



NEWSLETTER, volume 8 no. 16
30 July 2018

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COUNCIL OF STATE: CHILD'S UNITING WITH BIOLOGICAL FATHER ONLY IN REAL CARE RELATIONSHIPS

The Council of State has decided that a biological child cannot simply be united with the biological father, if the parents were not married.

The father must prove that he has actually lived together with the child or actually cared for the child. Examples of such a care relationship are money transfers, or active participation in decision-making about care, schooling etc.

Biological paternity only is not enough to bring the child to The Netherlands.

See [here](#).

1. BASIC RIGHTS

Min. Security & Justice: changes in birth certificate of a child born in The Netherlands

The Netherlands has great difficulty in deporting children born in The Netherlands, if on further consideration the identity of the parents is changed. That happens on a regular basis to parents with an asylum background. To obtain travel documents for the deportation of the children, the birth certificate of the children has to be changed as well. The Minister has drafted a working method for this purpose. The Repatriation and Departure Service may submit the request for change to the Registry of Births, Deaths, Marriages and Registered Partnerships in the registration district. The official may change the identity independently, or forward the request to the subdistrict court. In the event of a judicial decision, the parents have three months to lodge an appeal. Otherwise the new name will be adopted. See [here](#).

2. ADMISSIONS POLICY

Court: letters of the Child Protection Agency and NIDOS important in application for asylum for children

This case concerns two Armenian children who have remained in The Netherlands after their mother was deported. The Council for Child Protection and other organizations have set conditions for the deportation of the children. If these conditions are not fulfilled, this leads to an inhuman situation in the country of origin. Therefore, the judge ruled that the IND should motivate better how it will meet these conditions, before the children may be deported. See [here](#).

Court: bad relationship does not make a bogus marriage

This case regards a relationship between a Dutch woman and a foreign man. The woman has called the IND very frequently, sometimes with the announcement that she has been deceived by the man and that she wants to divorce, but sometimes also that she withdraws her divorce petition and that they are reconciling.

The IND decided to withdraw the man's residence permit because this marriage would be a sham. The Court finds that the woman's conduct does not indicate a bogus marriage, but rather a bad marriage. That is not the same. See [here](#).

Court: no permanent residence for partner of an EU citizen, because the EU citizen did not earn enough over a period of 5 years.

The partner of an EU citizen requests a Permanent Residence status after 5 years. Because the EU citizen did not earn the minimum wage each year, she did not regularly remain in The Netherlands during those five years, the judge found. That is why her partner did not qualify for a permanent residence status. See [here](#).

3. WHAT'S ON?

Doctors of the World: The Door to Care. The right to health and care for undocumented migrants

The report gives an overview of the Dutch policy on care for undocumented people and its consequences in practice. Doctors of the World calls for ensuring an adequate standard of living and (financial) access to necessary medical care, a better equipment of caregivers, the improvement of the supply of information to undocumented migrants, and structural changes to the current system of alien detention. https://dokterstvanderwereld.org/wp-content/uploads/2018/07/Dokter-van-de-Wereld-Hoofdrapport_Zorgrecht-2018.pdf, July 2018

IND-Webinar : Search year for work after study visa

See: https://channel.royalcast.com/studyinholland/#!/studyinholland/20180710_1. This is repeated on ind.nl under study/looking for a job after study. There is also a brand new instruction video for the online application.

Information line Alien detention: Research on the impossibility to deport and repeated detention

Although alien detention is intended to deport migrants without residence status, it appears that not every detained migrant is actually deported. Sometimes a migrant is released and later detained again in alien detention. This brings these migrants in a vicious circle of a detainment and illegal residence. [Read the full report \(in English\) here.](#)

Municipality of Amsterdam: no further deportations of Afghan refugees

A majority of the Amsterdam city council has chosen to not deport any more Afghan refugees. See [here](#).

Wereldhuis Amsterdam is closed from 30 July until 13 August