Q&A for Non-German/-European Citizens

Here, you can find some reccurring questions, as well as our answers, about things related to actions when you do not have a German, or an European citizenship.

Please note that the answers provided below are not the ultimate truth and if there is something specific on your mind, please do not hesitate and contact us via legal@raz-ev.org

Could I encounter problems when travelling in the EU or getting a visa for other countries?

As European citizens you enjoy the right of freedom of movement. The foreigners registration office is handling this matter. It has to be aware of your case (that you have been part of a civil disobedient action) first, which is unlikely if you do not inform the embassy when you get arrested (it is your right, but you can refuse). There are limited possibilities to withdraw that right and restrict access to Germany. Even in the case of a criminal conviction, there has to be an actual and sufficiently serious threat that affects a fundamental interest of society. Sentences of up to 30 daily fines or suspended sentences of up to three months are generally irrelevant.
An expulsion and reentry ban can be assumed in the case of a prison sentence. It will last for 2-3 years without probation and scope for Germany only (EU-citizens) and the whole Schengen area (Non EU-citizens). Anyway, it will be difficult to convict you, if you have strong relations here in Germany (e.g. family or other reasons why you need to visit the country often). In case of a reentry ban exceptions can be applied and granted for e.g. conferences etc.

Could I have problems in joining public job applications (teachers,

researchers etc.)?

Yes, if it is recorded in your certificate of good conduct, which is different from the criminal record. E.g. if you are sentenced to a fine of 90 daily rates for damage to property will also find this in the criminal record (Bundeszentralregister). However, there will be no entry in the certificate of good conduct which can be issued for renting an apartment or applying for a job, because for this a limit of 90 daily sentences or 3 months imprisonment applies. The person concerned may therefore continue to call himself "not previously convicted", even if he is of course considered by the courts to have a criminal record in any subsequent trials. In the certificate of good conduct, entries get deleted after a certain time.
Authorities in other European countries will be informed if an arrest warrant is issued (which can be issued in case you don't show up for the trial or an interrogation for example).

What could happen to people, who are publicly employed in Germany (Angestellt im öffentlichen Dienst)?

According to the law, publicly employed people (Angestellte im öffentlichen Dienst) can only be terminated if they are convicted of a crime which is related to their employment (e.g. committing a crime within your working times or committing a fraud at work). There are special rules for officials (Beamte).

What if I do not speak German, but e.g. only English?

In case of arrest, you need to be informed of your rights in a language that you can understand. A translator is summoned by the court for the proceeding.
Never sign anything nor tell them anything.
You are also asked if you want them to inform the embassy about the arrest. You can reject that. You have the right to two successful calls. Use your first call for EA-Number provided by Scientist Rebellion (030-92109146) - where there is definetely an English-speaking person at the end of the line. We only want to know Who you are! Where you are! And what are you accused of. Never tell anything about the action. It can incriminate you or others.

Actions in Bavaria

If you tell a judge you will be doing actions for 1 week, how likely is it that they put you in prison for 1 month (the maximum) in Bavaria instead of just 1 week? - According to one lawyer we talked to, it depends on which judge is in charge of you and how strict he or she handles it. In principle, it should be inadmissible if after one week there are no further offenses and if it is not necessary anymore to prevent further crimes.

Preventive prison/jail in the sense of preventive custody can already be exercised after the first time of getting arrested if the requirements are met. Preventive prison in the sense of pre-trial detention can be ordered if there is a strong suspicion that a criminal offense has been committed and there is also a special reason for detention: Risk of absconding, risk of collusion or risk of repetition. Mostly this is imposed when the identity is unclear but can also easily applied for foreigners.

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