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CONTENTS

1. BASIC RIGHTS	2
2. IMMIGRATION POLICY.....	2
3. CHECKS AND DETENTION	3
4. WHAT CAN BE DONE?.....	3

JOIN US AND SIGN AGAINST THE DEPORTATIONS TO AFGHANISTAN

The Dutch government is deporting Afghan citizens, including vulnerable people such as families with children, to their home country. In Afghanistan, everyone is at great risk of falling victim to human rights violations such as bomb attacks, torture and abduction.

Repatriating asylum seekers who have exhausted their legal remedies infringes international law. Ten organizations have started a [petition](#) that calls on the government to stop the deportations to Afghanistan as long as it remains so unsafe. Almost 45,000 signatures have been collected to date.

The petition runs until the end of May and is accompanied by a campaign video and local actions during the week of 25 - 27 May. On 30 May, the organizations will present the signatures over to the Members of the Lower House in the square in front of the Lower House.

1. BASIC RIGHTS

CoS: no name change Iraqi family, no proof that original documents belong to the family members

This Iraqi family wants a name-change for all family members. There are original Iraqi birth certificates and proof of ID of all family members, and these have been notarized. At the time, the names were registered based on a declaration on oath.

The Council of State agrees with the municipality's decision not to change the names, as there is no proof that the original documents belong to the family members. See [here](#)

2. IMMIGRATION POLICY

Court: journey in connection with family reunification also possible for non-biological children born during the marriage

This regards an Ethiopian family, of which the father has an asylum status in The Netherlands. In that case, his wife and children may be brought to The Netherlands. The man is married traditionally and has shown proof to that effect. The Netherlands accept the traditional marriage.

A child born within the marriage counts as a child of the partner in marriage, even if he is not the biological father. That is why the child may be brought to The Netherlands with its mother and the other (biological) children, the Court decided. (Rb A'dam AWB 18/1925 and AWB 18/2863, 20.4.18)

Court: no residence with child, dismissal from parental authority and no demonstrable access

This case centres on the question whether the mother, who has been dismissed from parental authority, has sufficient access to her daughters, who are being cared for by her sister and our NIDOS' guardianship. The daughters have status, the mother did, but lost it.

The court finds that the mother does not visit the daughters regularly enough. There are no parental contact arrangements either. That is why the mother does not get a residence permit with the children. See [here](#)

Court: continued stay for partner of an EU-citizen after three years, on condition of own income

The court rules that an EU-citizen's partner, who has a derived residence permit, can apply for an independent residence permit in case of a divorce after three years, on condition that the partner meets the same conditions for residence as the EU-citizen, i.e. independent income. See [here](#)

Ministry of Social Affairs and Employment: change in policy for foreign students

The Minister changes the policy for admittance of students as follows:

- 1) an admittance possibility as trainee is created for students at a university or university of applied sciences. Even if the study has been completed already, at most 2 years ago. There is no income requirement, but a traineeship certificate is required.
- 2) admitted students may work 16 hours per week, or full-time during the summer holidays (three months).

See [here](#)

3. CHECKS AND DETENTION

ECJ: Pronouncement of undesirability Croat re-evaluated

This Croat had been considered a war criminal to which 1F applied, that is to say: asylum application denied because of crimes. He was declared undesirable.

He now asks admission as an EU citizen. The ECI makes clearly states that for a pronouncement of undesirability, an assessment has to be made whether the applicant currently constitutes an actual and serious threat to the public order. That is why the original pronouncement of undesirability cannot be used just like that.

See [here](#)

Supreme Court: in case of punishment for the presence of someone declared undesirable, the actual threat has to be taken into account.

This case centres on a convicted Surinam citizen who was declared undesirable earlier on. He lives in Belgium with his Dutch wife and as such, has a residence permit as the partner of an EU-citizen. He was found in Roosendaal with narcotics.

The Supreme Court decides that the EU-standard applies in the determination of the punishability of his stay in The Netherlands. That is to say: the court has to assess whether the man currently constitutes an actual and serious threat to the public order. The Court still has to make this assessment. See [here](#)

4. WHAT CAN BE DONE?

EU Citizens Initiative: Let's reclaim a welcoming Europe

Since our governments are struggling to handle migration, we – European citizens, students, volunteers, families, unions and communities of faith from all walks of life – have stepped in to help. But our right to help is being criminalised as thousands of Europeans have been fined or arrested for simply offering humanitarian assistance to people fleeing persecution.

This is not the Europe that we want. Together we can reclaim those acts for what they are: reflecting our European and human values of community, compassion and kindness.

This is why we have joined forces to launch the first European Citizens' Initiative to empower a #WelcomingEurope and reclaim our right to help. Through this direct democracy tool, we can compel the European Commission and Parliament to respond to our demands.

Ask the European Commission to:

- Ban the criminalisation of solidarity in member states
- Support European citizens who want to offer safety to people fleeing persecution
- Guarantee effective access to justice to all victims of exploitation and abuse

<https://www.weareawelcomingeurope.eu/>