

NEWSLETTER, YEAR 3 NO. 15

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HUNGER STRIKERS ROTTERDAM DETENTION CENTRE EVICTED WITHOUT ANY AFTERCARE

Two men from Guinea, who had been on a hunger strike for more than 70 days, have been unexpectedly evicted. According to the court that pronounced judgment a few hours prior to the conviction, the men were 'fit to fly' and reception and aftercare in Guinea had been adequately arranged. The men were to be taken to a clinic by ambulance, and the Netherlands committed itself to defraying the expenses for three-months' care in this clinic.

Upon arrival in Guinea, however, the men were not taken to the clinic. Moreover, the clinic turns out not to be willing to receive the men. Its management has no confidence that the Netherlands will foot the bill.

Links to the judgment (in Dutch):

<http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBGEL:2013:2097>, 31.7.13

<http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBGEL:2013:2096>, 31.7.13

1. BASIC RIGHTS

Court: Moroccan child without a passport must receive a permit

This concerns a special case, in which a Moroccan father acknowledged his child under Dutch law, but refuses to do the same under Moroccan law. Therefore, the child, who is 9 years old by now, cannot be issued a Moroccan passport and is living in the Netherlands without a residence permit. The court finds that the mother, who also has Moroccan nationality, has made sufficient efforts to apply for a passport and decided that the Netherlands must grant the child a residence permit after all.

Link (in Dutch) <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBDHA:2013:8256>,
10.7.13

2. ADMISSION POLICY

Council of State: No permit Congolese daughter aged 23 who has been in NL for over 10 years

This girl's father has a permit due to 'time lapsed in the asylum process', and an alien's passport that does not allow him access to Congo. The daughter has lived in the Netherlands (without a permit) since she was 12 years old and has applied for residence with her father, since he cannot travel to Congo due to his alien's passport. According to the Council of State, the daughter is allowed to travel back to Congo and family life can be continued at a distance, just like before the daughter came to the Netherlands.

Link (in Dutch) <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RVS:2013:532>, 24.7.13

Council of State: reconsidering right of residence for mother with NL child of married father

This child of an undocumented mother has Dutch nationality due to having a Dutch father. However, the father is married to another woman and has a job that takes him away from home a lot. He cannot take sufficient care of his child. The Council of State finds that the Immigration and Naturalisation Service (IND) must examine more carefully whether the mother is to be given a residence permit in order to prevent that the child is to depart from the Netherlands.

Link (in Dutch) <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RVS:2013:425>, 18.7.13

3. CHECK AND DEPARTURE

S&J: IND makes individual decisions on whether entry ban follows rejection children's pardon

Applicants of the children's pardon are sometimes presented with an intention to impose an entry ban, pending a decision on the application. Following parliamentary inquiries, the secretary of state of Security and Justice explained that this is always an individual decision. In

their answer to the intention, the applicants can submit personal reasons why an entry ban should not be imposed. Children are never given an entry ban.

Moreover, each application for the children's pardon that does not meet the formal requirements is tested for 'poignancy'.

(Answer parliamentary inquiry, 31.7.13)

4. WHAT CAN BE DONE?

Workshop on Compensation for victims of human trafficking, 10 Oct 10-17 hours

FairWork and CoMensha invite care/ regional coordinators, relief workers, lawyers, staff member of the Public Prosecutor, trade unions and inspection and investigation services to enter the discussion about the possibilities and impossibilities of compensating victims of human trafficking.

Info: lobby@fairworksupport.nu

Asylum seekers' experiences of forced labour documented

Precarious Lives, draws on interviews with thirty refugees and asylum seekers in the UK and explores experiences of forced labour. As the authors make clear, employers who are directly responsible for forcing workers into degrading conditions that can be close to slavery are able to do so because of the manner in which immigration policies enforce vulnerability.

Download *Precarious Lives: Experiences of forced labour among refugees and asylum seekers in England* [here](#) (pdf file, 412 KB).

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.