

NEWSLETTER, Year 2 no 8

15 April 2012

CONTENTS	PAGE
1. BASIC RIGHTS	2
2. ADMISSION POLICY	2
3. CHECK AND DEPORTATION	3
4. WHAT CAN BE DONE?	3

ADMISSION AS A FAMILY MEMBER HARDER AS FROM 1 JULY

The Immigration and Naturalization Service (IND) announces changes in its family policy:

- Family reunification is only possible if the partners are married.
- Sponsors must have lived in the Netherlands for at least one year.
- The residence purpose 'extended family reunification' is cancelled.
- Continued residence is only possible after 5 years instead of after 3 years
- After a 6-month stay abroad, the right of residence in the Netherlands expires

The measures will take effect on 1 July 2012. Applications submitted before 1 July 2012 (including requests for advice regarding the issue of an authorization for temporary stay) will be tested against the current policy. The new measures do not yet apply. To requests submitted after 30 June 2012 the new measures do apply (Bulletin of Acts and Decrees 148, 11.4.12).

1. BASIC RIGHTS

Mayor or minister, who's responsible for evicting asylum seeker who has exhausted all legal remedies?

According to Minister Leers, he is responsible for deploying the aliens police if asylum seekers who have exhausted all legal remedies are to be evicted from the reception centre. However, if the public order be disturbed the mayor is responsible. The mayor of Giessenlanden (in South Holland) and the so-called LOGO municipalities (i.e. municipalities involved in the National Reception and Deportation Consultation (LOGO)) are worried that eviction of asylum seekers who have exhausted all legal remedies may result in public order issues. Read the memorandum [here](#) and the accompanying letter to Minister Leers [here](#) (both in Dutch).

Work placements for pupils who have no residence permit

According to Minister Kamp, an employer is not allowed to offer work placements to pupils who have no residence permits, and companies who do so nonetheless will be fined. The aldermen responsible for education in the cities of Amsterdam, Haarlem and The Hague have since stated that they will offer work placements. Moreover, at least twelve companies have stated to do the same. The 'Stoutfonds' is willing to pay any fines these companies incur.

In a lawsuit concerning a three-week work placement at the dental surgery department of the Nijmegen hospital, the Council of State decided this work placement was part of education. After all, the student on the work placement was not paid and did not take the work of any employee (Council of State 201106847/1/V6, 4.4.12).

2. ADMISSION POLICY

New policy Eritrean asylum seekers

Eritrean asylum seekers who have exhausted all legal remedies cannot be deported forcibly, as they will run the risk of inhumane treatment upon their arrival in Eritrea. If they have left Eritrea illegally, they will be granted asylum status in the Netherlands. If they have exited legally, granting a status will depend on their personal story (WBV 2012/5, 26.3.12).

Human trafficking victim has been well received in Gambia

The Council of State denied a request for continued residence by a victim of human trafficking from Gambia. According to the Council of State, the Gambian government offers sufficient reception and protection (Council of State 201104081/1/V1 3.4.12).

North Iraqi government offers protection in case of honour killing risk

The Council of State denied a request for asylum by a North Iraqi woman who said she feared honour killing. According to the Council of State, the government offers sufficient protection (Administrative law dept. Council of State, 201110164/1/V2, 28.2.12).

Succession to task of female circumciser in Sierra Leone is reason to flee

The court ruled that a woman from Sierra Leone who is forced to succeed her mother as a circumciser is to be granted asylum (Zwolle court, 11/32520, 10.4.12)

HIV medication Atripla is not readily available in Ghana

According to the court, HIV patients who need Atripla cannot be sent back to Ghana, as delivery takes place by mail and thus is not guaranteed (11/19008, 16.2.12)

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.

Admission Turkish child is possible up to 21 years

Due to the association treaty between the EU and Turkey, no more new measures are to be imposed for immigrants from Turkey. Therefore, the age limit for admitting Turkish children continues to be 21 years (11/34246, 2.3.12)

Temporary right of reception following procedure allowing victim to report being to human trafficking

This case concerns reporting human trafficking by a victim. The police refused to handle the report and thus there was no right of reception. The Provisional relief court found for the woman in view of the importance of reception and the cold weather (11/38267, 10.2.12)

Authorization for temporary stay to be compulsory for readmission

Children who lived in the Netherlands as a minor have a conditional right to return (readmission policy). Henceforth an authorization for temporary stay is to be compulsory (Bulletin of Acts and Decrees 147, 11.4.12)

3. CHECK AND DEPORTATION

Standard 2-year entry ban, punishment on violation 2 months

By now, courts give verdicts on the entry ban. Entry bans are imposed on migrants who have not returned after a deportation order. An entry ban can always be imposed if the person concerned contacts the government, for example to make a new application.

In principle, the duration is two years, however, this may be modified in individual cases.

The standard penalty upon violation amounts to two months, but this, too, may vary in individual cases.

As long as the entry ban is in effect, no legal stay is possible, except for delayed departure and asylum.

European Sanctions Directive introduced in the Netherlands

The Netherlands has transposed the European Sanctions Directive into national law. One consequence is that foreign employees are to be reported by the employer. Another consequence is that illegal employees are entitled to 6 months' pay unless the employer can prove that an employee worked less time (Bulletin of Acts and Decrees 143, 5.4.12).

4. WHAT CAN BE DONE?

Afternoon workshop on Return 22 April, 14.00-16.30 hrs, Amsterdam

How does (forced) return come about? What consequences may occur? And what happens if a refugee wishes to return, but cannot? Participants are Repatriation and Departure Service, Tailored Return (Maatwerk bij Terugkeer) and experience experts.

Location: De Nieuwe Liefde, Da Costakade 102, Amsterdam. To enter: geeske.hovingh@gmail.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 contact LOS.