

NEWS LETTER, VOLUME 5 NR 16

17 Augustus 2015

| | |
|--------------------------------|-------------|
| Table of contents | page |
| 1. BASIC RIGHTS..... | 2 |
| 2. ADMISSION POLICY..... | 2 |
| 3. CHECK AND RETURN..... | 3 |
| 4. ACTIVITIES..... | 3 |

WORLD CONFERENCE WOMEN'S SHELTER THE HAGUE, 3-6 NOVEMBER

The Dutch Foundation of Women's Shelters and its partners organise the 3rd World Conference of Women's Shelters from 3-6 November 2015 in The Hague - the Netherlands.

Continuous action is crucial: violence against women and children still occurs on a large scale and is perhaps the largest crime against humanity of all times. The objectives and programme therefore are very ambitious and thought-provoking.

In addition, we are building a broad, new alliance in the run-up to the conference to end violence against women and children with the help of ambassadors from politics, companies, NGOs and others. Another example of concrete actions and projects we initiate, is the 'Act with your Heart' campaign.

We kindly invite you to join us by filling out your [registration](#).

1. BASIC RIGHTS

Central Appeals Tribunal: no health care benefit or housing benefit if a partner without residence permit lives in with the person concerned

The Central Appeals Tribunal have decided that this woman is not entitled to health care benefit and housing benefit because her partner who has no right of residence lives in with her. The woman has indicated in detail why she cannot manage with her money without health care benefit and housing benefit, but the Central Appeals Tribunal are of the opinion that the Benefit Entitlement (Residence Status) Act is actually intended to prevent migrants without right of residence from staying in the Netherlands. You will find more information [here](#).

2. ADMISSION POLICY

Secretary of State for Security and Justice: decision and departure ban Uighurs and Yemenis

The Secretary of State has introduced decision and departure bans for Uighurs and Yemenis. The Council of State have decided that for Uighurs returning would mean too great a risk. The Secretary of State has submitted a request for a new official country report. Until that time no decisions are made concerning asylum applications made by Uighurs. They are entitled to shelter and support. The rule for Yemen is that the current situation is not stable. The risks on return cannot be assessed. While waiting for more information no decisions are made about asylum applications submitted by Yemenis and they will be given shelter and support. You will find more information about [Uighurs](#) and [Yemenis](#) here.

Council of State: Somalis at risk on return to Al Shabaab-controlled region

In two cases the Council have decided that returning to a region where Al Shabaab is in control forms a risk, even after only six months of absence. Al Shabaab is capable of finding out quickly whether people have spent time out of the country recently. The Secretary of State has announced a new official country report. Awaiting this the Council of State are of the opinion that Somali migrants are not allowed to be sent back to dangerous regions, such as Mogadishu. You will find more information [here](#).

Court of Appeal: application sliding scale in case of offences

Migrants who have a criminal record may lose their residence permit if they have previously been convicted of criminal offences. A sliding scale applies: migrants who have had right of residence for a longer period of time will have to be convicted to a longer prison sentence in order to lose their permit. The migrant in this case had a residence permit since 1993, which he now loses because he was sentenced to over 14 months in prison for more than 5 criminal offences. Although he has many relatives here as well as children, the judge does not find this consequential enough to let him keep his permit. You will find more information [here](#).

Court of Appeal: depressed and ill Nigerian mother not capable of protecting her children against genital mutilation

This case concerns a Nigerian mother who suffers from diabetes and depression and her daughter. In similar cases it has been decided that it is possible to protect people from genital mutilation by taking up residence elsewhere in the country. In this case the judge is not certain whether organisations such

as NAPTIP can give the mother enough help with her problems and thus prevent the daughter's impending genital mutilation (Court of Appeal Zwolle, 15/5272, 30.6.15)

Court of Appeal: individual assessment needed about income requirement in case of family formation

This case concerns a woman who wants her husband to come to the Netherlands. She lives on unemployment benefit, a part of which is permanent. In addition to this she has income through a temporary job and receives reimbursement for volunteer work. All in all her income is well over the required minimum to provide for her partner. According to the court the IND should have investigated her personal situation better and they should not have assumed she was living on a standard amount. You will find more information [here](#).

3. CHECK AND RETURN

Council of State: lifting harsh entry ban after 5 years outside of Europe

This case concerns a Brazilian woman who had been declared an unwanted individual in 2008. This ranks as a severe entry ban. In accordance with the Return Directive a harsh entry ban may last for 5 years at most, unless the person concerned is a serious threat to the public order. Here this is not the case, for which reason she is no longer considered an unwanted individual and she is allowed to enter Europe according to the Council of State's decision. You will find more information [here](#).

Council of State: Lithuanian migrant cannot be declared an unwanted individual after one conviction

EU citizens cannot be issued entry bans. If they form a serious threat to the public order they can be declared unwanted individuals. This Lithuanian migrant has one conviction for theft. According to the Council of State he does not constitute a serious threat to the public order. The judgment that this person is an unwanted individual should be revoked. You will find more information [here](#).

Court of Appeal: return to Bangladesh not possible

Because since 2009 no Laissez Passers have been issued to Bengali migrants without identity papers, the Court have decided that return is impossible and that this Bengali migrant needs to be released from detention. You will find more information [here](#).

Secretary of State for Security and Justice: return support for Kosovans and Mongolians to be discontinued

According to the Secretary of State the return support regulation is being abused, for which reason he has discontinued the financial benefit to Dublin claimants from Kosovo and Mongolia who want to return. You will find more information [here](#).

4. ACTIVITIES

Sign for Margarita from Uzbekistan

Sign this [petition](#) if you find it unjust that Margarita, who has lived in the Netherlands for 7 years and who has made a life for herself together with her mother has to return to Uzbekistan, where they will not be safe because they will be persecuted for political and religious reasons.