

NEWS LETTER, volume 12 nr 5
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DISCUSSION: 'ELDERLY AND UNDOCUMENTED', R'DAM 7 MARCH 19.30

Rotterdam houses thousands of people without residence papers. Older people among them are a particular cause for concern. Some people have been here for 15 or 20 years and in some cases much longer. Many of them built lives for themselves, with work or a family. Now that they are getting older they become weaker, both physically and psychologically. They are no longer able to work. There is no assistance or help, nor are there prospects for legal residence. Who are all these Rotterdam people who are almost elderly? What are their life stories?

On 7 March Ernest van der Kwast gives us a view of the lives of these elderly people. Richard Staring (Erasmus University Rotterdam) and Frederiek de Vlaming (Regenboog Groep) present brand new research results. There are personal accounts by Thea Noga (street physician in the Pauluskerk), Mahtob Boot (refugee worker Pauluskerk), Eva Bezem (lawyer Prakken d'Oliveira) and a Rotterdam person without documents.

It is obligatory to [register](#) in advance. The discussion can also be followed live on YouTube.

ADMISSION POLICY

Secretary of State Justice and Security: ruling and departure moratorium Sudanese political activists

In December 2021 the Council of State decided that it may be too dangerous for Sudanese political activists to be sent back to Sudan. Because of this ruling the Secretary of State has now decided to postpone decisions in cases of political activists for six months. During this period Sudanese activists will be entitled to stay in an AZC. You will find more information [here](#).

Council of State: in case of a Dutch child legally of age, IND has to investigate dependency relationship when the child was underage

A residence permit as custodial parent of a Dutch child (Chavez-Vilchez) is 'declaratory': if you meet the requirements you have the permit, even prior to confirmation by the IND.

Therefore the Council of State is of the opinion that the IND should assess afterwards whether a custodial parent of a child who has legally become of age already had right of residence when he was underage. In this case the ruling was negative. You will find more information [here](#).

Court of Appeal: no permanent residence after five-year stay with Dutch child, no employment and no registration UWV

The right of residence as custodial parent of a Dutch child (Chavez-Vilchez) cannot lead to a permanent residence permit or naturalisation. Employment of the parent can lead to permanent residence ('duurzaam verblijfsrecht'). Conditions include: employment for at least 1 year and during 5 years available for the labour market.

In this case the court is of the opinion that the parent has not worked for a sufficient amount of time and has not always been available for the labour market. Therefore this mother is not entitled to 'permanent residence'. You will find more information [here](#).

Court of Appeal: naturalisation after 5 years living together in spite of residence gap

This woman had a residence permit with her partner for five years and after that she applied for naturalisation. In the meantime her permit expired. She continued living together with her partner. Formally she would not be eligible for naturalisation because she no longer had a residence permit, but the Court was of the opinion that her right of residence in fact continued based on the directive Family Reunification. She can be naturalised. You will find more information [here](#).

Court of Appeal: university can refuse to enrol foreign student

This case concerned a study residence permit. The Erasmus University refused to support the application for a residence permit as a student. The student asked the IND for a permit, but the IND referred him to the University. The Court agreed with this: it is the University's decision whether or not to admit foreign students. You will find more information [here](#).

CHECK AND DETENTION

Court of Appeal: prospect of deportation to Algeria

In the interim more Courts ruled that there now is prospect of deportation to Algeria, although there is

no change in the situation: the new consul has not yet issued Laissez-Passers for foreigners in detention. You will find more information [here](#).

Court of Appeal: no prospect yet of extradition to Morocco

Moroccans too are being placed in detention again. But the Courts are of the opinion that nothing has changed yet and rule that there is no prospect of extradition to Morocco. You will find more information [here](#).

ACTIVITIES

Petition: shelter and assistance Ukrainians in The Netherlands

The more people declare they are in favour of offering assistance to Ukrainian refugees, the greater the pressure to do the only right thing: offer a safe place to people who flee for war. See [here](#).

Lisa Berntsen, Conny Rijken, Tesseltje de Lange: Migrants without residence permit - Rights and socio-economic position in The Netherlands

This book gives information about the life of migrants without residence permit in The Netherlands and explains which rights this group has. Research has shown that it is often difficult for migrants without a residence permit to exercise their rights, for example as an employee or as a patient. The book ends with advice for improving the rights of this group. You will find more information [here](#).