

NEWS LETTER, VOLUME 5 NR 5

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INTERNET CONSULTATION ABOUT ENTRY BAN

The entry ban is a form of penalizing illegal residence. Migrants who have been found to stay without legal residence or who have exceeded their return period will be issued an entry ban for the duration of 2-5 years. Migrants with a criminal record will be issued entry bans of 5-10 years. Residence with an entry ban is punishable and entry bans preclude migrants with a visa from entry into the entire EU. Investigations by the WODC have shown that entry bans are futile because they are seldom enforced by the authorities and in most cases no punishment follows. Still the former Secretary of State has proposed to increase the duration of entry bans from 2 to 3 years or to 5 years in cases of prolonged illegal residence. If migrants return voluntarily the entry ban will be reduced by 2 years. He hopes that prolongation of entry bans will stimulate return. Responses to this legislative proposal can be provided through Internet consultation. You will find the consultation [here](#) and the response by the LOS foundation [here](#).

1. BASIC RIGHTS

State Secretary of Security and Justice: in some cases Dutch children still in family locations

Family locations are a type of Asylum seekers' centres for asylum seekers with minor children; they are intended for migrants who have exhausted all legal remedies. In some cases undocumented women with Dutch children live there as well. Recently many of them have been sent away. On questions by Groen Links Teeven [the former State Secretary] has answered that Dutch children are only allowed to stay in these family locations if no other shelter for these children is available. You can find more information [here](#).

Central Appeals Tribunal: exemption of payment of court registry fees

According to the Central Appeals Tribunal no court registry fees need to be paid if the net income is less than 90% of the statutory assistance criterion and there is no property. You can find more information [here](#).

2. ADMISSION POLICY

Council of State: no 15c Tripoli

Based on extensive documentation the Council of State have decided that civilians in Tripoli, Libya do not run the risk of falling victim to random acts of violence. Therefore Libyans will not be granted asylum automatically. You will find more information [here](#).

Council of State: Questions Department about the recognizability of returned migrants and the security situation in Somalia

The Council of State are asking the IND for information concerning the safety of migrants who return to Mogadishu and Central Somalia. According to the Official Country Report westernized Somalians are regarded as spies and are therefore at risk (ABRvS, 201500595/1, 6.3.15).

3. CHECK AND RETURN

State Secretary Security and Justice: end to visitations; solitary confinement in detention of aliens is still allowed

Two weeks ago the LOS foundation in co-operation with Amnesty International and Dokters van de Wereld [Physicians of the World] published a study into the practice of solitary confinement in detention of aliens. The Secretary of State did not want to commit to reduction of the number of people placed in solitary confinement. However, he did want to reduce the number of visitations (physical examinations). Body scans have been placed in all the detention centres and visitations will no longer take place in each case of solitary confinement. You will find more information [here](#).

Court of Appeal: less severe measures than detention of aliens because the migrant in question is not deportable and had long duration of residence

This man has been in the Netherlands for 35 years and has been placed in detention of aliens several times but could not be deported in any of these cases. The Court of Appeal are of the opinion that a less severe measure than detention of aliens should be applied, for example the obligation to report. He will be remunerated for the time that he spent wrongfully in detention of aliens (Rb Amsterdam, 14/23640, 30.10.14).

Court of Appeal: no prospect of deportation to China

According to the Rotterdam Court of Appeal since 11 February it has become clear that deportations to China are no longer possible. According to the IND deportation is sometimes successful because some Chinese migrants do have passports. Because the IND cannot explain why this Chinese man possibly has a passport, the Court of Appeal have decided that detention of aliens is unlawful in this case. You will find more information [here](#).

4. ACTIVITIES

Photo exposition (6 - 28 March) and film (20 March) about the struggle of Indonesian labour migrants
In the Leidse Vrijplaats the [Indonesian Migrant Workers Union \(IMWU\)](#) in co-operation with Doorbraak will show a film about the life and struggle of Indonesian labour migrants without right of residence in the Netherlands and their [zelforganisatie IMWU](#) on 20 March.

Venue: Vrijplaats, Middelste gracht 36, Leiden. For more information please contact <http://www.doorbraak.eu/20-maart-leiden-premiere-van-film-indonesische-arbeidsmigranten-zonder-papieren-nederland/>

Exchange meeting about adequate shelter and support Amsterdam, 10 April 15.30-19.30

During this exchange meeting we want to inform organizations and people concerned about the state of affairs around shelter and support of rejected asylum seekers and other undocumented migrants. This is followed by a debate about the definition of adequate shelter and support and about the future plans of the municipality of Amsterdam. Subsequently there will be a festive programme around the launch of the collective (renewed) story website www.vluchtgroepamsterdam.amnesty.nl.

Venue: Zolder Limmikhof, Nieuwe Keizersgracht 1A, Amsterdam. Registration: J.deJonge@amnesty.nl

Conference Vulnerability and (personal) strength, 26 May 10-16.30 Amersfoort

This conference has been organised by IND, DT&V [Dutch Office for Return and Departure], and COA and will address the care for vulnerable groups in the chain of migrants. The following key questions will be discussed: how do we identify and protect vulnerable groups? How do we enhance the personal strength and responsibility of asylum seekers and aliens some of whom have exhausted all legal remedies? How can implementing organizations of Central Government, municipalities and NGOs co-operate, specifically at the 'interface' of tasks and responsibilities?

The organizations would like to discuss this with all parties, including NGOs. Further information to follow.