



NEWSLETTER, volume 12 no. 11
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MEETING ONLY FOR DOMESTIC WORKERS, 28 MAY AFTERNOON A'DAM

The Migrant Domestic Workers, together with FairWork, FILMIS and IMWU invite you to join us and domestic workers from different countries in a gathering around the theme of being a domestic worker in the Netherlands. Together we will discuss and exchange what it means to be a domestic worker in the Netherlands: What do our work and life look like? What are our rights? And how can we overcome challenges?

The migrant domestic workers and their organisations will present themselves, share their demands and plans and inform you how you can be involved. There will also be workshops where you will learn how to talk to your employer about your rights.

The programme will be provided in 4 languages (English, Spanish, Portuguese and Indonesian). In the breaks and after the event there will be space for networking, food and drinks. A train ticket and/or tram ticket can be reimbursed. You will receive more information about this after your registration.

Please sign up through [this link](#)

BASIC RIGHTS

Council of State: new assessment framework for request to change personal data in BRP

If someone gave false personal details when they arrived in the Netherlands, it is then very difficult to get these details changed. Data in the BRP must be reliable, so personal details are only changed with correct source documents. There also needs to be irrefutable evidence that the old details are factually incorrect, which is very hard to do in practice.

On 4 May, the Council of State ruled that the falsehood of old details no longer needs to be proven. However, correct source documents still need to be provided, which undeniably belong to the migrant in question. See [here](#) and [here](#).

ADMISSION POLICY

IB 2022/47: assessment for sufficient means to exist, not only for partner residency permit

On 25 April 2022, the Council of State issued a ruling about the assessment of the income (means) requirement. The ruling means that two points of the IND assessment need to be modified:

- a) From now on, individual circumstances always need to be considered, which could show that the means are so stable and regular that the person will have no need to apply for welfare payments.
- b) From now on, if the assessment is of income from freelance work, the average income over several financial years can be assessed.

https://puc.overheid.nl/ind/doc/PUC_1290151_1/1/, 9.5.22

Court: consideration of interests of older father to stay with daughters in NL rather than be transferred to France under Dublin regulation

According to the Dublin regulation, an asylum claim must be looked at in the first country of arrival. But countries can deviate from this regulation if they so choose.

This case was about an older Moroccan father who is sick, and whose daughters have lived in NL since the late 1990s. According to the IND, France is formally responsible for dealing with the asylum claim. The judge agreed with this, but also found that the Netherlands must consider the interest of the father in staying with his daughters in NL. The daughters provide informal care to him, and it is unclear if such care would be directly available in France, especially as there is a lack of accommodation places. The judge found that the IND must take a new decision on the case (The Hague Court, NL22.2821, 12.4.22)

Court: consideration of residence with partner and children necessary after rejection of asylum claim

This case was about an Iraqi man who lives with a Dutch woman of Iranian origin. They have a 3-year-old child together, and the mother has another child, who is 14 years old, whose father does not want the child to leave the Netherlands.

The Iraqi man's asylum request has been rejected. The judge agreed with this decision, but found that the IND also needs to consider the importance of family life and the lives of the children when looking at whether the man can be deported to Iraq. If that happens, he will be separated from his partner and child. It would be difficult for his partner to settle in Iraq and the 14-year-old child could not be sent there. The judge ruled that the IND must take better consideration of these interests. See [here](#).

ACTIVITIES

Tweede Kamer (House of Representatives) briefing about EU proposal on violence against women, 24 May, 4.15pm - 5.15pm

The EU is proposing better protection for victims of gender-related violence through a Directive. In principle, the Dutch government agrees with this improved protection, but believes that the proposal is too detailed. For example, it thinks that the EU does not have to dictate who can be considered for a women's shelter. During this meeting, the contents of the EU proposal will be discussed. See [here](#).

UNAIDS Webinar: Migrants and HIV, 24 May 11.00am - 12.30pm and 4.00pm - 5.30pm

During the webinar, the findings of a review by the Institute of Tropical Medicine (Antwerp, Belgium) on HIV among migrants in precarious circumstances in the European Union and European Economic Area will be shared. This will be followed by presentations of three case studies from Europe, Middle East (morning) and Caribbean (afternoon) and time for discussion and Q&A.

You can join the event through this [link](#).

Webinar MPC: Protecting the rights of irregular migrants, 24 May 1.30pm - 3.00pm

Irregular migrants experience a wide range of conditions and vulnerabilities. For example, how can irregular migrants access and realise their fundamental rights in a meaningful way when their irregular residence status makes them liable to deportation? Can 'firewall policies' that prevent service providers and rights protection agencies from reporting the (irregular) migration status of the migrants they encounter to immigration enforcement agencies provide an effective response?

The panel will discuss these questions from economic, political, legal and ethical perspectives.

The YouTube link for the webinar will be provided following registration. [Register here](#)

<https://www.eui.eu/events?id=549997>

TV: Leven in Limbo, 30 May – 2 June, 10:18 pm, NPO 2

The four-part documentary series Living in Limbo (Leven in Limbo) is about the lives of people without (valid) papers who live in the Netherlands. Without papers, people have no right to housing, no opportunity to work, very limited access to healthcare and an uncertain future. Leven in Limbo is an intimate portrayal of people who do their very best to shape their lives in a society where they have no right to exist. It also shows how the Rotterdams Ongedocumenteerden Steunpunt (ROS) provides emotional and practical support to this group.

<https://www.human.nl/leven-in-limbo.html>

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.