

## NEWSLETTER, YEAR 3 NO. 3

12 February 2013

### CONTENTS

### PAGE

1. BASIC RIGHTS .....	<b>Fout! Bladwijzer niet gedefinieerd.</b>
2. ADMISSION POLICY.....	<b>Fout! Bladwijzer niet gedefinieerd.</b>
3. CHECK AND DEPORTATION .....	<b>Fout! Bladwijzer niet gedefinieerd.</b>
4. WHAT CAN BE DONE? .....	<b>Fout! Bladwijzer niet gedefinieerd.</b>

### PUT FORWARD CHILDREN WHO ARE LONG-TERM RESIDENTS FOR THE CHILDREN'S PARDON

Since last week, Children (and their families) who are eligible for the children's pardon can apply. The main conditions are:

- they, or their parents, must have filed an asylum request before,
- on 30 January 2013, they must have lived in the Netherlands as a minor for five years
- on 29 October 2012 they were not over 21 years old
- they have not been outside the scope of Dutch government for longer than three months

The application must be filed before 1 May 2013.

Call the IND to make an appointment on 0900 - 1234561

## 1. BASIC RIGHTS

### Dutch Protestant Churches (PKN): complaint about right to reception for migrants without residence permits

On behalf of the Dutch PKN, the Conference of European Churches has filed a complaint regarding the right to food, clothing and shelter. According to PKN, the Netherlands renders migrants vulnerable in this way, which is contrary to the obligations under the Revised Social Charter. Read the complaint [here](#)

## 2. ADMISSION POLICY

### Statistics Netherlands (CBS): net immigration to Netherlands amounted to 13 thousand people in 2012

On balance, the Netherlands population increased by 13 thousand immigrants in 2012, which is 17 thousand less than in 2011. 156 thousand immigrants entered the Netherlands, while 143 thousand emigrants left the country. In 2012, immigration decreased for the first time since 2006. Emigration increased for the third consecutive year.

### Lower House assents to fingerprint database for aliens, open to police

Last week, the Lower House assented to the creation of a database containing all ten fingerprints, plus a facial scan of aliens. Under strict conditions, this database can be accessed for investigation purposes. The Upper House still needs to concur. (Parliamentary papers 33192)

### IND: fees to be decreased

The following fees will obtain for applications

- family reunion and formation, as well as for adoption and foster children € 225,00.
- for scientific research under directive 2005/71 and for study € 300,00.
- directive long-term residents and permanent residence permit € 150,00
- EU citizens and Turks € 42,00.

The amounts mentioned hold for the application for authorization for temporary stay, or the application in the Netherlands without authorization for temporary stay. After entry with authorization for temporary stay, the application for a residence permit will not cost anything extra. Fees for extensions are slightly lower.

### Council of State: Iraqi victim of honour killing attempt can settle elsewhere in Iraq

This case concerns an asylum seeker who claimed to be the victim of an honour killing attempt. The Council of State decided that he could find safety in another part of Iraq. He had been living in another part of Iraq for ten years before he came to the Netherlands (ABRvS 201113226/1/V1, 14.1.13)

### Court: income from care agreement with personal care budget holder is sufficient

This relates to a case regarding family reunion. The Dutch partner has an income, as he provides care to a patient who pays him from his personal care budget. The judge found that this is a fixed and regular income (The Hague court, AWB 12/17654 & 12/17655 27.12.12)

WODC investigates au-pair agencies

Currently, the Scientific Research and Documentation Centre of the Ministry of Justice investigates wrongs at au pair agencies. The investigation focuses on wrongs at au pair agencies and opportunities for dealing with them.

Court: revoking B9 status on the grounds of false charges must be done carefully

This case relates to a woman who reported to the police in 2009 as a victim of human trafficking and was granted a B9 status. Now, Justice is persecuting her on account of false charges. On the basis of new charges in 2010, she was again granted a B9 status. Due to the prosecution, the IND threatens to revoke her new status. The court rules that this should be considered carefully (Haarlem court 12/26425, 12/26426, 31.1.13)

Court: revoking a partner's status following divorce is insufficiently substantiated

This case relates to a couple that continued to live together and to be registered in the municipal personal records database (GBA) together. A divorce has been pronounced, but it was not included in the GBA. The court rules that family relations have not been severed (The Hague court AWB 12/25118 & 12/25119, 30.1.13)

Court: a study permit does not end if study results are insufficient

This case concerns a student who did not pass enough exams. According to the European Study Directive, that should not be reason to revoke the permit (Arnhem court, AWB 12/15306, 22.1.13)

### 3. CHECK AND DEPARTURE

IND: half of forced deportations go to other EU country, one third with Dublin claim

In July 2012, the IND sent a letter to a lawyer providing insight into forced deportations from detention of foreign nationals. Out of the approximate 3-4,000 forced deportations a year, half travels to another EU country. The majority of that number is surrender, since the other country is obliged to take the asylum request into consideration (Dublin claim). Over a quarter of the forced deportations takes place with a passport, a quarter with Laissez Passer or EU-state (Brief to lawyer de Jong, 20 July 2012)

### 4. WHAT CAN BE DONE?

New organisation: Wereldvrouwenhuis Foundation 'Mariam van Nijmegen'

The foundation aims to ensure that vulnerable women without residence papers from, in principle, the Nijmegen region, receive proper medical care and have a place where they receive intense guidance that is aimed at enhancing their own strength and self-sufficiency.

If these women have no shelter, they are temporarily given a safe place to live, where they can rest for a couple of months.

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