



Stichting Landelijk
Ongedocumenteerden
Steunpunt

NEWSLETTER, year 2 no 17

3 September 2012

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**VOTE FOR ROOTED CHILDREN;
VOTE FOR ALTERNATIVES FOR ALIEN DETENTION**

Defence for Children urges on everyone to vote for rooted children, on: www.stemvoorkinderen.nl.

Amnesty International urges on everyone to send cards to prospective Members of Parliament who may develop alternatives for alien detention through: www.amnesty.nl/actieverkiezingen (Dutch website)

1. BASIC RIGHTS

Court: social assistance benefit for undocumented mother of Dutch child

The court has ruled that a Dutch child is entitled to residence in Europe, and that its mother needs to have sufficient income to be able to take care of the Dutch child. Therefore, the exclusion of people without residence permits from the Social Assistance Act does not apply to her (Arnhem court 11/5567, 10.7.12)

European Parliament regularizes victim protection - for undocumented migrants as well

Some 75 million people are victims of crime every year in the EU, including undocumented migrants. On July 2012, the European Parliament backed a proposal for a Directive that establishes that any person, irrespective of their residence status, made victim of a crime, will receive an individual assessment of their specific needs, regardless of the crime committed or the location in the EU. Click [here](#) to view text agreed.

2. ADMISSION POLICY

EU Commissioner Malmström investigates high administrative charges in the Netherlands

One month ago, the minister decided to reduce the administrative charges for residence permits long-term. He had been forced to do so by a judgment by the European Court. Legal experts claim that on the basis of the same judgment other administrative charges must be reduced as well. Currently, Commissioner Malmström is investigating the level of the other administrative charges in the Netherlands, particularly for family reunification (answer 24.8.12)

EU Commissioner Malmström studies the positive effects of labour migration

In spite of opposition by the Netherlands, the EU has decided to study the positive effects of labour migration, particularly of high-skilled migration. Minister Leers opined that EU citizens can sufficiently make up any deficit (Parliamentary paper 32317 no CA, 22.8.12).

Minister: change country policy Iraq and Syria

WBV 2012/19: In principle, Iraqi homosexuals are entitled to an A-status

WBV 2012/20: In principle, Syrian refugees are entitled to a B-status

Minister: change of policy regarding westernized Somalis

In response to a judgment by the Council of State, the minister decided to give westernized Somalis a status. He applied a very high standard: according to him, adults are only westernized after a 10-year stay, of which some period with a status. Children are westernized sooner. Still, an individual test is needed for everyone (Parliamentary paper 19637 no 1572, 21.8.12)

Council of State: risk return for single Ashraf woman from Hargeisha (N-Somalia)

The Council of State opines that single Ashraf women constitute a vulnerable group, and are therefore usually entitled to a status (Council of State 201201453/1/V4, 24.8.12)

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...

Court: traditional female circumcision practitioner does not fall under 1F (serious crime)

This judgment concerns a Sierra Leonean woman who claims she had to succeed her mother as a Soweh (traditional circumcision practitioner). The Immigration and Naturalisation Service (IND) considered female circumcision to be a serious crime and therefore wanted to reject her as a refugee. The court rules that the woman was not aware of this crime (The Hague court AWB 11/20054, 14.8.12).

3. CHECK AND DEPORTATION

Court: stamp requirement and residence in municipality for Somalis from refugee camp is justified

On 28 August, the Den Bosch court decided that minister Leers was justified in providing the Somalis from the refugee camp with accommodation in a Reception centre and in obligating them to remain in the municipality of the reception centre.

Council of State: deportation order does not lapse when someone has moved to another EU country

It has become clear from two decisions that the Council of State does not regard the exit of an asylum seeker who has exhausted all legal remedies to another EU country as 'deportation'. A former deportation order will remain in effect (Council of State 201206910/1/V3, 29.8.12 for exit to Belgium, Council of State 201205209/1/V3, 18.7.12 for exit to Germany)

4. WHAT CAN BE DONE?

Political Café African Sky, 7 Sept 18.30 hrs Utrecht

African Sky represents the interests of refugee women from the Horn of Africa in the Netherlands and its chief aim is to bridge the gap between these female refugees and relevant social institutions. Through this political café, African Sky wishes to give female refugees in the Netherlands the opportunity to make a well-considered choice in the polling booth. It will organize the political café as a political debate between representatives of various political parties.
Location: Janskerkhof 1 in Utrecht, starts at 18.30 hrs.

African Civil Society Forum on Migration, Accra 12-13 sept

The [Pan African Network in Defense of Migrants Rights \(PANiDMR\)](#) organizes an [African Civil Society Forum on Migration, Development & Human Rights](#), set to take place in Accra, Ghana on 12-13 September 2012. All African civil society, African-descent, and African diaspora are invited and welcome to participate in this important forum.
Info: <http://www.panidmr.org/accra-conference.php>. Contact: PANiDMRAccra@gmail.com.

EMN study: marriages of convenience and false declarations of parenthood

The European Migration Network has studied the character and extent of marriages of convenience and false declarations of parenthood. Moreover, attention was paid to the manner in which the member states detect and prevent this type of misuse. On the EMN website, the reports from other countries can be found as well. For the Dutch(-language) report: [Schijnhuwelijken en Valse Ouderschapsverklaringen](#). See also the [Overview-Report](#) and the [Synthesis Report](#) (both in English)

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