

NEWS LETTER, volume 2 nr. X

January 2012,

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EU CITIZENS LOOSE THEIR RIGHT OF RESIDENCE WHEN THEY USE SHELTER AND SUPPORT SERVICES

Minister Kamp has proposed new policy rules concerning the withdrawal of EU citizens' right of residence when they receive assistance benefit or stay in a homeless shelter. According to the new rules the right of residence will be withdrawn in the following cases:

- during the first 2 years if they have made any use of assistance benefit or have spent 8 nights in a shelter for the homeless
- during the third year after they have received assistance benefit during 2 months or have spent 16 nights in a shelter for the homeless
- during the fourth year after they have received assistance benefit during 4 months or have spent 32 nights in a shelter for the homeless

Incidentally, it remains to be seen to what extent these rules are in line with EU policy (Dutch Government Gazette 23324, WBV 2011/17 16.12.11)

1. BASIC RIGHTS

Shelter for Somali migrants who camp at Ter Apel

During the past month Somalis set up a camp site at Ter Apel, a location where residents have restricted liberties. On the 30st of December they accepted an offer of shelter and support. They are allowed to submit a new asylum application. Many of the migrants involved had slept at various friends' houses or in the street. (<http://vluchtelingenopstraat.blogspot.com/>)

Court of Appeal: shelter and support services for diabetic Somali, who is a suspected war criminal

The Court of Appeal in Maastricht have ruled that a Somali person who had been declared an unwanted individual with 1F (asylum seeker who is a war-crime suspect) is entitled to shelter and support for the homeless. The man suffers from diabetes and cannot return to Somalia. According to the Court of Appeal this makes him a 'vulnerable person'.
(fischeradvocaten.nl, Rb Maastricht AWB 11/2146, 6.1.12)

Evaluation regulation health care for aliens without residence permits

During the past year Bureau Berenschot evaluated the regulation for health care of aliens. The bureau concludes that the regulation works reasonably well. There are, however, a couple of bottlenecks concerning the extent of the reimbursement of the expenses (notably for dental care and abortions), concerning the supply of information to care providers and to service users, concerning the accessibility of hospitals and concerning mental health care.

The Minister has ordered the CVZ [Dutch Health Care Insurance Board] to provide more information, particularly to the receptionists in hospitals and to Dutch mental health care organisations.
(<https://zoek.officielebekendmakingen.nl/kst-29689-367.html>)

2. ADMISSION POLICY

Court of Appeal: Return Congolese single woman would pose a risk

This particular woman's asylum story is not believed by the Court of Appeal. But because the Dutch Government Report about the Congo states that single women in the Congo are at great risk, her appeal is found valid.

(vluchtweb week 52 Rb Haarlem 11/16797, 22.12.11)

Court of Appeal Ghanaian migrant who used to have legal residence and who has been in The Netherlands for 24 years

The Court of Appeal Dordrecht has ruled concerning the procedure for obtaining a residence permit for a Ghanaian migrant who used to have legal residence and who has been living in The Netherlands for 24 years. He has been working for the same employer for over 12.5 years. The Court has ruled that it is not reasonable that the application for a residence permit has to be submitted in the country of origin.

(rechtspraak.nl Rechtbank Dordrecht, 11/15576 23.12.11)

The LOS foundation is the supporting organization for the assistance of migrants without residence permits. By means of this newsletter we inform you of current developments. If you have any questions about this newsletter or about the rights of migrants without residence permits, please contact LOS.

New income standards for admission family life

The standards for minimum wage and assistance benefit are adjusted twice a year. The income standard for admission of a partner in cases of the right to family life is based on these standards. The new net income standard for family life with partner amounts to € 1270.- per month exclusive of holiday allowance.

3. CHECK AND DEPORTATION

European Court: help during illegal residence of son in law cannot be punished

This case concerned a Moroccan migrant who had been living in France for 30 years. His daughter married and during his court proceedings for a residence permit with his partner the son in law had been housed illegally in his father in law's house. His wife was pregnant. France wanted to prosecute the father in law but decided not to impose a penalty. The European Court ruled that imposing a penalty would be in violation with the right to family life.

(migratiweb EHRM 29681/08 (Mallah - Frankrijk), 10.11.11)

4. WHAT CAN BE DONE?

Vacancy Director Stichting LOS, 24 hours a week

For Stichting LOS we are looking for a director who is a cooperative man or woman in front and is capable of leading the foundation; he or she will also project leader for the design of the new digital office. Please visit our website for more information. Responses please with mention of references before 20 January 2012 by e-mail to: info@stichtinglos.nl

Global Forum on Migration and Development

The Concluding Statement of the Civil Society days from the Global Forum on Migration and Development of 29-30 November 2011 addresses subjects such as the rights of undocumented migrants. The document provides arguments against turning illegal residence into a criminal offence; instead it should become a criminal offence to abuse the vulnerable position of migrants without residence permits, according to this document. In addition the document addresses the rights of migrants, labour migration of semi- and unskilled workers, family life of migrants and migration and development. <http://www.gfmdcivilsociety.org/downloads/GFMD%202011%20CSD%20Statement%20FINAL%201%20Dec.pdf>

Working conference Moroccan / Turkish family law, 19th of January 12.30-1700, Almere

The meeting will address developments, changes and the application of family law in practice; among other things the relation with the Dutch family law and the aliens law. In this context relevant themes will be discussed concerning marriage, choice of partner, divorce and legitimation, guardianship and separation allowance.

Information: CMO Flevoland; Irene de Cuba, 0320 244259 / i.decuba@cmo-flevoland.nl

Participation is free of charge. You can register through e-mail at: e.wijnands@cmo-flevoland.nl; please state your name, organisation, function and telephone number.

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