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W2EU: INFORMATION FOR REFUGEES AND MIGRANTS COMING TO EUROPE

w2eu.info provides information to refugees and migrants that might be useful on their journey to and through Europe. We want to give access to counselling and useful contacts in different European countries.

From the very start at the outer borders of Europe, many forces are going in an inhuman direction: people are refused entry, are imprisoned and deported. Nevertheless, they are coming - challenging the migration regime. And there are movements supporting them in their struggle for a better life.

1. BASIC RIGHTS

Statelessness determination procedure act ('Wet vaststellingsprocedure staatloosheid') is effective

This act enables a determination procedure for 'evident statelessness' as a result of which more people can prove their statelessness. This mainly involves people who do not have lawful residence status, but are poorly documented, if at all. As a result, they currently cannot be registered in the Key Register of Persons (BRP). Now, people who do not have residence permits can also register as being stateless, however, that does not automatically allow them residence permits. To get a residence permit, one needs to start a no-fault procedure and prove no country wants to put them up. See [here](#) (Dutch only).

2. ADMISSION POLICY

Court: residence permit as partner of EU citizen void if EU citizen leaves NL

An alien from outside the EU can easily obtain a residence permit as the partner of a non-Dutch EU citizen if that EU citizen is working in the Netherlands. If the couple splits up after three years, the permit is not revoked, provided the alien has their own income.

In this case, the EU citizen left the Netherlands after only two years. Therefore, the judge finds that the alien no longer has a residence permit. See [here](#) (Dutch only).

Court: weigh in informal care by brother in NL in 8ECHR application schizophrenic Moroccan

Article 8 of the European Convention on Human Rights (8ECHR) concerns respect for a private and family life. In case of an 8ECHR application, the question whether refusal of a residence permit results in a violation of this right is tested extensively. A high threshold applies if the private and family life has come into effect largely illegally.

This case concerns a partly paralysed and addicted Moroccan man, who is living with his brother in the Netherlands without a residence permit. The NL brother receives WAO benefit and is his informal carer. The Moroccan brother needs medical care in order to prevent an emergency. While there is an institution in Morocco that can provide care as well, this does not compare to the care provided by the brother. Moreover, the family cannot afford the costs. The judge finds that the Immigration and Naturalisation Service (IND) refused the residence permit without weighing in these arguments. See [here](#) (Dutch only).

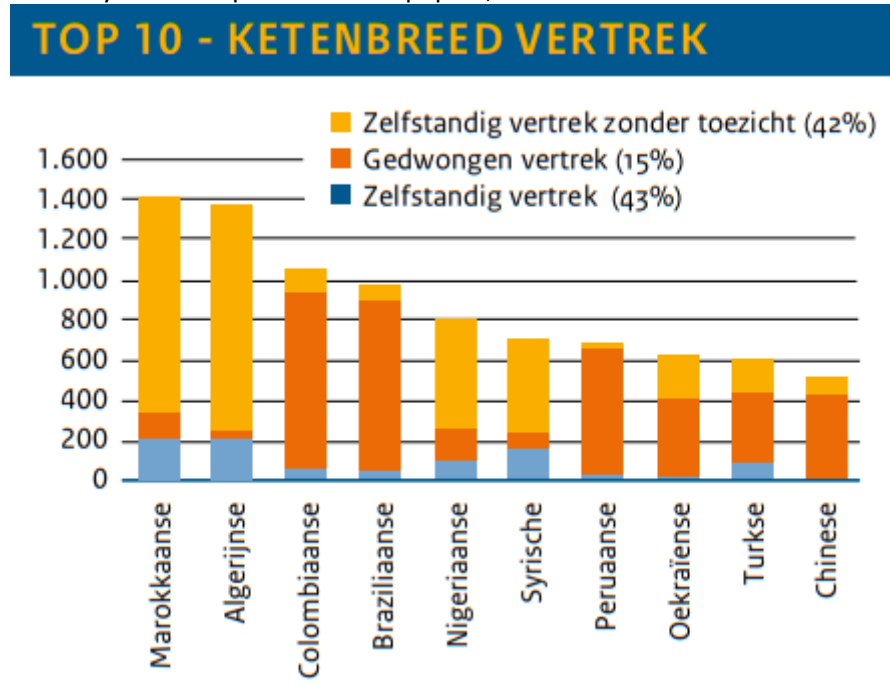
Council of State: no status for Chinese family, illegal in the Netherlands for 15 years

This family also submitted an 8ECHR application. The son was born in the Netherlands in 2005. Reports by Defence for Children and Rijksuniversiteit Groningen have been submitted demonstrating that the son will suffer developmental harm if he is evicted. He grew up in the Netherlands and hardly speaks or writes any Chinese. The parents have started businesses here and provides for their own livelihood. Nevertheless, the Council of State finds during the appeal hearing that the family needs not be granted residence permits. The parents can build up new lives for themselves in China and help the son with his integration there. See [here](#) (Dutch only).

3. ALIEN DETENTION

State secretary of Dutch Ministry of Justice and Security: forced eviction from the Netherlands

The figure below reveals large differences between nationalities in the degree of evictability. If their own embassy does not provide travel papers, aliens can often not be evicted.



[State of Migration 2022](#), 6.10.23

4. ACTIVITIES

Comité 21 maart conference: discrimination, refugee policy and day-to-day racism, 26Oct A'dam

The Comité 21 maart organises a panel discussion involving civil society organisations and a political debate regarding the topics of institutional discrimination, refugee policy and day-to-day racism. We wish to send out a signal by turning our dissatisfaction with the current policy into activities and solidarity.

For further information, see www.21maartcomite.nl or contact us through info@21maartcomite.nl or 020-4288825. [You can register through this form.](#)

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