

NEWSLETTER, VOLUME 4 NO. 9

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PREJUDICIAL QUESTIONS INTEGRATION EXAM FOREIGN COUNTRIES

In the previous news letter we stated that the Council of State had made enquiries to the European Court of Justice about the Dutch integration exam abroad. The Council of State want to know whether the exam is allowed and whether it is in accordance with the European Directive for Family Reunification. The questions specifically concern people who are incapable of passing the exam as well as the costs of the exam. The answers are expected in about one year.

In many cases judges wait until the European Court have passed judgment about such prejudicial questions. This means that it is to be expected that no decisions will be made in court cases that concern the feasibility of integration exams.

You can read the full text of the preliminary ruling [here](#).

1. BASIC RIGHTS

Municipality of Amsterdam is obliged to offer accommodation and care to ill asylum seeker who has exhausted all legal remedies

The municipality of Amsterdam had refused to admit this man into the Havenstraat. Currently he stays in the Vluchtgarage, but according to his psychiatrist he suffers from a psychiatric disorder. The Court of Appeal have deemed the accommodation in the Vluchtgarage inhuman and have compelled the municipality to admit this man into the Havenstraat. It is curious that the GGD [municipal health service] has refused to examine this man because they do not wish to contribute to homelessness. [You can download the judgment here.](#)

2. ADMISSION POLICY

Court of Appeal: Programme Streamlining Admission Procedures requires humanitarian consideration

According to the Programme Streamlining Admission_Procedures due weight should be given to all humanitarian aspects involved concerning asylum applications. In this case a Somali woman had applied for asylum. According to her she had been raped on the way and this had left her traumatised.

The Court of Appeal are of the opinion that the IND should have given due weight to this aspect when making an assessment concerning a humanitarian permit for this woman (Rb Den Haag, 14/6224, 8.4.14).

Council of State: second asylum application Iraqi homosexual needs to be assessed in full

Only new facts will be given due weight during the second assessment of the same asylum application. In this specific case homosexuality should not be included, because it should have been mentioned earlier. However, because homosexuality in Iraq may pose a death risk, in this case the Council of State are of the opinion that the application has to be assessed in full (you can find more information [here](#)).

State Secretary for Security and Justice: investigation into possibilities for care and accommodation for victims of human trafficking from Guinea

The Secretary of State has responded to the report by the Centrum Kinderhandel en Mensenhandel [Centre Children and Human Trafficking] about care and accommodation for victims in Guinea. He has stated that he is willing to help to improve the care of victims in Guinea (response to Parliamentary Question 25.4.14).

Council of State: NAPTIP helps with reintegration in another part of Nigeria where there is no risk of genital mutilation daughter

The Council of State agree with the statement that NAPTIP as well as NGOs are capable of providing care for victims of human trafficking. The Council of State are also of the opinion that this mother and daughter can take up residence in another federal state of Nigeria where they do not run the risk of genital mutilation (ABRvS, 201307508/1/V1, 23.4.14).

Council of State: possible victim human trafficking will only be given a reconsideration period if the Public Prosecutor and the police agree

This case concerns a man who was arrested during a check in the work place. During the first hearing he did not provide any information to prove that he had been a victim of human trafficking. During a further hearing he did speak about this but in the meantime he had already been placed into custody. In such cases the police and the Public Prosecutor may decide whether or not to offer a reconsideration period. This requires an investigation which had not yet been completed. The Council of State have decided that the migrant may be kept in custody as long as the investigation has not been completed (you can find more information [here](#)).

State Secretary for Security and Justice: new legal fees for ‘migrants without culpability’ and for ‘permanent regulation Child’s Pardon’

As of 1 June legal fees will be reintroduced for the following applications: migrants without culpability if the DT&V [Dutch Office for Return and Departure] have **not** submitted an official application: € 304
 Permanent regulation Child’s Pardon: € 152

Court of Appeal: no Child’s Pardon for children without previous asylum application

The judge has decided that the regulation Child’s Pardon justifiably distinguishes among children with and children without an asylum history. They justify this by referring to the long period of uncertainty and the responsibility of the Dutch authorities (you can find more information [here](#)).

3. CHECK AND DEPARTURE

Council of State: still risk of eviction to Sierra Leone

Since November 2012 The Dutch Office for Return and Departure has been involved in negotiations with the authorities of Sierra Leone about taking back migrants from this country. But in spite of the efforts of the Dutch authorities the agreement has still not been signed and Sierra Leoneans cannot be obliged to return. Recently the Dutch Office for Return and Departure paid Sierra Leone a working visit. Based on this visit the Council of State are of the opinion that eviction may become possible (you can find more information [here](#)).

Court of Appeal: Eviction to Somalia may become possible

The Court of Appeal has decided that eviction to Somalia may become possible because the negotiations about reacceptance are still going on (Court of Appeal Den Bosch, 14/5560, 28.3.14).

4. WHAT CAN BE DONE?

ZEMBLA: BRIBES AND EVICTIONS, 1 May 20:50 - 21:30 Ned 2

Last year it came to light that the Netherlands are paying the Guinean delegations that come to this country for travel documents and that this country are providing a generous remuneration for travel and accommodation expenses. In addition to this there have been rumours about corruption and malversations in connection with evictions to Guinea. Zembla has investigated the policy of the Dutch authorities.

Conference Step Forwards, 15 May 12.30-16.30 Utrecht

Beyond Borders and Maatwerk bij Terugkeer [customised return] have presented their investigations into the prospects of (former) unaccompanied minor asylum seekers from Somalia, Guinea and Iraq to build a life for themselves. Former unaccompanied minor asylum seekers who have returned will share their experiences through Skype or even by coming back to the Netherlands for a short period of time.
 Information and registration: Mark de Koning-Man, tel.: 030-7551524 of info@beyondborders.nu.

Statelessness Storytelling Project are looking for stories told by stateless people

The Storytelling Project from Tilburg University are looking for stateless people who are willing to share their stories, in order to create insight into stateless people’s experiences in daily life.
 For more information you can contact Sangita Jaghai through s.jaghai@tilburguniversity.edu.