



Stichting Landelijk
Ongedocumenteerden
Steunpunt

NEWS LETTER, volume 8 nr 22
22 October 2018

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PHYSICIANS DEFEND THE RIGHT TO WORK

In an article in *Medisch Contact* Dutch physicians make a case for allowing people without residence permits to work as well: "work, volunteer work and education provide people with a purpose in life. Work functions as an engine for identity. [...] Undocumented migrants - asylum seekers who have been rejected, illegal migrant workers and people who joined their families in The Netherlands are forbidden to engage in paid employment, but volunteer work, education or internship placements can be meaningful daytime activities as well. (...)

Physicians and general practitioners should pay attention to pathogenic factors or to conditions that interfere with improving their patients' health. Ask people who are inactive what they would like to do or what they are capable of doing and advise them to become more active. This is because the chances of recovery increase considerably once people start doing something: volunteer work or a job. [...] We as physicians have the duty to first and foremost look at what our patient needs and we should not let ourselves be restricted by the rules."

You will find more information at: <https://www.medischcontact.nl/nieuws/laatste-nieuws/artikel/help-de-vluchteling-aan-werk.htm> (and [here](#)).

1. BASIC RIGHTS

Central Court of Appeal: Norm for people who share costs - policy advice not to take into account undocumented housemate

This case concerned a family whose father has no residence permit. The mother and adult children have legal status. The Central Court of Appeal agrees with the application of the *Beleid Kostendelersnorm 'Haagse Versie'* [policy norm for people who share costs 'The Hague Version'] which states that the undocumented housemate does not count as someone who shares in the cost when the amount of the social benefit is determined. You will find more information [here](#).

Council of State: no childcare allowance because partner from outside the EU

This woman had applied for childcare allowance because she works and this is the only way she can have her partner come to The Netherlands from abroad. With this judgment the Council of State confirm earlier judgments: childcare allowance is meant exclusively for single parents or when both parents reside in the European Union. If one of the parents is abroad, the other parent will not receive childcare allowance. You will find more information [here](#).

2. ADMISSION POLICY

Council of State: legal dues for family reunification may be too high

The Council of State has asked the Secretary of State to elaborate further on the proposition that the costs (legal dues) for family reunification are too high. Already in 2012 the Court of Justice of the European Union judged that Dutch legal dues are too high in many cases. Since then the legal dues have been diminished. However, according to the Council of State the legal dues for family reunification are still too high. You will find more information [here](#).

Council of State: permit (since 1997) withdrawn because of omission to mention earlier residence in Germany

This Turkish family was granted an asylum permit in 1997. This permit was later converted into a permanent permit and subsequently in naturalisation. Currently this permit is withdrawn with retroactive effect. The Secretary of State states that the permit would never have been granted if it had been known at the time that the asylum story was incorrect because the asylum procedure in Germany had not been mentioned. The Council of State agrees with this. Neither is private life is a reason to keep the permit. You will find more information [here](#).

3. CHECK AND DETENTION

Court of Appeal: no longer punishment for residence with entry ban

In The Netherlands there is no legal punishment for migrants without residence rights. However, migrants without residence permits can be issued an entry ban and residence has been made a criminal

offence for people with an entry ban.

According to the Ouhrami arrest issued by the European Court of Justice an entry ban does not come into force until after exit. Therefore the Court has stated that residence with an entry ban cannot be punishable. You will find more information [here](#).

4. ACTIVITIES

Commemoration of those who deceased at the European external borders, 4 November 15.00 o'clock Waterlooplein

During the commemoration stories about deceased migrants will have a central place. Pastors from various denominations will co-operate. The services will end in a procession to the Amstel where flowers will be scattered to commemorate the deceased.

In other cities deceased refugees will be commemorated as well.

Political debate Dutch policy asylum, migration and development, 7 November 12-17 o'clock Emcemo Amsterdam

The objective of the meeting is to involve migrant and Diaspora organisations, human rights organisations, development organisations, academics and companies in influencing the public and political debate. The results will be taken into consideration by the Dutch representation at the Global Forum on Migration and Development GFMD (5-7 December), by intergovernmental conferences (10-11 December) and by the participation of societal organisations in the Civil Society Days (4-6 December) and the Peoples' Global Action (PGA, 8-9 December).

Registration to 31 October at the latest through e-mail: emcemo1@gmail.com.

FairWork: Strategic Manual for the prevention of labour exploitation and human trafficking.

By using various online tools in a professional manner, we have actively informed migrant workers about their rights in the Netherlands and about available options for support. With the experiences we have gained and the analysis of our results, we have produced a strategic manual, which is available in English and Dutch.

Download the [English manual](#) or the [Dutch manual](#).

Dutch National Rapporteur Human Trafficking: Victim monitor 2013-2017

This Monitor shows that the use of the Residence Scheme Victims of Human Trafficking decreased considerably since 2013 but has remained stable as of 2016. Many victims no longer utilize the residence scheme human trafficking but instead opt for an asylum procedure. The National Rapporteur has recommended the Secretary of State carry out further investigations into the reasons for this choice.

https://www.nationaalrapporteur.nl/binaries/Slachtoffermonitor%20mensenhandel%202013-2017_tcm23-359693.pdf, 18.10.18

Since 2003, the LOS Foundation (National Undocumented Migrants Support Centre Foundation) has been the knowledge centre for people and organizations who provide assistance to migrants without residence permits ('undocumented migrants'). The LOS Foundation is committed to the basic rights of these migrants and their children.