

## NEWS LETTER, VOLUME 5 NR 8

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### BED, BATH BREAD, WHAT HAS THE GOVERNMENT DECIDED?

On the 14th of April the [resolution](#) of the Committee of Ministers from the Council of Europe was published. This was the Committee of Ministers' response to the [decision](#) of the European Committee for Social Rights concerning the complaint about the right to food, clothing and housing for undocumented migrants in the Netherlands.

After long discussions in the Cabinet, the final [decision](#) was to create shelters where undocumented migrants can stay for a short period of time. In these shelters they can obtain advice for their return. In case they want this they can get shelter for longer in Ter Apel, the freedom-restriction centre.

According to most NGOs this offer is in violation of the decision of the European Committee because according to this decision no conditions can be attached to basic provisions. The [VNG](#) already gave a disappointed response, and several municipalities have stated that they will continue to provide their basic facilities.

In the meantime legal proceedings are continuing as well. On 17 December 2014 the [Central Appeals Tribunal](#) decided that basic provisions must be offered until 2 months after the resolution by the Committee of Ministers, which is until 14 June 2015. On 20 January the Secretary of State already [promised](#) municipalities financial compensation for this. We are still awaiting a decision by the Council of State concerning this same issue. If they decide that basic facilities should be provided, the cabinet will stick to this. But as long as they have not decided anything, the Secretary of State will continue to compensate municipalities.

## 2. ADMISSION POLICY

### Secretary of State for Security and Justice: decision and departure moratorium for certain parts of Iraq extended

Six months ago the then Secretary of State declared a moratorium on decision and departure for those provinces in Iraq that were under the control of IS. Asylum seekers from these provinces have been given shelter in asylum seekers' centres. In the meantime a new [official country report](#) has been issued, showing that the safety in these provinces can still not be guaranteed. Therefore the decision and departure moratorium will be extended by half a year. You will find more information [here](#). The moratorium does not apply to the southern and the Kurdish provinces. The Council of State have asked the Secretary of State how these areas came to be assessed as safe (ABRvS 201408471/1, 201501219/1, 10.4.15). The answer to these questions is not yet known.

### Secretary of State for Security and Justice: decision and departure moratorium southern provinces Somalia, under the rule of Al Shabaab

The Secretary of State also declared a moratorium on decision and departure for certain provinces of Somalia. Mogadishu is excluded from this moratorium. Somalis from areas that come under the moratorium will be given shelter in asylum seekers' centres. If after 1 year no decision has been reached, Somalis need to be issued a status. You will find more information about the decision and departure moratorium [here](#).

### Council of State: long-term stay children is no reason for residence permit

The Council of State are of the opinion that Turkish children aged 16 and 19 years who were born in the Netherlands are not entitled to a permit. This decision is based on the fact that their parents live in the Netherlands as well (illegally) and that they can return together with their parents. If the children were to be granted a permit, the parents would probably be entitled to residence permits as well. You will find more information [here](#).

## 3. CHECK AND RETURN

### Court of Appeal: detaining cyclists because of suspect bicycles is allowed

In this case the police had detained a cyclist because he was riding a beautiful bicycle without a proper bicycle lock. The police thought that the bicycle had been stolen. They checked the cyclist's papers and discovered that he had no residence permit. Subsequently the man was placed in detention of aliens. The judge ruled that the police had sufficient reason to ask the man to give evidence of his identity (Court of Appeal Den Bosch, AWB 15/5728, 30.3.15).

### Council of State: detention of aliens only allowed after express consideration of alternatives

The Council of State have decided to release a migrant because the motivation for the detention of aliens did not clearly state why alternatives for detention of aliens would not work. This means that from now on the Aliens' Police have to provide much clearer arguments why detention is the best available measure and why for example an obligation to report is not sufficient. You will find more information [here](#).

Court of Appeal: release Somali father who cares for the child of an unstable mother

This Somali man has a child together with a Dutch woman. The woman is unable to care for the child - several other children have already been placed outside of her parental authority. The judge has ruled that it is important that the father can care for the child in order to prevent this child from being placed outside of parental authority as well. Therefore the man has to be released from detention of Aliens (Vzr. VK Court of Appeal Rotterdam, AWB 15/642, 1.4.15)

Council of State: deportation to China not feasible

The Council of State has recognized that lately return to China was not feasible. Therefore the chances of eviction are small. Chinese migrants in detention of aliens have to be released. You will find more information [here](#).

## 4. ACTIVITIES

Dutch Lower House, 29 April 10-13hours: public hearing Bed-Bath-Bread ruling

<http://www.tweedekamer.nl/vergaderingen/commissievergaderingen/details?id=2015A01907>

Masterclass about human trafficking, 3 June 19-21 hours FairWork Amsterdam

In the masterclass 'Zo denk ik erover' ['That is my opinion'] by FairWork victims of human trafficking will talk about their experiences. What are their personal experiences after having been exploited, for example concerning support and care and concerning recovery. Participation is free of charge.

Registration before 29 May through [academie@fairwork.nu](mailto:academie@fairwork.nu), mentioning 'Masterclass'

Venue: Weteringschans 259, Amsterdam (FairWork office)

Surprising Europe

On our updated website [www.surprisingeurope.com](http://www.surprisingeurope.com), anyone interested in African-European migration issues will be able to find the documentary, the TV series, additional content and background information on the issues. The site and accompanying social media are to expand their function as the place where Africans all over the world can share their migration experience. To achieve this, we are looking for Africans to share their experiences in Europe with us. This can take the form of a short text, a piece of music, a self shot video or any other form people would like to use.