



Stichting Landelijk  
Ongedocumenteerden  
Steunpunt

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### MINISTER PROPOSES NEW POLICY FOR UNACCOMPANIED MINOR MIGRANTS

In future asylum applications of unaccompanied minor migrants will be dealt with through fast asylum procedures. If the asylum application is denied, they will no longer be granted the status of unaccompanied minor migrant.

They will retain the right to shelter until they can be expelled. During this time they will not be granted an identity card. This may cause practical problems for example with education, bank accounts and the like. According to the minister this can be solved in practice.

The minister wants to send back this group to orphanages in the countries of origin, as for example in Angola and Congo. In Afghanistan such orphanages have yet to be found. Last month UNICEF issued advice, stating the opinion that such orphanages should meet strict safety requirements

If unaccompanied minor aliens who have exhausted all legal remedies cannot be sent back within three years after their arrival, they will be granted a special 'no-culpability' status. Currently this status is available to unaccompanied minor aliens as well, but only if they have exhausted all available legal remedies for at least three years.

The legislative proposal has as yet to be discussed in the Dutch Lower House.

## 1. BASIC RIGHTS

### The cabinet will maintain the ban on work placement for undocumented migrants

The cabinet is divided with respect to the question as to whether work placements of undocumented students are punishable, even after the court has decided that the right to education is more important. Today the minister finally decided that he will lodge an appeal against the ruling (Kst 32144: 14, 13.6.12).

### It will be easier for asylum seekers to be granted a work permit

Asylum seekers who want to work need a work permit. Employers have to apply for this document at the UWV. In addition a document is required, issued by the COA, stating that the asylum seeker has been in the Netherlands for 6 months and has not yet been given a negative ruling. This document has to be collected by the asylum seeker himself. In future the UWV will be allowed to apply for this document.

## 2. ADMISSION POLICY

### Central Bureau of Statistics: Immigration and emigration in 2011

In 2011 approximately 44,000 Dutch people emigrated from and 27,000 Dutch people reentered The Netherlands.

Furthermore 7.000 Polish people emigrated and 19.000 Polish people immigrated into the Netherlands. In addition 7,000 German people emigrated and 9,000 German people immigrated into the Netherlands. In 2011 in total 160,000 immigrants entered into the Netherlands, 64,000 of whom were Europeans.

### Appeals Tribunal: rape, which could not be discussed earlier, will count as a new fact in asylum procedure

This case concerns a man who did not state the fact that he was raped until his second asylum application. A psychology report has confirmed that he had not been able to state these facts earlier. The court are regarding the rape as a new fact for the asylum application (Rb 's-Gravenhage AWB 12/3837, 15.6.12)

### Minister: very few exemptions of integration requirement abroad based on medical or humanitarian grounds

Of the total number of 114 applications for exemption of the integration requirement on medical grounds, 21 have been granted since 2009. In 2011 of the total number of 18 applications for exemption of the integration requirement on humanitarian grounds 7 were granted, in addition another 5 of these applications were granted on medical grounds (kst 32175: 32, 7.5.12).

### Minister: changes family migration policy will be postponed

In our last newsletter we wrote that the changes announced concerning family migration policy had been deemed controversial. THIS IS NOT CORRECT. The implementation of the measures, however, has been postponed.

The minister has commissioned an investigation into the introduction of a residence requirement for family migrants. The result of the investigation is that housing accommodation does not contribute towards integration. Therefore the minister decided NOT to introduce housing accommodation requirements.

Every six months new income requirements are determined. As of 1 July the gross monthly income requirement exclusive of holiday allowance for married and unmarried couples who live together will amount to € 1456.20.

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

### Minister proposes changes for permits for victims of human trafficking

In future the status 'victim of human trafficking' will not be extended during the appeal about the dismissal of the court case against the perpetrator. However, the reconsideration period of three months will continue to apply to victims who have left the victim situation for a period of time longer than three months. Before changing this section the minister will commission an investigation.

## 3. CHECK AND RETURN

### Council of State: entry ban after illegal residence has to be determined individually

If migrants without residence permits stay in The Netherlands after they have exhausted all legal remedies and have been issued an entry ban, they will not be admitted into the Schengen area during the following 2 years. The Council of State have decided that the extent of the entry ban must be determined on an individual basis and should be based on an interview.

### Contact detention centres

The service desk has been called into being for contact with aliens who are in aliens' detention. Recently the service desks of all detention centres can be contacted through the central phone number: 088 07 26000.

## 4. WHAT CAN BE DONE?

### PICUM: "Strategies to End Double Violence Against Undocumented Women - Protecting Rights and Ensuring Justice"

Across the EU, undocumented women are turned away from women's shelters and risk arrest or deportation if they contact the police. To address this urgent situation, PICUM's report provides an overview of the laws, practices and partnerships that respect rights and ensure justice for all women in Europe without discrimination. It shows what works, where, and how it came about. The examples in this report are a testimony to the agency, capacity and impact of migrant women themselves in bringing about change.

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### Report of the Special Rapporteur on the human rights of migrants, François Crépeau. Focus on immigration detention

The present report is the first to be presented to the Human Rights Council by the newly appointed Special Rapporteur on the human rights of migrants, François Crépeau, who assumed his functions on 1 August 2011. The thematic part of the report focuses on the detention of migrants in an irregular situation. The first part of the thematic report sets out the international and regional human rights legal framework, including with regards to groups of migrants with special protection needs, and the second part focuses on alternatives to detention.

Download: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/125/96/PDF/G1212596.pdf?OpenElement>

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