

NEWSLETTER, year 2 no. 21

28 October 2012

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COALITION AGREEMENT: CHILDREN'S PARDON, OTHERWISE VVD POLICY

Yesterday, the coalition agreement was published.

There will be an arrangement for children who (as a minor) have lived in the Netherlands for more than five years and have not permanently withdrawn from government supervision. In that case, their relatives in the Netherlands will be granted a residence permit as well. The arrangement will continue to apply in the future.

However, otherwise the coalition agreement is harsh: the criminalization of illegal residence will be implemented after all, former illegal residence continues to be a reason for refusing a permit, family migration is still to be restricted, migrants who do not speak Dutch will not receive social security.

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.

1. BASIC RIGHTS

Leers: children without residence permits who have no asylum history have right of reception too

Last month, the Supreme Court ruled regarding the right of reception for children without residence permits. The Court found that parents are responsible; however, if they cannot substantiate that responsibility, the state must provide relief. Minister Leers now acknowledges that this also applies to children who have no asylum history, albeit only after an individual assessment (Parliamentary Paper 19637: 1587, 24.10.12)

EU Fundamental Rights Agency Bureau wants 'safe reporting' to be possible

In its report, the EU Fundamental Rights Agency Bureau (FRA) states that the police should make it possible for victims without residence permits to report crime, for instance by introducing possibilities for anonymous, or third-party reporting facilities. Moreover, conditions should be defined under which victims might be granted residence permits (http://fra.europa.eu/sites/default/files/document-on-apprehensions_1.pdf).

2. ADMISSION POLICY

Leers: legal rates for family life have not yet been adjusted.

Applicants of a residence permit for family life who wish to be eligible for a reduced rate, can state this wish when they make the application (IND 22.10.12)

Study: lower pass statistics new integration examination abroad

In the first half of 2012, 78% of the integration examination candidates abroad passed. In the first half of 2011, as much as 91% passed, however, this percentage was reduced to 68% in the second half of the year due to the tightened requirements. (Parliamentary Paper 32824: 6, 23.10.12)

Minister: few applications for journeys of refugee children for family reunification have been granted

In 2011, 8,360 applications were made for journeys of refugee relatives in connection with family reunification. Of that number, 720 were granted, 280 of which for Somalis, 170 for Iraqis and 40 for Iranians. Of these applications, 6,560 concerned children, 510 of which were granted. (Parliamentary Paper 33400VII: 4, 25.10.12)

Court: abandoned wife may be deregistered from municipal personal records database

This concerns a complaint made by a Moroccan woman who had been left in Morocco by her husband and had been deregistered from the municipal personal records database (GBA). The municipality had sent letters to the address and had received no answer. The judge rules that the municipal personal records database must reflect the actual situation, and that the woman has been rightly deregistered (Amsterdam court 12/122GBA, 1.8.12)

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3. CHECK AND DEPORTATION

Council of State: entry ban must take Belgian girlfriend into account

If the police come across people without residence permits, an entry ban is issued in many cases. Judges have decided that individual circumstances must be taken into account. For instance, a Belgian girlfriend whom the person concerned wishes to marry (Council of State 201206076/1/V4 and 201206829/1/V4, 17.10.12)

Council of State aliens without residence permits must be given deadline for voluntary return

Aliens who are found to be in the Netherlands illegally should first be given a deadline for voluntary return. The Council of State decided this also applies if someone remains in the Netherlands after his or her visa expires: (Council of State, 201111865/1/V3 4.10.12). Likewise, someone who has been declared an undesirable alien with a Spanish residence permit must first be given the chance to return to Spain voluntarily (Council of State 201204418/1/V3 23.10.12). Following a (new) asylum request a new return decision must also be taken, including a deadline for voluntary return (Council of State, 201202876/1/V4, 6.9.12).

4. WHAT CAN BE DONE?

Report Hidden Slavery in the Netherlands - FairWork Foundation

FairWork (formerly BLinN) estimates that the Netherlands houses 21,000 labour exploitation victims. The government has only 1% of these victims in view. According to FairWork, this is due to perception: a sex industry victim is a vulnerable, seriously traumatized woman, whereas a labour exploitation victim is a tough man who was 'merely' duped by wretched working conditions. Fairwork holds that this perception is incorrect.

Download the (Dutch-language only) [Rapport verborgen slavernij in Nederland \(2012\)](#)

INDIAC: Misuse of the Right to Family Reunification: Marriages of Convenience and false declarations of parenthood

The IND research agency INDIAC studied marriages of convenience and the possibilities of dealing with this. The study is part of an EU-wide project.

Information and discussion: first child, then alien, 31 Oct 20-22 hrs Rotterdam

About the rights of asylum seekers' and aliens' children in the Netherlands, the campaigns and activities and everything that can be done for these children locally. With the cooperation of Carla van Os, Defence for Children.

Location Steigerkerk, entrance 1e Nieuwstraathof 2, Rotterdam

Information: 010 – 4666722; 010 – 4116085; 06 – 25383472 (Connie vd Broek)

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