



Stichting Landelijk  
Ongedocumenteerden  
Steunpunt

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### PASSPORT NEEDED FOR EXTENDED RESIDENCE CHINESE VICTIM OF HUMAN TRAFFICKING

On 25 November, the Council of State ruled that a Chinese victim of human trafficking is to be denied the right to extended residence. Even if the Immigration and Naturalisation Service has not taken into account all the relevant aspects, the woman is said not to have taken sufficient trouble to obtain a passport. She visited the embassy, applied to the IOM for assistance, wrote letters to China and put an advert in a Chinese paper. According to the Council of State she might have done more, as she actually does have a hukou registration in China (RvS 201102982/1/V1, 15.11.12)

## 1. BASIC RIGHTS

### Dutch Administrative High Court: alien to inform Social Services upon loss of status

This case affects an alien who lost his residence permits as long as two years ago, but was still awarded social benefit. Social Services reclaim nearly € 15,000 in unrightfully received social benefit payments. The Dutch Administrative High Court rules that the alien himself should have informed Social Services about his residence rights (CRvB, 10/3870 WWB 30.10.12)

### Court: Dutch citizenship is maintained in spite of revoked acknowledgement

This case affects a child who had been acknowledged by a Dutch father. As a result, she lost her Chinese nationality. Now, the father revokes his acknowledgement. Since the child no longer has Chinese nationality, and she cannot be made stateless, Dutch citizenship is maintained (The Hague court, 405889/HA RK 11/654, 5.10.12)

## 2. ADMISSION POLICY

### Court: no penalty for lying about reason to flee

The woman affected by this case had lied about her reasons to flee. The court finds that lying to obtain a residence permits is not similar to lying in order to obtain social benefit, and therefore it may not be sentenced in criminal law as fraud (Amsterdam court, 23/003690/10, 15.8.12)

### Council of State: no permits for parents who depend on the care of their children

This case affects Turkish parents who have lodged with their children in the Netherlands for ten years. The children provide informal care. According to the Council of State, this care can be provided by other people in Turkey, and therefore no residence permits is needed (ABRvS, 201110106/1/V1 11.10.12)

### Council of State: illegal mother with Dutch child whose father is out of reach is granted residence permit, not in same situation when father visits

These concern applications according to the 'Zambrano-jurisprudence': an illegal Ghanaian mother with a 13-year-old Dutch daughter whose father is out of reach, was not granted a residence permit by the Immigration and Naturalisation Service. The Council of State finds in favour of the mother: she must be granted a permit (Council of State, 201110635/1/V1, 15.11.12). In a similar situation where the father is within reach and visits the daughter regularly but has no authority, the mother was denied a permit (Council of State, 201200665/1/V1, 1.11.12)

### 3. CHECK AND DEPORTATION

#### Municipality of Rotterdam will not actively trace migrants without residence permits

At the initiative of the Dutch GreenLeft party, the city council of Rotterdam adopted a motion promising that the municipality will not actively engage in hunting illegal people (GL Rotterdam 14.11.12)

### 4. WHAT CAN BE DONE?

#### Children's rights and health care conference, 24 January 13-17.00 hrs, Leiden

The conference is organized by Defence for Children in collaboration with the Dutch Paediatric Association (NVK) and Artsen Jeugdgezondheidszorg Nederland (Netherlands Youth Healthcare Doctors, AJN). Especially in view of the current budget cuts, care concentration and the revision of the child welfare system, it is recommendable to linger over the consequences of all for the child.

Costs € 50,- Apply by e-mail [info@defenceforchildren.nl](mailto:info@defenceforchildren.nl)

For further information contact Alexandra Barendsen or Jolien Verweij at Defence for Children on 071-516 09 80

#### HRW study: 'The law was against me' - Access of migrant women to protection from domestic violence in Belgium

Fear for deportation results in insufficient protection for many migrant women who are confronted with domestic violence in Belgium, Human Rights Watch writes. The women may lose their residence permits. Moreover, they have trouble getting access to the women's shelters, since they must contribute towards the costs and they do not receive social benefit to do so. Furthermore, illegal residence is liable to punishment and the women are to be reported.

The LOS foundation is the supporting organization for the assistance of migrants without residence permits. By means of this newsletter we inform you of current developments. If you have any questions about this newsletter or about the rights of migrants without residence permits, please contact LOS.