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## PROTECTION MARRIAGE

### Marrying for the purpose of residential security

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There are many reasons to marry, one being solidarity and support for refugees and immigrants. Marriage is a possibility to protect people from deportation and help provide them with permanent residential rights.

These pages will offer an introduction to Protection Marriage and everything that can aid marrying for this purpose.

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## PROTECTION MARRIAGE - Law

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### Marriage

Marriage and Family stand under the constitutional protection act Art. 6 Section. GG (Grundgesetz = Constitution)

### Residential rights with marriage

Within the Marriage Act the spouse without German citizenship has gained the right to claim residential allowance under § 23 Sec.1 Nr. 1 AuslG (Ausländergesetz = foreigner law), provided that the spouse holding the German citizenship resides in Germany.

### Life-partnership

LPartG (Lebenspartnerschaftsgesetz = Life-partnership law) Article 1 Section 1 § 1: Two people of the same sex can establish a life-partnership if they mutually declare in the presence of one another the will to live a life time partnership. The declaration cannot be made with a pre-condition or limited time span. The declaration comes into effect if they stand before a competent Public Authority. Further provisions for the declaration of a life-partnership are that the life-partner has submitted an evaluation of assets (§ 6 Sect. 1). Through the grounds of life-partnership, the foreign partner has the right to claim residence. The Foreigner Office must issue the allowance (§ 27a iVm § 23 Abs. 1 AuslG), on the proviso that there are no grounds for deportation.

### Fictitious marriage

The Council of the European Union defines *Scheinehe* (fictitious marriage) as, "the marriage of a citizen of a member State, or a citizen of a non-member State with proof of Residence in a member State, to a non-member in order to help a non-member evade legal regulations concerning the entrance and residence of non-member citizens and to secure a residence permit."

### Registrar's office

The Registrar is bound by law to deny his/her co-operation with the marriage (§ 1310 BGB), if it is evident that it is a "fictitious marriage" (§ 1314 Sect. 2) or the couple does not seem to be willing to engage in a marital life-partnership.

### Marital life-partnership

*Eheliche Lebensgemeinschaft* (Marital life-partnership): In § 1353 Sect. 1 BGB (Bürgerliches Gesetzbuch =

German civil code), is defined as: "The partners commitment to one another to a marital life-partnership; they hold responsibility for one another". There are controversial discussions by lawyers how a life-partnership and its maintainance is to be understood. Central to this issue is that the partners have to ensure a constant communal life. Although German partners do not have to live in the same house to accomplish this, many foreigner offices require binational partners to live in the same house.

#### **Criminal Law**

According to § 92 Sect. 2 Nr. 2 AuslG (if untruthful declarations or statements, in the form of "fictitious marriage", are made for the purpose of gaining a residence permit) a "fictitious marriage" can be prosecuted with up to 3 years imprisonment or a fine. In most cases "only" the sentencing of the immigrant under § 271 StGB (Strafgesetzbuch = German Criminal code) for "false testament" or under § 156 StGB for perjury. In addition German citizens can be prosecuted for aiding illegal residency.

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## PROTECTION MARRIAGE - Guide to getting married

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- Fatherhood

With today's asylum politics, a refugee can, at best, attain the right to stay by chance. Considering migration politics, in which permanent residence is only possible on the grounds of marriage, more people are asking themselves the question; whether they should marry or commit to a same-sex life-partnership, out of love or out of the possible threat of having to leave the country. The motives for this vary. One may consider marrying in order to keep their loved ones in Germany. The other may consider it in order to protect people against the political threat of deportation. What are the considerations at hand?

Without a doubt, marrying is a legitimate form of securing one's right of residence. For whatever reason people marry or register for a life-partnership, is purely a private affair which does not concern anybody else, and least of all the state. Unfortunately these principles are not adhered to. Therefore every marriage should be carefully planned and well considered. When marrying for love, it should be carefully considered that an on going right to stay can put an enormous strain on the relationship. The marriage produces dependencies that are not necessarily one sided – the German spouse or partner will always have the upper hand. Possibly, for one of the partners, the marriage is just a formality, although the other partner expects a traditional marriage. These questions and problems should be solved beforehand, so that if the couple does initially marry for love, that love is not destroyed by misunderstandings, arguments or guilt feelings. That can often happen, especially if the borders are not clearly defined.

The following suggestions we are providing here should help with a decision, but should not replace informing yourself about the laws that are applicable in your local area (registrar's office, foreigner office, social office, notary) which can vary a lot. Firstly, some worthwhile points; according to current law, the marriage must last a minimum of three years – two years together and one year separated. Usually in these three years it is not necessary to go to a government office on a regular basis. It is clear that marriage can have consequences that should be considered beforehand. These concerns can be the desire to have a child, a longer stay abroad or moving to another city. Any of these variations on top of the marriage itself, can make it more difficult.

Mutual trust with one another is absolutely necessary. For both, the marriage has significant consequences, therefore both must be able to trust each other. For one partner, the right to stay in the country depends on the marriage. For the other, the marriage can be concerned with, financial aspects, for example; unemployment benefits, social aid, student loans or one's tax bracker. There can also be consequences concerning the place where both are registered to live, for example; if one partner fails to keep up with his/her financial commitments, possible seizure of goods can occur. That should not happen – but if it does one needs to talk about it. Es-

entially, it is important to have friends that can help with problems. The marriage should not be treated as something private, but on the other hand it is dangerous to treat this form of marriage too openly. Denunciation or the spreading of rumours is in principle the only possibility for the foreigner's office to uncover a protection marriage.

### The way to marry

Depending on the nationality of the foreign partner, and what documents are needed, the way to marry can be difficult. Therefore the first step is to find out at the *Standesamt* (Registrar's office) which documents are necessary. There are various *Standesamt* responsible for certain local areas, so if the couple live in different areas, they frequently have the choice between two. Often, the procedure of marrying is easier at one office than it is at the other. The decisions of the registrar can be arbitrary and the laws can vary from state to state. Under certain circumstances, it can even be recommended to register the place of residence in a different area in order to change to a better *Standesamt*. The registration of a life-partnership is regulated differently in each state. But in most states, the *Standesamt* is responsible, in others the *Notar* (notary) holds that responsibility.

Usually, the *Standesamt*, will issue a document declaring the exact papers that must be produced, and those papers need to be authenticated by the German Embassy in the country of origin. Normally that list includes a birth certificate, *Ehefähigkeitszeugnis* (a testimony stating that you are single eg; Affidavit of free status), passport or citizenship identification card and additional documents according to the country of origin. These papers must be from the country of origin. In some countries, the documents must be presented to the German Embassy for the purpose of authentication. By law, according to § 13 *Konsulargesetz* (Consular Act), this legalization is a formality to prove the document's authenticity. Since 2001/2002, in many countries, this formality has become redundant because the legitimacy of the documents are questionable. This is true for most of the West African countries, as well as Vietnam. In these cases, the embassy will only authorise the papers after an extensive investigation of the content. With the use of a lawyer, the family affairs of the partner are looked into. The lawyer can earn a lot of money from this, and is therefore generally not interested in finishing the job fast. This process can take so long in some countries, that a marriage in Germany is almost impossible. If the *Heimatstandesamt* (Registrar of the partner's country of origin), insists on an examination of the documentation, it will be undertaken in cooperation with the authorities in Germany. It is therefore especially important to ensure that all documentation is complete, so as to make the possibility of this examination less likely. If deportation is threatened, because not all documents have been presented, a lawyer experienced in this area is recommended to prevent deportation during the process.

If the law from the country of origin has no equivalent to a *Ehefähigkeitszeugnis*, the *Oberlandesgericht* (high court) needs to exempt the necessity to produce such a testimony. In addition to that, the *Standesamt* (Registrar's office) needs to send the papers to the *Oberlandesgericht* which then gives the order of exception. In some cities the registrars refuse to send the applications to the court. In cases like these a lawyer should be used.

In most cities the registration of the marriage is only accepted if the foreigner has a valid right to stay or a *Grenzübertrittsschein* (proof of entrance). In other cities the *Aufenthaltsbescheinigung* (declaration of status) is enough. It is important to find out exact information about this. If there is no way to obtain any type of "remain to stay status", or at least a temporary visa, the marriage can only take place outside of Germany. All the other steps previously explained in obtaining documents are not applicable.

Be prepared for difficulties with the procurement of a passport. According to § 5 *Personenstandsverordnung* (PStV = Personal status statute), the citizenship of the foreign spouse is proven with a passport or citizenship identification. For refugees in the asylum seeking process, the obtainment of a passport is often not possible, since they don't want to enter the embassy. The passport can be replaced with a different proof of identity and a citizenship testimony. Often an expired passport is sufficient. Once all the papers are produced the *Standesamt* will determine a date for the marriage. If the *Aufgebotsverfahren* (mandatory public notice of the intention to marry) is abolished, however, the registrar can refuse to carry out the marriage if he/she has reason to believe that both partners do not intend to lead a conjugal life partnership. This relatively new regulation seems to rarely come into practice. Many registrars refuse to take an active part in acting as "a spy" or to presuppose anything.

### Residence permit status

As already mentioned above, it is very hard to get married if the engaged foreigner has already been made illegal. A possibility for legalization is to apply for asylum. However, that only works, if asylum wasn't previously applied for. Applying the second time around can be dangerous. The second application can only work if one can prove or convince the officials that they had returned to their country of origin between both attempts of the asylum application, or if the person has lived in Germany for so long that their personal records have been erased. However if the foreign spouse is wanted by authorities, this second application can lead to imprisonment. To marry as a prisoner is theoretically possible, but the possibilities of deportation in such cases are high.

After the marriage, or the registration of a life-partnership, a residence permit must be applied for, according to § 23 Section 1 AuslG (Ausländergesetz = foreigner law). Therefore it is necessary that a marital life-partnership is led. Both partners should be registered at the same address. Only with just reason will two different addresses work, eg; study in another city, work during the week in a different city, or not enough living space whilst looking for something else. Living under the same roof does not legally have the same meaning as sharing a life together and one should always be prepared for uncomfortable questions from the foreign authorities.

According to legal regulations, the residence permit is, at first, given for three years. However, it has become quite common for refugees to only receive a permit for one year, so that they are forced after that year to come back to the office and reconfirm their *Zusammenleben* (commitment to a shared life). If there are doubts about the *Zusammenleben*, the authorities can refuse an extension of the permit and can begin additional investigations. No one is forced to adhere to a *Scheinehen-Anhörung* ("fake-marriage" hearing), however, this hearing can be useful in erasing any doubts. Above all, the foreign spouse has to prove that he or she lives in a marital life-partnership. Information about such inquiries and the questions asked can be found at a local organisation for refugees and/or organisation for binational couples. In absolute emergencies it can prove to be of significant help to, in fact, live together for a short period of time.

A legal request to re-enter Germany after one has married a German is in general not required. If for any reason this should occur, one should not accept it. According to § 9 Section 1 Nr. 1 AuslG and according to § 9 Section 2 Nr.1 DVAuslG (Verordnung zur Durchführung des Ausländergesetzes = decree of execution of the foreigner law), issuing a residence permit to someone married to a German citizen is possible without re-entering Germany. If married to a non-German citizen, whether that person has to repeat the visa procedure usually depends on if he/she has any right from *Familiennachzug* (subsequent inclusion of relatives) after § 18 Sect. 1 AuslG, or any other conditions deriving from § 18 Sect. 2 AuslG. If married to a second generation

immigrant, it should be observed that the right to join the family in Germany can only occur with compliance to the requirements of the § 18 Sect. 1 Fig 4 or § 18 Sect. 3 AuslG, and the exclusion of any condition deriving from § 18 Sect. 2.

The right to stay independently can be applied for after two years of marital life-partnership with a valid resident permit. Therefore, if after two years a separation occurs, the foreign partner has the possibility of an independent right to stay (except on the grounds of deportation). This is also valid in a marriage with a non-German citizen. After three years of being married with a German, one can apply for an unlimited residence permit, at this point the marital life partnership must still exist. This has to be confirmed by both partners, providing there are no reasons for deportation or insufficient means of livelihood.

The *unbefristete Aufenthaltserlaubnis* (indefinite residence allowance), can be nullified at a later point in time in certain cases, for example; if a couple applies for a divorce and state that they have lived separately before the allowance was given. It is then obvious that they did not tell the truth when applying for the unlimited visa. The date of separation, in the application for divorce, should be after the issued date of the unlimited visa.

### Investigations

Sometimes the foreign authorities will pursue further investigations. Indications that lead towards suspicions of a "fake marriage" are, for example; significant age difference (only if the woman is older than the man), marriage shortly before deportation, not having a common language, or having had one or more previous binational marriages. In these cases neighbours can often be interrogated by local police. In some cities the police may want to enter the house to have a look around. Sometimes the previous residence from either partner will be checked to find out whether he/she is still living there. Parents may also be interrogated about the partner of their child, therefore, one should consider either informing their parents about the situation, or asking them not to answer any questions.

### Marriage contract and conjugal obligations

There are certain obligations that come with a marriage which can still hold relevance even after a marriage is over. It is recommendable to have a *notarieller Ehevertrag* (Notary marriage contract) in order to exclude some of the obligations. These exclusions cannot, however, affect a third party negatively. The exemption of alimony can therefore be ineffective if one spouse applies for social welfare after the divorce. Under certain circumstances the social office may then ask the ex-partner for money, but a marriage does not always mean obligation of alimony after the marriage. This is in principle only valid if one of the ex-partners is for some reason unable to work.

With a contract, the mutual obligations of alimony after the marriage are excluded, however not during the time of separation. The separation of goods should be arranged in the contract. Also the shared pension should be explicitly excluded. This is important because the process of calculating the shared pensions can prolong the divorce procedure by months. The marriage contract should at best be made either shortly before or after the wedding. It becomes partially ineffective if the divorce is applied for within one year after the marriage contract has been made.

### Fatherhood

Children born during the time of the marriage and up to 302 days after the divorce are legally considered part



of marriage. This means the ex-male partner is obligated to pay a child support. If he doesn't accept fatherhood of the child, he can apply for an affiliation order in a court of law stating that he is not the father. It is important to consider the time limit of two years from the point when he knew this. Also the child represented by the mother can claim a suit. In principle we think that the concrete plan of one spouse to have a child within the next four years is an argument against protection marriage. However the possibility that you may wish to have a child in the next four years should not be reason to not do it, because the problems that come with "fake father-hood" are solvable.

We think that all the difficulties connected with a protection marriage can be solved if everyone concerned is aware of how much risk is involved, but the decision can only be made for yourself and without any sort of moral pressure. *Institut XYZ*

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## PROTECTION MARRIAGE - Potential questions from an official at a foreigner office hearing.

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When and on which occasion did you meet your wife/husband? Where was that? Through whom did you get to know each other? When did you decide to marry? Who made the proposal? When and from which authority did you receive the necessary certification for the marriage ceremony? When and where did you buy the wedding rings and wedding dress? Where will you go for your honeymoon? How do your future plans together look? Where do you want to live and how will you finance it? Have you already lived together, or are you living together now? Can you imagine marrying overseas and living there with your partner? How did you celebrate your engagement? Did friends or relatives come? Where do your parents live? Where do the parents of your partner live? What are the parents full names? What are your parents-in-laws's full names? Which language do you use to communicate? Who translates? Who cooks the meals for each other? Who buys the groceries? Who carries out most of the housework? What common interests/hobbies do you and your partner share? Do you have the same friends? If so, please give their full names. Have you already taken a holiday together? If so, where? How do you maintain communication with your partner? How often do you telephone each other? How often do you write to each other? How frequently do you see each other? Describe the course of your day together? What did you do last weekend? How did you celebrate Christmas and the New Year? What gifts did you give each other for Christmas, your birthdays and for your engagement? Do you watch television together? If so, what programs? Do you have any photos together? Describe the appearance of your partner. What colour are your partner's eyes? How tall is your partner? Does you partner drink coffee, or rather tea and if so how do they take it? Black, with milk, sugar? What are your partner's hobbies? What is your partner's favorite food? Does you partner shave dry or wet? What brand of perfume does your partner wear? What does the house/dwelling of your partner look like exactly? How often have you had contact with your partner's family up until now? What is the occupation of your partner and what sort of education does he/she possess? Where does he/she work? Where and how do you live presently?

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## PROTECTION MARRIAGE - An interview with a couple in a so-called fictitious marriage

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The number of recognized asylum-seekers is continually sinking. In view of the asylum process in Germany, the possibility to obtain asylum or permanent residence is only given to a few refugees. Marriage is a possibility to protect people from deportation. Whereas all over Germany, German couples are not required to give reasons as to why they want to marry, and binational pairs are only allowed to marry out of love.

*Andrea: Binational marriages in Germany are placed under suspicion as being fictitious – what precautions have you undertaken in order to escape suspicion and therefore avoid inquiries/investigations by the foreigner office?*

**Bernd:** We really prepared ourselves well. We gathered a lot of information and spoke with people that already had similar experiences. We knew we had to dispense of any suspicion from the beginning, so we always went together and were as self-confident as possible in the registrar and foreigner offices. By all means evident, a couple in love. For our wedding we borrowed a ring that some friends lent us and acted the ceremony out. That was actually fun. Secondly it was essential to give the same registered address, as separate addresses makes the foreigner office immediately suspicious. That was no problem for us because my house is big enough and the landlord didn't ask any stupid questions. In relation to our neighbours, we also made sure to act as a married couple during this time.

**Fatima:** I came to visit regularly though I lived with a friend, of course without being registered there. I was also really happy that Bernd would often clean the hallway stairs on a Saturday in order to be noticeable in the house. In one case, the immigration authorities were there and questioned a neighbour, who then told us later. But for us that was everything. For the whole year before I received my residential status we didn't have a problem.

**Bernd:** We are friends with two other "married couples" and communicate with them regularly. With the one couple, the women had the German passport and the man was younger. They immediately ran into big problems. The differences were way too obvious and general suspicion ensued. They had repeated house visits, which were at first unannounced. The woman was alone and refused to let the authorities in. They wanted to see if her partner's clothes and toothbrush were there and check whether it was a joint household. They had no right to just come in. Nevertheless, suspicion rose when she didn't let them in. That was so stressful that they both decided to arrange an appointment with the office. They prepared themselves well and the clothes of the spouse were always in the house.

**Fatima:** With the third couple, we know a neighbour made a statement to a field officer from the foreigner office that he had never seen the wife in the house. That was definitely not a good move. This neighbour was just an idiot and made claims just to make problems for our friend. In any case, from then on there were a lot of problems and it was only until there was the support of a lawyer and the threat of legal action that the office gave up, and after a long delay, granted an unlimited residence permit.

**Andrea:** *What are the improvements of the legal situation for immigrants through the marriage of a German partner? What moved you, in your case, to take the step towards marriage?*

**Fatima:** I was still in the process of seeking asylum, which was at first rejected, but still had the remote possibility to go before the court of law to get legal status. I was so unsure and it could have taken forever. During this time the situation affected me psychologically. I had to live in fairly shitty housing and at first was not allowed to work, and then, at best, the shitty "before you have rights" jobs. But with marriage it was immediately different. I could and had to live somewhere else, got a half year allowance to stay and more importantly a work permit. At the time of the marriage, I was not in acute deportation danger, but my chances were bad and having a long totally insecure situation and dire living conditions would have destroyed me. To this extent marriage, for me, was the only possible hope.

**Bernd:** For a long time I was already in good contact with Fatima's relatives. She knew as well, that in principle, I was ready to marry. We discussed the advantages for a long time, like Fatima just described them, they were obvious.

**Andrea:** *What problems arose for you (as with the German passport) in daily life? What experiences have you had?*

**Bernd:** I can say in our or my case the problems or, better said, the obligations bound to my marriage were limited. Sure, in the beginning there was a lot of running from office to office. And as we mentioned earlier, it was very important that we always turned up together. Financially, we had no problems. I had a steady job and it was agreed that my wife should also immediately look for work. Then either both work, or both live from social benefits. The mutual obligation to pay support has, of course, problems. We immediately made a marriage contract to solve questions regarding separation of goods and pension entitlement, so that no obligations existed between us. It was arranged that all additional costs would be taken on by Fatima because I could not afford any financial disadvantages from the marriage. I have lent her money here and there, but she gave that back to me later. She was very responsible and so far we haven't had any problems, though I do know of complicated problems with other marriages when agreements have not been met or if financial problems have accumulated.

**Andrea:** *A "fictitious marriage" can, according to § 92 Section. 2 Nr. 2 AuslG (Ausländergesetz = foreigner law), lead to 3 years imprisonment or a fine. This paragraph didn't seem to scare you – why not? Don't you have fear of being denounced?*

**Fatima:** It was clearly in both of our interests to be careful, and for us to always be informed about each other. But for the foreigner office it's really difficult to prove a fake marriage, if we haven't made any mistakes. A statement from a neighbour is not really enough evidence. I was registered for a while in another house because otherwise I wouldn't have been able to get the flat that I needed. But I had prepared a good reason why, in case the office found out and started asking questions. And yes I was scared of everything in the beginning. I was nervous

having to go to all the offices and often very depressed. Before and during the marriage I often thought somehow it's definitely going to go wrong. But that soon stopped.

**Bernd:** I don't know whether people have already been locked up, but I don't think so. And I would have no problem paying a fine for trying to give someone the possibility to stay here, even if it didn't work. Much worse would be the deportation of the spouse. But as Fatima said earlier, the probability of getting caught is very unlikely if you don't make any big mistakes. If you don't let them scare you and do not admit anything in front of the authorities if they ask stupid questions, or all of a sudden appear at your door.

***Andrea:** A marriage produces dependences and perhaps also difficult relationship situations. For a spouse, the stay depends on the marriage and sometimes perhaps love or pretending to be in love. How do you deal with that?*

**Fatima:** For us that was relatively easy. We got to know each other through my brother, so as far as that goes, I trusted that Bernd would behave fairly. Sure I was dependent, but the situation was well explained and also somehow "controlled", also because we had different friends to talk with about it. A love relationship for us was never an issue. We even talked about the fact that it would actually be to our disadvantage if we had an intimate relationship because we could run into problems and jealousy could play a part. That sounds theoretical, but we really didn't have any intimate feelings for each other. That was different for friends that were also a "couple". They had already discussed beforehand that they wanted no mixture of romantic attachment with the marriage, yet somehow they fell in love. Of course, in the beginning, that made it easier. They didn't have to act as if they were in love anymore and they wanted to live together anyway. But, after a year, it fell apart and then for the first time it became really difficult. There were

mutual hurt feelings, many arguments, and we, as friends, had to arbitrate and pay attention that they were fair to each other within the marriage. That was not so simple, because when they had to go to the authorities together there were situations where it could have easily gone wrong.

**Bernd:** I find this question very important. Whatever the situation looks like before the marriage: if they are really a couple in love, if that could happen or if that doesn't even come into question, it should all be discussed. At best, together with friends that can, in case a conflict arises, mediate and pay attention that appointments are kept. With that, the question of dependency is, of course, not solved. The person with a German passport is definitely always in the position of requesting a separation which would also change the spouse's staying rights and, with that, could also jeopardise the whole existence of the spouse. Also, if love plays a part, logically the danger exists that this inequality can be used as a threat when things go wrong or dishonest things happen. My experience is that only mutual good friends can then mediate.

***Andrea:** From your experience what would your advice be to someone wanting to marry as a form of residential security?*

**Fatima und Bernd:** We can only repeat: prepare well, talk about everything possible, not only with a capable lawyer that can help in emergencies, but also involve close friends that can give support, like with the personal problems that we just mentioned. If it is concerning love or financial arrangements that are not kept, keeping it to yourself can be overwhelming.

***Andrea:** What were your personal reasons to enter into a protection marriage?*

**Bernd:** I have been involved with anti-racism for years and have seen again and again how people can be pushed around and deported, not only in

terms of a statistic or in an abstract case, but rather from a personal point of view. Protection marriage was, to this extent, always a necessary and justified option for me. I also see it as a possibility and privilege to use my German passport in a meaningful way.

*Andrea: Would you hold marriage as an effective means in the struggle/fight against deportation? Would you appeal to it to be a possibility used more often?*

**Fatima:** Yes definitely, I can say that from my experience alone. Within my circle of friends, there are always people who are urgently looking for someone to marry because their allowance to stay is unsure or they are already being threatened with deportation. Unfortunately, there are not enough people who are willing to deal with the consequences or they have heard of bad experiences, among other things. In any case, that is the reason that many, out of despair, try with money. There is a type of marriage market, and I think one needs to have the right luck in order not to fall into a stupid situation with untrustworthy people that have nothing to lose. It is also important that more "aware" or "political" people practice getting married out of solidarity. Nowadays, it doesn't take as much time for the partner without the German passport to obtain the right to stay. For others there is now also the possibility to extend their right of stay through a same-sex life partnership.

**Bernd:** I definitely think that protection marriage is effective because with it every person has the definite right to stay and because it is successful for many people. But there is often the criticism that it isn't political. On the one hand that is correct, because as we have described, it's connected with theatre and obviously no one can risk too openly to be involved in a definite case of protection marriage. It is rather a "social tactic", where the threat of deportation is undermined.

Still, in the end it has a political meaning. To work with protection marriage as an offensive and political issue is a challenge which has been seldom approached.

*Andrea: Are there any organisations or Internet forums that can provide contacts about marrying for the purpose of residential security that can be accessed if you have decided to help and protect someone from deportation through marriage?*

**Bernd:** There are definitely advisory offices whose work also includes helping with the sort of problems people may encounter due to a "fake marriage". But that, at best, is only there for personal legal defence and not to fight for rights. But an internet forum or, a political, virtual marriage market doesn't exist. At least not yet, I hope I'm able to say. That was exactly what I meant when I spoke of the politicizing of this social tactic. In the internet there is definitely the possibility of combining knowledge and experience to help others, to establish direct contact, and finally, to take all the information and place it in an active political context.

**Fatima:** I can't predict how useful such an extensively anonymous medium is for a concrete marriage settlement. Experience shows that the couple must get to know each other better, or at least go through friends or relations so that there is already a level of trust. This is almost impossible with the internet. However, as a means of sharing knowledge and "propaganda" for protection marriage, maybe it should be tried out.

*The identities of the people interviewed are unknown to the publisher.*

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## PROTECTION MARRIAGE - Links

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<http://www.asylnetz.de/>

**Asylnetz.de** (German)

This webpage delivers detailed information for immigrants and refugees about the subject of asylum. Under *Kontakt*, an extensive address database to lawyers and important organisations can be found. Click on the hyperlink *Informationen* under *Ehen* and an information text from the IAF Frankfurt about binational marriages can be found.

<http://www.asylnetz.de/Seiten/refugees.html>

**First information for refugees** (German/English/French/Russian/Serbian/Croatian/Spanish/Turkish...)

This homepage delivers important hints to asylum-seekers in various languages.

<http://www.binational-in.de/>

**Forum für binationale Paare und Familien in Deutschland** (German/English)

The "Forum for binational couples and families in Germany" serves to inform and exchange experiences. This homepage offers an online-forum about written laws as well as important addresses and links.

<http://www.asyl.net/>

**Informationsverbund Asyl/ZDWF e.V.** (German)

The "Informationsverbund Asyl" ("Information Association Asylum") in Bonn is an amalgamation of organisations that are active in refugee work. The joint goal is to provide access to information which is relevant in advisory practises. A magazine ("Asylmagazin") which is issued ten times a year, gives information about foreigners rights and advisory practises. In the third issue of the "Asylmagazin" from 2002 written in the section *Aus der Beratungspraxis* is the article "Eheschließung von Flüchtlingen" ("Marriage of Refugees"). Here the reproach of "fake marriage" among other things is clarified.

<http://www.kanak-attak.de/>

**Kanak Attak** (German/English/French/Turkish)

The Group "Kanak Attak" advocates for the rights of people who live in Germany without a German passport. On the webpage, the political backgrounds of racism and illegalization of immigrants are examined and attacked. The subject of binational marriages can also be found on the site. "Der kleine Heiratsratgeber" ("The little marriage counselor") in *Infopool* gives information in detail.

<http://www.lsvd.de/>

**Lesben- und Schwulenverband in Deutschland LSVD** (German/English)

The largest civil rights, self-help and welfare organisation for lesbians and gays in Germany also gives information about the legal questions of same sex binational couples. Under *Recht* you can click on *Ausländerrecht* (foreigners rights) and *Ratgeber zum Lebenspartnerschaftsgesetz* (advice on life-partnership laws).

<http://www.proasyl.de/>

**Pro Asyl** (German/English/French)

The human rights organisation "Pro Asyl" from Frankfurt/Main advocates the concerns of refugees and

immigrants. The webpage offers information ranging from asylum rights to refugee information centers. Under <http://www.proasyl.de/lit/leitfaden2/leitfaden2a.htm> the handbook "Recht für Flüchtlinge - ein Leitfaden durch das Asyl- und Ausländerrecht für die Praxis" ("Rights for refugees - a guide through asylum and foreigners rights") by Hubert Heinold, is available.

<http://www.verband-binationaler.de/>

**Verband binationaler Familien und Partnerschaften, iaf e.V** (German)

This organisation represents the interests of binational families and couples and works towards the social and legal equality of people regardless of their skin colour and cultural origins. A further focal point lies in advising men and women with all questions regarding binational relationships. Under *wer wir sind* (who we are) you can find under *regionalstellen* a list with regional information centres. Under *infos für ratsuchende* (information for advice seekers) the points binational *eheschließung* (marriage) and *aufenthalt* (right of stay) of immigrants can be found.

Use one of the translation machines in the internet, for example the "language tool" from Google and "Babelfish" from Altavista to translate the contents of the links.

*We take no responsibility for the contents of the site links.*

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#### PROTECTION MARRIAGE - Imprint

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The website *Protection marriage – Marrying for the purpose of residential security* is a project by Silke Wagner and was part of the exhibition "Niemand ist eine Insel", Gesellschaft für Aktuelle Kunst, Lichthaus Plus Neue Kunst, Bremen 2003.

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