

## NEWS LETTER, volume 6 nr 13

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### THE DUTCH LOWER HOUSE VOTES FOR ADJUSTMENT OF NATURALISATION TERM

The Dutch Lower House will vote for the adjustment of the duration of stay for naturalisation before the summer recess. Currently this amounts to 5 years and it will be 7 years. There will be an investigation into the criminal records, for children as well.

Of course after this vote the law will have to be approved by the Dutch Upper House before it can be put into force.

## 1. BASIC RIGHTS

### Court of Appeal: do not withdraw Assistance Benefit in case of partner without right of residence

In this case the Court has found that the entitlement to Assistance Benefit cannot be discontinued if someone lives together with a partner who has no right of residence. In accordance with the Participation Law only an amount for a single person should be given in this case. Discontinuation of the Assistance Benefit is only allowed in the case of violation of the duty to provide information, which would make it impossible to determine the living arrangements. You will find more information [here](#).

### Court of Appeal: no Assistance Benefit for Italian citizen in search of employment who returned from Italy together with Dutch partner

In this case the Court has ruled that an EU citizen who comes to the Netherlands as a job-seeker is not entitled to Assistance Benefit. In fact she is the partner of a Dutch person. The Dutch person is entitled to Assistance Benefit. If she had not registered as a job-seeker but as a partner, the Dutch person had been granted Assistance Benefit for the family. You will find more information [here](#).

### Court of Appeal: as yet recognition paternity after birth in bigamous marriage

This case concerns a son who was born when the Dutch father was married with two women. The second marriage was not legally valid in the Netherlands. Meanwhile the first marriage has been dissolved. The Family Court has ruled to recognize the paternity. You will find more information [here](#).

### Court of Appeal: as yet recognition paternity of children born out of wedlock

This case concerns children who were born out of another relationship than a marriage. At the time the father was married to a woman in Turkey. The Court has ruled that this concerned a serious relationship. Therefore the children were recognized and granted the Dutch nationality with retroactive effect. You will find more information [here](#).

### New policy verification foreign documents

When registering foreign documents in the Netherlands the municipal authorities have to check these documents. The documents have to be investigated in the country of origin if the Dutch authorities are of the opinion that the contents are incorrect. Since 1 January 2016 the municipal authorities themselves have to contract an investigator in the country of origin. You will find more information [here](#).

## 2. ADMISSION POLICY

### Court of Appeal: two cases concerning withdrawn permit of aliens with criminal records who had residence of long duration

One case concerns a Roma who has had an ill partner and eight adult children and has been in the Netherlands since 1978. He had been convicted to imprisonment for 71 months in total for criminal offences he committed between 1988 and 2012. The Court are of the opinion that the criminal record carries more weight than the ties with the Netherlands. You will find more information [here](#).

The other case concerned a Moroccan man who has been in the Netherlands since 1976 and had been convicted to imprisonment of almost 20 years in total, including a second ISD measure [Dutch measure for repeat offenders] in 2014. He has two children but has had no contact with them for a long time. You will find more information [here](#).

### Council of State: in case of withdrawal asylum permit the criterion actual threat public order applies

Unlike in the case of regular permits in case of the withdrawal of asylum permits because of a criminal record another criterion applies. There should be an actual threat of the public order and all the relevant aspects need to be considered. That has not happened in this case. You will find more information [here](#).

### Court of Appeal: in case of residence in different part of Nigeria NAPTIP does not protect from risk of genital mutilation

This Nigerian woman is afraid that her daughter will undergo genital mutilation. She cannot return to her former area of origin in Nigeria because of problems with her relatives. She can, however, be taken care of by the NAPTIP organization but in the new environment they cannot help in order to prevent her daughter from undergoing genital mutilation. Therefore she cannot be deported to Nigeria, according to the Court. You will find more information [here](#).

### European Court of Human Rights: no risk of genital mutilation Sudan

In this case the European Court has ruled that there is no risk of forced genital mutilation in Sudan if the parents are opposed to this. You will find more information [here](#).

### IND: withdrawal right of residence EU citizens in case of insufficient income

The IND [Dutch Immigration and Naturalization Service] has become harsher in her rulings as to whether EU citizens are entitled to a right of residence. The right of residence is for example checked when someone applies for Assistance Benefit. The municipal authorities have to report this to the IND. Another moment can be when the migrant applies for permanent residence after 5 years.

## 3. CHECK AND DEPARTURE

### Newly-built Closed Family Provision put into use

On 6 June 2016 the newly-built closed family shelter provision [Gesloten Gezinsvoorziening; GGv] in Zeist has been put into use. It provides housing to 12 families with under-age children and 10 unaccompanied minor asylum seekers. Each of the family homes has room for 6 persons. Each of the unaccompanied minor asylum seekers has a room of their own in a special department. The objective was to significantly diminish the perception of being detained, particularly for small children. [DT&V](#), [Dutch Removal and Deportation Service] 6.6.16

## 4. ACTIVITIES

### Discussion: Rwandese people in the Netherlands: guilty until the contrary has been proven? 29 June 20-22 hours, The Hague

People who were accused of participation in the Rwandese genocide in 1994 are being prosecuted by the Netherlands and Rwanda, in co-operation. But what should occur if the accusations have a political or economic motive? And what should be done if there is no perspective of a fair trial in Rwanda? You will find more information [here](#).

### In Limbo Embassy: petition for the rights of undocumented migrants

In Limbo Embassy has been a platform that gave a voice to undocumented migrants. Now we give a voice to our visitors and supporters that we will feed back to politicians. Sign the letter to the Secretary of State and share it with your friends. You will find more information [here](#).

### My fair home: Sign for the rights of domestic workers all over the world

I pledge to uphold these rights in my home and community.

I will ensure fair wages are paid to domestic workers in my home (at least the minimum wage) and that domestic workers in my home have reasonable work hours and time to rest. (...)

<http://idwfed.org/en/myfairhome>