

NEWSLETTER, volume 8 no. 20

24 September 2018

## CONTENTS

BBB OFFICE IN UTRECHT HAS MOVED .....	1
1. BASIC RIGHTS .....	2
2. ADMISSION POLICY .....	2
3. CHECK AND DETENTION .....	3
4. ACTIVITIES .....	3

## BBB LOKET IN UTRECHT HAS MOVED

Foreigners without residence permits must register with the Loket in Utrecht to be considered for shelter with one of the organisations in Utrecht. This Loket is currently on Jansveld in the city centre, but on 1 October will move to Camphuysstraat in Lombok.

For more information, see [here](#)

## 1. BASIC RIGHTS

### Minister of Health, Welfare and Sport: Official report for Istanbul Convention

This year, the Netherlands had to write a report for the Istanbul Convention: the convention on eliminating domestic violence. In the official report (Rijksrapportage), the government writes that it is still working on making women's refuges more accessible for undocumented victims: as long as they are in an admission procedure, the refuge can be funded. For this, money has now been made available to central municipalities (centrumgemeenten), and a legal ruling is being prepared that will come into force in 2019. See the official report [here](#).

## 2. ADMISSION POLICY

### Council of State: child can only reside with father if there is a real connection; a blood connection alone is not enough

This father wants to bring his almost adult biological daughter to the Netherlands. The father is not (and has never been) married to the mother.

The Council of State decides that there is insufficient evidence of a real personal connection: the man has only seen his daughter once, and cannot prove that he maintains personal contact with her or financially supports her. Therefore this is insufficient family life. See [here](#).

### Court: residence permit to stay with spouse as informal carer

This case is about a woman who asked for a residence permit to stay with her Dutch husband, who needs care. She has lived with him since 2014, without the right to stay. The judge finds that the man cannot be expected to go with his wife to Morocco. Furthermore, it would be difficult for both partners if the woman has to go back to get an entry visa (mvv). The judge asks the IND to make a new decision. See [here](#).

### Court: residence permit to stay with father as informal carer

Since 2000, this father has been cared for by his daughter, who lives with him without the right to stay. In 2012, the father was admitted to hospital, but now he can live in his own place, as long as his daughter can provide care for him. The doctors put in a strong plea for her to stay. The judge agrees. See [here](#).

### Council of State: EU citizen is legally resident in the Netherlands as long as he is genuinely looking for work

The IND believes that this EU citizen did not have any residency rights when he received social assistance between 2014 and 2016. The man was registered with the UWV, applied for jobs and also had short-

term jobs. Since 2016 he has been working full-time again. The Council of State decides that this man did not lose his residency right in the period that he was unwillingly unemployed. See [here](#).

#### Court: assisted residence in Algeria not available

The psychiatrists of this Algerian put in a strong plea for admission to an assisted residence in Algeria, as they believe this is the only way to create a stable and liveable situation for their patient. They assert that only providing psychiatric treatment in crisis situations is undesirable. As there are no assisted residences in Algeria, he must stay in the Netherlands. The judge agrees. (Utrecht Court AWB 18/2329, 20.8.18)

### 3. CHECK AND DETENTION

#### Court (vovo: provisional ruling): during asylum appeal phase, no presentation at embassy

According to the CJEU (Gnandi ruling), an asylum seeker has the right to wait for the end of his/her appeal. Until the judge's decision, he/she has the legal right to stay, and he/she may also stay living in an Asylum Seekers' Centre (AZC), for example. During this period, he/she cannot be forced to go to the embassy to get a return visa (laissez-passer). See [here](#)

### 4. ACTIVITIES

#### Lecture from Helena Wray: 'The politicisation of Art 8 ECHR in the UK', 28 Sept, 3.30pm-5pm, VU Amsterdam

In her lecture, Helena Wray will discuss the UK Supreme Court's case law on article 8 and family reunification as a reflection of the politicisation of the issue, of competing understandings of the judicial function in a democracy and of understandings of citizenship.

You are kindly invited to attend this lecture. Please register online via [this link](#).

#### iAfrica Film Festival, The Hague, 6-7 Oct 2018

Including: Gifts from Babylon: Modou, a young Gambian, returns to his home country after having lived illegally in Europe for five years. <http://iafricafestival.com/>

#### Vacancy: Legal Case Manager People Trafficking, Amsterdam, 24 hours per week

As Legal Case Manager for the 'Recht in Zicht' project, you offer guidance to clients, volunteers and trainees (HBO-rechten, SJD and MWD). Furthermore, you stay up to date with the latest policy developments, attend network events and are able to identify your difficulties. You work together with other case managers. Apply before 1 October

<https://www.werkenbijhetlegerdesheils.nl/alle-vacatures/details/juridisch-casemanager-project-recht-in-zicht/>