

NEWSLETTER, Year 1 no. 20

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NOVEMBER 29 THE DUTCH UPPER HOUSE DISCUSSES PENALIZATION

The Dutch Lower House has already posed questions in writing about the legislative proposal. The Minister has promised to reply as soon as possible. On 29 November the Dutch Upper House will discuss the legislative proposal and on the 6th of December they will take a vote. The Minister urging the upper house to make a quick decision because the European Committee threatens with fines if the Return Directive is not implemented in the Dutch legislation by the end of this year.

1. BASIC RIGHTS

Pauluskerk Rotterdam continues providing shelter and support to migrants who were unable to return through no fault of their own

Since the closure of the night shelter for undocumented migrants the Pauluskerk has been offering a part of this group alternative shelter and support. This concerns people who cannot return to their country of origin through no fault of their own. Joel Voordewind (Christen Unie, a Dutch Christian political party) supports the decision of Pauluskerk.

The Minister is investigating whether the possibility to put restriction on the right to have social allowances during legal proceedings on withdrawal of status

Due to a request made by the VVD [Dutch Liberal Party] the Minister has suggested some proposals how to prevent that the regulation cannot be abused by victims of human trafficking. The Minister suggested to discontinue social allowances during the appeal stage of the withdrawal proceedings. This would not be restricted to the victims of human trafficking (kst 28638: 57, 15.11.11).

2. ADMISSION POLICY

Council of State: return to Uruzghan (Afghanistan) poses no risk

The Council of State have decided that there is no general risk of inhuman treatment on return to Uruzghan (201002738/1/V2 14.11.11).

Court of Appeal: women who return to Congo will be at risk

The Court of Appeal Dordrecht have ruled that the new official country report provides evidence to suggest that the risk for women in Congo has increased and that women should be granted a status on account of this risk (10/4912 18.10.11).

Court of Appeal: there is a risk for an Iranian woman who was a victim of domestic violence

This case concerns an Iranian woman who was a victim of incest. The Court of Appeal Groningen have ruled that she as a victim would neither be protected from the police, nor from her relatives and that she even ran the risk of being stoned to death. Therefore she should be granted protection (11/28814 & 11/28808, 28.9.11).

Minister: more checks during proceedings for admission as a victim of human trafficking

In order to avoid fraud the Minister will withdraw a victim's residence permit if the case against the human trafficker is dismissed. He also wants to initiate legal proceedings against people who bring false charges. There will be a dedicated team whose task it is to trace people who bring false charges (kst 28638: 57, 15.11.11).

Minister: change in admission policy with respect to family life

The Minister has published his plans for the changes in the admission policy for family life. The most important changes are:

- only admission for married couples, not for couples who live together. With respect to this a separate solution will be devised for couples who are unable to marry, for example for homosexuals from certain countries.
- family reunification is only allowed once the main immigrant has lived in The Netherlands for one year.
- the partner will be dependent on the main immigrant during 5 years instead of the 3 years that apply at the moment.

Court of Appeal: the child's interest are taken into account for residence permit family

In this ruling the Court of Appeal of The Hague have decided that the child's interest should prevail with respect to all rulings where children are involved. This ruling was based on a report by Groningen University (Kalverboer) that was drawn up after contacts with the family and the school (10/36306 & 10/36309, 10.10.11).

3. CHECK AND RETURN

Specifically with respect to families in the location where residents have restricted liberties

On 31 December 2010 510 people were living in the location where residents have restricted liberties; this included 125 families consisting of 395 people in all. On 19 September 2011 there were 600 people in all; this included approximately 160 families consisting of 465 people in total (reply question posed in Parliament 631, 10.11.11)

Fewer deportations from the detention of aliens

Of the approximately 3,000 people who departed from the detention of aliens, 58% have departed under supervision and 42% were evicted, given a railway ticket and told to leave the country. Moreover DT&V have removed another 1,400 people in another way, for example because of the entitlement to stay in an asylum seekers centre (kst 19637: 1473, 10.11.11).

4. WHAT CAN BE DONE?



Meal in the Wereldhuis the Hague, Wednesday 23 November 18-20 hours

The theme of this evening is: 'My child at school' - José van Moorsel (social worker education MEE The Hague) and Santa Bhagan (Stichting Leergeld The Hague) will give a talk about this subject.

Den Haag Wereldhuis

Location: Lukaskerk, Om en Bij 2 Information: Aklil Getachew, M 06 420.36.200, agetachew@steknet.nl

PICUM Conference on Undocumented Migrant Women, 12-13 December Brussels



This high-level conference will mark a significant gathering of key policy-makers and field-practitioners to discuss concrete improvements for the protection and promotion of undocumented women's rights in Europe. Info: PICUM's [website](#).



EU-portal site about immigration launched

The EU have developed a web site for each category of migrant; the site contains practical information about the migration procedures in all the 27 member states. Available languages (currently): English and French (www.ec.europa.eu/immigration).

European Committee have launched public consultation about the right to family reunification

On 15 November the Committee started a public consultation about the right to family reunification for citizens of third countries who reside in the EU. People concerned and the public can voice their opinion through ec.europa.eu/yourvoice. Background information and contact details can be found [here](#).



Stichting LOS (Landelijk Ongedocumenteerden Steunpunt) was set up in 2003. Stichting LOS is an expert and service centre for persons and organisations providing support to the undocumented persons. Stichting LOS is committed to defend the basic rights of migrants and their children.