

NEWSLETTER, Volume 9 no. 14
8 July 2019

CONTENTS

1. BASIC RIGHTS.....	2
2. ADMISSION POLICY.....	2
3. CHECK AND DETENTION	3
4. ACTIVITIES.....	3

VICTIMS OF HUMAN TRAFFICKING WITH CLAIM UNDER THE DUBLIN REGULATION

The State Secretary for Justice and Security has responded to two parliamentary questions regarding reports on human trafficking:

'IND data over the last three years show a substantial increase in the number of temporary residence permit applications under the Dublin Regulation following the filing of a report on human trafficking. This concerned 36 aliens in 2016, 70 aliens in 2017 and 173 aliens in 2018. This increasing trend is also continuing this year. In the period up to and including April 2019, the IND issued around 170 temporary B8 residence permits. Around 140 (80%) of which to potential Dublin claimants. In 2016, this percentage was still 24% (of a total of 156 permits).' See [here](#).

'For a large share of the reports (estimated at 75%), the police is unable to conduct investigative actions, and most of the reports about human trafficking filed by aliens (estimated at 90%–95%) do not contain indications for apprehension by Dutch authorities. Consequently, the investigation and prosecution of promising cases in human trafficking is at stake.

Based on the Dublin Regulation, transfer needs to take place within a six-month period. Therefore, recently, the possibilities to continue the Dublin transfer have been utilised. This however does not mean that, in effect, Dublin claimants are facing a reporting stop. The police are striving to investigate each report of human trafficking as early as possible. In practice, the number of Dublin claimants who have been unable to file a report is negligible. See [here](#).

1. BASIC RIGHTS

Dutch Council of State: 24-hour shelter in Amsterdam for all those medically vulnerable

These court cases concern aliens without a residence permit, who filed a complaint about not having had access to the 24-hour shelter in Amsterdam, because the GGD had not provided them with the indication of being entitled to the crisis intervention or the sickbay.

The Dutch Council of State interprets the intention of the Amsterdam policy regarding the 24-hour shelter to be available to all medically vulnerable homeless aliens. The persons involved must be allowed to enter. See [here](#) and [here](#).

2. ADMISSION POLICY

State Secretary for Justice and Security: new policy for repeat asylum applications

Since this month (July), repeat asylum applications must be filed at Ter Apel by the applicants themselves. In addition, it has been decided that repeat asylum applications which do not clearly state the new reason for seeking asylum can be rejected without a hearing. See [here](#) and [here](#).

State Secretary for Justice and Security: decision moratorium Libya

For the time being, asylum applications filed by Libyans will not be taken into consideration, due to the country's currently unstable situation. All Libyans, therefore, are entitled to receive asylum. See [here](#).

State Secretary for Justice and Security: new policy on Iranian religious converts and apostates

The policy on Iranian religious converts and apostates will become more stringent. In most cases, they will only be granted a status if they actively demonstrate their religious or apostatical convictions. See [here](#).

Dutch Council of State: partner residence permit will not expire due to 12-month stay in the country of origin

This concerns a woman who had a permit with her partner in the Netherlands, but stayed in Egypt for 12 consecutive months with her daughter. The IND wanted to revoke her status for this reason, but the Council of State judged that the EU Family Reunification Directive prohibits such a measure. See [here](#).

State Secretary for Justice and Security: passport no longer a prerequisite for obtaining a residence permit for a child born in the Netherlands

From today onwards, a passport is no longer required to obtain a residence permit for children born in the Netherlands to parents in possession of a residence permit. The birth certificate will suffice. See [here](#).

Information: parent policy

The IND may grant a permit to parents outside the European Union who are in 'their final stages of life', under the following preconditions:

- The parent must be single, in need of care, and be in the final stages of life.
- The children living in the Netherlands must be the only ones who are able to care for the parent. They must have either the Dutch nationality or a permanent residence permit and be a guarantor for the parent.

For more information: Everaert Advocaten

District Court: au pair's residence permit may be revoked because the real reason was a relationship

This case concerns a Filipino woman who had a Dutch boyfriend. She applied for and was issued a residence permit as an au pair. The IND later revoked the permit, because it considered the woman not sufficiently interested in Dutch culture—whereas such an interest should be the reason for wanting to become an au pair. The District Court agrees with the IND. See [here](#). Incidentally, in another case, a different judge delivered the opposite verdict. See [here](#).

Bill by GL and PvdA: the interest of the child under the Aliens Act

The initiators believe that the interests of children should be anchored within the Aliens Act, providing the children with a residence permit when their development is under serious threat. This is the reason for the [bill](#).

3. CHECK AND DETENTION

NOS: half of all deportations are cancelled

Nearly half of all attempts to deport aliens are cancelled at the last moment. In 2016, 40% of deportations by airplane was cancelled. Over the course of two years, this has grown to 49%. Of the 6670 flights in 2018, 3260 were called off. See [here](#).

4. ACTIVITIES

Theatre: My name before Naomi, 6–13 July, Frascati Amsterdam

'My name is Hindu, but they call me Naomi. I would like to become a journalist. My first story is about me. I will tell you my story. Certain stories should not remain untold.'

Starting at the offices of the municipal subdivision 'Stadsdeelkantoor Noord', at the epicentre of power, we follow Naomi on her journey along memories, people and organisations. After each show, there is a Q&A with representatives from the various institutions involved. See [here](#).

ReSOMA Report: Crackdown on NGOs and volunteers helping refugees and other migrants

ReSOMA has identified at least 158 people in Europe who have been investigated or formally prosecuted for helping refugees and other migrants, from 2015 to 2019. See [here](#) and [here](#) [in English].

Study on international law depends on residence permit

The UN Women National Committee is looking for a researcher or student researcher who would like to outline which international bodies have published favourably about an independent residence permit for women. A small volunteer reimbursement is available. For more information, please contact the [secretariat of the network](#) (contact person: Petra Snelders).