

NEWS LETTER, VOLUME 4 NR 2

20 January 2014

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PROTESTS AGAINST OWN CONTRIBUTION OF 5 EURO TOWARDS MEDICATION COSTS

Local support organisations in Amsterdam, Rotterdam, Utrecht and Nijmegen have raised protest against the measure stating that migrants without residence permits should contribute € 5.- towards medication costs. The CVZ [Dutch Health Insurance Board], who control the funding of medical costs for these patients if they are unable to pay, have instituted this measure because (according to them) too few undocumented migrants pay their own medication costs.

The organisations protest because the additional expenses are far too high for them. In 2012 CVZ had a lot of money left. In addition CVZ are unable to check which medications were paid for by patients themselves, because they only have access to the invoices submitted to them.

1. BASIC RIGHTS

Court of Appeal: civil servant is not allowed to refuse to conduct a marriage because of poor mutual communication

The municipality has refused to conduct a marriage between a Hungarian woman and an Egyptian man, because they were of the opinion that this concerned a marriage of convenience. The couple's mutual communication when they were at the desk was alleged to have proceeded with difficulty. According to the Court of Appeal this is no reason to refuse to conduct the marriage, because the municipal authorities are not allowed to judge the quality of relationships. The civil servant is obliged to conduct the marriage all the same (Court of Appeal Oost-Brabant, C/01/226186/FA RK 13/3992, 11.12.13).

2. ADMISSION POLICY

European Court of Human Rights: risk on return Sudanese political opponent

The European Court have decided that return is too dangerous for a Sudanese migrant who did not become politically active until he arrived in Switzerland as a refugee. According to the European Court less well-known political activists will be at risk upon their return.

Read the [judgment](#) of the European Court of Human Rights.

European Court of Human Rights: questions about eviction to Italy

The European Court have posed questions to the Dutch authorities about the forced return of asylum seekers to Italy; these refugees had applied for asylum in that country earlier. The circumstances in the Italian centres for asylum seekers are under much debate; these centres are said not to meet the requirements. Eviction is inhuman in these cases (RvS 201310669/1, 17.12.13).

Ruling Court of Appeal: do not evict mother of a Dutch child after 9 years of legal residence

This mother had legal residence in the Netherlands for the most part as a student. Her child has a Dutch father who will not accompany her to Indonesia. The Court of Appeal have decided that the mother is allowed to stay in the Netherlands with her child. You can read the ruling [here](#).

Court of Appeal: no eviction after 40 years, in spite of criminal record

This concerns the case of a Moroccan man who has had legal residence in the Netherlands for 40 years and whose wife and children live here. He has a poor command of the Dutch language and he has a criminal record. The IND want to revoke his residence permit, but the Court of Appeal have decided that this is not allowed, because the man has built a private life here. You can read the ruling [here](#). In a similar case the Court of Appeal in Haarlem have decided that eviction after 12 years is not allowed because the IND have not made it sufficiently clear that this man poses an actual threat to public order. This man has a criminal record as well (Rb Haarlem, 12/37468, 24.12.13).

Court of Appeal: discovery second passport is no reason to revoke residence permit

The IND had decided to revoke the residence permit of an Afghan family - in this case the police had discovered second passports with names different from those that were used to obtain the permits. The IND presumed fraud and decided to revoke the permits. The Court of Appeal are of the opinion

that the IND should make more effort to detect the true identities of migrants. In a higher court the Council of State have backed up the family's claim as well (Rb Haarlem, 12/13658, 24.1.13). In a similar case the police discovered a Ghanaian birth certificate in possession of a man who had a residence permit as an Ivorian. In this case the Court of Appeal had also decided that the IND should have investigated which is the true identity before they could revoke the permit (Rb Den Bosch, 12/33906, 31.12.13).

3. CHECK AND DEPORTATION

Debates with Sierra Leone and Somalia about return

A judgment by a Court of Appeal showed that the Ministry are in negotiation with Sierra Leone about forced return. At the moment this is not yet possible, but the Ministry are awaiting an invitation by the Sierra Leonean authorities to continue the talks. The Court of Appeal have decided that eviction to Sierra Leone can be expected (you can read the [judgment](#) here).

On 17 January 2014 the Secretary of State wrote to the Dutch Lower House that eviction to Somalia is currently not possible. In this case the government should await the Somali authorities who want to reconsider agreements about forced return made earlier. The Secretary of State hopes that the talks will take place in February.

4. WHAT CAN BE DONE?

Discussion Official Country Report Iraq, 22 January, Humanity House, The Hague

In the Official Country Report the security situation in Iraq is assessed as well as the consequences for asylum seekers whose applications were rejected in this country. Participants include Joost Hiltermann (Iraq specialist International Crisis Group) from the 'Vluchthuis', Karel Hendriks (worked for UNHCR in Iraq) and Muzahim Abdulkarim Mustafa Mufty (first secretary Ambassador Iraq).

Please refer to: <http://www.humanityhouse.org/agenda/terug-naar-irak-en-nu/>.

Celebration first anniversary Wereldvrouwenhuis Nijmegen [World Women's House], 2 February 14.30-17.30

On this day we will celebrate the first anniversary, look back on the first year, and look at the future together. There will also be an opportunity to purchase handmade articles and refreshments made by the women themselves; the proceeds of these will of course benefit the Wereldvrouwenhuis.

Venue: de Haard, Groenestraat 170, Nijmegen

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