

## NEWSLETTER, VOLUME 5 NO. 7

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### REPORT A CRIME SAFELY

People who have no residence permits can now report crimes throughout the Netherlands without needing to fear prosecution. This new policy by the Ministry of Security and Justice (S&J) is a result of a successful trial in Amsterdam, which was taken up in Utrecht, Den Haag and Eindhoven as well. This year, the Ministry of Security and Justice will introduce the option permanently throughout the Netherlands. Former state secretary Teeven had approved the programme. You can find further information (in Dutch only) [here](#).

## 1. BASIC RIGHTS

### State secretary S&J: compensation municipalities sheltering aliens who have exhausted all legal procedures

On 17 December, the state secretary promised to compensate municipalities sheltering asylum seekers who have exhausted all legal procedures, since a judgment by the European Committee of Social Rights had compelled the Dutch government to do so. In reply to parliamentary questions, the (new) state secretary now states that the execution by the municipality of Eindhoven, which gives people who have exhausted all legal procedures a monthly allowance of 200 euros, are not consistent with his compensation scheme (further information in Dutch [here](#)). The public transport cards that Amsterdam supplies are consistent with the scheme (further information in Dutch [here](#)).

The Association of Netherlands Municipalities (VNG) has made a form enabling municipalities to claim the money. Further information in Dutch [here](#)

### Council of State: sleeping-places must be verifiable for postal address

This case concerns a homeless person who is applying for a postal address in Almere. The municipality has asked where he sleeps at night. He has supplied three addresses and has told he also sleeps in summer houses illegally, but cannot pass those addresses on, as the owners do not want him to. If he reveals the addresses, he won't be able to sleep there anymore. Therefore, the municipality has refused to give him a postal address. The Council of State agrees. Further information in Dutch [here](#)

### Supreme Council: when must a case be dealt with in spite of non-payment court fees?

If the net income is below 90% of the single-persons welfare norm in the period when court fees are to be paid and if there is no capital, the applicant is exempt. The applicant must advise the court of this before the end of the term of payment. Subsequently, the clerk of the court can make inquiries. If the applicant only receives Asylum Support payments, a personal declaration will suffice. This applies to people without residence permits as well. Further information in Dutch [here](#)

## 2. ADMISSION POLICY

### Court: risk honour killings Afghanistan still exists after seven years

This case concerns a boy who fled from Afghanistan with his mother in view of the risk of honour killings on the part of the father. In 2007, they were granted an asylum permit. Now, there's a risk it will be revoked. The court holds that the risk of honour killings is not over. Therefore, the boy may not be returned to Afghanistan. (Den Bosch court, 14/2018, 25.3.15)

### Court: people with mental problems are not to be deported to Afghanistan

According to agreements made with the Afghan government, Afghan people who have severe mental or physical problems are not to be sent back. Therefore, the judge decides that this woman, who has severe mental problems and has made several suicide attempts may not be deported. (Haarlem court, Awb 15/5185; 15/5186, 13.3.15)

Council of State: in Nigeria, protection from female genital mutilation is possible

The Council of State decides that this man and daughter can settle in a different part of Nigeria, so that there is no longer any risk of female genital mutilation for the daughter. He does not necessarily need a social network to settle in a different part of Nigeria. Further information in Dutch [here](#)

Ministry Social Affairs and Employment: integration test still cannot be made online

The Social Affairs minister advises that the integration test abroad still cannot be made online. Programms are to be installed in all embassies to allow the test to be made. Further info in Dutch [here](#)

Council of State: IND can no longer require mother's return after nine years

This case concerns a woman from Sri Lanka who has lived in the Netherlands for 13 years, is living with her partner who is the father of their 9-year-old child. She has applied for a residence permit several times before. They have all been rejected, but the woman was never deported. The Council of State decides that in this case it is not reasonable to expect the woman to settle in Sri Lanka with her family. The IND is to take a new decision. Further information in Dutch [here](#)

IND: ageing policy

In 2012, the ageing policy was discontinued. Through the ageing policy, single elderly parents of migrants could settle with their children in the Netherlands. Since then, applications for residence with children have to be submitted as 'allowing family life'. Since 2012, elderly parents have submitted 201 applications for residence with child and 46 have been granted. (SvV&J, INDUIT 14-2456, 3.12.14)

### 3. CHECK AND RETURN

Council of State: no fine for hairdresser's salon where Ghanaian hairdressers rented a chair

Employers who let employees work without a work permit are liable to be fined severely. In this case, the labour inspectorate fined a hairdresser's salon 72,000 euros, because Ghanaians rented a chair there to work. The Council of State decides that the Ghanaians were self-employed and that the hairdressing salon is not an employer. The fine is wrongful. Further information in Dutch [here](#)

Council of State: deportation to Morocco not possible

Since October 2014, the Moroccan authorities no longer issue the so-called laissez-passer. Therefore, there is no perspective on deportation to Morocco. Moroccans in alien detention are to be let go. Further information in Dutch [here](#)

### 4. ACTIVITIES

Documentary 'Dispereert Niet – Save Migration', 19 April 15 hrs Amsterdam

'Dispereert Niet' gives an insight into the lives of Indonesian migrants without residence permits in the Netherlands. Following the film a meal will be served and there will be ample time to stay and talk. Location: Nieuwe Keizersgracht 1a, Amsterdam. Info: <http://wereldhuis.org/category/news/>

Amsterdam passport updated

The Amsterdam basic rights booklet has been updated. This booklet lists the rights of people without residence permits in Amsterdam and the ways to use them. Further information can be found [here](#)