

## NEWS LETTER, VOLUME 4 NR 5

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### SECRETARY OF STATE: SEARCH WARRANTS FOR MIGRANTS' PREMISES EASIER TO OBTAIN

This law makes it possible to search the living accommodations of undocumented migrants for identity papers; this also applies when these living accommodations are situated beside the enterprise where the migrants were found to work. The secretary of state deems this act necessary because he is of the opinion that many undocumented migrants hide their identity papers, which makes eviction impossible. Annually this concerns approximately 200 undocumented migrants without residence permits who have not handed in their documents.

Moreover, this law enables the police to read out phones of aliens in detention. This might make it possible to determine their nationality, which is important for the eviction as well.

The ChristenUnie voted in favour of this legislative proposal, as well as the PvdA, CDA, VVD. SP, D66, GL opposed the proposal.

The law came into force as of the 1st of March. You can read the text of the law [here](#).

## 1. BASIC RIGHTS

### Law central registration Biometric Characteristics of aliens

The legislative proposal Biometric Characteristics Migrant Chain came into force on the 1st of March. Registration of ten fingerprints and of facial scans form a part of all migrants' applications. These data are used to determine the migrant's identity and, in exceptional cases, for detection purposes as well. <https://zoek.officielebekendmakingen.nl/stcrt-2014-5611.html>

### Court of Appeal: placing in custody Moroccan child as protection from eviction

The court of appeal have decided that this Moroccan child, who has no relatives in Morocco, is so scared of eviction that she should be placed in custody. According to the court this is the only possibility to offer her security (Rb Amsterdam 13-611/539597, 16.12.13).

## 2. ADMISSION POLICY

### Council of State: It is allowed to send asylum seekers who travelled through Italy back to this country

In accordance with the Dublin Regulation asylum seekers should await their asylum procedure in the first EU country where they arrived. Asylum seekers who arrived through Italy claim that they have been subjected to inhuman treatment, as had been determined earlier in the case of Greece, and that therefore a return to Italy is inhuman. Recently the Council of State have decided that the treatment in Italy is not inhuman. Asylum seekers can be sent back to Italy again (RvS 201310669/1, 26.2.14).

### Council of State: Iraq is not unsafe for everybody

Recently more and more lower judges ruled that the situation in Central Iraq was highly insecure, so that all Iraqi people from that region should be granted asylum. The Council of State recently ruled that the situation is not quite so bad. You can read the verdict [here](#). Although the latest official country report about Iraq was only issued in December 2013, a new country report is currently being drawn up. Apparently the secretary of state deems this necessary in order to keep up to date.

### UNHCR: do not send asylum seekers back to South Sudan

Political and ethnic conflict has led UNHCR to [call](#) for a suspension of forcible returns to South Sudan until the security situation has improved. UNHCR also advises that many fleeing South Sudan are likely to qualify for refugee status.

### Council of State: female genital mutilation is not a crime against human rights; women who commit this crime can be granted asylum

In this case the IND stated that female genital mutilation is a serious, non-political crime in spite of the fact that female genital mutilation is not a criminal offence in Sierra Leone, the applicant's country of origin. The asylum application was denied because the applicant was deemed to be the perpetrator. The Council of State are of the opinion that female genital mutilation has not yet generally been accepted as a crime against humanity. Moreover a distinction should be made among various forms of mutilation. The asylum application should be taken up. You can read the verdict [here](#).

Council of State: visit child abroad is sufficient for family life

This verdict concerns a Venezuelan mother's application for residence with her Dutch child. The Dutch ex-partner has another child with whom he has family ties in the Netherlands. The Council of State are of the opinion that family life can be realised through mutual visits and have denied the application for a residence permit. You can read the verdict [here](#).

Council of State and European Court of Human Rights it is possible for HIV-positive Nigerians to return to Nigeria

In three verdicts the Council of State answered the question whether HIV-infected migrants can demand access to resistance tests at their return. In Nigeria these tests are not available. The Council of State have claimed that there is no scientific consensus about the necessity of resistance tests and has therefore denied the applications. You can read the verdict [here](#).

The European Court of Human Rights has a more stringent criterion for assessing the eviction of HIV-infected migrants. This is only forbidden if it would mean 'inhuman treatment'. According to the European Court the limited availability of HIV medication does not mean that the return of HIV-infected migrants to Nigeria is inhuman. You can read the verdict [here](#).

### 3. CHECK AND DEPORTATION

Secretary of State of Security and Justice: eviction policy for different countries

According to the secretary of state it has become easier to evict migrants to Armenia, Azerbaijan, Burundi, Mongolia and Pakistan, and it may have become easier in the case of Algeria as well. Eviction to other countries is difficult, this predominantly concerns countries that were involved in war until recently or that struggle with internal problems such as a weak government or insufficient governmental capacities. These countries include Afghanistan, Ghana, India, Iraq, Somalia and Somaliland. The Netherlands tries to exert pressure by offering visa for certain groups of civilians or through other forms of co-operation or by means of development aid.

You can read the secretary of state's letter [here](#).

### 4. WHAT CAN BE DONE?

Women's Day Festival 8th of March, Wereldhuis Amsterdam

On Saturday 8 March the Wereldhuis organise a Women's Day Festival, in co-operation with Casa Migrante, the Consejo de Consulta of the Peruvian consulate, Casa Vida Cuenta en Positive Women of the World. You are invited to attend this festive day and to bring your friends!

Location: Zolder van Limmikhof, Nieuwe Keizersgracht 1A in Amsterdam (behind the Wereldhuis).

Info: [www.wereldhuis.org](http://www.wereldhuis.org)