

## NEWS LETTER, VOLUME 5 NR 2

2 February 2015

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### REPORTING CRIMES IN AMSTERDAM, UTRECHT AND EINDHOVEN WARRANTED

Since 2007 the Amsterdam police have been improving their contacts with migrant groups. The police aim at reporting as many crimes as possible and warrant migrants without residence rights that they can report punishable offences without running the risk of being detained. The pilot, which started last year, has been extended with a year.

In Utrecht recently a police contact person has been allocated in order to enable undocumented migrants to safely report crimes. In Eindhoven the issue of the safe reporting of crimes has been entered on the agenda of the municipal council.

## 1. BASIC RIGHTS

### Court of Appeal: quality of the shelter services of importance as well

Since the court rulings stating that undocumented migrants are entitled to shelter and support, proceedings have been conducted about the quality of the shelter services in question. However, the Court of Appeal advised in a case about Tilburg to have medical examinations carried out before taking a final decision. In a case about Nijmegen the Court have decided that the applicant, who has psychological problems, is entitled to a private bedroom with a shower.

From these rulings it has become clear that municipalities should take into account specific (medical or psychiatric) conditions of the migrant concerned.

Here you can read the [ruling](#) about Tilburg and here the [ruling](#) about Nijmegen.

### Central Court of Appeal: after 5 years of residence als EU-citizen a Romanian woman is legally entitled to assistance benefit on account of entitlement to permanent residence

This case concerns a Romanian woman who has been living in The Netherlands since 2002. She had submitted several applications for a residence permit. In 2011 she applied for social benefit for her and her partner.

The Central Court of Appeal have decided that she had been living as an EU citizen in the Netherlands for over 5 years at that time for which reason she had legal right of residence as an EU citizen. The fact that she is registered as a job-seeking EU citizen in the GBA [municipal register] is irrelevant in this case. As a permanent resident she is entitled to social benefit at the same rate as a Dutch person.

You can find more information [here](#).

## 2. ADMISSION POLICY

### State Secretary of Security and Justice: asylum procedures to be continued during the weekend

Because of the large numbers of asylum seekers in the Netherlands the Secretary of State has decided to have the reception centres Ter Apel, Den Bosch and Zevenaar continue working during the weekends as well. You can find more information [here](#).

### Court of Appeal: residence with Dutch child, because the Dutch partner is unable to care for the child

This case concerns a Moroccan woman who has a Dutch child with her partner. The woman has applied for residence with her Dutch child because her husband is ill. Physicians have stated that the husband is unable to care for the child, even with help. The Court has ruled that the woman has to stay in the Netherlands to give the child the opportunity to stay here as well. You can find more information [here](#).

### Court of Appeal: ruling application for residence as a partner of a Somali refugee

This case concerns a woman who wants to stay in the Netherlands with her Somali partner who has an asylum permit. They do not meet the criteria integration test and income test.

The Court are of the opinion that there is no possibility to be together in another country and that modern means of communication are no substitute for living together. Therefore the Court are of the opinion that the woman should be able to come to the Netherlands after all. You can find more information [here](#).

Secretary of State Security and Justice: 290 statuses based on ‘compelling cases’

The Secretary of State wrote that he has issued 290 permits in compelling cases since he started office; on average this number equals the number of previous Ministers/Secretaries of State. You can find more information [here](#).

### 3. CHECK AND RETURN

IND [Immigration and Naturalisation Service]: resumption of negotiations about return to Somalia required

At the end of last year some Somalis could be sent back but the two most recent planned evictions had to be cancelled. According to the IND the Somali authorities have been violating the agreements. Negotiations about the return of migrants have to be resumed. Therefore the Court of Appeal have decided that there is no prospect of eviction to Somalia in the near future. You can find more information [here](#).

### 4. ACTIVITIES

Symposium Huize Agnes: ‘Gender aspects in migration policy’, 2 March 13.30-17.00 Utrecht

With this symposium we want to demand attention for the unequal rulings as to asylum applications, to identify points of improvement and to bring these under the attention of policy makers and politicians.

Speakers include Marjan Sax, Ellen Santen and an expert by experience.

Location: the former Town Hall of Utrecht, Korte Minrebroederstraat 2

Registration through: <http://www.agnesvanleeuwenberch.nl/aanmelden.cfm>.

OHCHR: “The Economic, Social and Cultural Rights of Migrants in an Irregular Situation”

Through a specific focus on economic, social and cultural rights, the report seeks to challenge common assumptions about the entitlement of irregular migrants to fundamental human rights such as the right to health care, to education, to an adequate standard of living, to social security and to fair working conditions. To download the report please click [here](#).

EU Fundamental Rights Agency: victim support

In this document the Human Rights organisation of the European Union advise on the victim directive. Among other things the organisation have advised to give ‘irregular migrants’ access to victim support as well, irrespective of the question whether they have reported the offence. This is important in order to prevent exploitation.

<http://fra.europa.eu/en/publication/2014/victims-crime-eu-extent-and-nature-support-victims>

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.