



Stichting Landelijk
Ongedocumenteerden
Steunpunt

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Contents page

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

12 MAY ALIENS IN THE NETHERLANDS DEBATE – HUMAN TRAFFICKING

Human trafficking towards the Netherlands appears to be on the rise. However, the Ministry of Justice suspects abuse of the arrangement aimed at providing victims of human trafficking with a temporary residence permit ('B9') and is taking measures. Debate with, among others, Jolanda de Boer (public prosecutor human trafficking Amsterdam office), Jerrol Marten (manager human trafficking co-ordination centre CoMensha), Ineke van Buren (co-ordinator human trafficking network at Fier Fryslân), Frank Nooteboom (researcher at Dutch National Rapporteur on human trafficking) and André Elissen (MP for PVV 2010-2012 PVV). Moderated by journalist Els van Driel (IKON) and cultural anthropologist Geeske Hovingh. With the cooperation of Colet van der Ven.

When: 12 May, 2 p.m. in De Nieuwe Liefde, Da Costakade 102 Amsterdam

Tickets: € 2,50 through www.denieuweliefde.com

1. BASIC RIGHTS

Teeven: EU citizens are entitled to assistance as long as IND does not revoke right of residence

Following questions submitted by the PVV on account of a decision by the Dutch Administrative High Court, the State Secretary confirmed that EU citizens are entitled to assistance. However, the IND can subsequently decide to revoke the right of residence, but this should always be assessed individually. If the EU citizen worked in the Netherlands, right of residence can only be revoked after six month's assistance.

<https://zoek.officielebekendmakingen.nl/ah-tk-20122013-1978.html>

2. ADMISSION POLICY

Modern Migration Policy Act effective as from 1 June 2013

In the Modern Migration Policy Act (MoMi) the 'sponsor' role will be established legally. A sponsor is, for instance, a partner, an employer or an educational institute.

At the time of introducing the MoMi act, other changes will become effective:

- the possibility of family formation of unmarried partners will be re-introduced.
- victims of human trafficking will no longer have lawful residence during appeal.
- migrants with a no-fault status, a status as a solitary minor or a follow-up status re medical care may work without a work permit
- au pairs and young people in exchange programmes may work without work permits as well

<https://zoek.officielebekendmakingen.nl/stb-2013-166.html>

Council of State: Revoking asylum seeker's permit on return to country of origin not unconditional

According to the law, an asylum seeker's permit can only be revoked if incorrect data have been submitted that would have resulted in a rejection if they had been known before. This case concerns a Sudanese asylum seeker who travelled to his homeland. According to the Council of State this is insufficient ground for revoking the permit. www.rechtspraak.nl/ljn.asp?ljn=BZ8715

Court: Revoking asylum seeker's permit still possible after 20 years in case of serious repeat offender

This case concerns a Somali who had had a permit for 20 years. Over the past few years the grounds for revoking a permit have been extended in case of criminal antecedents. In this case, the judge decided that both the attempt at GBH and the manslaughter attempt constitutes a serious violation of the victim's physical integrity, and that therefore the permit may be revoked. Moreover, the judge has imposed a 10-year entry ban, taking into account the assailant's family life.

www.rechtspraak.nl/ljn.asp?ljn=BZ9213

Council of State: Revoking status Iraqi and Turk, both with serious records

The Iraqi boy had been a legal resident in the Netherlands for 5 years and was convicted for theft, attempt at GBH and mugging. www.rechtspraak.nl/ljn.asp?ljn=BZ8680

The Turkish boy had been a legal resident in the Netherlands for 7 years and had been repeatedly convicted for rape and theft. www.rechtspraak.nl/ljn.asp?ljn=BZ8679

Council of State: Revoking B9 permit (victims of human trafficking) allowed in retroaction

In this case, the court disagreed with the decision by the IND to revoke the permit with retroactive effect, since the social security benefit would then have been paid wrongfully with retroactive effect as well and would have to be paid back. The Council of State decides that revoking is allowed and that generally the benefit is not reclaimed www.rechtspraak.nl/ljn.asp?ljn=BZ9028

Council of State: for residency right illegal parent of NL children court custody risk is important

This case concerns a family with one Dutch parent and Dutch children. The Dutch parent cannot take proper care of the children and needs the illegal parent. The Child Care and Protection Board has already written that the children may be placed in care of the illegal parent is to be deported. The Council of State decides that the State Secretary must take this into account.

www.rechtspraak.nl/ljn.asp?ljn=BZ9025

Council of State: Long stay (with) children insufficient for granting permit

In various cases, the Council of State recently decided that mothers who have lived in the Netherlands with their children for long periods of time, are not entitled to residence permits. These cases concern:

- An Angolese woman, in NL for 14 years with two children www.rechtspraak.nl/ljn.asp?ljn=BZ9017
- A 49-year-old Ghanese woman, in NL for 24 years with children www.rechtspraak.nl/ljn.asp?ljn=BZ9026
- Ghanese children, in NL for 12 years www.rechtspraak.nl/ljn.asp?ljn=BZ8723
- 4 Armenian children, in NL for 10 years www.rechtspraak.nl/ljn.asp?ljn=BZ8682

3. CHECK AND DEPARTURE

Council of State: Identity check allowed in case of 'loitering and causing a nuisance' and street brawl

In two recent cases the Council of State decided that the police is allowed to ask for identity papers on the ground of the General Police Ordinance. If 'reasonable suspicion of illegal stay' arises in the process the alien may also be taken into custody. The cases concern:

- 'loitering and causing a nuisance in a Bijlmer walkway' www.rechtspraak.nl/ljn.asp?ljn=BZ9018
- street brawl www.rechtspraak.nl/ljn.asp?ljn=BZ8728

Netherlands Institute for Human Rights calls conducting search in aliens' homes violation of privacy

The Netherlands Institute for Human Rights will examine the privacy of aliens, now that Dutch Parliament has passed the bill that makes it easier to conduct searches in aliens' homes. The bill is now to be discussed in the Senate (<https://zoek.officielebekendmakingen.nl/kst-32528-A.html>).

4. WHAT CAN BE DONE?

Network meeting forced marriages and abandonment, Amsterdam 16 May 1-5 p.m.

Forced marriages and abandonment do not belong in our society; they are a violation of the human rights and liable to punishment. Knowledge and skills are required to achieve a proper analysis of forced marriage and/or abandonment. It continues to be important to get together and pool knowledge! Info: communicatie@shg-amsterdam.nl.