



Stichting Landelijk
Ongedocumenteerden
Steunpunt

NEWSLETTER, year 2 no 18

17 September 2012

CONTENTS

PAGE

2. ADMISSION POLICY	2
3. CHECK AND DEPORTATION	3
4. WHAT CAN BE DONE?.....	3

REGULARIZATION IN ITALY FROM 15 SEPTEMBER - 15 OCTOBER

During these weeks a new regulation programme is being held in Italy. Every migrant who entered this country before the 1st of January 2012 and who worked for at least 3 months is eligible for participation in this programme. Employers have to pay € 1000 compensation. People can register for the programme from 15 September and 15 October. For more information you can contact Italian aid organisations, for example W2EU: <http://www.w2eu.info/italy.en/articles/italy-contacts.en.html>.

2. ADMISSION POLICY

The Minister grants status to non-Arabic migrants from North and South Darfur and Nuba. The Minister has decided to grant asylum status to non-Arabic migrants from North and South Darfur and to adherents of the NPLM/North and Nuba from South Kordofan and Blue Nile (Dutch Parliamentary Document 19637: 1574, 11.9.12).

Converted Christians will be granted asylum if their behaviour would cause them problems in their country of origin. The European Court of Justice has made it clear that first country of asylum cannot expect migrants to adjust to the rules in their country of origin. Therefore a convert should be granted asylum if his behaviour would lead to problems in his country of origin (C-71/11; C-99/11, 5.9.12).

Council of State: asylum requests from homosexuals will be postponed

The Council of State have written a letter to the ministry that cases of homosexual asylum seekers will only be dealt with when the European Court of Justice have given a ruling about these issues.

Court of Appeal: westernised women are at risk in Afghanistan

In two cases the Court of Appeal has decided that westernised women in Afghanistan are at risk. This concerns a case of a woman who had lived in Iran before she came to the Netherlands (Rb 's-Hertogenbosch, 12/22993, 7.8.12) and that of a Hindu woman (Court of Appeal Zwolle Awb 11/31285, 28.8.12).

IND grants a Guinean woman a status on because of the risk of female genital mutilation

This concerns the asylum request of a woman who stated that her daughter would be at risk of female genital mutilation when she returns. She is alleged not to be able to take residence elsewhere in Guinea because she is economically dependent on her relatives.

The case had been dismissed in Higher Appeal, but the lawyer referred the case to the European Court for Human rights. After an interim measure of the European Court (nr. 404/11, 14.6.12) in August the IND decided to grant a status as yet.

The Minister investigated marriages of convenience of West Africans with EU citizens

The Ministry is investigating 60 marriages that were brought about through mediation by a trafficker. This mainly concerns Ghanaian migrants who entered into relationships with EU citizens, because of which they will now be granted a status. Twenty-two of these 60 marriages are suspect and legal proceedings have been initiated for four of these cases. The other 36 cases do not involve fraud (reply to Parliamentary Question 3426, 11.9.12).

Minister changes au pair policy

The au pair policy will be changed as of 1 October. Au pair agencies are only allowed to charge an entry fee or preparation costs of at most 10% of the monthly fee and they are not allowed to include a deposit or penalty clause in the contract. Their work activities are not allowed to include specialist work (IND 12.9.12).

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...

3. CHECK AND DEPORTATION

Police are not allowed to check identity without reason

This case concerns a police check of a car. The passenger wore a lot of make-up, was of South American nationality, was scared and avoided eye contact. Therefore the passenger was asked to show his identity papers. The court has ruled that these circumstances do not result in 'reasonable suspicion of illegal residence' and that therefore there was no reason to ask for the identity papers (Court of Appeal Groningen AWB 12/13442, 12.7.12).

Developments Detention centres for migrants with illegal residence

Since last weekend the detention boats in Zaandam have been closed. Everybody has been transferred to Zaandam or Rotterdam.

This month the detention centre in Alphen was opened. Four hundred people are detained there, it will be a thousand in future. The centre will not only contain undocumented people with criminal records, but Dutch nationals as well.

The new detention centre in Schiphol will be opened in December.

Council of State: final date of a visa is not the same as a Return Decision

In this case a migrant without a residence permit had been taken in detention because the visa had expired. But according to the Council of State it is mandatory to issue a Return Decision before. The final date of a visa is not a Return Decision (Council of State, 201207627/1/V3, 29.8.12).

4. WHAT CAN BE DONE?

Debate about modern slavery, 18 October 20.00 hours, Zuiderkerk Amsterdam

FairWork Foundation, magazine Opzij and publishing firm De Geus invite you to a debate about modern slavery on the day against human trafficking. The debate is on occasion of the publication of the book Bitter Avontuur, Drie vrouwen in het onderaardse Nederland [Bitter Adventure, Three women in the Dutch underworld], written by Renate van der Zee.

Admission free, please register through info@fairwork.nu or our [contactformulier](#).

EMN report: practical measures against illegal migration in the Netherlands

The most important conclusions from the report are:

- Legalisation options such as the extension of the EU and the pardon are effective.
- The majority of the other measures have not been evaluated, in cases where an evaluation was performed they proved not to be effective.
- European policy is sometimes in conflict with national policies for countering illegal migration.

You can read the report [here](#)

STIL Utrecht has a temporary client stop

The Utrecht support organisation for migrants without residence permit will not be able to take on new clients during the next two months. However, people who need to be referred to medical care can still come by on Wednesdays from 9 to 11 hours.

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...