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VN COMMITTEE: CONTINUE SAFEGUARDING BASIC RIGHTS UNDOCUMENTED PERSONS

Last year, the Netherlands reported to the UN on the state of affairs regarding socio-economic rights (ICESCR treaty). Human rights organisations have submitted their own reports. Subsequently, The UN has made recommendations to the Netherlands.

One of these recommendations is to safeguard the basic rights of migrants without residence permits. Food, water, shelter, education and social facilities should not be dependent on a person's residence status, nor on his or her willingness to collaborate on return. The government should make sufficient funding available to safeguards these rights.

You can read the recommendations [here](#)

1. BASIC RIGHTS

Council of State: access to freedom-restriction centre (VBL) for asylum seekers who aim to return

Following four cases, the Council of State has ruled how the Repatriation and Departure Service should deal with asylum seekers who have exhausted all legal remedies and decide to return after all, requesting access to the VBL. The Repatriation and Departure Service should assess the wish to return individually and have a medical expert attend if there are any psychological issues. See [here](#) (Dutch only).

UN Committee social and economic rights: labour inspectorate should not verify residence status

The ICESCR committee has advised the Netherlands to safeguard domestic workers' labour rights, and to set up a 'firewall', so that the labour inspectorate does not play a role in verifying residence permits. This is the only way to encourage undocumented workers to report poor working conditions. See [here](#)

Social Insurance Bank (SVB): illegal parent who is sole carer Dutch child is paid family allowance

The Social Insurance Bank has changed its policy as a result of the Chavez-Vilchez judgment on Dutch children living with parents without residence rights. Family allowance is paid, if it is evident that the mother is the sole carer and there is no contact with the father, provided that the other conditions have been met. Social Insurance Bank - Letter in appeal procedure, 26.6.17

2. ADMISSION POLICY

Court: Kurdish-Iraqi authorities do not protect in case of domestic violence

The woman in question has fled her home with her daughter on account of domestic violence by her husband. Her asylum request has been turned down, since the Iraqi authorities could protect the woman, according to the Netherlands. The court refers to the 2016 country report, which states that the Kurdish authorities cannot offer individual citizens with sufficient protection from human rights violations such as domestic violence. (Roermond court, 17/5182, 23.6.17)

Court: permit may be revoked due to loss of income

In 2010, this Tunisian woman came to the Netherlands, where she has given birth to children fathered by her Dutch partner. Her partner no longer has an income, the family is living on social assistance. That is why the woman's residence permit has been revoked. The judge considers it reasonable for her to return to Tunisia. She can have the family life there. Possibly, she may return to the Netherlands at a later date, if her partner finds a new job. See [here](#) (Dutch only).

NL answers questions CAT: status following domestic violence

In response to questions asked by the UN Committee against Torture, the Dutch government has produced a survey of numbers of applicants for an independent residence permits following domestic violence.

Since 2013, the Netherlands receives approximately 200 applications per year by partners with a dependent residence permit who fell victim to domestic violence. More than three quarters have been granted. Each year, approximately 40 undocumented victims report domestic violence. About one third of their applications for independent residence permits was granted. See [here](#) (Dutch only).

Court: reunification permit child lapses due to marriage

If a parent is granted refugee status, dependent children can also be granted residence permits. After only one year, this permit is turned into a dependent permit. However, if a child starts his or her own family within that year, he or she loses the dependent permit. see [here](#) (Dutch only).

3. CHECK AND DETENTION

Court: 5-year entry ban for use of false identity documents is justified

This concerns a man who was punished for using a false identity document. For that offence, he was given a long-term (5-year) entry ban. The judge approves of this decision. See [here](#) (Dutch only).

Council of State: Iranians without passports can be evicted from now on

Until recently, Iranians could not be evicted if they had no passport. Since then, the Dutch authorities have managed to evict an Iranian with a so-called EU-laissez-passer, in combination with an identity document. See [here](#) (Dutch only).

4. ACTIVITIES

Ombudsman: WOMEN IN LIMBO – a study on bottlenecks in women's shelters

The National Ombudsman has conducted a study on women's shelters. He particularly notes issues among women with dependent residence permits, women without residence permits and women who have been left in the country of origin and come back to NL. Among other things, these issues relate to the outflow: as long as no status has been granted, these women cannot go anywhere, even if they no longer need protection. Read [here](#) (Dutch only).

Paper: Legalizing Undocumented Immigrants

This paper investigates the economic consequences of the legalization of around 600,000 immigrants by Spanish government of in March 2004. Using detailed data from payroll-tax revenues, we estimate that each newly legalized immigrant increased social-security revenues by 3,504 Euros on average. This estimate is only 49 percent of what we would have expected from the size of the newly documented immigrants. We estimate that the policy change deteriorated the labour-market outcomes of some low-skilled natives and immigrants and improved the outcomes of high-skilled natives and immigrants. Discussion Paper No. [10687](#)

IOM: amendment re-integration assistance voluntary return as per 1 juli

The so-called HRT regulation a financial contribution for (rejected) asylum seekers – 1750 euros per adult and 880 euros per child –has lapsed for migrants registering at the International Organisation for Migration (IOM) after 1 July. The in-kind re-integration assistance will be enhanced from 1500 euros per adult to 1800 euros (for children from 2500 to 2800 euros). Out of this amount, a maximum of 300 euros per person can be paid in cash.

Further info can be found on [the IOM Nederland website](#)

Since 2003, the LOS Foundation (the Dutch acronym for 'Landelijk Ongedocumenteerden Steunpunt') has been the knowledge centre for people and organizations providing assistance to undocumented migrants. LOS Foundation devotes itself to the basic rights of these migrants and their children.