



## NEWS LETTER, volume 7 nr 8

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## SECRETARY OF STATE FOR SECURITY AND JUSTICE: CONSEQUENCES PAPOSHVILLI ARREST CONCERNING APPLICATIONS ON MEDICAL GROUNDS

On the 13th of December 2016 in the Paposhvilli arrest (nr [41738/10](#)) the European Court for Human Rights ruled that migrants with health problems cannot be evicted to their country of origin if this country provides no adequate access to health care.

In accordance with Dutch policies it only needs to be taken into consideration whether health care is accessible in theory. According to the Dutch policy factors such as distance and expenses are of no consequence. The European Court has ruled that the actual situation should be taken into account. Therefore the Dutch policy has to be adjusted in such a way that the actual accessibility of health care will be taken into account as well.

Currently the Secretary of State has decided that the Dutch policy needs to be adjusted. From now on migrants who apply for a permit on medical grounds that require further investigation into the actual availability of this care will be granted a temporary residence permit and they are entitled to shelter and accommodation. You will find more information [here](#).

## 1. BASIC RIGHTS

### Central Court of Appeal: right to assistance benefit on return after EU route (Belgium route)

If a Dutch citizen who has an independent income in another EU country migrates together with her/his partner to that country they will both have right of residence there. After three months the couple can return to The Netherlands. If they have legal residence in The Netherlands they will be entitled to assistance benefit as well.

Therefore Dutch Social Services [Sociale Dienst] have to investigate the right of residence and if necessary they need to consult with the IND. You will find more information [here](#).

### Council of State: entitlement to supplementary benefit is retained providing the proceedings against the revocation of the permit with retroactive effect had been started in time

In quite a few cases residence permits are revoked with retroactive effect. In these situations proceedings against these rulings cannot be started until later. This gives rise to a period of illegal residence during which there is no formal entitlement to supplementary benefits. The Council of State has ruled that the entitlement to supplementary benefits should nevertheless be continued during this period. You will find more information [here](#).

### Court of Appeal: no Dutch nationality because the paternity after Somali marriage has not been recognised

This child has a Dutch father who concluded a Somali marriage with its mother. The judge had to rule whether the paternity is legally valid. Because the Somali marriage is not considered legally valid, paternity has not been established and therefore the child will not be granted the Dutch nationality. You will find more information [here](#).

## 2. ADMISSION POLICY

### European Court of Human Rights: revocation of British nationality after joining Al Shabaab was justified

According to the European Court Great Britain is allowed to revoke the British nationality of a citizen who went to fight for Al Shabaab. He will not become stateless because he has the Sudanese nationality as well. Neither is his private life violated because his family can visit him in Sudan. You will find more information [here](#).

### Ministry of Social Affairs and Employment: employment permit remains valid providing the application of an employment permit had been submitted in time

Migrants with a work permit run the risk of working without an employment permit if the IND had not decided in time about the extension of their residence permit. Until recently it was not possible to grant employment permits with retroactive effect. It is, on the other hand, possible to grant residence permits with retroactive effect.

Therefore it has now been decided that employment permits with retroactive effect can be granted if the residence permit with retroactive effect has been extended. The employment permit is only valid for the same activities with the same employer. You will find more information [here](#).

### 3. CHECK

Council of State: taking psychological problems into account when rulings about the detention of aliens are made

The Council of State are of the opinion that the decision to place the man in this case in detention of aliens had not been considered sufficiently. The man in question complained of psychological problems and of nightmares. This should have been taken into account when the decision to place him in detention was made. The detention shall cease. You will find more information [here](#).

### 4. ACTIVITIES

Casa Mena foundation: dealing professionally with immigrants, asylum seekers, refugees or detained migrants & tips for the integration in The Netherlands

This is a practical booklet, based on the experience of professionals who dealt with immigrants. In the second part of this book the roles are reversed and newcomers will find practical advice in order to be able to integrate in our culture.

<http://www.ako.nl/product/9789402161151/hoe-professioneel-om-te-gaan-met-immigranten-asielzoekers-vluchtelingen-of-gedetineerde-vreemdelingenstichting-casa-mena/>

M.A. Verhoeven: Government policies and Sex work realities. Human trafficking in the regulated sex industry (doctoral thesis, April 17)

Several government agencies deal with the prevention and prosecution of human trafficking in the sex industry, and with the protection of victims. However, people who are identified as victims often decline the assistance that is offered to them. How can this be explained? This dissertation shows that the perspective of sex workers on exploitation and on government policy is relevant for a better understanding of effective anti-trafficking policy.

[https://www.wodc.nl/binaries/verhoeven\\_dissertation\\_fulltext\\_tcm28-255127.pdf](https://www.wodc.nl/binaries/verhoeven_dissertation_fulltext_tcm28-255127.pdf)

WAY TO STAY about problems with the Dublin agreement

STIL Utrecht has launched the campaign WAY TO STAY. This campaign intends to raise awareness concerning the problems caused by the so-called Dublin provisions. We hope that private persons are prepared to provide housing for migrants who have a Dublin problem.

The website can be visited at [www.waytostay.nu](http://www.waytostay.nu).