



Stichting Landelijk Ongedocumenteerden Steunpunt

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NEWS LETTER, year 1 no 15

12 September 2011

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Final call for application Network Meeting Undocumented Women

When: 23 September, 10-16 hrs, Utrecht

What: Learn more about the rights & legalisation options of undocumented women, meet other organisations helping undocumented women, e.g. women's shelters.

If you would like to participate in this meeting, send an email to:

anne@stichtinglos.nl or call **030 2990222**. Participation is free of charge!

Protest march refugees 27 September The Hague

This protest march has been organized by the refugees themselves; they complain that they are forced to live in the street in The Netherlands. They have joined forces to stand up for their human rights. Information: vluchtelingenopstraat@gmail.com / vluchtelingenopstraat.blogspot.com.

The LOS foundation is the supporting organization for the assistance of migrants without residence permits. By means of this newsletter we inform you of current developments. If you have any questions about this newsletter or about the rights of migrants without residence permits, please feel free to contact LOS.

1. Basic rights

Central Appeals Tribunal: Right to health care is a human right

Physicians who provide care for people without residence permits can have the CVZ reimburse their expenses. However, this does not mean there is a RIGHT to health care. In a new decision the Central Appeals Tribunal have decided that care under the Dutch Exceptional Medical Expenses Act is the 'most essential' component of the right to a private life, a human right. (CRvB, 10/5236, 4.8.11)

European Court of Human Rights poses questions about housing benefit

According to the Benefit Entitlement (Residence Status) Act tenants may lose their housing benefit if they provide lodging for someone without a residence permit. In this case it concerned the son of the main tenant who lived in with on request by Nidos. The European Court poses questions to the Dutch government about the revocation of her housing benefit (ECHR 37115/11, 1.9.11)

2. Admission policy

Dutch green party poses questions to the European Committee about the increase of legal fees

In response to questions by the Dutch Green party, Cecilia Malmström, Member of the European Commission has asked questions about the high legal fees that have been brought into force in the Netherlands. The question is whether this interferes with the right to the reunification of families. Reunification is an EU right.

New policy for Somali asylum seekers

Induced by the ruling of the European Court of Human Rights on 28th of June '11 the Minister has decided to revise its policy concerning Somali asylum seekers. In future Somali asylum seekers from South and Central Somalia and Mogadishu can only be deported to an area where they have family ties and if they are capable of adjusting to the demands of Al Shabaab. The Minister will resume taking rulings with respect to asylum requests (parliamentary document 19637: 1445, 26.8.11)

Minister Donner will publish decisions in cases of request for exemption language test

On account of a report by the National Ombudsman the Minister has decided to respond in writing to requests for exemption of the language test for people abroad. He has announced that up till now five cases of exemption have been granted. Last month the Council of State ruled that no exemption has to be granted to an illiterate woman from Afghanistan (RvS 201007300/1 /V2, 15.8.11).

Revocation partner residence permit on account of income requirement will be reversed

In this case the partner's residence permit had been revoked because the main partner did not earn 120% of the minimum wage. The European Court of Justice decided earlier that the 120% guideline ought not to have been applied this strictly. Therefore the Court of Appeal have ruled that on further consideration the partner's residence permit should not have been revoked (rechtspraak.nl Rb 's-Gravenhage 11/12517 8.8.11)

Minister Leers will investigate au pairs

In response to information about Filipino au pairs the Minister has decided to investigate the working conditions in the au-pair sector. He has no knowledge of abuse of domestic personnel at embassies. The minister considers the prohibition by the Filipino authorities to come to The Netherlands as an internal Filipino issue (reply to Parliamentary Question 3553, 7.9.11).

3. Check and Deportation

Courts of Appeal Directives on alternatives for detention of aliens

Since the Return Directive came into effect in December 2010 in individual cases Courts of Appeal are allowed to decide whether alternatives for the detention of aliens are possible. The jurisprudence is highly divergent. In one case the Court of Appeal ruled that a woman did not have to be detained so that she could care for her child at home. In another case such an alternative was dismissed because the alien had earlier travelled from the Netherlands without permission. The Council of State have ruled that a fixed abode is not an alternative if the alien has not taken any initiative to return of his own accord.

Location where residents have restricted liberties and location for shelter and support for families

Last summer two locations for Shelter and Support for Families were opened - one in Katwijk and one in Gilze Rijen. Families who have exhausted all legal remedies find residence in these locations if after a stay of at least three months in the location where residents have restricted liberties in Ter Apel they cannot yet return. In January of this year the Court of Appeal in The Hague decided that it is illegal to turn children into the street. The municipality of Venlo have refused to establish a location for Shelter and Support for Families because it does not want to be responsible for the deportation of children who have adjusted to Dutch society.

The Dutch Labour party argues that families should be guided to return from their asylum seekers centre. According to the Dutch Labour Party it has an adverse effect on children if they are continually moved from one place to another and it is not conducive to their return either.

4. What can be done?

GERMANY / REPORT / Domestic Workers in Diplomats' Households

This report analyses the laws and practices existing in six European countries (Austria, Belgium, France, Germany, Switzerland, and the United Kingdom) regarding rights violations and access to justice for domestic workers in the context of diplomatic immunity. It has been released by the German Institute for Human Rights

Source: [Deutsches Institut für Menschenrechte](#).