

**Law Library Of Congress Global Legal Monitor: Immigration And
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The *Global Legal Monitor*, an electronic publication of the Law Library of Congress, is intended for those who have an interest in legal developments from around the world. Globalization is a fact with far-reaching implications including an increasing number of international transactions. The Immigration and Nationality law section has been excerpted for this Feature Article.



Immigration and Nationality

EUROPEAN UNION – Return of Illegal Immigrants Directive

There are approximately eight million illegal immigrants in the European Union. These immigrants can be held for a certain period of time until their final status is determined by the immigration authorities of the EU Member States. Thousands of illegal immigrants have reached the southern region of the EU by boat. A year ago, several countries, including Greece, Italy, Malta, and Spain experienced a tremendous influx of illegal immigrants from northern Africa. Currently, EU Members apply their own rules to govern detention. Consequently, there is great disparity in the duration of detention, with limits ranging from 32 days in France, to 20 months in Latvia, and up to a year in Hungary. Some EU Members do not even impose a limit on detention. (*New EU Plan for Illegal Migrants*, BBC NEWS, June 17, 2008, available at <http://news.bbc.co.uk/1/hi/world/europe/7460007.stm>.)

On June 5, 2008, the Council and the Parliament of the European Union approved the European Commission's proposed directive on return of illegal immigrants. The directive is designed to harmonize the standards on detention of illegal immigrants across the European Community.

The Directive provides that the maximum detention period is six months, which can be extended for an additional 12-month period. . It also contains provisions on voluntary departure prior to expulsion and a prohibition on re-entry into EU territory prior to the elapse of a five-year period.

The Directive drew criticism from human rights groups and from the Socialist, and Green parties. In particular, Amnesty International's secretary general Irene Khan stated that the directive was "unacceptable," because it does not prohibit detention of unaccompanied children. (*Id.*)
(Theresa Papademetriou)

THE NETHERLANDS – Asylum Procedures to Be Revised

On June 24, 2008, the government of the Netherlands announced a large-scale revision of procedures for asylum seekers. They will no longer be interrogated immediately, as they are under current procedures; instead, they will be allowed to prepare for the asylum interview for six days. Without adequate preparation time, refugee support organizations argue, asylum seekers who are asked about their identity and the reason they fled their homes and who are confused and afraid often hesitate and give incorrect information. Unsatisfactory initial interviews lead to uncertainty and delay in the overall procedure. The new proposal, which would be the first revision of the 2000 Aliens Law, replaces this initial interview and the second hearing with a single interview after the six-day preparation period. Thus, in addition to easing the process for the refugees, the government hopes the reform will streamline the procedures and



reduce the backlog of cases. (*Netherlands Revises Asylum Procedures*, NRC HANDELSBLAD ONLINE, June 25, 2008, Open Source Center No. EUP20080625366004.)
(Constance A. Johnson)

NICARAGUA – Refugee Legislation Approved

Twenty-eight years after acceding to the United Nations Convention on Refugees, on June 5, 2008, Nicaragua approved the Law on Protection of Refugees. The legislature passed the Law by a nearly unanimous vote. The Law mandates the creation of a National Commission for Refugees (CONAR), which will be in charge of studying each application and granting the status of “refugee” to those persons it considers meet the legal requirements. The representative of the United Nations High Commissioner for Refugees for Mexico, Central America, and the Caribbean, Kevin Allen, stated that the new Nicaraguan statute is one of the most modern in the region. He pointed out the importance for the country to finally have a legal framework regulating the status of refugees. (Ary Pantoja, *Aprueban Ley de Protección a Refugiados*, EL NUEVO DIARIO, June 3, 2008.)
(Norma C. Gutiérrez)

