

Newsletter, volume 9 no. 26
23 December 2019

Content

BASIC RIGHTS.....	2
ADMISSIONS POLICY	2
SUPERVISION AND REPATRIATION	2
WHAT'S ON?.....	3

PETITION: REGARDING THE RIGHT TO PROPER HEALTHCARE FOR EVERY HUMAN BEING

Since 2012, a patient who does not fully comprehend the Dutch language has to arrange their own interpreter. And that while at many as 2.5 million people with another native language live in our country! Many of them now depend on a relative or acquaintance to accompany them and translate, which results in a risk for doctor and patient alike. In addition, this is an infringement of the patient's privacy.

As a result, proper healthcare is not an automatic process for many refugees, students, labour and knowledge migrants and their children. As of 1 January 2020, care providers are responsible for 'timely consultations, and inviting the patient to ask questions.' This is impossible without access to interpreters.

Everyone is entitled to proper healthcare, a solution, therefore, is in everyone's best interest.
Sign here: <https://actie.degoedezaak.org/petitions/taalbarrieres-in-de-zorg-maak-ze-bespreekbaar>

BASIC RIGHTS

Ministry of Health, Welfare and Sport: shelter for undocumented victims of domestic violence in women's shelters not necessary

Based on the Istanbul treaty, women without residence permit who are the victim of domestic violence are also entitled to protection, when necessary including shelter. After the lobby of the women's shelter and the LOS Foundation, a legislative proposal has been prepared to finance the women's shelters, but only from the time that they have applied for a residence permit. There is no access for victims without an admission procedure.

The Council of State has responded critically to this limitation, because it is in breach of the Istanbul treaty, but the Minister does not believe an amendment is required, because the women can apply for a permit straight away. In addition, the Benefit Entitlement (Residence Status) Act excludes undocumented persons from facilities, and they can be assisted and accommodated in the freedom-restricting location Ter Apel (repatriation centre). See [here](#).

ADMISSIONS POLICY

Council of State: no cohabitation duty for residence with partner

This case concerns a woman who received a permit as partner of a man who at the time was imprisoned in Germany. The IND revoked her permit, because according to the IND, cohabitation was required for a partner permit.

But the Council of State does not agree with this. Even if you do not cohabit, you can have a lasting relationship. The IND should have considered the exact nature of the relationship more closely, during which the partners not cohabiting can be considered. See [here](#).

Court of Justice EU: individual decision required regarding independence of relatives (outside family unit)

The Court of Justice of the European Union explains the Union law. This case concerns the question which criteria should be applied if dependents ask to be admitted. According to the Court, dependency may be required, but in some situations a money transfer is not always possible, and that does not end the dependency immediately.

Each application has to be assessed individually. The health of the dependent is also important, but the personal situation such as age and education are to be investigated as well. The fact that documentation to prove the dependency is sometimes hard to get hold of, in particular in case of refugees, has to be taken into account as well. See [here](#).

SUPERVISION AND REPATRIATION

Court of Justice EU: return decision for tourists and public order

The Court of Justice of the European Union explains the Union law. In this case, the question is whether tourists who do not require a visa to visit the EU, can get served a return decision while they are still within the three-month no-visa period.

According to the Court, this is possible if the tourist represents a threat to public policy or is suspected of a criminal offence, on condition that this is sufficiently serious and substantiated. See [here](#).

WHAT'S ON?

Verweij-Jonker: Evaluation of the Forced Marriages (Countermeasures) Act

This is the evaluation report of the Forced Marriages (Countermeasures) Act. According to the researchers, the act does not have much effect, because forced marriages are hard to prove. The major effect the act has had is on family reunification of Syrian citizens of which the partner was a minor. This concerned about 150 persons. See [here](#).

A.S.F. Weatherburn (Thesis): Clarifying the scope of labour exploitation in human trafficking law

Human trafficking is defined in the Palermo protocol, but the definition for labour exploitation is still missing. This thesis attempts to compare the various definitions of forced or compulsory labour, slavery and servitude and to come to a single definition. See [here](#).

Consulting hours Fabel-Leiden on Monday and Wednesday afternoon

The Fabel van de illegaal supports people without a residence permit living in or around Leiden. We assist with access to the medical care and legal advice.

As of 1 December 2019, Fabel's consulting hours are on Monday and Wednesday afternoon. People can visit us between 1:00 and 4:00 PM. No appointment required. We will be closed between Christmas and the New Year. Also see: www.defabel.eu.

Looking for contacts: unaccompanied minor foreign nationals from Congo, Angola, Iran, Ethiopia and Eritrea who came to the Netherlands in the period between 1990 and 2010.

Researchers of the University of Groningen want to find out how the unaccompanied minor foreign nationals are doing and how they look back on the reception and assistance. Interviews take place at a location chosen by the respondent. To avoid burdening the respondents unnecessarily, no information will be asked about their flight (but we will listen, of course, if that information emerges naturally.) Each respondent will be called a few days after the interview to hear how they are doing.

The interviews will be held in January/February.

Contact for unaccompanied minor foreign nationals from Congo/Angola: Rianne Brandsma (r.brandsma.3@student.rug.nl, 0629377865)

Contact for unaccompanied minor foreign nationals from Iran: Ilse Klaasen (i.klaasen@student.rug.nl, 0621182790)

Contact for unaccompanied minor foreign nationals from Ethiopia/Eritrea: Anne Reterink (A.K.Reterink@student.rug.nl, 0645945968)

Since 2003, the LOS Foundation (National Undocumented Migrants Support Centre Foundation) has been the knowledge centre for people and organisations who provide assistance to migrants without residence permits ('undocumented migrants'). The LOS Foundation is committed to the basic rights of these migrants and their