

## NEWSLETTER, VOLUME 5 NO. 3

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### RECEPTION APPLICATION FOR MIGRANTS WITHOUT RESIDENCE PERMITS

Since the European Commission of Human Right gave a decision on undocumented people's right to reception, and the state secretary promised to offer financial compensation to municipalities offering this reception, legal action is being taken across the Netherlands regarding the right to reception. A municipality must always give an individual assessment of the applicant's needs. Therefore the application must be accompanied by a detailed description of that individual situation. Examples of applications can be found [here](#) (PDF file, in Dutch only)

## 1. BASIC RIGHTS

### Reporting crimes safely in various towns

In Amsterdam, it has been possible for people without residence permits to report crimes safely for a longer time. Recently, this policy was been in Utrecht. In Eindhoven, a town council information gathering was organised on this subject. In Rotterdam and The Hague, town council members asked questions, to be able to ensure safe reporting there as well. In Tilburg, the town council asked the mayor to facilitate safe reporting. We 'd like to hear about your experiences in other towns!

## 2. ADMISSION POLICY

### Court: reliability asylum statements to be checked more carefully

Since 1 January, the Immigration and Naturalisation Service (IND) is to make a more careful decision on the credibility of asylum seekers. Even if some one enters the country without identity papers, the IND cannot simply assume that his or her asylum statement is false. Courts must now also decide whether the IND applies the new policy correctly. In a number of cases, the court has decided that the IND must reconsider its decision. You can find an example [here](#) (in Dutch only)

### Council of State: deportation suspended for man claiming to be homosexual

In December, the Court of Justice of the European Union issues guidelines for assessing the credibility of homosexuality. For the time being, homosexual people must not be deported, the Council of State has decided. First, the credibility must be reassessed. (ABRvS, 201408578/2, 31.12.14)

### Court: possible risk single mother with extramarital child in Iraqi Kurdistan

This case concerns a woman with a young child conceived out of wedlock. According to the official country report that describes the situation in Iraq, single women constitute a vulnerable group, as they run the risk of becoming homeless and becoming victims of honour-based violence. Eventhough the Kurdish areas are currently not controlled by Isis, it is too dangerous for this woman to return to Iraq, the court finds (Middelburg court, 14/14951, 29.1.15)

### Council of State: children with grandparents have equal residence rights to children with parents

This case concerns children who have been raised from birth by their grandparents in the Netherlands. The father lives in Belgium and does not provide care for his children. The Council of State has decided that this situation constitutes family life, and that the children have the right to remain with their grandparents. You can read the decision [here](#) (in Dutch only).

## 3. CHECK AND RETURN

### Council of State: in case of criminal record, penalties may be added up to decide length of entry ban

Nowadays, migrants who have a criminal record are given an entry ban of five years or more. The length on an entry ban depends on the severity of the penalty. In this case, the Council of State has

decided that multiple punishments may be added up, so that a more lengthy entry ban may be imposed. For the duration of the entry ban, applying for a residence permit is not possible and residence is punishable. You can find further information [here](#) (in Dutch only).

Council of State: compensation in order as detention was too lengthy

This case concerns a mother with three children who were to be released from alien detention. The director of the detention centre judged that they shouldn't just be turned into the street as it was too cold. The family spent two additional days in detention and now receives compensation. Read [here](#)

Council of State: deportation to Somalia in sight again

In November and December 2014, two persons were deported to Somalia after this had not been possible for a long time. Since then, deportations have once more been suspended. In spite of this, the Council of State finds that deportation to Somalia is in sight again. Therefore, Somalis may once more be placed in alien detention. You can find further information [here](#) (in Dutch only).

## 4. ACTIVITIES

NJCM seminar Labour migrants exploited. The temping sector's role, 27 March 13-17 hrs The Hague

Exploitation of migrants does not only take place in the sex industry, but in other sectors as well, such as cleaning, horticulture and catering. Parts of the temporary employment sector play a role in this. This seminar deals with possibilities to address exploitation through temping agencies.

Location: Het Nutshuis, The Hague Haag. Further info and entering:

<http://www.njcm.nl/site/events/show/166>

Conference 'Migration as a family matter' 30-31 mrt, VU Amsterdam

This conference revolves around the theme Migration law and family relations.

More information about the event can be found [here](#).

Amnesty: videos about the use of isolation cells in alien detention

<http://www.amnesty.nl/charles> (Dutch content, but video is in English)

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.