

NEWS LETTER, volume 9 nr 5  
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### COUNCIL OF STATE: AMSTERDAM SHELTERS FOR BED, BATH, BREAD ARE ALLOWED TO TIGHTEN ADMISSION CRITERIA

In September 2017 Amsterdam introduced stricter criteria for admission to the Bed-Bath-Bread shelters. From then on people from safe countries of origin were rejected as well as Dublin claimants. Migrants who already slept in the shelter were granted a transition period.

The Council of State has now decided in three cases that Amsterdam could adjust the policy. The reception policy of municipalities is 'extra-legal' and therefore not compulsory.

You can see the Court Rulings [here](#), [here](#) and [here](#).

## 1. BASIC RIGHTS

Council of State: in special situations no reduction of the benefits when there are undocumented co-inhabitants

According to the law the principal occupant is entitled to supplementing benefits if someone without right of residence lives in with him. The Council of State has recognised that in some cases this reduction of benefits results in inhumane situations. These two cases concern a co-inhabiting undocumented mother who needs to take care of the baby ([here](#)), and a child with attachment disorder ([here](#)). In either case the Council of State is of the opinion that the situation is not sufficiently compelling to overturn the reduction of the supplements.

## 2. ADMISSION POLICY

Council of State: in case of repeated asylum request new grounds for asylum have to be made known from the beginning

For a repeated asylum request a notification has to be sent in; this also entitles the applicant to shelter and support. For the assessment the IND will take the information from the notification as a starting point and draws up an intention. Together with the intention, the asylum seeker is invited to add further information if so desired. Judges were of the opinion that the asylum seeker was not granted sufficient opportunity to provide an explanation but the Council of State has approved this procedure. You will find more information [here](#).

Court of Appeal: individual consideration required as to whether the income of temporary workers is sufficient for the admission of a partner

Since 2016 this man has earned sufficient income from his work on an agency contract and he has prospects of a permanent contract. The IND had rejected the application of a residence permit for the partner, because of insecure income. But the Court is of the opinion that the IND has taken insufficient account of the individual situation of the man (VK Rb Haarlem AWB 18/3448, 1.2.19).

Court of Appeal: the applicant has to prove his identity for residence permit with Dutch child

Based on the Chavez ruling the parent who takes care of a Dutch child is entitled to a residence permit. In this case the identity of this parent has to be determined. A passport is not required, other documents can also be used for this purpose. You will find more information [here](#).

## 3. CHECK AND DETENTION

Court of Appeal: no presentation at embassy as long as the court has not ruled in asylum proceedings

As long as the court has not ruled the asylum proceedings have not been completed. For this reason the Removal and Deportation Service is not allowed to send the asylumseeker to the embassy in order to obtain return documents. This is the court ruling (Rb Haarlem (vovo), AWB 19/1207, 19.2.19).

Secretary of State Justice and Security: of course the Sudanese secret service will be informed about returning migrants

Following a report by Amnesty about the return of Sudanese migrants from Belgium the Secretary of State has confirmed that no interpreters are present at presentations at the embassy. He also thinks it is normal that the Sudanese secret service is informed about migrants who return from The Netherlands, according to him. You will find more information [here](#).

## 4. ACTIVITIES

Information evening on the Amsterdam City Pass for Undocumented, March 6; 6pm

With Amsterdam City Council member from GroenLinks Femke Roosma as speaker.

Address: Frederik Hendrikstraat 111-A in Amsterdam.

Discussion: Nobody wants them. Europe and her refugees, 7 March 17-18:30 hr Spui25, A'dam

During this programme Linda Polman will discuss the refugee crisis with the Swedish-Syrian-Palestinian poet Ghayath Almadhoun and the development of the European refugee policy. What is being achieved in practice concerning the promise of 'never again' on which the UN refugee agreement in 1951 was based? Eighty years of European refugee policy and still nobody wants them.

Register: [spui25@uva.nl](mailto:spui25@uva.nl) | Telephone: 020 525 8142.

Terugkeer Talkshow 22 March 18-19.00 hr, van Ostadestraat 233D Amsterdam

First there will be a discussion between return organisations and undocumented migrants, followed by soup, bread and drinks. Two return organisations have promised to attend, more information to follow.

Organisation: [Amsterdam City Rights](#)

EASO: Guidelines for the assessment of asylum requests of Nigerians

The guidelines describe the risk profiles of those people who could be eligible for a refugee status. In addition the application of subsidiary protection based on article 15 a through c of the Qualification guideline is explained.

[https://www.easo.europa.eu/sites/default/files/Country\\_Guidance\\_Nigeria\\_2019.pdf](https://www.easo.europa.eu/sites/default/files/Country_Guidance_Nigeria_2019.pdf), 27.2.19