

NEWS LETTER, volume 7 nr 11

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BASIC RIGHTS FESTIVAL 30 JUNE AMSTERDAM

If migrants have no residence permit, this does not mean that they have no rights either. During the Basic Rights Festival you can learn more about your rights and how you can assert these rights. Human rights organisations will elaborate on the ways in which they can enhance basic rights for undocumented migrants and a basis will be laid for further co-operation among undocumented migrants in the Netherlands.

Visit: www.basicrights.nl.

1. BASIC RIGHTS

EU has signed part of the Istanbul Convention concerning asylum

The European Union has signed a part of the Istanbul Convention. The Istanbul Convention deals with preventing and combating violence against women and domestic violence. On 11 May the EU signed the sections concerning asylum and the risks posed by deportation. Negotiations about other parts of the Convention have not yet been completed. You will find more information [here](#).

2. ADMISSION POLICY

Secretary of State Security and Justice: family asylum permit expires on family break-up, however, not for older cases

A refugee is allowed to invite his family members to join him. They will be granted asylum permits as well. However, the asylum permits of the family members will expire in case of a family break-up.

If a family member had been granted an asylum permit before 1 January 2014 or if the validity period ended before 1 January 2016 the family members will keep their permits.

After 1 year children will be granted a permit of their own. These permits cannot be withdrawn. When revoking permits the IND are of course obliged to check whether the family members are entitled to permits of their own. You will find more information [here](#).

Court of Appeal: requirements for 'permanent residence EU citizen'

The residence permit 'permanent residence' is a strong permit; it is issued in those cases in which EU citizens have resided in another EU country for 5 years. The permit 'permanent residence' will also be granted to family members of EU citizens if they met the requirements during this entire period. This means that there have been no family break-ups and the family must meet the income requirements (you will find more information [here](#)).

Mothers of Dutch children, who have a permit as a family member of an EU citizen because of the Zambrano arrest can also be granted a 'permanent residence' permit after 5 years. However, it will not be a problem for them if they have always been dependent on social assistance benefit, according to the Court of Appeal (VK Rb Haarlem, AWB 16/22534, 22.5.17).

Court of Appeal: ill 70-year-old woman from Surinam more than the customary dependence on daughter

It is no longer the case that elderly people will be granted permits to stay with their children in The Netherlands. They have to prove that they have 'more than the customary dependence'.

This situation concerned a 70-year-old woman from Surinam who, since 1991, has lived in The Netherlands with (one of) her children on whom she is financially and emotionally dependent. Meanwhile her psychological problems have deteriorated to such an extent that she is unable to continue to sustain herself without their care.

The Court of Appeal have ruled that the IND should have taken into account the long duration of residence, the dependence on her daughter, the fact that the woman will not be capable of building a new network in Surinam to obtain informal care and the fact that the Dutch authorities have not done anything to expel her during all this time (VK Rb Rotterdam, AWB 16/20167, 10.4.17).

3. CHECK AND DETENTION

Court of Appeal: sitting on a bench near the station for hours is no reason for identity check

The police asked this man for his identity documents when he had sat on a bench near the bus station for 1.5 hours without leaving. He had no residence permit and was subsequently placed in detention. The Court have ruled that there was no reason for an identity check because there was no 'presumption of illegal stay'. The man should be released (Rb Haarlem, NL17.2182, 16.5.17).

4. ACTIVITIES

IOM: Changes per 1 July 2017 in regulations reintegration support with voluntary return

All migrants who qualify for reintegration support in kind ([click here for the conditions](#)) will receive a contribution of 1,800 euro. A maximum amount of 300 euro will be given in cash, the remainder will be given in kind. Children will receive a contribution of 2,800 euro, with a maximum amount of 300 euro in cash and the remainder in kind.

This measure will render the regulation financial reintegration contribution for (ex-) asylum seekers obsolete. In order to qualify for this financial contribution, (ex-) asylum seekers need to have applied with IOM before 1 July 2017.

For further terms and conditions for this financial ruling you can click [this page](#).

UN Women: "Report on the legal rights of women and girl asylum seekers in the EU" (mrt17)

UN Women [published a report](#) on the legal rights of women and girls asylum seekers in the EU. It provides background on the applicable legal framework to women and girls seeking international protection, including the 1951 Refugee Convention, the Istanbul Convention, CEDAW and the EU asylum acquis. It also outlines the relevance of gender and gender-based persecution in determining refugee status and the varied practice at EU level as to when women can successfully claim refugee status on this ground. The report concludes with a section on gender sensitive procedures for processing asylum claims and with a series of recommendations to EU policy makers.

Appeal Amnesty International: contact with expelled Afghans

The Amnesty International secretariat calls for input and support with research on deportations to Afghanistan. A country researcher is still in Afghanistan until 1 June and they would appreciate if you could send contact details of deportees as soon as possible to: anna.shea@amnesty.org and horia.mosadiq@amnesty.org.

Petition to the European Committee against criminalisation aid to undocumented migrants

Petition text: Do not punish those who uphold Europe's tradition of offering dignity and human rights to some of the most vulnerable people. Stop the criminalisation of those offering humanitarian assistance to refugees and migrants.

https://act.wemove.eu/campaigns/criminalising-humanity-sou-int?utm_source=sou&utm_medium=mail&utm_campaign=en_20170513