

## NEWS LETTER, VOLUME 3 NR 6

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<b>Table of contents .....</b>	<b>page</b>
1. BASIC RIGHTS.....	2
2. ADMISSION POLICY.....	2
3. CHECK AND DEPORTATION .....	2
4. WHAT CAN BE DONE? .....	3

### SECRETARY OF STATE: FEWER CELLS FOR ALIENS

Secretary of State Teeven has to make cutbacks. He intends to achieve this by closing down prisons. The number of places in detention of aliens will be reduced - from 2081 at present to 983 places in 2015. This will mean saving 60 million euro.

On the other hand more money will be spent on 'Alternatives for detention' including the obligation to report, bail or reliable accommodation. As of 2016 10 million euro will be made available for this purpose.

More money will be spent on surveillance in the streets as well.

## 1. BASIC RIGHTS

Central Appeals Tribunal: EU citizens are entitled to assistance benefit as long as they have legal residence

By means of this verdict the highest judge specialized in Social Security makes it clear that EU citizens are entitled to assistance benefit until their residence permit is revoked. Applying for assistance benefit, however, can be a reason for revoking the permit (CRvB 12/165 WWB-T + 12/166 WWB-T, 19.3.13).

## 2. ADMISSION POLICY

Council of State: Questions to EU court as to the way in which homosexuality is to be determined

The Council of State, the highest authority concerning aliens' issues has asked the Court of Justice of the EU how it can be determined whether somebody is a homosexual. Until the answer of the Court no decisions will be taken with respect to homosexuals whose sexual inclination has not been determined with certainty (Council of State 201209605/1/V2, 20.3.13).

Council of State: residence permit 'compassionate cases' for mother whose daughter is at risk of genital mutilation can be applied for from the Netherlands

This application concerns an Ethiopian mother who claims that she cannot go to Ethiopia to submit her application for a residence permit, because the possibility exists that her daughter has to undergo genital mutilation. The Council of State has decided that this argument is valid, although it is in fact an asylum argument (Council of State, 201111613/1/V3, 7.3.13).

Council of State: questions about rejection Sierra Leonean migrant with partner and children with sickle cell anaemia

The application concerns a Sierra Leonean family with children whose legal parent and the children suffer from sickle cell anaemia. This condition cannot be treated in Sierra Leone. Both parents had a temporary asylum permit, which had not been extended for one of them. The Council of State wonders why the other partner cannot be issued a permit as well (Council of State 201200637/1/V4, 20.3.13).

## 3. CHECK AND DEPORTATION

Council of State: more attention for victims of human trafficking in detention of aliens

This case concerns a woman who had been placed in detention of aliens; since October it was known that she could have been a victim of human trafficking. Still she had to wait until December before she was given the opportunity to discuss this. The Council of State are of the opinion that detention of aliens is unlawful in such cases (Council of State 201212000/1/V3, 5.3.13).

State Secretary of Security and Justice: excuse for placing mentally retarded Surinamese boy in detention of aliens

According to Secretary of Justice Teeven Ciazio, an eighteen-year-old, mentally retarded boy, should

not have been placed in detention of aliens. Ciazio, whose social and emotional age is eight years, had been living with his mother in Amsterdam Zuidoost for eight years without having a residence permit. On his way home Ciazio was arrested and placed in detention without any contact with his mother or a lawyer. Meanwhile the boy and his parents have been granted compensation.

State Secretary of Security and Justice: return to Iraq still not possible because Iraq fails to co-operate  
Since 2011 Iraqis can only return to Iraq on a voluntary basis. The State Secretary is negotiating financial support but so far this has failed to convince the Iraqi authorities to take their citizens back (reply to Parliamentary Question 1698, 20.3.13).

State Secretary of Security and Justice: return to Somalia is possible  
However, the State Secretary has received confirmation from the Somalian authorities that they will take back their citizens. Technically speaking return is possible. So far the court has prevented eviction (Parliamentary Document 29344: 117, 11.3.13).

## 4. WHAT CAN BE DONE?

Atria: fact sheet Migration and Ethnicity statistics

By means of this fact sheet Atria wants to provide a survey as to the current core statistics concerning migration, gender and ethnicity. By means of better information they want to contribute to the debate about migration policy.

<http://www.e-quality.nl/assets/e-qualitynew/Publicaties/Publicaties%202013/Factsheets%202013/Factsheet%20Migratie-%20en%20etniciteitscijfers.pdf>

Defence for Children: report concerning protection refugee children from child trafficking

Defence for children investigated the risks to which unaccompanied minor asylum seekers are exposed. A huge risk is presented by large-scale shelter accommodations which offer insufficient individual support. In addition, children who want to report cases of child trafficking are not supported appropriately. Guardians' roles should be extended.

The report can be downloaded in [Dutch](#) and [English](#).

IND [Immigration and Naturalisation Service]: film about child pardon

[http://www.ind.nl/organisatie/Informatie\\_voor\\_jongeren/allesoverhetkinderpardon.aspx](http://www.ind.nl/organisatie/Informatie_voor_jongeren/allesoverhetkinderpardon.aspx)

NCRV: film Exit, about violent eviction Guinean asylum seekers in 2008

<http://www.uitzendinggemist.nl/afleveringen/1332977>

Platform Eer en Vrijheid [Honour and Freedom], 11 April, Amsterdam

On 11 April the Ministry of Social Affairs and Employment will organise the platform Eer en Vrijheid in the Cultureel Educatief Centrum, Amsterdam Zuidoost. On this day and in future she wants to bring together people and organisations who are dealing with these subjects, to provide them with an opportunity to meet regularly, to exchange ideas and to learn from one another.

The platform is intended for professionals, volunteers, interest groups, policy workers, care providers and the police.

[www.vluchtelingenorganisaties.nl/attachment/4455](http://www.vluchtelingenorganisaties.nl/attachment/4455)