

Preface and Summary

To
the members of the European Parliament
the members of Parliament of the Netherlands
the members of the Council of Europe

Houten, July 3, 2006

Dear Madam, dear Sir,

Hereby we offer you our report “Gezinnen worden niet uit elkaar gerukt”, (“Families Are Not Being Torn Apart”). We put the title between quotation marks for a reason. This is a direct quote from Ms. Rita Verdonk, the Dutch Secretary of Foreigners’ Affairs and Integration, and as such the head of the Dutch Immigration and Naturalisation Service IND. Ms. Verdonk regularly meets with the Dutch Standing Parliamentary Commission on Foreigners’ Affairs and Integration in The Hague. On the 9th of March 2004 she said: “Families are not being torn apart. Principle is that I do not split up families, let it be clear.” The minutes of this meeting of the Secretary and the Parliamentary Commission you can find in this report.

Families are therefore not being torn apart in the Netherlands? On the following pages you will discover the reality of Dutch immigration policy. In short: families are most certainly being torn apart.

Primarily, this report focuses on Dutch asylum policy. In this report you will find a brief outline of the Parliamentary debate on policies having to do with the deportation of asylum seekers. You will be able to compare the theory of Dutch asylum policy, the actual reality and the criticism voiced by Dutch MP’s, Dutch and International Courts and others involved.

Besides the judicial-political debate we offer you 98 case studies; personal stories of people who faced or face refusal of entry, refusal of stay and ensuing deportation. You can read about families of refugees, of whom some members have been granted a stay in the Netherlands, while others are expelled. The family members who are being refused asylum have to leave, and are detained in foreigners’ detention. This also holds true for asylum seekers who have started families with Dutch citizens; they also have to take leave of their families in order to be deported to their country of origin or a third country. That they are the spouse and/or parent of Dutch citizens, or that their children have the internationally recognized legal right to a family life, is of no consideration for this particular policy.

In the non-asylum policy regarding foreigners’ rights, the so called ‘regular foreigners’, Ms. Verdonk and her IND tear apart spouses from each other and parents from their children as well. Within the framework of laws governing family creation and reunification, families are torn apart by political manoeuvring, policy-making and de facto execution of rules and regulations. This is usually not a matter of actual bodily removal by the military police, but executed by legal and administrative means, as when MVV and VTV visa are being denied.

We have divided our material into four sections.

Chapters 1, 2 and 3 deal with asylum policy and deportation. The effects of the Dutch policy regarding Dutch citizens and their 'regular' foreign partners are shown in chapter 4. Chapter 5 tells about the alternative more and more people are forced to take: the so called EU-route, the EU-escape. The way the IND functions as the actual facilitator of these policies is shown in chapter 6. Chapter 7 and 8 give another voice to the people involved to deal with the above mentioned subjects in a more personal and literary manner.

We hope our report will be a inspiring read.

Yours sincerely,

On behalf of Stichting Buitenlandse Partner

Dr. Paul Streumer, chairman

Houten, July 3, 2006

Summary

Report “Gezinnen worden niet uit elkaar gerukt”

All relevant information on one page

In the Netherlands families of refugees are being torn apart, when asylum status is granted to some family members, and refused to other family members. For those, detention and eventual deportation ensues. This also holds true for refugees who have settled in the Netherlands with spouses who are Dutch citizens, and who are parents of children with Dutch citizenship.

Under the law governing the admittance of non asylum-seeking foreigners, entry to the Netherlands is denied to fifty percent of all non EU-citizens who are the spouse or partner of Dutch citizens. In some cases this denial leads to actual detention and deportation; in most cases the whole family is forced into exile.

Ms. Rita Verdonk, the Dutch Secretary of Foreigners' Affairs and Integration has during her time in office regularly refused to abide by Parliamentary votes and European Court sentences who ordered her to stop. She has not changed her policies nor the way her Immigration and Naturalisation Service IND operates, not even after having been ordered to do so explicitly by Dutch Parliament.

She has taken full opportunity to interpret Dutch laws and regulations regarding immigration to expel and deport a maximum number of foreigners from the Netherlands, as well as refuse a maximum number of non EU-citizens entry into the Netherlands. Even if these foreigners are the spouses, parents or children of Dutch citizens.

This policy creates much suffering for the people involved. The Government invades their most private affairs: their family life. The people involved feel their most fundamental rights have been hurt. They have lost trust in the Dutch constitutional state.

Dutch law differentiates between asylum law and non-asylum foreigners law. Most lawyers do not cover both areas of expertise. The IND uses this differentiation as well. In this report we show that this differentiation is in fact not relevant. Thousands of Dutch citizens and foreigners suffer in their personal life from forced separation, regardless whether one is subject to asylum or non-asylum law.

The EU-route is being taken as the last resort by foreigners and Dutch citizens alike. It is the only way to live together as families for refugees, mixed couples of Dutch citizens and their asylum seeking partners, as well as Dutch citizens and their foreign partners living abroad, who are denied entry into the Netherlands.

The Immigration and Naturalisation Service IND is badly run and guilty of many serious faults in the execution of its task.

In the fight for change, Dutch citizens and their foreign partners, refugees and sympathisers work together.