

An Open Letter from African Students from Ukraine who fled to Germany (with an Introductory Text on the Situation of African Students in Germany by Ziga Podgornik Jakil)

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This post consists of an introductory text on the situation of African students who have escaped the war in Ukraine to neighbouring countries of the European Union (EU) and two letters I wrote with two African students from Ukraine to highlight the forms of legal exclusion they face in Germany. I learned about the legal situation of African students through my conversations with Kendrick and Adebayo, two African students from Ukraine with whom I have had the pleasure of sharing my apartment in Berlin over the past few weeks. They fled their homes after the Russian army began bombarding Ukraine on February 24, 2022. After being denied permission to cross the Ukrainian-Polish border due to their ethnicity, they managed to find an alternative route out of Ukraine and arrived in Berlin ten days later. When they arrived at Berlin Central Station, my roommates, who were volunteers there, offered them shelter in our shared apartment and arranged a lawyer for them.

Since Kendrick and Adebayo have already faced numerous legal problems, such as having their passports taken by the police when entering Germany (but thanks to legal aid, they have been able to get them back), and because they are frustrated by their current legal situation, which denies them access to the same rights as Ukrainian citizens who have fled to Germany, we decided together to write this text. With their consent, I first provide a brief analysis of the legal problems and discrimination faced by African students from Ukraine entering the EU and Germany in particular. This is followed by two letters I wrote with them to show the sacrifices they made to study in Ukraine, how they were treated when entering the EU, and why it is important that the German state gives them the same opportunities, such as the right to stay and study.

Introductory Text

A “new refugee crisis” looming?

Russian army's continued aggression against Ukraine has caused massive damage to civilian infrastructure and resulted in a humanitarian disaster, forcing many people to flee. According to the [United Nations High Commissioner](#) for Refugees, more than 4 million people have fled Ukraine, primarily to neighbouring countries such as Poland, Moldova, Romania, Slovakia, and Hungary, while 6.5 million have become internally displaced (UNHCR). While the majority remains near the Ukrainian border, hoping that the war will stop soon and they will be able to return home, many have travelled to other European countries in the hope of continuing their lives or starting again.

In early March 2022, German media began reporting on [increased arrivals at Berlin Central Station](#), causing a brief logistical disturbance that has since been resolved (Würzer 2022). Since the beginning of the war, Deutsche Bahn, the main German railway service, has offered free train connections to Ukrainian citizens or people with a residence permit in Ukraine to enable them to travel to safety. When I visited the Central Station on March 4, I was deeply affected by the sight of people carrying their remaining belongings in their travel bags while being assisted by volunteers in yellow and orange vests. Given the growing readiness of the local populace to assist the new arrivals, the media started to talk about the “[re-emergence of the Welcome Culture](#)” (Hebel 2022), as it became known during the European “refugee crisis” of 2015/2016.

When I travelled to the Western Balkan Route at the Slovenian and Croatian border in September 2015, at the height of the “refugee crisis,” I witnessed a very different picture. Refugees, most of whom came from the “Global South,” including Syria, Iraq and Afghanistan, were being denied entry to Slovenia by armoured police. Not only did they have to make the perilous journey across the Mediterranean in overcrowded rubber boats to reach one of the Greek islands because the European Union and its member states effectively barred them from entering. They also had to arrange their own onward travel to economically wealthier and (at the time) more asylum-friendly European countries such as Austria, Germany, Denmark, Sweden, Norway, and the United Kingdom. The EU did eventually establish a “humanitarian corridor” to these countries via the Western Balkan Route, but only after many people died on the way and photographs of people trudging on highways, stuck in railway stations, and living in dismal refugee shelters circulated in the media and on social media.

Since the start of the war on February 24, 2022, persons fleeing Ukraine have not been detained by border officers acting under the jurisdiction of EU countries. Because Ukraine is not a member of the EU, its residents generally require a visa to enter the EU, but this is no longer the case, at least temporarily. Furthermore, on March 4, [the European Council unanimously adopted the “Temporary Protection Directive”](#) for people escaping war (European Council 2022), an emergency measure applied for the first time since its introduction after the Yugoslav wars in 2001. When applied by individual EU member states, it will allow Ukrainian citizens to avoid lengthy national asylum-processes by getting immediate access to job, education, social benefits, and medical treatment.

Double Moral Standards in the Asylum Regime

While it seems like Europe is finally learning from its failures in dealing with refugees, this is only a partial picture. Indeed, almost immediately after the first images of people crossing the Ukrainian-Polish border appeared on people’s screens, reports surfaced that Africans and Asians, who mainly studied at Ukrainian universities, were [racially profiled and barred from crossing the border](#)—or, at worst, dragged off trains by authorities to make room for Ukrainian citizens (Zaru, 2022). This clearly discriminatory treatment of non-Ukrainians as second-class migrants was accompanied by culturalist framings by some European state officials, who became more willing to embrace Ukrainian citizens because they are allegedly of the same culture and white. A good example is Slovenia’s Minister of Internal Affairs, Aleš Hojs, who initially announced that [Slovenia would accept up to 200.000 Ukrainian refugees](#), despite the fact that his right-wing political party, which is currently in power (Metropolitan 2022), adopted a

strongly xenophobic stance during the previous “refugee crisis.” Moreover, just a few months ago, [Poland denied non-European refugees entry at its Belarusian border](#). While the EU condemned Belarus primarily for abusing refugee movements to destabilize Europe, it did not facilitate faster entry for refugees (DW 2021).

These double moral standards, which are underpinned by the world's post-colonial division, are also enshrined in the EU’s recent “Temporary Protection Directive.” Only Ukrainian citizens, third-country nationals with recognized refugee status in Ukraine, and third-country nationals who cannot safely return to their place of origin are now eligible for the emergency mechanism (Newland Chase 2022). This is an unjust gesture toward people with a temporary or permanent residency permit in Ukraine because it ignores the fact that they frequently had to go into debt or have family members invest all of their money in order to earn a degree at a Ukrainian university.

As a response, [journalistic texts](#) (Feroz 2022) and [open letters](#) (Global Detention Project 2022) have already been published to condemn the treatment of third-country nationals who have fled Ukraine to Europe. The following two letters, which I co-authored with Kendrick and Adebayo, are their appeal to German legislators and university administrators. As non-Ukrainian citizens who lived and studied in Ukraine, they are asking for the same level of solidarity by being granted equal access to the rights set forth in the “Temporary Protection Directive.” Their letters should also serve as a wake up call against the protracted state of waiting, as has often been characteristic of people from the “Global South” applying for asylum in Germany. Now is the perfect opportunity to show that Germany truly adheres to the principles of universal human rights.



(Figure 2: Ukraine-Slovakia border crossing. Copyright: Kendrick. Published with permission.)

Two Letters from African Students from Ukraine

Kendrick

The war started early in the morning and I was awakened by the noise of loud explosions and civil defence sirens. At first, I did not want to leave because I knew that if I left my house in Kiev I would lose everything. But I had to leave in a few hours because the sirens were sounding continuously and the university outside Kiev where I was studying was supposedly struck by a rocket. The next horror I experienced was at the Ukrainian border with Poland, where the police refused to let me cross the border and only allowed Ukrainian citizens. I was shocked to be treated this way after paying taxes and school fees in Ukraine for the past three years. I stayed at the border for three days, sleeping in the cold, until I felt sick and was forced to try my luck at the Slovak border. I succeeded, and when I crossed the border, a Slovak priest looked after me. He provided me with shelter and food for a few days before purchasing tickets to Bratislava, from where I took the train to Austria. In Austria I met some really nice volunteers, but I wanted to continue my way to Germany because we, African and other non-European students, heard so many wonderful things about this country, especially in terms of guaranteeing human rights.

In Germany, however, I was confronted with my first heart-wrenching situation in the European Union. When I arrived in Dresden from Austria, the police took me and other non-European students off the train and asked us to give them our papers so they could check them. I agreed because I trusted them. Although I told the police that I did not want to apply for asylum, they took my fingerprints and photographed me. Why should I have to apply for asylum to stay in the EU when no one from Ukraine did? Then they sent me to Leipzig to a refugee shelter that was already full. I told the shelter management that I wanted my passport and Ukrainian ID back, but they told me they did not have them and I had to wait. I immediately left for Berlin because I had no place to sleep in Leipzig. At the Berlin Central Station I was lucky enough to get help from volunteers who gave me shelter for the last three weeks in Berlin. After two weeks of waiting and sleepless nights, during which I had the feeling that I was in Germany illegally and could be deported at any time, we also managed to get my papers back. I still do not know why my papers were taken away from me.

In the last few weeks I have been following news circulated by members of my community who also studied in Ukraine. A video circulated about an EU meeting in which a politician claimed that we will have to return to our countries. I don't want to believe that. I paid my tuition in Ukraine, for which my family sacrificed everything they had. Moreover, my original school certificates remained in Ukraine. When you are admitted to a Ukrainian university, your original certificates are taken from you until you graduate. I cannot go back now. I also can't reach university staff because everything is closed due to the war. There is also war in my country, Cameroon. I come from the Anglophone part of Cameroon, where [the military is killing not only people suspected of "separatism," but also women and children](#). My family and friends have already fled to neighbouring countries, and I have no one to return to. If I go back there, I will be treated like a traitor because they know I am from the Anglophone part.

I want Germany to understand my situation, because I want to stay in a safe country and continue my studies. I think about May 23 every day, because that is the day until which we are allowed to stay in Germany without a visa. But I cannot go back to Cameroon. I would lose everything I and my family have sacrificed to have a safe life and education.

Adebayo

I did my national diploma in Nigeria and had a job. But this diploma was not the same as the one you get during the bachelor's program at a university, and I wanted to have that to get a better job. That's why I applied to the university in Ukraine. I am also bisexual and in my country people with such sexual orientation are persecuted. Just before I left for Ukraine, I met secretly with my partner, but we were caught. Someone called the police and I had to hide for days. Fortunately, a few days later I travelled to Kharkiv, Ukraine, where my university was located. In Ukraine, I considered applying for asylum, but I was advised not to, so I just started my studies. A few months later, the war started in Ukraine. I had to flee and managed to get to Hungary, where I stayed for a few days. Since I didn't know what to do there and there wasn't much information, I decided to go to Germany.

When I arrived in Dresden, I had no idea that I didn't have to apply for asylum to stay in Germany, so I explained my situation to the police and asked for asylum. I didn't want to take any risks because I didn't want to be sent back to Ukraine or Nigeria. Fortunately, the lawyer I went to see a week later was able to withdraw my asylum application and give me back my documents, which had been confiscated by the Dresden police. By this time I was already in Berlin and was able to stay in a house belonging to some volunteers. I ended up in the hospital for two weeks because I was so frustrated with my legal situation that my blood pressure got too high and I risked a heart attack. During the whole time, I was searching the internet for courses offered to refugees from Ukraine so that I could secure some kind of residency status. And I am still searching. I can't go back to Nigeria or Ukraine. In my hometown, people know me and know what I did, and they will attack me for it. Besides, I can go to prison for many years because of my sexual orientation.

I would like to stay in Germany for now, where I feel safe and can continue my studies. If it wasn't for the war, I would never have left Ukraine, I would have graduated there. I had to sell all my belongings in my home to be able to afford my studies in Ukraine. In Nigeria it is impossible to get an education because the universities are facing many problems and there is a constant strike. I ask Germany to allow me and other students like me to study in Germany so that we can realize our dreams and receive the quality education that Germany is known for.

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