



Stichting Landelijk Ongedocumenteerden Steunpunt

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Information Offer: Basic Rights for Migrants without Residence Permits

The LOS foundation is eager to provide information on the basic rights of migrants without residence permits. For instance, the right to medical care, the right to education and the right to registration of birth and marriage.

Moreover, the LOS foundation is happy to discuss the options for migrants without residence permits to protect their rights as employees and tenants. Phone us if you want to make an appointment on either subject.

The LOS foundation is the supporting organisation 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.

1. Basic rights

Minister Kamp aims to retract the residence permits of EU citizens overstaying in reception

In principle, EU citizens are legal. Thus, they have all the rights of legal citizens, including the right to accommodation in women's shelter services and social security. However, local authorities are complaining about this. That is why Minister Kamp wants EU citizens to apply for a residence permits before they can apply for social security. Moreover, he intends to retract permits if EU citizens apply for too much social security or overstay in reception facilities. These plans are yet to be specified.

Supreme Court seeks other criteria for child benefit

When dealing with child benefit applications, the Social Insurance bank (SVB) always checks if the applicant has 'legal, social and economic ties with the Netherlands'. The Supreme Court, the highest court in the Netherlands, has now decreed that the 'fiscal residence policy' applies to child benefit. With regard to this, it is important for the applicant to have 'an enduring tie of a personal nature with the Netherlands'. The consequence of the decree is that migrants can apply for child benefit sooner.

2. Admission policy

Number of migrants in the Netherlands in 2010

Throughout 2010, 70,000 applications for residence permits were submitted. Of those, 21,000 related to family life (30%), 14,000 to asylum (20%), 10,000 to studying (14%), 6,000 to knowledge migrants (8%) and 3,000 more to other types of labour migration (4%). Another 15,000 (21%) applications come in the category 'miscellaneous'. Most 'family life', 'study' and 'knowledge migrant' applicants entered on an authorisation for temporary stay and more than 95% of them received a status quickly. Furthermore, 81% of the 'labour migrant' applicants and 83% of the 'miscellaneous' applicants received a status.

Number of asylum seekers in the second half of 2010

Out of the 7,700 requests for asylum in the second half of 2010, 49% were handled in the fast procedure. Of those applicants, 57% received a status directly and 43% were turned down immediately. The other 51% of the asylum seekers are still waiting for a decision. The main countries of origin of asylum seekers in 2010 are Somalia (25%), Iraq (10%), and Afghanistan (10%).

Asylum seeker tragedies

In 2001, Kambiz Roustayi came to the Netherlands from Iran as an asylum seeker. His request was turned down. On 6 April 2011, he doused himself with petrol on Dam Square and burnt to death. He was angry over the unjust asylum policy.

In 2001, Alasam S. came to the Netherlands from Benin as a 15-year-old solitary underage asylum seeker. His request for asylum and his appeal on medical grounds were turned down. On 13 April 2011, he murdered his girlfriend and a police officer.

Medics urge for better mental care for asylum seekers (who have exhausted all legal remedies).

3. Check and Deportation

Border controls in train and bus are forbidden

The court has decided that the Netherlands is no longer allowed to check the passengers on international trains and buses. First, new rules must be established, so that these controls do not resemble border controls.

Aliens police to check on houses au pairs

Au pairs are in the Netherlands to get acquainted with Dutch culture. They are allowed to carry out light domestic duties for a maximum of 30 hours a week. However, au pairs often work longer hours and carry out different duties about the house as well. From now on, the police are going to inspect au pairs' duties.

Police, aliens police and Removal and Deportation Service criticised

The Supervisory Committee on Repatriation (CITT), the official committee supervising the deportation of migrants without residence permits, takes the view that the police do not sufficiently check whether people have residence permits. When somebody is booked, (s)he often serves time without his or her status being checked. After serving his or her time, (s)he is simply released.

The aliens police does not work effectively either, according to CITT. They are to find out the identity of migrants without residence permits. However, once people are imprisoned to be deported, it seems as if the aliens police forget all about them.

CITT also criticises the Removal and Deportation Service (DT&V). They are to apply for Laissez Passers (substitute travel documents issued by the embassy). Out of more than 6,000 LP applications, only 566 have been received.

Lastly, the deportations themselves are criticised. Out of 6,600 intended deportations, 2,400 were cancelled. The main reasons were new procedures and resistance.

4. What can be done?

PICUM/LOS/ROS Conference on criminalisation of undocumented migrants in the Netherlands and Europe, 27 May Rotterdam

The Dutch government proposes to criminalise undocumented migrants.

PICUM, LOS foundation, ROS foundation and the Paulus Church organise an international conference to give insight into criminalisation of illegal residence in various European countries. Thus, we hope to amass arguments against the Dutch plans. The conference is in English. More information can be found in [the Draft Programme](#) and the [Registration Form](#).

Book: Exploitative Labour Relations and Legal Consciousness of Irregular Workers

This book describes the rights of undocumented labourers. It also explains why it is so hard for undocumented labourers to claim rights. People are afraid of losing their jobs or even of being deported. The book can be downloaded in English: [Exploitative Labour Relations](#).