

NEWSLETTER, VOLUME 6 NO. 10

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COURT: PERMANENT RESIDENCE EU CITIZEN WITHOUT INCOME REQUIREMENT UNTIL APRIL 2015

This woman from an EU country applied for long-term residence following five years' residence in the Netherlands. Her application was turned down, as she could not show that she earned an income throughout those five years, and therefore she didn't reside in the Netherlands legally, according to the Immigration and Naturalisation Service (IND). The IND admits it changed their policy in April 2015, and now checks whether EU citizens have been in the Netherlands legally for five years before issuing a permanent right of residence.

The judge agrees that according to European legislation, a permanent right of residence must be issued following five years' legal residence. However, European legislation also allows for a more generous application. Since the relevant five-year-period ended before April 2015, in this case the old requirement should apply, the court finds. Therefore, the judge decided that the applicant should be granted a permanent right of residence.

Read [here](#) (Dutch only).

1. BASIC RIGHTS

Court: Denial paternity by matrimonial partner and acknowledgement by biological father

In this case, it is established that the mother's husband is not the father of the child, and the biological father acknowledges the child through a DNA test. In this way, the child will be given Spanish nationality after all and his name and birth certificate must be adjusted. Read [here](#) (Dutch only).

Council of State (CoS): revoking permit due to changing main residence

In this case, the residence permit is revoked, since the person concerned had been deregistered from the municipality and no evidence could be handed over regarding actual residence in the Netherlands. Read [here](#) (Dutch only).

2. ADMISSION POLICY

CoS: single woman can be sent back to Mogadishu

According to the Immigration and Naturalisation Service (IND), this single woman can be sent back to Mogadishu, as she has not been in Europe for long and as she still has a network that can help her. Read [here](#) (Dutch only).

CoS: no provisional permit for residence with partner who is unable to work

In this case, a man applies for family formation with his Dutch partner. The partner is unable to work and cannot meet the income requirement. According to the Council of State there are no international commitments obliging the Netherlands to admit the man in this case. Read [here](#) (Dutch only).

CoS: entering a home to check for marriage of convenience not allowed without consent

The police have been at the door twice to check if a marriage of convenience applied. The first time, the door was opened by a family member and the police were admitted. The second time, the police entered by force. That was not allowed. Evidence found on that occasion is inadmissible.

Nevertheless, sufficient evidence for a marriage of convenience was found and the residence permit is revoked. Read [here](#) (Dutch only).

3. CHECK

Court: extradition to Morocco *is* possible

The Repatriation and Departure Service has made clear that once again, presentations are possible at the Moroccan consulates and that a Laissez-Passer has been issued for someone who returned. That's why the court holds that there is still scope for extradition, and that the Moroccan in question can still be detained in alien detention. Read [here](#) (Dutch only).

4. ACTIVITIES

ITUC Action Guide - Decent work, decent life for domestic workers

Worldwide, domestic work is undervalued and in many countries falls outside the scope of labour legislation. Too often, domestic workers have no guarantee of a minimum wage or social protection and their rights to form and join a trade union and to bargain in a collective way are violated. As a result many of them are overworked, underpaid, and cases of maltreatment and abuse, especially of live-in and migrant domestic workers, are countless.

This ITUC Action Guide aims to provide you with useful information on how trade unions can work for and with domestic workers. Download: http://www.ituc-csi.org/IMG/pdf/ITUC_dwd_AnglaisWEB.pdf

Scope on Vulnerability, an exploratory study of the vulnerability of children for human trafficking

The National Rapporteur is worried about the position of Roma children, Syrian child brides and children who are staying in the Netherland illegally and need to do housekeeping duties.

<https://zoek.officielebekendmakingen.nl/blg-734025.pdf>, 26.4.16

Sign for a real children's pardon: Ik blijf hier! (I'm staying!)

Hundreds of children have been in the Netherlands over five years without a residence permit. They are rooted here. Deporting these children is a serious violation of children's rights. [Here you can read the full text \(Dutch only\) of the petition and sign.](#)