

## NEWSLETTER, Volume 8, no. 1

2 January 2018

### CONTENTS

|                                |   |
|--------------------------------|---|
| 1. BASIC RIGHTS .....          | 2 |
| 2. ADMISSION POLICY .....      | 2 |
| 3. CONTROL AND DETENTION ..... | 3 |
| 4. ACTIVITIES .....            | 3 |

### AMSTERDAM: MANY PEOPLE WILL HAVE TO LEAVE THE BED AND BOARD (BBB) SHELTERS

The municipality of Amsterdam has decided that certain groups of immigrants without a residence permit will no longer be allowed to stay at a bed and board shelter (bed-bad-brood (BBB)). This concerns asylum seekers for whom another country carries the responsibility ('Dublin claimants'), people with a long-term entry ban, and people from safe countries of origin.

Migrants who fit these criteria will no longer be offered refuge. There is no alternative for newly arriving people; they face life on the streets.

Migrants who fit these criteria and who are currently staying at one of the BBB shelters will be given a deadline by which they need to leave the shelter. This concerns 50 people. They will be allowed to stay until 1 April of this year, after which time there will be no alternative accommodation available to them.

[Parool](#), 24 December 2017

## 1. BASIC RIGHTS

State Secretary for Justice and Security: COA decides on entitlement to shelter, social benefits and emergency maintenance allowance for people who are ill.

Asylum seekers usually stay at one of the reception centres (AZCs) during the course of their asylum procedure. Aliens who submit a different type of entry application —for example, for medical reasons— are not automatically entitled to these services.

In the past, it was the Repatriation and Departure Service (DT&V) responsibility to decide whether or not to provide refuge for such applicants. According to a decision by the State Secretary, however, from 1 December 2017, this will be the responsibility of the Central Agency for the Reception of Asylum Seekers (COA). See [here](#) (in Dutch).

Council of State: no right to child care allowance if partner without residence permit is residing outside the EU

For some time now, it has been known that entitlement to allowances becomes negatively affected if a household member has no residence permit. This particular case (see [here](#) (in Dutch)) shows that this also applies when this member is not residing within the Netherlands. The case concerns a Ghanaian living in Ghana without a residence permit for the Netherlands. Because the Dutch authorities were unable to determine the financial contribution from this particular household member, the entire household lost its entitlement to any allowances.

District Court: the allowance withdrawal during the illegal stay of partner was reassessed, in their child's interest

In this rare case, the judge ruled that the Tax Department had been too quick in withdrawing the allowances for a certain household because one of the adults did not have a residence permit. The judge concluded that, in exceptional circumstances, the law does permit allowances to be awarded. The case concerned a household consisting of a physically ill man, a child, and the child's mother who did not have a residence permit, but was taking care of the man and their child. Professionals have explicitly stated the importance of a child growing up with its mother. The Tax Department had taken this fact insufficiently into account. See [here](#) (in Dutch).

## 2. ADMISSION POLICY

Amendment to the Aliens Act 2000 Implementation Guidelines (WBV 2017/14): grandparents also considered household members; and traditional marriages are sometimes also recognised

For applications for residence permits for reasons of family reunification, the Immigration and Naturalisation Service (IND) distinguishes between household members (automatically assuming family ties) and relatives (here, the family ties need to be demonstrated).

As a result of pronouncements by the Council of State, the IND in future will also consider grandparents as belonging to the household of their grandchildren. This will make it easier for grandparents to obtain a residence permit. However, whether family life could also be conducted in another country would still need to be assessed.

In addition, the IND will recognise traditional marriages if these are considered to be lawful in the country of origin. This is important, for example, when members of a residence permit holder's

household (who are not in the Netherlands) want to be reunified with the household. See [here](#) (in Dutch).

Court of Justice of the European Union: for residence permits for EU citizens, no distinction is made between people working as independent professionals and those in paid employment

After having been a member of the working population for at least one year, EU citizens will retain their permit to stay in the host country, provided they remain available to participate in the labour market. In its declaration, the Court of Justice states that this also applies to EU citizens who have been working as independent professionals in another EU Member State. After one year, they will be equally eligible for the social security facilities in the host country. See [here](#) (in Dutch).

### 3. CONTROL AND DETENTION

District Court: no forced deportation to Iraq or Sri Lanka without a passport

In two separate cases, judges ruled that it was not possible to deport people without a passport to either Iraq or Sri Lanka. The embassies of these countries are not cooperating; they refuse to issue replacement travel documents.

In the past, it already has been established that the Iraqi embassy only will issue replacement travel documents if the person involved leaves voluntarily. The judge ruled that alien detention cannot be used as a means to force a person to leave voluntarily.

The Repatriation and Departure Service has negotiated at length with Sri Lanka, in order to obtain replacement travel documents, but this proved unsuccessful, over a period of six months. Therefore, the judge ruled that alien detention in such cases should be ceased, as there are no prospects for deportation.

(Iraq: District Court of Groningen, NL17.13876, 14 December 2017; Sri Lanka: [District Court of Rotterdam 17.13915](#), 19 December 2017)

### 4. ACTIVITIES

CEDAW: recommendations for Dutch policy regarding women (Nov. 2016, Dutch public edition Dec. 2017)

In November 2016, the CEDAW committee published its 'Concluding observations on the sixth periodic report of the Netherlands' with recommendations for the Dutch Government about compliance with the UN women's rights convention. Read the English [original](#) and the Dutch [public edition](#)

Trade Unions: Organising and Promoting Undocumented Migrant Workers' Rights (Dec. 2017)

Undocumented workers across Europe are performing vital jobs, but are often unable to do so regularly, and are frequently paid below the minimum wage, paid late or subject to wage theft.

The European Trade Union Confederation (ETUC) and Platform for International Cooperation on Undocumented Migrants (PICUM) issue a [leaflet](#) to speak up for undocumented workers.

Dental care for the homeless in Amsterdam

The Dentist for Humanity foundation, founded by Sharif Tairie, is helping people in Amsterdam who are in need of dental care but cannot afford it. See : <https://www.dentistforhumanity.org/>