

NEWSLETTER, volume 11 no. 03
1 February 2021

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MIGRATION DEBATE: TOWARDS MORE LEGALE LABOUR MIGRATION? , 17 FEB 16 ^{HRS}

Over the past years, there were vast differences of opinion in the Netherlands about migration, including the labour migrants, who sometimes reside in the Netherlands without the required paperwork. For the 'Scaling Fences' study, irregular migrants from the whole of Europe were interviewed, revealing their motives and deliberations. Many of them show a striking determination, in spite of the stricter government policies in the last few years.

Recently, the points of view of the political parties have shifted: many of them, both left-wing and right-wing parties, mean to allow for more regulated labour migration. D66 and PvdA want to allow temporary labour migration, while PvdA sets out to compel countries to take back illegal migrants. CDA and GroenLinks aim to develop policies in a European context, and some smaller parties, such as SGP, likewise want to allow labour migration.

What reasons do CDA, D66, PvdA and Groen Links have? Which problems will be solved by the proposals and what issues are insoluble? Special attention will be paid to Rotterdam, national forerunner in thinking about immigration.

You can download a free ticket and will then receive the livestream link in your mailbox. [Buy free tickets](#)

ADMISSION POLICY

Council of State: new asylum application following temporary status as a victim of human trafficking counts as renewed application

This Guinean woman had applied for asylum before, but had stopped the procedure when she was temporarily granted a status as a victim of human trafficking. That status was later revoked as there were no prospects of conviction. Subsequently, she applied for asylum again. A renewed asylum application entails a stricter burden of proof, e.g. you can only introduce evidence that could not be known before, and also, it is up to you to prove that evidence is authentic. The Council of State finds that the new asylum application must count as a renewed application. See [here](#) (Dutch only).

Court: commencing date human trafficking policy Dublin claimants

As from 1 August 2019, victims of human trafficking who first entered another EU country (Dublin claimants) will only be granted a residence permit as victims if there are 'prospects of conviction' in the Netherlands. Since the start of 2019, the waiting period for reporting as a victim of human trafficking increased significantly. Many victims could not officially inform the police until months following their first report. The judge has now decided that the declaration date coincides with the commencing date of the new policy, rather than with the actual reporting date. See [here](#) (Dutch only).

Court: residence permit caring father of 15-year-old N child

Parents of Dutch children can be granted a residence permit if their residence in NL is required for caring for their Dutch child. In recent years, the criteria for this permit has become increasingly stricter, particularly for fathers and for older children.

In this case, the father had filed much evidence regarding his care responsibilities. The child needed special supervision, and the mother was unable to provide it. The child had been referred to special schooling. The school had supplied multiple statements. That is why the judge finds that this father must remain in the Netherlands. See [here](#) (Dutch only).

Court: full private life appraisal needed for rejecting children's pardon application

This family applied for a residence permit for the Final Regulation Children's Pardon. It was rejected, because the youngest child was fifteen at the time of the first asylum application and therefore did not reside in NL as a 5-year-old minor. However, the judge finds that a full appraisal must be made, weighing in, among others, the children's long residence in NL and sexual orientation (Rb Amsterdam, AWB 20/2737 and AWB 20/2738, 29.12.20)

CHECK AND DETENTION

Council of State: entry ban overstaying Brazil woman upon departure from Schiphol

This judgment reveals how a light entry ban is imposed upon return following illegal residence. This case concerns a Brazilian woman, who, following illegal residence, wanted to return to Brazil from Schiphol. In such cases an inquiry form in the native language is handed out at Schiphol. If the person concerned does not apply for an interview, a return decision and an entry ban intention is handed out.

The person concerned can respond to that intention at Schiphol, or upon arrival in the destination country. In that case, the procedure is completed 'in absentia'. The person concerned can also appeal against the entry ban from abroad.

This method has been used since September 2018, and hundreds of entry bans have been delivered in this way. The Council of State considers this method to be correct. See [here](#) (Dutch only).

ACTIVITIES

Lobby for restoring Discretionary Power

On 14 December 2020, VluchtelingenWerk Nederland, ASKV and the LOS Foundation organised an online expert meeting about the (problems surrounding the abolition of the) State Secretary's discretionary power in distressing situations. A number of experts shed their light on this subject from various – legal and social – perspectives. This (Dutch-language) document summarises the key points and insights. See [here](#).

National Rapporteur on Trafficking in Human Beings presents his Offender Monitor Human Trafficking 2015-2019.

The National Rapporteur is concerned about the approach to human trafficking. This (Dutch-language) monitor specially focusses on the approach to labour exploitation. See [here](#).

RvIG: Contact point for errors in government registrations

The contact point for errors in government registrations (MFO) of the National Office for Identity Data (RvIG) helps citizens, businesses and organisations to solve problems with government registrations. The MFO helps correct the incorrect data and does its utmost to help stop reminders and fines.

<https://www.rvig.nl/meldpunt-fouten-in-overheidsregistraties>

Paper by refugees from sixteen countries

By 6 February 'De Nieuwste Amsterdammer' will be issued, a paper produced by 23 refugees from sixteen countries living at the AZC in Amsterdam. The paper intends to give refugees a say in the public debate.

For further information and to order, see [this link](#).

Adjusted opening hours Kruispost Amsterdam due to the corona virus

the Kruispost is a medical service for people without insurance, including undocumented people. Since December last, the Kruispost has been open in the mornings by appointment only, due to the corona virus

For urgent medical care that cannot wait until the following morning you can visit in the evenings between **18.30 and 20.00**. If necessary, we can provide statements for people to legitimise why they are outdoors on their way home.

Tel: 020-6248078 (social services)/ 020-6249031 (general)

www.kruispost.nl

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.