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## INTERNET CONSULTATION: ACCESS TO WOMEN'S REFUGES FOR UNDOCUMENTED WOMEN

In 2018, the Minister of Social Affairs announced that women without resident permits could be supported in women's refuges. To this end, he made €2.5 million available. Now a change to the Law on Societal Support (WMO) is being proposed. People are being asked to send in their reactions to the proposals via an internet consultation.

According to the proposal, a women's refuge can be compensated for providing accommodation to undocumented women who have made an application for asylum as a victim of domestic or honour-related violence. If the women's refuge accommodates women who have not submitted an application, they will not be compensated.

A reaction can be submitted to the internet consultation until 29 March. See [here](#).

## 1. BASIC RIGHTS

### CJEU: Automatic revocation of nationality after 10 years is possible, but must be assessed individually

The Netherlands has revoked the nationality of people who have lived outside the Netherlands for more than 10 years, and who have not renewed their passport. The Court of Justice of the European Union has just pronounced that an automatic revocation of Dutch nationality is possible, but that the persons involved can ask for their nationality to be reinstated with retroactive effect. If this occurs, the Netherlands must investigate what the consequences of the revocation of nationality has for that person. See [here](#).

## 2. ADMISSION POLICY

### Council of State: a foreign partner whose Dutch partner is fully dependent on them can have the right to stay

This case is actually about allowances. The applicant stated that he has the right to stay with his Dutch partner, as the partner is dependent on him. The Council of State finds that this is not applicable in this case, but states it is possible that a foreign partner derives the right to stay from their Dutch, dependent partner. This is the case in a situation that is comparable with the dependence of a child under 18 (the Chavez ruling). See [here](#).

### CJEU: in cases of fraud, a residency permit can be revoked

According to the Court of Justice of the European Union, the residency permit of a partner can be revoked if this has been obtained fraudulently. Whether the person concerned has committed fraud or not is irrelevant. In any case the person's private life, and the connections that they have made in the Netherlands in the meantime, must be examined. See [here](#).

### Council of State: no protection against honour killing possible in Iraq

This asylum seeker is afraid of honour killing in Iraq. The IND had decided that the Iraqi government, or the tribe, could offer protection in this situation. According to the judge that is not the case. The Council of State agrees. (Court. The Hague, NL17.8385, 23.2.18 and ABRvS, 201802473/1, 26.2.19).

### CJEU: if the applicant for family reunification has no documents, NL must help

Many applicants for a residency permit as a family member are now being rejected, as they cannot provide enough evidence about who they are and how they are family. This specific case is about an aunt who wants to bring her foster child to the Netherlands but has no proof that she has become the foster mother. According to the European Court of Justice, refugees can often not get hold of the right papers, and so NL must assist with the search for evidence. See [here](#).

### Court: for a 'stay with partner' request, an individual assessment of income is needed

This man has asked for a residency permit for his partner. He has incapacity insurance (WGA), an allowance for a sick employee who has returned to work. He has a temporary (agency) contract. The IND

found that his income was not stable. But the judge says that the IND has made too little consideration of the individual situation. See [here](#).

#### Decision: foreign au-pair agencies can also make placements in NL

On the grounds of EU regulations, the Netherlands has decided that foreign au-pair agencies can act as intermediaries in the placement of au pairs in the Netherlands. Until recently, these agencies first had to be registered in the Dutch companies register. From now it is enough for them to be registered in the companies register abroad. See [here](#).

### 3. CHECK AND DETENTION

#### Court: during the appeal phase of the asylum procedure, the DT&V can ask for cooperation with return

On the grounds of the Ghandi ruling from the European Court, an asylum seeker has the legal right to stay during their appeal phase. In many cases, the consequences of this ruling are now being tested in court. Some courts find that the asylum seeker should not be presented at an embassy in order to get a Laissez Passer for return. This judge finds that this is possible, if the presentation presents no risk for the asylum seeker. See [here](#).

### 4. ACTIVITIES

#### Demonstration: 'Together against racism', 23 March, from 2pm

We are marching from Dam Square to the Dokwerker: <http://21maartcomite.nl>

#### Conference 'Families Beyond Borders: Migration with or without Private International Law', 28- 29 March, Ghent

The conference will address several legal problems encountered by refugees and migrants with regard to their personal status acquired in one country and taken along to another country. The programme will be centred around three groups of people: persons in need of international protection, refugee and migrant children, migrants and their families. Both academics and experts with experience from the field will take and share the floor.

<https://www.ugent.be/re/mpor/internationaal-privatrecht/en/iprconference2019>

#### Reopening and anniversary celebration Villa Vrede: "Eye Am – Villa Vrede", 6 April 2pm, Utrecht

Villa Vrede is *the* meeting place for undocumented people in Utrecht. In recent months, significant renovations have taken place. Come and see how nice it has become! The formal reopening is at 2.30pm, followed by music and dance. See [here](#).

#### IND: Chavez-Vilchez Analysis

According to the IND, in the last year 2,710 requests have been submitted for the right to stay with a Dutch child. The recognition rate is 94%; 38% of the applicants are male. Most of the applicants have Moroccan nationality, followed by Surinamese, Turkish and Nigerian. Read the report [here](#).