

NEWSLETTER, VOLUME 4 NO. 14

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

YOUTH CARE TO BE AVAILABLE TO PEOPLE WITHOUT RESIDENCE PERMIT AFTER ALL

The Youth Care Act excludes young people without residence permits from care. In the bill, which was published last week, this exception is rectified.

In the implementation of the Act, young people without residence permits will have the same access to youth care as any other youths, except that a new decision will have to be taken every six months.

Another exception is that foster care is only deployed if indispensable to the youth's interest.

Read the draft decision [here](#) (in Dutch only).

1. BASIC RIGHTS

Court: inhabitants Vluchthaven need to submit individual applications for reception

The Amsterdam court has rejected the collective reception application made by the Vluchthaven inhabitants. However, each inhabitant must have the opportunity to apply for an individual assessment of his vulnerability, should he be turned into the streets. Read the verdict [here](#) (in Dutch).

Bill implementing Victims directive published

The Victims directive regulates the rights of crime victims. This European directive is to be converted into Dutch legislations as per 16 November 2015. What is special about it is that undocumented victims are granted the same rights as victims who do have residence permits.

The bill has just been published. Unfortunately, no special mention is made of the rights of people without residence permits. You can read the bill [here](#) (in Dutch only).

The secretary of state has promised Internet consultation during the summer; it is not yet available.

2. ADMISSION POLICY

State secretary Security & Justice: permit revoked after six-month detention abroad

A residence permit is revoked if the person concerned resided abroad for a period longer than six months. Detention used to be an exception to this rule, as it did not amount to voluntary departure. However, the Secretary of state intends to amend this. In future, detention will count as voluntary departure ([decision, in Dutch](#))

State secretary Security & Justice: policy sending asylum seekers back to Italy?

According to the Dublin Regulation, asylum seekers who were in Italy first are to be sent back to this country. Before long, the European Court will handle a case regarding a family with small children in Switzerland that runs the risk of being sent back to Italy. Formerly, the European Court has repeatedly intervened when asylum seekers were in danger of being deported to Italy.

In Denmark, vulnerable asylum seekers are not deported to Italy. However, the Netherlands still continues to send people back (answer to Parliamentary question 2.7.14). The Council of State recently approved of the policy (ABRvS 201403712/1, 1.7.14).

Court: homosexuality in Morocco no reason for asylum

The court rules that homosexuality is hardly punished in Morocco, and that homosexuals are free to practise their sexuality. The asylum request is rejected (Amsterdam court, 14/11911, 20.6.14)

Council of State: protection from genital mutilation is possible in Nigeria

In this case, the Council of State finds that the Nigerian reception organisation Naptip can help protect women from the risk of genital mutilation. The applicant, a woman with a daughter, does not have to reside in the Netherlands to be protected from genital mutilation ([decision in Dutch](#)).

State secretary S&J: European human trafficking victims are already legal - so not granted victim status

The Secretary of state has announced a change of policy: in future, European victims of human trafficking are no longer granted victim status. They are still eligible to make use of special provisions including reception. You can read more [here](#) (in Dutch only).

Court: children's pardon does apply if child has not actively withdrawn from state supervision

Children are entitled to the children's pardon if they have not withdrawn from supervision for longer than a three-month-period. In this decision, the court distinguishes between children who left and children whose file was closed by the authorities. In the latter case, withdrawal from supervision does not apply and they should be eligible for the children's pardon ([decision in Dutch](#))

State secretary S&J: orientation year after graduating to be extended

After they graduated, foreign students are allowed to remain in the Netherlands for one year to find a job. If they do find a job, they are given a migrant worker. The Secretary of state has announced that the period in which the orientation year may be included is extended to three years. (SvV&J, 1.7.14)

3. CHECK AND DEPARTURE

Council of State: entry ban allowed after voluntary exit following prior illegal residence

The Council of State decides that an entry ban may be issued to an alien who leaves voluntarily, if that alien formerly resided in the Netherlands illegally. An entry ban forbids entry into Europe for at least two years. The entry ban is lifted if the alien wishes to come back for special reasons, including family reunion ([decision in Dutch](#)).

Council of State: alien detention not allowed if alien may exits of his own accord

This Frenchman had been put in alien detention following criminal detention. He had bought a plane ticket himself and intended to travel back to France of his own accord. The Royal Military Constabulary first wanted to consider whether they needed to accompany him during this exit, and for they reason they detained him. They were not allowed to do that, the Council of state finds ([decision in Dutch](#))

4. WHAT CAN BE DONE?

Women, migration and development: Investing in the future, 17-18 July London

The Overseas Development Institute (ODI) and [CARE International UK](#) are hosting an international conference, which aims to both highlight potential solutions for improving the protection of migrant's rights, and to ensure that debates around migration are firmly located within the broader sustainable development agenda. The conference will focus on two key thematic areas: vulnerabilities faced by women migrant workers and challenges in developing lasting policy solutions.

Info: <http://www.odi.org/events/3978-women-migration-development-investing-future>

Municipality of Utrecht also pays personal contribution to medication for undocumented persons who have no money

As a result of questions by the Dutch Labour and Green Left parties, the municipality of Utrecht decided on 18 June to pay the personal contributions to medication for undocumented persons, up to 1 January. Thus, the municipality of Utrecht follows earlier initiatives by the municipalities of Groningen, Eindhoven, Nijmegen, Arnhem, Amsterdam, Rotterdam and Den Bosch.