

NEWS LETTER, volume 2 nr 5

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LEGISLATIVE PROPOSAL PARDON FOR CHILDREN SUBMITTED

On the 27th of February the ChristenUnie [Dutch Christian/socialist party] and the PvdA [Dutch Labour Party] submitted their legislative proposal concerning children who have become rooted in The Netherlands. Currently the legislative proposal is being supported by GroenLinks [Dutch Green Party] and by the city councils of 85 municipalities.

According to the legislative proposal children who have stayed in The Netherlands for over 8 years (or for 5 years as an unaccompanied minor asylum seeker) should be granted residence permits, if they stayed for such a long period of time through no fault of their own.

See the links to:

[Wetsvoorstel voor Gewortelde kinderen.](#)

[De reactie van de Raad van State met reactie van de indieners.](#)

[Memorie van toelichting zoals gewijzigd n.a.v. het advies van de Raad van State](#)

1. BASIC RIGHTS

Municipality is obliged to provide shelter and support to pregnant illegal women, unless they already receive support from friends

On 8 February the Central Appeals Tribunal decided that a pregnant woman belongs to the so-called 'vulnerable groups' and that she is therefore entitled to help until 10 weeks after the delivery. But in this case the woman was already receiving help from friends, and therefore the municipality is not obliged to provide any help (CRvB 11/788 WMO).

2. ADMISSION POLICY

Entry ban

Since 1 January 2012 people who have been denied residence permits, may be issued entry bans. People who have entry bans can no longer gain legal residence. Such entry bans are currently being issued to many people who apply for residence permits while they are in illegal residence.

Legislative proposal: once illegal, always illegal

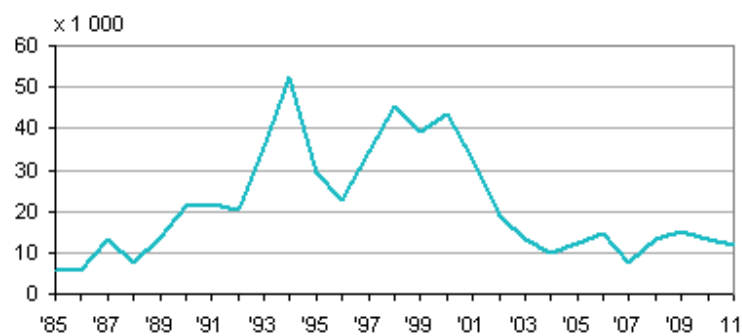
Through another legislative proposal it will become possible to refuse applications for residence permits to other people who previously had illegal residence in The Netherlands. Among others this proposal concerns people who never applied for a residence permit and to people who used to have a temporary permit, which has not been extended. This legislative proposal is currently being discussed in the Dutch Upper House and probably will come into force shortly.

Minister does not yet adjust the legal dues, awaits the definitive decision of the European Court of Justice

Last January the Solicitor General stated in an advice to the European Court of Justice that the Dutch legal dues (the price of an application of a residence permit) are much too high.

In response to Parliamentary Questions about this issue the minister says that he will await the definitive decision by the European Court. He says that people can always apply for an exemption. However, he has to admit that the legal dues in the countries surrounding us are much lower (Parliamentary Questions 1604, 1605, 1606, 20.2.12).

Numbers of asylum applications since 1985



Bron: IND/CBS

Stichting LOS is de steunorganisatie voor de hulp aan migranten zonder verblijfsvergunning. Met deze nieuwsbrief houden we jullie op de hoogte van nieuwe ontwikkelingen. Heb je vragen over deze nieuwsbrief, of vragen over de rechten van migranten zonder

Interim Measure European Court for Human Rights for Iranian single mother

An Iranian single mother whose previous residence permit had expired applied for asylum because she runs the risk of honour killing. The European Court have decided that she is not to be evicted for the time being until the European Court have reached a definitive decision concerning this issue (EHRM 39670/11, 1.7.11).

Dutch father does not have parental authority; therefore the illegal mother should be enabled to take care of her Dutch child

The Court of Appeal have decided that a Dutch father who does not have parental authority over his child and moreover has a violent past cannot be entrusted with the care of his child. The mother should be granted a residence permit, to enable her to take care of her Dutch child (Court of Appeal 's-Gravenhage, 11/34727, 1.3.12).

'Belgium-route' is also possible if the income consists of guaranteed donations

This case concerns a German child who is to live in The Netherlands with its father who has no residence permit. A foundation guarantee sufficient income for the child and its father. Initially the IND turned down the father's application for residence with his child, but the court have ruled that donations are a lawful source of income. The father should be issued a permit (Rechtbank 's-Gravenhage 11/4512 en 11/4514, 29.2.12).

3. CHECK AND DEPORTATION

According to the European Court of Human Rights two weeks of detention is too long for children

In January 2012 the European Court decided that France has violated the rights of two children aged 5 months and 3 years, respectively, because they were held in detention for two weeks (EHRM, 39471/07, 39474/07, 19.1.12).

4. WHAT CAN BE DONE?

Meeting Platform Migrants without residence permits Utrecht, 8 March 10.15 hrs

People who give help and support to asylum seekers who have exhausted all legal remedies and other migrants without residence permits meet in the PMZV four times a year. This meeting will specifically be dedicated to applying for Support with local authorities. Both theory and practice will be discussed.

Location: Medische Missiezusters, Jansveld 13 in Utrecht

For registration and information please contact Rian Ederveen, info@stichtinglos.nl; 030 2990222

Activities around Penalization Illegal Residence in several cities, on 21 March,

The Hague: discussion about penalization illegal residence, Institute of Social Studies, Kortenaerkade 12 in The Hague, from 19.30 until 22.00.

Eindhoven: Debate and presentation Brochure Basic rights, Stadhuis [town hall] 15.00u

Breda: Lecture and presentation Brochure Basic rights, Anna Rozenkranskerk 14.30u

More information will be available shortly through www.basisrechten.nl.

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