

KNOW YOUR RIGHTS INITIATIVE E.V.

Border controls

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/BASIC RELATIONSHIP OF CITIZEN/STATE

General freedom of action (Art. 2 para. 1 GG)

Every human behavior is covered by the general freedom of action. This means that every state restriction of freedom of action, i.e., every prohibition, must be justified.

Right to informational self-determination

Principally, every person has the right to determine for himself or herself whether and which data will be disclosed to and used by government agencies.

Proviso of the law

If a state measure interferes with fundamental rights, it must be able to rely on a legal basis (norm of authority).

/WHAT IS THE TASK OF THE FEDERAL POLICE?

The Federal Police is responsible in particular for border protection, the protection of railroad facilities and for aviation security.

Border protection includes both the surveillance of the borders of the Federal Republic, but also the control of whether persons are authorized to cross the federal border and the defense against dangers of cross-border traffic.

/WHEN MAY THE POLICE STOP ME?

General obligation to provide information

In order to document personal data (surname, first name, day and place of birth, residential address, nationality), the police may stop a person if it is to be expected that they have information that is necessary for the performance of a police task. (§ 22 BPolG)

For the purpose of checking entry documents, the Federal Police may also stop any person, question him, check entry documents, and also inspect items carried (bag, clothing, car). (§ 23 BPolG)

If you are stopped for these reasons, you have the obligation to give your own name, first name, day and place of birth, home address and nationality. This obligation to stop briefly (typically max. 15 min.) can also be enforced by force (so-called direct coercion) if the person in question resists.

In addition, documents and certificates that must be carried can be checked. Particularly, this applies to visas, residence documents and passport papers, but also to driving licenses, for example.

WHAT CAN THE POLICE DO IF I REFUSE TO PROVIDE INFORMATION?

If information is refused, the police can **search** the person and the things he or she is carrying. Searches of persons may only be carried out by persons of the same sex or by doctors unless there is a danger to life or limb.

If property is to be searched, the person carrying the property may be present during the search. If information is refused and a search is also unsuccessful, the police may carry out **identification measures**.

This particularly includes taking fingerprints and palm prints, taking photographs, and determining special external physical features (e.g., tattoos, scars) and taking measurements (e.g., height, weight).

WHAT ELSE MAY HAPPEN AFTERWARDS?

Under some circumstances, certain things can be taken away by the police (so-called "**seizure**"). These can be, for example, weapons, drugs or objects that could be connected to a specific crime (e.g. stolen goods).

If items are seized, the police must issue a **receipt** stating which items were seized and why.

A **prohibition order**, i.e., a ban on entering a certain place, can be issued in order to avert a danger.

/PRACTICAL TIPS

As a rule, officers want to make the control pleasant and speedy. Therefore, if you remain calm and friendly and have the necessary documents handy, the control is usually completed quickly.

The necessary documents, in particular passports, residence permits and/or visas, must be presented in the original to verify their authenticity.

In addition to the residence title, a passport or passport replacement document must always be shown.

Do not be put off if the check takes a little while. Especially the check of databases for the tracing of persons and things occasionally takes a few minutes.

If you are not sure whether you are obliged to tolerate a measure, you can ask directly. Here, the police are not allowed to lie.

There is usually little point in resisting measures that the police force orders or want to bindingly undertake. Since the police are allowed to enforce their orders and measures with force in case of doubt, such a refusal leads to escalation in the worst case. **Unlawful measures should always be clarified in the aftermath, never in the respective situation.**



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