



Stichting Landelijk
Ongedocumenteerden
Steunpunt

NEWSLETTER, year 2 no. 2

January 23, 2012

| CONTENTS | PAGE |
|--------------------------------|------|
| 1. BASIC RIGHTS | 2 |
| 2. ADMISSION POLICY | 2 |
| 3. CHECK AND DEPORTATION | 3 |
| 4. WHAT CAN BE DONE? | 3 |

COUNCIL OF CHURCHES CARD CAMPAIGN AIMED AT FAMILY

The protestant relief organization Kerk in Actie and the Council of Churches in the Netherlands have started a card campaign to draw attention to the rights of aliens' children in family locations.

The family locations have been set up to keep the families off the streets. However, according to the churches, the frugal living conditions of the children leave room for improvement. Not all the family locations have educational facilities and the children don't feel safe there.

Cards can be ordered per sets of fifty from Kerk in Actie, tel. (030) 880 13 37, e-mail bestellingen@pkn.nl or through the [Kerk in Actie webshop](#). The campaign will run until World Refugee Day on June 20.

1. BASIC RIGHTS

Senator Tineke Strik defended rights of children without residence permits in Council of Europe

At the Parliamentary Assembly of the Council of Europe, Tineke Strik pointed out that migrants without residence permit are afraid to see doctors, send their children to school or apply for social security benefit. They are afraid of deportation. That practice conflicts with the necessity of access to basic rights.

That's why Tineke Strik has advocated a ban on detention of aliens where children are concerned, as well as a ban on grasping on persons without residence permits who seek help at health services, schools and benefits offices. The Council of Europe has passed a resolution on the rights of children without residence permits, on the basis of the right to an adequate life standard. (Parliamentary doc 20043 no. 87, 19.1.12 (Assembly 3-7 Oct11))

Process regarding work placement for vocation education pupil without a residence permit

Mustafa, who doesn't have a residence permit, is to do a work placement at the municipality of Anna Palowna. Currently, the school and the municipality stand the chance of being fined 8,000 euros, since work placements count as 'work' while Mustafa is not allowed to work. The municipality stated: Mustafa has lived in the Netherlands for twelve years; he receives legal training, he doesn't receive any trainee pay and he's not taking anyone's job.

2. ADMISSION POLICY

Population growth mainly result of excess of births

In 2011, 160,000 people immigrated and 133,000 emigrated.

In 2011, 180,000 children were born in the Netherlands and 135,000 persons died. Therefore, the birth and death rates account for more than 60 percent of the population growth.

Administrative charges for admission are too high

On January 10, the European Court of Human Rights condemned the Netherlands, for the administrative charges for admission as a family member are so high that the application has actually become impossible for people who do not earn enough. On that date, the old amounts of 830 euros were still the going rate. (ECHR 22251/07, G.R. vs. the Netherlands 10.1.12).

A week later, the Advocate General of the European Court of Justice formulated a preliminary opinion on the administrative charges for people wishing to apply for a long stay residence permit as a third-country national in the Netherlands. He too was of the opinion that the administrative charges were too high (Case C-508/10, 19.1.12)

Stay with Dutch child

In the past year, many lawsuits were initiated over parents' rights to stay with their Dutch child. References are made to the case Ruiz Zambrano, in which the European Court of Justice ruled that a European child has the right to stay in Europe and that the presence of one parent is conditional. The decision does not give the child the right to the presence of both parents.

The LOS foundation is the supporting organization for the assistance of migrants without residence permits. By means of this newsletter we inform you of current developments. If you have any questions about this newsletter or about the rights of migrants without residence permits, please contact LOS.

Netherlands contribution to the European family reunification directive

The European family reunification directive is to be adjusted. The Netherlands will advocate to impose conditions on both the migrating family member and the sponsor (e.g. with regard to education, integration and public order). Moreover, the Netherlands is asking for additional means to deal with fraud, marriages of convenience and forced marriages more effectively. (parliamentary doc. 32317 nr. 99, 18.1.12)

Europe route: no formal income demand, essence is to be able to survive on the income

This case concerns an application for a residence permit by a mother of a German child living in the Netherlands. The mother of three subsists on 600 euros per month. The court rules that the mother is not using social security, and that thus the income appears to be sufficient to live on. The German child is granted EU residence rights and the mother can stay with the child. (rechtspraak.nl The Hague court, AWB 11/9080 & AWB 11/9077 14.12.11)

Protests against imminent adjustment B9 procedure for victims of human trafficking

In a letter, various civil society organizations have vented their serious concerns about the 'Measures countering abuse of the residence arrangement for victims of human trafficking' submitted by minister Leers for Immigration, Integration and Asylum Affairs. Both the Dutch National Rapporteur on Trafficking in Human Beings and the Public Prosecution Service indicate that no figures are available regarding the alleged abuse of the B9 procedure.

3. CHECK AND DEPORTATION

National Ombudsman to investigate detention of aliens

Every year, approximately 8,000 aliens are detained. The Ombudsman will investigate what practical limitations these aliens experience, how these limitations interfere with their rights and where the detention of aliens - in view of its aim of deportation - should be less taxing on the people in question.

European Court: detention of female alien with HIV is inhumane

The European Court of Human Rights ruled that the detention of a Cameroon woman with HIV in Belgium constitutes inhumane treatment (ECHR, 10486/10, Yoh. vs. Belgium, Cameroon, 20.12.11)

4. WHAT CAN BE DONE?

Film Illégal, January 29, 14.00 uur to 16.30 hrs. Amsterdam

The film 'Illégal' is about the Russian woman Tania and her young son. They try to lead as normal a life as possible without residence permits. However, Tania is arrested and deportation is imminent.

In the follow-up discussion, former justice pastor Ferdinand van Melle and STEK staff member and theologian Willem van der Meiden will, among others, give their points of view on the subject.

Location: De Nieuwe Liefde, Da Costakade 102, Amsterdam

The LOS foundation is the supporting organization for the assistance of migrants without residence permits. By means of this newsletter we inform you of current developments. If you have any questions about this newsletter or about the rights of migrants without residence permits, please contact LOS.