

NEWSLETTER, volume 7 no. 18

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STATE SECRETARY S&J: NEW POLICY ON RESIDENCY FOR MEDICAL REASONS

In its Grand Chamber Judgment on the Paposhvili case in December 2016, the European Court of Human Rights laid down which criteria apply to the admission of migrants with medical problems. A new element was that the accessibility of medical treatment in the country of origin should also be considered while deciding whether a 'medical emergency' will arise upon eviction.

Therefore, the State Secretary has adjusted Dutch policy. The Repatriation and Departure Service (DT&V) must now examine whether medical help will be available in the country of origin. Pending this examination, the migrant can be granted residence, which will be revoked if medical care turns out to be available.

A residence permit for medical reasons can only be issued if a 'medical emergency' will be imminent within three months. For the old policy, 'the possibility of' a 'medical emergency' was still enough, but this will change. From now on, the migrant will only be granted a permit provided the 'medical emergency' 'is likely to occur' if medical care is inaccessible.

You can read the State Secretary's letter [here](#) (in Dutch only).

1. BASIC RIGHTS

Council of State: no adjustment to identity at municipality, in spite of variety of original documents

For having one's personal details adjusted, the applicant needs to submit a wide variety of original documents. But even then, adjustments often do not follow. In this case, the judge finds that the applicant has been unable to prove that the new documents are about him personally, in spite of the fact that these documents contain finger prints and photos. The Algerian embassy could not explain on which grounds these papers were issued. Therefore, the request for adjusting personal details has been turned down. You can read the verdict [here](#) (Dutch only).

Court: acknowledgement in Congo by married father makes child Dutch citizen from birth

This Dutch father was married to someone else when his child was born in Congo. He acknowledged the child in Congo. The judge finds that the acknowledgement in Congo is also valid in the Netherlands, and thus, that the child has Dutch nationality from birth. You can read the verdict [here](#) (Dutch only).

2. ADMISSION POLICY

Court: sentence for false statement about relationship and labour contract

The judge has condemned this Libyan man to three months in prison, since he has made a false statement regarding his relationship with a Hungarian woman and they jointly drew up a labour contract even though the woman had not been employed at the company in question. You can read the verdict [here](#) (Dutch only).

Court: no permanent residence with Bulgarian partner due to insufficient income for 5 years

An EU citizen can only be granted a permit for 'permanent residence' after 5 years. The same applies for the partner of an EU citizen. A permit for 'permanent residence' gives EU citizens and their partners more rights, for instance to social security and residence outside the Netherlands. This permit is conditional to the partners having a joint income during all of those preceding years. In this case, there had been insufficient income, and for that reason neither partner is granted a permit for 'permanent residence'. You can read the decision [here](#) (Dutch only).

3. CHECK AND DETENTION

Court: stay with reception organisation no grounds for less severe scheme than alien detention

This person has been known at reception organisation INLIA for years. He is currently in alien detention, but has asked to be granted a reporting obligation. The judge does not consider this to be an appropriate scheme since the man is not collaboration on his return. As a result of the detention, forced return is conceivable. (Groningen court, NL17.6047, 14.8.17)

4. ACTIVITIES

DNL: how does migration affect the Dutch economy?, 11 Sept 20-22u Nieuwe Liefde A' dam
Journalist Myrthe Hilken discusses the effects of migration on the Dutch economy with guests. See: <http://denieuweliefde.com/programma/denktank/>

Welkom Hier Friesland, 23 Sept Berlicum

From 1 to 5 p.m., Welkom Hier organises an initiative fair and performance programme featuring music, theatre, inspiring stories, pitches, debate and a Ted Talk. Further information: www.welkomhier.nl

IDWF: Domestic Workers Speak

There are more than 67 million domestic workers across the world, according to estimates from the International Labour Organisation. Abuse and exploitation, child labour, discrimination, starvation, violence, debt bondage, invisibility, and the many crimes held under the umbrella of 'trafficking' are disproportionately represented within this traditionally unorganised and invisible sector. Domestic workers' rights activists tell us about their struggles, their experiences as domestic workers, the reasons for their ongoing exploitation, and the strategies to fight it.

Massock Ma Massock: The Pride Of An African Migrant: In Remembrance of Jimmy Mubenga (17 Aug)

I interviewed African asylum seekers who were victims of grave acts of torture in the UK and I narrate their shocking and unbelievable stories in this book. I call upon the UNHCR and the UNHCHR to defend the rights of these refugees.

New fund for activating undocumented women

The fund called "Els van den Nagel Fonds" has become operational as from 1 July 2017. This fund sets out to support organisations that promote active citizenship in order to assist and/or involve women and children without residence status in society. <http://www.oranjefonds.nl/els-van-den-nagel-fonds>

Sign for the resettlement of refugees

Soon, the European Council will decide on a crucial bill, known as the European Resettlement Framework. This bill enforces a European approach to vulnerable refugees. Thanks to this bill, the EU member states will soon commit to an effective joint resettlement scheme.

<https://actie.vluchtelingenwerk.nl/homesafehome>

Campaign for quality public child care for all workers

Join WIEGO's campaign for quality public childcare for all workers, including informal workers. WIEGO is launching this campaign to draw attention to child care as a workers' rights issue that impacts all workers, but is particularly important for informal women workers. We see quality public child care as a core component of any social protection system.

All the materials are available in the following languages on [WIEGO's child care campaign page](#)