

NEWS LETTER, VOLUME 3 NR 24

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COA DOES NOT USE THEIR AUTHORITY TO PROVIDE SHELTER AND SUPPORT TO VULNERABLE UNDOCUMENTED MIGRANTS

The COA [Central Agency for the Reception of Asylum Seekers] is legally authorised to provide shelter and support to vulnerable people without residence permits. Because of these powers many Courts of Appeal have decided that vulnerable undocumented migrants are not entitled to shelter in accordance with the Social support act.

The Council of State have asked the COA in which situations they provide shelter to vulnerable people. The COA have replied that they only do this if they are obliged to do so. This only applies to people who have applied for medical emergency through the channel of the so-called ‘Spekman motion’ (section 64). According to the COA other vulnerable asylum seekers would receive medical care, which is supposed to be adequate. You can read the verdict [here](#).

The channel ‘Spekman motion’ for an application for medical emergency is only possible for asylum seekers who have exhausted all legal remedies and who have submitted their complete medical dossiers. Lately the Ombudsman has criticised the way this motion is implemented. Because of this the state secretary has extended the possibilities for shelter somewhat. But this provides no solution to undocumented migrants who have no asylum history. You can read the state secretary’s letter [here](#).

1. BASIC RIGHTS

Amsterdam have started providing social benefit to single-parent families for undocumented parents of Dutch children

Dutch children who are cared for by a parent who has no right of residence are entitled to social benefit for single-parent families. Several municipalities in the Netherlands were already of this opinion but recently Amsterdam has joined them.

State Secretary of Security and Justice: shelter and support undocumented migrants in other EU countries

Prompted by the immediate measure issued by the European Committee for Social Rights the State Secretary has drawn up a survey of the provisions that other EU countries offer for shelter and support for asylum seekers who have exhausted all legal remedies. This survey shows that northern countries (Germany, Denmark and Sweden) will keep offering shelter. Belgium and Great Britain only provide shelter as long as the people concerned co-operate in their return. France and other southern countries offer night shelters. You can read the reply [here](#).

Association of Dutch municipalities: motion about applying complaint about the right to food, clothing and shelter

In the Association of Dutch municipalities a motion has been passed to respect the Immediate Measure of the European Comité for Social Rights, that decided that the Dutch authorities have to organise food, clothing and shelter for undocumented migrants.

Health Care Insurance Board: mandatory contribution 5.- for medication

Migrants without residence permits are entitled to health care if this is medically required. If they are incapable of paying the bill, their physician can be reimbursed by the Health Care Insurance Board. This also applies to medication. Because pharmacies charge too much and do not make enough effort to have patients pay for themselves, the Health Care Insurance Board has decided to charge pharmacies 5.- per prescription. In order to limit the costs it is allowed to write three-monthly prescriptions.

2. ADMISSION POLICY

Court of Appeal: removal from the municipal register is no proof of departure to country of origin

The IND had revoked this migrant's residence permit because he had been removed from the municipal register. The judge is of the opinion that this does not prove that the migrant has returned to the country of origin because he can also have taken up residence elsewhere in the Netherlands. You can read the verdict [here](#).

State Secretary of Security and Justice: evaluation child's pardon

In total approximately 3,270 applications have been submitted for admission in the Netherlands through the child's pardon. In total 1,340 applications have been granted. This concerns approximately 640 principal applicants and 710 family members.

Approximately 1,800 applications have been denied. The main grounds for rejection are:

- The migrant does not meet the minimum residence term (500 cases);

- An asylum request has never been submitted (400 cases);
- The Dutch authorities could not trace the migrant during a period longer than is allowed (300 cases);
- The migrant does not meet the stated age requirement (200 cases);
- The migrant holds a (non-convertible) residence permit (100 cases).

You can read the State Secretary's letter [here](#).

Currently many court cases concerning the child's pardon are being won, for example with respect to children who have no asylum history ([Suriname](#), [Ghana](#)), to children who were too old when submitting their application ([over 21](#)) and to children who could not always be traced by the Dutch authorities (also belonging to the non-asylum group).

3. CHECK AND DEPORTATION

Letter IND: temporarily no evictions Afghan women who travel alone

As of 12 November Afghan women will not be evicted. This applies for a period of 8 weeks.

4. WHAT CAN BE DONE?

Discussion about migration from the interest of emigration countries, Amsterdam, 10 December

On Tuesday 10 December (15.30-17.00 in Metropolitan room Z531) [Juan Amaya-Castro](#) from the VU's Migration Law Department will present his paper on "[Bringing Emigration Policies into the Global Migration Picture](#)". Juan's paper "seeks to shift the focus away from immigration policies, or the policies that try to control immigration. Instead, it proposes a systemic analysis of emigration policies. Such a shift complements and completes the overall picture of global migration governance." Drinks and snacks will be provided. Sign up by sending an email to mdc@vu.nl.

International Organisation for Migration survey projects voluntary return

International Organisation for Migration has made a useful survey of return regulations, which can be downloaded through http://www.iom-nederland.nl/images/AVR_overview/AVRRProjekten%20IOM%20-NL-website.pdf.

Support the Centre Child Trafficking, Human Trafficking of Fier Friesland

Fier is competing for the charity money provided by Specsavers. This would allow us to collect money for the interior of the Centre Child Trafficking, Human Trafficking. In order to qualify for this prize, we need the greatest number of votes from the general public.

Please vote through: http://stichtingspecsaverssteunt.specsavers.nl/leeuwarden/het-centrum-kinderhandel-mensenhandel_14683/.

Training about homosexual asylumseekers, 11 dec 17.30 in the Worldhouse, Amsterdam

COC Amsterdam offers a training about the rights of homosexual asylumseekers in the Netherlands and about the cultural varieties in the treatment of homosexuals around the globe. The training is in english and dutch, afterwards a meal will be offered.

Sight up by: info@wereldhuis.org or 06 22821472