

NEWSLETTER, year 2 no. 19

1 October 2012

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NEW FAMILY MIGRATION POLICY SUSPENDED

Minister Leers intended to revise the family migration policy as per October 1st. Under the new policy, unmarried partners would no longer be granted a permit; partners would only be granted independent residence rights after 5 years; and adult children and elderly people would no longer be admitted.

The new Dutch Parliament has requested that the implementation of these measures be suspended!

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.

1. BASIC RIGHTS

Court: legitimization by Dutch father who is formally still married to another woman is allowed

In this case, the court (The Hague court, 375598 / HA RK 10-480, 6.8.12) rules that there is a family tie between the man and the mother and child. Father and mother have been together since September 2007 and take care of the child together. At this later date, the judge approves the legitimization by the father on 18 February 2008.

However, as a child legitimized by a Dutch citizen in 2008 did not directly obtain Dutch nationality, this child does not yet obtain Dutch nationality either. For that purpose, a separate application must be made, including a statement that the father has cared for the child for more than three years. The legitimization policy was revised in 2009 - today, a legitimized child would obtain Dutch nationality right away.

2. ADMISSION POLICY

European Court inquires about Dutch policy for returns to Somalia and Iraq

On 11 September, the European Court inquired whether the Netherlands is actually not deporting asylum seekers who have exhausted all legal remedies to Somalia (no. 46538/10) and Iraq (no. 63434/10), and for how long this situation will hold. The minister has to answer before 2 October.

Over the past year, asylum seekers from Somalia and Iraq particularly have protested against living in the streets. At this moment, there are still encampments in The Hague (<http://no-border.nl/tag/koekamp/>) and Amsterdam (<http://no-border.nl/vluchtelingen-op-straat-zet-nieuw-kamp-op-amdam/>), where asylum seekers who have exhausted all legal remedies ask for accommodation and a just migration policy.

New Parliament decides that deportation of 'rooted' asylum seekers' children is suspended

On 20 September, the Dutch Parliament decided that children with an asylum seeking past who have lived in the Netherlands for more than 5 years may not be deported for the time being (Parliamentary Paper 33410: 7, 20.9.12)

The deportation stop only holds for children with an asylum seeking past. Other children may still be deported. For instance, a Ghanaian family that has been here for 13 years. The Council of State rules that the rooting of the children who have lived in the Netherlands for 10 and 12 years is insufficient grounds for a residence permit (ABRvS 201109329/1/V1, 17.8.12)

Court: No asylum application possible if an entry ban is effective

The court has ruled that an asylum seeker who received an entry ban, having exhausted all legal remedies, cannot apply for a new asylum application. After all, since he has an entry ban, he cannot manage legal residence anyway (Middelburg court, 12/27476, 20.9.12)

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3. CHECK AND DEPORTATION

European embassies resort to fingerprinting upon visa applications in more and more regions

In the European Union Visa Information System (VIS), the fingerprints of people applying for visa are recorded. This information is accessible to all European embassies. The aim is to prevent visa shopping. But obviously, asylum seekers can be traced by this means as well.

- on 11 October 2011, the VIS started in the European embassies in Algeria, Egypt, Libya, Mauretania, Morocco and Tunisia
- as from 10 May 2012 the embassies in: Israel, Jordan, Lebanon and Syria participate
- as from 2 October 2012, Afghanistan, Bahrain, Iran, Iraq, Kuwait, Oman, Qatar, Saudi Arabia, United Arab Emirates and Yemen will participate
- as from 14 March 2013, West Africa en Central Africa will participate
- as from 6 June 2013, East Africa and South Africa will participate
- as from 5 September 2013, South America will participate.
- as from 14 November 2013, Central and South-East Asia and the Palestinian territories will participate.

(European Council, 7.9.12)

Economizing on alien detention

The minister has decided to no longer have 400 out of the 2000 alien detention beds continually ready for occupation, but to keep them as spare capacity. Thus, the occupation rate will rise from 70% to 90%. And the costs will decrease, as spare capacity is cheaper than ready capacity. (Ministry of Safety)

Council of State: no detention for Burundian of fixed abode

A Burundian who had exhausted all legal remedies had been detained. He was of fixed abode and had handed in his passport to the police. The Council of state rules that under these circumstances he should not have been placed in alien detention (Council of State 201207532/1/V3, 6.9.12)

Less development aid for Ghana as it will not take back its citizens

For some time, minister Knapen has been in discussion with Ghana regarding the issuing of Laissez-Passers to illegal Ghanaians who are to leave the Netherlands. As Ghana refuses, the minister will decrease the development aid by 10 million Euros (letter by minister Knapen 28.9.12)

4. WHAT CAN BE DONE?

Roundtable on Women's Issues and Networking, 10 October Amsterdam

The roundtable meeting will discuss the situation, issues, concerns and possible cooperation among Dutch, undocumented and documented migrant women and their organizations in the Netherlands.

Guest Speaker: Liza Maza, Chairperson, International Women's Alliance

Entry from 18.00hrs, meal from 18.30hrs, programme from 19.30 – 21.30hrs

Location: Corvershof, Gelagkamer, Nieuwe Herengracht 18, (next to the Wereldhuis)

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