

NEWSLETTER, volume 12 no. 3
31 January 2022

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NEWSPAPER EDITORIAL ON GOVERNMENT POLICY UNDOCUMENTED PEOPLE

What do aid organisations advocating the rights of undocumented people expect from the new secretary of state and government policy? Noël van Veen of ASKV Amsterdam wrote a (Dutch-only) [op-ed](#) about this on Joop.nl

He is concerned about the imminent pronouncement of undesirability of 'nuisance-causing rejected asylum seekers', and about the plans to use the LVV (Dutch alien facility) as a return location exclusively. Many Dutch aid organisations are collaborating with the LVV. They shelter asylum seekers who have exhausted all legal remedies to guide them towards a sustainable perspective. Often, they turn out to be entitled to a residence permit after all. The government plans would put paid to that possibility.

BASIC RIGHTS

Court: passport not to be returned in case of Article 64 procedure

This case concerns a man who has applied for postponement of departure on medical grounds. His application has been rejected, but appeal proceedings are still pending. The man has asked for his passport to be returned to him, which is refused. The court agrees with this refusal. According to the judge, the man has not proven he needs his passport. He has a photo copy and a proof of confiscation: that is sufficient to identify himself. See [here](#) (Dutch only).

ADMISSION POLICY

EU Court of Justice: don't refuse naturalisation because of traffic fines

This Austrian case concerns someone who renounced his other nationality to obtain Austrian nationality. Subsequently, Austria refused naturalisation because of traffic fines. The EU Court of Justice does not consider these a valid reason. Moreover, Austria should have prevented the applicant from becoming stateless. Judgments of the EU Court are leading for the entire EU. See [here](#).

Council of State: also admit brother of Dutch child to NL

This case concerns the brother of a Dutch child. When his mother came to the Netherlands, he stayed behind in the Dominican Republic. By now, the mother has residence rights in NL because of her Dutch son. Only after a few years did she apply for her elder son to be allowed into the country. The Council of State finds that non-admission of this elder son would result in the mother and the Dutch child having to leave the EU. Therefore, the non-Dutch brother is allowed into NL as well. See [here](#) (Dutch only).

Court: weighing interests partner and child upon imminent expulsion father

In three recent cases of fathers who have no residence rights, the judge has found that the child's interests should be weighed in better. In these cases, it is not possible for the family to travel with the father due to the situation in the country of origin.

Rotterdam Court AWB 20/3313, 12.11.21 concerns an Angolan father, mother and three children. The mother and children require specialist care.

[This judgment](#) (Dutch only) concerns a father from Gaza with a Syrian partner and child with refugee status. Here, the situation in Gaza plays an important role.

Zwolle Court NL21.11 273, 24.12.21 concerns a father from Sierra Leone who has a daughter. Here, the risk of female genital mutilation upon return to Sierra Leone plays a role.

EU Court of Justice: concerning loss of EU Long-term residence status and permanent residence of EU citizen and his family members

Someone who has EU residence rights can apply for an EU Long-term residence status after 5 years: this status grants them more certainty as well as the opportunity (under conditions) to live in another EU country.

A comparable status exists for EU citizens who have lived in another EU country for five years: the permanent residence status. A permanent residence status grants the EU citizen the same rights to social security as any other resident of that country.

In this judgment, the EU Court of Justice explains that such a status is not easily lost after leaving the country of residence. Even a brief visit with the one-year term (for EU Long-term residence) or the two-year term (for an EU citizen's permanent residence) suffices to secure the residence right. See [here](#).

CHECK AND DETENTION

Court: home visits to check illegal residence allowed to at least 6 months after signal

The police are allowed to enter any home if there is a reasonable suspicion that people are staying there without a residence permit. In this case, that signal had been triggered a month before during a house search. The lawyer involved in this case claimed the police should not use such a signal after one month. The court points at old jurisprudence that makes clear it can still be used for entry after 6 months. See [here](#) (Dutch only).

Council of State: detention also allowed upon refusal PCR test

Aliens can often prevent expulsion by refusing a PCR test. In that case, the country of arrival will not receive them. In this case, the question was whether that leaves any 'scope for expulsion'. Without scope for expulsion people cannot be remanded in alien detention. The Council of State finds that detention is allowed: the alien must collaborate on his expulsion. See [here](#) (Dutch only).

ACTIVITIES

Sign this Manifest against Racism and Discrimination as an organisation

Municipal elections are due in March 2022. In that respect any effort must be made to ensure that racist political parties and racists are barred from municipal councils. We can make a contribution by taking a stand against these forces. We aim for a diverse representation of society in various representative bodies, with or without a disability, without any gaps between men and women and between white people, people of colour and black people.

As an organisation, you can also sign: <https://21maartcomite.nl/manifest-samen-tegen-racisme-en-discriminatie/> (Dutch only).