

NEWSLETTER, VOLUME 4 NO. 12

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STATE SECRETARY SECURITY AND JUSTICE: NO SUSPENSION

On 1 April, the Council of State posed preliminary questions to the European Court of Justice regarding the integration test abroad. Such a test might not fit in with the Family reunification directive, the EU rules regarding the right to a family life.

In response to Parliamentary questions, the state secretary has said that he will continue to apply the integration test for the time being. If the European Court of Justice decides it's not permissible, he will adjust his policy. The Court's response is expected in 2015.

Read the state secretary's answer [here](#) (in Dutch only).

1. BASIC RIGHTS

Ministry of Social Affairs & Employment: work placements VMBO pupils without permits possible too
In response to Parliamentary questions posed by D66, minister Asscher admitted that for some VMBO courses an internship is necessary. In those cases, pupils who have no right of residence are allowed to do work placements too. Read the letter [here](#) (Dutch only).

2. ADMISSION POLICY

Court: Nigerian homosexual asylum seeker may await decision on credibility

In the cases of homosexual asylum seekers, it is difficult to judge the credibility. The Council of State has asked the European Court of Justice for advice on this matter, but the answer may take as long as a year.

In this case, the Immigration and Naturalisation Service (IND) had decided that the Nigerian's homosexuality was not credible. The court wants the IND to await the European Court's guidelines. The asylum seeker may stay in the Netherlands for the time being (Zwolle court, 14/9835, 8.5.14)

Court: risk of return to Mogadishu unclear

An official country report gives guidelines for judging asylum requests. In the Somali official country report, the text about risks upon return to Mogadishu is unclear. One possible interpretation is that returning to Mogadishu is dangerous for anyone coming from the west. In that case, asylum seekers are not to be sent back to Mogadishu. The court is requesting an explanation (Amsterdam court, 14/9771, 22.5.14)

3. CHECK & DEPARTURE

Council of State: entry ban in view of 'public order threat' must be substantiated

The Council of State has posed preliminary questions to the European Court of Justice regarding the application of the entry ban. In Dutch law, an entry ban is imposed in the case of a 'threat to public order'. However, it is unclear when public order is 'threatened'.

This case regards a woman who has been condemned for possession of a false travel document. The Council of State does not find it self-evident that a 'threat to public order' exists in this case, and therefore wishes to await the judgement by the Court (ABRvS, 201400324/1/V3, 12.5.14)

State secretary of Security and Justice: new policy regarding children in detention

In a Parliamentary letter, the state secretary announced that he wishes to place far fewer children in detention than before. With regard to families who apply for asylum at the border, the Royal Military Constabulary will assess whether the children have possibly been smuggled along in order to facilitate access. If the children are really part of the family, the family is referred to the open reception centre in Ter Apel. This will be brought into force as from 1 September.

For other families with children there will be a special 'Closed Family Location' in Zeist. Here, families are received who may be guilty of child trafficking, as well as families with children who have been

refused and are awaiting their return (2 weeks at most). In the Closed Family Location, families are placed in living pavilions on closed-off grounds. Within the grounds, they may move freely; they are allowed to cook, to go on the Internet and are able to lock the pavilion door. Read the Parliamentary letter [here](#) (in Dutch only).

4. WHAT CAN BE DONE?

Film Borders, 12-19 June in De Balie, Amsterdam

Film director Jacqueline van Vugt goes back to Nigeria with Clara, who is deported after a 16-years-residence in the Netherlands. From there, Van Vugt makes the long journey that many migrants make by way of Niger, Burkina Faso, Mali, Senegal, Mauritania, Morocco, Spain, France and Belgium to the Netherlands.

From 12 June, Borders can be seen daily in De Balie Cinema.

Meetings about returning to Guinea for Guineans and companions, 12 June Utrecht

Apply to Ingrid Smits through i.smits@maatwerkbijterugkeer.nl

Event Surprising Europe, 16 June 19-21 hrs Rotterdam

Event with films and debate about migration to Europe and remigration to Africa

info: www.surprisingeurope.com; Location: De Machinist, Willem Buytewechstraat 45, Rotterdam

Conference on enforced abandonment, 17 June 16-19 hrs, VU Amsterdam

During this conference, the publication by SSR and LWM about transnational socio-legal assistance is presented.

Info through Joke Verkuijlen, Tel. 0418-512656 – 06 44 61 42 37 or by e-mail:

mudawwanah@upcmail.nl; www.steunremigranten.nl

Honest children's pardon event, 25 June The Hague

For further information: <http://www.defenceforchildren.nl/p/140/3980/mo233-m80/politiek-aan-zet-voor-een-eerlijk-kinderpardon> (Dutch only)

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.