

NEWS LETTER, volume 2 nr 20

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COUNCIL OF STATE: LEGAL DUES FOR ADMISSION FAMILY LIFE FOR MIGRANTS TOO HIGH

This spring the Court of Justice of the EU decided that the legal dues for applications for long-term residency are too high. The Council of State have now decided that the arguments of the Court also apply for legal fees for applications for family life.

This only applies to applications for family life for migrants because the EU does not have the right to decide about other people (ABRvS 201008782/1/V1, 9.10.12).

The minister is yet to respond to this.

Stichting LOS is de steunorganisatie voor de hulp aan migranten zonder verblijfsvergunning. Met deze nieuwsbrief houden we jullie op de hoogte van nieuwe ontwikkelingen. Heb je vragen over deze nieuwsbrief, of vragen over de rechten van migranten zonder

1. BASIC RIGHTS

Minister acknowledges problems with women's shelters for B9 group who are to lose their status

The women's shelters for victims of human trafficking are full. The minister already created more places and increased the number of women discharged through municipal authorities. However, these shelters also contain former B9 people who do not return. The minister has promised to help them return, among others through the International Organisation for Migration (Dutch Parliamentary Document 28638 nr. 92, 8.10.12).

Council of State: there is no entitlement to benefit during appeal proceedings about extension B9

In many cases legal proceedings concerning permits for extended residence after withdrawal of the B9 status are brought. During the application phase migrants are entitled to benefit. However, after rejection this entitlement expires during the appeal phase and application for a provisional remedy. Neither is there entitlement to a Ruling Allowances Certain Categories of Aliens according to the Council of State (201111883/1/V1, 19.9.12).

EU pass directive protection victims, this directive also applies to undocumented migrants

The Council of EU Ministers have passed the directive for the protection of victims. This directive also contains the right to safely report criminal offences, specifically in order to protect undocumented women or women with dependent residence right. The directive has to be implemented in all EU countries within three years (COM (2011) 0275).

2. ADMISSION POLICY

Court of Appeal: risk of genital mutilation daughter may be a reason to grant a Nigerian woman a residence permit

This case concerns extended stay after B9. The Nigerian mother herself had been subjected to genital mutilation and she states that she cannot protect her daughter from this. The Court of Appeal are of the opinion that the minister should provide a better response to this (Court of Appeal The Hague 12/11635 en 12/11636, 1.10.12).

Court of Appeal: meticulous investigation required for deregistration from municipal register

Once migrants have stayed outside of the Netherlands for over 9 months, the Netherlands can withdraw their residence permit. This is based on information provided by the municipal register. In this case the Court of Appeal have decided that the municipality is obliged to carry out careful investigations (Court of Appeal the Hague AWB 12/5650 en AWB 12/7832, 10.9.12)

After 1 January failing to pass the integration examination can be a ground to withdraw residence permit

The new rules for the integration examination make it possible to withdraw a residence permit or to refrain from extending it if the migrant does not pass the integration examination. When applying this rule the minister has to take the entitlement to family life into account (WBV 2012/22).

Exemption for authorisation for temporary stay for a child who has resided in the Netherlands with its legal parent

There is a rule stating that child who has resided in the Netherlands for 3 years and who meets all the criteria for admission and residence with his parent does not need to go to the country of origin to collect an authorisation for temporary stay; this rule still applies. This also applies if the parent did not get a permit until later (Vzr den Haag 12/19288 & 12/19290, 12.10.12).

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Deferment of decisions that would come under the new policy for family life

After extensive discussions in the Dutch Lower House the minister has promised not to take final decisions about applications for residence permits that would have to be denied according to the new family life policy. Examples include applications for residence as an unmarried partner, autonomous residence after 3 years of dependent residence and residence as adult child or parent. The minister will inform the Dutch Lower House on 1 December (11.10.12).

3. CHECK AND DEPORTATION

Court of Appeal: police are not allowed to check Ghanaian gardener in prosperous neighbourhood without reason

This case concerns a Ghanaian gardener who was asked for his identity papers by the police who were passing by. He was placed in detention of aliens. The court decided that there was no valid reason for the check and acquitted him (Court of Appeal the Hague AWB 12/30431, 8.10.12).

Minister gives explanation for the compensation of the Guinean delegation

According to news reports in the Dutch media [NOS television news] return documents had been bought for rejected Guinean asylum seekers. The minister has explained that this concerns customary reimbursements for help given by the Guinean authorities (Dutch Parliamentary Document 19637: 1579, 8.10.12).

4. WHAT CAN BE DONE?

Debate about modern slavery 18 October 20.00 hours Zuiderkerk Amsterdam

18 October is the day against human trafficking. On this day Corinne Dettmeijer (National monitor human trafficking), Chris Sent (Centre Child trafficking, Wim Baltussen (Dutch trade union), Sandra Claassen (Fairwork), and Hanka Mongard (FairWork) discuss a new book by Renate van der Zee: *Bitter Avontuur. Drie vrouwen in het onderaardse Nederland*. Admission free, please register through info@fairwork.nu or our [contactformulier](#) [contact form].

PICUM presents: Undocumentary

“Undocumentary” is a web documentary divided in five thematic chapters (Criminalisation, Work, Women, Children and Health Care) and collects interviews from undocumented migrants, advocates and experts from seven European countries (Belgium, Cyprus, France, Italy, Netherlands, Spain and Sweden).

See www.undocumentary.org and read the [User Manual](#) to find out more.

IOM: new ruling reimbursement in case of voluntary return comes into force

The new ruling has more options for support and the target group has been extended but the number of return and resettlement countries that apply for support has been limited further. You will find information on [‘vrijwillig vertrek uit Nederland/ herintegratieprojecten/ Herintegratie Regeling Terugkeer’](#) [information about voluntary return] or you can call 0900-746.44.66.

GRETA publishes its 2nd General Report on human trafficking (August 2011 - July 2012)

GRETA is the Group of Experts on Action against Trafficking in Human Beings at the Council of Europe.

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