

NEWSLETTER, volume 9 no. 22
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COLLEGE VOOR RECHTEN VAN DE MENS LOOKING FOR MENSENRECHTENMENS 2019

Every day many people are committed to the human rights of others. Often without knowing it and naming it that way. This commitment is of great importance and the Human Rights College Netherlands want to support it.

That is why on December 10, International Human Rights Day, we assign the title Human Rights to a person or organization that has made a special commitment to human rights in the Netherlands. **This year the prize is dedicated to preventing and combating violence against women.**

Do you know or are you a person or organization that is committed to preventing and combating violence against women in a unique and effective way? Let us know and explain why this person or organization deserves the title MensenrechtenMens 2019. You can nominate candidates up to and including **1 November 2019**. See [here](#).

BASIC RIGHTS

Dutch Administrative High Court: upon determining single parent supplement in family with undocumented parent donations are included

This case concerns a family consisting of a mother, four children and a father without a residence permit. The mother receives social benefit for herself and the children, but not the single parent supplement, since her undocumented partner is living with her.

To compensate for not receiving the supplement, she receives specific assistance, amounting to a total of 70% of the amount she would be due if her partner did have a permit. This partner receives a maintenance allowance from an organisation. According to the Dutch Administrative High Court this allowance is taken into account when determining the rate of the assistance and she can subsist on the current amount. See [here](#) (Dutch only).

ADMISSION POLICY

Council of State: Surinam woman no status as carer / partner ill Dutchman, care available in Surinam

This fifty-something Surinam woman who has no permit cares for her partner who is in his sixties. She has applied for a permit as a carer. According to the Council of State, the medical necessity of this care has not been proven is, and there is alternative care is available in the Netherlands. Moreover, the couple can live in Surinam, where medical care is available too. See [here](#) (Dutch only).

Council of State: even if Repatriation and Departure Service advice on 'no-fault' is lacking, this can still be acknowledged

Some undocumented aliens cannot return because their country of origin will not issue replacement travel documents. The Repatriation and Departure Service can urgently state that the alien has done everything in his or her power to return. On the basis of such a statement applying for a no-fault residence permit is free of charge.

In this [case](#) (link in Dutch only) the Council of State has decided that you cannot litigate about the fact that the Repatriation and Departure Service does not provide a statement. However, in another case (Utrecht court, AWB 19/1290, 18.7.19) the judge finds that the alien has done everything in his power to prove that Benin is his country of origin and that he cannot return. Therefore, he must be given 'no-fault' status.

CHECK

Court: upon lifting request for exclusion order, IND must examine public order risk

When a request is made to lift a travel ban, the Immigration and Naturalisation Service (IND) must check whether the applicant poses an 'actual and serious threat to public order'. An exclusion order is similar to an entry ban but is a national (as opposed to EU) regulation. Nevertheless, the court finds that the same examination is obligatory in this case. See [here](#) (Dutch only).

Court: returning to Northern Iraq is temporarily impossible

The Repatriation and Departure Service admits that Northern Iraq is currently not cooperating in forced returns since the new government first wants to review the work arrangements with the Repatriation and Departure Service. See [here](#) (Dutch only).

ACTIVITIES

Debate: The Black Migrant and Refugee Women's Movement, 31Oct 8 p.m., De Zwijger Amsterdam

In the 1960s', '70s' and '80s' Netherlands, women of colour organised themselves from various perspectives and identities under the banner of the Black Migrant and Refugee Women's Movement, long before the concept of 'intersectionality' was used broadly in the current societal debate. What does this teach us with regard to today's activism?

<https://dezwijger.nl/programma/de-zwarte-migranten-en-vluchtelingen-vrouwenbeweging>

SAMAH helpdesk reopened to help (former) unaccompanied minors

SAMAH was founded in 1999 with the aim of promoting participation by (former) unaccompanied minors in the 12-25 years age bracket and to improve their position in the Netherlands.

SAMAH focusses its activities on participation by young people, enhancing resilience and the interaction between youths and their mentors. This generates solutions that are supported by the youngsters themselves and fit in with their needs and opportunities.

After a few years on the sidelines, the [SAMAH helpdesk](#) is active again.

UNDP: Scaling Fences: Voices of Irregular African Migrants to Europe

The UNDP interviewed almost 2.000 undocumented migrants in 13 EU-countries. Around 58 per cent were either employed or in school at the time of their departure, with the majority of them earning competitive wages. Around 53 per cent had received support in order to make the journey.

The major factor keeping migrants working in Europe, according to UNDP, is the apparent shame of failing in their "mission" to send sufficient funds home: around 78 per cent were sending money back.

The report also found key differences between men and women in terms of the migrant experience.

Internet consultation: [Act, containing rules regarding the regulation of sex work.](#)

This is the (Dutch-language) internet consultation about the bill that regulates the licence obligation for all prostitutes and sex business owners. If the act is adopted, prostitutes who fail to produce this licence will be in breach of the regulation, as will be sex business owners, clients and people facilitating illegal prostitution.

You can react to the bill through the [consultation](#).

PICUM Campaign: Doing What's Best for Children in Migration

This campaign advocates migration policies and practices that result in durable solutions that are in the best interest for children in migration. www.picum.org/durable-solutions

Since 2003, the LOS Foundation (the Dutch acronym for 'Landelijk Ongedocumenteerden Steunpunt') has been the knowledge centre for people and organizations providing assistance to undocumented migrants. LOS Foundation devotes itself to the basic rights of these migrants and their children.