



Stichting Landelijk  
Ongedocumenteerden  
Steunpunt

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### INCREASED CAPACITY SHELTERS FOR VICTIMS OF HUMAN TRAFFICKING

In many cases victims of human trafficking have to wait for a long time before they are placed in a shelter. During a parliamentary debate in June Minister Opstelten promised to improve crisis accommodation for victims of human trafficking.

Therefore the number of places for these victims has increased from 50 to 75 places as of 1 July. In addition victims of human trafficking who have a B9 status can be given housing accommodation more quickly, similar to recognized refugees. Yet there are still not enough places for these victims. The Minister has promised to work out a solution, in co-operation with the municipalities.

## 1. BASIC RIGHTS

### Court of Appeal reject applications family allowance / child-related budget for undocumented mothers

The Court of Appeal have rejected applications for family allowance and child-related budget. Earlier the Central Appeals Tribunal had given a positive ruling in the case of a mother who had stayed in The Netherlands for a long time, in part in legal residence and in part legitimately. According to the Courts of Appeal the rejected applications are too dissimilar from the application granted: too short a stay in The Netherlands, of which too short a period in legal residence. Earlier the Solicitor General had asked for more concrete criteria (Rb Amsterdam, 11/158 AKW, 1.6.12; Rb Amsterdam, 11/2814 AKW, 1.6.12; Rb Amsterdam, 11/3428 AKW, 1.6.12).

### Modification personal details not accepted in many cases

People who have registered with the municipal register (Dutch: GBA, Gemeentelijke Basisadministratie) with certain personal particulars will find it very difficult to change these particulars. Hard evidence is required to show that he or she is the same person and that the particulars given earlier were incorrect. This is almost impossible to prove (RvS 201106580/1/V2, 3.7.12: false Burundian passport; ABRvS, 201106915/1/A3 20.6.12: change of nationality).

## 2. ADMISSION POLICY

### Proposed new policy: storing migrant's fingerprints

Fingerprints that were taken with respect to Alien Affairs will be stored for 10 years. Children of 6 years or older have to have their fingerprints taken; these will be renewed when they are 12 and 18 years old, respectively. Except for policy with respect to migrants, it is allowed to use the fingerprints for the issue of a Laissez-passer (repatriation visa), for the investigation of criminal offences and for tracking down suspected migrants (parliamentary letter 11.7.12),

### iMMO provide assistance with medical evidence in asylum proceedings

iMMO is a new foundation for medical aspects of court cases concerning aliens. One of iMMO's activities is drawing up reports that can play a part in admission proceedings for example concerning evidence of torture. iMMO's first results are positive - judges have deferred cases or issued positive rulings. Reports have resulted in migrants being issued a status ([www.stichtingimmo.nl](http://www.stichtingimmo.nl)).

### Policy special groups: Christians in Egypt, homosexuals in Iraq, Ahmadi and Christians in Pakistan

Last week the Minister wrote letters to elucidate the policy with respect to certain groups:

- According to the Minister Christians in Egypt do not run any particular risk (parliamentary document 19637: 1564, 11.7.12);
- Homosexuals in Iraq run a great risk and will be granted a status in principle (parliamentary document 19637: 1563, 11.7.12);
- Ahmadi and Christians in Pakistan do run additional risk; the Minister has commissioned an official country report for this group (parliamentary document 19637: 1565, 13.7.12).

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

### Council of State: Protection from honour-related violence is possible by living elsewhere in Afghanistan

This case concerns Afghan asylum seekers who have reason to fear honour-related violence. The Council of State have ruled that the asylum seekers can go and live elsewhere in Afghanistan. According to the Council of State they will not be recognised elsewhere and therefore will run no risk (RvS 201200260/1/V4, 10.7.12).

### EU-route ('Belgium-route'): genuine departure to the other EU country is required after all

The Council of State have rejected an application for a residence permit issued by a woman who had stayed in Germany as an EU citizen. According to the Council of State her departure was not genuine, she remained registered in The Netherlands, her child went to school in The Netherlands and she remained employed in The Netherlands (Court of Appeal 's-Hertogenbosch AWB 11/31165, 9.7.12).

### Council of State has ruled that Nigerian victim of human trafficking can return

This case concerns a male victim of human trafficking. According to the Dutch authorities he will have opportunity to find safety and treatment for his traumas in Nigeria (RvS 201104285/1/V4, 28.6.12).

### In case of application in connection with residence with partner Council of State think authorisation for temporary stay is required

In two cases the Council of State have ruled that undocumented mothers with their children have to return to their countries of origin to procure an authorisation for temporary stay required for their residence permits. In the first case the mother was of the opinion that return would be bad for the child, in the second case the medical authorities thought it would be detrimental to the child and a child psychology report had been drawn up. Neither of these arguments were effective (RvS, 201102213/1/V1 29.6.12; RvS 201109229/1/V4, 21.6.12).

## 3. CHECK AND DEPORTATION

### The Netherlands want EU-involvement with respect to return to Iraq, India and Egypt

In reply to an EU questionnaire The Netherlands told that she would like to be helped by the EU on return to Iraq, India and Egypt. Other EU countries specifically want help with return to Afghanistan. <http://www.statewatch.org/news/2012/jun/eu-council-migratory-pressure-ms-replies-11317-12.pdf>

### Council of State ruled that return to Somalia is not possible

Last week the Council of State ruled that migrants from South and Central Somalia as well as from North Somalia cannot be sent back to Iraq. The reason for this is that they need to travel through Mogadishu, which is too dangerous (RvS 201202473/1/V3 17.7.12).

## 4. WHAT CAN BE DONE?

### Debates about Aliens' policy during election time

On 30 August the Pauluskerk in Rotterdam, find more information on [www.pauluskerkrotterdam.nl](http://www.pauluskerkrotterdam.nl)

On 7 September in Wageningen a debate entitled: '5 years after the general pardon'.

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