



Stichting Landelijk Ongedocumenteerden Steunpunt

Kanaalstraat 243 | 3531 CJ Utrecht | tel. 030 2990222 | fax 030 2990223 | e-mail info@stichtinglos.nl

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Ombudsman looks for rooted migrants without residence permits

The Ombudsman of broadcasting corporation VARA wants to focus attention on people who have established a life in the Netherlands, but who, in all probability, will be extradited from our country. People such as Sahar for example, who has been living here for ten years but who is nevertheless threatened with extradition. It goes without saying there are many more people like Sahar: girls, boys, men and women from all over the world. The Ombudsman intends to make a short series in which these people are portrayed. Please contact Remco Kappelhof, Editor the Ombudsman (VARA).

remco.kappelhof@vara.nl Tel. 035 - 67 11 222

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 contact LOS.

1. Rights to provisions

Minister: in 2010 only twenty people received care provisions during medical procedures

In 2008 Spekman, a Member of the Dutch Parliament, asked to offer care provisions to asylum seekers without further legal remedies during 'medical emergency' procedures. The Immigration and Naturalisation Service have developed a special application procedure in order to realise this. However, of the 1000 people who annually file such applications, in 2010 only 130 of these applications had been filed correctly, and only 60 of these were dealt with. Forty of these 60 applications were declined, 10 of them received a status and a further ten received an extension. The latter two groups received care provisions as well.

2. Residence permits

New legal dues as of 1 January 2011:

- € 60 for the authorisation of applications for temporary stay due to family reunion for Turkish nationals who derive rights from the Association Agreement EC-Turkey
- legal dues for applications for temporary stay concerning residence in the public bodies Bonaire, St. Eustace or Saba have been established on the basis of a conversion of 66% of the Dutch Euro rates into dollars. Victims of human trafficking and asylum seekers are exempt from payment of legal dues in these islands.

Afghanistan: Council of State do not deem region unsafe

The Council of State, the Court of Higher Appeal, systematically decline all the asylum applications on the basis of generally unsafe situations in certain regions of origin in Afghanistan. The last verdicts concerned the regions Ghazni and Kapisa. Lower courts now also decline applications with reference to 'wikileaks-type' information in relation to the generally unsafe situation in Afghanistan.

Iran: Christians have to adopt a reserved attitude - there is, however, protection for unaccompanied minor asylum seekers and homosexuals

The Council of State, the Court of Higher Appeal, have decided that converted Christians ought to take a reserved attitude in Iran and that therefore they can safely return. Minister Leers reiterated that Christians will only be given residence permits if they already had problems before they came to The Netherlands.

Minister Leers has now acknowledged that unaccompanied minor asylum seekers will not receive care provisions in Iran. Therefore they are allowed to stay in The Netherlands until they are eighteen years old.

For homosexuals the decisions have been extended pending the decision of the European Court of Justice in Luxemburg.

Somalia: no extradition because of decision European Court

On 7 January the European Court granted an Interim Measure because of the dangerous situation in Middle and South Somalia and in Mogadishu in particular. Because of this all the extraditions of Somalis from Middle and South Somalia have been postponed. The Council of State, however, do decline asylum applications by asylum seekers from Middle and South Somalia, with the exception of Mogadishu - according to the Council of State, the situation in Mogadishu is too dangerous.

Asylum seekers will (temporarily) not be extradited to Greece and Italy any longer

Previously the European Court of Human Rights and the Court of Justice of the European Union decided that asylum seekers in Greece are subject to ill-treatment. Currently the asylum seekers who came directly from Greece will be dealt with in The Netherlands.

Meanwhile the European Court of Human Rights has doubts as to the treatment of asylum seekers by Italy. Therefore The Netherlands has temporarily discontinued the extradition of asylum seekers who previously stayed in Italy.

Ghana, Uganda: HIV/AIDS is no reason for a residence permit

In two instances the Council of State, the Court of Higher Appeal, have decided that HIV/AIDS patients will not receive residence permits on medical grounds. Medication is available in the countries of origin. According to the Council of State the fact that not enough antiretrovirals are available to treat all the sufferers is irrelevant.

Removal from the municipal register proves the relationship has ended

The Council of State, the Court of Higher Appeal, have decided that the Immigration and Naturalisation Service was right when it was decided to revoke the residence permit of a man because he and his partner had temporarily split up, and because he did not re-register until a couple of months later, even though after only two weeks he had moved in with her again.

Honour-based violence: evidence required

The Court of Appeal in Den Bosch have decided that women who apply for protection against honour-based violence have to provide evidence. Women are not allowed to apply to the National Centre of Expertise for Honour-based Violence themselves. The Immigration and Naturalisation Service do not need to apply to the National Centre of Expertise for Honour-based Violence until the women have provided concrete evidence.

3. Police and detention of aliens

Mobile Surveillance of Aliens at the borders is not allowed

The Council of State, the Court of Higher Appeal, have decided in December that border controls by the Mobile Surveillance of Aliens are not allowed. Illegal foreigners who have been detained during mobile surveillance checks have to be released.

Detention of aliens is allowed, in spite of Spanish residence permit

The Council of State, the Court of Higher Appeal, have decided that it is allowed to detain people with Spanish residence permits in order to extradite them to Spain. In

order to be eligible for the three-months' tourist visa, he should have reported with the Aliens' police within three days.

Iran: temporarily no extraditions

Because of the political problems between The Netherlands and Iran that occurred after Ms Zahra Bahrami was hanged, currently no Iranians are extradited.

Minister Leers wants to extradite more Moroccans

Minister Leers is of the opinion that Morocco issues too few laissez passers to be able to have illegal Moroccans extradited. He will consult with the Moroccan authorities to be able to extradite more illegal Moroccans.

4. What can be done?

The Dutch Lower House: Hearing / round-table discussion Committee Immigration and Asylum about Unaccompanied Minor Asylum Seekers, 23 November

Items on the agenda:

1. Response to letters about reassessment policy unaccompanied minor asylum seekers (kst 27062: 67, 16.12.10)
2. Reassessment policy (unaccompanied) minor asylum seekers (kst 27062: 64, 11.12.09)

Book Oxfam: Coping with destitution

Oxfam has published a report by the Centre for Migration Policy Research (CMPR), Swansea University: 'Coping with Destitution: Survival and livelihood strategies of refused asylum seekers living in the UK'. Read the [full report](#) or the [summary](#).