

NEWSLETTER, VOLUME 4 NO. 4

17 February 2014

Contents	page
1. BASIC RIGHTS.....	2
2. ADMISSION POLICY.....	2
3. CHECK AND DEPARTURE.....	3
4. WHAT CAN BE DONE?	3

STATE SECRETARY: NEW POLICY FOR HOMOSEXUAL ASYLUM SEEKERS

The state secretary responded to decisions by the European Court of Justice and the Council of State. If someone's homosexuality is not contested, the credibility of the asylum stories no longer matters. Now, only a homosexual person's behaviour upon return matters for the assessment of an asylum request, as well as the actual criminalisation of homosexuality in the country of origin. In the case of asylum requests by homosexual Iranians and Ugandans, it is assumed that no protection is feasible in the country of origin. (Parliamentary paper, 14.2.14)

1. BASIC RIGHTS

Council of State: COA does not need to shelter undocumented migrants

In legal proceedings regarding the right of reception for vulnerable migrants without residence permits, the Council of State recently decided that, even if a right of reception were to apply, the Agency for the Reception of Asylum Seekers (COA) would not be obliged to offer reception. After all, the COA is only responsible for the reception of asylum seekers.

This case plays a role in the continued efforts made to arrange right of reception for vulnerable migrants without residence permits. Until recently, authorities referred to COA. That is now no longer an option (ABRvS, 201200442/1/V1, 10.1.14)

Dutch Administrative High Court: no child benefit for undocumented mother of legal child

The Dutch Administrative High Court has no wish to postpone its decision regarding this case, in spite of the fact that the attorney has lodged a complaint at the UN Human Rights Committee. Read the decision [here](#) (Dutch only).

Court: establishment paternity father without identity documents

The registrar had refused to enter the father's name for a child born from the relationship of a female Somali asylum seeker and a Somali status holder. Both had been registered as 'nationality unknown' and 'unmarried', and both had stated to be traditionally married. The court decides that the child is to have the father's name, and that the father is to be given parental authority. (Zeeland court, 253492 FA RK 12-4086, 6.1.14)

EU resolution about safety for undocumented migrant women

The European Parliament voted on a resolution on 'Undocumented Migrant Women in the European Union'. The resolution calls on national and European authorities to ensure that a woman's immigration status does not prevent her from accessing decent housing, healthcare, and education, and to safeguard access to justice for those experiencing violence and exploitation.

[Resolution](#), 4.2.14

2. ADMISSION POLICY

Council of state: refusal permits for mothers

In two cases, the Council of State decided that the mother of a number of underage children can live a family life in the country of origin. According to the Council of State, the state secretary of Justice had taken the interests of the underage children sufficiently into account, and they could settle in their country of origin with their children and potential partner. The cases concerned a Nigerian mother of four underage children ([decision \(in Dutch\) here](#)), and a Croatian mother of 6 underage and two adult children. In the latter case, a conviction in 1999 was taken into consideration ([decision \(in Dutch\) here](#))

Court: entry ban no restriction for residence with children

In another case, the court decided that the entry ban should not play a role in a request for residence with children. The right to a family life should outweigh the right of the Netherlands to impose an entry ban ([decision \(in Dutch\) here](#))

Court: Mongolian government offers no protection against domestic violence

This Mongolian woman asked for asylum because of domestic violence, and because the Mongolian government provides no protection against it. The court agrees (Rb Rotterdam, 13/17844, 19.12.13)

Council of State: need of parenting support no reason for delay of departure for medical reasons

In this case, the woman needs parental support in raising her children. She applied for delay of departure, because this support is not available in her country of origin. The Council of State did not consider this a valid reason for delay of departure. (ABRvS, 201304492/1/V3, 10.2.14)

3. CHECK AND DEPARTURE

State secretary of Security & Justice: amended criminalisation bill before summer

The state secretary is waiting for the results of a study by the European Commission and the WODC (the Research and Documentation Centre of the Justice ministry) regarding the entry ban, before he continues to discuss the bill for criminalisation of illegal stay. Now, his reaction is expected before summer (Parliamentary paper 13.2.14)

4. WHAT CAN BE DONE?

Symposium on victims of human trafficking, 28 March 11-16 hrs, Amsterdam

On this day, there will be plenty of scope for the experiences of victims of human trafficking, as well as for professionals in policing, psychiatry and social services.

Location: Limmikhof, Nieuwe Keizersgracht 1A, register through: rechtinzicht@diaconie.org before 21 March.

Global Forum on Migration and Development (GFMD) Civil Society Days 12-13 May Stockholm

The GFMD Civil Society Days 2014 will be held on 12 – 13 May in Stockholm, Sweden. A shared session with governments, known as the Common Space, will be held on 14 May, and the GFMD Government Days will take place on 15-16 May. Applications via the official website before 19 February: click [here](#).

BETWEEN DESTITUTION AND A HARD PLACE: FINDING STRENGTH TO SURVIVE REFUSAL FROM THE ASYLUM SYSTEM: A CASE STUDY FROM THE NORTH EAST OF ENGLAND

Fiona Cuthill, Omer Siddiq Abdalla and Khalid Bashir, University of Sunderland, September 2013

In the North East of England, it is suggested that several hundred people live in destitution. In this research, peer researchers enabled accounts of destitution, coping and surviving to be collected and the findings help to illuminate the multiple ways that people find strength to cope with destitution in a country not of their birth. Recommendations are given for policy, practice and future research.

Download [here](#)