

NEWSLETTER, VOLUME 5 NO. 23

23 November 2015

Contents	page
1. BASIS RIGHTS	2
2. ADMISSION POLICY.....	2
3. CHECK AND DETENTION	3
4. ACTIVITIES.....	3

BBB DECISION (RECEPTION UNDOCUMENTED PERSONS) 26 NOVEMBER

On 26 November at 9.30 a.m., the Council of State and the Dutch Administrative High Court will give decisions on applications for reception made by asylum seekers who have exhausted all legal remedies. The Council of State will decide on the question whether conditions may be laid down with respect to granting reception, particularly participating towards return. In that case, the freedom-restriction centre (VBL) in Ter Apel would suffice. The Dutch Administrative High Court will decide on the question whether the Social Support Act is accessible to people who have no residence papers. The case at the Council of State is numbered 201500577/1; the cases at the Dutch Administrative High Court are numbered ECLI:NL:CRVB:2015:3803 and ECLI:NL:CRVB:2015:3834.

1. BASIC RIGHTS

Council of State: court fee exemption for aliens in admission procedure

The Council of State makes clear that aliens who have no income, or only receive an income from the COA, are always exempted from court fees if they prove they have no financial means. The registrar is to ask the alien for proof. (ABRvS 201406310/1/V2, 18.11.15)

2. ADMISSION POLICY

State secretary Security & Justice: Safe countries

Besides the EU, EEA and Western countries, all Balkan countries – Albania, Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro and Serbia – have been designated safe countries of origin. See [here](#) (Dutch only).

Court: no permit for mother of Eritrean baby

Refugees from Eritrea who have exited illegally, or have exited legally but can prove they are in danger are granted permits. This baby was born in NL from an Eritrean father and a mother regarding whom the IND doubts she is Eritrean. According to the court, the baby has not exited and is not in any danger itself. The mother and her baby can be deported. Read [here](#) (Dutch only).

State secretary Security & Justice: numbers of relatives of EU citizens admitted in 2014

EU citizens have a right of residence if they can earn their own income. In that case, partners and children automatically receive a permit. In 2014, 2,640 applications for relatives of EU citizens were filed, of which 1,880 were granted. (Parliamentary Paper 34300-VI no. 19 (question 229), 19.11.15)

Council of State: informal care and postponement of departure for medical reasons (art-64)

In two decisions, the Council of State had made it clear that retarded patients can be returned if sufficient medical care is available. One case concerned a woman from Guinea who cannot function independently due to PTSD. She can be assigned to an institution in Guinea (see [here](#) (Dutch only)). The other case concerns a retarded man from Gambia who needs assistance in his day-to-day life. This does not count as medical care, the Council of State has decided (see [here](#) (Dutch only))

Council of State: decisions re permanent arrangement children's pardon

In two decisions, the Council of State has made it clear that the permanent arrangement of the children's pardon only holds up if the parents have always cooperated towards (preparations for) departure, including during periods when they were still involved in an admission procedure. In both cases, medical reasons precluded return. Read the decisions [here](#) and [here](#) (Dutch only).

3. CHECK AND DETENTION

Court: entry ban due to criminal record only allowed in case of actual threat to public order

In this case, the Amsterdam court has implemented a decision by the Court of Justice of the European Union, stating that 'a threat to public order' must always be assessed individually. This man had only been sentenced because he was residing in the Netherlands as an alien who had been pronounced undesirable. That should not be interpreted as an actual threat to public order. Read [here](#) (Dutch only).

4. ACTIVITIES

Working session campaign 'Aan de Slag' (Now to work), 3 Dec 18.30 p.m. Utrecht

By means of a manifesto and a campaign, we aim to create support for the right to study and (do volunteer) work for people without residence permits. You can find the manifesto in concept [here](#) (in PDF format, Dutch only). On 3 December, we aim to expand the campaign. Please, apply if you want to share your thoughts: info@stichtinglos.nl

Human trafficking in Dutch parliament on 8 and 9 December

On 8 December at 16.30 p.m., the report of the National Reporter on the Protection of Solitary Underage Aliens will be presented to the Lower House committee.

On 9 December, the parliamentary debate on human trafficking and prostitution is to start at 10 a.m.

Alien detention in Dutch parliament, 10 December 10 a.m.

Last September, the state secretary presented the [bill](#) (Dutch only) regarding the treatment of aliens in detention. The act is still to be discussed in the Lower House and the Senate. In preparation for the debate, a hearing has been scheduled for 10 December.

Unicef: official country reports for children

A country that is safe for adults is not always safe for children. Children may have fled traditions that are harmful to them, such as enforced marriages or female genital mutilation. That's why UNICEF is issuing Child notices, a new type of country report regarding the children's rights situation. See [here](#).

PICUM Toolkit Victims' Directive

The Victim's Directive guarantees dignity and respect, as well as access to minimum services, protection and support, for all victims of crime, irrespective of their residence status. As from Monday, 16 November 2015, the Directive is valid in all countries of the EU. PICUM has created a toolkit, to inform and to inspire action to advance the rights of undocumented victims of crime. The toolkit includes the following resources in English, French and Spanish:

- [Guide to the Victims' Directive](#)
- [One-page summary of the Guide](#)
- [Frequently Asked Questions](#) (FAQ about the Guide, and the Victims' Directive)
- [Video](#) on why the Directive is important to ensure undocumented migrants' access to justice