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## DISTRICT COURT: REFUGE IN AZC BASED ON ART. 64, ALSO DURING CORONA MEASURES

Corona measures have meant that asylum applications can temporarily not be processed. New asylum seekers are redirected to Zoutkamp, but people re-applying for asylum and others who could be eligible for entering an AZC are not being placed there.

Aliens unable to travel due to health reasons, or for whom medical treatment in their country of origin would not be adequate, are normally allowed to postpone their departure on the basis of Article 64 and are then entitled to seek refuge in an AZC. This also applies to heavily pregnant women, from 6 weeks prior to their due date.

Due the closure of the Asylum Application Process because of Corona, the lawyer of this heavily pregnant woman, had to start a legal procedure, in order to allow this woman admission to the AZC in Ter Apel, after all. See [here](#).

## 1. BASIC RIGHTS

District Court: back payment of social welfare benefits only granted to the Chavez family if there is proof of this family having incurred related debts, at the time.

In this case, the mother was granted a permit in 2017 to take care of her Dutch children. The mother states that she has had a residence permit since the birth of her first child in 2010, and, therefore, claims she has a retroactive, declaratory entitlement to social welfare benefit payments. The judge only looks at whether debts were incurred to meet the daily cost of living. Because, currently, there are no such debts, the judge ruled against the mother's claim of being entitled to any back payments of the social welfare benefit. See [here](#).

## 2. ADMISSION POLICY

Immigration and Naturalisation Service (IND) reassessing Sudanese residence permits

An [official notice, dated 3 October 2019](#), shows that Darfur, South Kordofan and Blue Nile have become safer. Asylum seekers from these regions, therefore, are no longer always granted a residence permit. The IND will start reassessments of temporary residence permits awarded to people from Sudan who were provided with such a permit solely because they came from those parts of the world. These people will all receive a letter before 1 November, which will also explain this procedure. See [here](#).

District Court: no permit following relationship breakup, insufficient evidence of domestic violence

If there is sufficient evidence of a relationship having been terminated because of domestic violence, the victim will be able to obtain a residence permit on humanitarian grounds. In this case, the IND and the Court found insufficient evidence of domestic violence. The woman did go to the police, but did not want to file an official report, nor did she explicitly talk about domestic violence. The letters from Veilig Thuis and the family's general practitioner are based on the woman's own statements. Therefore, her permit application was justifiably rejected, according to the judge. See [here](#).

District Court: residence permit son revoked after 5 years, father no longer earning money

This family's son came over to the Netherlands after having been left behind in Algeria for most of his childhood (from the age of 6 to 17). Soon after his arrival here in 2014, the father's job was terminated. The income situation was discovered when, in 2018, an application was filed for a permanent residence permit. This resulted in the permit being revoked, retroactively. The judge agreed with this decision. See [here](#).

## 3. CHECK AND DETENTION

District Court: lifting immigrant detention when travel documents are available but there are no flights

Because of the Corona pandemic, there are no flights going to most countries and deportations are therefore not possible, in most cases. Nevertheless, the Dutch Repatriation and Departure Service

(DT&V) is of the opinion that immigrant detention is acceptable, as long as it is applied for the period necessary to obtain travel documents. The Dutch Council of State also confirmed this standpoint, see [here](#).

In another case, a detained alien asked a friend to bring him his passport, and the court ruled that, from that moment onwards, detention was no longer permissible. See [here](#).

## 4. ACTIVITIES

### Vietnam: returned victims of trafficking

This report addresses an information gap on the topic of victims of trafficking returned to Vietnam from the United Kingdom. It covers seven research areas and includes interviews with six different interlocutors based in Vietnam and the United Kingdom. Asylos and ARC Foundation hope to contribute to a more complete picture of the consequences of those who are returned.

<https://www.asylos.eu/Handlers/Download.ashx?IDMF=46799dc2-689c-48dc-b120-0d0e10bd9b3d,mei20>

### STUV-Leiden closed its doors on 1 May

Residents were partly transferred to Rotterdam, while others found alternatives themselves. STUV will continue as an information desk only.

<https://www.stuv-leiden.nl/stuv-gesloten/>