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ACVZ: CAREFUL LABOUR MIGRATION POLICY

According to the Dutch Advisory Council on Migration (ACVZ), the Dutch government must prepare specific and targeted labour migration measures to deal with the (expected) labour shortage, especially in the care sector.

This labour migration policy must fit within a broader welfare approach, in which there is attention for the rights of labour migrants and their integration in the receiving society, now and later. ‘Partnerships’ with sending countries are therefore the best option, so that both the sending and receiving countries benefit, asserts the Advisory Council. See [here](#).

ADMISSION POLICY

Court of Justice of the EU: criteria for admission of other family members with EU citizen

A citizen of an EU country that resides in another EU country has the right to take family members with them, also those without a residence permit. They are legal in the other EU country.

Family members include in all cases a partner, parents and (step) children who the EU citizen lives with, as well as other family members with which they share a household. The EU Court of Justice has now clarified this: 'Members of the family in the wider sense with which the sponsor has strong and stable family ties through specific factual circumstances related to the fact that they belong to the same household. This is manifested as a stable, shared life, in the same house, that is prompted by the wish to live together and shows the characteristics of a family life.' See [here](#).

Council of State: weighing up of 'ties with family members in NL' must be done more carefully

The Council of State has [already ruled](#) that an individual weighing-up must always take place when there is an application for a residency permit on the grounds of Article 8 of the European Convention of Human Rights (personal and family ties). Since then, judges have ruled that decisions on these applications have not been careful enough, as the ties of the applicant with family members in NL must be better investigated.

For example, there was a case of an old Chinese undocumented person needing help of his son in NL (see [here](#)) or a Georgian with a travel ban who cared for his Dutch mother (see [here](#)).

Tightening of au-pair regulations

The criteria for admission of au pairs will be tightened after signals that the regulations are being improperly used to facilitate work instead of stimulating cultural exchange. Therefore two extra conditions have been added:

1. The au pair is not older than 25 when the application is submitted.
2. The au pair is unmarried and has no (adopted) children.

See [here](#).

WBV 2022/23: evidence of accessibility of medical care in country of origin

A patient who is dependent on care in NL that is not available or accessible in their home country can receive a 'postponement of departure', and after 1 year a 'medical treatment' residency permit. For the assessment of whether the necessary medical care is available in the home country, the following information is important:

- the costs of the treatment in the country
- the financial situation of the patient
- the possibility of getting health insurance
- the expectations of what sort of salary the patient can earn
- the extent to which relatives can contribute to the care costs
- how often the patient needs to travel to the care provider for treatment and how long this takes.

The deadline for the pieces of evidence has been extended from two to four weeks, as the information needs to be requested from the land of origin. See [here](#)

CHECK AND DETENTION

Court: prospect of deportation to Morocco

Since approximately a year ago, it had not been possible to deport Moroccans without a passport as the embassy does not give laissez-passer. That changed recently. Therefore, Moroccans can be placed in alien detention again.

According to the Repatriation and Departure Service (DT&V), since March 2022 the Moroccan embassy has provided 110 declarations of nationality, and 11 laissez-passers. 3 Moroccans have been deported. They all had some to a certain extent documented but none had a valid passport. The others refused PCR tests and so could not be deported.

The judge believed that this was sufficient indication that deportation and therefore detention are possible again. See [here](#).

ACTIVITIES

Webinar: Restrictions on the emigration of women domestic workers from South Asia, 12 Oct, 11am–noon

This seminar examines the history of migration bans for Indonesia, Nepal, the Philippines and Sri Lanka, to assess the causes, outcomes and extent of regional convergence of migration-restricting. In doing so, we uncover two prominent policy narratives. The first involves labour diplomacy, where countries employ bans to negotiate superior working conditions and rights for migrant workers. The second concerns paternalist states as ‘protector’, where states are primarily motivated to reaffirm traditional gender norms.

We conclude that migration bans have been most effective, both in curbing departures and achieving desired outcomes, when they are primarily motivated by labour issues and not gender politics. Nevertheless, even when used as a form of diplomatic negotiation, migration bans heighten the vulnerability of domestic workers to exploitation by pushing them into irregular pathways fraught with risk. See [here](#).

Expert meeting: Empowerment and dependent residency rights in Amsterdam, 13 Oct, 2–5pm

During their first years in the Netherlands, family migrants live in a dependent position: if a relationship breaks down, the residence permit is revoked and the risk of being deported becomes real. For (in the main) women, also in Amsterdam, this dependence plays a role in their daily lives and is an important factor in the choices that they make or can make.

At this meeting we will look at the (most recent) rules around dependent residency rights, the consequences this has for the emancipation, participation and safety of women, and what this means for the support services in Amsterdam for these women.

The meeting is taking place at Amsterdam Law Hub (Nieuwe Achtergracht 164, Amsterdam).

You can register via email: zelfbeschikking.verblijfsrecht@gmail.com.

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.