

NEWS LETTER, volume 11 nr 01  
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## HRC: CHILD IS ENTITLED TO NATIONALITY

The UN Human Rights Committee has determined that The Netherlands has violated the rights of a child with 'unknown nationality' by not registering this child as stateless. You will find more information [here](#).

This child had a Chinese birth mother who herself had no birth certificate because she had not been registered in China. The father was unknown. Therefore the child had the notification 'unknown nationality' in the municipal personal records database. The Human Rights Committee of the UN is of the opinion that The Netherlands should have registered this child as 'stateless'.

A stateless person can be issued a stateless passport and moreover it is faster and easier for a stateless person to be granted the Dutch nationality.

Bodies such as UNHCR and ACVZ have previously required The Netherlands to establish a procedure for identifying statelessness. The internet consultation concerning the proposed bill Procedure for Identifying Statelessness took place as long ago as 2016. On 28 December 2020 The Netherlands presented this proposed bill in the Dutch Lower House. You will find more information [here](#).

## BASIC RIGHTS

Secretary of State Ministry of Justice and Security: in spite of corona asylum seekers who have exhausted all legal remedies can be put out on the street.

During this time of strict lock down shelter facilities for homeless people have been established in several places. Undocumented migrants are allowed to use these shelters for the homeless as well. The Secretary of State is of the opinion that asylum seekers who have been denied status may continued to be put on the street. These asylum seekers may opt for voluntary departure. If they fail to do so, this means that they have become homeless by their own choice according to the Secretary of State. You will find more information [here](#).

## ADMISSION POLICY

Court of Appeal: protection from domestic violence is possible in the Dominican Republic

This woman fled the Dominican Republic with her children because her former partner abused her. She succeeded in reporting the violence with the police and her former partner had been issued a restraining order. Therefore the Court are of the opinion that the Dominican Republic can guarantee sufficient safety for her (Court of Appeal Roermond, NL20.8838, 7.12.20).

Court of Appeal: no protection from domestic violence possible in El Salvador

This woman had applied for asylum because of the gang violence in El Salvador, but the asylum was denied because this form of violence is no ground for asylum. However, the Court are of the opinion that the authorities in El Salvador offer insufficient protection from violence perpetrated by (former) partners. The IND has to make a new decision taking into account this aspect as well (Court of Appeal Den Bosch, NL20.16647 and NL20.16648, 24.11.20).

Court of Appeal: right of residence children with EU nationality

An EU citizen has right of residence if he works or provides services or uses services. This Spanish mother had had legal employment in The Netherlands for two months, but not afterwards. Her Spanish children have attended school since that time. The Court are of the opinion that children's education entitles them and their mother to right of residence. You will find more information [here](#).

## CHECK AND DETENTION

Detention of aliens children

According to the Removal and Deportation Service in 2019 70 families were kept in detention of aliens. Of them 45 have been deported (half of them to their country of origin, the others to their country of previous residence). This means that 25 families have not been deported. On average they spent seven days in detention.

Just before Christmas a Nigerian family with two children were deported as part of a case of collective deportation. You will find more information [here](#).

## ACTIVITIES

Debate: after the election: a better position for undocumented migrants? De Balie, 22 January 19.30

The support of and care for undocumented migrants (asylum seekers) in The Netherlands has been a topic for discussion for years. Tonight we discuss with several political parties from left-wing and centre political parties their views on the position of undocumented migrants. What will be their focus points during the election?

<https://debalie.nl/programma/na-de-verkiezingen-een-betere-positie-voor-ongedocumenteerden-22-01-2021/>

Vacancy Fairwork: Project co-ordinator against labour exploitation, 24-28 hours per week

Functions and responsibilities

- Coordination of and cooperation in an EU project concerning labour exploitation in the private sphere;
- Coordination of and cooperation in a project concerning malpractices in the area of labour exploitation in Amsterdam;
- Cooperation in a project concerning reporting to the authorities malpractices in the area of labour exploitation;
- Identifying trends in the area of labour exploitation and dilemmas concerning victimhood.

You can send your response comprising curriculum vitae and motivation letter **before Saturday 16 January 2021** to [sollicitatie@fairwork.nu](mailto:sollicitatie@fairwork.nu). The interviews have been planned for Friday 22 January 2021.

<https://www.fairwork.nu/2020/12/21/vacature-projectcoordinator-tegen-arbeidsuitbuiting/>

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.