



NEWSLETTERS, Volume 12 no. 9
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EXCHANGE FAIRWORK ABOUT PRECARIOUS WORK, 25 APRIL, 16:00–17:00 HOURS

Research by students in cooperation with FairWork has shown that West-African migrants in the Netherlands have become even more vulnerable as a result of the COVID-19 pandemic. They have a precarious work situation and do not always know where and how to find support from NGOs. Often, they prefer to seek advice and support from within their informal network.

On 25 April, FairWork organises an online presentation about the findings of these studies. We will discuss if and how support can be adapted to the specific needs of the target group. The researchers themselves will be present, and we have invited organisations that are in close contact with the target group to share their views and opinions.

Please, register by sending an email to info@fairwork.nu and you will receive a link.
<https://www.fairwork.nu/en/2022/04/06/west-african-migrants-precarious-work-and-support-by-ngos/>

The studies are published here (Dutch):
[Lage lonen en racisme voor West-Afrikaanse arbeidsmigranten in horeca Amsterdam – FairWork](#)
[Nigeriaanse ongedocumenteerden nog kwetsbaarder door pandemie – FairWork](#)

BASIC RIGHTS

Allowances withdrawn for aliens without a residence permit and their family members

Aliens without a residence permit are not entitled to rent and child care allowance. This also applies to their family members, if they are known to the tax department. If a residence permit is withdrawn retroactively, the allowances received by their documented family members will also need to be repaid, retroactively. The tax department becomes aware of the illegal residence through the 'code 98' in the Dutch Municipal Personal Records Database (GBA).

Last year, the Dutch Tax and Customs Administration withdrew 5465 allowances from 4300 households because of residence code 98, according to enquiries by Pointer. In previous years, allowances were withdrawn from 5150 (2020) and 4450 (2019) households for this reason. Enquiries made at the IND revealed that, every year, the 'code 98' box is ticked behind the names of 150,000 people.

If the allowance is withdrawn, the municipality may decide to supplement this reduction in income through supplementary welfare benefit or special welfare benefit payments. In practice, however, this hardly ever happens. See [here](#) and [here](#).

ADMISSION POLICY

Council of State: Requirements on documents for residing with a family member to be relaxed

In this case, the Dutch Council of State confirmed that the requirements on documents for family members who want to travel to the Netherlands are too strict. If people do not have a passport or an official marriage certificate, other documents, such as certificates of baptism, church marriage certificates or documents from the UNHCR are almost never accepted as proof. In the past, the Council of State already ruled that requirements were too strict when it comes to family members of recognised refugees who wanted to be reunited with them. Also in Eritrean cases, the Council of State ruled that the requirements were too strict. In the current ruling, the Council of State has clarified that this new policy is applicable to all cases of family reunification. See [here](#).

The IND has meanwhile also agreed to be more flexible with the burden of proof. See [here](#).

Council of State: residence permit of marriage partner not revoked, despite 2 years detention

The IND wanted to revoke the residence permit of this woman and her child with a partner in the Netherlands, because her partner had gone into detention for two years and they could therefore not live together. Moreover, there were doubts about the income. The Dutch Council of State derives from the EU Family Reunification Directive that the cohabitation requirement is particularly important to prove a genuine relationship. This was not in doubt, in this case. Therefore, the permit is not to be withdrawn for the sole reason of living apart.

Furthermore, the woman was not aware of her obligation to report changes in income. The Council of State ruled that the residence permit is not to be withdrawn. See [here](#).

District Court: no continued residence with child because access arrangement not respected

This case is about a father who, after the termination of his residence permit as a partner, received a residence permit with his minor children. He had a visitation arrangement of one day per week, but he

had not been keeping to these visiting arrangements. Therefore, his request for an extension of his residence permit was rejected. The court agreed. See [here](#).

District Court: BIC assessment used for application residence permit for children

The judge ruled that an application for a children's pardon in this case was rightly rejected. The lawyer also requested a residence permit because of Private Life of the children. He had submitted a BIC assessment (Best Interest of the Child), which showed that it would be harmful to the children's development if they would be sent back to Ingushetia. This would cause the children to lose their stable basis in the Netherlands. Their PTSD complaints would worsen and be difficult to treat. The judge ruled that the IND has to make a new assessment. See [here](#).

ACTIVITIES

Unite for City Rights dinner, 12 May, 17:00 hrs, de Zwijger Amsterdam

During this dinner we would like to engage with you in a conversation about city rights for undocumented people in Europe.

Since 2019, a network of grassroots, migrant-led and cultural institutional organisations have collaborated to co-create a Toolkit for Inclusive Cities: a collection of innovative and creative practices and ideas to make cities more inclusive, focused at undocumented people. This evening, the European network City Rights United launches its toolkit and invites you to join the conversations, presentations and debates to learn more about and engage with the practices that help make our cities more inclusive. Please confirm your attendance by using this [form](#).

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.