

## NEWS LETTER, VOLUME 4 NR 20

29 September 2014

<b>Table of contents .....</b>	<b>page</b>
1. BASIC RIGHTS.....	2
2. ADMISSION POLICY.....	2
3. CHECK AND DEPORTATION .....	2
4. WHAT CAN BE DONE? .....	3

### PROVISIONAL CLOSED FAMILY LOCATION AS OF 1 OCTOBER

In May 2014 the Secretary of State announced that detention of aliens for children would be discontinued. He has initiated the construction of a 'Closed Family Location', within whose walls families with children are free. This location will come into use as of next year.

The Secretary of State has now detected that in the period from September 2013 until June 2014 approximately 30 families have fled prior to their deportation. In order to prevent this as of 1 October a provisional 'Closed Family Location' will come into use. In this location families with children will be detained for a maximum of two weeks preceding their departure.

The provisional 'Closed Family Location' is in Zeist as is the permanent Location.

You can read the letter [here](#).

## 1. BASIC RIGHTS

Court of Appeal: tax authorities have to perform independent investigation into entitlement to EU law  
EU citizens who live in another EU country have legal residence. This applies to family members as well. In this case the allowances of partners without legal residence were to be withdrawn. The Court have decided that the tax authorities should have investigated whether the EU law is applicable in this case because one family member is an EU citizen. You can read the court decision [here](#).

## 2. ADMISSION POLICY

Court of Appeal: Georgia offers sufficient protection from domestic violence

This case concerns a Georgian woman who fled because of domestic violence. The Court of Appeal have agreed with the decision of the IND that the authorities in Georgia offer sufficient protection, that there are women's shelters and that there is sufficient access to therapy (Rb Zwolle, 11/35094, 29.8.14).

Court of Appeal: transgender people in Indonesia are not at risk of inhuman and humiliating treatment

The Court have agreed with the IND's decision that Indonesian transgender people do not run the risk of inhuman treatment. (Court of Appeal Rotterdam, 14/19473, 16.9.14).

Court of Appeal: return to Somalia after westernization poses a risk

This Court are of the opinion that the official country report about Somalia can be regarded as an 'unprecedented fact' and therefore as a reason for a new asylum application. The official country report has mentioned that Somalians who have lived in a western country for a long time and who have been westernized run the risk of being accused of espionage by Al Shabaab. The asylum application has to be reassessed. You can find further information [here](#).

IND: change examination civic integration

As of 1 November the basic civic integration exam will no longer be taken by telephone but by computer. Refer to the website [NaarNederland.nl](http://NaarNederland.nl) for among other things a survey with the changes as compared with the former package and practice tests.

Court of Appeal: availability HIV medicine in Nigeria uncertain

This case concerned a Nigerian woman with HIV who is using the drug Eviplera. According to the doctors of BMA (Bureau Medische Advisering, medical advice for IND), this medicine is available in Nigeria, although it has to be imported. The Court want more clarity as to the delivery time of the drug. The deportation will be postponed. More information is [here](#).

## 3. CHECK AND DEPORTATION

Court of Appeal: no prospect of deportation to Somalia

Detention of aliens is only allowed if there is a prospect of deportation. Deportation to Somalia is hardly feasible. The Dutch Removal and Deportation Service has been talking with the Somali

authorities for months but as yet there are no results. Therefore the Court have decided that a 'prospect of deportation to Somalia' no longer exists (Rb Amsterdam, 14/18551, 21.8.14).

## 4. WHAT CAN BE DONE?

Binnen | Buiten: Over de grenzen van ons migratiebeleid, 1 October 20 hr Verzetsmuseum Amsterdam  
The newspapers are full of stories about 'alarming floods of refugees to Europe. In the Netherlands as well the asylum policy is becoming harsher with practices that contravene international agreements on human rights (such as detention, denial of food, clothing and shelter).

This will be the subject of this debate of the ASKV. Information through via [www.askv.nl/binnenbuiten](http://www.askv.nl/binnenbuiten) | [www.facebook.com/askv.steunpunt.vluchtelingen](https://www.facebook.com/askv.steunpunt.vluchtelingen). | Please register by e-mail at [askv@dds.nl](mailto:askv@dds.nl).

Round Table: Mobilizing for migrant rights in the 21st century.9 October 15-17 hr, UvA Amsterdam  
*Comparative perspectives on migrant organizing, labour and citizenship between Europe and the United States* with keynote speaker Prof. Ruth Milkman, Professor of Sociology in labour sociology and labour movement at the [CUNY Graduate Center](http://www.cuny.edu/graduate-center/). Together with sociologist Sébastien Chauvin (UvA) and migrant rights activist Valery Alzaga, Prof. Milkman will discuss the vulnerability of migrant workers in contemporary Western society.

Venue: Roeterseiland, Building B (Room B2.05), Nieuwe Achtergracht 166, Amsterdam. Info: [here](#).

Newly published official country reports

[Ambtsbericht Irak veiligheidssituatie 19-9-2014](#) [Official Country Report Iraq security situation]

[Ambtsbericht Afghanistan 17-9-2014](#) [Official Country Report Afghanistan]

Scientific Research and Documentation Centre: treatment of traumatized victims of human trafficking for the purpose of coherent or consistent statements of evidence

The general purpose of this investigation is to 'providing insight into the way in which (possibly) the evidential value of statements of evidence given by victims of human trafficking with a psychotrauma can be advanced in order to improve the tracing and prosecution of human trafficking'.

[http://www.wodc.nl/images/2296-volledige-tekst\\_tcm44-556015.pdf](http://www.wodc.nl/images/2296-volledige-tekst_tcm44-556015.pdf)

City-Level Responses to Migrant Families with Restricted Access to Welfare Benefits

This pilot study describes the situation in Berlin and Madrid. In both cities substantial numbers of people remain outside the safety net. The report concludes with a list of nine recommendations on measures which might alleviate a range of fast-developing problems. This includes action at European level to "strengthen the legal basis for minimum standards of existence for migrant families; and to explore ways to ensure the realisation of the fundamental economic and social rights protected by the existing European legal instruments." Download: <http://www.compas.ox.ac.uk/research/welfare/nrpf>

European Commission Handbook Marriages of Convenience with EU-citizens

The European Commission published a handbook to help EU Member States take action against marriages of convenience between EU citizens and non-EU nationals in the context of EU law on free movement. The Commission prepared the following requests by a number of EU countries for support in dealing with the phenomenon.

[26.09.2014 - Commission Communication and handbook on marriages of convenience between EU citizens and non-EU nationals in the context of EU law on free movement \(provisional version\)](#)