

Information brochure



**FAMILY LOCATIONS
IN THE
NETHERLANDS**

On words...

asylum seeker and refugee

For someone who has requested asylum in the Netherlands, the juridical term 'asylum seeker' is used. When refugee status is acquired, someone is a 'refugee'. In this brochure we use the term 'refugee' to recognize that no one flees without reason, regardless of the administrative status of this person in the Netherlands.

illegal and out of procedure

The terms 'illegal' and 'out of procedure' don't have a juridical base, but are often used in politics and media. Refugees who enter the Netherlands (or the EU) cannot be illegal: the Geneva Convention states that everyone has the right to go to another country and ask for asylum there. The Dutch law also establishes the right of everyone to make use of the legal structures, which includes the procedures for attaining residence. 'Out of procedure' refers to refugees whose initial request for asylum has been denied. This group does however still have the right to use other legal appeals and requests. It therefore happens regularly that a refugee acquires their refugee status later on, even though the initial request was rejected.

The use of these terms in politics and media is not without consequence: it influences the public opinion to a more negative point of view. Many news agencies in other countries have decided not to use these terms, for a more neutral news coverage.

voluntary return

About the 'voluntary return': the position of the government is that the responsibility for return of refugees whose asylum request has been denied, lies with the refugees themselves. The Repatriation and Departure Service (DT&V) starts trying to get refugees to leave from the moment they arrive in the Netherlands (and not the moment their asylum request is denied), using so called 'return conversations'. Statements from refugees show that these return conversations are very coercive and sometimes even intimidating. We can ask ourselves whether a return can be seen as 'voluntary', when the refugee has been put under such pressure from the DT&V that makes return seem like their only option.

Sources

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- 'Het is hier in één woord gewoon... stom!', study on the wellbeing and perspective of children and young people at family locations, Working group Kind in AZC, published in 2014
- 'Overheid schaadt belangen van kinderen van asielzoekers', publication by Geesje Werkman (Kerk in Actie, working group Kind in AZC) on children in family locations, published in 2014
- 'Kinderombudsman en VNG pleiten voor rechtvaardiger kinderpardon', article by Children's Ombudsman Marc Dullaert, published in 2013
- 'Velen vallen buiten strikt kinderpardon', article by Dutch Council for Refugees (VluchtelingenWerk), published in 2013
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- 'Een 'eerlijk kinderpardon' of politieke belangen ten koste van de 'belangen van kinderen'', Prof. M.E. Kalverboer Phd, LLM (Professor of Child, Pedagogy and Migration Law) D. Beltman, LLM, A.E. Zijlstra, PhD, D. Zevulun Msc, LLM, M.D.C. Ten Brummelaar, Msc, all connected to the Research and Expertise Center for Children and Migration Law of the University of Groningen, published in 2014
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- 'De schade die kinderen oplopen als zij na langdurig verblijf in Nederland gedwongen worden uitgezet', Dr. M.E. Kalverboer, Drs. A.E. Zijlstra, University of Groningen, study on the effects of (threat of) forced deportation for children, published 2006
- 'De toepassing van General Comment nummer 14 van het VN-Kinderrechtencomité ter doorbreking van de impasse ten aanzien van het 'belang-van-het-kind'-beginsel in vreemdelingenprocedures', Prof. dr. mr. M.E. Kalverboer en mr. D. Beltman, on the necessity of taking the interests of the child into consideration in migration law, published in 2013
- 'Kinderrechtenmonitor 2015', report by the Children's Ombudsman and Leiden University, including a report on children in family locations (from p. 158) and the Children's Amnesty Regulation (from p. 167)
- 'Hoe gaan we om met vluchtelingenkinderen?' Rinda den Besten of the PO-raad, Martine Goeman of Defence for Children and Elianne Zijlstra of the University of Groningen, on taking the interests of the child into consideration in migration law, published in 'De Pedagoog' journal

There are seven family locations in the Netherlands, where refugee families are housed that the government deems 'removable'. In total, this includes more than a thousand refugee children and their parents. The children go to Dutch schools and have Dutch friends.

The children and their parents spend years of uncertainty in the family locations. Added to this is the constant threat of return: weekly, several families are taken by the immigration police and translocated to the family prison Kamp Zeist. From there, the families are put on the plane to their country of origin, which is no longer home for the children. The children who stay behind watch their friends disappear.

Research and publications from universities and humanitarian organizations show that both the stay in the family locations and the deportations are traumatizing to the children, and are a threat to their health and development.

Since there is not much known about the family locations, the suffering of refugee children happens out of sight and in silence. 'No child to the side!' wants to break this silence and stand up for the rights of children and their parents in the family locations.

This information brochure, intended for organizations, policy makers and implementors, journalists, teachers, and other interested parties, aims to answer questions such as:

- what are the family locations and who live there?
- what does daily life at a family location look like?
- what is the impact of the situation at a family location for the children and young people who live there?
- how does the policy at the family locations relate to the Convention on the Rights of the Child?

More information can be found on the website geenkindaandekant.nl. This includes stories of the children and their parents themselves, as well as links to relevant publications.

What are the family locations and who live there?

Family locations

The Netherlands has family locations at Gilze, Katwijk, Den Helder, Amersfoort, Emmen, Goes and Burgum. These locations are so called 'locations of restricted freedom'.



IND

Families of whom the IND (Immigration and Naturalization Service) has decided they have to return to their country of origin live at these locations. This does not mean that these families are 'out of procedure': often there are still procedures in process, such as a higher appeal, procedures at the Council of State of the European Court, or a request for the Children's Amnesty Regulation. The right for shelter, including the right to be safe from deportation, holds only during the standard request for asylum – not for these other procedures.

*On January 1st 2015 1.030 children were living in family locations.
This is about one quarter of all children without resident permit in the Netherlands.
The most common nationalities were Armenia (130 children), followed by Afganistan, Somalia and the (former) Soviet Union.
Most of the children were under the age of 12 (820 van de 1.030).*

Up to 2011, families whose initial asylum request was denied and who could not or did not want to return to the country of origin were not entitled to shelter at an AZC (refugee shelter). Many families became homeless. A ruling from the Court of The Hague, that

stated that families with

children who are minors can not be put on the street, resulted in the opening of the so called 'family locations'.

COA

DT&V

Foreign Police

The COA (Central Organ for Asylum seekers) is responsible for the daily management of the family locations. From the family locations, the families will be deported. This is done by the DT&V (Repatriation and Return Service) in cooperation with the Foreign Police.



Family location Den Helder

"Children often integrate much faster and deeper into the Dutch society than their parents. They develop a strong sense of 'Dutch identity'."
(translated from Dutch)

Prof. dr. mr. M.E. Kalverboer, professor of Child, Pedagogy and Migration Law, University of Groningen

Children and young people who live in the family locations, go to nearby Dutch schools.

The stay in a family location can go on for years.

The children make Dutch friends, get used to the Dutch culture and in time forget the language and culture of their country of origin. They get rooted here.

Children's Amnesty Regulation

When it came out that rooted children also were being deported to countries that no longer felt like their home, a storm of public protests broke out. This resulted in the Children's Amnesty Regulation in 2012, created to give children who have been in the Netherlands for years the opportunity to stay here.

cooperating with return

However, the criteria on which a request for Children's Amnesty is judged are so strict that 98% of the applications is denied. The DT&V's opinion, which is based on whether a family has sufficiently cooperated with their return, is valued more than whether or not the children are actually rooted here. Defence for Children, the Children's Ombudsman and the researchers of the University of Groningen have voiced harsh criticisms to the conditions of the Children's Amnesty Regulation.



CRITICAL VIEW

Why is the judgment of the DT&V the main condition in a request for the Children's Amnesty Regulation, when this department has no expertise on rootedness?

Why are the findings of the research and expertise center on children and migration of the University of Groningen, that does research on rootedness, not more important?

What does daily life at a family location look like?

frugal accommodations

Based on a policy of 'discouragement', the accommodations at the family locations are kept very frugal.

Just how frugal this is, shows from the following examples:

- the families live in one small room. Very rarely there is a separate room with bunkbeds for the children, but usually there isn't. Not only is it difficult to live in a small space for a longer time, it also influences the level of privacy. Especially for families with teenagers this is very difficult.
- the parents do not have the right to study, do volunteer works or find a paid job. At some family locations the parents are not allowed to cook, and meals are provided centrally.
- there is a nurse present at the family locations, but only during limited hours, and permission is needed for a visit to a general doctor. This permission often is not given. The care for the children and their parents with (war) trauma is practically nonexistent.
- as there are hundreds of families living at one family location and space is limited, the locations are often crowded and noisy. For school going children this makes it very difficult to do their homework, while school is often something to hold on to for them.
- all sorts of small 'offenses' are punished by withholding fees from the living allowance. For example: if children are playing in the hallway, €15 is taken from the weekly allowance.
- parents have to sign in at the location daily and are not allowed to cross the municipal borders. Even for visits to medical specialists, lawyers or court, exemption from the daily sign in is not always given.
- families are translocated often and unannounced. Moving five times is no exception, and each time the children lose their friends.

finances

compulsory sign in

In practice this frugal regime turns out not to motivate cooperation with return, since other factors (safety in country of origin, statelessness) have a bigger influence. Since the start of the family locations only 16% of all inhabitants has returned (voluntarily or forced).

"The study shows that the frugal and freedom-limiting regime at the family locations is, for humanitarian and effectivity reasons, not desirable, and it does not meet the minimal requirements of the UN-Children's Rights Convention.

This situation not only negatively influences the wellbeing of the children, but also does not contribute to the goals of the government, including the cooperation with return."

report Working group Kind in AZC "Het is hier in één woord... gewoon stom"

removable

According to the asylum policy, families at the family locations are 'removable'. These removals have by far the biggest influence on the daily lives of the children and their parents.

police raid

Every week several families are arrested and deported. This always starts with a raid by the Foreign Police, after which the family is transported to Kamp Zeist in blinded buses, to be deported from there.

What happens during an arrest at a family location?

Around six in the morning a Foreign Police team barges into one of the rooms in the family location. The refugees then get five minutes to get everything together. Many of the refugees do not dare to sleep in their pajamas anymore, as there isn't enough time to get dressed. There isn't enough time to say goodbye to friends, either.

Sometimes the police used violence during these raids, even when there are young children present. There are witness accounts of pushing, hitting and pulling, as well as of the use of police dogs and stun guns. It happens that the parents are taken in handcuffs, or that children and parents are separated as they are transported to Kamp Zeist.

"Children at a family location cannot go to sleep calmly and carefree, as they are praying all night, scared and waiting to see if the police will come in the morning."

A., mother of three children



*Drawing by E., 5 years old
Family location with police car*



CRITICAL VIEW

According to the government, the frugal regime should contribute to a sooner return of refugees. However, when research shows that this regime is not effective, and that there are families who simply cannot be deported, what can be the purpose of these frugal accommodations?

When we find it unimaginable and impermissible that Dutch children would be confronted with arrests and disappearances in their daily lives, why is this acceptable for refugee children?

What are the consequences of what happens at the family locations for the children and young people who live there?

	<p>Many studies show clearly that the stay at a family location and the experiences that come with that have a harmful impact on the wellbeing and development of children and young people.</p>
insecurity	<p>Children who see their parents reduced to powerlessness and inaction experience a large amount of insecurity in the parent-child relationship. The lack of adequate mental healthcare at the family locations, while many parents are traumatized and the environment itself is made unsafe by the police raids,</p>
trans-generational PTSS	<p>can lead to trans-generational PTSS: the traumas and connected fears and problems are transferred onto the children.</p>
parentification	<p>Some will take a more responsible role due to a need for more stability, which can lead to problematic behavior. There is also a risk of parentification: especially older children having to take on the role of spokesperson and representative. One of the causes for this is that all official communication is in Dutch, while the parents do not have access to language courses. The children do go to school, and therefore learn Dutch much faster and better than their parents. Parentification also has a negative influence on the parent-child relationship.</p>
fear	<div data-bbox="454 1075 1364 1556" style="border: 1px solid black; padding: 10px;"><p><i>“Almost all children that were involved in the study experience severe emotional problems. These children are very scared, withdraw with their worries and are depressed. They do not sleep well and often have nightmares. They feel worthless in the eyes of society. Their biggest fear is being sent back to their country of origin. They experience an extreme amount of stress and are afraid to express themselves. They are so scared that their expression might influence their procedure, so they completely withdraw. They grow up in very difficult circumstances, and this is a serious threat to their development.”</i></p><p><i>Prof. dr. mr. M.E. Kalverboer, professor of Child, Pedagogy and Migration Law, University of Groningen</i></p></div>
	<p>The unannounced police raids also cause the children to live in a state of constant fear. There is no way to relieve this fear: the parents live with the same fear and are powerless, and the other kids at school cannot begin to imagine it, as it is so far removed from their own experiences. Problems like insomnia, nightmares, difficulty with concentration and panic attacks are frequent.</p>
	<p>The children and young people at the family locations have the right to education and go to school. In this, they are no different than their peers. Still, there are all sorts of daily struggles that make the undocumented children feel 'different' from their documented peers. Classmates who come to visit (playing or doing homework together) have to be registered with the COA in advance and are often denied access. Young people in high school cannot join</p>

depression

their classmates on study trips abroad, as they do not have the right documents. A day trip with the parents is impossible, as the parents have to sign in at the location daily.

Children and young people feel that they live on the edge of society, or even worse, that they are unwanted. Combined with their insecure future, this is fertile ground for developing depression.

isolation

Finally, the sudden disappearances of friends are devastating for the children who stay behind. After a while the children withdraw and keep to themselves, refuse to start new friendships in fear of losing them again, and become more and more isolated.

"When we have to go to bed the police comes at five or six in the morning and people are taken away and this scares us. And sometimes the police comes to take my friends and I don't like this. And when we have to sleep we cannot sleep, we are thinking about this."
I. (11 years old) and M. (9 years old)



'Forget me not's': the children who have disappeared on the bulletin board of the elementary school at the family location Katwijk



CRITICAL VIEW
The practical consequences of the asylum policy do severe harm to children and threaten their development.
Is this how we want to treat children?

How do the policies at the family location relate to the Convention on the Rights of the Child?

It becomes clear from publications of Defence for Children, the Children's Ombudsman and the working group Kind in AZC (report '*Het is hier in één woord... gewoon stom*') that the rights of the children at the family locations are not guaranteed.

Children's rights that are not being met:

right to life and development

role and responsibility of the parents

protection against child abuse

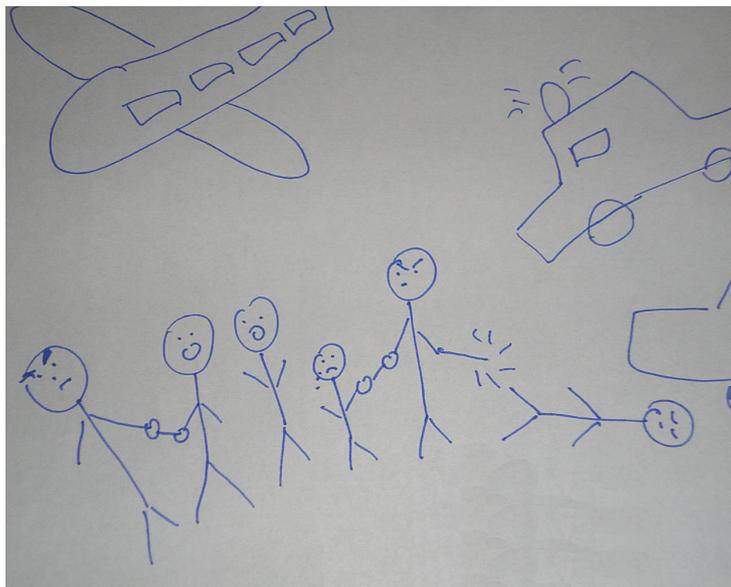
education

recreation

health care

standard of living

- Children cannot develop in sufficient freedom and security and are very limited in their social contacts, which also hinders their development. This is contrary to **article 6**.
- The parents are often no longer able to give their children the support and guidance they need. The government needs to respect and maintain these responsibilities of the parents, based on **article 5** and **18**, and support the parents when they cannot fulfill their tasks in raising their children.
- The children are at an unacceptably large risk of facing forms of child abuse. The government is not fulfilling her duty, according to **article 19**, to protect the children at the family locations against this.
- The continuity in the children's development, as well as their education, are endangered by translocation to the family locations, which is contrary to **article 6, 28** and **29**.
- The children do not have sufficient opportunity to play and relax, which is at odds with **article 31**.
- Access to (mental) health care is not adequate for children and young people in this vulnerable position; this is contrary to **article 24**.
- The right to an adequate standard of living, **article 27**, is violated as parents and children have to make ends meet with a below subsistence income. Therefore, the children do not have enough healthy food and suitable clothing.



When the police comes, drawing by M.



CRITICAL VIEW

What is needed to improve the position of children, young people and their parents at the family locations?

Several human rights organizations and academics urge the government to adopt a policy in which the interests of the child are leading. However, the secretary of state sees no reason to take the interests of children as an independent admission criterion within the asylum policy.

To get to changes in policy that put the interests of the child first, and guarantee the rights of the children and young people at the family locations, it is first of all important to break the silence and isolation surrounding the family locations.

Here lies a task for journalists, teachers, NGO's, activist collectives, and for every citizen:

Pass it on.

Talk about it.

Make sure it cannot be covered up





MEER WETEN? kijk op geenkindaandekant.nl

