

NEWS LETTER, VOLUME 3 NR 8

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SIGN SANDER TERPHUIS' PETITION AGAINST PENALIZATION

The Dutch cabinet want to penalize 'illegal' residence. In practice this means that all undocumented migrants can be prosecuted and convicted. Why? Only because they are undocumented. This is inhumane and unjust.

Sander Terphuis, refugee from, Iran has been campaigning against this inhumane measure for a while. He is inviting you to sign his petition, which will be presented to the PvdA congress on the 27th of April.
<http://www.sanderterphuis.nl/zeg-nee-tegen-het-oppakken-en-opsluiten-van-illegalen/>

The LOS foundation participates in the Coalition against penalization, this petition can also still be signed at www.geenstrafbaarstelling.nl. It is still unknown when this petition will be presented.

1. BASIC RIGHTS

Legislative proposal Social Support Act passed in Dutch Lower House

The Dutch Lower House has endorsed a proposal for a new Social Support Act stating that women's shelters are only accessible to migrants with legal residence, unless a public administrative regulation decides otherwise (Dutch Parliamentary Document 32439). The legislative proposal is currently subject to approval by the Dutch Upper House.

Having one's name removed from municipal registers has to be done in person

A new legislative proposal concerning the municipal register is currently being debated in the Dutch Lower House; in this proposal it is laid out that changes in the register can only be communicated by the persons concerned. The legislative proposal aims at preventing people from being left behind (Dutch Parliamentary Document 33219).

2. ADMISSION POLICY

Court of Appeal: Integration requirement is a condition for open-ended residence permit

As far as I know this is the first verdict concerning the integration requirement. For an open-ended residence permit the applicant needs to have passed the integration examination within three years. In this case the Court of Appeal have decided that there are no mitigating circumstances and agrees with the IND who had refused to issue an open-ended residence permit (Court of Appeal Utrecht AWB 12/26575, 7.3.13).

Court of Appeal: risk of female genital mutilation in Nigeria not believed

The woman in this case married in Nigeria but left to Belgium to study. There she got three children out of wedlock, the youngest of whom was born in the Netherlands. The father has left. She has applied for asylum because her daughters ran the risk of genital mutilation. The Court of Appeal is of the opinion that staying in Lagos is safe (Court of Appeal Rotterdam, 13/3380, 7.3.13).

Courts of Appeal consider Mogadishu safe; European Court poses questions about Somaliland

In the interim some courts of appeal have decided that it is possible to return to Somalia through Mogadishu (Court of Appeal the Hague AWB 12/39758, 26.3.13; Court of Appeal Assen AWB 13/4233, 8.3.13). At the same time the European Court has enquired in the Netherlands as to the safety of the planned evictions to Somalia that are to be carried out through Mogadishu (EHRM, 20010/13, 14.3.13).

Criteria 'family ties' when refugees' relatives who follow their family members will be adapted

Because of critical remarks by VluchtelingenWerk and Defence for Children the Secretary of State Teeven has decided to adjust the criteria 'family ties'. As of now the rule is that the core family will always belong together, even in cases where family members have lived elsewhere for a while. This mainly concerns biological children who stayed with other relatives temporarily and who want to come and live with their parents in the Netherlands (Dutch Parliamentary Document 31549 nr. M, 4.4.13).

Council of State: father who has no custody can also take care of his Dutch child

In this case a mother of a Dutch child applied for a residence permit in accordance with the Zambrano criteria. The Dutch father had acknowledged the child, but had no custody. According to the Council of State he should take care of his child in spite of this and there is no need to issue a residence permit to the mother (ABRvS 201200977/1/V1, 3.4.13).

Extended residence for relatives of EU citizens is possible after 3 years

Admission requirements for relatives of EU citizens differ from those of Dutch people. Extended residence after residence as a partner of a Dutch person is currently only possible after five years' residence, but because of the European directive extended residence with an EU citizen is still possible after three years' residence (Court of Appeal Amsterdam, AWB 12/24425, 12/30186 28.3.13).

Council of State: searching of premises allowed in case of suspected marriage of convenience

The rules concerning the searching of premises are strict. The police are not allowed to enter premises without a clear reason. However, in this case there was an anonymous tip, after which the police had made further investigations. According to the Council of State this combination gave sufficient justification for a house search. The suspicion was considered justified and the residence permit was withdrawn (ABRvS 201109753/1/V3, 22.3.13).

3. CHECK AND DEPORTATION

Dutch Lower House agrees to searching undocumented migrants' premises

The Secretary of State wants the police to be allowed to investigate the housing accommodation of undocumented people in order to find hidden passports and identity papers as this will facilitate eviction. Currently only half of the people in detention of aliens can be evicted, because the other migrants will not be issued a Laissez Passer for their departure. The legislative proposal has been adopted by the Dutch Lower House, but is still awaiting approval by the Dutch Upper House (Dutch Parliamentary Document 32528).

4. WHAT CAN BE DONE?

Dokters vd Wereld [Doctors of the World] European observatory about care for undocumented migrants

In 2012 in fourteen cities in seven European countries over 8,400 people were interviewed and over 19,300 consultations were carried out and reported by medical volunteers of the network Médecins du Monde.

- Download the English report "[Access to Healthcare in Europe in times of Crisis and rising Xenophobia](#)"
- Download the [English summary](#) of the report (press kit)
- Download the press release of [Doctors of the World about the situation of undocumented migrants in the Netherlands](#)
- Download the complete report MdM report (containing extensive data analysis) "[Access to Healthcare for Vulnerable People in 14 cities in 7 countries](#)".

Film: De Nieuwe wereld [The New World]

Mirte (Bianca Krijgsman) is working as a cleaner at the reception centre for asylum seekers near the airport. There she meets Luc (Issaka Sawadogo), a West African refugee. During the ten days of his asylum procedure their encounters result in an unexpected relationship.

You can watch the film through: <http://www.uitzendinggemist.nl/afleveringen/1337713>.

La Strada has published a tool kit for the compensation of victims of human trafficking

La Strada is the international coalition against human trafficking. During the past three years they have developed a tool kit to obtain compensation for victims of human trafficking. You can read it [here](#).

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.