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RED CROSS ON MIGRANTS WITHOUT RESIDENCE PERMITS (18DEC, MIGRANTS DAY)

‘There are many reasons behind migrants seeking irregular entry, or falling into irregularity while in a Member State. Migrants that are in transit, or that have not yet requested international protection, may find themselves in an irregular situation. The absence of safe, legal routes to access protection in the EU also pushes people to migrate irregularly. National Red Cross Societies across Europe observe the results; many migrants seek increasingly dangerous routes to reach their intended destination, or remain stranded in remote areas - where they have little access to services and assistance. *"Our colleagues deliver a range of services including first aid, tracing, medical care, and emergency supplies such as food, water, and hygiene items. They provide support to all migrants, irrespective of their legal status."* adds Denis Haveaux. *"The key challenge is being able to connect with migrants in an irregular situation, especially at border crossing points and in detention. We are extremely concerned by the humanitarian consequences of this situation"*.

Several Member States are currently changing their legislation to restrict the conditions to access international protection and family reunification. In addition, the increasing use of admissibility assessments as part of asylum procedures, is pushing migrants to avoid the asylum system altogether, often placing them in a legal limbo. For people whose application for international protection has been refused but cannot be returned to their country of origin due to concrete practical or legal obstacles, there is a high risk of falling into irregularity. The EU and its Member States must work to facilitate these migrants’ access to a secure and dignified status.’

Read the RK recommendations "[Protecting the dignity and rights of migrants in an irregular situation](#)"
Learn more about the [Red Cross’ work to support migrants in an irregular situation](#).

1. BASIC RIGHTS

Min Public Health: reimbursement healthcare costs uninsured Europeans

The public health minister has answered questions about a Belgian citizen who has been in a Dutch hospital for some time. He has no healthcare insurance either in Belgium or in the Netherlands and there is no alternative shelter available.

According to the minister, the hospital must always provide care, even if there is no insurance and costs are not covered. That is part of the business risk. See [here](#) (Dutch only).

2. ADMISSION POLICY

Min security & Justice: Togo safe country of origin

The minister is still adding new countries to the list of safe countries of origin. Togo is the latest country to be included; it is safe, except for homosexuals. Other countries have been examined as well, but not been declared safe: Gambia, Kenya, Chad, Zambia, Zimbabwe and South Africa. Asylum requests from a safe country of origin are rejected more quickly. See [here](#) (Dutch only).

European Commission: Dublin transfers to Greece are resumed as from 15 March

The Dublin Regulation obliges European countries to process asylum requests in the first country of arrival. Due to the poor reception facilities in Greece, sending refugees back there was not possible for a long period. Now, the European Commission concludes that the reception and asylum procedures in Greece have been improved and that it will be possible to send people back as from mid March. However, individual guarantees for reception are needed and vulnerable asylumseekers must not be sent back. See [here](#)

Info: asylum permits Yemen

In November, the state secretary promised that asylum seekers from the Yemen will be given a residence permit. The policy change has not yet been published. However, it has become known that the entry date of the permit is the date for the asylum application. We recommend you check this carefully when the card is handed out, as this is relevant to the 5-year period as well as to the entry date of any future permanent permit.

(Thomas Spijkerboer at We Are Here)

Court: family life between father and child, even if it is born out of wedlock

This case concerns a Ghanaian child born in 2012. Since 2015, the Dutch father's name is stated in the birth certificate. The child does not get a visa as the parents aren't married and the father has not lived with the child. According to the Netherlands, there is no family life between father and child in such cases.

The court finds that no distinction should be made between children both in and out of wedlock and that paternity always implies a family life. The judge has requested the Immigration and Naturalisation Service (IND) to make a new decision. (Amsterdam court, AWB 16/8947, 15.11.16)

3. CHECK

Council of State: rejected asylum seekers from safe countries of origin not given departure period

The Council of State finds that the state secretary's motivation to consider some countries 'safe countries of origin' is sufficient to deny rejected asylum seekers from those countries a period for voluntary departure. Thus, they can be put in alien detention as soon as their asylum request has been turned down. See [here](#) (Dutch only).

4. ACTIVITIES

National Health Care Institute becomes CAK

As from 1 January 2017, the CAK (Central Administration Office) takes over the healthcare for uninsurable aliens regulation from the National Health Care Institute. See [here](#) (Dutch only).

Join the WAVE Step Up! Campaign

This campaign focuses on the right to protection for women without residence permits who are victims of domestic violence. Both the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Council of Europe Convention on preventing and combating violence against women and domestic violence ('Istanbul Convention') and the [Victims' Directive 2012/29/EU](#) demand that women can always find protection, irrespective of their migration status. Sign the WAVE / PICUM [statement](#) and become active.

Put women's safety and rights ahead of immigration enforcement - report

The report describes how assistance to women without residence permits in Manchester, UK, works in practice. Women mainly have an interest in safe sheltered accommodation. This should be irrespective of their immigration status or the right to assistance. Good contacts with migrant women's rights organisations help them to seek help earlier and report violence.

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.