

NEWSLETTER, volume 6 no. 18

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WANTED: UNDOCUMENTED ADULTS WANTING TO ATTEND MBO-2

The Robin Hood College is eager to start legal procedures for students wanting to attend MBO-level education, but cannot because they have no right of residence. The organisations involved in the campaign Aan de Slag are eager to participate as well. In our opinion, it's important that young people can attend advanced training, and we think it's a violation of human rights if people cannot at least attain MBO-level qualifications. If you know any students willing to participate in such a legal procedure, please let us know. You can check in at the Robin Hood College or visit the website iedereen-aandeslag.nl.

1. BASIC RIGHTS

Council of State: legal procedure about shelter for undocumented alien is possible

In 2014, the Council of State judged that the state secretary is qualified to make decisions about reception facilities for aliens who have no residence permits. Last month, the Council of State decided that a municipality may also make its own policy, but is not bound to do so. If someone is not satisfied with the reception facilities in a municipality, they can take legal action with the Council of State. See [here](#) (Dutch only).

Council of State: personal data unchanged as unproven whom original Chinese documents relate to

This case concerns a Chinese parent and child who want to restore their identities. They have original Chinese documents containing different names and birth dates from the names they are now using. However, there is no proof that the documents relate to them. How they came to possess those documents is likewise unclear.

Therefore, the Council of State is not willing to restore their identities. See [here](#) (Dutch only).

Dutch Administrative High Court (CRvB): income undocumented husband should be reported

This case concerns a woman married to an undocumented man. She is on social welfare. However, the money is being reclaimed, as she has failed to report her husband's income to social services. While her husband also had a Belgian address, their relationship had not broken off permanently, so social services were justified in considering the man to be her husband. See [here](#) (Dutch only).

CRvB: in case of procedure about status extension, right to welfare only includes objection phase

In this case, the alien may await the request for a Provision Ruling (VoVo) in the Netherlands while the appeal procedure is on-going. Therefore, she wants to keep her right to social welfare. However, according to the Dutch Administrative High Court (CRvB) the right to social assistance only exists up to and including the objection phase. See [here](#) (Dutch only).

Court: no obligation to give fingerprints

In analysing the Code of Criminal Procedure, the court concludes that a civil servant is allowed to ask for fingerprints, but that an alien is allowed to refuse. Fingerprints may be used for identification purposes, but also for tracking down criminals. Thus, by giving his fingerprints, the alien could be participating in his own conviction, and that cannot be demanded. Therefore, refusing is not liable to punishment in this case. See [here](#) (Dutch only).

2. ADMISSION POLICY

Court: safe countries of origin

In January, the state secretary has designated a number of safe countries of origin, including the EEA and Balkan countries, Ghana, India, Jamaica, Morocco, Mongolia and Senegal. Last month, the State Council issued an instruction on how to judge whether a country is a safe country of origin. Now, courts are asking for an unambiguous application of these criteria to the various countries designated as safe countries of origin. Therefore, courts tend to declare appeals against the rejection of the asylum request

by the persons concerned to be well-founded. For instances, see Albania, (Den Haag court, 16/16339 and 16/16347, 8.8.16), [Morocco](#), [Mongolia](#), [Serbia](#) (Dutch webpages only).

Court: Single woman can return to Baghdad

There is much discussion about the question whether Baghdad is safe for people returning there. For people from ISIS areas it appears to be a risk to move to Baghdad, as they may be suspected of sympathising with ISIS. For people who are from Baghdad originally, returning is safe, judges decide. Single women can return safely too, this [judge](#) says (Dutch only).

3. CHECK

Council of State: presenting someone at embassy pending waiting period in asylum procedure is possible
This case concerns a man who made an asylum request while in alien detention. Pending that request he may not be presented at the embassy, as the Netherlands might thus endanger a refugee. However, the Council of State says it is allowed following the initial judgment, pending the judge's decision. It refers to the Aliens Act, stating that presenting someone is not allowed while the Immigration and Naturalisation Service (IND) is still busy deciding about the asylum request. See [here](#) (Dutch only).

4. ACTIVITIES

Think along about registration of police checks, 1 Sept 19-21.30 hrs Amnesty Amsterdam

Help think about an app that registers police checks!

Apply through info@izi-solutions.com. There's room for up to 25 people.

Lecture Deborah Anker: Social justice, gender and legal change in asylum law, 5 sept VU A' dam

Deborah Anker (Clinical Professor of Law and Director of the Harvard Law School Immigration and Refugee Clinical Program) will present the second Sarah van Walsum Lecture. She will tell the story of gender asylum in the United States, which provides a counter-example of how direct representation can actually change the culture of decision-making and be an effective vehicle for meaningful legal change. At the same time, such representation, rather than disempowering clients, can create authentic and non-hierarchical relationships between lawyer and client. For more information and registration, [click here](#).

Ieder1 parade, 25 Sept Amsterdam

To give a voice to the silent majority that believes in diversity, we'll join the IEDER1 parade on 25 September, the largest diversity parade in Dutch history.

Further information about the IEDER1 initiative can be found on ieder1.org/ and on [Facebook](#)

UN Women Guidance Document: framework for measuring access to justice for women

This [guidance document](#), aims to address the lack of data on measuring women's access to justice and documenting the specificity of women's experience of law and justice – both as users and providers. This publication maps existing data collection efforts and measurement tools and proposes a set of indicators that governments, civil society and international organisations may adopt to assess the degree to which justice systems are accessible to all, with particular attention to the barriers faced by women.