

NEWS LETTER, volume 8 nr 11
22 May 2018

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CAK: ALL HEALTH CARE PROFESSIONALS CAN CLAIM CARE COSTS FOR UNDOCUMENTED

Health care professionals can claim expenses for costs for the care of uninsurable migrants. Usually they have to conclude a contract for this objective. As of January 1st every pharmacy and every hospital can conclude such a contract. This renders more institutions accessible to undocumented migrants. Pharmacies that have no contract can only be remunerated if all the other pharmacies are closed. Hospitals that have no contract can only be remunerated for emergency care and in those cases the remuneration is lower.

Remuneration for maternity care and delivery is always 100% in every hospital.

<https://www.hetcak.nl/zakelijk/regelingen/onverzekerbare-vreemdelingen>

1. BASIC RIGHTS

Council of State: married people never receive financial allowance for single parents, even if the partner lives abroad.

According to the law people who have a partner are never entitled to a financial allowance for single parents. In this case the partner lives abroad. Even then they considered to be partners and the Dutch partner cannot be granted financial allowance for single parents. You will find more information [here](#).

2. ADMISSION POLICY

Court of Justice EU: investigation into interest EU child concerning family life with parent is always required

The Court of Justice of the European Union explains the legal system of the EU.

This case concerned a child with an EU nationality different from the EU country in which he lives. The question is whether the parent will be granted a derivative residence card. According to the Court this should always be assessed individually, and the child's interests should always prevail. In these cases the age, the development, the emotional connection with the parents and the risk of divorce of one of them should be taken into account. The mere existence of a family tie is insufficient. Living together is a factor that will be taken into account.

This is also the case if the parent was given an entry ban. In that case it should also be taken into account whether the parent is a real, actual and sufficiently severe threat for public order.

You will find more information [here](#).

Council of State: parent of Dutch child will not be granted 'permanent residence' if the minimum income requirement is not met

'Permanent residence' is a stronger status that can be obtained after a 5-year stay as an EU citizen.

This case concerned a woman who was granted a permit with a Dutch child. She applied for a status 'permanent residence'. The Council of State has ruled that she does not meet the criteria for residence as an EU citizen, notably autonomous income. Therefore she does not qualify for the stronger status 'permanent residence'. You will find more information [here](#).

Court of Appeal: medical test different for children

An article by physicians in the journal 'Medisch Contact' shows that markers for medical emergencies in children are different from those in adults. According to this article different markers should be included that are specifically geared towards children. In addition the effect of stress on the development opportunities of children should be taken into account. And finally the role of the environment, notably the parents' capacity to raise children should be noted.

This case concerned a boy with impaired mental capacities with two parents both of whom suffer from PTSS and two sisters who also have psychiatric problems. He feels lonely. The family live in a family location where families are being deported continually - this causes a lot of stress.

The Court are of the opinion that the IND must form a better assessment as to the effect of return on this child. You will find more information [here](#).

3. CHECK AND DETENTION

Court of Justice EU: individual assessment required when entry bans are imposed, also for criminals

The Court of Justice of the European Union explains the legal system of the EU.

In this case the Court of Justice have decided that an asylum seeker whose asylum application had been denied because of criminal offences and who did not leave, cannot be issued an entry ban without appropriate argumentation. Individual assessments should be performed in all cases. Such assessments should take into account the severity of the crime, the role of the person concerned, possible convictions, the time that has elapsed, the behaviour since the crime and the risk of recidivism.

In these cases the government needs to weigh the interests of society against the individual interests of the person concerned. You will find more information [here](#).

4. ACTIVITIES

Local actions against evictions to Afghanistan, 25-27 May, various cities

On 25, 26, and 27 May local groups in several provinces organize actions to draw attention to unsafe Afghanistan. Please join! Local actions enable us to generate a lot of attention for the unsafe situation in Afghanistan #stuurzenietterug.

<https://actie.degoedezaak.org/calendars/lokaal-actieweekend-stuurzenietterug>

Expert meeting Offering Perspective to migrants and refugees, 19 June 17-19 h The Hague

Cordaid, Justice & Peace Nederland and Kerk in Actie [Church in Action] have organized this expert meeting because of the publication of two policy plans: the integral migration agenda and the policy document for foreign trade and foreign aid. See [here](#)

Where: Bankhal van Het Nutshuis (Riviermark 5, 2513 AM Den Haag)

Basic Rights Festival, 30 June 11-17 h Utrecht

The festival's objective is to inform undocumented migrants about their rights and to encourage them to assert these rights. For this purpose there are workshops about basic rights such as work, education, health, police and national developments regarding Bed, Bath, Bread.

In addition there are workshops given by undocumented migrants themselves, who relate in which way they stand up for their rights. For example by blogging, by organizing benefit concerts, by co-operating with trade unions or by protest actions concerning the situation in the accommodations for Bed, Bath Bread.

The festival is specifically intended for **undocumented migrants**. We can reimburse travelling expenses, providing group tickets are used for the journey. We would like to hear in advance how many people will attend. Please register with Rian Ederveen, Stichting LOS.

Sign for Hananias de Oliveira

In 2001 Hananias de Oliveira fled from Angola, a country in civil war. At the time he was a teenager, 14 years old. Currently he is 29 years of age and he has his roots in The Netherlands. By means of this petition we, as friends of Hananias de Oliveira, want to prevent his deportation.

<https://petities.nl/petitions/oliveira-hoort-in-nederland>

LOS Foundation (National Support Organization for Undocumented People) has been the knowledge centre for people and organizations that offer help to migrants without residence permit since 2003 ('the undocumented'). The LOS Foundation work actively for the basic rights of these migrants and their children.