

Newsletter, volume 12 no. 8
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DEBATE: OLD AND UNGEDOCUMENTED, 14 APRIL 19:30 HRS R'DAM

In Rotterdam, elderly people who are ill, but have no residence permits are turned out into the street. Solutions are needed urgently!

On 14 April, we shall engage in debate with several speakers, protest art from the Pauluskerk 'action workshop', while local politicians will also be present! Raise your voice and participate!

Admission is free following registration through the library website:

<https://www.bibliotheek.rotterdam.nl/activiteiten/agenda/evenement/30885-stadsgesprek-oud-en-ongedocumenteerd>



Stichting Landelijk
Ongedocumenteerden
Steunpunt

BASIC RIGHTS

Dutch Administrative High Court: municipality to assess assistance in Chavez decree case granting child allowance irrelevant

This case concerns the mother of a Dutch child. The child is living in NL with their grandmother, the mother is living in Belgium. She is applying for assistance on the basis of the Chavez decree. The municipality has declined the application for assistance, as the mother has not been granted legal residence in NL. The Dutch Administrative High Court agrees: it is up to the municipality to assess whether the mother has right of residence. The fact that the SVB did grant child allowance and thus assumes right of residence is not decisive. See [here](#) (Dutch only).

ADMISSION POLICY

Court: no proof of living with Dutch child in Spain, so no status as returning EU citizen

The 'Belgium route' entails that a family member of an EU citizen who makes use of their right to move freely is granted right of residence in Belgium (or any other EU country where the family is settled). After a minimum of 3 months' joint residence, the family may return.

The Belgium route is likewise possible for residence with a Dutch child. This is conditional to the parent of the Dutch child having resided in a different EU country for a minimum of three months, and on the parent being dependent on the child in that period. After this period, the parent may return to NL with their child.

In this case, the mother of a Dutch child who has right of residence in Spain applied for residence in NL on these grounds. The judge declines the application, as it has not been proven that the family resided in Spain for a minimum of three months and since the mother's residence right did not depend on the child. See [here](#) (Dutch only).

Council of State: children's interest, in NL since 2016, outweighs income and passport requirements

This case concerns two children, 15 and 17 years old, who were born in Belgium and have lived with their father in NL for 6 years. They have no passports, and their father has insufficient income. Nevertheless, the Council of State finds that their interest outweighs the interest of restrictive alien policy. There is no doubt about the children's identity, and the father has looked after them for years. While the citizenship education took place during illegal residence, it is a relevant fact. See [here](#) (Dutch only).



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ACTIVITIES

Film: Along the Way, from 14 April

While travelling with a group of refugees in the border area between Iran and Turkey on foot, Fatima and Zahra become separated from their mother and sisters. They end up in Istanbul, where they join forces with 16-year-old Rahim, a conceited boy with 'connections': he helps people smugglers. Since working in the illegal sewing workshop earns them too little to afford the trip to the Netherlands, Fatima and Zahra start working for. This brings them on very dangerous and murky territory.

GRETA: Report on online and technology-facilitated trafficking in human beings

This study was conducted by questionnaires to State parties, NGOs and tech companies and aimed to assess the extent to which technology impacted trafficking in human beings in both recruitment and exploitation. The report analysed the challenges detecting, investigating, and prosecuting technology facilitated trafficking, strategies and good practices, training requirements, legal instruments and human rights, ethics, and data protection. It concluded by providing recommendations on actions to improve these areas.

<https://rm.coe.int/online-and-technology-facilitated-trafficking-in-human-beings-summary-/1680a5e10c>, 18.3.22

EMN study: 'Third-country national victims of trafficking in human beings: detection, identification and protection'

The study provides insight into recent policy developments for protecting of victims and combating human trafficking.

- ['Identifying human trafficking victims in Europe is a huge challenge'](#), 31.3.22 (Dutch only)
- [EMN study](#)
- [EMN Inform](#)
- [EMN Flash](#)

Since 2003, the LOS Foundation (the Dutch acronym for 'Landelijk Ongedocumenteerden Steunpunt') has been the knowledge centre for people and organizations providing assistance to undocumented migrants. LOS Foundation devotes itself to the basic rights of these migrants and their children.