

NEWS LETTER, VOLUME 2 NR 25

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CRITERIA CHILD'S PARDON HAVE BEEN ANNOUNCED

On 21 December Teeven, Secretary of State, announced the criteria of the child's pardon. There are two regulations:

1) a temporary regulation for children younger than 21 years of age on October 29th of 2012 and who entered the Netherlands before their 13th birthday and who have applied for asylum. Monitoring by the authorities is not allowed to have been interrupted for three months or longer and they are not allowed to have a criminal record.

2) a permanent regulation for children who entered the Netherlands before their 13th birthday and who are between 18 and 19 years of age. Monitoring by the authorities is not allowed to have been interrupted for three months or longer and they are not allowed to have a criminal record.

Dependent relatives (parents, brothers, sisters or partners and children) will be granted a status as well. In January it will be announced how to apply for these regulations. More information about the regulation can be found [here](#).

1. BASIC RIGHTS

Central Appeals Tribunal Municipality Heerenveen is to grant undocumented Burundian family housing benefit

This concerns a family who had a temporary asylum permit, which had expired. The children are likely to be eligible for the child's pardon. The Central Appeals Tribunal decided that the municipality is to compensate the family for housing accommodation and living costs to tide over the intervening period until their eligibility for the children's pardon is clear (Central Appeals Tribunal 12/6484, 19.12.12).

2. ADMISSION POLICY

SvV&J: new Somalia policy

In relation to a new official country report the State Secretary decided that Mogadishu is a safe country. Therefore Somalians from Mogadishu will no longer be granted an asylum permit. As yet existing permits will not be revoked.

Somalians can also be placed in Alien's detention in order to be expelled (Dutch Parliamentary Document 19637: 1595, 14.12.12).

European Court: in cases of family reunification of refugees no distinction as to the date of marriage

In the case of a refugee from Great Britain the European Court has decided that it should make no difference for the right to family reunification whether he married before or after he fled. In the Netherlands this distinction is still being made (European Court of Human Rights, 22341/09, 6.11.12).

Court of Appeal: residence with Dutch child is EU law; therefore a 'declaratory judgment' and nominal legal dues apply

The Court of Appeal Amsterdam have decided that EU laws applied to a permit for a Dutch child (Zambrano). These permits do not require a formal application, but they exist because of the situation. Therefore the legal dues should be similar to those pertaining to other EU permits - € 40.- (VK Rb Amsterdam, AWB 12/17134 26.11.12).

SvV&J: pilot prospectless applications victims of human trafficking

The Ministry has started the pilot 'prospectless applications' in the police districts Rotterdam Rijnmond and Groningen, Friesland and Drenthe. The pilot will last from September 2012 until January 2014 and its objective is to develop a method for situations in which migrants have reported a case of human trafficking that contains no or hardly any indications for a criminal investigation (Dutch Parliamentary Document 33456 nr. B, 18.12.12).

3. CHECK AND DEPORTATION

SvV&J: penalization illegal residence

Secretary of State Teeven discussed the legislative proposal illegal residence in the Council of Ministers. Migrants without residence permit can be given a fine that can be changed into detention. Migrants who do not leave can be given an entry ban for the duration of 5 years. Breach of this ban is

considered to be a criminal offence and will be punished with imprisonment. Helping undocumented migrants will not be punishable, helping undocumented migrants with a five-year entry ban can be punished (Dutch Council of Ministers 21.12.12). Several municipalities have announced that they will not actively prosecute undocumented people.

MvSZW: higher fines for illegal employment

In order to combat exploitation employers of undocumented migrants will be punished more severely. The fine will be raised from € 8,000 to € 12,000 and can be increased further in case of recidivism or if several people are employed (Dutch Government Gazette 25205, 7.12.12).

SvV&J: new detention centre Schiphol

As of 1 January the new detention centre Schiphol will be put into use with 450 places, part of which are intended for people who were refused at the border and for asylum seekers. Asylum seekers who pass through the asylum procedure will get a period of rest and preparation of 6 days. Unaccompanied minor asylum seekers will no longer be dealt with here (WBV 2012/26).

SvV&J: better preparation IND when permit is applied for at the desk

Secretary of State Teeven wants the IND to be better informed concerning the files of migrants who apply for residence at the desk. The objective is to be able to reject the applicant immediately and possibly to detain him (DT&V 19.12.12).

4. WHAT CAN BE DONE?

Migrant in the Netherlands - Family reunification, 20 January 14. – 16.30, Amsterdam

The Nieuwe Liefde organise an afternoon to discuss the way in which the Dutch policy for family reunification is related to fundamental human rights and the meaning of the current government's plans concerning this issue. Participants are Corrien Ullersma, lawyer, Sarah van Walsum, professor migration laws and family ties at the VU and Jorg Werner, jurist children's rights and migration for Defence for Children.

Location: De Nieuwe Liefde, Da Costakade 102. Tickets via:

<http://denieuweliefde.com/programmas/gezinshereniging.58.html>

Website: www.infoterugkeer.nl

This web site from the Dutch government provides information concerning the return of migrants to their country of origin, such as information about countries, projects in the Netherlands that support people with organizing long-term return and with appropriate support with return and opportunities for reintegration.

APPEAL WOMEN Inc. Cordaid Stimuleringsprijzen 2013

In March 2013 a prize will be awarded to three women's initiatives that support women in an personal way. Registration lasts until 21 January 2013. The registration form with further information about the prizes, criteria and conditions can be downloaded from

http://www.cordaid.nl/nl/Actueel.html?tab=tab_2&item=16135.