



Stichting Landelijk
Ongedocumenteerden
Steunpunt

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COURT: AREA HEALTH AUTHORITY IS RESPONSIBLE FOR ROUND-THE-CLOCK SHELTER

In Amsterdam, there are two kinds of shelter for people without residence permit: HVO-Querido provides night shelter, and also there is round-the-clock shelter run by the Dutch Salvatory Army for people who are ill. The Area Health Authority (GGD) decides whether people without residence permits are ill and need round-the clock shelter. The municipality allowed people without residence permits who are ill to remain in the Salvation Army shelter for a year. After 1 year, the Salvation Army wanted to evict these people. That’s what these legal proceedings were about.

The court argued that the Salvation Army is allowed to evict people, but that they still need round-the-clock shelter, as the GGD still considers them to be ill. The group is now being sheltered in a special section of HVO-Querido.

Amsterdam court 200.200.481/01 SKG, 21.10.16

1. BASIC RIGHTS

Court: child in family location not granted cochlear implant

This child has exhausted all legal remedies and is living in a family location. As such, she is subject to the control of the Agency for the Reception of Asylum Seekers (COA). The child is deaf and would benefit from a cochlear implant, but, COA's insurance will not reimburse one. That's why the judge feels the refusal to be justified.

If the child had been received outside the COA, she could have made use of health care for uninsurable aliens. In that case, doctors would have been compensated for any costs of medically necessary care. According to the judge, a cochlear implant would not meet the criteria for [this facility](#). See [here](#) (Dutch). The decision of the judge is contrary to the criteria for medically necessary care of the Klazinga Commission, see [here](#) (Dutch)

2. ADMISSION POLICY

State secretary Security & Justice: safe countries of origin

Asylum seekers from safe countries of origin may seek asylum, but they are given more frugal reception, and their level of proof is higher. The list of safe countries includes: [Albania](#), Bosnia, Ghana, Kosovo, India, Jamaica, Macedonia, Morocco, Mongolia, Montenegro, Senegal and Serbia. Currently, there is a lot of litigation about it. The safety in Kosovo (Utrecht court, 16/21418 ev, 13.10.16), [Macedonia](#), [Morocco](#), Mongolia (Groningen court, 16/17599 and 16/17604, 1.9.16), and [Serbia](#) is being criticized.

The state secretary has added new countries to 'safe countries of origin' list: Algeria (excepting LHBTI and critical journalists), Georgia (excepting the Russian areas), Ukraine (idem), Tunisia (excepting LHBTI). The assessment of Turkey as a safe country of origin has been suspended.

Still being assessed are: Bangladesh, Brazil, Colombia, Cuba, Honduras, Jordan, Kenya, Lebanon, Nepal, Togo, Trinidad and Tobago, Chad, Zambia, Zimbabwe and South Africa. See [here](#) (all links Dutch only)

Council of State: Afghanistan still safe, for Hazaras as well

How safe is returning to Afghanistan? This question is subject to extensive discussion. The Council of State has decided that Afghanistan, and Kabul, are safe to return to, for Hazaras as well. The Council of State does acknowledge that people without any network will find it hard to build a life in Afghanistan, but that this is not so severe as to constitute 'inhumane treatment' (RvS 201603587/1/V2, 20.10.16). Meanwhile new documents about the lack of safety in Afghanistan are being introduced in court cases, make the judges doubt anew (e.g. Rotterdam court, 16/21101, 11.10.16)

Council of State: Colombian domestic violence victim refused asylum as Colombian government protects

This woman was threatened by her partner in Colombia. She reported domestic violence seven times, including once to the Public Prosecutor, but didn't lodge a formal complaint. She did not report the last (shooting) incident. The partner was issued restraining orders twice and one police officer was fired. Still, the threats continued.

According to the Council of State, this shows that the Colombian authorities are doing their best to offer protection. Therefore, the woman needn't be considered a refugee. See [here](#) (Dutch only)

Court: exemption from income requirement upon family formation due to IVF treatment

For residence with partner, the Dutch partner needs to have a stable and sufficiently high income. This woman lived on social security. She had been exempted from job search requirements due to major IVF treatment. The judge decided that the Immigration and Naturalisation Service (IND) must assess whether the income requirement is reasonable in this case. (VK Amsterdam court, AWB 16/6324, 28.9.16)

3. CHECK

Court: return to Mali not possible

The judge has established that the Malinese government is still unwilling to receive individuals returning to their country of origin, so that return is not an option. Therefore, Malinese nationals may not be subject to alien detention (Amsterdam court, 16/21781 en 16/21782, 7.10.16)

4. ACTIVITIES

SVZV: room available for undocumented woman who is pregnant or has just given birth.

The tenement is located in Amsterdam ZO, she'll be living with 2-3 other women without children. She will not have to pay rent, but there is no social assistance either. She can stay 6-9 months.

Contact: info@svzv.nl

Human trafficking magazine

By way of a special magazine about human trafficking, five Dutch organisations demand attention for victims of human trafficking. Facts and figures, personal stories, interviews and background information paint a clear picture of the role human trafficking is currently playing in our society.

http://mensenhandel.nl/files/box/Magazine_Mensenhandel_2016.pdf (Dutch only)

Report on Demand in the context of trafficking in human beings in the domestic work sector in the Netherlands (June 16)

Victims of abuse in the domestic sector remain largely unnoticed, since they take place in private households and are thus out of sight. This makes the employees in question vulnerable to abuse, which may result in exploitation. Victims often don't seek help as they are unaware of their rights and feel trapped in the situation.

Introduction night support group for women without residence permits, 2 Nov 19.30 hrs, A'dam

We will introduce the support group and on the basis of cases will jointly discuss which questions arise and how we may help, offer support and give answers. Hopefully, this will provide insight in our clients' problems as well as SVZV activities. Info: www.svzv.nl

Commemorating refugees on the borders of Europe, 6 Nov 15.30u Hermitage Amsterdam

In the week of All Souls' Day, the jetty in front of De Hermitage museum in Amsterdam will be dedicated to the annual commemoration of refugees who have died on the European borders. Prior to the commemoration a programme will run in the attic of the Protestantse Diaconie. Info: www.allerzielen.eu

Since 2003, the LOS Foundation (the Dutch acronym for 'Landelijk Ongedocumenteerden Steunpunt') has been the knowledge centre for people and organizations providing assistance to undocumented migrants. LOS Foundation devotes itself to the basic rights of these migrants and their children.