

## NEWSLETTER, VOLUME 4 NO. 18

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### AMSTERDAM TO PROVIDE SHELTER, OPPOSITION PRESENTS MEMORANDUM

During a council meeting, Amsterdam mayor Van der Laan promised to provide shelter to asylum seekers who have exhausted all legal remedies, provided the other large cities do so as well. He will discuss this with state secretary Teeven.

On that same day, the Social Party (SP), Christian Union and GreenLeft presented a joint national initiative to improve the process of sheltering and deporting refugees who have exhausted all legal remedies. The initiators want to prevent that more asylum seekers drop from sight as an illegal. According to these three parties, it is always better to shelter people. It is better to work at changing the situation from a shelter than from the street, says the initiators. Even if it is about working at their departure. They feel the provisional verdict of the European Committee of Social Rights underlines their point of view. This Committee stipulated before that the Netherlands has a duty to provide for aliens who have exhausted all legal remedies, but who cannot be deported.

## 1. BASIC RIGHTS

### Courts: shelter for vulnerable people

In three recently published verdicts, various courts decided that vulnerable people have a right of shelter. In two cases, children were involved, but in those cases shelter is already being provided. In one case by the Respons (emergency shelter; CRvB 13/6875 WMO), in another case, by the municipality (Rotterdam court, AWB-12/02593). For this reason, the government doesn't need to take further action. The last case concerns a sick, single Egyptian, of whom the Area Health Authority (GGD) had claimed he wasn't ill enough for sickbay. However the court considers sickbay to be a faulty criterion (Amsterdam court, AMS 13/6710).

## 2. ADMISSION POLICY

### Council of State: deportation single Afghan woman is admissible

This woman claims that her family has moved away from Afghanistan and that she cannot return as a single woman. The Council of state finds this claim insufficiently proven and allows the deportation to continue, read [here](#) (in Dutch only).

### Courts want fast decision on safety in Iraq

The state secretary has postponed a decision on the safety in Iraq, since he is waiting for an official country report, which is expected early this month ([link](#), Dutch only). Various courts want him to decide earlier. they feel there is sufficient information available, particularly regarding the safety in Kirkuk and in Baghdad. (e.g. Zwlle court, 14/11828, 25.8.14, Utrecht court, 14/17717, 18.8.14 and Rotterdam court, 14/6437, 13.8.14)

### Court: risk upon return to Mogadishu

The Amsterdam court finds it is too dangerous to send a westernised Somali back to Mogadishu, in view of the Al Shabaab violence (Amsterdam court, 14/17003, 12.8.14)

### Council of State: even with domestic violence, the victim is responsible for timely reaction to IND mail

This woman was a victim of domestic violence. Her partner withheld the mail, so that she was late in responding to a letter by the Immigration and Naturalisation Service (IND). The Council of State finds that it is her own responsibility. Read the verdict [here](#) (in Dutch only).

### Lower fees for residence child with parent

As a result of a verdict by the Council of State, the state secretary decided to lower the legal dues for children who come to reside with their parents. The Council of State decided that the level of these dues was in breach of the EU Family reunification and long stay directives. The new fee will be €53,-. See the [decision](#) (in Dutch only).

### Council of State on the 'Belgium route'

Recently, the European Court of Justice has stipulated that the 'Belgium route' is only applicable if the Netherlands national has really lived in the other EU country for three months or longer. Residence during the weekend or holidays is insufficient grounds. Likewise, having a permit for the other country

is not sufficient. On the basis of these decisions, the Council of State has rejected the applications for residence permits by the people concerned. Read the verdicts [here](#) and [here](#)

#### Court: revoking permits only admissible in case of very serious crime

In this case, the Middelburg court has decided that the permit of a man who has lived in the Netherlands since 1987 and who has had a permanent right of residence since 2000 cannot just be revoked.

The court assumes he has refugee status as defined in the Geneva Convention. An asylum permit may only be revoked in case of very serious crimes. Although the man has often been punished, he never committed a very serious crime. Therefore, his permit was unjustly revoked. (14/5995, 31.7.14)

### 3. CHECK AND DEPARTURE

#### Council of State: interest child should be weighed in upon extension alien detention

This man has been in alien detention for six months. During the procedure about extending his detention, the man has stated that his child is suffering badly from the situation. The Council of State finds that the child's interests should be taken into account (ABRvS, 201404342/1, 23.7.14)

### 4. WHAT CAN BE DONE?

#### Seminar Modern Slavery and Dutch business sector, 18 Sept 17-19 hrs Amsterdam

In its '[Guiding Principles on Business and Human rights](#)' the UN confirms that businesses share a responsibility in observing human rights. These principles are based on various international human rights treaties and the [ILO Declaration regarding Fundamental Principles and Rights at Work](#). At this seminar, the laws and issuing of rules with regard to modern slavery will be explored, to the extent they may be important to the Dutch business sector.

Location: Clifford Chance, Droogbak 1a, 1013 GE Amsterdam, 17-19 hrs. Info: [www.njcm.nl](http://www.njcm.nl)

#### Academic workshop: Dutch children's pardon & USA Dream Act, 8 Oct 12-17 hrs UvA Amsterdam (ENG)

Speakers include: Tesseltje de Lange (UvA), Carolus Grütters (RU), Jorg Werner (DCI), Thomas Kouwenhoven (lawyer), Walter Nicholls (UvA), Martijn Stronks & Bas Schotel (VU)

Location: University of Amsterdam/P.C. Hooftgebouw, Spuistraat 134, room 1.04

Please register *before* Friday 3 October: [staatsenbestuursrecht-fdr@uva.nl](mailto:staatsenbestuursrecht-fdr@uva.nl)

Information: [t.delange@uva.nl](mailto:t.delange@uva.nl)

#### Commemorating deceased on the external EU borders, 2 Nov Amsterdam

On Sunday 2 November (All Souls' Day) we'll stand commemorate the deaths of countless unidentified persons on the external EU borders. We'll do so between 17.30 and 18.30 hrs on the Amstel quay in front of the Hermitage.

Prior to the meeting, there in an information meeting in the. Information: [www.noelhuis.nl](http://www.noelhuis.nl)