

Chapter 4  
Administrative provisions

**Section 46**  
**Administrative orders**

(1) The foreigners authority may take measures to facilitate the departure of a foreigner who is enforceably required to leave the federal territory; in particular, it may oblige the foreigner to take up residence at a place of its designation.

(2) A foreigner may be prohibited from leaving the federal territory in appropriate application of section 10 (1) and (2) of the Passport Act (Passgesetz). In all other cases, foreigners may be prohibited from leaving the federal territory only if they intend to enter another state without possessing the necessary documents and permits. The departure ban is to be lifted as soon as the reason for its imposition ceases to apply.

**Section 47**  
**Prohibition and restriction of political activities**

(1) Foreigners may pursue political activities within the bounds of the general statutory provisions. A foreigner's political activities may be restricted or prohibited if they

1. impair or endanger the development of informed political opinion in the Federal Republic of Germany, the peaceful co-existence of Germans and foreigners or of different groups of foreigners in the federal territory, public safety and order or any other substantial interests of the Federal Republic of Germany,
2. may be counter to the foreign policy interests of the Federal Republic of Germany or its obligations under international law,
3. contravene the laws of the Federal Republic of Germany, particularly in connection with the use of violence,
4. are intended to promote parties, other organisations, establishments or activities outside of the federal territory whose aims or means are incompatible with the fundamental values of a system of government which respects human dignity.

(2) A foreigner's political activities are prohibited if they

1. endanger the free and democratic constitutional system or the security of the Federal Republic of Germany or contravene the codified standards of international

law,

2. publicly support, advocate or incite the use of violence as a means of promoting political, religious or other interests or are capable of inciting such violence or

3. support organisations, political movements or groups within or outside of the federal territory which have initiated, advocated or threatened attacks on persons or objects in the federal territory or attacks on Germans or German establishments outside of the federal territory.

### **Section 47a**

#### **Obligation to cooperate; checking photographs**

Foreigners are required, when requested by the authority entrusted with checking persons' identity, to present their passport, passport substitute or substitute identity document and enable the authority to check their faces against the photograph in the document. The same applies to the certificate confirming permission to remain pending the asylum decision pursuant to section 63 (1) sentence 1 of the Asylum Act. Foreigners holding an arrival certificate as referred to in section 63a (1) sentence 1 of the Asylum Act or one of the documents referred to in section 48 (1) no. 2 are required to present, upon request, the arrival certificate or document to the authority entrusted with checking the information stated therein and enable the authority to check their faces against the photograph in the document.

### **Section 48**

#### **Obligations related to identification papers**

(1) On request, foreigners are required to present and surrender

1. their passport, passport substitute or substitute identity document and

2. their residence title or a document confirming suspension of deportation

to the authorities entrusted with enforcing the law on foreigners and to leave such documents with these authorities temporarily, where necessary in order to implement or ensure measures under this Act. On request, German nationals who also possess a foreign nationality are required to present and surrender their passport or passport substitute to the authorities entrusted with enforcing the law on foreigners and to leave the documents with these authorities temporarily if

1. they were denied a German passport under section 7 (1) of the Passport Act, the German passport was withdrawn under section 8 of the Passport Act or if they are subject to an order under section 6 (7) of the Act on Identity Cards (Personalausweisgesetz), if there are indications that they intend to leave the

federal territory, or

2. the requirements for prohibiting them from leaving the country in accordance with section 10 (1) of the Passport Act are met and presenting, handing over and temporarily leaving the foreign passport or passport substitute with the authorities is necessary to carry out or ensure the departure ban.

(2) To meet the obligation to have and present identification papers, it is sufficient for a foreigner who neither possesses a passport or passport substitute nor can reasonably be expected to obtain one to carry the certificate confirming a residence title or the suspension of deportation, if this document contains the foreigner's personal details and a photograph and is marked to indicate that it is a substitute identity document.

(3) Foreigners who do not possess a valid passport or passport substitute are required to cooperate in efforts to obtain the identity paper and to present, hand over and leave with the authorities entrusted with enforcing this Act all such documents, other papers and data carriers as may be of importance in establishing their identity and nationality and in establishing and enforcing a possibility of removing them to another state. If the foreigner fails to meet this obligation and there is reason to believe that he or she is in possession of such documents or data carriers, the foreigner and the objects on his or her person may be searched. The foreigner must tolerate this measure.

(3a) Analysis of data carriers is permissible only as far as necessary to establish the foreigner's identity and nationality and to establish and enforce the possibility of removing him or her to another state in accordance with subsection (3) and the purpose of the measure cannot be achieved by more lenient means. Where there is reason to believe that analysing data carriers would provide only insights into the core area of private life, the measure is not permissible. The foreigner must provide the access data required for the permissible analysis of data carriers. The data carriers may be analysed only by employees who are qualified to hold judicial office. Insights into the core area of private life which are acquired in the course of analysing data carriers may not be utilised. Records thereof are to be deleted immediately. A written record is to be made of the fact of their acquisition and deletion.

(4) Where the passport requirement (section 3 (1)) is waived pursuant to section 5 (3) or section 33, a substitute identity document is issued. Subsection (3) remains unaffected.

## **Section 48a**

### **Collection of access data**

(1) If the foreigner does not provide the access data needed to analyse devices used for telecommunications purposes, the commercial providers of telecommunication services or those involved in the provision of such services may be required, where the statutory conditions for processing the data are met, to provide information about the data used to protect access to devices or to storage devices located in these devices or separate from them (section 113 (1) sentence 2 of the Telecommunications Act (Telekommunikationsgesetz)).

(2) The foreigner is to be informed about the request for information in advance.

(3) On the basis of a request for information pursuant to subsection (1), the commercial providers of telecommunication services or those involved in the provision of such services must immediately transmit the data necessary to provide the information. Section 23 (1) of the Judicial Remuneration and Compensation Act (Justizvergütungs- und -entschädigungsgesetz) applies accordingly to compensation paid to service providers.

## **Section 49**

### **Verification, establishment and documentation of identity**

(1) Subject to the conditions stipulated in section 48 (1), the authorities entrusted with enforcing this Act may retrieve the biometric and other data stored on the electronic storage and processing medium of a document in accordance with section 48 (1) nos. 1 and 2, obtain the required biometric data from the holder of the document and compare the biometric data. All other authorities to which data are transmitted from the Central Register of Foreigners under sections 15 to 20 of the Act on the Central Register of Foreigners (Gesetz über das Ausländerzentralregister) and the registration authorities are also authorised to take measures pursuant to sentence 1, insofar as they are permitted to verify the authenticity of the document or the holder's identity. Biometric data within the meaning of sentence 1 comprise only the fingerprints and the photograph.

(2) On request, every foreigner is required to furnish the authorities entrusted with enforcing the law on foreigners with information as to his or her age, identity and nationality and to submit such declarations in connection with procuring return travel documents as required by the diplomatic mission of the state whose nationality he or she possesses or putatively possesses and are in line with German law.

(3) In case of doubt regarding the foreigner's identity, age or nationality, the measures necessary to establish the foreigner's identity, age or nationality are to be taken

1. if the foreigner is to be granted entry or a residence title or his or her deportation is to be suspended or
2. if necessary to implement other measures in accordance with this Act.

(4) The foreigner's identity is to be verified by means of identification measures when allocation is carried out in accordance with section 15a.

(5) As a general rule, the necessary measures are to be taken to establish and document the foreigner's identity

1. if the foreigner intends to enter or has entered the federal territory with a forged or falsified passport or passport substitute;
2. if there are other reasons to believe that the foreigner intends to re-enter the federal territory unlawfully, following refusal of entry or the termination of residence in the federal territory;
3. in the case of foreigners who are enforceably required to leave the federal territory, insofar as removal or deportation come into consideration;
4. if the foreigner is to be refused entry and returned to a safe third country or removed as specified in section 26a (2) of the Asylum Act;
5. if the foreigner has applied for a national visa;
6. in the case of foreigners who have been proposed for an admission procedure under section 23, for temporary protection under section 24 or for redistribution on the basis of measures under Article 78 (3) of the Treaty on the Functioning of the European Union and have been included in the examination of cases for granting approval for admission by the Federal Office for Migration and Refugees, and in the cases covered by section 29 (3);
7. if a reason for refusal pursuant to section 5 (4) has been established.

(6) Measures within the meaning of subsections (3) to (5), with the exception of subsection (5) no. 5, are the taking of photographs and fingerprints, the taking of measurements and similar measures, including bodily intrusions undertaken by a physician in accordance with prevailing medical standards in order to establish the foreigner's age, provided that no ill effect on the foreigner's health is to be feared. The measures are permissible on foreigners aged 14 or over; any doubts as to

whether the foreigner has reached 14 years of age are to the detriment of the foreigner. These measures are only permissible for the purpose of establishing the foreigner's identity if the identity cannot be established by other means, in particular via inquiries to other authorities, or if the identity cannot be established in time by such other means or if such other means would involve substantial difficulties.

(6a) Measures within the meaning of subsection (5) no. 5 are the taking of photographs and fingerprints.

(7) In order to determine the foreigner's country or region of origin, the foreigner's spoken word may be recorded on audio and data media. Such recordings may only be made if the foreigner is informed beforehand.

(8) The identity of a foreigner who is apprehended in conjunction with unlawful entry and is not refused entry is to be documented by means of identification measures. In accordance with sentence 1, only photographs and prints of all 10 fingers may be taken. The identity of a foreigner under the age of 14 is to be documented under the conditions of sentence 1 only by taking a photograph.

(9) The identity of a foreigner who is residing in the federal territory without the required residence title is to be documented by means of identification measures. In accordance with sentence 1, only photographs and prints of all 10 fingers may be taken. The identity of a foreigner under the age of 14 is to be documented under the conditions of sentence 1 only by taking a photograph.

(10) The foreigner must tolerate the measures taken pursuant to subsections (1) and (3) to (9).