

NEWS LETTER, volume 2 nr 6

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BASIC RIGHTS UNDOCUMENTED MIGRANTS

In 7 cities a booklet about Basic Rights for Undocumented Migrants will be presented on the 21st of March.

Amsterdam: presentation to the mayor, Stadhuis [Town hall] 12.30u

Breda: lecture and presentation booklet Basic rights, Anna Rozenkranskerk 14.30u

The Hague: discussion about the penalization of illegal residence, ISS 19.30 - 22.00.

Eindhoven: debate and presentation booklet Basic rights, Stadhuis [Town hall] 15.00u

Rotterdam: presentation booklet basic rights to the alderman, Stadhuis [Town hall] 17.00

Utrecht: presentation of booklet basic rights P. Bothstraat 35, 18.00.

Nijmegen: presentation of booklet basic rights, 18.00, lecture in Forum 20.00.

After the 21st of March the booklets basic rights can be downloaded from www.basisrechten.nl. Here you can also find more extensive information about the activities in these cities.

1. BASIC RIGHTS

ACVZ policy advice 'Right to a dignified existence'

In The Netherlands the entitlement to support and services for aliens is linked to their residential status. According to the European Court for Human Rights everyone is entitled to the protection of human dignity. A long and futureless life without support and services may result in a hopeless situation. According to the ACVZ the state must not terminate support and services, but should always weigh each individual's interests meticulously. This decision is not always observed because of the Benefit Entitlement (Residence Status) Act. The press release and advice can be downloaded through the ACVZ's website:

<http://www.acvz.org/publicaties/persbericht12-03-2012.pdf>

<http://www.acvz.org/publicaties/Advies-ACVZ-NR34-2012.pdf>

Belgian judge does not think a marriage is not a marriage of convenience because the Belgium-Route was utilized

Belgian Register Office clerks can refuse to contract a marriage if they suspect that it is a marriage of convenience. This case concerns a Dutch woman who wanted to marry her foreign partner in Belgium. The Belgian Court has ruled that these people are entitled to get married and that these partners have a genuine relationship. The marriage cannot be refused only because the Belgium route was utilized (Vz Rb Eerste Aanleg Brussel (Kort Geding [Court of First Instance, summary proceedings]), 11/13941/A 9.3.12).

2. ADMISSION POLICY

Council of State: no decisions about converted Iranians

The German Court has posed questions to the European Court of Justice about the refugee status of converted Iranians. Awaiting the reply to these questions the Dutch Council of State will not make decisions concerning the asylum applications of converted Iranians for the time being. (ABRvS, 201101819/1/V1, 8.3.12)

Council of State: treatment of post-traumatic stress is possible in Nigeria

This case concerns a mother with her son who is suffering from post-traumatic stress disorder and needs intensive counselling (homecare and volunteer aid). According to the Council of State it is possible for this type of support to be provided in Nigeria as well (RvS 201010454/1/V1 13.2.12).

Council of State: residence permit for Dutch child is only granted in cases where the Dutch partner is absent

In the case of Ruiz Zambrano the European Court of Justice ruled that illegal parents should be granted a residence permit with their child with EU nationality, in order to enable this child to grow up in Europe. Because of this the Dutch Council of State have decided that illegal parents should be granted a residence permit if there is no Dutch partner who can take care of the child. The illegal parent will not be granted a status if the Dutch parent is capable of caring for the child (RvS 7.3.12).

Stichting LOS is de steunorganisatie voor de hulp aan migranten zonder verblijfsvergunning. Met deze nieuwsbrief houden we jullie op de hoogte van nieuwe ontwikkelingen. Heb je vragen over deze nieuwsbrief, of vragen over de rechten van migranten zonder

3. CHECK AND DEPORTATION

Court of Appeal: it is mandatory to motivate the duration of entry bans

During the last weeks many Courts of Appeal have issued rulings about the entry ban. An entry ban is issued to migrants who have exhausted all legal remedies and have stayed in The Netherlands in spite of a return order. Residence with an entry ban is a criminal offence. The entry ban is issued for two years. However, Courts of Appeal require that a motivation be issued about the duration of the entry ban in each individual case (e.g. Court of Appeal 's-Hertogenbosch, AWB 12/735, 24.1.12).

Minister of Immigration and Integration and Asylum: legislative proposal fingerprint mandatory with application residence permit

Minister Leers has presented a legislative proposal in which aliens are required to provide fingerprints when they submit their application for a residence permit. The Council of State have advised the minister to present an appropriate motivation for this requirement. The minister has stated that this is necessary in order to check the exact identity of the alien concerned (parliamentary document 33192: 3, 7.3.12).

Minister of Immigration and Integration and Asylum: more checks illegal residence

Minister Leers has announced that the number of migrants with illegal residence to be transferred to the Removal and Deportation Service should increase by 10% until 4,800 in 2012. In this respect priority will be given to aliens who have committed criminal offences (Rijksoverheid 7.3.12). This number raises questions because annually many more migrants are placed into alien's detention, notably 8,000.

Ministry of Social Affairs and Employment: higher fines for illegal employment

Minister Kamp has announced an increase of the fines for illegal employment: the fine for employers will be increased to €12,000.- for a first offence; €24,000.- for a second offence and €36,000.- for a third offence. In addition to this it will become possible to close down businesses that repeatedly violate the rules concerning legal employment (Parliamentary Question 1972, 9.3.12).

4. WHAT CAN BE DONE?

Vote about legislative proposal 'once an illegal - always an illegal' on May 15 in the Dutch Upper House

The Dutch Upper House have discussed the legislative proposal for the Visa Act. This Act rules that a previous illegal stay may lead to the refusal of an application for a residence permit. The Dutch Upper House will vote on this proposal on the 15th of May (parliamentary document 31549).

New: Institute for Human Rights and Medical Examination [iMMO, instituut Mensenrechten en Medisch Onderzoek]

This new institute's task will be to perform investigations with respect to asylum procedures which had previously been performed by the Medical Examination Group [MOG, Medische Onderzoeksgroep] of Amnesty International.

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