



## NEWS LETTER, volume 7 nr 15

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## SECRETARY OF STATE FOR SECURITY AND JUSTICE ABOUT RULING CHAVEZ-VILCHEZ

In the ruling of May 2017 the Court of Justice of the European Union decided on the case [Chavez-Vilchez](#); this case concerns the right of residence of a parent without a residence permit who has the responsibility for the care of a Dutch child. This ruling is of particular interest if a Dutch parent (usually the father) has a child with a partner who has no right of residence (usually the mother) and if in actual practice the Dutch parent hardly takes up any care duties. According to the Court the most important question is whether the Dutch child will have to leave The Netherlands in case the non-Dutch parent should not be granted a residence permit.

Until now Dutch authorities stated that in such situations the Dutch parent is capable of caring for the child, so that the child does not have to leave The Netherlands. In many cases the Dutch parent was not willing or able to provide such care which would mean that the child would have to leave The Netherlands in actual practice.

In this letter the Secretary of State acknowledged that he has to draw up a new policy for the admission of parents who have no residence permits of children with the Dutch nationality. If the child would also have to leave The Netherlands should the parent be expelled, this parent should be issued a residence permit. You will find more information [here](#).

## 1. BASIC RIGHTS

Court of Appeal: mother with no right of residence and with Dutch child will not have to go to a family location and will be granted assistance benefit

The Court for Social security has decided that this mother with a Dutch child of 4 months will have to be granted right of residence on the basis of the new Chavez-Vilchez ruling. Therefore a stay in a family location is not suited for the family and they will have to be issued assistance benefit for her living expenses (Court of Appeal Alkmaar HAA 17 12871, 11.7.17).

Council of State: rightful withdrawal additional allowances because of loss of partner with right of residence

In this court case the person concerned could have his partner come to The Netherlands because he had a job. When he lost his job the partner lost her residence permit but she did not leave The Netherlands. If a partner without right of residence shares a house, the principal resident is no longer entitled to additional allowances. After seven years the partner was issued a permit as yet, three children had been born from the marriage who were cared for by both parents. The Council of State has approved of the withdrawal of the additional allowances for the years of illegal residence of the dependent partner. You will find more information [here](#).

## 2. ADMISSION POLICY

Secretary of State: new asylum policy Burundi

The Secretary of State has announced that the temporary halt to removals and decisions for Burundi will be terminated. The new policy contains only a few groups who require special focus: journalists, members of the opposition and people who play an important role in society. You will find more information [here](#).

Council of State: it is appropriate to deem Georgia a safe country of origin

In this ruling the Council of State approved of the decision of the Secretary of State concerning the safety in Georgia. This renders it nearly impossible for Georgians to be granted asylum. You will find more information [here](#).

## 3. CHECK AND DETENTION

Council of State: decisions on entry bans always need to be taken on an individual basis

People who have to leave The Netherlands and who are still found in The Netherlands will be issued an entry ban. Migrants who have been issued a short-term entry ban are not allowed to enter Europe for two years. In most cases migrants with a criminal record will be issued a long-term entry ban for five or ten years. However, in each of these cases a ruling should be made on an individual basis. Specifically it

should be judged whether they pose a 'current and serious threat to the public order'. In this case the Council of State has ruled that the use of forged papers is not enough to issue a long-term entry ban. You will find more information [here](#).

#### Court of Appeal: human trafficking in laundry firms

The Court has ruled in the case of two laundry firms who employed migrants who had no residence permits. In either situation the employers exploited the vulnerable position of the employees. The working conditions in the first laundry firm were so bad that these could be deemed human trafficking: hot, no protective clothing, long working hours and extremely low wages.

The other laundry firm was not a case of human trafficking but the employer was still found guilty because he had provided accommodation to migrants without residence permits with a view to the pursuit of profit. You will find more information [here](#).

## 4. ACTIVITIES

#### Conference Transnational families and divorce: revisiting marital break-up, 27-29 Sept, Nijmegen

This conference examines transnational divorce by taking into account the different socio-legal and cultural contexts within which it occurs, notably how state policies influence the process of marital dissolution. [http://www.ru.nl/publish/pages/819911/conferenceannouncement\\_sept2017.pdf](http://www.ru.nl/publish/pages/819911/conferenceannouncement_sept2017.pdf)

#### HVO-Querido / CoMensha: Expert meeting Identification Victims Human Trafficking and Assistance and advice towards a Safe Future, 4 December, trainings 30 and 31 October

It is not always easy to recognise the signals of human trafficking. What can you do as a care giver? And how to discuss the future with clients if the chances of a residence permit seem slim? HVO-Querido and CoMensha organise two trainings and an expert meeting about these themes. Information at CoMensha: [A.vanderHoeven@comensha.nl](mailto:A.vanderHoeven@comensha.nl).

#### Pharos: world map genital mutilation of girls

Pharos have drawn up a new world map with statistics concerning the prevalence of female genital mutilation. You can download or order the [world map](#) and [the brochure](#) at Pharos.