

NEWS LETTER, volume 13 nr 19
11 September 2023

TABLE OF CONTENTS

1. ADMISSION POLICY.....	2
2. DETENTION OF ALIENS	3
3. ACTIVITIES.....	3

PICUM: ACCESS TO EARLY CHILDHOOD EDUCATION AND CARE

This report describes whether and to what extent undocumented children and their parents can access Early Childhood Education and Care (ECEC) in Finland, France, Greece, the Netherlands and Portugal.

The report concludes that many cannot access it - for many reasons: gaps in national laws, requirements to present inaccessible documents, difficult administrative procedures, unaffordable fees, language barriers, not knowing about ECEC services, insecure housing, discrimination and racism, and fears of becoming visible to authorities. The report also highlights promising policies and initiatives across these five countries and includes recommendations on how to ease access to ECEC for undocumented children.

In the Netherlands, unaffordable fees are the main obstacle, but in some cities ECEC fees are formally or informally reduced for undocumented children and their families. See [here](#)

1. ADMISSION POLICY

European Court of Human Rights: ECHR Article 8 consideration withdrawal permit because of criminal record for Afghan migrants who came as minors

In this ruling the European Court of Human Rights has explained when the right to a private life (article 8 European Convention on Human Rights) should determine whether a status can be withdrawn. This case concerned two Afghan migrants who came to Denmark at a young age and who were issued a criminal record there. Both of them have changed their ways: one of them is being trained as a child carer and the other one has a pregnant girlfriend. They hardly have any memories of Afghanistan. The European Court are of the opinion that they have built up such solid private lives in Denmark that their permits cannot be withdrawn. You will find more information [here](#) and [here](#).

Council of State: evaluation of interests refusal naturalisation in case of 24 hours of community service

People with a criminal record can only naturalise if their criminal record was issued over five years ago. In this case the applicant had 24 hours community service. According to the law this should be a reason to refuse naturalisation. However, the Council of State are of the opinion that the interests should be evaluated - such a minor community service should not hamper naturalisation. You will find more information [here](#).

Council of State: Armenia protects from domestic violence

This case concerned an Armenian woman who applied for asylum in the Netherlands because she feels threatened by her husband who is a police officer. She stated that she is not granted protection in Armenia. The IND did not agree with this: Armenia does offer protection in cases of domestic violence - she should have lodged a complaint with higher authorities if she was not heard. The Court has agreed with this. You will find more information [here](#).

Work instruction 2023/9: Policy concerning foster children

This work instruction exactly describes in which cases foreign foster children can be admitted to the Netherlands. A distinction is made between foster children who already belonged to the family in the country of origin and foster children who joined the family at a later stage. Kafala is described as well. You will find more information [here](#).

Court of Appeal: stay with Dutch foster child, long-term living together proves dependence

A custodial parent of a Dutch child can be issued a residence permit on the basis of the Chavez ruling. This case concerned a foster father who lives together with the mother of the Dutch child. The Court has ruled that the fact that they live together is sufficient evidence of the dependency relationship between foster father and foster child and that no additional evidence of a caring relationship is required (VK Court of Appeal Amsterdam, AWB 23/1086, 21.8.23).

Court of Appeal: weekend care by the father of a Dutch child is actual care

This case concerned the biological father of a Dutch child. The parents have separated and every other weekend the father takes care of the child. According to the Court this is sufficient evidence to prove that there is an actual care relationship. You will find more information [here](#).

2. DETENTION OF ALIENS

Court of Appeal: blind man allowed to be in detention but released because of guarantee cousin

This man is blind and stated that detention of aliens is very hard for him. The Court are of the opinion that there is sufficient care for him in detention.

However, there is a cousin who wants to provide guarantee for this man and who states that he will see to it that the man will not go into hiding. The Court has confidence in this cousin. Therefore, the Court has ruled that the blind man should be released. You will find more information [here](#).

3. ACTIVITIES

Pro Facto: No improvement in the fight against human trafficking because of policy Dublin claimants

As of 2019 asylum seekers for whom according to European agreements another EU country is responsible (Dublin claimants) will not immediately be granted a temporary residence permit when they report human trafficking. Since 2019 it is true that this group makes less frequent report of human trafficking but this has not led to a visible improvement in the fight against human trafficking. There even is the risk that victims of human trafficking receive less protection. You will find more information [here](#).

Time for a General Pardon, 11sept 20u de Zwijger Amsterdam

We are now at a point in time where asylum seekers who get rejected are living without rights sometimes for decades long in the Netherlands. During this program we will talk together with the Afrikaanse Vluchtelingen Collectief, politicians and grassroots organisations on how to make sure we can move together into action towards the nation-wide demonstration on September 15th. You will find more information [here](#)

Also refer to [Petitie voor een Generaal Pardon](#)

Protest party Goudjakhals, Amsterdam, 23 September

The novel *Goudjakhals* consists of a series of migrant stories. One of the stories is the harrowing demise of a talented, creative boy who, because of his status as an undocumented refugee, can only find the opportunity to express himself 'underground'.

On Saturday night, 23 September, 20-01 h we have a protest party around the migrants theme of *Goudjakhals* in the Vondelbunker, Vondelpark Amsterdam.

During the evening a writing contest will be launched for asylum seekers, status holders and undocumented migrants. The best poems and stories will be published in a special edition of the literary magazine *Tirade*.