

NEWS LETTER, volume 14 nr 8
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CALL FOR SIGNATURES HALTING VIOLENCE AT THE BORDERS

The **European Citizens’ Initiative “Article 4: Stop Torture and Inhuman Treatment at Europe’s Border,”** launched by **Stop Border Violence**, advocates for addressing, and halting violations of **migrants’ rights at the EU borders** through the establishment of monitoring mechanisms, withdrawing from agreements with countries violating human rights, setting minimum reception standards, and enforcing sanctions for EU rule breaches.

This movement **calls for EU citizens to unite, sign, and support this cause –needing 1 million signatures by the 10th July 2024 to reach the European Commission’s attention–** to uphold the compliance with the EU Charter of Fundamental Rights. For more information and to support, visit [Stop Border Violence](#) (available in multiple languages), as well as their manifesto ([English](#), [French](#), [Spanish](#), [German](#), [Italian](#) and [Portuguese](#)).

BASIC RIGHTS

ASKV: Decision tree undocumented adolescents and education

What are the options for people without residence permits to start attending mbo [secondary vocational education] or higher education? At ASKV (Amsterdam support organisation for refugees) we have seen that the answer to this question is quite complicated. We have recapitulated all the information in the decision tree *Recht op Onderwijs* [Right to Education]. We will provide an insight into the various options on the basis of certain questions, because in many cases there are more opportunities than we thought. <https://www.askv.nl/wp-content/uploads/2024/03/Beslisboom-Recht-op-Onderwijs.pdf>

Secretary of State Justice and Security: response to concept EU directive criminalisation of assistance of undocumented migrants

Since November 2023 there have been discussions about a new 'Facilitation Directive' [Dienstverleningsrichtlijn]. This directive states that helping people without residence permits should be punishable if this help is given in exchange for money or if human lives are put at risk. In addition 'instigation' of illegal residence or of illegal entry into a country should be turned into a criminal offence. Although the preamble of this Directive mentions that humanitarian aid should be excluded this has not been mentioned in the Act itself.

In his response to questions posed by *GroenLinks* [Dutch Green Party] in the Dutch Upper House the Secretary of State stated that it is sufficient to include the humanitarian clause in the preamble. In addition the Dutch practice would always be that humanitarian aid in case of illegal residence or illegal entry into the country would not be punished. You will find more information [here](#).

Please note: currently there is only a humanitarian clause for cases of assistance with illegal residence in the Netherlands. This is not a criminal offence. In cases where humanitarian aid with illegal entry into the country has been provided only suspended sentences have been imposed.

ADMISSION POLICY

Court of Appeal: exemption of requirement passport and mvv [authorisation for temporary stay] for Armenian woman who cannot obtain a passport

This ruling concerned an Armenian woman in the Netherlands who wants to stay with her relatives. She has documents issued by the Armenian embassy that she cannot be granted a passport because her name is not included in the passport register. Therefore, the Court are of the opinion that she should be exempt from the passport requirement and that she does not have to return to Armenia for the mvv application. You will find more information [here](#).

Court of Appeal: determining effective date residence permit for Dutch child

A residence permit because of care duties for a Dutch child (Chavez permit) will be issued without mentioning the date on which the permit will become effective. In these cases legal proceedings can be started as has become clear from this ruling.

Moreover, in case of a Chavez residence permit, further litigation could ensue in order to obtain a permit based on paragraph 8 European Convention on Human Rights; this paragraph concerns family life. This status will remain in force once the child has reached adulthood. Refer to Court of Appeal Amsterdam, NL23. 9138, 22.3.24.

Council of State: assessment application absence of all guilt for Armenian Azerbaijani who has lived in the Netherlands since 1999

Azerbaijan no longer recognises ethnical Armenians as citizens. The man concerned has resided in the Netherlands since 1999 and since 2002, when his asylum application was denied, has attempted to prove that he is unable to return. Removal and Deportation Service [Dienst Terugkeer en Vertrek] has provided a negative advice for his application for absence of all guilt.

The Council of State is critical with respect to the report of the Removal and Deportation Service. Among other things the Removal and Deportation Service has made no mention of the original documents that were submitted in 1999 and has failed to mention that since 2002 efforts to return were made. Nor had information from the Official Notices been included by the Removal and Deportation Service. The IND has to reconsider its decision. You will find more information [here](#).

Council of State: no status based on private life for Ghanaian mother with two children, who lived in the Netherlands since 2005

This Ghanaian woman has resided in the Netherlands for over 20 years and has two children who were born and raised here. The Council of State agrees with the IND that this has not caused her to form sufficient roots in Dutch society. The Council of State is of the opinion that the woman can return to Ghana with her children and rebuild her life there. You will find more information [here](#).

ACTIVITIES

Consultation Undocumented Migrants Flevoland by appointment only

An appointment can be made by e-mail or What's app message through:
hbrouwer@redcross.nl or 06 – 4815 4619

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