

NEWSLETTER, volume 12 no. 6
14 March 2022

CONTENTS

Basic rights.....	2
Admission policy.....	2
Check and detention	3
Activities	3

COVENANT FOR HIGHER EDUCATION FOR UNDOCUMENTED PEOPLE IN AMSTERDAM

On 10 March, the City of Amsterdam signed a covenant with the city's universities and universities of applied sciences. With this, the educational institutions undertake to improve access for undocumented students, by facilitating study visas or offering contract courses.

The municipality will look into whether undocumented students who have spend most of their childhood in NL can be given financial assistance during their studies.

Educational institutions and the municipality will lobby together to make study permits easier for this group of people to obtain, e.g. by making it unnecessary for them to get a long-stay visa (Machtiging tot voorlopig verblijf, mvv).

The intention is that the covenant will serve as an example to other municipalities and educational institutions.

For more info (in Dutch), see [here](#) and [here](#).

BASIC RIGHTS

Dutch Admin. High Court: child benefit for Dutch child's mother without ID document

A parent providing care to a Dutch child has residence rights on the grounds of the Chavez-Vilchez ruling. Previously, the Council of State ruled that it is not necessary for the care-providing parent to prove their identity with a passport. The Dutch Admin. High Court confirmed this principle in this case about a care-providing mother's right to child benefit. See [here](#).

ADMISSION POLICY

Ukraine:

Ukrainians have three possibilities for staying in the Netherlands:

- they can find accommodation themselves, register in the Personal Records Database (BRP) and then work or study. See [here](#).
- they can register at an emergency accommodation facility in a municipality. Then they will get a small allowance, which is comparable with the asylum seekers' allowance. They can also work or study. See [here](#).
- they can apply for asylum. They will then be provided accommodation in an AZC. A decision and departure moratorium has been put in place, meaning their asylum claim will, for the time being, not be processed. See [here](#).

Court: visa facilitation for admission of Filipina to NL to live with Polish husband

This Polish man works at his parents' company. His Filipino wife wanted to come to NL and had applied for an EU visa (visa facilitation) at the Dutch Embassy in the Philippines. A visa facilitation can be granted if the applicant meets the requirements for residence as the partner of an EU citizen. This includes having sufficient income, but no language test is required. The judge found that the IND did not take proper account of the Polish husband's income. See [here](#).

Court: revoking of partner residency permit requires careful consideration

The IND revoked the residency permit of this Chinese woman as a partner of a Dutch person, as her partner was not registered in the Personal Records Database (BRP) for a certain period. Therefore the IND assumed that the relationship had broken down.

The judge found that while registration in the BRP is an indication of a relationship breakdown, it is not definitive evidence. All information must be taken into account in the consideration. The couple had submitted a great deal of evidence that they were still in a relationship. The IND must look at the decision again. See [here](#).

Court: take relationship between Iraqi woman and Iranian stepdaughter into consideration

The asylum claim of this Iraqi woman was rejected. She has a relationship with an Iranian man in NL who has a daughter. The IND did not take account of the interests of this daughter when considering whether the woman has right to residency in NL as a stepmother. The IND must look at this decision again. (The Hague Court, NL21.10712, 24.2.22)

Court: take relationship between older Vietnamese woman and her grandchildren into consideration

This 86-year-old Vietnamese woman came to NL in 2020 on a tourist visa to visit her two sons and daughters-in-law, and stayed in the country. She needs help and states that there is insufficient medical care in Vietnam. All her children live in NL. She plays an important role in the lives of her grandchildren. She applied for a residency permit on the grounds of family life, but this was rejected. The judge found that the IND did not sufficiently consider the interests of her grandchildren. See [here](#).

Court: correct revoking of study visa due to insufficient progress

The educational institution reported to the IND that this foreign student was no longer actively studying. Despite various requests for postponement, as the student declared that he would take up his studies again, there was no progression in his study. The judge found that the IND had correctly revoked the visa. See [here](#).

Secretary of State for J&S: new au-pair policy

The Secretary of State is planning to change the au-pair policy. In the future, an au-pair cannot be married or have children, and can be no older than 25. In this [document](#), the Secretary of State answers questions from MPs about the proposed changes.

CHECK AND DETENTION

Secretary of State for J&S: strict regulations for alien detention are correct

Undocumented people who must be deported are detained in alien detention. They fall under the same regime as people detained as part of the criminal justice system. In practise this means that they are subject to more disciplinary measures. The Research and Documentation Centre (WODC) has done research into the background of these punishment measures. The conclusion is that the alien population has changed, and that the guards are less experienced. On the basis of this report, the secretary of state has concluded that the strict rules must be retained, and that these must be included in a draft law for a new regime. See [here](#).

ACTIVITIES

Week tegen Racisme (Week Against Racism), 14-17 March, de Zwijger Amsterdam

17 March, 7.30pm. City ID: An ID card gives rights to the city: the right to participate, to have your say and be welcome everywhere. The card gives access to the city to ALL Amsterdammers. It must become a matter of course that everyone that who lives and works in Amsterdam has the same rights as any citizen with papers. See [here](#).

17 March, 9pm. Access for Workers: During this event, we will have a panel discussion with experts, policymakers, and advocates in order to exchange possibilities to improve migrant rights and policies. See [here](#).

Hybrid seminar: Sexual Orientation, Discretion and the Scope of Refugee Protection, 17 March, 10-11 am, Amsterdam and online

Janna Wessels connects the different strands of the long-standing debate in both common and civil law jurisdictions and scholarship concerning the question of whether and under which circumstances a

claimant must conceal to avoid persecution. By using sexuality as a lens, this study breaks new ground regarding sexual orientation claims and wider issues surrounding the refugee definition. For registration, please send an email to secretariaat.sb.rch@vu.nl before 15 March 2022, and indicate whether you want to participate online or on campus. See [here](#).

Information for Basic Rights for Undocumented People, 4 April, 6pm - 9pm, The Hague

During this evening, various speakers from civil society organisations and churches will share tips, advice and inspiration about supporting undocumented people.

The evening starts at 6pm with a meal, and the programme begins at 6.30pm. Participation is free.

See [here](#).

Migration Law Clinic: Expert opinion on safeguarding the rights of minor Union citizens: the right to emergency shelter in light of EU law

The authors investigated whether the Municipality of Amsterdam acted in accordance with article 20 of the TFEU when it refused to provide emergency shelter to a mother – a citizen of a third country – and her minor Dutch child. They also investigated whether the municipality acted in accordance with article 21 of the TFEU, by demanding that applicants live in Amsterdam for at least two years before they can be considered for emergency accommodation.

See [here](#).

ASKV: looking for stateless people without residence rights

The [Statelessness Project \(Staatloosheid Project\)](#) from ASKV Steunpunt Vluchtelingen is currently working on better mapping of *stateless people without legal residence* in the Netherlands. ASKV is asking organisations who are in contact with stateless people without residency rights, and people without residency permits (in part) due to unknown nationality or suspected statelessness to get in touch with Marlotte van Dael, Statelessness Coordinator, via marlotte@askv.nl.

Join the State.Free Community

The Statefree Community is the first global online community focused on communication and exchange around the topic of statelessness. This new digital space is here for all of us to:

- Inform each other about what is happening in the statelessness sector
- Share stories and experiences with each other
- Support stateless communities with information and knowledge by experience
- Connect to each other

The Statefree Community is centred around stateless people but highly encourages other actors to join.

<https://statefree.world/>

Vacancies:

- Huize Agnes, Utrecht: case worker (16 hr/week) and housing case worker (16 hr/week), see [here](#).
- Seguro, Utrecht: legal case worker (24 hr/week), see [here](#).
- ASKV Amsterdam: office manager (16 hr/week) and legal case worker for MOO (Medical Refuge for Undocumented People) (24 hr/week), see [here](#) (deadlines have passed, so apply quickly).