



## NEWSLETTER, volume 7 no. 25

11 December 2017

### CONTENTS

1. BASIC RIGHTS.....	2
2. ADMISSION POLICY .....	2
3. ACTIVITIES.....	3

### OMBUDSMAN FOR CHILDREN: HELP DUTCH CHILDREN OF PARENTS WITHOUT RESIDENCE PERMIT

The Netherlands' Ombudsman for Children has reported that Dutch children with a parent without a residence permit often live in poverty. It has called upon municipalities to help these children.

There are three reasons why Dutch children of undocumented parents live in poverty: the parent is not allowed to work, the welfare payments and allowances of the family are curtailed, and children cannot apply for a welfare payment themselves. According to the Ombudsman for Children, this has significant consequences for their development and the place that they take in Dutch society: 'Every day, these children feel that they do not really belong here.'

Read the report [Dutch children disconnected. When the residency status of your parents determines your living standards](#), and the [Guidelines](#) for municipalities (both in Dutch only).

## 1. BASIC RIGHTS

### Dutch Admin. High Court: correct halving of welfare payments for partner without residence rights

The Dutch Administrative High Court states that the new Law on Participation (Participatiewet) does not give any scope for single people's welfare payments if it concerns a family with a family member who does not have residence rights. In such cases, the family receives half the married norm. See [here](#) (Dutch only)

## 2. ADMISSION POLICY

### Court: Divorced Iraqi woman is not viewed as a single person if she has male relatives

A single Iraqi woman has the right to an asylum permit. This case is about whether a divorced woman with male relatives can be viewed as single. The Secretary of State refers to the Country Report and states the woman will be housed by her relatives or in-laws, so she cannot be viewed as a single person. The judge agrees with this. (Utrecht Court, 17-11628, 6.11.17)

### Court: Wajong does not count as independent income for partner permit

This woman receives Wajong benefits and also works. She is asking for a residence permit for her foreign partner. But according to the IND and the judge, her Wajong benefits do not count as independent income. As Wajong is regularly reassessed, she is also not long-term unsuitable for work. She does not meet the income requirements for a partner permit. See [here](#) (Dutch only)

### Secretary of State for J&S: policy for victims of human trafficking

The police, the Public Prosecution Service (OM) and the IND try to deal with reports of trafficking victims as quickly as possible. As a result, the victim is quickly offered clarity. In such cases, the OM writes an extensive letter dismissing the case, with reasons, giving the alleged victim, their representatives and potential support workers insight into what investigative actions were taken and what the outcomes were (....)

From 1 January 2018, an independent, multidisciplinary "Commission on Trafficking in Human Beings" for victims in which the criminal process ended with a case dismissal or acquittal, will publish a recommendation about the plausibility of trafficking victimhood. This recommendation will be taken on board by the IND when it decides whether to grant continued residence. This pilot is being started upon the recommendation of GRETA and the National Rapporteur (.....)

The Victim Monitor 2012–2016 from the National Rapporteur on Trafficking in Human Beings shows that in 2016, applications for continued residence were granted 54 times (44%). However, no insights can be made into the number of applications granted on the basis of a conviction, criminal proceedings that took longer than three years, or humanitarian grounds.

See [answer to a question in parliament](#) and a [letter from the Secretary of State J&S](#) (Dutch only).

### 3. ACTIVITIES

Citizens' counter-summit and demonstration during the European Migration Summit, 12-13 Dec, Brussels  
An EU migration summit is taking place on 14 and 15 December. On 12 December, a citizens' counter-summit is being organized in Brussels, with debates and workshops. On 13 December there will be a demo against EU asylum policy. More info [here](#) (French only)

Lecture: The acceleration according to Abdou Menebhi, 18 Dec, 8pm, Ostade Amsterdam  
18 December is International Migrants Day. The programme for this evening is built around this theme, including a photo exhibition, music, and lectures from Abdou Menebhi and Petra Snelders. More info [here](#) (Dutch only)

COMPAS, Nicola Delvino: European Cities and Migrants with Irregular Status: Municipal initiatives on the inclusion of irregular migrants in the provision of services (Nov 17)

The City Initiative is a working group of European cities aiming to share learning, over a period of two years, on policies and practices of European municipalities in relation to the social needs of migrants with irregular immigration status in their area. This report aims to provide an overview of the findings of the academic and policy literature on practices and policies that European municipalities have implemented to enable individuals with irregular immigration status to access some municipal services. <http://www.compas.ox.ac.uk/2017/european-cities-and-migrants-with-irregular-status/>

The city of Barcelona has created a local resident status to provide rights and reduce the risk of detention for undocumented migrants.

Calling itself the '[City of Rights](#)', the local municipal government under the leadership of Deputy Mayor Gerardo Pisarello has undertaken strategic litigation against the federal government's use of immigration detention in the city on the basis that there was no permit for it to operate.

Additionally, the municipality responsible for migrants, [Migrant Care and Hosting Department for the City of Barcelona, 'Ajuntament de Barcelona' – Acolida a immigrants](#) has also developed a unique and integrated alternatives to detention model for undocumented migrants.

The model includes:

1. **Active local registration (padrón)** – Registering undocumented migrants in the city- which automatically allows them access to mainstream services and triggers the period from which they can seek regularisation.
2. **Providing a status to reside in the city-** Developing a unique document '*Document de banaca'*- *neighbourhood document*- to give local level status for undocumented migrants. It is now also being regionally acknowledged by the Catalan state authorities, who issues health care card for residents.
3. **Access to essential services**, including education, health, housing support and welfare for at risk cases
4. **Encouraging regularisation-** 14,000 undocumented migrants have been assisted from the legal advice provided by more than 60 lawyers. The municipality has funded EUR 200,000 towards this work.

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.