

## NEWS LETTER, VOLUME 4 NR 1

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### SMALLER FEES FOR LAWYERS IF PROCEEDINGS ARE LOST

As of 1 January the new regulations for fees for lawyers who act for migrants in court have come into effect. Lawyers will be granted smaller fees if applications for residence permits are denied. For asylum cases lawyers will get 2 points for each case lost and 8 points for each case won. For other residence applications lawyers will only be remunerated for court cases, which means they will not receive any money for the preparation of the application. They will be granted 2 points if they lose the court case and 7 points if they win the case. This will mean that lawyers are less willing to provide assistance in cases which carry a risk of losing. You will find the new regulation [here](#).

## 1. BASIC RIGHTS

### IND: fingerprints and photographs required for all applications

As of 1 January 2014 fingerprints and passport photographs have to be provided for all applications. If the application is submitted in the Netherlands the IND takes the fingerprints and they will also take the photograph. If the application is submitted abroad, the fingerprints will be taken at the Dutch embassy and applicants need to bring a photograph which will be scanned. Fingerprints can be used by criminal investigation departments in special cases.

## 2. ADMISSION POLICY

### State Secretary of Security and Justice: all humanitarian residence objectives are assessed simultaneously

On the 1st of January the Programme Streamlining Admission Procedures [Programma Stroomlijning Toelatingsprocedures] will take effect. This programme aims at assessing the reasons given for the asylum application and the humanitarian reasons simultaneously as much as possible.

This will take effect as of 1 January for repeat asylum applications and for applications for humanitarian permits. In these cases other humanitarian grounds for residence such as compassionate grounds and for people who are still in the Netherlands through no fault of their own will be assessed at the same time. It is not yet possible to assess medical residence reasons as well because such assessments require medical information.

Later this year medical tests will be included as well. Then it will be investigated whether humanitarian admission grounds apply at the same time when the first asylum is assessed.

You will find the amendment [here](#).

### IND: written submission repeat asylum application

As of 1 January new asylum applications will have to be submitted in writing. The applicant will be invited to report at a reception centre, where the application will be dealt with in one day. If the application is denied a short procedure of 3 days will follow. It is also possible that the application will be referred to the General Asylum procedure (lasting 8 days) or the Extended Asylum procedure, which takes much longer.

### Council of State: residence with young children after breaking off a relationship

In this case the Council of State have decided that the father of Dutch children who live with their mother and whom he only sees for 4 hours a week, has to be issued a residence permit. The children were born here during legal stay. According to the Council of State it cannot be justified to require them to move to Morocco and in this case contact through 'modern means of communication' is not sufficient.

You will find the verdict [here](#).

### Council of State: application stay with Dutch child rejected in spite of Zambrano verdict because of earlier rejections

The IND will only attend to a repeat application for a residence permit if this application contains new elements in comparison with the earlier application. According to the Council of State this also applies

in this case, in which the applicant applied for residence with a Dutch child and appealed to the 'Zambrano' verdict issued by the European Court of Justice. You will find the verdict of the Council of State [here](#).

#### IND: legal residence EU citizens will no longer need to be registered

In 2014 EU-EER citizens and Swiss people living (and working) in the Netherlands will no longer need to obtain a registration sticker in their passports from the IND. EU passports are sufficient evidence of legal residence. If EU citizens want to stay in the Netherlands for longer than 4 months, they need to report with the municipal register [GBA]. The IND has drawn up a [letter](#) in which the new regulation is explained.

### 3. CHECK AND DEPORTATION

#### Changes regarding the detention of aliens

During the next few months changes will be made as to the locations of the detention of aliens. The Schiphol detention centre will only hold people detained at the border. Other migrants will be moved to the detention centres in Rotterdam or Zeist. For migrants with psychiatric disorders 100 places will be made available in the Forensic Psychiatric Centre [Forensisch Psychiatrisch Centrum (FPC)] Veldzicht.

### 4. WHAT IS TO BE DONE?

#### Photo-exhibition Undocumented Women, 9 January – 27 February, Utrecht

In the Domcafé of the Domkerk in Utrecht will be shown the photo-exhibition: visible – invisible, made by Mirjam de Jong.

Adress: Achter de Dom 1 te Utrecht. Opening hours: ma. t/m vr. 11.00 – 16.30 uur, za. 11.00 -15.30 uur en zo. van 14.00 tot 16.00 uur. Photographer Mirjam de Jong: [www.mirjamphotography.nl](http://www.mirjamphotography.nl)