

NEWSLETTER, VOLUME 4 NO. 11

26 May 2014

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COUNCIL OF EUROPE COMMISSIONER FOR HUMAN RIGHTS VISITED NL

Last week, the Commissioner for Human Rights of the Council of Europe, Nils Muiznieks, visited the Netherlands. He had talks with NGOs, ministers and advisory bodies. Also he visited the border prison at Schiphol and the Vluchthuis in The Hague.

The official report is due in two months' time. However, in his preliminary findings he showed himself to be critical regarding elements of the Dutch alien policy, for instance:

- evicting asylum seekers who have exhausted all legal remedies
- alien detention of children
- the implementation of the children's pardon

Read more [here](#) (in Dutch) and [here](#) (In English).

1. BASIC RIGHTS

Municipalities of The Hague and Utrecht offer reception to people without residence permits

The municipality of The Hague has offered the occupants of the Vluchthuis (Sacramentskerk) reception for six months, on the condition that they are willing to cooperate with an eye to their return. The church occupants are considering the offer.

In Utrecht, the local council has decided to fund the night shelter for people without residence permits so that the shelter may be continued after June 1st.

Court: undocumented employee must continue to receive wages after check

The undocumented employee was no longer allowed to come to work after a check in December 2011 revealed he had no residence permit and was not allowed to work. According to the employee, his contract was never annulled and he is entitled to continued wage payment. The court finds in his favour, but also finds that he has waited too long to submit his application. The judge decides he is entitled to six months' back wages. (Rotterdam court, 1416058 \CV EXPL 13-4106, 15.11.13)

News: test for marriages of convenience adjusted

If someone who has no right of residence wishes to marry, the aliens police must give its approval. The M46 form is used for this purpose. This form has been temporarily adjusted, because the Aliens Act Implementation Guidelines have been altered. In future, the form will expire altogether. The municipality in question can check the residence status digitally and only needs to contact the police if it judges there is a risk of a marriage of convenience. (NVVB, 21.5.14)

2. ADMISSION POLICY

Court: visa sponsor not financially responsible at later asylum request

The living costs of asylum seekers will be charged to the government, unless the asylum seekers have private means. The means of the visa sponsor do not count as private means. (Utrecht court, 13/18095, 24.4.14)

Court: risk Ugandan man who was active in gay movement

The court finds that the story told by this Ugandan homosexual man is not credible. However, he was active in the Dutch gay movement and as such has attracted publicity. That alone makes it to dangerous to send him back to Uganda. (The Hague court, 13/20132, 7.5.14)

Court: risk for Somali to be considered a Western spy upon his return

The judge in preliminary relief proceedings departs from the official country report dated December 2013, stating that the Al Shabaab will consider any returning Somalis to be spies. Therefore, Somalis who need to return to an area where Al Shabaab is in power are at risk. For that reason, the judge decides that this Somali, who has been in the Netherlands since 2009, must not be evicted until further notice. (The Hague court, 14/9185, 14.5.14)

Court: stop residence permit Rumanian woman after 2.5 years of social welfare

This Rumanian woman had a right of residence as being self-employed, but had stopped working when she gave birth and had then applied for social welfare. The Immigration and Naturalisation Service

(IND) revokes her residence permits on the grounds of an unreasonable appeal to social security. The court finds for the IND. You can read the verdict [here](#) (in Dutch).

Council of State: haemodialysis available in Nigeria

This kidney patient had posited that there are just a few haemodialysis centres in Nigeria, and that upon return the continuity of the dialysis would be at risk. She needs dialysis three times a week. The Council of State considers the presence of haemodialysis centres to be sufficient. The availability does not come within the area of responsibility of the Netherlands. You can read the verdict [here](#) (in Dutch).

Council of State: right to private life for 20-year old Surinam woman who has lived in NL for 12 years

The Council of State finds that the private life of a Surinam woman, who spent the larger part of her youth in the Netherlands, must be taken into account in the consideration whether she is entitled to a residence permit. You can read the verdict [here](#) (in Dutch).

3. CHECK AND DEPARTURE

Court: 5-year entry ban after various return decisions

This asylum seeker has submitted applications for a residence permit before, which were rejected. Now, the Immigration and Naturalisation Service (IND) has imposed a 5-year entry ban. He is to return, may not enter the EU for 5 years and further residence in the Netherlands is now liable to punishment. The judge has found for the IND. You can read the verdict [here](#) (in Dutch).

State secretary Safety & Justice: end of border detention for children

The state secretary has promised that families with children who apply for asylum at Schiphol will no longer be put in a detention centre. In future, they will be taken to a type of reception centre they cannot leave, but they will be free within its walls. (nu.nl, 23.5.14)

Court: deportation to Somalia in view

The judge believes the Immigration and Naturalisation Service (IND), which states that the negotiations with the Somali government on forced return are on-going and that a solution is in view. Therefore, Somalis may be placed in aliens detention (Groningen court, 14/9926, 14.5.14)

4. WHAT CAN BE DONE?

Wereldhuis Summer fête, 13 June 16,30-21,00 hrs Amsterdam

Come to our annual summer fête for all visitors, volunteers and friends of the wereldhuis (worldhouse)! Enjoy music, dance and lovely snacks. Drop in and prepare to be surprised by our visitors' talents. Location: Hoftuin Wereldhuis, Nieuwe Herengracht 20; www.wereldhuis.org

Gender related asylum claims in Europe

A comparative analysis of law, policies and practice focusing on women in nine EU Member States : France, Belgium, Hungary, Italy, Malta, Romania, Spain, Sweden and the United Kingdom
The report identifies a number of recommendations for a range of institutions in order to achieve a gender-sensitive asylum system across Europe. Download [here](#)