

NEWSLETTER, VOLUME 4 NO. 23

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ECSR: RIGHT TO FOOD, CLOTHING AND SHELTER

Today, the decision by the European Committee of Social Rights on the complaint submitted by the Conference of European Churches has been published. According to the Committee, the right to food, clothing and shelter applies to everybody, including people who have no residence permit.

Decision: http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC90Merits_en.pdf

An explanation is given (in Dutch) on the Amnesty International website:

http://www.amnesty.nl/sites/default/files/public/uitspraak_ecsr_vraag_en_antwoord_zonder_bijlagen_def.pdf

1. BASIC RIGHTS

European Court of Justice: illegal employee to be paid upon bankruptcy employer

This is the answer given by the European Court of Justice to a question from the Netherlands. According to the Court, an illegal employee must receive his or her wages, just like any legal employee does. You can find the decision [here](#) (in Dutch only).

Court: employer may halt wages if employee lacks work permits for non-EU residents

In this case, the magistrate ruled that there is no reason to sack an illegal employee on the spot and stop paying him or her wages. The court finds that summary dismissal is indeed not allowed, but that the wages need no longer be paid. You can read the decision [here](#) (in Dutch only).

NL Administrative High Court: no more welfare on provision ruling (vovo) application pending appeal

This case concerns someone whose regular residence permit was revoked and whose objection had already been refused. The attorney has applied for a provision ruling, pending the processing of the appeal. In such a situation, the Netherlands will not deport a person, but there is no lawful residence either. That's why the Dutch Administrative High Court finds it just that welfare is no longer being paid. You can read the decision [here](#) (in Dutch only).

Council of State: no suspension rent/ healthcare allowances illegal partner in the interests of baby

Of a person who has no right of residence is registered at an address, the main occupant no longer receives healthcare and rent allowances. In this case, the Council of State has exceptionally decided that suspension of the allowances is unreasonable, as the father cannot turn his partner and baby into the street. You can read the decision [here](#) (in Dutch only).

2. ADMISSION POLICY

Ministry of Labour and Social Affairs: Civic Integration Examination Abroad adjusted

Minister Asscher has announced that the Civic Integration Examination Abroad has been adjusted as from 1 November. As the Internet connection to the embassies is still not working properly, an offline test is to be used as from 1 December, combined with an oral fluency exam.

Since 1 November, it is possible to obtain part certifications, so that it is no longer necessary to retake the entire exam if a part has been taken unsuccessfully.

You can read the decision [here](#) (in Dutch only).

State secretary S&J: assessment possibility to report crimes in reception centres

As from the fall of 2014, a one-year pilot will run to fit out reception centres for victims of human trafficking with interview studios. You can read the decision [here](#) (in Dutch only).

State secretary S&J: EU citizens no longer status victim human trafficking, public services to continue

'The aim is that in a year's time the residence scheme for victims of human trafficking will only be made available for victims from outside the EU. It is important for victims from the EU to be able to make use of reception facilities. I foresee no problems in the sense that municipalities would be unwilling to provide those.' Read the full text [here](#) (in Dutch only).

Council of State: reporting human trafficking in Albania doesn't stand a chance

The Council of State recognizes that it is useless for victims to report human trafficking in Albania. The authorities cannot offer any protection, and the applicant is ostracized or may even be murdered by her family, according to the country report.

The Immigration and Naturalisation Service (IND) may not reject the application because the applicant did not report human trafficking in Albania. Read the decision [here](#) (in Dutch only).

3. CHECK AND DEPARTURE

State secretary: stepping up efforts to return regular migrants without residence permits

Following the decision in the Jeunesse case (Surinam mother of three Dutch children, in whose case applying for an authorization for temporary stay (mvv) was unreasonable according to the European Court of Human Rights), the state secretary has announced that he will put in more work to return people. One of the arguments in this case, was that the government had left the family in peace for years. You can read the letter [here](#) (in Dutch only).

Council of State: No perspective on return to Somalia

Since 2010, the Dutch government has negotiated with the Somali authorities regarding return. So far, that has yielded results only twice. There is no perspective on successful further negotiations. For that reason, the Council of State finds that Somali people may no longer be detained. Read the decision [here](#) (in Dutch only).

4. WHAT CAN BE DONE?

Lecture: migrant deaths in the Mediterranean, 26nov 19-22.30u Amsterdam

Researchers will address the ways in which European authorities as well as civil society organizations deal with the bodies of dead migrants, and the possible connection between European migration policies and the increasing number of migrant deaths in the Mediterranean.

Location: De Nieuwe Liefde, Da Costakade 102, 1053 WP Amsterdam

Sixth periodic report of the Kingdom of the Netherlands concerning the implementation of the international convention on the elimination of all forms of discrimination against women (2008-2013)

Among other matters, this report discusses female asylum seekers and admission criteria for marriage migrants, such as the integration and income examinations.

<https://zoek.officielebekendmakingen.nl/blg-401014.pdf>

SCP: Marriage migration in the Netherlands – Backgrounds and situation of marriage migrants

In this publication, the Netherlands Institute for Social Research (SCP) provides a statistical portrayal of marriage migrants, mainly allowing them and their partners to speak for themselves. The SCP also pays attention to the potential darker sides: the increased risk of experiencing domestic and honour-based violence, abandonment and marital captivity. A summary of the report can be found on

<http://www.scp.nl/english/dsresource?objectid=37162&type=org>

Regioplan: Assessment Civic Integration Abroad Act

<https://zoek.officielebekendmakingen.nl/blg-404490.pdf>, Sept 2014 (in Dutch only)