



Stichting Landelijk
Ongedocumenteerden
Steunpunt

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CRIMINALISATION ILLEGAL RESIDENCE SHROUDED IN SILENCE

Last week Parliament conducted the debate regarding the implementation of the Terphuis motion adopted by the Dutch Labour Party. In the motion, several improvements in the immigration policy were requested. They are now being worked upon, for instance:

- the no-fault policy – this had already been started off, particularly on account of the Vluchtkerk shelter
- humane detention of aliens – this, too, had already been started off, particularly on account of Dolmatov
- abolishing quota for arresting illegal migrants. This is yet to be worked out
- abolishing criminalisation of assistance – this will be tackled by Teeven. The bill is to be amended. The amendment will be published after summer.

1. BASIC RIGHTS

Inhabitants Vluchtkerk shelter move to newly squatted premises

The squatters' movement has offered the refugees, who had to vacate the Vluchtkerk shelter on 31 May, a newly squatted office building in Slotervaart. Further information on the Vluchtkerk shelter can be found on <http://devluchtkerk.nl/>, some of it in English

2. ADMISSION POLICY

Supreme Court: asylum seeker travelling with false identity papers will not be punished

The Supreme Court refers to article 31 of the Refugee Convention, which states that refugees cannot be prosecuted for travelling with false id papers. Therefore, the Supreme Court does not consider itself authorised to judge whether an asylum seeker really is a refugee. As a result, an asylum seeker travelling with false id papers will not be punished. For further information (in Dutch) see:

www.rechtspraak.nl/ljn.asp?ljn=BY4310 and www.rechtspraak.nl/ljn.asp?ljn=BY4238

Council of State: no general risk for women in Sierra Leone

In this decision the Council of State examines the situation for women in Sierra Leone. The Council acknowledges that rape and domestic violence are widespread, but states that local authorities are fairly effective in countering these types of violence. Therefore, violence against women is generally insufficient grounds for granting asylum. Further information (in Dutch):

www.rechtspraak.nl/ljn.asp?ljn=CA0602

Council of State: security in Mogadishu has durably improved, return is possible

The Council of State decides that the security situation in Mogadishu has improved durably ever since 2011. This means that Somalis can once again be confined to detention centres and can also be forcibly deported. Further information (in Dutch): www.rechtspraak.nl/ljn.asp?ljn=CA0887

State secretary: residence as unmarried partner again possible

As promised before, the amendment of 1 October 2012 that would admit married partners only has been reversed. As from 1 June 2013, unmarried partners once again may be issued a residence permit. Other changes, such as abolishing the older people policy, have not been reversed. Further information (Dutch): <https://zoek.officielebekendmakingen.nl/stb-2013-184.html>

New AMV policy per 1 June

As announced before, the residence permit for solitary underage aliens (AMV) is to be abolished. If the return of an AMV after 3 years proves impossible, (s)he will be issued with a special no-fault permit. Until (s)he comes of age, (s)he will of course be given reception, but no identity card. Further information (in Dutch): <https://zoek.officielebekendmakingen.nl/stcrt-2013-13143.html>

3. CHECK AND DEPARTURE

Council of State: entry ban for mother of Dutch daughter

This case concerns a Nigerian mother of a Dutch two-year-old daughter. She has been issued with a two-year entry ban. The lawyer found it unreasonable that she cannot visit her daughter in the Netherlands for two years. However the Council of States rules that two years is reasonable. Residence in the Netherlands with an entry ban is an offence. Further information (in Dutch):

www.rechtspraak.nl/ljn.asp?ljn=CA1299

Integral Supervisory Return Committee (CITT) on return process

The CITT has been created to supervise the return process, particularly forcible deportations. According to the CITT, approximately 40% of the flight reservations are still being cancelled, mainly because the alien applies for a new residence request. In order to be able to refuse such applications immediately, the IND has had a special official in place, who is authorised to make decisions. Moreover, most applications for laissez-passers are not accepted, but in one third of the 5000 applications (1600 times) a laissez-passers was obtained, twice as many as the year before.

4. WHAT CAN BE DONE?

Angola Special about working in Angola, 18 June Nootdorp

On Tuesday afternoon 18 June 2013, Agentschap NL, IntEnt and Maatwerk bij Terugkeer jointly organise the "Angola Special" in Nootdorp. This "Angola Special" aims to bring together Dutch companies and Angolan nationals living in the Netherlands and who wish to start working in the Angola office of one of these companies.

Info: Maatwerk bij Terugkeer, l.cornelissen@maatwerkbijterugkeer.nl, tel 030 - 7551580

ACVZ: 'Alien detention or a less intrusive measure?'

The Advisory Committee on Migration Affairs requests a more careful appraisal whether detention of aliens is necessary and asks for more attention being paid to alternatives to detention.

Read the summary here: <http://www.acvz.org/publicaties/Advies37-ACVZwebSUM.pdf>

Crepeau: The management of the external borders of the European Union and its impact on the human rights of migrants

The UN Special Rapporteur on the Human Rights of Migrants, François Crépeau, said this week that alternatives to the detention of irregular migrants are not explored, despite the obligation to do so.

Furthermore, in many cases, detention serves no purpose at all, as the people detained are later released as they cannot be deported. Read his [report](#) 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.