

NEWSLETTER, volume 9 no. 13  
24 June 2019

**CONTENT**

COURT OF APPEAL: NO ACTION ANY LONGER FOR ‘RESIDENCE IN CASE OF AN ENTRY BAN’ ..... 1

1. BASIC RIGHTS..... 2

2. ADMISSIONS POLICY..... 2

3. INSPECTION AND DETENTION ..... 3

4. WHAT'S ON? ..... 3

**COURT OF APPEAL: NO ACTION ANY LONGER FOR ‘RESIDENCE IN CASE OF AN ENTRY BAN’**

Residence without a residence permit is not punishable in The Netherlands. But if people have an entry ban, residence with that entry ban is punishable.

The European Court of Justice [decided](#) in 2017 that an entry ban only takes effect after the person involved has left the country. After that, the Court was asked follow-up questions to find out whether the penalisation of residence with an entry ban also comes under this. The Court has not answered these questions yet and it will take at least another year before there is an answer.

The Dutch Court of Appeal has now decided to no longer hear cases regarding the punishment of residence with an entry ban. The foreign nationals have been waiting a long time for a decision, it is an victimless crime and the punishment is relatively light.

See [here](#).

## 1. BASIC RIGHTS

### Amsterdam: a lot of people living on the streets

During the past week, buildings have been evacuated causing at least 50 people to be turned out into the streets. Not everybody has an alternative shelter. The Municipal Desk said on 10 May: 'The Municipal shelters are full and there is a long waiting list. That does not mean that there is no option at all to get onto the waiting list, that depends on the personal circumstances. If, for instance, we are informed that someone is seriously ill, the desk will look into the possibilities. Even in such situations, we currently have a waiting list.' As a result, increasing numbers of people are actually sleeping in the streets of Amsterdam.

## 2. ADMISSIONS POLICY

### Court: new procedure suspension of Dublin-transfers with regard to human trafficking

The handling of this case shows that the police have a new procedure for victims of human trafficking that are in danger of being deported. If from the very beginning the victim has clearly indicated to want to report to the police, the deportation is suspended. If someone ask for time to think the matter over after a Dublin-transfer has been decided, the deportation will proceed. See [here](#).

### Committee against Torture (CAT): residence granted to woman from Sierra Leone because of circumcision

Two lawyers filed a complaint in May 2016 with the CAT on behalf of a woman from Sierra Leone and her daughter, who feared circumcision upon their return to their homeland. Their requests for asylum had been turned down. Both have been granted a residence permit since then. See [here](#).

### Court: residence permit for Iranian partner, as cohabiting with a christian woman is not possible in Iran

This Iranian man lives with a Dutch woman. He wants a residence permit to stay with his partner. The IND decided they could cohabit in Iran, but the Court ruled that the woman had to give up too much for that: for instance, she will have to convert to Islam to be able to marry, because cohabitation in Iran is not possible. (Court Amsterdam, AWB 18/4466 (final decision), 7.6.19)

### Court: living with grandchildren creates 'more than normal emotional ties'

The 'more than normal emotional ties' criteria is important in the decision whether family members outside the core family are to get a residence permit. In this case, a grandmother wanted to stay with her grandchildren. The Court ruled that the fact that the grandmother had lived with the grandchildren for a long period, this created 'more than normal emotional ties'. (Court Amsterdam AWB 18/5533 and AWB 18/5534, 06/06/2019)

### 3. INSPECTION AND DETENTION

#### Telegraaf : Countries of origin refuse the repatriation of 10,000 foreign nationals

The figures of the Repatriation and Departure Service (R&DS) of the past five years show that The Netherlands was unable to repatriate more than 10,000 foreign nationals. Since 2014, Afghanistan failed to respond most of all to requests to acknowledge and take back a national: 1,080 times. During the same period, Morocco failed to answer 990 times and Iraq (720) and Iran (660) kept quiet in many cases. According to the R&DS, there are no countries that fail to cooperate structurally. See [here](#).

### 4. WHAT'S ON?

#### Picnic with undocumented women, 29 June 12:00-17:00 o'clock, Amsterdam

The women eatery offers women with a residence permit the opportunity to meet a special group of women and to show their solidarity with them. This Saturday, we will go on a picnic and play games. We will be in the Vondelpark at the wading pool (*pierenbadje*), Kinder-Kookcafé.  
Register (preferably before Thursday) [steungroep@svzv.nl](mailto:steungroep@svzv.nl)

#### Fairwork on the move

New address: [Nieuwezijds Voorburgwal 32, 1012 RZ Amsterdam](#)

The telephone number continues to be 020 760 08 09 and the general email address [info@fairwork.nu](mailto:info@fairwork.nu).

#### Atelier Amsterdam for rent for refugee(woman)

In living/working facility Tetterode in Amsterdam, I will sub-let a room temporarily, for one year, as a working place/studio/ atelier to a refugee [preferably a female]. The activities could be different disciplines but shouldn't be noisy, because the room is inside a residential home.

The monthly rent of this space of almost 35m<sup>2</sup> with a small mezzanine will be around 280 Euros in total and will be paid directly to the tenants' association. If you know of someone, please contact [renss@xs4all.nl](mailto:renss@xs4all.nl)

#### ILO Convention on Violence and Intimidation at Work signed

This Convention protects employees without distinction as to, for instance, migration status and legal work, and pays special attention to the needs of women. The Convention won't come into force until 12 months after the two countries have ratified it. See this [quick guide](#) for more information.

Since 2003, the LOS Foundation (National Undocumented Migrants Support Centre Foundation) has been the knowledge centre for people and organisations who provide assistance to migrants without residence permits ('undocumented migrants'). The LOS Foundation is committed to the basic rights of these migrants and their children.