

NEWSLETTER, VOLUME 4 NO. 3

3 February 2014

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DEFENCE FOR CHILDREN: REPORT ON CHILDREN IN IMMIGRATION DETENTION

In the past few weeks, the ‘Geen Kind in de Cel’ (No child in the cell) Coalition talked to parents and children who have been in immigration detention. They haven’t committed any offence, but they are locked up solely, because they are not allowed to enter the country, or because they must leave the country. The fear of new detention is enduring.

Read the stories in: [‘Papa, hebben we iets ergs gedaan?’](#) (PDF, 2,8 MB, Dutch only); for further information, visit: www.geenkindindeccl.nl (Dutch only)

1. BASIC RIGHTS

Council of State: no right of (income-related) child benefit

This case concerns a vulnerable Nigerian mother of two, who is being received by the municipality of The Hague. Since their allowance is below supplementary benefit level, they applied for extra allowances. The Council of State finds that the state is not under any obligation to ensure the subsistence level. Earlier, the court had ruled that no right to child benefit exists for parents who have no residence permits. (RvS 201302396/1/A2, 29.1.14)

2. ADMISSION POLICY

More asylum seekers in 2013

The Immigration and Naturalisation Service (IND) has published that in 2013, 14,400 people filed first asylum applications, compared to 9,700 in 2012. The largest increase comes from Syrian people, but also, more Somalis and Eritreans applied. Together with the number of consecutive asylum requests, the total number of asylum requests in 2013 amounted to 17,200. Read [here](#) (in English)

New policy asylum seekers various nationalities

At the end of 2013, various Official country reports were issued, which are relevant for asylum assessment. Therefore, the secretary of state has adjusted the asylum policy for the countries in question. It concerns:

Afghanistan: the assessment with relation to single women, homosexuals and the assessment of protection option outside Kabul will be adjusted.

Congo: the special policy for Tutsis will be abolished

Iraq: local escape possibilities are assumed, except for religious minorities and for single women from Central and Southern Iraq

Iran: homosexuals are still at risk upon their return

Somalia: focus groups are people who work for the national government or for international organisations. At all times, a local escape alternative must be assessed in Somalia.

Court: protection against domestic violence is feasible in Armenia

The court finds in this case that in Armenia protection against domestic violence can be obtained. The police are obliged to follow up on a report, and if they do not, NGOs can be asked for help (Groningen court, 13/23135, 3.12.13)

Court: first apply for protection against honour killing with Iraq authorities

This concerns a repeated application, since the mother of this asylum seeker had been killed by her uncle and she, too, fears honour killing. The court rejects the application, because the applicant has not made a reasonable case for the assumption that the authorities are not willing or able to offer her protection, (Arnhem court, 13/7749, 26.11.13)

Court: NAPTIP in Nigeria does not protect against circumcision risk

This case concerns a Nigerian victim of human trafficking. The police have dropped the criminal case. The woman asks for protection against the risk of circumcision for her daughter. The court finds that it is not certain that NAPTIP (National Agency for the Prohibition of Traffic In Persons and Other Related

Matters) is able to offer protection against the threat of circumcision as well (Zwolle court, 13/31923, 24.1.14 and The Hague court, 13/32822 13/32825, 21.1.14)

Court: re-circumcision possible risk in Sierra Leone

In this case, the question is whether the applicant must qualify for a residence permit in view of the risk of re-circumcision. On the basis of a letter by the claimant's gynaecologist, a letter by the Dutch Council for Refugees and reports by Unicef and Amnesty International, the court finds that the Immigration and Naturalisation Service (IND) must look into this in more detail (Arnhem court, 13/20836, 19.12.13)

Council of State: no admission sick elderly Surinam woman

The Council of State rules that this elderly Surinam woman who has medical problems is not to be granted right of residence in the Netherlands. She has been here since 1996, but she has never had a permit. She lives independently and receives volunteer aid from her grownup children, but she also has children in Surinam, who could take care of her, the Council of State finds. Read the verdict [here](#).

3. CHECK AND DEPARTURE

Italy: criminalization illegal residence abolished

A few years ago, illegal residence was criminalised in Italy. Undocumented migrants were imprisoned for years, just for illegal residence. Now, the Italian parliament has decided to revoke legislation. The decision is must still be ratified by the senate. The snitch obligation will still hold. Source: [Il Sole 24 Ore](#); [La Stampa](#), 21 January 2014)

Detention centres Veldzicht and Ter Apel for (criminal) aliens with psychiatric problems

The secretary of state has appointed two detention centres for the reception of aliens who have psychiatric problems. In Veldzicht, aliens with an exclusion order who are detained during Her Majesty's pleasure will be lodged, but also regular aliens with serious behavioural problems in the reception centre and aliens needing compulsory admission. In Ter Apel detention centre condemned aliens will be accommodated, The Repatriation and Departure Service (DT&V) will also actively propagate return in these centres. (Parliamentary paper 28.1.14)

4. WHAT CAN BE DONE?

Training by Dorenda Fokker, Wereldhuis Amsterdam, 19 feb 19.00u (dinner 17.30u)

Even if you are working without a permit you have some rights. There are laws to protect you from exploitation at work. Victims of trafficking can get protection. 'Recht in zicht', a new project in the world house, helps victims of trafficking with their legal issues.

To participate please subscribe: Call: 06-22821472 or mail: info@wereldhuis.org.

Report: Rights are not an 'expense'. Immigration, welfare and public finance in Italy

According this report, rejection-policies are too expensive, inhuman and inefficient and investing in hospitality, in social inclusion, in the safeguarding of rights is what is needed. Deciding with a future-oriented perspective means changing the approach. The English summary is [available on-line](#) (PDF, 1,4 MB).