



## NEWS LETTER, Volume 6 nr 25

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## CENTRAL COURT OF APPEAL: RULINGS CONCERNING ENTITLEMENT TO ASSISTANCE BENEFIT FOR EU CITIZENS

EU citizens in search of employment have legal residence in The Netherlands. If they lack employment history there is no entitlement to assistance benefit according to the Convention on Free Movement of EU citizens. Only after six months of employment there is a limited entitlement to assistance benefit and after a year of employment social assistance benefit can no longer be a reason to withdraw the permit. However, according to the European Convention on Social and Medical Assistance The Netherlands must provide legally residing EU citizens with treatment equal to their own citizens. The Netherlands can make exceptions but inform the EU of these exceptions and this had occurred far too late. Therefore the assistance benefit can only be refused after the notification date.

You will find more information on the entitlement to social assistance of a French man in search of employment [here](#) and [here](#) for a Spanish woman during her first three months of residence. Based on the Convention on Free Movement of EU citizens social assistance cannot be refused without reason. First the IND has to be consulted. You will find more information about social assistance for a Belgian person in The Netherlands [here](#).

## 1. BASIC RIGHTS

### Secretary of State: discussion on Bed, Bath, and Bread

During the past week the Secretary of State had to explain in the Dutch Lower House what has happened to the negotiations about the Bed, Bath, Bread provisions supplied by the municipalities. According to the Secretary of State municipalities want to retain too much room for rules concerning shelter and support. You will find more information [here](#).

After the Christmas recess these consultations will be resumed. You will find more information [here](#).

## 2. ADMISSION POLICY

### European Court of Human Rights: revoking permit criminal Palestinian with 8 children and long residence in Denmark justified

This case concerns a stateless Palestinian from Lebanon. In 1994 he was granted a permit because of his marriage to a Danish woman of Lebanese descent with whom he had 8 children. The man is illiterate, unskilled and was never employed. In the meantime he took early retirement. The applicant was arrested several times for smuggling and dealing drugs and in 2009 he was convicted to five years in prison. In October 2011 the Danish Supreme Court issued a lifelong entry ban against him.

The Court are of the opinion that the nature and the severity of the crime and other criteria can be of more importance than the interest of the child. It is always possible to keep in touch through telephone or the Internet. You will find more information [here](#).

### Council of State: Dutch passport can be revoked after 10 years of residence outside of The Netherlands

This case concerns a Dominican woman who was granted the Dutch nationality in 1987. Since 2004 she no longer resided in The Netherlands. The Council of State have ruled that after 10 years of residence outside of The Netherlands without any contact with the Dutch authorities the Dutch nationality will automatically be revoked. You will find more information [here](#).

### Court of Appeal: on application residence with new partner both incomes may be added

The permit of this man was revoked because he had split up with his partner. Currently he has applied for residence with a new partner. This new partner has insufficient income but the man also has an income from work. According to the Court of Appeal this income can be added to the new partner's income. You will find more information [here](#).

### Minister of Social Affairs and Employment: restitution of legal fees private study package basic civic integration exam

On 9 July 2015 the Court of Justice of the European Union ruled that the cost of the private study package (€ 110.-) and the cost of the exam (€ 350.-) were so high that they formed a hindrance to family reunification. Because of this ruling the costs of the total exam have been decreased.

Some candidates who have paid the former rates can obtain a restitution. Candidates who paid the former exam rate on or after 9 July 2015 will get the amount paid in excess back automatically from DUO. **They need to take no action.** Candidates who paid for the exam rate (one or several times) before 9 July and in time protested against the cost of the exam or who are still involved in legal remedies against this **have to take action themselves.** You will find more information [here](#).

Change of Policy concerning Aliens 2016/16: changes in the possibility for exemption of the requirement of civic integration

On 9 July 2015 the Court of Justice of the European Union pronounced a ruling about the exemption of the requirement of civic integration. Therefore the legislation has been adjusted. The so-called hardship clause ('special individual circumstances') in which medical circumstances are taken into account as well has taken its place. You will find the new criteria [here](#).

Council of State: exemption of income requirement for Turkish woman with child younger than 5 who comes under the Association Treaty

The Turkish-Dutch Association treaty from 1980 prohibits The Netherlands from making the admission requirements harsher. Because in the past mothers with children younger than 5 were exempted from the income requirement this rule still applies to Turkish mothers who come under the Association Treaty. (ABRvS, 201604828/1/V1, 8.11.16)

Council of State: status for Angolan boy after 15 years of (largely illegal) residence

This boy came to The Netherlands when he was 13 years of age and was granted a status as an unaccompanied minor. This status was withdrawn because shelter was available in Angola. The boy did not leave and during 15 years he stayed in The Netherlands without a permit. He has been granted a status as yet because he has built up a private life and has strong ties with The Netherlands. You will find more information [here](#).

### 3. CHECK

Secretary of State Security and Justice: numbers of checks status holders

In 2012 over 3,000 checks aimed at persons were performed in order to investigate whether status holders still met the admission requirements. The number of checks has decreased during the last few years. Until September of 2016 only 680 such checks were performed. You will find more information [here](#) (question 331).

Secretary of State Security and Justice: countries that do not co-operate towards return

According to the Secretary of State the following countries still do not co-operate to a sufficient extent with respect to forced return: Algeria, China, Ethiopia, Guinea, Iran, Iraq, Morocco and Somalia, although the co-operation with Guinea has improved, as has the co-operation with India and Congo. You will find more information [here](#) (questions 337 and 363).

### 4. ACTIVITIES

Oxfam Novib: policy refugees in political party programmes

<http://www.humanitychecker.nl>

Christmas party 18 December 17-22 hour Wereldhuis Amsterdam

With this annual party we want to thank everyone who helped realise the Wereldhuis and its projects! Do come and enjoy all the talents that the Wereldhuis houses. Registration through [info@wereldhuis.org](mailto:info@wereldhuis.org)

Since 2003, the LOS Foundation (the Dutch acronym for 'Landelijk Ongedocumenteerden Steunpunt') has been the knowledge centre for people and organizations providing assistance to undocumented migrants. LOS Foundation devotes itself to the basic rights of these migrants and their children.