



Stichting Landelijk Ongedocumenteerden Steunpunt

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For a television series we are looking for children with parents who cannot be evicted

For the television series 'Mensjesrechten' (rights of little humans) IKON will make three-minute films about the human rights of children. They want to make a film about an undocumented child who cannot be evicted, preferably a child from a family with no asylum background. The child should be 7 to 15 years of age.

The child should have permission to be filmed / the parent or parents should give permission.

If you know such a child, would you please email this information to els.vandriel@ikon.nl

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 feel free to contact LOS.

1. Basic rights

Not enough use is made of health care for undocumented people

According to the Minister approximately one third of the budget for health care to undocumented people is used: € 14 million out of €44 million. This is due to the fact that hospitals and mental health care had costed too much.

The CVZ, who manage the budget has contracted additional dispensing chemists in Amsterdam, Leiden and The Hague. You can find the entire list at

<http://www.cvz.nl/financiering/zorg+aan+onverzekerbare+vreemdelingen/zorg+aan+onverzekerbare+vreemdelingen.html>

UN treaty protection from domestic violence also applies to undocumented people

The Council of Europe convention to Combat Violence against women is the first legally binding instrument in the world creating a comprehensive legal framework to prevent violence, protect victims and end the impunity of perpetrators. It also contains specific reference to undocumented migrant women. It received 13 signatures since 11 May 2011 and will enter into force on 1 September 2011.

The countries that signed are: Austria, Finland, France, Germany, Greece, Iceland, Luxembourg, Montenegro, Portugal, Slovakia, Spain, Sweden and Turkey.

<http://conventions.coe.int/Treaty/EN/Treaties/Html/210.htm>

2. Admission policy

Return single mothers to Burundi is a risk

Reports by ACAT Burundi, OMCT and Amnesty International state that returning refugees and single mothers face an increased risk of rape and other forms of violence against women. Therefore the Court of Appeal are of the opinion that the IND has to give more thought to the safety of single mothers who return to Burundi.

(Court of Appeal Amsterdam AWB 09/47558, 19.7.11).

Risk for gay and lesbian people in Iraq and Uganda

In two cases the Court of Appeal has decided that the safety of gays and lesbians upon return is not guaranteed. This concerns Iraq (Court of Appeal Amsterdam AWB 10/4484, 3.5.11) and Uganda (Court of Appeal Groningen AWB 11/16072 & 11/16071, 9.6.11).

Council of State are of the opinion that a sick person who cannot be evicted has the right to have his treatment continued

The country of origin of this sick person is unknown and therefore he cannot be deported. The Office for Medical Advice (BMA, Bureau Medische Advisering) are of the opinion that his treatment is necessary but they cannot say whether it is possible to treat him in the country of origin. The Council of State have decided that in cases where the IND rules about residence permits, they always must investigate whether continuation of treatment is possible, even if the country of origin is unknown.

(Council of State 201005001/1/V3, 21.7.11)

Permanent legal residence in other EU countries may extend to legal residence in NL
This case concerns a man with permanent legal residence in Italy and enough money in the bank to be able to afford to stay in The Netherlands for one year. Therefore the Court of Appeal are of the opinion that his stay in the Netherlands is not illegal. (Court of Appeal Haarlem 11/6193 & 11/6195, 3.8.11)

3. Check and Deportation

Return rule and return period required before detention of aliens is allowed
Several Courts of Appeal have decided that every alien without a residence permit first should be given a return rule, with a return period of at least 7 days. Exceptions to this rule can be made, for example if someone poses a threat to public order and public security. 'The risk of going into hiding' is not a reason to make an exception, because no objective criteria have been established for this. Only aliens who do not comply with the return period can be placed into aliensdetention. (Example: Court of Appeal Amsterdam AWB 11/18288, 8.6.11)

Feasibility return to Algeria, China, Eritrea, Guinea
The Council of State remain of the opinion that return to Algeria is not feasible (201104736/1/V3, 27.6.11) whereas return to China (201105946/1/V3, 29.7.11) and Guinea (201105526/1/V3, 1.8.11) is feasible. The Court of Appeal Zwolle (11/22311, 25.7.11) has again decided that return to Eritrea is not feasible.

4. What can be done?

Encuentro Gender, Migration and Remittances for Development, 2 September from 14.00 hours, Delft
The focus of the meeting is on Latin-American women and the official language is Spanish. Venue: Nederlands Normalisatie instituut (NEN), Vlinderweg 6, 2623 AX Delft. Further information and registration for this meeting can be found on the website <http://www.lawid.nl/2011/07/uitnodiging-themabijeenkomst-2-september/>

'Sampling' training programmes victims of human trafficking 20 October 9.30 - 16.00 hour Utrecht
BLinN and CoMensha organize training programmes for people who are faced with victims of human trafficking. On 20 October you have the opportunity to 'sample' these programmes, which will offer you an introduction to the entire range of training programmes. Participation is free of charge, registration through trainingen@blinn.nl or by calling Vanessa Scholtens (06 4592 1644) or Romaike Zuidema (06 1958 4817). You will find the current range of training programmes on the blinn website: www.blinn.nl

Join December 18, 2011: A Day of Global Action for the Rights of Migrants
Have a look at the website that is dedicated to providing information about the activities in different places around the world to develop A Day of Global Action Against Racism and for the Rights of Migrants, Refugees and Displaced People on December 18, 2011. We shall overcome! <http://globalmigrantsaction.org/>