

NEWSLETTER, Volume 12 no. 4
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CONTENTS

BASIC RIGHTS.....	2
ADMISSION POLICY	2
CHECK AND DETENTION	3
ACTIVITIES.....	3

LAUNCHING AMSTERDAM CITY RIGHTS APP, 4 MARCH

Let's make information accessible for undocumented people!

On 4 March, we will present an app that provides information to undocumented people in Amsterdam, such on 'know your rights', with a calendar of activities and a journal with updates about media and events in Amsterdam.

All are welcome! To register, please fill out [this online form](#) if you would like to attend.

Zoom link: <https://us02web.zoom.us/j/86801080760>

BASIC RIGHTS

Court of Appeal: Recognition of child by non-biological Dutch grandparent

This case is about the recognition of a child whose mother has no residence permit. The man with whom she is living wants to recognise her child as his own, although he is not the biological father. The civil servant in question had refused, because of the man's advanced age, amongst other reasons.

The man was present at the child's birth and has stated that he wants to continue to care for the child; he is like the child's grandfather. The biological father is also around, but is not interested in taking on the role of parent. Because of the close relationship between the child and the recogniser, the Court of Appeal has allowed the recognition. (Amsterdam Court of Appeal, 200.292.301/01, 18.1.22)

State Secretary for Justice and Security (SvJ&V): Extracting information from mobile phones asylum seekers allowed

The State Secretary replied to parliamentary questions about the police having the right to extract information from the mobile telephones of asylum seekers. The Council of State advised that this right should be enshrined into law, because this is currently unclear under the Aliens Act.

The State Secretary disagrees with this advice and maintains that this legal right is sufficiently described in the Aliens Act. According to the State Secretary, this legal right is necessary to enable establishing the identity of asylum seekers, and to identify any human traffickers and terrorists that may be amongst them. Since 2016, 20 signs of criminal offences are alleged to have been discovered from extracting information from phones, although these have not led to prosecutions. According to the State Secretary, asylum seekers never refuse to have information extracted from their phones. See [here](#) and [here](#).

ADMISSION POLICY

District Court: Deregistration from GBA insufficient for withdrawing the permit of a Moroccan man, 30 yr in NL

This case is about a Moroccan man who has been living in Netherlands under a valid residence permit for 30 years. At some point, he became an addict and lost his home and his registration in the Dutch Municipal Personal Records Database (GBA). The IND ruled that he had left the country and, therefore, revoked his permit. The man is now litigating his case about the way in which the IND ruled that he was no longer living in the Netherlands

The court agreed with the man that the IND had not properly investigated his case. Deregistration from the GBA is insufficient evidence. The man showed letters from acquaintances stating that he was in fact living in the Netherlands. The court ruled that the permit should not be withdrawn. See [here](#).

Dutch Council of State (RvS): EU residence permit remains valid after moving out of the residence formally shared with Romanian spouse.

This case is about an Albanian man who has been residing in the Netherlands since 2014 as the spouse of a Romanian EU citizen. According to the Court of Justice of the European Union, the right of residence as the spouse of an EU citizen continues to exist as long as the marriage remains legally valid. Even though this man is no longer residing at the same address as his spouse and even though he is in a new relationship.

The judge, therefore, should not have withdrawn the permit, according to the Council of State. See [here](#).

Dutch Council of State (RvS): No ID required for Chavez-Vilchez procedure

In this case, the Council of State ruled that, in order to obtain a permit as the caregiver parent of a Dutch child (i.e. Chavez-Vilchez status), it is not necessary for the caregiver parent to have identification documents. It is sufficient that the identity is 'plausible', which can be discovered using any document. The IND has to judge whether the identity is plausible on the basis of the documents submitted by the caregiver parent. See [here](#).

Dutch Council of State (RvS): Elderly mother of Syrian refugee admitted to the Netherlands

This elderly mother is in need of help and lives in a refugee camp in Syria. Her son, with whom she had been living in Syria since her husband died in 2007, has lived in the Netherlands since 2014 and now also has the Dutch nationality. All of the woman's other children have also left Syria. The son has been sending money to his mother for her care, but now asks if she could come to the Netherlands. The Council of State considers it proven that there is a special bond between mother and son. The son also wants to take the mother into his home and will provide informal care for her. The argument that the mother will be applying for medical care, and therefore pose an economic burden on the Netherlands, does not outweigh the interest of the mother and son being reunited. See [here](#).

State Secretary for Justice and Security (SvJ&V): Assistance also provided to seriously disadvantaged migrant workers

Since 1 January, a pilot project has started in which Comensha can also provide assistance and shelter to seriously disadvantaged migrant workers who do not fall under the strict definition of labour exploitation. Victims of labour exploitation, are considered human trafficking victims and are therefore entitled to a 3-months' consideration period and a residence permit for the duration of the investigation. The aim of this pilot project is to determine whether this type of assistance is also needed for seriously disadvantaged migrant workers. See [here](#).

CHECK AND DETENTION

District Court: Still no deportation to Algiers in sight

There is a new Algerian Consul in the Netherlands and the Repatriation and Departure Service (DT&V) now hopes that it will become easier for Algerians to be deported. Presentations are again being organised and the embassy has already issued 7 Laissez-Passers (LPs) for Algerians who wish to return voluntarily.

However, judges find there is no proof yet of LPs being issued to Algerians who do not wish to return. Therefore, as yet, Algerians cannot be placed in detention. Also see [here](#).

ACTIVITIES

Youth to Support, Sunday and Thursday in Amsterdam Oost

All undocumented young people, aged 16–26, are very welcome to come chill with us, play sports and games and share a meal. Youth workers will be present to lend a hand wherever needed!

The address is Molukkenstraat 4. All are welcome! See [here](#).

Founded in 2003, the LOS national foundation for undocumented migrants (Landelijk Ongedocumenteerden Steunpunt) is the knowledge centre for people and organisations providing assistance to undocumented migrants. The LOS foundation is devoted to the basic rights of these migrants and their children.