



## NEWS LETTER, volume 7 nr 13

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## POST-DEPORTATION RISKS: A COUNTRY CATALOGUE OF EXISTING REFERENCES

Stichting LOS has published a survey of countries listing possible risks after expulsion. The list contains a survey put together using information from Dutch and international reports about documented long-term and short-term risks after expulsion; the information has been categorized per country of origin. This has brought to light that people can be fined or detained after expulsion because of earlier illegal departure or because of alleged treason against the state. In some cases people who return have to bribe civil servants at the airport in order to get a safe entry, even if they dispose of a laissez-passer. The Dutch authorities have chosen not to undertake structural investigations into the risks of migrants immediately after their arrival at the airport. In spite of this lack of information the Dutch authorities are exerting more pressure on migrants to return.

<http://www.stichtinglos.nl/sites/default/files/los/Country%20Catalogue%20Post%20Deportation%20Risk%20DEF.pdf> (June17)

## 1. BASIC RIGHTS

### Advice: no hospital order (terbeschikkingstelling, tbs) for migrants

The Board of Procurators General has advised not to impose hospital orders on migrants because in many cases they will lose their right of residence after they have been released from prison. It is difficult to expel migrants with hospital orders because similar treatments only exist in a tiny number of countries of origin. Therefore hospital orders can only be imposed if further treatment is required. You will find more information [here](#).

## 2. ADMISSION POLICY

### Council of State: decreasing severity of crimes should be taken into consideration when withdrawing permit after 36 years of legal residence

This man had a residence permit from 1978 to 2014. During the past 24 years he committed several criminal offences. However, according to the Council of State the severity of these criminal offences has diminished since the year 2000. This should be taken into account when considering whether the withdrawal of a permit is justified, also in view of the long duration of the stay. You will find more information [here](#).

### Court of Appeal (MK): westernized Afghan young woman is not a refugee

This Afghan woman came to The Netherlands when she was 14 years of age and has now reached the age of majority. According to the Court 'westernization' is not a ground for flight that is consistent with the Refugee Convention. The woman has always lived with her relatives in an asylum seekers' centre and is therefore not single. The Court are of the opinion that she can readjust to Afghan norms once she has returned. You will find more information [here](#).

### WBV 2017/4 : new criteria for family reunification

When families migrate they need to meet an income requirement. In earlier cases the Council of State have ruled that this will lead to injustice in the cases of flex workers. Therefore the Aliens Decree has been altered. In the case of flex workers with employment contracts for a period shorter than a year their income of the past year and their prospects for the coming 6 months will be taken into account. You will find more information [here](#).

### Court of Appeal: Belgium route for stay with Dutch child is not inappropriate use

This case concerned the mother of a Dutch child and her minor sister. This family had lived in Belgium for a few months as EU citizens, supported by STIL (aid organization in Utrecht). Recently they have returned and applied for residence in The Netherlands. The IND were of the opinion that this was an inappropriate use of their rights.

The Court have ruled that this is not a case of inappropriate use of rights. The family have actually lived in Belgium and had health care insurance in that country. There are no grounds to refuse the residence permit in The Netherlands. You will find more information [here](#).

### 3. CHECK AND DETENTION

#### High Court: no disciplinary action for helping illegal immigration when there are humanitarian grounds

The law states that human trafficking is a criminal offence in all cases. However, when the proposed bill was discussed (in 2004) the question was posed whether this offence should also be punished when there are humanitarian grounds. Eventually it was decided not to include humanitarian grounds into the bill as a reason for exception because humanitarian motives always provide a reason for the exemption from punishment.

The High Court have explained the humanitarian clause as follows: confronted with the need to choose from mutually exclusive obligations and interests the perpetrator has had the most important of these prevail. Psychological pressure can also be brought forward; these are external forces that the accused is unable and - within reason - is not required to resist. This type of appeal can specifically apply in those cases where refugees cannot be brought into safety in other ways.

Therefore individual considerations should always be made. The High Court have decided not to undertake disciplinary action for humanitarian reasons. You will find more information [here](#).

#### INLIA: only one third is expelled from detention to the country of origin

Statistics of the Removal and Deportation Service show that only 914 (33.8%) of a total of 2,703 aliens in detention returned to their country of origin in 2016. In 2012 this percentage amounted to 34.5%. It is also remarkable that most aliens were expelled to Albania: 382 (42%). Albania is followed by Afghanistan (36 persons), Morocco (33 persons) and Nigeria (33 persons). You will find more information [here](#).

#### Secretary of State for Security and Justice: number of children disappeared from registration systems

IND statistics have shown that a total number of 3,230 children have been struck from the records. A number of 150 were deported; 1,680 left of their own accord and 1,410 left with unknown destination. This concerned unaccompanied minor asylum seekers as well as minors in family relations. You will find more information [here](#).

### 4. ACTIVITIES

#### Conference Transnational families and divorce: revisiting marital break-up, 27-29 Sept, Nijmegen

The issue of divorce remains largely unexplored. The present conference examines transnational divorce by taking into account the different socio-legal and cultural contexts within which it occurs, notably how state policies influence the process of marital dissolution. You will find more information [here](#).

#### UAF: helpdesk MBO

The helpdesk mbo [senior secondary vocational education] of the UAF [Foundation for Refugee Students] will answer questions from refugees and their guardians about various aspects of senior secondary vocational education, including the choice of type of training and profession; admission requirements; and the funding of training courses.

You can contact the helpdesk mbo from Tuesday to Friday including through the telephone number of the UAF: (030) 252 08 35 and through [mbo@uaf.nl](mailto:mbo@uaf.nl).