

"Stop Isolation"
c/o Migrant Solidarity Network
Waldmannstrasse 17
3027 Bern

Office of Population Services
Ostermundigenstrasse 99B
3006 Bern

Bern, 17 August 2020

Dear Councillor Philipp Müller
Ladies and Gentlemen of the Office of Population Services and the Security Directorate

In a letter dated 6 July 2020, the group "Stop Isolation" - Refugee Migrants* with negative decision: (1) residence permits and improved hardship practice; (2) no isolation in return centres; (3) no constant controls, fines and imprisonment; (4) respect, dignity and equality.

We made numerous precise proposals on these main demands. In your reply of the 16th of July 2020, you consistently rejected them. You described us as "undemocratic" and as "lacking in solidarity" when speaking to the media. You spoke of an "organised show" and an unjustified "lobbying organisation".

With today's protest we make it clear that we regret your attitude so far. All our demands remain. We politely ask you to be more constructive and solution-oriented in responding to us and our demands. We ask you to answer the following questions:

Hardship case practice in the Canton of Berne

We suspect that the Canton of Berne applies stricter hardship case criteria than the law, ordinance and directives require. In particular, applications for hardship cases should have good chances after only five years of residence in Switzerland - and not only after 10 years. Applications from persons who cannot disclose their identity with a passport or an ID, but with documents or contradiction-free information on their origin, which e.g. were classified as credible by the SEM during the asylum procedure, should also be given a chance. Based on the principle of publicity, we also request that you make public the canton's hardship criteria and inform us of how many applications the canton has forwarded to the SEM in the last five years, and the reasons for these, and whether or not they were forwarded.

Restriction of freedom in the return centres

In your letter of 16 July 2020 you write, "The new law is in line with federal and constitutional requirements". However, in a statement (see <https://www.djs-jds.ch/de/be-2/aktuell-be>), the Democratic Lawyers of Berne criticise the emergency aid rules in the

canton of Berne as unconstitutional. They are based on insufficient legal foundations and violate the separation of powers. There is a violation of the right to assistance in emergencies as well as several rights of freedom. In order to give us an accurate picture, we ask you to comment on these accusations.

Right to equal rights

The women* movement and the Black Lives Matter movement have made it clear once again: All people are equal. But in the Canton of Berne we feel like second-class citizens. The Canton of Berne is free to change this: Why are we discriminated compared to citizens of the EU? They receive a residence permit when they find a job. And why are we punished differently than Swiss citizens? Swiss citizens are not allowed to be fined twice for the same crime. For us, however, "illegal residence" is a permanent offence. We get new fines again and again and can be locked up for up to a year. What can you do to avoid this unequal treatment?

We urgently need a new perspective. Many of us have been in Switzerland for years. Please accept and respect our lives, our dignity and our freedom. Use your scope of action for us instead against us.

Kind regards

Stop Isolation