

NEWSLETTER, volume 8 no. 4

12 february 2018

CONTENTS

1. BASIC RIGHTS	2
2. ADMISSION POLICY	2
3. CHECK AND DETENTION	2
4. ACTIVITIES	3

MINISTER: RECEPTION OF UNDOCUMENTED VICTIMS OF DOMESTIC VIOLENCE

The European Victim Directive obliges European countries to offer help to **all** victims of domestic violence, irrespective of their residence status.

The Dutch WMO (Social Support Act), which regulates entrance to women's shelters, states that women without residence permits cannot be admitted. [Research](#) shows that local authorities sometimes do offer extra-legal admittance. The Minister now thinks that **all** local authorities should offer this extra-legal admittance. He intends to negotiate with the local authorities about this subject. See [here](#)

The LOS foundation is of the opinion that this admittance policy should be adopted nationwide to prevent differences in treatment.

1. BASIC RIGHTS

Police: [fact sheet dealing with undocumented migrants](#)

Included in this fact sheet written by the police:

One of the ways victims without residence permits can make a police complaint, is via special authorization. Thereby the complainant is represented by an authorized representative. In addition, the Dutch Police follow the principles of the 'safe counter' whereby illegal aliens are granted the guarantee that no judicial immigration acts will be carried out on making a police complaint. The premise is that illegally residing victims are able to make a complaint at the police station unhindered and without being confronted with surveillance measures.

2. ADMISSION POLICY

United Nations Commission on the rights of the child: risk of FGM (female genital mutilation) on return to Somalia

This case concerns a Somali woman and her daughter in Denmark. The mother is afraid her daughter will be exposed to female genital mutilation on returning to Somalia. According to the Danish authorities, FGM is outlawed in the whole of Somalia, and the mother is strong enough to resist circumcision. The Commission thinks that Denmark is not taking into account the scale of FGM still taking place in Somalia, and is too ready to believe the mother can prevent it.

According to the Convention on the Rights of the Child, the child's interests must be the primary consideration. Denmark's decision doesn't appear to have made it that.

By sending the mother and daughter back, Denmark is violating the convention on the Rights of the Child. See [here](#)

Council of State: new application for residence permit for partner must be assessed, even following previous false information

According to the Dutch Aliens Act, a rejection of an application for a residence permit for a partner is possible if false information was given in a previous procedure. In this statement the Secretary of State acknowledges that the European Family Reunification Directive forbids this. The new application must be substantively assessed. See [here](#)

3. CHECK AND DETENTION

Secretary of Justice & State Security: detention of asylum seekers who have exhausted all legal solutions remains with DT&V (the Repatriation and Departure service)

Since a few years the Repatriation and Departure Service is authorized to detain asylum seekers who have exhausted all legal solutions. This was set up as a pilot and has now been evaluated. On the basis of the evaluation the State Secretary has decided to trust detention definitively to the Repatriation and Departure Service.

The police remain responsible for monitoring the streets and the detention of undocumented migrants who come to light in this way.

See [here](#)

4. ACTIVITIES

Symposium: Detention of aliens 22 February, 14:00 - 17:00 hours Amnesty Amsterdam

Amnesty publishes its latest research into the ultimate remedy and the detention regime. The centre for Migration Rights at the Radboud University publishes its research into the detention of asylum seekers (commissioned by VluchtelingenWerk Nederland). Both reports will be presented to the public on Thursday, 22 February. [Register](#)

OSCE (Organisation for Security and Co-operation in Europe) and TRACKS: more support needed for asylum seekers as victims of human trafficking (Jan 18)

Trafficking victims have specific reception needs and cannot be subjected to the same procedures as regular asylum seekers. These two reports found that identifying and addressing vulnerabilities was difficult because of several cross-cutting factors; such as ability to articulate vulnerabilities, lack of credibility and lack of legal information.

The [TRACKS report](#) further found that human trafficking victims are rarely granted any form of international protection, while the [OSCE report](#) found that the traffickers usually exploit the overall chaotic conditions found in many reception systems across Europe.

Pilot Plausibility of victims of human trafficking

Minister for Legal Protection, Sander Dekker, has introduced a temporary scheme for the plausibility of victimization trafficking. The subcommittee on victims of human trafficking has the task, on request, to issue a multidisciplinary expert report on the plausibility of victimization in individual cases. You can submit an application to the victimization commission for human trafficking if:

- there is exploitation or a (preparatory) act in the Netherlands. An application for human trafficking that took place entirely abroad cannot, in principle, be considered by us.
- the victim has reported to the police. A victim is not always capable of making a police complaint. In that case we can only make exceptions when he or she is unable or unwilling to make a declaration because of a serious threat or a medical / psychological disability. The information he or she is required to supply is noted in the explanatory statement on the application form.
- the case was dismissed (this also includes the early termination) on or after 1 January 2018 whether the suspect was acquitted (or not irrevocably) on or after 1 January 2018.
- you have submitted the application within 4 weeks of the date stated on the decision of dismissal, the early termination letter or the judgment.

If your application does not meet the aforementioned requirements, the Victims of Human Trafficking committee will assess whether there are circumstances that are of such nature that the application must still be processed.

For more information, application forms and authorization forms see www.schadefonds.nl.