

NEWSLETTER, volume 8 no. 23
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PETITION FOR A BETTER CHILDREN'S PARDON

Approximately 400 children of migrants/ refugees who were born in the Netherlands, or have lived here for more than five years, will be suffering proven psychological damage if they are expelled to their (or their parents') country of origin.

Observing

- that in 2013, the (definitive) 'Regulation for Long-term Resident Children' (also known as the Children's Pardon) was initiated to protect children in the afore-mentioned situation.
- that, however, this regulation does not work: 96 to 99% of all applications are not granted.
- that this is mainly due to the so-called 'cooperation criterion'.
- that the Transitional Regulation, in force prior to the Definitive Regulation, did not include a cooperation criterion: this regulation was effective.

We request

- pending an improved immigration policy, which is currently being assessed on the advice of State Secretary Harbers of Justice and Security, to apply the initial form of the Regulation for Long-term Resident Children (i.e.: the Transitional Regulation), once more.
- We also request that the 400 children and their families who are currently entitled to a children's pardon are immediately granted a pardon.

Therefore: put your signature to a Children's Pardon that does work.

<https://petities.nl/petitions/eigeland-voor-een-kinderpardon-dat-wel-werkt?locale=nl>

1. ADMISSION POLICY

Council of State: no exemption from civic integration exam for Afghan woman

This Afghan woman, who is married to a Dutch national has to take a civic integration exam at the Dutch embassy in Tehran (Iran). She took the test in 2012, but narrowly failed. Now, she is applying for an exemption due to the difficult journey, for which she needs male assistance, as well as psychological problems.

The Council of State finds that the woman must retake the exam. Her husband may accompany her to Iran. Her psychological problems are not substantiated. See [here](#) (Dutch only).

Council of State: income requirement for Wajong

The Dutch Wajong includes two types of benefits, one for young people who don't stand a chance in the labour market and for whom no process is plotted (benefit plan), and one for young people for whom an integration process is plotted (work plan). Young people in the work plan may apply to be transferred to the benefit plan after all, in which case, however, they will lose their process guidance.

This case is about the question whether a young person with Wajong in the benefit plan will be exempted from the income requirement for family formation. The Council of State holds that the question whether the work plan or the benefit plan applies is not conclusive. The question should be whether the young person will have an opportunity to work. That still needs to be individually assessed. In this case, such an assessment did not take place, and it must take place after all. See [here](#) and [here](#) (Dutch only).

Court: reunification possible for mother or Iraqi child, come to NI with father, but parents divorced

This case concerns an Iraqi child who came to the Netherlands with her father. Her parents are divorced. According to Iraqi law, the mother has custody. The child was given a residence permit. She can now submit an application so that her mother can come to the Netherlands as well. See [here](#) (Dutch only).

Court: interests must be weighed to decide about residence permit for grandmother

This case concerns a grandmother requesting a permit to be with her grandchild. They lived together for a long time after the parents died, and since her move to the Netherlands, the grandchild is still supporting her grandmother financially. The judge has decided that in this case a family life between the grandmother and her grandchild must be assumed. Whether the grandmother will be allowed to come to the Netherlands will then demand a careful weighing of interests. See [here](#) (Dutch only).

Court: upon application for long-term residence as a family member of an EU-citizen, former legal residence has to be examined

This case concerns a child who came to the Netherlands with her mother, when her mother married an Englishman. Thus, mother and child had a right to residence as family members of an EU citizen. When the mother was divorced, she and her daughter remained in the Netherlands. The daughter went to school, has by now lived in the Netherlands for more than five years and applies for 'long-term residence'.

The judge finds that the IND must assess more carefully whether she resided in the Netherlands legally during the past years and is thus entitled to long-term residence right. See [here](#) (Dutch only).

Court: revoking permit Turkish woman, residing in NL since 1980, justified after residing outside NL for more than 6 months

This Turkish woman has lived in the Netherlands since 1980, her children and grandchildren are living here too. The Netherlands intends to revoke her permit, since she resided outside the Netherlands for more than 6 months. She was deregistered from the Dutch population register for nearly two years and has no conclusive proof of residence in the Netherlands during that period. The judge finds that the woman has failed to substantiate that loss of her permit would mean a violation of her right to a private life. See [here](#) (Dutch only).

Court: no permit as victim of domestic violence, report dismissed

This case concerns a victim of domestic violence. She filed a report, but the public prosecutor has decided not to prosecute the offender. According to the judge, this means that the woman does not qualify for a permit continued residence as a victim of domestic violence. See [here](#) (Dutch only).

2. ACTIVITIES

Solid Road Conference: voluntary return Armenian families 20 Nov 13:30 -17:00 hrs Utrecht

During this conference, we will present the results of our The Green Way project's first year. This project provides extra support to Armenian families returning to Armenia voluntarily. The support includes 12 months' housing in Armenia, 12 months' vocational education for the parents and Armenian tutoring for the children.

<http://www.solidroad.nl/index.php/the-green-way>

Conny Rijken, Tesseltje de Lange: Decent Labour Market for Low-Waged Migrant Workers

Migrant workers contribute to the labour market, are valued for their work but are vulnerable to abuse. The research aim of this project was to contribute to developing theories and strategies to overcome this vulnerability and window for abuse: to work towards a decent labour market for low-waged migrant workers. Understanding the fragmented legal framework and its consequences for migrant workers was a first step to achieve this aim. Together with the contributors to this volume, we looked into opportunities to mitigate the negative consequences.

Link: <http://www.oopen.org/search?keyword=rijken>

Shadow report Istanbul Convention

The Istanbul Convention obliges states to protect victims of domestic violence, even if they have no residence permit. This Year, the Netherlands has to report to what extent it complies with the Convention. The Dutch NGOs jointly wrote a shadow report. Stichting LOS contributed as well. See [here](#)