



Stichting Landelijk  
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## EU COURT VERDICT ON RIGHT OF RESIDENCE AFTER DIVORCE FROM EU PARTNER

The EU Court of Justice has made clear what the consequences for the right of residence are if a partner to an EU citizen living in another country files for divorce. This case concerns a Pakistani woman who was married to a German. They lived in the United Kingdom and had two children.

Firstly, the Court rules that autonomous continued residence for the woman is only feasible if the divorce becomes final after three years’ residence, while both partners are still living in the UK and if the woman has sufficient income or is receiving training.

Another option is for the woman to apply for residence with the children. She has sole custody and the children have German nationality. This is only feasible if the children themselves have right of residence as EU citizens. This is the case if they either go to school or have sufficient income. Read more [here](#)

## 1. BASIC RIGHTS

Council of State: Freedom-restriction centre is available to aliens who've exhausted all legal remedies; admission to Bed-Bath-Bread is municipal policy

The Council of State had decided before that aliens without residence permits could be given reception in the freedom-restriction centre in Ter Apel. Reception is conditional to cooperating towards departure. The Repatriation and Departure Service assesses whether someone is really willing to depart. See also [here](#) (Dutch only).

Amsterdam facilitates a night shelter for people without residence permits. Round-the-clock reception is offered to people who are ill. The Council of State has now stated that the municipality may make its own policy and subsequently must adhere to it. However, this reception is not needed, as the freedom-restriction centre suffices. See verdicts [here](#) and [here](#) (Dutch only).

Court: Social assistance for undocumented woman who is victim of domestic violence with Dutch child

This case concerns a woman who has become a victim of domestic violence and has been sheltered at a secret location. She has a one-year-old child who has Dutch nationality. The mother lost her right to social assistance due to the break-up of the relationship. However, the judge has decided that this case comes under 'Zambrano' and that the mother and her son continue to be entitled to social assistance. (Haarlem court, 16/849, 14.4.16)

Council of State: Dutch nationality for child from bigamous marriage denied

The father was given Dutch nationality in 1998. He was married in Liberia, and during this marriage he has married again. His first wife has died. His second wife's son has applied for Dutch nationality. The Council of State has decided that the parentage of a child born in a bigamous marriage is not acknowledged and thus, the son does not have Dutch nationality. (RvS 201505503/1/A3, 1.6.16)

## 2. ADMISSION POLICY

State secretary Security and Justice: revoke possibility of asylum permit following violence

The state secretary (StS&J) has published new policy, facilitating revocation of an asylum permit if the person involved has been given a sentence of more than 10 months, including community service and suspended sentences. See also [here](#) (Dutch only).

Meanwhile, the Council of State has decided that revoking an asylum permit comes under EU Directives and is only feasible if an 'actual and serious threat to public safety' is in order. See [here](#) (Dutch only).

Court: domestic violence may be acknowledged as grounds for asylum

On the basis of the treaty of the Council of Europe Convention on preventing and combating violence against women and domestic violence, the judge has ruled that domestic violence is grounds for asylum. In this case, however, domestic violence has not been proven, and the woman concerned is not granted asylum status. Read [here](#) (Dutch only).

Moratorium on decisions and departures Burundi

Asylum seekers from Burundi will not be deported. The situation is too dangerous. They have a right to reception. See [here](#) (Dutch only).

Council of State: Income partner also counts upon residence with EU partner

An alien who is in a relationship with European, will be granted a permit if the partner's income is sufficient. Thus, making social assistance claims are prevented. In this case, the alien earned enough to support both. That's fine as well, the Council of State states [here](#) (Dutch only).

StS&J: Human trafficking in numbers – victims and perpetrators

Over the past years, the number of registered victims of human trafficking has increased annually. Only the year 2013 showed a decrease compared to 2012. In 2014, CoMensha registered 1561 victims of human trafficking. In the summer of 2016, the National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children in the Netherlands will present the 2015 statistics.

In the period up to 2014, the number of human trafficking cases has exploded. The number of suspects increased from 216 in 2010 to 278 in 2014. Over the past years, the conviction rate for human trafficking increased from 61% in 2010 to 74% in 2014. For 2015, however, a ± 20% decrease in the number of people suspected of human trafficking has been noted.

Read [here](#), question 143 (Dutch only).

### 3. CHECK AND DEPARTURE

StS&J: Deportations of adults and children

The state secretary has shown that the nigh on 2,000 aliens who were deported last year have mainly left for European countries. Also, 240 left for Albania, 180 for Surinam, 60 for Nigeria and 50 for Armenia. Over a hundred children were deported, 20 to Nigeria, 20 to Armenia, and 10 to Surinam. Otherwise they mainly left for European countries. See [here](#), questions 214 and 218 (Dutch only).

### 4. ACTIVITIES

Lecture Deborah Anker: Social justice, gender and legal change in asylum law, 5 Sept Free university A'dam

Deborah Anker will tell the story of gender asylum in the United States, which provides an example of how direct representation can actually change the culture of decision-making and be an effective vehicle for meaningful legal change. At the same time, such representation, rather than disempowering clients, can create authentic and non-hierarchical relationships between lawyer and client.

For more information and registration, [click here](#).

EESC 2016 Civil Society Prize

The European Economic and Social Committee (EESC) will reward projects improving migrants' lives and integration in Europe. The EESC is looking for an innovative on-going or completed initiative, with a long-term impact and the potential to inspire others in Europe. The closing date is 09 September 2016.

Detailed information on the criteria and procedure is available on the EESC [website](#).