

## NEWSLETTER, VOLUME 4 NO. 8

14 April 2014

<b>Contents</b> .....	<b>page</b>
1. BASIC RIGHTS.....	2
2. ADMISSION POLICY.....	2
3. CHECK AND DEPARTURE.....	3
4. WHAT CAN BE DONE? .....	4

### NEW ADMISSION PROCEDURE HUMANITARIAN GROUNDS

Since 1 April 2014, all applications for asylum and for residence permits on humanitarian grounds are being assessed in a one-day-check. First, a [written notification](#) (link in Dutch only) for each application must be sent to the Immigration and Naturalisation Service (IND). Subsequently, a meeting is arranged for the applicant at the IND desk in Hoofddorp, Rijswijk or Zwolle. During that meeting, the IND arrives at a so-called comprehensive order: a decision on the application in which the IND officially (of its own account) has weighed in other humanitarian grounds or residence as well. In case of applications for asylum, the IND henceforth also makes an official examination whether the asylum seeker qualifies for residence on humanitarian grounds.

## 1. BASIC RIGHTS

### Court: municipality to pay rent and living allowance to vulnerable woman

On 14 February 2014, the preliminary relief judge in Rotterdam ruled that the municipality of Rotterdam is to pay the rent and living allowance of a vulnerable woman who has no residence permit. The woman's permit was revoked, since treatment was thought to be possible in her country of origin. The threat of losing her abode has had a vast impact on her. She tried to end her life. The psychiatrist stated that it is a medical imperative that she stays in her own abode. The judge rules that the municipality is to continue the woman's allowance. [Download decision](#) (PDF file in Dutch)

### Court: undocumented student who first came to school as a minor entitled to do exams

Saada has been attending Dutch lessons since 2011, and in 2013, she continued her education with the basic assistant training. The ROC refused to register Saada for the exams, as she could not submit residence documents at this time.

In 2011, Saada was still underage, but by 2013 she had come of age. According to the judge, both trainings should be seen as part of the same education, and Saada should be allowed to finish her education. [Download decision](#) (PDF file in Dutch)

## 2. ADMISSION POLICY

### More Moroccan people have left the Netherlands

In 2012, 3,100 Moroccan people entered the Netherlands, while 3,500 left for Morocco. Therefore, net emigration exceeds net immigration by four hundred. In 2012, the number of 'import brides' and 'import grooms' only amounted to seven hundred. You can read more [here](#) (in Dutch), 11.4.14

### Supreme Court: access to judge in spite of not paying court fee

In the case, the Supreme Court rules that the applicants cannot be expected to pay the court fee, as they only earn minimum wages. The judges should have taken the income position into account and should still have dealt with the application.

<http://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:HR:2014:699> (Dutch only)

### Court: preliminary injunction for divorcing Afghan women sustained

Usually, Afghan single women are entitled to an asylum permit. In two cases, the judge decided that the woman in question was allowed to await the application for a residence permit pending her divorce proceedings. These proceeding may take some time, but meanwhile the woman runs a risk upon her return.

Roermond court, 12/17934, 26.2.14 and Den Bosch court, 14/5683, 27.3.14

### Court: unclear whether Armenian authorities can protect against honour killing

The judge finds that the IND may not state that the applicant should have asked for police protection first. The IND should have examined whether the Armenian authorities generally offer protection against honour killing, while taking the distinction between honour killing and domestic violence into account (Roermond court, 13/8776, 13.3.14)

ECHR: Sunnite Iraqi from Mosul out of danger in Kurdistan region

Last month, the European Court of Human Rights decided that a Mandaean woman would be safe in the Kurdistan region of Iraq. Now the court reaches a similar decision for an Arab Sunni Muslim from Mosul. The availability of internal flights to North Iraq is a precondition.

Read the [judgement](#) of the ECHR.

Council of State: Sierra Leone police does offer protection

According to the Council of State, an asylum seeker who claims he cannot be safe in Sierra Leonean needs to prove he vainly asked the police for protection. According to the official country report, the police is capable of offering protection

<http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RVS:2014:1152> (Dutch only)

Council of State: no continued residence as human trafficking victim for single Sierra Leonean mother

The Council of State finds that, with the support of e.g. SMT or IOM, a single mother from Sierra Leone can build up a new network and be able to support herself, so that she may thus avoid the problems she has listed.

<http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RVS:2014:1203> (Dutch only)

Court: re-circumcision risk in Somalia must be weighed in decision

The court rules that the IND has insufficiently examined the re-circumcision risk in Somalia. Specifically in the tribe the asylum seeker originates from (Diir) re-circumcision after a birth is prevalent.

(Groningen court, 14/4438, 28.3.14)

Council of State: prejudicial questions regarding civic integration demands abroad

Family members, who come from abroad, must pass the civic integration exam abroad. This had evoked a lot of criticism. Especially foreigners with low education levels find it hard to meet the demands. The Council of State has asked the European Court of Justice if the civic integration demands in the Netherlands are consistent with European law.

Read the text [here](#) (Dutch only).

Council of State: residence with Dutch child if father only seeks contact after 12 years

The Council of State finds that this undocumented mother must be granted right of residence with her Dutch child. The father had not been in contact for twelve years. The mother's presence is necessarily so that the child can stay in the EU.

<http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RVS:2014:1197> (Dutch only)

### 3. CHECK AND DEPARTURE

Secretary of state: report on alien chain

In 2013, 3,670 aliens were detained, while the year before the number amounted to 5,420. Thus, the average occupancy level in alien detention has dropped by nearly a third. Last year, secretary of state Teeven said he aims to reduce the total alien detention capacity to 933 in 2016.

<https://zoek.officielebekendmakingen.nl/blg-313711.html>, 4.4.14 (Dutch only)

## 4. WHAT CAN BE DONE?

### The right to food, clothes and shelter for undocumented migrants, 16 April, Amsterdam

Jelle Klaas from Fischer Lawyers informs us about the complaint on the right to food, shelter and clothing and the immediate measure. What does this mean for you as a undocumented migrant? Wereldhuis Amsterdam, Nieuwe Herengracht 20, 17.30-19.00u,  
To participate please subscribe. Call: 06-22821472 or mail: [info@wereldhuis.org](mailto:info@wereldhuis.org)

### Training Human trafficking & Religion, 22-23 April, Amsterdam

We enable the participants to share the experiences of West African victims of human trafficking. Knowledge about the religious community of West Africa is a precondition.  
Register through [trainingen@fairwork.nu](mailto:trainingen@fairwork.nu). Romaike Zuidema: [r.zuidema@fairwork.nu](mailto:r.zuidema@fairwork.nu) or phone 06 19 58 48 17.

### Masterclass healing and wellbeing rituals in West Africa, 22 april 19.30 Fairwork Amsterdam

The FairWork Academie organises a masterclass on the effect of the Pentecostal Church on West African victims of human trafficking in the Netherlands, with the collaboration of Prof. Dr. Rijk van Dijk and Dr. Laurens ten Kate. Time: 22 April from 19.30 to 21.30 hours on Weteringschans 259 in Amsterdam.

Register through [trainingen@fairwork.nu](mailto:trainingen@fairwork.nu). Romaike Zuidema: [r.zuidema@fairwork.nu](mailto:r.zuidema@fairwork.nu) or phone 06 19 58 48 17.

### AHRU: criminalisation discontinued? Get rid of the entry ban too!, 10 May 14.30-18.00 hrs The Hague

On 10 May, AHRU (Alliance for Human Rights for Undocumented Migrants) organises an information meeting about the entry ban and other measures that continue to criminalise undocumented aliens. Location: ISS, Den Haag, English spoken only. Information: LOS foundation

### WODC: Au pairs in the Netherlands - Cultural exchange or labour migration?

Both au pairs and host families are mainly positive about the au pair phenomenon. Deviations from the rules mostly occur with respect to the number of hours worked, the workload and the lack of an alternative for the au pair's activities.

Download <https://zoek.officielebekendmakingen.nl/blg-313400.html> (Dutch only)

### European Commission: guidance for the application of Family Reunification Directive

This Communication provides guidance to EU-member states on how to apply the Family Reunification Directive. The Directive recognises the right to family reunification and determines the conditions for the exercise of this right. Read the guide [here](#)

### EMN: identification of victims of trafficking in asylum and return procedures in Europe

The European Migration Network (EMN) has published a [report](#) on the identification of victims of trafficking in human beings in international protection and forced return procedures in Europe.