



Stichting Landelijk
Ongedocumenteerden
Steunpunt

NEWS LETTER, volume 2 nr. 3

6 February 2012

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PLEASE REPORT EXPERIENCES WITH THE ENTRY BAN

Since 1 January The Netherlands issued entry bans to aliens with illegal residence in The Netherlands and who will not be given a period of time for voluntary return. This concerns migrants who have been turned down after proceedings for entry and residence or migrants who have been found to be illegal. Prolonged residence is a criminal offence for migrants with an entry ban and they cannot be issued a residence permit either. We would very much like to hear about your experiences with the entry ban.

1. BASIC RIGHTS

Leers: no asylum seekers will be evicted into the frosty weather

Minister Leers has confirmed his policy which states that no asylum seekers will be turned out into the street with this frosty weather. However, migrants can be released from aliens' detention if the court have decided they should be released. In these cases they will be guided towards support organisations, according to Minister Leers, in response to Parliamentary Questions (response to Parliamentary Question 1099, 12.1.12).

Court of Appeal Utrecht: entitlement to housing accommodation for a family with an underage child

This ruling concerns a family with an underage child who had lost their housing accommodation and temporarily slept in a car. The Court of Appeal have decided that this does not mean a violation of the adults' human rights, but the child's human rights were violated by this. Therefore shelter has to be provided for the child and for one of the parents in accordance with the Dutch Social Support Act (Utrecht, SBR 11/1882 and 11/3963 22.12.11).

Court of Appeal Haarlem: child-related budget for family with children without residence permits

On 3 February the Court of Appeal ruled that undocumented families with children are also entitled to child-related budgets. Earlier the court had ruled that there is entitlement to Child Benefit (fischeradvocaten Rb Haarlem AWB 11/5618, 3.2.12).

2. ADMISSION POLICY

Leers: Status for Eritreans who left their country illegally

On account of a ruling of the Council of State Minister Leers has decided that Eritreans who left the country illegally will be issued a status. If they left the country legally, they will not be forced to return and they will receive an individual assessment of the risks upon their return (parliamentary document 19637 nr. 1488 25.1.12).

Leers: decision and deportation moratorium for Syria

Minister Leers will extend the decision and deportation moratorium for Syria with another six months, because the situation there is too uncertain. Asylum seekers from Syria will be given shelter and support (parliamentary document 19637 nr. 1489, 25.1.12).

Council of State: single woman can safely return to Iraq

In this ruling the Council of State decided that it is not too dangerous for single women to return to Iraq (ABRvS, 201012586/1/V1, 31.10.11).

Judgments on account of the ruling of the Court of Justice concerning Zambrano

A year ago the European Court of Justice found that European children are entitled to residence in Europe and that the care of these children requires that at least one of the parents is also entitled to live and work in Europe. Since this ruling many proceedings about residence with Dutch children are being conducted in The Netherlands. These requests will be granted if there is no Dutch parent present or if the Dutch parent is incapable of caring for the child. If, however, there is a Dutch parent, this parent can take care of the child.

Stichting LOS is de steunorganisatie voor de hulp aan migranten zonder verblijfsvergunning. Met deze nieuwsbrief houden we jullie op de hoogte van nieuwe ontwikkelingen. Heb je vragen over deze nieuwsbrief, of vragen over de rechten van migranten zonder

3. CHECK AND DEPORTATION

Legislative proposal to investigate telephones and search housing accommodation of undocumented migrants

With this legislative proposal Minister Leers has announced new measures to be able to determine the identity of arrested, undocumented aliens. If this proposal is passed, the clothing may be investigated, read-outs from phones may be performed and all the rooms that serve as living spaces for the undocumented alien may be searched. During these investigations, however, an assistant prosecutor has to be present (32528 nr. 7, 30.1.12).

Iraqis can only return voluntarily

The Iraqi embassy will no longer accept forced return. Minister Leers is in consultation with the ambassador to re-establish the possibility of forced return (Parliamentary Question 1314, 24.1.12).

Aliens' police will be in consultation with care providers in Haarlem

Due to the actions of the Aliens' police in Haarlem, where domestic workers had been detained who cleaned houses in Bloemendaal, the Aliens' Police have promised to take up consultations with the support organisation Stem in the Stad [Voice in the City]. Stem in de Stad knows many undocumented migrants and want to inform the police concerning migrants who are unable to return (Haarlems Dagblad, 19.1.12).

Voluntary return with IOM in 2011

In 2011 IOM supported 3,473 people on their return to their country of origin or their re-establishment in a third country where admission would be guaranteed. Of these people 67% had an asylum background, 29% had never applied for a residence permit (immigrants with illegal residence) and 5% had gone through the regular residence proceedings. The countries to which most migrants returned were Iraq, Macedonia, Brazil, Mongolia and Belorussia ((IOM 26.1.12).

4. WHAT CAN BE DONE?

Second pharmacy in The Hague has been contracted for undocumented aliens

As of 1 January the CVZ [Dutch Health Care Insurance Board] contracted a *second* pharmacy for care for undocumented migrants: pharmacy Van Beest, Stationsweg 31. The other pharmacy is still the Seinpost in Scheveningen.

European Women's network produced lobby kit about the Groenboek Gezinsmigratie [Brochure family migration]

The European Committee has asked for input for the improvement of the Directive Family Migration. For this purpose the European Network of Migrant Women have produced a lobby kit. In addition three short movies are available about the position of migrant women. Download the [Lobbying kit](#) and the [short films](#) (in English).

Source: [The European Network of Migrant Women](#), 18 January 2012

Website AHRU, Alliance for Human Rights of the Undocumented (AHRU): <http://ahru.nl/wp/>

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