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COUNCIL OF STATE: RE-REFERRAL TO FREEDOM-RESTRICTION CENTRE TER APEL AFTER EVICTION

This Somali woman with post-traumatic stress syndrome had stayed in the freedom-restriction centre Ter Apel before, in order to arrange her return from there. She was evicted by the freedom-restriction centre because her return turned out to be impossible. Now she has re-applied for sheltered accommodation. The Council of State have ruled that she has to go to Ter Apel for this purpose. According to the Council of State the fact that she had been evicted from there earlier means that she had not co-operated with her departure. After all, if she had co-operated she had been issued a status because this would mean that she had ended up in her situation through no fault of her own.

This ruling shows that in practice the accommodation in Ter Apel is not accessible, not even for people who co-operate with their own return. You will find more information [here](#).

1. BASIC RIGHTS

Court of Appeal: EU citizen who has never worked was never legally in the Netherlands and therefore is not entitled to social assistance benefit

This Bulgarian woman came to the Netherlands in 2014 and applied for social assistance benefit. She has never worked. The Court has ruled that she is not an 'economically active EU citizen'. Therefore her stay in the Netherlands is not legal and she is not entitled to social assistance benefit. You will find more information [here](#).

Court of Appeal: municipalities responsible for Childcare Benefit on social grounds

This woman is married to a man who had been denied asylum because he was suspected of violations of human rights (1F). Therefore she is not entitled to benefits [toeslagen]. The Court has ruled that municipalities can make exceptions in exceptional cases. You will find more information [here](#).

Court of Appeal: denial paternity disappeared husband

This mother had asked the Court to rule that her disappeared husband cannot be the legal father of her child. Presumably the husband has died during his flight and there is no more contact with him. If the paternity of the disappeared husband is denied, actual father can recognize the child. The request has been granted. You will find more information [here](#).

Court of Appeal: Moroccan ruling custody of children after divorce invalid

The Moroccan judge has pronounced the divorce and consecutively granted the father custody of the children. The Dutch Court of Appeal have ruled that Moroccan law did not apply in this case because the children lived in the Netherlands at the time. Therefore both parents will keep joint custody. You will find more information [here](#).

2. ADMISSION POLICY

Council of State: Woman from Sierra Leone can avoid her daughter from undergoing female genital mutilation

The Council of State have ruled that this mother, herself a daughter of a woman who performs these operations, will be able to go and live in Freetown (the capital). In this way she can avoid social pressure and prevent her daughter from becoming a victim of female genital mutilation. Therefore there is no ground for asylum. You will find more information [here](#).

Court of Appeal: stay with Dutch child because the father has left for Guinea

After a custodial sentence the Dutch father of this Dutch child has left for Guinea and has not come back. Therefore he cannot take care of the Dutch child in the Netherlands. In order to enable the child to grow up in the Netherlands the mother should be granted right of residence according to this Court ruling. You will find more information [here](#).

Court of Appeal: closer consideration of private life for a man from Suriname, in the Netherlands for 15 years with partner and children

The Court of Appeal are of the opinion that the IND has not given enough consideration when they turned down the request of this Surinamese man. He came to the Netherlands as a child, has lived

here for 15 years and now has a Dutch partner and Dutch children. According to the Court not enough consideration has been given to the interests of his partner and his children (Vzr VK Rb Utrecht, AWB 15/16478, 4.3.16).

Secretary of State Security and Justice: definitive ruling Child's Pardon

Only 100 of the 1,360 requests concerning the definitive ruling of the Child's Pardon have been granted. Many requests have been denied because migrants had not always co-operated with their return. You will find more information [here](#).

3. CHECK AND RETURN

Secretary of State Security and Justice: punishments for breach moderate entry ban

Migrants will be issued a moderate entry ban if they still stay in the Netherlands after they had been issued a return ruling. Migrants who stay in the Netherlands while an entry ban had been imposed on them commit a criminal offence. In 2015 90 sentences were imposed due to breaches of a moderate entry ban; less than 40 sentences were imposed in 2013 and 2014. You will find more information [here](#).

Court of Appeal: no fine for strict entry ban

This man was issued a strict entry ban because of his criminal record. His last punishment was in 2008. According to the Court strict punishments for breach of strict entry bans can only be imposed if the person involved poses a 'real and severe threat to the public order'. This does not apply here. Therefore the Court will not impose a punishment for the breach of the strict entry ban. However, the man will be punished because he has no identity documents. You will find more information [here](#).

Detention of aliens

According to the Government the number of people in aliensdetention has decreased rapidly. In 2015 only 2,000 people were placed in detention, whereas in 2011 this amounted to 6,000. On average 270 people are in aliensdetention at any given time. You will find more information [here](#). In 2014 an average of 450 people were simultaneously kept in aliensdetention; 8% of whom were women. On average they were detained for 2 months. Detainees' nationalities that occurred most frequently were Moroccan (13.4%), Algerian (6.7%), Egyptian (4.9%), Surinamese (4.9%) and Chinese (3.8%). You will find more information [here](#).

Council of State: there are possibilities for return to Niger and Mali

In two cases the Council of State have ruled that there are possibilities for extradition to Niger and Mali. The embassies of both countries do not co-operate if there are no documents. The Council of State are of the opinion that these migrants should have made more effort towards making their own return possible by seeking documents. Here you will find more information about [Niger](#) and [Mali](#).

4. ACTIVITIES

GRETA: Report on identification of victims of trafficking among asylum seekers, refugees and migrants

The Council of Europe Group of Experts on anti-trafficking (GRETA) has [published a report](#), with a thematic section focusing on the identification of victims of trafficking among asylum seekers, refugees and migrants in a number of countries.