

## NEWSLETTER, volume 8 nr 19

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### SECRETARY OF STATE SECURITY AND JUSTICE: POLICY ADJUSTMENT VICTIMS HUMAN TRAFFICKING

1) As soon as the Chief Public Prosecutor has decided to prosecute the perpetrator, victims of human trafficking will be granted a permanent status; this will be the policy in future. As yet the rule was that a permanent status will only be granted to migrants who have had a temporary status for three years or in cases where the perpetrator has been convicted. Therefore in future a permanent status will be issued sooner.

2) Underage migrants do not need to report a criminal offence to obtain a status. In order to be exempted exceptions could up till now only be made for traumatised victims or for victims who were threatened. In future this is also possible for underage migrants.

(you can see the Secretary of State's letter [here](#))

## 1. BASIC RIGHTS

### Court of Appeal: assistance benefit mother and children in case the husband is absent

In 2016 this woman had not been granted supplementary assistance benefit (ALO-kop) for single parents with children, because she had a married partner abroad who is formally responsible for half of the income. As a consequence she had not enough money in 2016 to provide for the care and upbringing of her underage children which meant that the minimum subsistence level had not been guaranteed. The court has ruled that the Dutch social services should have disregarded the partner for the year 2016 as well and will have to assess whether the claimant will miss out on the supplementary benefit in this situation as well and whether this omission should be compensated. For this assessment the income of the partner - if any - can be taken into account. You will find more information [here](#).

## 2. ADMISSION POLICY

### Court of Appeal: risk of female genital mutilation Guinea reason for asylum

This woman comes from a rural area in Guinea and has stated that she is unable to protect her daughter from genital mutilation. The court is of the opinion that her contacts in the capital and her autonomy will not justify any presumption that she would be able to do so (Rb Haarlem, NL17.4468, 5.9.18).

### Court of Appeal: first ask the authorities for help in cases of domestic violence in Jordan

According to the IND there is legislation in Jordan that prohibits domestic violence and that domestic violence can have legal consequences for the perpetrators. New legislation is being prepared that is meant to put the victims in a less vulnerable position. There is sheltered accommodation for women who face domestic violence in Jordan. In addition there is a Family Protection Department that actively investigates cases and that provides public information and courses for civil servants including the police. In addition it is a known fact that divorce is a frequent occurrence.

The fact that the woman did not report her husband to the police because she feared that he would beat her to death was considered an unfounded presumption by the judge. The court is of the opinion that she should first have turned to the Jordan authorities for help. You will find more information [here](#).

### Court of Appeal: no general risk single women in North-Iraq

Although single women in Northern Iraq are at risk, not every single woman should be granted a status. The woman should substantiate that she is at risk, for example because of her personal history or because relatives have been in trouble. These women have provided no evidence of such risks. You will find more information [here](#).

### Court of Appeal: withdrawal after broken relationship within 5 years justified

The revocation of this woman's permit for residence with partner is justified according to the court. After two years both partners no longer lived together. The woman had hoped that the relationship could be repaired so she still considered herself to be married, but for the court this was not relevant. The woman has been living in The Netherlands for a couple of years, has friends, has assimilated and has a house and an income. For the court this is insufficient for a permit based on private life. You will find more information [here](#).

### Court of Appeal: Child's pardon exclusively for former asylum seekers

This case concerned a family with underage children who have been living in The Netherlands for nine years. The mother was granted a status as a victim of human trafficking, the children were given a derivative residence card. The permits of the entire family have been withdrawn. Because the children had not applied for asylum and did not participate in the mother's asylum application either, they are not eligible for the Child's pardon according to the court. You will find more information [here](#).

## 3. CHECK AND DETENTION

### Secretary of State Security and Justice: impose new method entry ban on exit

When migrants without a residence permit leave The Netherlands, they have to be issued a return decision and an entry ban. Usually there is not enough time for these procedures, so that in many cases an entry ban is not imposed. The secretary of state now has changed adjusted the procedure, so that it can be completed after the person concerned has left the country. This makes it possible to increase the number of cases in which an entry ban can be issued. You will find more information [here](#).

## 4. ACTIVITIES

### Conference: marital captivity - right, religion and practice 13 September 9-18 Utrecht

Together with other organisations the University of Maastricht have examined marital captivity in The Netherlands and what can legally be done against this. During this conference the results will be elucidated and plans will be made for joint actions against marital captivity.

info: <http://www.maastrichtuniversity.nl/nl/events/recht-religie-praktijk>.

### Party ten years Wereldhuis Amsterdam, 22 September

The Wereldhuis opened her doors for the first time on the 12th of September 2008. We will celebrate this anniversary on Saturday the 22nd of September. The programme will start at 16.30. At 18.00 we have a meal together and after that the dancefloor will be opened.

Will you join us? Please register before the 18th of September through [info@wereldhuis.org](mailto:info@wereldhuis.org).

### Seminar ' Hulpverlening aan slachtoffers mensenhandel' [Support services for victims of human trafficking]', 26th September 10-17.30 Nieuwspoor The Hague

Together with organisations such as INTERVICT Tilburg University CoMensha has carried out three important research projects regarding assistance to victims of human trafficking. We would very much like to share the results. You are most welcome!

1. 'Victims of human trafficking with multiple problems. Requirements and services on offer'.
2. EU Fundamental Rights Agency investigation 'Severe forms of labour exploitation – foreign workers'
3. Facing Forward: Nine stories about being a survivor of human trafficking in a post-trafficking shelter.

<https://www.comensha.nl/Seminar-uitdagingen-bij-hulpverlening-aan-slachtoffers-van-mensenhandel>

### Dutch Lower House: debate about victims of human trafficking, 27 September 10-13 hrs

You will find the agenda [here](#).

Since 2003, the LOS Foundation (National Undocumented Migrants Support Centre Foundation) has been the knowledge centre for people and organizations who provide assistance to migrants without residence permits ('undocumented migrants'). The LOS Foundation is committed to the basic rights of these migrants and their children.