally, a system for regular monitoring needs to be established. Furthermore, it is crucial to guarantee access to asylum procedure advisory services. Asylum seekers should have access to comprehensive advisory services nationwide. This service must be recognised as a legal right, ensuring that all asylum seekers are adequately prepared for interviews. Additionally, a transparent, nationwide vulnerability identification process should be implement-

108 Evaluated in 4.1.2 Protection Denied

109 Evaluated in 4.4.2 Challenges of IFA

110 Evaluated in 4.5.2 Impact on Decisions

111 Anderson and Foster (n 13) 68.

112 Ibid 69.

113 A. Edwards, "Transitioning Gender: Feminist Engagement with International Refugee Law and Policy 1950-2010" (2010) 29(2) Refugee Survey Quarterly 21-45, 30.

114 C. G. Oxford (n 105) 18-22.

115 Ibid 24-27.

116 Original language: Kann das Weib nicht endlich in ihre Heimat zwangsverheiratet werden?, „Weib“ is considered a derogatory term for a woman. It is seen as outdated and disrespectful, carrying negative connotations. Using this term can be offensive as it implies a lack of respect towards women.

117 PRO ASYL, *Gefahr von rechten Richtern für Geflüchtete* (12 July 2024) <https://www.proasyl.de/news/gefahr-von-rechten-richtern-fuer-gefluechtete/> accessed 17 August 2024. Bundesregierung, Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten Clara Büniger, Nicole Gohlke, Anke Domscheit-Berg, weiterer Abgeordneter und der Fraktion DIE LINKE – Drucksache 20/7833 (2023). 1-2.

ed to ensure that gender-specific violence is addressed during the asylum process. This process should include standard questions about discrimination, violence, and harmful practices.¹¹⁸

While the ECHR is not specifically designed as a tool for refugee protection, its provisions, and particularly the ban on deportation, have often played a crucial role in preventing refugees from being returned to countries where they face potential harm. This has fostered a protective environment for asylum seekers, underscoring the ECHR's significance in safeguarding human rights, even as its primary focus lies outside the realm of asylum law.

Despite its intention to protect all women and integrate gender considerations into legal frameworks, the Istanbul Convention has largely failed in the asylum decision-making process. Although its absence was noted in three cases,¹¹⁹ the Convention, including crucial provisions like Article 60 and 61 that could support gender-based asylum claims, were not applied in the reasoning of decisions by the BAMF or the courts. This neglecting paired with the biased and subjective judgments observed in general, and the strong use of the PSG ground, highlights significant shortcomings in the protection of women within the asylum system. The provisions of the Istanbul Convention in asylum decision-making to better address gender-based persecution, needs to be applied. Both the BAMF and the courts should integrate the Convention's guidelines into their reasoning, ensuring that women receive the protection they are entitled to under international law.

The recent CJEU ruling clarified that all forms of gender-based violence can lead to refugee protection; as such, violence constitutes persecution under European law.¹²⁰ It strongly relied on the Istanbul Convention and supports an intersectional approach for women facing domestic violence, emphasising that those fleeing violence can be recognised as a PSG under the Qualification Directive based solely on their gender. This ruling establishes that domestic and gender-based violence are structural problems, not private matters, creating an opportunity for positive change through existing Conventions.¹²¹ Ultimately, this development promotes a more inclusive understanding of refugee protection and highlights the critical need to address gender-based violence in asylum processes. The ruling offers hope for meaningful and positive change.

118 Bundesregierung (n 5) 7.

119 5 A 4802/17 and 4 A 175/19 (Turkey's withdrawal) and 8 A 115/19 (Armenia, where ratification is still pending).

120 Judgment of the Court (Grand Chamber) of 16 January 2024, *WS v Intervyuirasht organ na Darzhavna agentsia za bezhantsite pri Ministerskia savet*, Case C-621/21, EU:C:2024:45.

121 Steininger, 'The CJEU's Feminist Turn' (2024) *Verfassungsblog* <https://verfassungsblog.de/the-cjeus-feminist-turn/> accessed 6 October 2024.

6. Appeal Judgments

1 K 2919/18.KS.A (Verwaltungsgericht Kassel, 29 July 202) <https://www.asyl.net/rsdb/M28986> accessed 16 September 2024.

3 K 302/20 (Verwaltungsgericht Bremen, 26 November 2021) <<https://www.asyl.net/rsdb/m30437>> accessed 16 September 2024.

4 A 175/19 (Verwaltungsgericht Göttingen, 08 November 2022) <<https://www.asyl.net/rsdb/m31393>> accessed 16 September 2024.

4 K 3363/17.WI.A (Verwaltungsgericht Wiesbaden, 17 November 2022) <<https://www.asyl.net/rsdb/m31189>> accessed 16 September 2024.

5 A 1332/18 SN (Verwaltungsgericht Schwerin, 20 March 2019) <<https://www.asyl.net/rsdb/M27204>> accessed 16 September 2024.

5 A 4802/17 (Verwaltungsgericht Oldenburg, 10 November 2021) <<https://www.asyl.net/rsdb/m31412>> accessed 16 September 2024.

5a K 6223/17.A (Verwaltungsgericht Gelsenkirchen, 08 November 2021) <<https://www.asyl.net/rsdb/m30286>> accessed 16 September 2024.

8 A 115/19 (Verwaltungsgericht, Schleswig-Holstein, 28 January 2021) <<https://www.asyl.net/rsdb/m31593>> accessed 16 September 2024.

8 K 1507/19.A (Verwaltungsgericht Cottbus, 12 August 2020) <<https://www.asyl.net/rsdb/M28764>> accessed 16 September 2024.

12 A 4514/21 (Verwaltungsgericht Hannover, 30 May 2023) <<https://www.asyl.net/rsdb/m31777>> accessed 16 September 2024.

A 2 K 10762/18 (Verwaltungsgericht Stuttgart, 03 November 2020) <<https://www.asyl.net/rsdb/m29115>> accessed 16 September 2024.

A 4 K 2687/22 (Verwaltungsgericht Stuttgart, 24 November 2022) <<https://www.asyl.net/rsdb/m31309>> accessed 16 September 2024.

A 4 K 3531/18 (Verwaltungsgericht Sigmaringen, 29 January 2020) <<https://www.asyl.net/rsdb/M28240>>

accessed 16 September 2024.

A 6 K 601/22 (Verwaltungsgericht Freiburg, 10 July 2023) <<https://www.asyl.net/rsdb/m31766>> accessed 16 September 2024.

A 9 K 4048/18 (Verwaltungsgericht Sigmaringen, 29 June 2020) <<https://www.asyl.net/rsdb/M29119>> accessed 16 September 2024.

A 10 S 2189/21 (Verwaltungsgericht Baden-Württemberg, 07 December 2021) <<https://www.asyl.net/rsdb/m30317>> accessed 16 September 2024.

A 15 K 6731/12 (Verwaltungsgericht Freiburg, 24 June 2020) <<https://www.asyl.net/rsdb/M29118>> accessed 16 September 2024.

AN 9 K 18.31016 (Verwaltungsgericht Ansbach, 27 May 2020) <<https://www.asyl.net/rsdb/M28480>> accessed 16 September 2024.

B 7 K 17.32298 (Verwaltungsgericht Bayreuth, 14 March 2019) <<https://www.asyl.net/rsdb/M28835>> accessed 16 September 2024.

M 13 K 18.31589 (Verwaltungsgericht München, 24 March 2022) <<https://www.asyl.net/rsdb/m30999>> accessed 16 September 2024.

VG 8 K 1588/16.A (Verwaltungsgericht Frankfurt (Oder), 25 November 2020) <<https://www.asyl.net/rsdb/M29510>> accessed 16 September 2024.

VG 13 K 3688/16.A (Verwaltungsgericht Potsdam, 02 December 2020) <<https://www.asyl.net/rsdb/m29504>> accessed 16 September 2024.

VG 16 K 2743/17.A (Verwaltungsgericht Potsdam, 28 April 2022) <<https://www.asyl.net/rsdb/m30840>> accessed 16 September 2024.

VG 16 K 3097/17.A (Verwaltungsgericht Potsdam, 08 June 2022) <<https://www.asyl.net/rsdb/m30786>> accessed 16 September 2024.

VG 20 K 141.17 A (Verwaltungsgericht Berlin, 17 July 2019) <<https://www.asyl.net/rsdb/M27525>> accessed 16 September 2024.

W 6 K 20.30279 (Verwaltungsgericht Würzburg, 10 May 2021) <<https://www.asyl.net/rsdb/m30026>>

accessed 16 September 2024.

