

## NEWS LETTER, VOLUME 3 NR 12

24 June 2013

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### GUINEA: BRUSSELS AMBASSADOR DOES NOT ACCEPT RETURN DELEGATION

Because many countries of origin do not issue Laissez-Passers, since 2007 the Netherlands has invited separate delegations from countries of origin. They get a favourable reception, are granted some pocket money as well as a financial compensation for every document investigation and every Laissez-Passer they issue. Since 2007 the Netherlands has received 32 delegations, most of them from Armenia.

The last delegation from Guinea was criticised by the Guinean embassy. They are of the opinion that the delegation is not authorized to issue Laissez-Passers and state that the Laissez-Passers are forged. Still the Netherlands say that 100 Laissez-Passers have been granted and that 35 Guineans have already returned.

## 1. BASIC RIGHTS

Council of State ask COA [Central Agency for the Reception of Asylum Seekers] when undocumented migrants will still be granted shelter in asylum seekers' centre

In special circumstances the COA can offer shelter in asylum seekers' centres, without observing the formal rules. On 24 May the Council of State have asked the COA how these special circumstances are being weighed. Subsequently the Court of Appeal Roermond have decided that the COA is obliged to offer shelter while awaiting the COA's reply (Court of Appeal Roermond AWB 13/13425 and AWB 13/13426, 31.5.13).

Central Court of Appeal ask EU court whether undocumented employee has to be paid overdue wages in case of bankruptcy

Undocumented employees are not allowed to work, but they are entitled to unpaid wages. If employers are bankrupt, payment will be granted through the unemployment insurance act and undocumented employees are not entitled to unemployment benefit. The Central Court of Appeal have asked the EU Court which rule has priority [www.rechtspraak.nl/ljn.asp?ljn=CA0789](http://www.rechtspraak.nl/ljn.asp?ljn=CA0789).

## 2. ADMISSION POLICY

European Court of Human Rights: family cannot go to different part of Afghanistan as protection for honour violence

The European Court of Human Rights has temporarily suspended deportation of an Afghan family who live in fear of honour violence. The Netherlands was of the opinion that they were able to find protection from their family in a different province of Afghanistan and the European Court of Human Rights questions this.

Subsequently the Netherlands gave them a status:

<http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-116311>.

Decision and departure moratorium Tibetans and Tutsis

In cases where the safety of certain groups of asylum seekers cannot yet be assessed, the Netherlands can proclaim a decision and departure moratorium. This means that decisions are not taken; asylum seekers retain the right to shelter and support. Since recently such a moratorium has applied to Tibetans from China (<https://zoek.officielebekendmakingen.nl/stcrt-2013-14758.html>, 7.6.13) and to Tutsis from Eastern Congo (<https://zoek.officielebekendmakingen.nl/kst-1937-1674.html>, 4.6.13).

IND: as of 1 June the option of free advice application for referents abolished

With the adoption per 1 June 2013 of the modern migration policy the free advice procedure for referents does not exist any longer. Referents will be given a more important role in the application for authorisation for temporary stay and for residence permits. More information can be found [here](#) or you can call 0900-1234561.

Council of State: no right of residence undocumented mother with Dutch children if the father can be tracked

In two verdicts the Council of State have decided that undocumented mothers of Dutch children will not be granted a permit, because the father can take care of the children.

- Ugandan mother and ill father [www.rechtspraak.nl/ljn.asp?ljn=CA3605](http://www.rechtspraak.nl/ljn.asp?ljn=CA3605), 12.6.13;

- Ghanaian mother and Dutch father without custody [www.rechtspraak.nl/ljn.asp?ljn=CA3615](http://www.rechtspraak.nl/ljn.asp?ljn=CA3615), 13.6.13.

B9 ruling as of now 'Residence Scheme human trafficking'

The former B9 ruling is now called the Residence Scheme Human Trafficking. With the adoption of the Modern Migration policy the layout of the guidelines on the implementation of the law on foreign nationals [Vc2000] has been changed; the scheme is currently to be found in section B8/3 Vc 2000. (News report IND, 11.6.13).

### 3. CHECK AND DEPORTATION

Council of State: police are entitled to apprehend undocumented tenants if landlord wants to have them evicted  
A landlord called the police with an unclear message. The police interpreted this as a call for help and went to the address. The landlord reported his tenant as an undocumented migrant. According to the Council of State the police were entitled to ask for documents because there were sufficient indications of illegal residence  
[www.rechtspraak.nl/ljn.asp?ljn=CA1998](http://www.rechtspraak.nl/ljn.asp?ljn=CA1998), 28.5.13.

State Secretary of Security and Justice: fewer people in detention of aliens

As of now a distinction between a light and a severe regime has come into force. According to Teeven: 'The severe regime will apply to people with a legal conviction and people who are difficult to manage. These are people who spit at the warders and who beat them. The other detainees will be issued a light regime: an obligation to report or residence in a location where residents have restricted liberties  
<http://www.volkskrant.nl/vk/nl/2686/Binnenland/article/detail/3461165/2013/06/19/Alleen-nog-cel-voor-criminele-en-agressieve-asielzoekers.dhtml>, 19.6.13.

### 4. WHAT CAN BE DONE?

VARA: series of documentaries 'Uitgezet' [Deported], 26 June and 3, 10 and 17 July, at 21.15 hours on Nederland 2.

For this series reporter Sinan Can together with documentary makers visited children in Iraq, Afghanistan, Angola, Armenia and Kosovo. With this documentary the VARA want to show the consequences of the present Dutch deportation policy.

Network meeting Kezban association, 27 June as of 12.30

The Kezban association organise a small-scale network meeting in order to enhance the co-operation among organisations that are active in the field of domestic and honour-related violence.

Location: HTIB, 1e Weteringplantsoen 2-c, Amsterdam

Information and registration: Mieke Maas: [mmaas@stichtingkezban.nl](mailto:mmaas@stichtingkezban.nl), in case you want to join in the lunch.

Brainstorming for study Health Care for Undocumented Migrants, 1 July, Rotterdam; 8 July The Hague

Shortly a study will be launched about health care of undocumented men and women in Rotterdam and the Hague and the access these people have to health care. First we want to take stock of the experiences of undocumented men and women themselves. For this purpose we have organised meetings in Rotterdam and The Hague. If you live in Rotterdam and are willing to share your thoughts, please come to Stichting ROS, Rechthuislaan 52 on the 1st of July, 16-18 hours. In The Hague the meeting is on the 8<sup>th</sup> of July, 16-18 hours in the Wereldhuis, Paardenbergstraat 1. A meal will be provided.

Information: Helen Hintjens [hintjens@iss.nl](mailto:hintjens@iss.nl); 070-4260 481 and Karin Astrid Siegmann 070-4260 473,

Bridget Anderson: 'Us and Them? The Dangerous Politics of Immigration Control'

Download the book's Introduction [here](#).

Stichting LOS (Landelijk Ogedocumenteerden Steunpunt) is sinds 2003 het kenniscentrum voor mensen en organisaties die hulp bieden aan migranten zonder verblijfsvergunning ('ongedocumenteerden'). Stichting los zet zich in voor de basisrechten van deze migranten en hun kinderen.