

NEWSLETTER, VOLUME 3 NO. 23

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REACTIONS TO IMMEDIATE MEASURE RIGHT TO SHELTER, FOOD AND CLOTHING

Last month, the European Committee of Social Rights decided to take an 'Immediate Measure', compelling the Netherlands to regulate the right to food, clothing and shelter. The State Secretary reacted dismissively: an Immediate Measure is not binding, he said. By now, he has commissioned the Council of State to investigate what the granted Immediate Measure entails. The answer is expected for December.

During last week's budget negotiations([budget treatment, 21.11.13](#)), the Dutch Labour Party vented its opinion that the Netherlands should adhere to the definitive decision of the Committee of Social Rights. The Christian Democratic Appeal is in favour of reception for vulnerable asylum seekers who have exhausted their appeals, but expressly excluded the inhabitants of the 'vluchtkantoor' / 'vluchthuis'.

1. BASIC RIGHTS

Youth care for minors without residence permits to be regulated in ordinance order

The new Youth Act, which takes effect from January 1st, states that youth care must not be offered to minors without residence permits. Through an ordinance order, an exceptional provision has been published. Under this order, youth care will be accessible to minors without residence permits, but foster care will be limited to a maximum of six months. The draft of the ordinance order can be found [here](#) (in Dutch).

Reception for applicants for delay of departure on medical grounds has been extended

The State Secretary has promised to extend the 'Spekman resolution', enabling reception for asylum seekers who have exhausted their appeals and who submit an application for 'delay of departure on medical grounds' (article 64). The extension had been requested by MOO (an ASKV project). The letter by the State Secretary can be found [here](#) (in Dutch).

2. ADMISSION POLICY

Bill passed regarding refugee status

The Senate has accepted a bill to abolish two sorts of refugee statuses (the c and d grounds). The c grounds were meant for asylum seekers who had sustained. The Senate has demanded that this group now comes under the b grounds. The d grounds were meant for asylum seekers from unsafe countries of origin; in future they come under b grounds as well.

IND: no assessment of applications Iraqi asylum seekers pending official country report

In the case of the Iraqi repeat asylum seeker, the Immigration and Naturalisation Service (IND) wrote a letter stating that applications for asylum won't be managed with regard to their contents for the time being. First, the new official country report must be published in which the safety situation is re-assessed. Various courts had already decided that the safety situation in Iraq is worsening and Iraq is insecure. The IND letter can be obtained at VluchtelingenWerk.

Court decisions regarding risk of re-circumcision vary

A woman from Guinea applied for asylum because she had been circumcised and had since undergone a reconstructive operation. Upon her return she fears re-circumcision. The judge does not consider the risk to be proven and wonders how the woman's social environment might have heard of the reconstructive operation. (Arnhem court, 13/20190, 6.9.13)

A Sierra Leonean refugee also applied for asylum in view of the risk of re-circumcision. According to the official country report, this hardly ever occurs in Sierra Leone. Nonetheless, the judge decides that a risk still exists. (Zwolle court, 13/6802, 30.9.13)

Court: refused asylum seeker in Sweden may come to marriage partner with refugee status in NL

In Sweden, the asylum request of this woman was rejected. She runs the risk of being evicted to Iraq. Her marriage partner has refugee status in the Netherlands. As a result, the family cannot live together in Iraq. The court decides that the marriage partner may come to the Netherlands to live together. The decision can be found [here](#) (in Dutch).

Council of State on admission of minor long-term residents

Over the past few weeks, the Council of State decided on three cases concerning minor long-term residents. Two cases were referred back to the IND to weigh up the interests once more. The first [case](#) (link to Dutch web page) concerns a boy from Azerbaijan who has lived in the Netherlands with his parents since the age of 8 and who is now 23 years old. The other [case](#) (link to Dutch web page) is about a boy from Macedonia who has lived in the Netherlands with his parents since the age of 4 and who is now also 23 years old, but has a criminal record. The last [case](#) (link to Dutch web page) was dismissed: it concerns an Indonesian boy who has lived here with his foster parents from an early age, but is now grown up and has an extensive criminal record.

3. CHECK AND DEPARTURE

Court: no entry ban for victim of human trafficking

The court finds that a victim of human trafficking must not be given an entry ban, as she belongs to a vulnerable group of people. The court refers to the European directive on common standards and procedures for returning illegal immigrants and the European directive on preventing and combating trafficking in human beings. Read the decision [here](#) (link to Dutch web page).

State Secretary: activate inhabitants reception and detention centres more

The State Secretary advocates making asylum seekers more active, both in reception and detention centres. According to the State Secretary, this promotes return. Source [budget treatment, 21.11.13](#) (link to Dutch web page).

4. WHAT CAN BE DONE?

Founding a collective of refuges and artists

On the initiative of BAK in Utrecht, activists from the 'vluchtkantoor' in Amsterdam meet up with artists to jointly found a collective and possibly share a building. Preparatory meetings take place in the week of 1-8 December. Info through BAK-Utrecht: www.bak-utrecht.nl

Coram Children's Legal Centre: 'Growing Up In A Hostile Environment: The rights of undocumented migrant children in the UK'

This new report examines the ways in which irregular immigration status is an obstacle to children and young people accessing their basic rights and the difficulties they face in obtaining essential legal advice and regularising their status.

Women's eatery 30 November, Amsterdam

The women's eatery is meant to bring woman with and without residence permits into contact with each other. From 19.00 hrs., there is a (vegetarian) meal (free for women without residence permits, others pay 5,-). Following the meal, we shall celebrate Sinterklaas, with games for the children and small presents. Furthermore, we have second-hand clothes for any women and children who might be interested. Address: 'De Peper', Overtoom 301, in Amsterdam. Info: www.svzv.nl

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.