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REMONSTRATION AND FILING OF A SUIT

(August 2017)

This information is interesting to you if:

- **Your visa application has been rejected and**
- **You disagree with the Embassy's decision and**
- **You still wish for the visa to be issued.**

This leaflet contains complete information concerning the procedures, additional requests for information cannot be answered.

You can request for a re-assessment of your visa application. This procedure is called remonstrations. It is free of charge. At the same time, you may file a suit against the refusal. Your application will then be re-assessed by the administrative court in Berlin.

The remonstrations is independent of a suit. If you decide to first remonstrate, and the Embassy consequently adheres to their refusal, you will receive a decision concerning your remonstrations. You then have the possibility to file a suit against this decision.

The two procedures are explained subsequently.

I Remonstrations

The remonstrations offers you the opportunity to comment in writing on the refusal, and to present documentation and information which refute the reasons for refusing your visa application.

Your visa application will generally be re-assessed by a different officer than the one who refused your application.

1. Deadlines

If the refusal letter contains **instruction on the right to appeal** (usually only when applying for a Schengen visa), the deadline for remonstrations is **1 month** after receiving the refusal.

Example: You receive your passport with a refusal letter and instructions on the right to appeal on 10 May. The deadline starts on 11 May. Your remonstrations must reach the Embassy at the latest on 10 June. A remonstrations reaching the Embassy after the deadline is inadmissible.

If the refusal letter does not contain **instructions on the right to appeal** (usually all other types of visa, e.g. family reunion, studies, work, etc.), the deadline for remonstrations is **1 year** after receiving the refusal.

Example: You receive your passport with a refusal letter without instructions on the right to appeal on 10 May. The deadline starts on 11 May. Your remonstrations must reach the Embassy at the latest on 10 May of the following year. A remonstrations reaching the Embassy after the deadline is inadmissible.



2. Form

Your remonstrations must be **signed by hand**. An e-mail or a document written on PC that is not signed is not sufficient. A signed remonstrations may be presented by e-mail as a scanned document.

You may also ask a third person to conduct the remonstrations in your name. In this case, you or your representative are requested to present the remonstrations together with a power of attorney, signed by you by hand.

Please note: For data protection reasons the Embassy is allowed to give information concerning visa applications only to the applicants or to their representatives.

The remonstrations as well as the power of attorney need to be in either German or English. Please send the remonstrations scanned by e-mail to visa@addi.auswaertiges-amt.de or take it to the Embassy in person.

It is NOT necessary to mandate a commercial company with writing a remonstrations.

3. Content of the Remonstrations

In the remonstrations, please state the barcode, which is composed of 6 digits, and which is contained in the refusal letter (BCXXXXXX) together with your passport number, your complete name, as well as your mail address. The Embassy needs this information in order to allocate the remonstrations to your visa application.

You should voice clearly that you wish a re-assessment of your visa application.

In the remonstrations, you should present all circumstances which are favorable to your application. You should further refute in detail the reasons for the refusal of your application.

Please note that all information should be supported by suitable documentation.

You do not need to hand in documents which you had already presented with your original application.

Important: The presentation of all required documents does not guarantee a positive decision on your visa application.

A re-assessment of your application in its entirety is rather only possible on the basis of complete documentation.

The Embassy initially does not need your passport. You, therefore, do not need to hand it in together with your remonstrations letter.

4. Procedure

After receiving a remonstrations in due form and within the period prescribed, the Embassy will re-assess your visa application. In the course of the re-assessment, all information, explanation and documentation you presented will be considered.

As soon as the re-assessment is concluded, a decision is made. The re-assessment may take up to three months. During this time, please refrain from inquiries as to the state of the proceedings.



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If the Embassy comes to the conclusion that a visa may be issued, you will be contacted immediately. In this case you will be requested to hand in your passport. You may pick up your passport with the visa during the usual hours when passports are collected (see www.addis-abeba.diplo.de).

If the Embassy comes to the conclusion that the requested visa will not be issued, you will receive a new official letter. The official letter may be collected during the usual hours when passports are collected (see www.addis-abeba.diplo.de).

Power of attorney for remonstration

Name of the applicant giving the power of attorney:

Date of birth:

Passport number

Barcode (BCXXXXXX):

Name of representative:

Date of birth:

E-mail:

I, _____, hereby give Mrs/Mr. _____
power of attorney to act in my name regarding the remonstration for my visa application
which has been processed by the German Embassy Addis Abeba under the a.m. BC-
number.

(signature of applicant)

(Place, date)

II Lawsuit

Upon receiving an official letter refusing your visa application (refusal letter or a decision on your remonstration) you have the possibility to file a suit with the administrative court in Berlin (Verwaltungsgericht Berlin). The instructions on the right to appeal are included in the refusal letter regarding Schengen visa. The court will investigate whether you have a claim for being granted a visa, and whether the refusal violates your legal rights.

1. Deadline

If the refusal letter or the decision on your remonstration contains **instruction on the right to appeal** (usually only when applying for a Schengen visa), the deadline for filing a lawsuit is **1 month** after receiving the refusal.

For examples regarding the calculation of deadlines, please see „**I Remonstration**“.

If your refusal letter does not contain instructions on the right to appeal, the deadline for filing a lawsuit is 1 year from receiving the refusal letter.

2. Form and Content of the filing of a lawsuit

You will find information on form and content of the filing of a lawsuit on the following homepage: <http://www.berlin.de/sen/justiz/gerichte/vg/>.



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You may file the suit at the administrative court yourself, or you may have someone else represent you, e.g. a family member who is of age, or a lawyer. Also e.g. a person who is eligible to be a judge may represent you free of charge.

3. Procedure

According to information of the administrative court Berlin of January 2015, the average period of a lawsuit in visa matters is about 10 months.