

NEWS LETTER, VOLUME 6 NR 9

25 April 2016

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VICTIMS' DIRECTIVE AND ACCESS TO SUPPORTED ACCOMMODATION FOR WOMEN

The implementation bill concerning the Victims' Directive has been passed in the Dutch Lower Chamber. The Victim's Directive lays down the rights of victims of crime, irrespective of their status. During the debate on the legislative proposal the Minister said that the non-discrimination principle had already been established so that no additional provision was required for this purpose. This amounts to an acknowledgement by the Minister that victims' rights also apply to undocumented migrants. You will find more information [here](#).

The bill will not immediately create access to sheltered accommodation for women because undocumented women are excluded from the WMO [Wet Maatschappelijke Ondersteuning; Dutch Social Support Act]. Lawyers contemplate bringing court cases if women are refused access to sheltered accommodation because they have no residence permits. This might constitute a violation of the Victims' Directive.

1. BASIC RIGHTS

Council of State: entitlement to additional allowances [toeslagen] if the partner is involved in proceedings against the revocation of the residence permit

If a family member without a residence permit lives with someone who has legal status, the entitlement to Health Care Benefit, Housing Benefit and the Child-Related Budget of all the people in that household will be discontinued. In this particular case the partner's permit had been revoked. The Council of State have made it clear that the entitlement of the documented defendant will not be discontinued as long as the legal proceedings about the revocation of the permit have not yet been concluded (ABRvS, 201500099/1/A2, 6.4.16).

Court of Appeal: placing children under supervision because of risk of honour-related violence in Morocco

This mother of two children fears honour-related violence if she were to return to Morocco. The children were born out of wedlock but there is a legal (not factual) father in Morocco who might demand guardianship on their return. As a consequence of the insecurity the mother is not quite capable of raising the children on her own. The Court of Appeal have ruled they should be placed under supervision (Court of Appeal Arnhem, 200.184.461/01, 7.4.16).

2. ADMISSION POLICY

Court of Justice EU: income requirement in case of family formation allowed

The Court of Justice have ruled that it is legitimate to assess whether the defendant has sufficient income to prevent the family from having to make an appeal to social security. It is reasonable to estimate the income over the following year and it is allowed to take into consideration the income during the past 6 months. You will find more information [here](#).

Council of State: dependent parent of adult EU citizen can only come in case of financial dependence

One member of this family is an EU citizen; he does not live in the EU country whose nationality he has. The family has applied for a residence permit for the mother in law whom they support financially. The Council of State have ruled that EU law obliges to admit a dependent family member but only if he or she would not be able to cope in the country of origin without financial support. In this particular case this has not been proven (RvS 201504117/1/V2, 19.4.16).

3. CHECK AND DEPARTURE

Responses EU questionnaire on the punishment of human trafficking: The Netherlands do not want a humanitarian clause

The NL is of the opinion that the element of financial or other material benefit should not be included in trans border smuggling cases because this will complicate the investigations on migrant smuggling....

There is no need to change EU legislation relating to the humanitarian clause. Such a clause would lead to difficulties in evidence gathering. The Dutch legislation offers enough possibilities to not sanction in cases of humanitarian assistance (such as verdict of guilt without any kind of punishment). See [here](#)

EU: Confidential document on return 80,000 Afghans

In this confidential document the European Committee addresses the possibilities for the return of Afghan asylum seekers. There are considerable differences with respect to admission policy and extradition policy in Europe, in spite of a common official country report about the human rights situation in Afghanistan. You will find more information [here](#).

4. ACTIVITIES

Lecture Jill Alpes: "Transnational migration control and sending states: The unifying force of 'fraud' at the airport of Douala, Cameroon", 7 June 15.30-17u, VU Amsterdam

The European Union has over the last ten year increased efforts to externalize migration control. Yet, transnational policymaking transforms governance structures and stateless globally. Jill Alpes analyses the emerging interactions and negotiations between private and public actors, both French and Cameroonian, engaged in border controls. For info, [click here](#), for registration, mail to mdc@vu.nl.

ILGA-Europe and TGEU: Capacity Building Seminar on LGBTI asylum, 8-9 July 2016, Berlin

More and more LGBTI organisations are starting to work with LGBTI asylum seekers. However, working with asylum seekers poses specific challenges and requires specific skills. Responding to increased requests for support, ILGA-Europe and TGEU are now stepping up their work on supporting LGBTI asylum seekers across Europe.

Survey: abuse of domestic workers

A survey of domestic workers interviewed in the Philippines, Indonesia, Singapore and Hong Kong found high levels of forced labour and abuse. According to the study, between two and five million migrant domestic workers from Indonesia and the Philippines are working abroad at any given time, with many returning and re-migrating on an ongoing basis.

Source: [Thomson Reuters Foundation](#), 25 February 2016

CMCT: academic educational program for the profession of migrant pastors and church leaders

The Centre for Migrant Churches and Theology (CMCT) designed a one-year post-graduate program (60 EC). The CMCT is a collaboration between the Vrije Universiteit Amsterdam (VU University Amsterdam) and SKIN (Samen Kerk in Nederland). The admission requirement for student participation in this program is a demonstrable finished MA not necessarily Theology.

Please register as soon as possible with associate professor Peter Roelofsma, coordinator of the CMCT and the program: p.h.m.p.roelofsma@vu.nl or +31(0)6 55 39 39 60