

NEWSLETTER, VOLUME 3 NO. 17

2 September 2013

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OFFICIAL START 'SAFE REPORTING' PILOT IN AMSTERDAM

For some years, the Amsterdam police have offered the opportunity for people without residence permits to report crimes 'safely'. By now, the State Secretary has officially approved this policy as well, as part of a pilot.

The starting points for the test project include: every undocumented immigrant can report, or make a deposition of, a criminal offence that is punishable by at least protective custody; to this effect, the alien may both enter and leave a police station without let or hindrance; during the procedure the perpetrator(s) will be traced and assistance will be given to the victim.

The results of the pilot will be used to introduce the policy countrywide. 'Safe reporting' is part of the criminalisation of illegal stay bill that is still under consideration. (*Telegraaf* 22.8.13)

1. BASIC RIGHTS

Minister: no structural police problems in emergency departments

On 11 July, Jan Hulshof, a medic, wrote in *Medisch Contact* that the police are too obtrusive in emergency departments, so that medics feel hampered in their pledge of secrecy. For that reason, seriously ill people, who are afraid of the police, would not dare ask for help at the hospital. Minister Opstelten states that there are internal guidelines for the collaboration between medics and police, but that they may not always be applied properly. He will enter in conversation with the author about this issue, he wrote, responding to parliamentary questions (29.8.13)

2. ADMISSION POLICY

Court: continued residence Turkish family immigrant possible when purpose of residence is altered

For Turkish immigrants, the Association Agreements applies. It states that the admission policy may not be tightened. In 1983, continued residence for partners whose relationship had broken up within three years was possible if they had a different purpose of residence. The judge has asked the Immigration and Naturalisation Service (IND) to examine if the applicant should be granted continued residence on these grounds.

Link (in Dutch): <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBDHA:2013:11093>

Court: advises Medical Advisors Office regarding HIV-infected West-Africans inconsistent

The Amsterdam court had ruled in a number of cases regarding HIV-infected Nigerians and Ghanians. According to the court, the advices of the Medical Advisors Office (BMA, which is part of IND) are not consistent about the need for resistance tests, and about the transmission on arrival. Therefore, the appeals are declared well founded.

Link (in Dutch): <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBAMS:2013:4994>

3. CHECK AND DEPARTURE

Council of State: entry ban allowed, in spite of residence without a permit for over 10 years

When imposing an entry ban, individual circumstances must be taken into consideration. The lawyer in this case feels that long-term (illegal) residence should be factored in. The Council of State does agree, but decides that residence as an undocumented immigrant is no reason not to impose the entry ban.

Link (in Dutch): <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RVS:2013:877>

Court: periods of legal residence are not added up in entry ban decision in view of criminal record

This case concerns an Angolan who has lived in the Netherlands for a long time, but has a gap in his legal residence status because he failed to renew his permit in time. He has a criminal record and will be given an entry ban. For this, the duration of legal residence must be weighed. The judge decides that various periods of legal residence may not be added up. He is given a 10-year entry ban.

Link (in Dutch): <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBLIM:2013:4190>

Court: no imminent deportation to Sierra Leone

Since no arrangements have been made, as yet, with the Sierra Leonean government about taking back fellow-countrymen, the court decides that deportation is not imminent. As a result, Sierra Leonean people may not be held in aliens detention.

Link (in Dutch): <http://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RBDHA:2013:11104>

4. WHAT CAN BE DONE?

House of Eutopia, through 21 September, Utrecht

The social, political, geographic and historical borders of Europe are explored and exposed in a five-room house. Films, paintings, models and show-boxes shed light on topics such as migration & borders, European citizenship and exclusion versus inclusion. Reality penetrates with images that are etched on everyone's memory, such as the Berlin Wall (1961) or the war-ravaged library of Sarajevo in 1992. Open on Thursdays through Sundays from 11.00 to 18.00 hrs.

<http://www.vredevanutrecht2013.nl/en/event/house-of-eutopia>

Refugees workshop Council of Churches, 2 November 10-15.30 hrs, Amersfoort

On 2 November, the Refugees project group of the Council of Churches in the Netherlands organises the annual workshop. The introduction will be taken care of by a staff member of the Advisory Committee on Migration Affairs. Topics such as aliens detention, assistance and (alternative) reception options, and the basic principles of the Dutch government will be discussed. Persons in charge from the churches will participate.

Admission is free of charge; apply before 25 October 2013 via 033- 4633844 or rvk@raadvankerken.nl

Meeting on immigration laws for women, 12 November 18.00 - 21.00 hrs, Amsterdam

The theme of this meeting is human trafficking. Dr. mr. C.R.J.J. (Conny) Rijken, associate professor at Tilburg University, is to give a lecture (in Dutch) on account of her study: 'Mensenhandel: het slachtofferperspectief. Een verkennende studie naar behoeften en belangen van slachtoffers mensenhandel in Nederland.' ('Human trafficking: the victim's perspective. An explorative study into needs and interests of human trafficking victims in the Netherlands')

The meeting takes place in the office of Everaert Advocaten, IJdok 23 in Amsterdam (new address).

Apply or ask for further information through: Lucille van Wijnbergen: luc.wijnbergen@planet.nl

Since 2003, the LOS Foundation (the Dutch acronym for 'Landelijk Ongedocumenteerden Steunpunt') has been the knowledge centre for people and organizations providing assistance to undocumented migrants. LOS Foundation devotes itself to the basic rights of these migrants and their children.