

NEWS LETTER, VOLUME 3 NR 10

21 May 2013

Table of contents	page
1. Basic rights.....	2
2. admission policy	2
3. check and deportation	3
4. what can be done?	3

SITUATION HUNGER STRIKERS DETENTION CENTRE ROTTERDAM

During the past few weeks there was a lot of media attention for the people on hunger strike in the Rotterdam detention centre. According to information issued by the Secretary of State on the 15th of May there were still 3 people on hunger strike and 2 people who refused all food and fluids. The latter two had been admitted to hospital. One of them has now been released for procedural reasons. You can read the information [here](#).

According to information issued by the study group Deportatieverzet [opposition to deportation] the Internal Special Duty Police (a dedicated police force for the detention centre) have used violence in the detention centre Rotterdam during the past weekend. It is still unclear what exactly has occurred.

1. BASIC RIGHTS

European Committee: recommendation to ratify the ILO convention Domestic Work

The European Commission issued a proposal on 21 March 2013 authorising all EU member states to ratify, in the interests of the European Union, the ILO Convention on decent work for domestic workers. The Convention on decent work for domestic workers was adopted by the General Conference of the International Labour Organisation in 2011 and lays down global minimum labour protections for domestic workers. The European Commission considers that it is a crucial legal instrument which contributes to tackling trafficking in human beings in a more effective, coordinated and coherent manner, and for this reason it urges member states to ratify the Convention as soon as possible. The proposal is available [here](#).

Court of Appeal: Talaag marriage Dutch citizen not legally valid, child born from this marriage is not a Dutch citizen

The Court of Appeal has decided that the Dutch law applies to a Dutch person who contracted an Islamic marriage in Great Britain. The paternity of the child born from this marriage is not recognised either because such marriages are not recognised in the Netherlands (www.rechtspraak.nl/ljn.asp?ljn=BZ9565).

2. ADMISSION POLICY

Court of Appeal: Belgian embassy is allowed to deal with visa applications; appeals will be dealt with in accordance with Belgian law

In countries that have no Dutch embassy transactions pertaining to visa applications will be dealt with by embassies of neighbouring countries. These countries apply their own legal systems. Applicants have no right to bring claims against the Dutch IND concerning the denial of such visa applications (www.rechtspraak.nl/ljn.asp?ljn=BZ9579).

Council of State: partners whose permits have been denied must be heard

The IND denied the application for residence with partner on the basis of information obtained during said partner's asylum procedure. In such cases the partner should be given the opportunity to respond to the intended denial. The Council of State have decided that the IND should hear the partner afterwards (www.rechtspraak.nl/ljn.asp?ljn=BZ9717).

Court of Appeal: unmarried partners EU citizens will also be issued permanent residence permits after three years

After a verdict issued by the Council of State in 2012 the IND finally recognized that unmarried partners of EU citizens are entitled to permanent residence permits after three years' residence with said EU partner. For married partners this right has been laid down in an EU directive. Because married and unmarried partners are treated equally in the Netherlands the same rules should apply to unmarried partners as well. Reference: <http://www.everaert.nl/nl/nieuws/16-particulieren/194-verblijf-ongehuwde-partners-eu-onderdanen-na-verbreking-relatie>, 7.5.13.

State Secretary of Security and Justice: mandatory registration EU citizens at IND to be abolished

Because of verdicts issued by the European Court the State Secretary has decided to stop requiring EU citizens to report with the IND. It is sufficient to report with the municipal authorities. As a rule no sanctions were imposed if EU citizens did not report with the IND. Partners of EU citizens who apply for residence with their EU partners, still need to report with the IND in order to obtain their residence permit ([Dutch Parliamentary Document](#) 33286 nr. 5, 13.5.13)

Since 2003, the LOS Foundation (Dutch acronym for 'Landelijk Ongedocumenteerden Steunpunt') has been the knowledge centre for people and organizations providing assistance to migrants without residence permits (the so-called 'ongedocumenteerden'). LOS Foundation devotes itself to the basic rights of these migrants and their children.

3. CHECK AND DEPORTATION

Member of Parliament for the Dutch Green Party Voortman proposes amendment legislative proposal penalisation

On 12 May the party conference of the PvdA [Dutch Labour Party] discussed the legislative proposal Penalisation illegal residence. The party members have adopted a motion in which the demands for a more humane migrants policy had been laid down. You can read the text of this motion [here](#).

One of the most important terms of this motion is that nobody can be detained for illegal residence alone and that it is not a criminal offence to give support to undocumented migrants. Subsequently Member of Parliament Voortman submitted a legislative proposal that did meet these demands ([Dutch Parliamentary Document](#) 33512: 9, 13.5.13).

Other demands in the PvdA motion pertain to the policy for migrants without culpability (status for migrants who are unable to return to their country of origin through no fault of their own) and to the detention of aliens.

State Secretary of Security and Justice: cutbacks on foreign aid to Ghana have not resulted in more people returning

Last year the Secretary of State decided to cut back on foreign aid to Ghana because the Ghanaian embassy was unco-operative in taking back undocumented Ghanaians. Currently the Secretary of State has had to admit that so far this sanction has not caused the Ghanaian embassy to take back more migrants ([Dutch parliamentary document](#) 19 637, nr. 1656, 6.5.13 (debate 13.3.13)).

Guinea: shady delegation received a substantial sum of money for entry documents

The Dutch current affairs programme Nieuwsuur has obtained documents showing that the Netherlands has paid a lot of money to a delegation from Guinea that issued entry documents with migrants could return to Guinea. One of the people who tried to return with such a document, a mother with two children who were born here, was not admitted into the country. Similar practices are also known of other countries. Refer to [info Nieuwsuur](#).

4. WHAT CAN BE DONE?

Symposium Detention of Aliens in the year 2013, 17 June 10-17u Amsterdam

Questions that will be addressed during presentations and two plenary discussions include what less severe means of surveillance can be utilised and which alternatives to detention can be applied and how effective are these means? What are Teeven's plans and what are their pros and cons? What is the detention regime for migrants in the Netherlands like in relation to that in other European countries? And does detention of aliens have a positive or a negative effect on the return policy?

Location: Amnesty International, Keizersgracht 177, Amsterdam

Registration for the symposium through <http://www.amnesty.nl/symposium-vreemdelingendetentie>. If you have any questions you can contact vreemdelingendetentie@amnesty.nl or tel. 020 626 44 36

Sign Amnesty International's petition about the detention of Aliens

Amnesty International has asked the Secretary of State to make the right to freedom the starting point of the policy. Detention of aliens should only be applied as a last resort when all the other, less intrusive options have been exhausted. You can read and sign the petition at <http://www.ikschaammediep.nl/>

You can read the letter to Teeven at https://www.amnesty.nl/sites/default/files/public/brief_teeven_-_toekomst_vreemdelingendetentie.pdf.

Since 2003, the LOS Foundation (Dutch acronym for 'Landelijk Ongedocumenteerden Steunpunt') has been the knowledge centre for people and organizations providing assistance to migrants without residence permits (the so-called 'ongedocumenteerden'). LOS Foundation devotes itself to the basic rights of these migrants and their children.