



Stichting Landelijk Ongedocumenteerden Steunpunt

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

NEWS LETTER, volume 1 nr 3

28 February 2011

Contents

| | |
|-------------------------------|---|
| 1. Basic rights..... | 2 |
| 2. Admission..... | 2 |
| 3. Check and Deportation..... | 3 |

Demonstration against racism, 19 March, Amsterdam

The Platform tegen Vreemdelingenhaat (platform against xenophobia) organises a national demonstration in relation to the UN day against racism on the Dam in Amsterdam (21st of March at 2 p.m.). Because of the tacit support given to the minority government by the PVV (a right-wing Dutch political party) the discrimination of certain groups of the population appears to meet increasing acceptance. Visit the website of the [Platform](#).

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. Basic rights

The Dutch government is in favour of restricted labour rights for domestic workers

The ILO, the International Labour Organization is currently drafting the Convention 'Decent Work for Domestic Workers'. The reactions of governments to the [Draft text of the Convention](#) have been published. The Netherlands is not in favour of providing Domestic Workers with the same rights as other employees. Otherwise Dutch employers would not be able to afford them any longer. However, domestic workers should be paid decent wages.

The municipality of Utrecht must provide illegal, ill, criminal Palestinian with shelter

The Court of Appeal in Utrecht has decided that the municipality of Utrecht must provide help to a severely ill, illegal Palestinian who has been living in the Netherlands for over 20 years and who cannot be deported. The Court of Appeal is of the opinion that his right to a private life is prejudiced because he is forced to live in the streets. The municipality may decide whether to give him social security payment or housing plus spending money.

This is an important decision, because according to Dutch law it is generally forbidden to provide illegals with social security payments. But the judge is of the opinion that the right to a private life, which has been established in the European Treaty on Human Rights, overrides Dutch legislation in this case.

No proof of birth for Chinese people who were born outside of hospital

Chinese children who were born outside of hospital before 1996 have no proof of birth. The Netherlands requires Chinese people to have a birth certificate in the form of a notarial instrument that is based on a source document, in this case a proof of birth. But recently the Court of Appeal in Amsterdam acknowledged that there is a group of Chinese people without such a proof of birth. The Dutch administration therefore cannot require a notarial instrument that refers to this proof of birth.

2. Admission

Asylum policy even stricter

This week Minister Leers wrote a letter describing his plans for stricter asylum policies. All the plans require further consultation and investigation.

He is thinking of

- making it easier to deny asylum applications if the asylum seeker has no identification papers
- making it easier to deny second asylum applications if the asylum seeker does not provide new information or if this information could have been given earlier
- immediate transfer of asylum seekers who have been denied asylum to the Removal and Deportation Service

- smaller fees for lawyers if they provide legal assistance in cases where the asylum application is prospectless

As of February asylum seekers who are denied asylum during a second asylum procedure because they do not provide new information, can be evicted immediately. They are no longer allowed to wait for the court case.

Deported Afghan refugee murdered

In 2006 Nezam Azimi returned to Afghanistan when his provisional residence permit had been withdrawn. Previously he had been politically active in Afghanistan and the country still was not safe for him. Last summer he was killed.

Victims of domestic violence can be granted asylum

Victims of domestic and sexual violence are considered by the European Court of Human Rights to be vulnerable individuals. The state should protect them. If they cannot find protection in their own country, they may be eligible for asylum.

According to the Court of Appeal in Utrecht in individual cases the Immigration and Naturalisation Service must investigate whether the authorities in the country of origin offer protection to victims of domestic or sexual violence.

Women who are threatened with female genital mutilation, are eligible for asylum, for example in Egypt

In Egypt almost all women are subjected to genital mutilation. Even though there is a law against female genital mutilation, almost nobody is prosecuted for this offence. Therefore the Court of Appeal in The Hague is of the opinion that the Egyptian authorities do not offer protection against female genital mutilation and that the women involved should be granted asylum.

Women who have to return to Eritrea are eligible for asylum

The Court of Appeal in Amsterdam deems the deportation of women to Eritrea too dangerous. There is a huge risk that they end up in prison where the circumstances are inhumane. It is also possible that they are forced to join the army and the circumstances for women in the Eritrean army are inhumane as well. Therefore women from Eritrea should be granted asylum.

3. Check and deportation

Bus Company betrays illegal domestic workers

Bus Company Connexion co-operated with the Haarlem police. The company notified the police that African women frequently took the bus to exclusive residential neighbourhoods in Aerdenhout and Bloemendaal. They turned out to be illegal domestic workers who were employed there. The police followed them to their work addresses and checked their residence permits. In all 30 women were detained. They may be deported. The employers have to pay fines of € 4,000 each.

Algerians cannot be deported

The Council of State, the Court of Higher Appeal, have decided that Algerians cannot be deported. Therefore they cannot be placed in Detention of Aliens either.

Somalians cannot be deported

The Council of State, the Court of Higher Appeal, have decided that it is too dangerous to deport people to Mogadishu. The European Court of Human Rights has decided that the entire region of South and Middle Somalia is too dangerous. Therefore asylum seekers from South and Middle Somalia will not be deported for the time being.

Although Somalis from the North (Somaliland, Puntland) do not necessarily have to be evicted through Mogadishu, Dutch authorities have decided that they will not be evicted for the time being.

4. What can be done?

Action VTU action against asylum-policy. March 11, 2-4 p.m., Dam Square Amsterdam

Refugees are no criminals.

Under this motto and in light of International Women's Day, VTU (Women Against Expulsion) campaign to fight the idea that refugees are liars, profiteers and criminals. Refugees are not simply left out of their country, but fled for a reason: for instance because they risk being killed or put in prison for their political beliefs. Women also flee for fear of sexual violence and war, or because they threatened with genital mutilation or forced marriage.

Speakers include Jan Mulder, Hadassah de Boer, Hanneke Groenteman Vluchtelingenwerk, ASKV, Defence for Children and Amnesty International, Judith Sargent (MEP Groenlinks), Igna Oomen (asylum lawyer), Hans Spekman (spokesman PvdA asylum policy in the Dutch Parliament). Refugees tell their story and there is information on the new asylum law. Everyone is cordially invited to participate. More information: vtu@xs4all.nl, www.vrouwentegenuitzetting.nl