

NEWS LETTER, volume 2 nr 9

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LEGAL DUES FOR RESIDENCE PERMIT WITH RELATIVES ON ASSISTANCE BENEFIT DECREASED TO € 250.-

Minister Leers has decided to decrease the legal dues for the applications for authorisation of temporary stay from € 1250.- to € 250.- in cases where the Dutch partner lives exclusively on assistance benefit. Legal dues paid for proceedings that had not yet been concluded on 10 January 2012, can be claimed back.

Minister Leers decided this after a verdict of the European Court for Human Rights (Dutch parliamentary document 32175: 28, 13.4.12).

Meanwhile the European Court of Justice has delivered a verdict on the height of the legal dues for 'migrants from third countries with long residence' (C-508/10, 26.4.12). According to the Court these dues are excessive and disproportional. It is likely that this verdict will have consequences for the height of other legal dues as well.

1. BASIC RIGHTS

Municipalities in discussion with the Minister about crisis care and support

As a result of the 'general pardon' in 2007 the minister required municipalities to terminate crisis care and support. Since then many municipal institutions for crisis care and support have been closed, but municipalities are confronted with asylum seekers who have exhausted all legal remedies for whom they have a duty of care. They want to discuss a solution with the minister (VNG 20.4.12 en 23.4.12).

EU directive victim support

Collectively PICUM, the European platform for undocumented migrants and La Strada, the European platform for victims of human trafficking have asked the EU to adjust the directive on victim support. PICUM and La Strada argue that undocumented migrants should be entitled to report a criminal offence without running the risk of being detained.

You can find the statement [here](#).

2. ADMISSION POLICY

Council of State pose questions to European Court about the admission of homosexual asylum seekers

The Council of State have asked the European Court of Justice how they should rule with respect to asylum applications by homosexual migrants. The most important question is to what extent homosexuals will be obliged to adjust their behaviour to the rules of their country of origin. Another question is whether harsh legislation against homosexuals in itself is sufficient reason to assume there is a risk when homosexuals return (RvS 201012342/1/V2, 18.4.12).

European Court provides guidelines for judging asylum applications based on religion

The Attorney General has taken an initiative for guidelines for the European Court about the admission of refugees who applied for asylum on the basis of their religious conviction. According to the Attorney General it is crucial which risk a religious person runs if he expresses his conviction in a way that is appropriate to him (HvJEU, C-71/11 and C-99/11, 19.4.12).

Council of State: Afghan women who lived in Europe for a long time are capable of adjusting on return

In this case the Council of State has interpreted WBV 2010/1, the latest directive by the Ministry on judging Afghan asylum seekers. Earlier guidelines stated that Afghan women were capable of adjusting to Afghan rules on their return; this statement has been removed from this guideline. According to the Council of State the policy has not been altered in spite of this (Council of State 201102056/1/V4, 16.4.12).

Council of State: Algerian women should first ask the authorities for protection in cases of risk of honour-related violence

The Council of State have concluded that Algerian women should first seek protection from the authorities in their country of origin before they can apply for asylum in The Netherlands, in spite of the fact that these authorities do not provide this protection in many cases (RvS 201101753/1/V2, 28.3.12).

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

Council of State: a traumatised Gambian woman, a victim of human trafficking, can be given shelter and support in the Gambia

Initially the Court had granted her request for extended residence after this woman's B9-status had been terminated. Extensive psychological and medical support is required for this woman; according to the Court this support would not be available in the Gambia. However, on appeal the Council of State has judged that support is available for victims of human trafficking in the Gambia and that the woman has to apply for a permit for medical reasons for her medical problems (RvS 201104081/1/V1, 3.4.12).

3. CHECK AND DEPORTATION

Council of State: deportation to Iraq impossible; Iraqi migrants released from detention of aliens

On 13 April the Council of State decided that deportation to Iraq is not possible because the embassy does not issue Laissez Passers [travel documents] for this group. All of the over 100 Iraqis who had been in detention have been released. ROS-Rotterdam and the Pauluskerk provided shelter to a number of Iraqis and are advocating a national provision for shelter (RvS 201201305/1/V3 13.4.12).

Minister: deportation to North and South Somalia is possible

In reply to questions by the Council of State about the security of migrants who are evicted to North and South Somalia (in both cases through Mogadishu) the minister has replied that the deportation is logistically very complicated and that no migrants will be evicted to these regions for the time being. Therefore Somali migrants can no longer be placed in detention of aliens (MvI&A, 17.4.12).

4. WHAT CAN BE DONE?

Dutch Cabinet has stepped down: legislative proposals have been declared controversial

During the next month it will be decided which legislative proposals will no longer come under discussion. It is to be expected that many legislative proposals about migration will no longer come under discussion.

Films on TV and in the cinema:

7 May TV Humanistisch Verbond NI2 22.55: Vol Special (detention of aliens in Switzerland)

14 May TV Humanistisch Verbond NI2 22.55: Onuitzetaar [migrants who cannot be evicted]

19 May TV NI2 23.55: Silence de Lorna (marriage of convenience in Belgium)

As of 24 May cinema: Amadou (undocumented African migrant in Brussels)

FairWork courses Communication with victims of human trafficking, 23/5 and 7/6

Working with victims of human trafficking can pose problems, especially if cultural differences play a part. In order to simplify intercultural communication FairWork provides two courses:

- Wednesday 23 May: Communicating with East European victims
- Thursday 7 June: Communicating with Nigerian victims

The courses will take place from 9.30-16.30 hour in the office in Amsterdam. Price: € 299.- including biologic lunch and training material. Registration: Please send an e-mail to trainingen@fairwork.nu.

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