



Stichting Landelijk
Ongedocumenteerden
Steunpunt

NEWSLETTER, YEAR 3 NO. 5

10 March 2013

CONTENTS

PAGE

1. Basic Rights.....	2
2. Admission Policy.....	2
3. Check and Departure.....	3
4. What can be done?	3

OPPOSITION: CRIMINALIZATION MUST GO IN EXCHANGE FOR SUPPORT BUDGET CUTS

Since the coalition has not majority in the Upper House, many decisions must first be keyed to the opposition before they are introduced. As a result, the opposition parties have gained a strong bargaining position.

In itself, no opposition support is needed to coax the Criminalization of illegal stay through the Upper House. PVV, VVD en PvdA jointly have 40 seat, while 38 are sufficient. However, last week, the opposition parties D66, ChristianUnion and GreenLeft stated that their support for budget cuts will be conditional on the withdrawal of the bill.

1. BASIC RIGHTS

UN Committee on the Rights of the Child: all children are entitled to birth certificate

States should strengthen measures for ensuring universal birth registration, including removing any legal and practical barriers to birth registration for migrant children, and, in situations where a child would otherwise be Stateless, grant citizenship to children born in their territory.

(<http://www2.ohchr.org/english/bodies/crc/docs/discussion2012/ReportDGDChildrenAndMigration2012.pdf>)

2. ADMISSION POLICY

Secretary of state: Modern Migration Policy Act to enter into effect on 1 July 2013

The Modern Migration Policy Act changes the admission policy for most regular residence permits. The sponsor's role becomes more important. That is, for instance, the partner, the employer, or the school attended by a student. The sponsor becomes responsible for passing on changes in the migrant's circumstances.

Moreover, the system changes, so that the migrant who came to the Netherlands with an mvv (visa) must apply for a residence permit here once more. See also:

http://english.ind.nl/themas/momi/Frequently_asked_questions/

Court: domestic violence in country of origin may be grounds for granting asylum

This case concerns an Iraqi family who have repeatedly lodged complaints regarding domestic violence. By now, the father has been sent back to Iraq, and the mother and children have applied for asylum as they fear they won't be able to find protection in Iraq. The court rules that the Netherlands are to provide protection (Utrecht court 12/38577, 12/38578, 12/38579 & 12/38580, 27.12.12)

Court: low circumcision risk in Edo-state Nigeria

The female asylum seeker had stated that she would not be able to find protection from her daughter's circumcision. According to her, her former mother-in-law would want to enforce this. According to the court, this mother-in-law is far away and the asylum seeker can back out of her influence (Den Bosch court 12/38275 & 12/38274, 3.1.13)

European Court of Human Rights puts a stop to two evictions of Somalis

Two weeks ago, the Netherlands threatened to evict asylum seekers who have exhausted the rights of appeal to Somalia. Both evictions were then stopped at the very last moment by the Dutch Council of State. Last week, the European Court also ruled in two separate cases of Somali asylum seekers who have exhausted the rights of appeal and suspended eviction.

Court: human trafficking victim can go back to Nigeria; NAPTIP helps her resettle

In this case, the Immigration and Naturalisation Service (IND) had established that it would be too dangerous for the woman to go back to the region she originated from. However, since NAPTIP as a reception agency can help her settle in a different part of Nigeria, she can still be sent back (Den Bosch court AWB 11/36025, 25.1.13)

3. CHECK AND DEPARTURE

Council of State: cyclist cannot be checked in the street for no reason

This concerns a case in which policemen stopped a cyclist who rode onto the pavement and started looking into his pannier when he saw the policemen. They asked to see his ID and detained him when he failed to produce it. Now, the Council of State has decided that the policemen had insufficient reason to suspect the man had no residence permit. He is to be released (Council of State 201211681/1/V3, 25.1.13)

4. WHAT CAN BE DONE?

UNHCR: Female Genital Mutilation & Asylum in the European Union. A Statistical Overview

This study provides some of the statistical evidence needed to advance the discussion on the necessary policies and tools to address the specific vulnerabilities of female asylum-seekers with FGM in the asylum system on the one hand, and of refugee girls and women living with FGM and integrating in EU Member States on the other hand.

<http://www.unhcr.org/cgi-bin/texis/vtx/home/opendocPDFViewer.html?docid=512c8da99&query=fgm>

Campaign for right of reception, work and residence by the Vluchtkerk and others. 12-13mrt

The refugees who have exhausted the rights of appeal from the Vluchtkerk in Amsterdam, from the Vluchthuis in The Hague and refugees from various asylum seekers' residence centres (AZCs) are to campaign on 12 and 13 March to call attention to their issue. Their motto: 'We want right of residence and thus the opportunity to build a normal life!

On Tuesday 12 March, at 7 p.m. a demonstration starts from Julianaplein (in front of Central Station),

The Hague. Subsequently, the refugees spend the night on the square in front of the Lower House

On Wednesday 13 March, they will attend a debate in the Lower House and they will be present on the said square.

See also: www.devluchtkerk.nl

Since 2003, the LOS Foundation (Dutch acronym for 'Landelijk Ongedocumenteerden Steunpunt') has been the knowledge centre for people and organizations providing assistance to migrants without residence permits (the so-called 'ongedocumenteerden'). LOS Foundation devotes itself to the basic rights of these migrants and their children.