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CONFERENCE PROCEEDINGS AND REPORT

THEME: “Migrants Integration and General Pardon”: The Challenges and Opportunities for African Migrants in The Netherlands.

DATE: 28 April 2007

VENUE: Raad Zaal Sui 70 Gemeente House Den Haag The Netherlands

ORGANIZER: Stg VITAL AID FOUNDATION

SUPPORT: Gemeente Den Haag



Conference participants group photo



Conference participants: Left Mrs. Conny van Schaaijk Senoir policy adviser Gemeente Den Haag, Marilyn Marthins Director Vital Aid Foundation, Wim Pijle Chairman Dutch political party christian union and Prof Torain Director European university Den Haag.

Foreword

The Vital Aid Foundation (VAF) is a Non-Governmental Organization (NGO), Non-Political and Non-Profit Organization founded in The Hague on 23rd November. Its mission is to create an enabling environment where immigrant women and youth in The Netherlands have increased access to education in order to enhance human capital development. Vital Aid's activities represent a contribution to the eradication of the

acute poverty and disease such as HIV/AIDS pandemic that plague the African continent.

The conference organized by Vital Aid Foundation on the 28th April 2007 at Gemeente House in The Hague brought together politicians, council members, parliamentarians, experts and many other participants. The one day conference focused on two symbiotic themes – **“immigrant integration and general pardon”**. They concern the initiatives and procedures being adopted by the Dutch government to integrate immigrants or would be migrants into the Dutch society.

The first topic dealt with the issue of **integration and the role of the Municipality**. The discussants shed light on what hitherto was a phenomenon transcribed in official documents mostly found with bureaucrats and other government officials. Supported by objectively chosen and accessible words, clear expressions and power point mechanism, the nature and meaning of the current government policy on integration as it concerns intending, new and old immigrants to The Netherlands were conscientiously described and critically assessed. Emphasis was laid on the need for all immigrants to The Netherlands to assimilate and share in the culture and values of the society, avail themselves of the existing social activities such as community sports, and ultimately recognize and obey the Dutch laws.

The discussions on **“general pardon”** centered on issues of citizenship that seek to redefine the rights of immigrants in their respective categories. As an on-going regulatory process of great interest, particularly to the various immigrants spread across The Netherlands, the general pardon issue provoked a heated debate. The guest speakers, some of whom hail from the political class, had a busy conference day informing the inquisitive participants about the prevalent government ideas, criteria and on-going political articulations towards the conclusive definition of measures guiding general pardon.

On the other hand, the conference offered government officials, policy target groups and participants at the occasion the opportunity to understand VAF's role as a link-agent between policy groups in the society and local government, national and international institutions. As an NGO founded and operating from The Netherlands, VAF believes the Dutch government and society has a crucial role to play in the alleviation of poverty in Africa. This believe is founded not only on the economic strength and powerful player position of the Dutch in the world system but on the facts that portray The Netherlands as a country and people with a human face towards the larger problem of the world. The Netherlands is known as one of the highest donors and aid distributors to ailing countries most of which are located in Africa.

If inefficiency has been militating against the effective application of financial grants to African countries, NGOs, especially Vital Aid, emerged to insure that the implementation of policies directed to alleviating poverty and eradicating disease in Africa is less constrained by information gap and ineffectiveness. Thereby, a lot remains to be accomplished in the effort to bridge or at least attenuate the gap between rich and poor societies of the world. Determinately, VAF is fully engaged in the process.

The Conference was brought to an end with general remarks by Ms Marilyn Martins, but not before some recommendations to the authorities concerned. It was suggested that they should strive to:

(1) **lessen the burden** of intending migrants or immigrants without Dutch nationality through a more flexible or less exigent process of selection that consists, for example, in exam costs and rigorous language (or other) courses with contents that hinder than permit integration.

(2) **Hand down equal treatment** to immigrants independent of nationality, religion, creed, race and color.

(3) **Restrain from unfairly embarrassing or harassing** immigrants when they're receiving aids or on the process of regularizing their stay in the country.

(4) **Recognize that immigrants also contribute** to the economy and social well being of the country, thereby, the justification for the recommendations in items 1-3.

(5) **Consider the opinions or feelings** of target groups in the process of policy formulation as this will facilitate the smooth implementation of measures directed towards them.

(6) **Consult more frequently, share information and support the NGOs** that work seriously to inform or capacitate needy immigrants - NGOs could be the missing link between immigrants and the efficacy of immigration policies.

**Conference Program on the 28th May 2007 at the Gemeente House, Raad Zaal
Spui 70, Den Haag**

Panel Members: Guest Speakers, Moderator and Rappateur

- ✓ **Marilyn Marthins** – Director: Stichting Vital Aid Foundation
- ✓ **Mr. Wim Pijl** – Politician: Member Christian Party
- ✓ **Mrs. Conny van Schaijk** - Senior Policy Adviser: Gemeente Den Haag
- ✓ **Prof. G. L. Torrain** – Chairman European University in The Netherland
- ✓ **Mrs. Hanneke Brum** – Member SP
- ✓ **Rian Ederveen** – Stichting-Ios-Utrecht
- ✓ **Mr. M. A. Dominique** – Conference Moderator: Accountant
- ✓ **Mr. Henry A. Kifordu** – Rappateur: PhD Fellow

Schedule of Activities

Time	Activities
13:00	Registration and welcoming of guests
13:20	Opening speech by Vital Aid Director – Marylin Martins
14:20	Policies on Integration from Outside Holland and Inside Holland
14:40	Integration/Inburgering: The Role of Municipality
15:00	The General Pardon: Inclusiveness, Criteria and Implementation
15:20	The General Pardon: Expectations among the African Migrant Community
15:30	Break

15:45	Group Workshop
16:10	Discussion with the Audience
16:45	Key Emerging Issues and Recommendations - Rapporteurs
17:00	Concluding Remarks/Close

Initial Proceeding

After the registration and accommodation of guests in different positions, the conference kicked-off as scheduled at 13: 20 h. Mr. Henry Kifordu briefly ushered in the moderator Mr. M. A. Dominique who called on Ms Marilyn Martins, Director of Vital Aid Foundation (VAF), to formally open the conference with a power point presentation of VAFs activities.

Opening Speech

Marilyn Marthins – Director Vital Aid Foundation

A brief but informative exposition of VAF’s activities was made by the Director of the organization, Ms. Marilyn Martins. After welcoming the special guests and participants to the conference, she went on to describe the mission and activities of VAF. The core objectives of VAF are to advocate for the socio-economic integration and human rights of women and youths in The Netherlands and Africa. These missions are in line with international and national orientations for the alleviation of the acute poverty and disease that afflict the African Continent. To this end, VAF develops different activities such as:

- (1) **Capacity Building** that consists of computer training and basic Dutch language courses;
- (2) **Public Enlightenment Campaign** that entails raising women’s awareness on the need to participate in government processes and community affairs,
- (3) **Immigrants Return Counseling**, comprises the imparting of information on the opportunities available to immigrants who wish to return home and embark on small scale business, and

(4) **Community Services and Food Relief** to the needy, which involves the distribution of food baskets to the socially less privileged and incapable women.

She further portrayed VAF's projects and activities as spatially spread within and outside the Netherlands. The Education and Capacity building of African women in the Diaspora and Public Enlightenment Campaigns of African Women and Youth are top priorities in the Netherlands. Other VAF's priorities along the line of Counseling and Helpline in The Netherlands include Migrants Return to Base, Economic Empowerment and Micro Credit, Violence against Women and Women Trafficking. Yet, VAF focuses on specific programs and activities related to resurgent social problems in The Netherlands, such as the current economic crisis that encumber the social life of certain categories of women. They are mostly elderly women and nursing mothers unable to cater alone for their needs. The organization reaches out for these women by providing food relief and using its van to distribute food baskets to them. In Africa, VAF develops and executes projects respectively concerned with Women and Youth Empowerment in Nigeria. The African project is currently concentrated on the community level where ignorance and poverty are pervasive. The Director summed up by portraying the importance of the support aptly given by different sponsors and partners. They include: (1) Gemeente Den Haag, (2) Orange Fonds, (3) Fonds 1818, (4) Skan Fonds, (5) Cordaid, (6) Oxfam – Novib and Hivos. Without the partnership and active sponsorship of these institutions, VAF's activities and continuity will be impossible.

Presentations

Integration – Wim Pijl

Mr. Wim Pijl started his exposition by requesting to clear any doubts about his identity. He declared that he is one of the 45 members of the Christian Union representing the City Council. He went on to define integration by first stating what the term does not imply. Integration as he portrayed does not imply assimilation. He referred to the dictionary meaning of integration as implying a process of admitting persons or groups from one society into another to form one entity. Integration, he pointed out, is not for those who come into the Netherlands as tourists or visitors, but

those who intend to reside in The Netherlands. To this set of people must apply the constitutional provisions of equality of rights and guarantees but not necessarily equality of personalities. He rounded up by making certain recommendations for intended, new or old immigrants: they should (1) learn to speak the language and integrate socially, bearing in mind the idea of equality and (2) participate in community events such as sporting activities to contribute in building the community strength.

Integration in the Netherlands – *Conny van Schaaijk*

Mrs. Conny started her presentation by delineating the nature of the New Integration Law (NIL) which took effect from 01 January 2007. The law appears to heap a lot of responsibility to migrants according to their specific nature. Captioned the Voluntary Regulation Integration, it divided the target groups into two: (1) the newcomers willing to come to The Netherlands and (2) the old comers already living in the Netherlands. The requirement for newcomers since 15 March 2006 has been the civic integration examination abroad which is obligatory. The exam is designed for foreign nationals who wish to form families with someone in the Netherlands or those wishing to reunite with their families in The Netherlands. Before arrival in The Netherlands, newcomers need to acquire the basic knowledge of the Dutch language and knowledge of the Dutch society. The procedures for the exam include purchase of an “education pack” (lesson kit) costing 65 Euros through the internet. The exam is usually held in a Dutch Embassy or Consulate-general in the newcomer’s country of origin. It costs 365 Euros.

While in The Netherlands, the newcomer has to pass a second integration exam for the Dutch language, knowledge of the Dutch society, citizenship, work or education, health conditions and pedagogy within 3,5 years of arrival. He/she has to buy an integration course that costs several thousands Euros, pay for the book that costs about 75 Euros and an exam fee of 250 Euros. For asylum seekers, no exam abroad is required and the Municipality buys an integration course for asylum-seekers. While old comers without Dutch nationality are required to do the integration course, those with Dutch nationality have no obligation. However, there are several “offers” (concessions) by the

Municipality. The first extends to old comers with asylum status, religious leaders, those without income, work or payment and an unemployment benefit. The second include both old comers with and without obligations. They'll receive the offer of the Municipality but pay "own" (personal) contribution of 270 Euros and for books worth about 75 Euros.

A third offer includes exemption from the integration exams that the old comers have to do within 3,5 years of stay. Old comers without Dutch nationality have to pass the exam and old comers with Dutch nationality have no obligation to sit for it. The fourth offer of the Municipality for old comers includes non-payment for the first time they sit for the exam. However, they pay 230 Euros the second time they take the exam. Mrs. Conny ended her exposition by emphasizing the need after the exams for the new comers to contribute towards societal building through work, education, voluntary work, etc. She directed attention to the various sites where useful information can be obtained.

Integration: Expectations among the African Migrant Community - Mrs. Hanneke Brunt

Mrs. Hanneke's exposition was brief but critically objective. She stood for the opinion that integration with immigration should not be confused with political power accumulation. She described the past government activities as not favorable to immigrants. Clearly sympathetic to the plight of immigrants, she remarked that national borders can serve for economic development purposes but shouldn't be converted into an instrument for party politics and power seeking as it appears to be in some cases. After revealing that immigrants contribute to the economic well-being of both their country of origin and residence, her face beamed with smiles on remembering that her party has been instrumental in securing the general pardon. She expressed happiness that things are improving and advocated for the need to increasingly temper justice with clemency. In other words, there should be more humane considerations and treatment than unbridled urge for power through a recurrent social problem such as immigration. Furthermore, she cautioned about patronizing dishonest lawyers and offered to refer

anyone in need to good lawyers, adding that the dishonest ones are well known. Winding up, she declared that immigrants are free to come to her and register their names and addresses.

General Pardon: Criteria and Implementation – *Rian Ederven*

Rian's exposition centered on the criteria and challenges for implementing the general pardon. She started by saying that little knowledge exists about it. Contrary to believe or speculation, the general pardon does not contemplate all categories of immigrants. In principle, it considers the asylum requests before 01/04/2001 by those who stayed in The Netherlands. It does not however cover those with criminal records, mostly big time criminals (such as homicide) or those who have moved out of the Netherlands before the stipulated time. She went on to show the problems associated with eligibility for pardon and ways of tackling them. For instance, when IND raises doubt about a candidate's eligibility, like those rejected as asylum seekers who strived to survive on their own, proof of stay during 2006 is required. In this case, proof ranges from evidence of children in school to doctor's registry of admission and discharge. The general procedures for eligibility include (1) personal identification of oneself at the VVN or local organization, (2) preparation of proofs of stay in The Netherlands in 2006 and (3) avoidance of ambiguous conducts such as hiding away criminal records known to IND.

Those already in AZC will have their records checked by IND. Others will send evidence of their stay in The Netherlands to the Mayor for confirmation and onward transmission of data to the IND for final cross-checking. While the candidate is waiting, certain rights accrue – for example, he/she cannot be expelled. However, it's not clear if shelter and money will be provided for those outside AZC. The legal status to be acquired is not clear. It could be a permanent regular status. However, with a legal status, the person will be able to register on the COA, *i.e.* the waiting list for housing. Similarly, access to social benefits is secured on registering the address of the actual city of residence (with the Municipality). Rian ended her exposition by pointing to certain outcomes of the general pardon efforts so far: (1) the Minister wants the IND to improve on decisions and expulsions; (2) Municipalities have to stop offering shelter,

however, (3) local organizations will try to continue giving support to those in need.

Experiences of an Iconic Immigrant - Prof. G. L. Torrain (Director *European University*)

Professor Torrain's speech was based on general observations about the problems often faced by migrants. It was characterized by several remarks and advice to immigrants. He recounted some of his personal and working experiences as an individual and entity who has been away for long from his natal home in the United States of America (USA). It's not easy to be an immigrant, he retorted, particularly after the 9.11 attacks which made several national governments to tighten up border security. Getting visa for the foreign students and staff of the University he handles in The Netherlands has been a thorny problem, even though he often alerts the immigration officials that his students are no terrorists. He ended up offering a series of advice to the immigrants in their different categories. *Firstly*, they should get the right lawyers and adjust themselves well to the law of the host country. *Secondly*, they should avoid telling lies because one lie leads to another. In other words, multiple wrongs can never make a right. He concluded by commending Vital Aid and invoking a round of applauses for its director, Ms Marilyn Martin, for the effort and informative role being played in the organization vis-à-vis immigrant's plight.

Group Workshop and Discussions: Questions and Answers

The workshop was organized between two groups. The idea was to tease-out the core issues from each of the themes discussed through questioning. The first group focused on general pardon and the second integration.

General Pardon

The first question from Group I centered on the real meaning of the word "general" applied to the pardon process. "General" from the ordinary sense or dictionary meaning has an encompassing, broad connotation. According to the group's observation, there seems to be an inherent ambiguity in the use of the word.

1st Group Question-Facilitator: "What does general as used by the authorities imply?"

Answer – Rian Ederveen: While agreeing to the dictionary or ordinary meaning of the word general, she emphatically responded that the “general” applies to asylum seekers in their entirety and not non-asylum seekers, even though these later can still not lose hope in legally residing and integrating into the Dutch society.

Second Group Question – Facilitator: “What is the fate of non-asylum seekers?”

Answer – Rian Ederveen: The answer seems to have been anticipated in the first response. The general pardon, she reiterated, concerns only asylum seekers but not non-asylum seekers. The others, while not losing hope about government favors, will remain under the current guidelines.

Integration

The main question that emerged from Group II concerned the difficulties involved in the processes of integration. It provoked a wide scale debate. Many of the group members and most of the participants were of the opinion that the exigencies for integrating whether from the outside or inside were too harsh. Unanimity centered on the belief that they appear designed to definitely deter people from migrating without consideration of the fact that Dutch citizens also migrate for one reason or the other but not with so much impediment by host countries.

2nd Group Question – Facilitator: “How do the authorities expect people without the resources, for example, those living far from the urban centers where embassies and educational facilities are located, to meet up with the integration measures?”

Answers – Mrs. Conny: The authorities believe that people generally have access to basic educational, informational and institutional facilities such that anyone willing can gain access to them.

Observations and Closing Remarks

At the end of the expositions and general discussions and after the fact finding session involving questions and answers, more light was thrown on the symbiotic themes of immigration and general pardon. Information was objectively shared about immigrants’ integration with the prospects for conceding pardon and assimilating undocumented migrants in the Netherlands. Various recommendations were made to

the Dutch government to engender and sustain a more flexible policy of integration that truly implies participation and inclusiveness in the Dutch society. The conference gradually began to wind-up with the raising of the prospects for future debate on immigration and especially general pardon. Towards the next encounter, it is expected that target groups participate more and voice their feelings such that more meaning and effectiveness can be inputted into the government measures for general pardon and integration.

Without much to add, the Director of Vital Aid, Ms Marilyn Martins, rose to give a vote of thanks. She remarked that the issue of immigration is global and became heated up since the events of 9.11 that marked the attack on the World Trade Center (WTC) in The United States of America (USA). She however urged the major stake holders to be tolerant enough and work together for a mutually beneficial outcome. Thereafter, the conference was declared closed.

Figure 01: Vital Aid Foundation as a Link-Agent between Target Groups, Local Government and Organizations, National and International Institutions.

