



NEWS LETTER, volume 7 nr 5

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SECRETARY OF STATE SECURITY AND JUSTICE: NEW INCOME POLICY FOR FAMILY REUNION

People who want to invite a partner from abroad need to meet the income requirement. For people in employment this used to mean that they had to have a contract for another year at the least. Self-employed people had to submit proof of their income over the last three years. However, by the end of last year the Council of State were of the opinion that this was too long a term ([201504802/1/V3](#), 21.9.16).

For this reason the Secretary of State has adjusted this policy. As of now the income during the last year and the income to be expected for the next six months is taken as a starting point for flex workers and for people in short-term contracts. The income from unemployment benefit or from sickness benefit is no longer taken into account.

At the same time the Secretary of State has reiterated that individual considerations should always be taken into account when Dutch expats return with their foreign partners. He has acknowledged that it is difficult for expats to meet the income requirements on their return. Specific information will be provided concerning this topic.

You can read the letter from the Secretary of State [here](#).

1. BASIC RIGHTS

Minister for Security and Justice: fund for medically required health-care for the homeless

Many people without fixed abode find it difficult to obtain health-care insurance and to pay the required contributions. Doctors and hospitals find themselves confronted with patients in need of care but who are unable to pay.

Migrants without residence permits have the possibility to file a claim with Het CAK. For other people without health-care insurance there was no such option. Such an option has now been introduced. EU citizens and migrants with permits in other EU countries have expressly been excluded from this new regulations. Therefore there is still no solution for the payment of health-care costs for this group. You will find more information [here](#).

Supreme Court of the Netherlands: using a forged EU driving licence as proof of identity is a punishable offence

This case concerned the use of a forged Slovenian driving licence for the purpose of identification. The lower court had not imposed a sanction because a driving licence is not a valid travel document. However, the Supreme Court is of the opinion that: 'valid identity documents include driving licences that have been issued by another member state of the EU, the holder of which document resides in The Netherlands, whose validity has not expired, and that has been provided with a passport photograph of the holder'.

For this reason the use of a forged driving licence as a proof of identity is a criminal offence. You will find more information [here](#).

2. ADMISSION POLICY

Court of Appeal: income requirement always has to be applied on an individual basis in cases of the admission of a partner

This case concerned a mentally retarded man who will never be able to meet the income requirement. He wanted to invite his partner with him. The partner has applied for an 'mvv' [authorisation for temporary stay; entry visa], but this application has been denied.

The Court has ruled that individual considerations are always required, in spite of the fact that these situations have formally been included in the policy. The IND (Dutch Immigration and Naturalisation Service) was not allowed to deny the application for an authorisation for temporary stay. You will find more information [here](#).

Court of Appeal: start date term for independent permit for partners of EU citizens is the beginning of the relationship

EU permits are 'declaratory', which means that, even without a confirmation of the Dutch Immigration and Naturalisation Service, the migrant has a permit if he or she meets the required conditions. An EU citizen (someone with the nationality of another EU country) has a permit if he has an independent income. This means that his partner has a residence permit as well. After three years dependent right of residence the partner will be granted independent right of residence.

The IND wanted to have the three-year term for the independent permit for the partners of EU citizens only to take effect on the date at which the permit was issued. But this interpretation is incorrect, according to the Court. You will find more information [here](#).

Court of Appeal: residence permit for sick migrants who have no access to health care in their country of origin

In December 2016 in the Paposhvili decree the European Court ruled that sick migrants in need of health care in their country of origin can be granted a medical permit if the care they require is not accessible. This not only includes theoretical accessibility but also the actual accessibility of health care. The Court is of the opinion that this may be relevant to applications based on section 64 (delay of departure for medical reasons). But in this case the investigation into the actual accessibility had been started too late (Court of Appeal Amsterdam, 16/22970, 3.2.17).

3. CHECK

Council of State: prospect of extradition to Morocco

The Council of State are of the opinion that the detention of Aliens of Moroccans is allowed, even though the embassy hardly issues any replacing travel documents (laissez-passers). The Moroccans who have no right of residence are obliged to co-operate in their return and if they do so, they can be extradited. You will find more information [here](#).

4. ACTIVITIES

Sign the pledge for undocumented women, victims of trafficking

On the occasion of the European Day for Victims' of Crime, PICUM sent out a [statement](#) calling for support undocumented women's right to access protection, services and justice. As a result, they received more than 100 new signatures for the [pledge](#)! If you haven't done so, please do sign the pledge.

Roundtable The ongoing tragedy of trade in refugees from Eritrea, 10th March 10-16u, Leiden

Eritrean refugees crisscross between countries in the Horn of Africa and North Africa in search of a safe place. Along their journeys, they are looted, threatened, intimidated, violated, and held for ransom. This book revisits the human trafficking crisis that first emerged in the Sinai at the end of 2008 and examines the expansion of human trafficking of Eritrean refugees and other forms of exploitation beyond the Sinai. Entry: free, but registration is compulsory via [our website](#).

Seminar "Racial Exclusion in and at the Borders of Europe", 23rd March, 12.30 - 7.00 pm A'dam

What happens when the European regulation of migration and refugees is analysed in terms of race and racism? What happens when we use the same facts to develop analyses of how powerful states, in the process of reinforcing a global order characterized by enormous inequality, justify the outcomes of this process by blaming the victim, and naturalize this through both classical and new forms of stigmatization, cultural racism, and simply: racism? Does the use of race as an analytical category limit us to justified, high-minded but eventually futile anger? Or can it help us to make things visible that go unnoticed in dominant analyses?

[Please register until March 16, 2017](#)