

NEWSLETTER, VOLUME 4 NO. 22

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STATE SECRETARY: IT WILL BE EASIER FOR GROWNUP CHILDREN TO REUNIFY WITH THEIR PARENTS IN THE NETHERLANDS

Following a judgment by the Council of State, dated 4 July, the state secretary has decided to make the reunification policy more flexible.

The reunification policy is meant to allow family members to reunify with recognised refugees. If the application is submitted within three months after the main person has been granted a status, the partner and underage children are issued with a visa and a residence permit.

The state secretary has now decided to give grownup children a similar chance to come to the Netherlands, on condition that they were still underage when the main person left and that they have not started a family of their own

You can read more about the new policy [here](#) (in Dutch only)

1. BASIC RIGHTS

Court: permit on medical emergency grounds exempts from work permit, for work placement too

This judgment concerns a girl attending intermediate vocational education who did a work placement. Her father had a permit on medical emergency grounds, as a result of which the entire family still needed a work permit had. This policy has been abolished following last year's implementation of the Modern Migration Policy. The court rules that the new policy is to be put in practice and that was thus no work permit required for the work placement. The provider of the work placement will not be fined (Utrecht court, UTR 14/762, 24.8.14)

2. ADMISSION POLICY

Court: ruling Iraqi asylum seekers from other areas postponed

A few weeks ago, the state secretary published new policy about the assessment of asylum seekers from Iraq. Some provinces are deemed unsafe, and currently, asylum requests from those areas are not being processed. Now, courts find that the question whether asylum seekers from other areas in Iraq *are* safe upon returning should be motivated more thoroughly. Their rulings concern the provinces of Hilla and Karbala (Hilla: Utrecht court, 14/20793, 9.10.14; Karbala: Utrecht court, 14/20810, 9.10.14)

Council of State: authorization for temporary stay and residence permit decided by moment of application

This concerns an application for residence with partner. According to the IND, it is a marriage of convenience. The couple has submitted statements made by acquaintances and family members that make clear the relationship is genuine. The Council of State only takes into account the moment of application of the residence permit, and holds that the statements proof nothing about this moment. The relationship may have become more meaningful at a later stage, but that is not relevant to the decision made on the basis of the application. For a new decision, a new application must be made, that weigh in the statements (ABRvS, 201400426/1/V3, 7.10.14)

State secretary S&J: implementation CoE treaty to prevent and combat violence against women

This treaty obliges member states to give victims of domestic violence, both with and without residence permits, and abandoned women the chance to apply for a residence permit independently. The bill has been published. The state secretary opines that Dutch policy is already consistent with the requirements of the Istanbul Protocol. You can read more [here](#) (Dutch only)

Council of State: with children's pardon, people who did apply for asylum may be distinguished from people who did not

The Council of State agrees that the children's pardon is meant exclusively for children of parents who applied for asylum earlier. Lawyers felt this was discrimination and also felt that parents' behaviour should not be held against the children. The Council of State holds that children of 'asylum parents' have suffered more than other migrants' children (ABRvS, 201404129/1, 22.10.14)

3. CHECK AND DEPARTURE

State secretary S&J: return to Ebola countries is possible

Following questions by the Socialist Party, the state secretary answered that it is safe to send asylum seekers who have exhausted all legal remedies back to Ebola countries. The chances of being infected with the ebola virus are relatively small. Moreover, other countries do the same, except for Belgium.

Read [here](#)

Médecins du Monde published a press release condemning eviction to Ebola countries

4. WHAT CAN BE DONE?

Commemoration deceased on EU external borders, 2 Nov 17.30-18.30 hrs Amsterdam

On Sunday 2 November (All Soul's) we shall dwell upon the deaths of the countless unknown people on the EU external borders and upon the way we systematically look away from all misery that the more stringent border patrols cause. We shall do so between 5.30-6.30 p.m. on the Amstel jetty in front of the Hermitage.

Prior to the commemoration, at 4.30 p.m., the documentary 'Borders' will be screened in the attic of the Protestant Parish (at a few minutes' walk from the Hermitage). In it, documentary maker Jacqueline van Vugt shows the hardships of migrants on the way – and the frosty reception in Europe. Afterwards, she will discuss the documentary with the audience.

Info: www.noelhuis.nl

Human rights commissioner worried about basic rights and alien detention

Particularly concerning to the Commissioner is the extensive use of administrative detention of asylum seekers and immigrants, a practice at variance with international standards which only allow it as a measure of last resort, for the shortest possible period of time and when no effective alternative is applicable.

Another issue of concern to the Commissioner is the legal limbo in which irregular immigrants live. "A number of irregular immigrants end up in destitution on the streets or in camps as they do not manage to access existing emergency shelters. This situation must be dealt with urgently, because anyone, regardless of the residence status, has the right to an adequate standard of living, including food, clothing and shelter".

Read the report: <http://www.coe.int/en/web/commissioner/-/migrants-and-children-s-rights-...> and the Dutch response:

<https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.Cm...>

Petition for residence permit Caroline Kigeme

Please sign the petition for a residence permit for 18-year-old Caroline Kigeme, who has lived in the Netherlands with her mother for twelve years. The mayor of Dokkum supports this appeal.

<http://petities.nl/petitie/caroline-moet-blijven>

Since 2003, the LOS Foundation (the Dutch acronym for 'Landelijk Ongedocumenteerden Steunpunt') has been the knowledge centre for people and organizations providing assistance to undocumented migrants. LOS Foundation devotes itself to the basic rights of these migrants and their children.