

NEWSLETTER, volume 9 no. 2  
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### CDA: ADJUST COLLABORATION CRITERION IN CHILDREN'S PARDON

The Dutch coalition parties CDA and D66 have made state secretary Harbers a concrete proposal to consider the possibility to relax the requirement that asylum seekers must participate in their departure. In practice, this can extend the children's pardon. According to the political parties, this proposal must be included in the ongoing examination by the Van Zwol Committee of possibilities to shorten the duration of asylum procedures. See also [here](#) (Dutch only).

The Christian Union, a long-term supporter of an extended children's pardon, has immediately asked to suspend the removal of children who have lived in the Netherlands for more than 5 years and have exhausted all legal remedies.

## 1. BASIC RIGHTS

### Court: right to study grant for partner of status holder humanitarian indefinite period

According to this judge, the study financing act unjustly distinguishes between various groups of people holding the same humanitarian indefinite period status, namely those who previously held a humanitarian specific period status and those who previously held a medical treatment status. The judge will not allow this. See [here](#) (Dutch only).

## 2. ADMISSION POLICY

### Court: child abuse in Guinea is a valid basis for asylum

This Guinean asylum seeker complains of child abuse by his stepmother and stepbrothers in Guinea. The judge agrees that the Guinean government does not take actions to prevent domestic violence and that the asylum seeker could not expect any help from the government. Child abuse may cause serious harm. That is why it is included in the basis for asylum. The Immigration and Naturalisation Service (IND) must reconsider its decision. See [here](#) (Dutch only).

### Court: father of Dutch child with criminal record may also be entitled to residence permit with child

This father of a Dutch 17-year old son, who never had right to residence and was detained, has good relations with his son. The son regularly visits him and has even written a letter to the judge. The judge holds that the IND must weigh this fact more carefully in its decision about a residence permit for the father. See [here](#) (Dutch only).

### Court: individual assessment needed for request family reunion of woman < 21 with child

Officially, the Netherlands applies a minimum age of 21 for family reunions. This woman is below 21 years but older than 18 years, and she has a child with the father who is living in NL. According to the judge, an individual assessment must take place to judge the importance of family life for mother and child. (Haarlem District Court, AWB 18/1406, 27.12.18)

### Court: when returning ill persons, take treatment costs and income into account

In two verdicts, courts have made clear that the IND must take into account the costs of necessary medical treatment in the country of origin. The one case concerns a Zimbabwean infected with HIV, who proves that the costs of medication are approximately seven times as much as the annual income (see [here](#) (Dutch only)). The other case concerns a Nigerian boy who has diabetes, and who proves through a letter from a Nigerian expert that his treatment entails high costs (Haarlem District Court, AWB 18/5744, 2.1.19). According to both verdicts, the IND must pay more attention to the affordability of treatment.

### Court: no permit for Moroccan living in NL for 30 yrs who had 3-yr legal residence

The judge finds that this man is not entitled to a humanitarian permit, in spite of 30-years' residence. The four (previous) judgments and the long illegal residence speak against him, the judge finds. The facts that he speaks Dutch fluently, does volunteer work and has a wide network do not compensate for this. See [here](#) (Dutch only).

### 3. CHECK AND DETENTION

#### Committee Against Torture (CAT): avoid children's detention

In its report about the Netherlands, the CAT writes, '*The State party should take all the measures to avoid detention of children placed in migration detention facilities in all the constituent countries of the State party, including by using alternative measures to detention.*' See [here](#).

### 4. ACTIVITIES

#### IND Work instruction 2019/1: westernised women (link Dutch only)

The IND has written an instruction to help assess asylum requests by women saying they are in danger upon their return because they have westernised. According to the Council of State, this can apply for two reasons: (1) if westernisation is a manifestation of religious or political beliefs, and (2) if due to her westernised behaviour a (religious or political) belief is attributed to the woman which she has difficulty negating.

#### UNODC: Estimation of the numbers of presumed human trafficking victims in the Netherlands 2010-2015

Since human trafficking is a hidden crime, statistics on identified trafficking victims only reveal a small part of the problem, and the actual number of victims can only be estimated through statistical techniques. With this new study the 'dark figure' of trafficking in persons and the 'dark figure ratios' of different groups of presumed victims has been revealed so more targeted policy interventions can now be implemented to improve the detection of – and assistance to – the most hidden populations.

#### New contracts healthcare providers as per 1 Jan 2019

As per 1 January 2019, the CAK has taken out new contracts with hospitals and chemists' that can treat undocumented migrants. Please consult the list through the above (Dutch-language) weblink. There is still an issue with patient transports, for which no contract has been taken out so far.

#### Psychological Consultation Hours Dokters van de Wereld

AMSTERDAM:

Monday / Thursday 10:30 – 13:00 / 14:00 – 16:00: Wereldhuis – Nieuwe Herengracht 20

Wednesday 16:30 – 20:00: Vluchtlocaties We Are Here

Please make an appointment by sending an email to [PSOAmsterdam@doktersvandewereld.org](mailto:PSOAmsterdam@doktersvandewereld.org)

ROTTERDAM

Wednesday 18:00– 21:00: Pauluskerk - Mauritsweg 20 3012 JR Rotterdam

Please make an appointment by sending an e-mail to [PSORotterdam@doktersvandewereld.org](mailto:PSORotterdam@doktersvandewereld.org)

DEN HAAG

Wednesday 10:00 – 12:00: Vluchtelingenwerk Zuidvleugel - Hoofthoek 91, 2526 KB Den Haag

Please make an appointment by sending an e-mail to [PSODenHaag@doktersvandewereld.org](mailto:PSODenHaag@doktersvandewereld.org)

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.