

# We want to go back, but we can't

Mr and Ms Khan have been living in the Netherlands since 2001. Nicole Khan gave birth to her son Marco, in the Netherlands. Roy Khan is from Myanmar, and Nicole Khan is from Laos. Although they got married in Laos, it is not clear which nationality the son obtained at birth.

The Immigration and Naturalisation Service (IND) rejected the Khan family's application for asylum. They must leave the Netherlands. I have read through the file and make an appointment with the family to discuss their situation.

During the meeting, it becomes clear that Roy and Nicole have given some thought about their future. They want to leave the Netherlands and are working on their departure. They have already contacted the embassies of Myanmar and Laos to apply for replacement travel documents. They have also been talking to the International Organisation for Migration (IOM) to get assistance in making the arrangements for their trip.

The application for replacement travel documents was submitted to the embassies approximately one year ago. Roy and Nicole have still not heard anything. I tell Roy and Nicole that I will speak with my colleagues and see what we can do for them.

A few weeks later, I get a message from the embassy of Myanmar. The embassy is going to find out whether or not Roy Khan is in fact from Myanmar. Once the embassy confirms Roy's nationality, then Roy and his son Marco can obtain replacement travel documents. The first secretary of the embassy of Myanmar indicates that getting travel and residence documents for Nicole Khan is problematic since she has the Laotian nationality.

If replacement travel documents are issued to Roy after the investigation, Nicole could travel to Myanmar on a visa and apply for a residence permit after she arrives there. She will still need a travel document from her own country.

There is however a catch.

The embassy of Myanmar thinks that the legitimacy of the mixed religion marriage between Nicole and Roy will create problems for Nicole with her application for a residence permit in Myanmar. A mixed marriage is not socially accepted, and the son born from this marriage is considered an illegitimate child.

I haven't heard anything from the embassy of Laos in quite some time. After many telephone calls back and forth, it seems the application has been lost.

I can submit a new application to the embassy of Laos for replacement travel documents for Nicole. The consul has to send this application to Laos for approval, but this can take a long time, and the outcome is uncertain. I decide not to do this.

After all of my conversations with the Khan family, their inexhaustible will to leave the Netherlands, and the passive behaviour on the part of the embassy, I decide to take a different approach.

I call my department manager and explain the situation to him. We both agree that we should find out if we can still get a residence permit for the Khan family.

We agree that I will write a special 'no-fault' memorandum.

Everyone agrees that the family is doing everything it can to leave the Netherlands, but that it is simply not possible for all of them to leave and go to the same country.

We can't allow the Khan family to live in uncertainty any longer. After all, it's not their fault that things are not working out!

[The Khan family still lives in the Netherlands.](#)