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WODC: REPORT ON COOPERATION WITH DIASPORA ORGANISATIONS

Diaspora organisations can be important for supporting migrants living in the Netherlands. For the Dutch ministry of Justice Research and Documentation Centre (WODC), Marion van San studied the cooperation between the Dutch government and diaspora organisations. She concluded that the national government lacks respect for diaspora organisations and makes insufficient use of the knowledge and opportunities they offer.

M. van San: Shared Concerns, Inadequate Cooperation, Diaspora organisations, the Dutch authorities and migration practices

https://www.wodc.nl/images/2614-summary_tcm44-647983.pdf, 13.9.16

1. BASIC RIGHTS

Ministry of Foreign Affairs: optional ban domestic staff on violation labour law

Some diplomats fail to treat domestic staff decently. As diplomats have immunity, it is hard to accuse them of exploitation. They can be forbidden to employ domestic staff. In view of diplomatic relations, however, those means will only be used in case of prolonged and severe violation of labour law. According to the minister of Foreign Affairs, this possibility has been used only once. See [here](#) (Dutch).

Council of State: on revoking permit retroactively, the extra allowances received formerly also run out

This case concerns the housing benefit and child-based budget of a couple of which one partner had a contingent residence permit. This permit was revoked retroactively.

The Council of State feels that in such a case, the extra allowances received in the course of the past years have likewise been wrongfully paid. After all, if one of the partners has no residence permit, there is no right to extra allowances. They will thus have to be reimbursed. See [here](#) (Dutch).

Court: obligatory cooperation to religious divorce

This case concerns a civil divorce of an Iranian couple. The woman wants to have a religious divorce as well, because she cannot remarry otherwise. The man refused this religious divorce, because he wants his dowry back first.

The Dutch judge considers himself qualified to compel the man to cooperate to a religious divorce, since refusing to do so can be seen as a 'wrongful act' with respect to the woman. The financial interest of the man is not a fundamental right and thus weighs less heavily. See [here](#) (Dutch).

2. ADMISSION POLICY

Council of State: calculation income requirement self-employed persons

For family formation with a foreign partner, the Dutch partner must earn enough money. In case of self-employed people the annual turnover of the past three years is the basis.

Now, the Council of State has decided that in each case an individual assessment must be made. No standard amount may be departed from and the expenses must be taken into account as well.

(ABRvS, 201504802/1/V3, 21.9.16)

Court: 3-month stay in other EU country suffices for EU route

According to jurisprudence, someone is an EU citizen following a 3-month stay in a different EU country. Upon their return to the Netherlands, the EU guidelines for family reunion must be implemented. As a result, the language test and the criterion to enter with a visa from the country of origin no longer apply. The Dutch Aliens Act implementation guidelines state that a 6-month stay is necessary. But according to the court, this is incorrect. See [here](#) (Dutch).

Court of Justice on right of residence for parents of EU children with criminal records

The Court of Justice of the European Union has issued guidelines regarding the possibility to revoke a residence permit of the custodial parent of a minor Union citizen.

The one case concerns a child with the nationality of a different EU country than where the child lives. The other case concerns a child with the nationality of the country of residence. In both cases the custodial parent does not have EU nationality. Both parents are in danger of losing their residence permits because of a criminal record. The Court finds that permits can only be revoked in case of a serious and present threat to public order. See [here](#) and [here](#).

3. CHECK

Council of State: 10-year entry ban for Moroccan who entered as a child and lived in NL for 20 years

This case concerns a Moroccan man with a criminal record. Due to the criminal record, a 10-year entry ban was imposed, rendering residence in the Netherlands punishable. He is asking for a reconsideration of the entry ban because he has strong ties to the Netherlands.

The Council of State finds that those ties are not so important, because he is grown up and thus is no longer dependent on his parents. Moreover, he has not had a continuous residence permit. Due to this 'residence gap' his permit can be revoked. See [here](#) (Dutch).

4. ACTIVITIES

Conference: Movements, Borders, Rights? Feminist perspectives, 24-25 Oct, Brussels

The world seems to be in turmoil, and Europe is deeply affected as economic and political power is reconfiguring on a global scale. Years of austerity and market liberalisation politics have increased the social and economic precarity and feelings of insecurity.

Women In Development Europe+ (WIDE+) and the European Women's Lobby (EWL) are organizing this two-day international conference to develop a consistent feminist analysis on these global developments faced by Europe. The conference will also start a process of building momentum toward constructive criticism and joint political action beyond the conference. More info [here](#)

Welkom Hier (Welcome here) Manifestation 12 Nov Council of Churches /Amersfoort

This manifestation will pivot on the ecclesiastical solidarity for and with refugees in the Netherlands. At the initiative market, you can find out more about the various activities by churches focussed on refugees and people without residence permits. Allow the speakers and performers giving their scope on refugee issues to inspire you and interact during the theme sessions about, among others, the local role of churches and European developments in the area of asylum policy.

Further information about the programme will be forthcoming on www.welkomhier.nl.

Recommendations to regulate conditions of live-in care workers

Live-in carers are both European citizens coming predominantly from Central Eastern Europe and citizens of third countries, often without regular migration status. Migrants and undocumented migrants face risks of exploitation because their residence status is dependent on their employer or irregular.

The opinion of the European Economic and Social Committee (ESSC) calls on the EU to recognise the existence of live-in care workers in the European labour market, to include live-in carers into a long term care provision planning and conduct European research on their working and living conditions.

The opinion of the European Economic and Social Committee (ESSC) is available [here](#). (21.9.16)

More information on the right of live-in carers is available [here](#).