



Stichting Landelijk
Ongedocumenteerden
Steunpunt

NEWS LETTER, volume 7 nr 3

6 February 2017

TABLE OF CONTENTS

- 1. **BASIC RIGHTS**..... 2
- 2. **ADMISSION POLICY**..... 2
- 3. **CHECK** 3
- 4. **ACTIVITIES** 3

MINISTRY STARTS INVESTIGATION INTO THE ACCESSIBILITY OF ACCOMMODATIONS FOR WOMEN'S SUPPORT AND SHELTER

In accordance with the European Victim Directive *all* victims are entitled to the treatment that is necessary to alleviate their suffering as much as possible. For victims of domestic and honour-related violence this also means that they have access to accommodations for shelter and support for women. The Directive also applies to women without a residence permit.

As a result of Parliamentary Questions by GroenLinks (Dutch Green Party) and the ChristenUnie (Dutch Christian-Social party) about this topic in the Dutch Upper Chamber the Minister has promised that he will carry out an investigation into the accessibility of accommodations for shelter and support for women without residence permits. The investigation should be completed in the summer.

In the interim there is a right to shelter and support for this group, because the Victim Directive has already come into force, even though the Directive has not been correctly implemented in The Netherlands. However, a problem is that the accommodations currently cannot be reimbursed for the support they provide.

You can read the Minister's letter [here](#)
You will find an article about this [here](#) (English language)

1. BASIC RIGHTS

Council of State: no entitlement to housing benefit with a son who has no residence permit and lives at home

This case revolves around the question whether a distinction can be made between a parent of a foster child with no residence permit who keeps his right to housing benefit and a parent of a natural child with no residence permit who is not entitled to housing benefit. According to the Council of State this distinction is justified, because the parents' responsibility differs from the duty of care of the State (which had been transferred to the foster parents) (Council of State 201601501/1/A2, 18.1.17)

Council of State: Pakistani repudiation not recognized

This Pakistani marriage had been dissolved by means of repudiation. The question is whether this form of divorce is valid in The Netherlands as well. For this purpose the procedure in Pakistan has to meet the requirement that both parties have been heard. But in such cases of repudiation the wife's opinion hardly counts. Because the woman did not want to co-operate towards the registration of the divorce in The Netherlands, the divorce cannot be recognized in accordance with the Dutch law (Council of State 201600743/1/A3, 18.1.17).

2. ADMISSION POLICY

Council of State: Morocco safe country of origin

As of last year the Secretary of State has designated a number of countries of origin as safe. The Council of State has determined that this is only possible after careful investigation of the human rights situation. According to the Secretary of State Morocco can be considered a safe country of origin. Proceedings concerning Algeria have not yet been completed. ([here](#))

Burundi: decision and deportation moratorium extended

Because there is no new country report for Burundi the Secretary of State has decided to extend the moratorium on decisions for Burundian people for another six months until 1 June 2017. ([here](#))

Court of Appeal: suspicion of fictitious job is not sufficient to revoke permit partner

This case concerns the income requirement in the case of a family with a settled person permit. The IND (Dutch immigration and naturalisation service) are of the opinion that the Dutch partner has no real job and that this meant that her foreign partner had been granted a permit on wrongful grounds. According to the Court of Appeal suspicions alone are not sufficient and the IND should have performed an investigation. You will find more information [here](#).

Court of Appeal: independent residence of the partner of EU citizen after three-year relationship

This procedure concerns a partner of an EU citizen who had been granted a family of a settled person permit in The Netherlands. An EU permit is a declaratory judgment, which means that it is valid as of the moment that the conditions have been met. The partner had a permit from the date when the relationship started. The three-year term took effect on that moment (VK Court of Appeal Haarlem, AWB 16/7039 – Definitive Ruling, 30.12.16).

Please note: the partner will need an independent income for the independent permit.

3. CHECK

UNHCR: no children in detention of aliens

In this report the UNHCR has stated that it is prohibited to place children in detention of aliens at any time. The interests of the child should take precedence under all circumstances. Experts should decide which alternatives are most suited. You can find more information [here](#) (January '17).

In spite of this in The Netherlands children are still placed in detention, including this family with an autistic child ([here](#)). In principle children are allowed to be placed in detention of aliens for 2 weeks at most. However, the Court has ruled that this period could be extended in the case of an Algerian unaccompanied minor with a criminal record (Court of Appeal Zwolle, NL17.46, 18.1.17).

4. ACTIVITIES

DEBATE - Crisis in the making: West-African victims of human trafficking, 28 February 19-21.30h

Misusing the stream of refugees human traffickers are bringing an increasing number of West-African girls and women into Europe. Although during the previous years several (possibly) West-African victims have been spotted, hardly any human traffickers have been sentenced and their victims are not adequately protected.

In the Humanity House in the Hague a subject-specific debate about this topic will be held. You will find more information [here](#).

On 16 February Human Trafficking will be discussed in the Dutch Lower Chamber. You will find more information [here](#).

Defence for Children: plea for integration plan in country of origin in cases of the deportation of families

During the past year twenty children who had lived in The Netherlands for a long time have been forcibly deported to Armenia. Their living conditions in Armenia are bad.

Defence for Children and the University of Groningen have recommended that the authorities draw up a departure for each family that is to be deported. This plan should at least include the following issues: where the family is to live after their return, in which way the family are to provide for themselves during at least a year, in which way the children can receive appropriate (language) education, which rules pertain to the accessibility of health care and mental health care and how this education and care for the family members concerned will be funded.

['Ik wil terug naar Nederland. Monitoring van teruggekeerde gewortelde kinderen in Armenië'](#) [I want to go back to The Netherlands. Monitoring returned rooted children in Armenia] (January '17)

Rainbow Refugees NL

"Rainbow Refugees NL" is an app for lesbian, gay, bisexual and transgender (LGBT) persons who are seeking asylum in the Netherlands. The app explains what your rights are as a LGBT-person in The Netherlands, as well as where you can find help and assistance on health and safety issues. You will also be able to find information on the Dutch asylum procedure and addresses of relevant organisations.

<http://www.cocktailonline.nl/rainbow-refugees-nl/>

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.