

## NEWSLETTER, VOLUME 6 NO. 11

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### COUNCIL OF STATE: STATUSES FOLLOWING ENTRY AS A MINOR AND LONG-TERM RESIDENCE

In two similar cases, the Council of State has decided that an application for a residence-permit on the basis of private life, following entry as a minor and long-term residence in the Netherlands should result in acknowledgement of residence. Both young people had committed minor offences, but that did not cancel out their ties with the Netherlands.

The cases concerned a Moroccan who had entered at the age of 3 and had lived here for 20 years, but had not attended formal education ([here](#) Dutch only) and a Cameroonian who had entered at the age of 9, had been educated, had lived here for 17 years and whose mother had died in the Netherlands ([here](#) Dutch only).

## 1. BASIC RIGHTS

### ECHR: accelerated procedure regarding right to residence for undocumented migrants

In November last, the Dutch judge decided that the government may demand of the undocumented migrants they offer reception that they participate in their return. However, the European Committee for Social Rights had demanded unconditional reception. Therefore, asylum lawyer Pim Fischer went to the European Human Rights Court, which is now prioritising the case.

<https://www.nd.nl/nieuws/nederland/zaak-bed-bad-brood-naar-europese-hof.1677140.lynkx>, 13.5.16

## 2. ADMISSION POLICY

### Council of State: request to clarify what 'safe countries' means

Last year, the state secretary specified a list of countries considered safe. In February, the list was extended to other countries, although in each case a reservation was made with regard to certain groups. The Council of State wants to ask of the Solicitor General what the import of this list is, especially if reservations were made for groups. See [here](#) (Dutch only).

### Council of State: possible risk for Hazaras in Afghanistan

At last, the Council of State has decided that Hazaras in Afghanistan may be vulnerable. The Immigration and Naturalisation Service (IND) needs to examine more thoroughly whether this group will be at risk upon return (ABRvS, 201601825/1, 10.5.16).

### Council of State: risk upon return single woman to Mogadishu in Somalia

Referring to last year's decision by the European Court, the Council of State has decided that a single woman must not be sent back to Mogadishu. See [here](#) (Dutch only).

### Court : no reunification for parents of admitted Syrian refugee according to family reunification directive

The family reunification directive describes the EU rules concerning the obligation to allow family members. The Netherlands applies these rules, but only for members of the core family and thus not for the parents of adult children. As a result, this Syrian man cannot send for his parents. Read [here](#) (Dutch only).

### Court: reunification is allowed for parents of adult who was a minor upon entry

Special rules apply to refugees, enabling reunification of family members. These rules include the parents of minors. However, this boy came of age during the procedure. The court has decided that the date of entry is conclusive. Read [here](#) (Dutch only).

### Council of State: no treatment for HIV in Burundi

In this case, the Council of State acknowledges that Burundi lacks facilities to treat HIV infection and that return will result in irreparable damage within 3 months. See [here](#) (Dutch only).

### 3. CHECK

#### State secretary Security & Justice: DT&V also able to make arrests in reception centres

An up-and-running pilot is enabling Repatriation and Departure Service (DT&V) staff to arrest aliens staying in the family location or the Freedom-restriction centre. The State secretary is extending this pilot to aliens in the reception centres. The pilot will run till October and will subsequently be evaluated. Read [here](#) (Dutch only).

#### Council of State: detention upon application of residence permit is allowed

The Council of State has approved the detention of a former asylum seeker who applied for a residence permit. He had been admitted to the emergency shelter in Utrecht. The argument for his detention is that he had formerly shirked deportation and was of no fixed abode (RvS 201601827/1/V3, 12.4.16).

### 4. ACTIVITIES

#### Lecture After Rights: Migrant Illegality, Precarity and the Limits of the Law, 25 mei 16-18 hrs A' dam

Shannon Gleeson (Cornell University School of Industrial and Labor Relations) examines the role of migrant legal status in driving worker precarity. Specifically, she discusses how immigration enforcement efforts, at-will and contingent employment relationships, and institutional discrimination against other categories of marginal workers in United States, jointly fuel the disposability of undocumented – and even temporary – workers.

Roeterseiland, Building B, C2.05 (Nieuwe Achtergracht 166 | 1018 WV Amsterdam)

For more information and registration, [click here](#)

#### Meeting: 'HIV and STD care for migrants and asylum seekers', 26 May 12-17.30 hrs Utrecht

Together with GGD Amsterdam, Soa Aids Nederland organises the national meeting 'HIV and STD care for migrants and asylum seekers'. During this meeting, we will discuss the barriers that migrants and asylum seekers in the Netherlands face in seeking HIV and STD care. Subsequently, we will discuss how these barriers may be evened and how the supply of care may be improved.

Location: Seats2meet Utrecht CS, Moreelsepark 65, Utrecht, <https://www.seats2meet.com/>

Info: [Nadine Weber, NWeber@soaids.nl](mailto:Nadine.Weber@soaids.nl)

#### Expert meeting CEDAW and female refugees, 16 June 14-16.30 hrs Utrecht

We'd like to discuss perspectives on the recommendations of the CEDAW committee regarding gender-specific refugee policy and its implications for Dutch policy. What are the Convention committee's recommendations? What does the Netherlands do to safeguard the rights of female refugees and is that sufficient? What bottlenecks are there?

Please apply before 5 June through our secretariat: [schaduwrapportage@gmail.com](mailto:schaduwrapportage@gmail.com).