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OPERATIONAL INSTRUCTION WARRANTED REPORTING AT ALL POLICE STATIONS

In February, all police forces were sent an operational instruction regarding Warranted Reporting of Crimes. This means that migrants who have no residence permits can safely report crimes THROUGHOUT THE NETHERLANDS.

- The police are not in charge of aliens supervision.
- There is a special protocol for registering identity if no papers are available. If necessary, contact details may be omitted from the booking.
- The person involved may yet decide not to report the crime. Then, he or she may still freely leave the police station. Please note: obviously, this does not apply if other punishable acts have been committed.

The police find it important for the target group of undocumented aliens to know their safety is warranted when they need to report a crime. It advises the police forces to contact local assistance schemes, interest groups and migrant communities where undocumented migrants apply for help. Locally, a surgery may be organised where further information is offered regarding Warranted Reporting of Crimes and how to report crimes.

1. BASIC RIGHTS

Council of State: no child-based budget for legal ex-partner undocumented mother

This man needs to co-finance the support of his child, which resides with its undocumented mother. The Council of State stated that the child-based budget is not meant for the basic living costs and has decided that the man is not entitled to it. Read [here](#) (Dutch only).

2. ADMISSION POLICY

Court: return to Somalia of westernised single woman is feasible

The court has decided that there is no special risk involved in the return of single women, even if they have become westernised as a result of a prolonged residence in Europe. What matters is the area of origin within Somalia; there is no risk on the road between Mogadishu and Baidoa. (Arnhem court, 16/2902, 15.3.16)

Court: return to Turkey of female victim of domestic violence is feasible

The judge rules there are sufficient relief options in Turkey for victims of domestic violence (Haarlem court, 16/1316, 4.3.16)

Court: IND is to allow insight into assessment method into marriages of convenience with EU citizens

A residence permit in case of EU partner may be denied if a marriage of convenience is involved. However, the assessment may not take place systematically. First, the judge wants to hear from the Immigration and Naturalisation Service (IND) how the assessments take place (VK Amsterdam court, AWB 15/6980, 15/6981, 18.3.16)

EU Court of Human Rights: GB needn't condone family reunion with underage children after 11 years

This mother left her children in Somalia when she moved in with her new partner in Britain. After 11 years the children are yet applying for a permit with their mother. The European Court rules that GB was allowed to refuse this permit. Read [here](#)

Council of State: passport required for children of legal Armenian father and undocumented mother

This case concerns children aged 12 and 14 who were born in the Netherlands. They are applying for a permit with their father. The application is turned down, because they have no Armenian passports. The right to family life and the Convention on the Rights of the Child offer insufficient reason for an exception, the Council of State has said. Read [here](#) (Dutch only).

Court: EU citizen who never worked and lacks income source didn't have legal residence

The reason for this case is an EU citizen applying for social assistance. EU citizens are legal if they don't constitute a burden for the social security system. A sliding scale applies: the longer the residence, the less use of social assistance can lead to revoking the permit. In this case, the judge rules that the person involved never earned an independent income and thus never resided legally. As a result, the right to social assistance doesn't apply. Read [here](#) (Dutch only).

3. CHECK AND DETENTION

Council of State: detention possible upon repeated request for asylum

The Council of State has adjusted its outlook on alien detention of asylum seekers due to a judgment of the European Court of Justice. It now advises that an asylum request suspends the return order issued before (rather than annulling it) so that deportation is still an option if the application is turned down. Read [here](#) (Dutch only).

Council of State: deportation to Ethiopia is actually an option

The Council of State states that people can actually be deported to Ethiopia, if the alien cooperates. Ethiopia only accepts the return of people who have a valid identity document. The alien does not have one, but can apply for it, the state secretary advises. Read [here](#) (Dutch only).

4. ACTIVITIES

Conference: PROTECTION OR CONFINEMENT, 25 April 15-17.30 hrs Amnesty Amsterdam

This meeting is about vulnerable and stateless people in alien detention. Following introductions by Amnesty, Stateless Programme and Professor Galina Cornelisse, there will be room for discussion. Location: Amnesty, Keizersgracht 177, 1016 DR Amsterdam. Register with: j.dejonge@amnesty.nl

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