

NEWS LETTER, VOLUME 4 NR 15

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EUROPEAN COMMITTEE FOR SOCIAL RIGHTS ON RIGHT TO SHELTER AND ACCOMMODATION

On July the 9th the European Committee for Social Rights issued a ruling on the complaint by the Churches concerning the right to shelter, clothing and food. The ruling will be sent to the European Committee of Ministers who are to pass a resolution. The ruling will be made public if they fail to do so within 4 months.

On the 17th of July the Secretary of State responded that the ruling by the European Committee cannot currently be made public.

1. BASIC RIGHTS

Council of Europe: protect migrants with HIV/AIDS

On the 25th of May 2014 the Council of Europe passed a resolution in which member states are advised to grant permits to migrants with HIV/AIDS whose access to adequate medical care in their country of origin is problematic. Member states are also called upon to make health care available for undocumented migrants with HIV/AIDS. The resolution is not binding but it is authoritative ([Resolutie 1997 \(2014\)](#), 23.5.14).

2. ADMISSION POLICY

Council of State: no eviction homosexual Moroccan in the near future

In this case the Amsterdam Court of Appeal (14/11911, 20.6.14) had decided that this homosexual Moroccan man could safely return to Morocco. According to allegations the punishment for homosexual behaviour would not be effected. The man took his case to a higher court. The Council of State (201405204/2, 30.6.14) are of the opinion that he should be allowed to await his appeal in the Netherlands because his return might pose too great a risk.

Conversely in another case the Court of Appeal Zwolle (13/20629, 1.7.14) have ruled that homosexual behaviour is currently being punished more frequently in Morocco.

Council of State: permit for new partner is withdrawn because former partner is still registered

This case concerns the residence permit of a woman's new partner. Over a couple of months the former partner had registered himself twice at the same address where the woman was living with her new partner. According to the IND the registration is strong evidence that the former partner actually lived at this address. Therefore the relationship was not deemed plausible and the permit of the new partner was withdrawn. The Council of State have agreed with this. Find more information [here](#).

Council of State: permit partner is being withdrawn because new partner can be traced, continued cohabitation

This case concerns a dependent residence permit. The man fell in love with another woman and told his dependent partner that he wanted to end their relationship. Half a year later he left; at this moment the couple stopped living together.

According to the IND the couple had split up at the moment the new partner appeared and therefore the relationship with the first partner had not lasted long enough in order for her to be granted an autonomous permit. You can read the ruling [here](#).

Court of Justice EU: no language exam abroad for Turkish partners

The Court of Justice of the European Union has made it clear that Turkish migrants to whom the Association Agreement applies do not need to pass the integration examination abroad. The Agreement prohibits new restrictions for the admittance of Turkish migrants. The integration examination has been introduced after the Agreement came into effect. You can read the ruling [here](#).

Secretary of State: EU citizens no longer need to register with the IND

Until recently EU citizens who want to live in another EU country for longer than 3 months had to register with the IND. They also had to register with the municipal authorities if they wanted to reside

in the Netherlands for longer than 4 months. The obligation to report with the IND will now be abolished officially. You can find more information [here](#).

3. CHECK AND DEPORTATION

Secretary of State Security and Justice: new proposal border checks

According to the EU it is not allowed to turn checks at the Dutch borders into border checks because the Dutch borders are internal borders. Therefore it is only allowed to carry out a few checks per day. The Secretary of State is of the opinion that this is insufficient and he wants to extend his powers. He has presented a legislative proposal to this effect. The Council of State and the Advisory Committee Immigration Affairs have questioned whether this is not in violation of EU legislation. You can read the proposal [here](#).

Court of Justice EU: detention of aliens must be strictly separate from criminal detention

In response to a question submitted by Germany the Court of Justice of the European Union has made it clear that detention of aliens should always be separate from criminal detention in order to make it clear that detention of aliens is not a punitive measure. This even applies if the migrant in question has agreed with detention at a mixed location. You can read the ruling [here](#).

4. WHAT CAN BE DONE?

ILO Training: Decent work for domestic workers, 27-31 October Milan

The course will focus on increasing awareness of the Domestic Workers Convention, 2011 (No. 189) and the Domestic Workers Recommendation, 2011 (No. 201), to strengthen the broad-based protection of vulnerable groups such as migrant domestic workers and victims of child domestic labour. Exchange of international experiences will be encouraged

Further information: <http://www.itcilo.org/calendar/21751?elenco=Description>

Masja van Meeteren: Irregular Migrants in Belgium and the Netherlands: Past Developments, Current Status and Future Potentials

This book surveys the many different ways in which irregular migrants settle and make a living in Belgium and the Netherlands. Offering an empirically grounded theoretical critique of the dominant research's focus on survival strategies, overreliance on comparisons of migrant communities, and overemphasis on structural explanations, Masja van Meeteren instead takes the aspirations of irregular migrants as her starting point, which opens up fascinating new questions about their lives and roles in their new home nations.

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Stichting LOS to move location

As of 1 August Stichting LOS is to move to Rotterdam, the building of the Pauluskerk: Mauritsweg 20, 3012 JR. This means we can share the overhead expenses. We hope that the co-operation will also give rise to new initiatives.