

NEWSLETTER, VOLUME 5 NO. 1

19 January 2015

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COURT: STATE SECRETARY MUST SHELTER UNDOCUMENTED IMMIGRANT

The court finds that the lack of shelter, food and clothing for undocumented immigrants touches upon human dignity to such an extent that it results in an inhumane situation. Therefore, the State is to provide them with shelter, food and clothing.

Reception in the Freedom-restricting Centre (VBL) will not suffice, since a restriction of freedom applies there and since 'cooperating towards return' is obligatory.

That is why the state secretary is to provide the applicant with night shelter, shower facilities, breakfast and an evening meal without imposing any conditions.

You can read the verdict [here](#) (in Dutch only). The state secretary planned to appeal, as you can read [here](#) (in Dutch only). But since 20 January, he decided to temporarily compensate municipalities who offer nightshelter for undocumented migrants.

1. BASIC RIGHTS

Court: standard freedom restriction upon placement in family location is not allowed

This family has been referred to the Family Location, since a humanitarian emergency would arise if there were no stable living situation. Some family members need medical treatment. Placement in a family location involves a freedom-restricting measure. The judge finds that it is not clear why this should be necessary in this instance. The freedom restriction is only allowed if it is necessary, and should be lifted in this case. Read [here](#) (in Dutch only).

2. ADMISSION POLICY

Council of State: all Uighurs run risk upon return

The Council of State finds there is sufficient evidence that the Chinese government is monitoring Uighurs in the Netherlands. That is why there is always a risk if Uighurs are deported. They should therefore be acknowledged as refugees. Read [here](#) (in Dutch only).

State secretary Security & Justice (SsS&J): new policy Libya

The state secretary has written that returning to Libya is generally safe, except for various risk groups. These include homosexuals, (converted) Christians, Palestinians, political activists, human rights activists, members of the judiciary, employees of NGOs, journalists, women working in the public sector, persons belonging to tribes known to be loyal to the Gaddafi regime, including Tawerghas, Gwelish and Mashashiyas. If they evinced problems before, they will be granted refugee status. Read [here](#) (in Dutch only).

SsS&J: how to deal with problems due to temporarily impossibility to sit integration test abroad?

In the month of November, it was not possible to sit the integration test abroad, as the test had changed and the embassies could not use the new tests because the computer link was not functioning properly. If that means that the applicants does not meet the demands for authorization for temporary stay (mvv), he or she can make that known when applying for the mvv and the IND will take this into account. Read [here](#) (in Dutch only).

Council of State: in no-fault procedure documents that might have been known before don't count

A no-fault status is granted to migrants who cannot return to their country of origin through no fault of their own. When an application is made, it must be proven that the applicant has done everything he or she could to be able to return, for instance by contacting his or her own government. In this case, the applicant had applied for a no-fault status before, but that application had been rejected. He has appended new evidence to the second application. The Council of State finds that he could have retrieved this information before, and that no new decision needs to be made as a result. Read [here](#) (in Dutch only).

3. CHECK AND RETURN

Ss&J: Policy alien detention children and solitary underage asylum seekers

On principle, children and solitary underage asylum seekers are not detained if they apply for asylum at the border, unless this is in the best interests of the underage person. Detention to facilitate deportation is still allowed for a maximum of two weeks, in which case it must always be assessed whether the detention is in the best interests of the child. Detention of children and minors takes place in the new Restricted Family Location in Zeist. Read [here](#) (in Dutch only).

Court: alien detention Somali national is possible after all

In November, the Council of State ruled that there was no scope for deportation to Somalia, and that Somali people were not to be detained in alien detention centres. Immediately afterwards, two Somalis were deported, but subsequently deportations to Somalia were suspended. The state secretary has resumed negotiations regarding deportation possibilities. The Roermond court finds that there is scope for deportation, and that Somalis may again be detained in alien detention centres. (Roermond court, 14/28339, 31.12.14)

4. ACTIVITIES

Demonstration "Adequate reception is both day and night shelter", 7Feb 15.00hrs Museumplein A'dam

On 7 February, We Are Here will organize a demonstration on Museumplein for a satisfactory reception for aliens who have exhausted all legal remedies.

<https://www.facebook.com/wearehere247?fref=ts>

Study into alternatives for reporting crimes safely in Eindhoven

Refugees who have no right of residence are afraid to be detained if they report a crime in a police station. Therefore, the Vluchtelingen in de Knel ('Refugees in a fix') foundation in Eindhoven has asked Professor Anton van Kalmthout to study alternatives for reporting crimes. In his report, a number of options are considered. There is a preference for reporting by mandate, so that in the case of criminal proceedings the alien will be protected as well.

[Reporting a crime for undocumented persons](#) (study in PDF format, in Dutch only)

Film: on domestic workers in Germany and NL

The German documentary 'Dringend gesucht – Anerkennung nicht vorgesehen' shares the personal stories and the struggle for the rights of several migrant domestic workers in Germany and the Netherlands who experienced exploitation by their employers. The documentary aims to shed light on the lack of labour rights of domestic workers and looks at the first initiatives to organise themselves and join labour unions.

For more information on the film or to order a DVD, click [here](#).

Petition No person in the streets by utopia

<http://petities.nl/petitie/geen-mens-op-straat>