



Stichting Landelijk  
Ongedocumenteerden  
Steunpunt

## NEWSLETTER, volume 1 nr. 21

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### SIGN THE PETITION FOR AMNESTY FOR CHILDREN

More rooted in Limburg than Vlaai, the local pastry, more Friesian than the Elfstedentocht - a skating tour of just 200 km, a tradition held in extremely harsh winters. Fourteen years old and living in the Netherlands for the past ten years; nine years old and living in the Netherlands for the past eight years; thirteen years old and living in the Netherlands for the past 13 years.

If we will not intervene, their future will be in Iraq, Afghanistan, Eritrea, Angola. Countries where they do not speak the languages, where they have no friends nor relatives, where they are complete strangers. These children belong here. We urge amnesty for these children. We want to relieve their suspense and to welcome them in the country where they belong. Therefore, we utter this heartfelt cry. Please sign the petition on [www.kinderpardon.nu](http://www.kinderpardon.nu).

## 1. BASIC RIGHTS

### **Central Appeals Tribunal: vulnerable people are entitled to protection but not to assistance benefit**

The Central Appeals Tribunal, the highest authorities with respect to social security law, have ruled that vulnerable persons in individual situations are entitled to protection, even if they do not have a residence permit. The interests of the migrant concerned have to be weighed against the State's interests. If the migrant is entitled to protection, this has to be arranged through the Ruling Allowance Asylum Seekers and other Categories of Aliens [RvA] (Shelter in Agency for the Reception of Asylum Seekers, COA) or through the Social support act [WMO]. The Social Services exclude migrants without residence permits from assistance benefit. (CRvB, 09/6253 WWB en 10/4260 WWB en 10/4261 WWB, 22.11.11)

## 2. ADMISSION POLICY

### **Council of State: Nigerian mother is allowed to stay with her autistic Dutch child**

The Council of State, the highest authority for admission policy, have ruled that it is important for an autistic child to have guidance and support in the Netherlands. The child must not be sent back to Nigeria. The mother, who had no residence permit, is allowed to stay in The Netherlands with her child. (vluchtweb week 50 RvS 201008491/1/V4, 17.11.11)

## 3. CHECK AND DEPORTATION

### **Minister: doctors, teachers and civil servants are not allowed to tell on undocumented migrants; it will be possible to bring charges without any risk**

In the debate about the penalization of illegal residence Minister Leers has made it clear that doctors, teachers and civil servants who work for the Register of Births, Deaths and Marriages are under no obligation to report nor are they obliged to bring charges in cases of illegal residence and that this will not change. He has also disclosed that he is preparing a ruling that states that migrants without residence permits in future will be able to bring charges with the police without running the risk of being detained. (handelingen EK 6.12.11, kamerstuk 32420)

### **Court of Appeal: eviction Somali migrants is not possible, detention is not allowed**

The Court of Appeal in Groningen have released Somali migrants because they cannot be evicted. According to the Court of Appeal eviction to the North of Somalia is not possible because no agreement with the authorities has yet been reached and eviction to South and Central Somalia is not possible because of the dangerous circumstances in these places. (rechtspraak.nl Rechtbank Groningen, Awb 11/38815 e.a. 15.12.11; also refer to the Somali's weblog: vluchtelingenopstraat.blogspot.com)

## 4. WHAT CAN BE DONE?

### **ACVZ advice 'For the sake of social interest' [Om het maatschappelijk belang]**

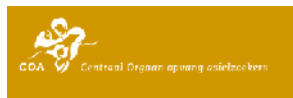


The Advisory Committee on Alien Affairs, the official advisory body of the Ministry, have advised the Minister to install a committee through which local authorities can provide advice about the admission of migrants who are well integrated in society. They used the example of the German

Härtefallkommission [Härtefall committee].

Download: <http://www.acvz.org/publicaties/Advies-ACVZ-NR33-2011.pdf>

### **Return Guidebook**



In this Guidebook DT&V, IND and COA have described the return process and the responsibilities that the various partners have concerning this process. According to the Guidebook the police are allowed to vacate rooms in asylum seekers centres on the 28th day after the last negative

ruling. It also describes under which circumstances asylum seekers can be sent to the location where residents have restricted liberties and under which circumstances they can be sent to the family location. Emergency shelters are to be phased out gradually.

<http://www.coa.nl/NED/cms/data/images/7/Leidraad%20oktober%202011%20definitief.pdf>

### **Publication of basic rights and accessibility of institutions for undocumented migrants**

Now also the Dutch Upper House have agreed with the penalization of illegal residence after the entry ban it will become even more important not to leave undocumented migrants out in the cold. Seven towns in The Netherlands work on the publication of basic rights that undocumented migrants have. They also want to draw the attention of local authorities to their duty of care, which applies to undocumented migrants as well. If you want to join, for example in your hometown or through your own institution, please send an e-mail to [info@stichtinglos.nl](mailto:info@stichtinglos.nl)

Stichting LOS (Landelijk Ongedocumenteerden Steunpunt) was set up in 2003. Stichting LOS is an expert and service centre for persons and organisations providing support to the undocumented persons. Stichting LOS is committed to defend the basic rights of migrants and their children.