

NEWSLETTER, volume 8 no. 5

26 February 2018

INHOUD

1. BASISRECHTEN	2
2. TOELATINGSBELEID	2
3. CONTROLE EN DETENTIE	2
4. WAT IS ER TE DOEN?	Fout! Bladwijzer niet gedefinieerd.

SVSZW: NO POLICY FOR SINGLE-PARENT FAMILIES THAT DO NOT RECEIVE ALO ALLOWANCE

A parent with a partner who lives abroad or has no residence permit gets only 60% of the normal amount of social assistance for families, instead of 90%. This is because the income for the partner for benefit purposes is not known, and so the applicant does not have the right to the supplement for single parents (ALO supplement). According to the CBS, this concerns 930 families.

Municipalities can support this group with special social assistance. The Client Council (Clientenraad) recommended that this is resolved on a national level, through a guideline or change in law. However, the minister has decided against this, and has advised municipalities to find individual solutions. See [here](#) (Dutch only).

In an individual case of a refugee with a partner in Eritrea, the judge decided that, on the grounds of the Participation Act (Participatiewet), the municipality is obliged to offer an individual, tailored solution. Therefore the man received a supplement to his social assistance payment. This was stipulated by the judge, as otherwise he would have received less than the subsistence minimum. (Court of Alkmaar, HAA 17/4319, 18.1.18)

1. BASIC RIGHTS

MvVWS: tackle problems with women's shelters in conjunction with municipalities

The Minister of Health, Welfare and Sport wants to tackle the bottlenecks in women's shelters in conjunction with municipalities. One of the bottlenecks is the outflow. Municipalities can make policies about this, in conjunction with housing associations. See [here](#) (Dutch only)

Court: biological father has right to recognition of child with undocumented mother

A registrar refused to recognise the father of a child, as the mother could not prove that she was not married to someone else. The mother is Roma and has no identity documents. The judge found that the recognition of the child by the biological father is important, and so determined that the match could be demonstrated by a DNA test. See [here](#) (Dutch only)

MvR: police policy for dealing with victims

The Minister for Legal Protection is going to increase the capacity of the police by 124 people, so that more attention can be given to the most vulnerable victims who report a crime at a police station. As a result, the police will be able to perform better assessments of individuals and introduce protective measures where they deem necessary. See [here](#) (Dutch only)

2. ADMISSION POLICY

Court: no visa for elderly mother who stayed behind in Syria

In this case, a man asked for permission for his mother, who requires help, to come to the Netherlands. The mother has difficulty walking and is sick, so cannot look after herself properly. There is no other family member that can provide the care. The judge found that the mother did not need to come to the Netherlands as there is sufficient help from neighbours.

(Court Roermond AWB 17 / 14290, 8.2.18)

3. CHECK AND DETENTION

Court: sometimes the presence of family in NL is a reason for discontinuing alien detention

According to this judge, alien detention can sometimes be replaced with a lighter form of supervision if the person concerned has family members in the Netherlands and detention is damaging to family life. However, that did not apply in this case, so the alien remained in detention. See [here](#) (Dutch only)

4. ACTIVITIES

Public meeting 'Migration towards 2030. The Netherlands locked shut?' 5 March Pakhuis de Zwijger
On 5 March, the Advisory Committee on Migration Affairs (ACVZ) publishes the report 'Towards 2030. Migration: an exploration of the future'. What is the context in which global migration will take place in future? What position should the Netherlands take in relation to this? Which normative frameworks do we want to apply here? These are the questions posed by the ACVZ in this exploration of the future. As a response to this publication, this meeting discusses the future of migration. [More info](#) (Dutch only)

Amnesty: Alien detention: two reports on alien detention

Locking up aliens is at odds with human rights. Detention is usually unnecessary, often lasts much too long, and conditions in alien detention are like those in criminal detention.

These were the conclusions made by Amnesty International on the basis of two pieces of research:

- [The right to freedom. Alien detention: the ultimum remedium principle](#)
- [No cells and handcuffs! The principle of minimum limitations in the alien detention regime](#)

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.