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IND: TRANSITIONAL ARRANGEMENT CHILDREN'S AMNESTY APPLICATIONS

There was quite a commotion regarding the Children's Amnesty last week. After the CDA (Christian Democratic Alliance) had become convinced that having been in the Netherlands during five years, children would be damaged when repatriated, one of the Children's Amnesty criteria was amended. This is the criterion that one should always cooperate in the process of repatriation. That criterion has now been replaced by an availability criterion.

As a result of the new criterion, children whose Children's Amnesty application had been turned down before, now may become eligible after all. There might also be children that never applied for Children's Amnesty, but would like to do so following this new criterion. That is why there is to be a transitional arrangement. The time limit for submission for this transitional arrangement is expected to be brief, but in any case longer than a few days.

Rejection is still possible based on other criteria, such as

- A five years' stay since the application for asylum
- Constantly being on the radar of the national government
- Having no criminal records

The advice is to keep a close eye on the IND's homepage. See [here](#).

1. BASIC RIGHTS

Court: The Government is to pay for the shelter provided by the Salvation Army to vulnerable undocumented persons

This case regards a intellectually disabled, schizophrenic man without residence permit. The government is responsible for the provision of shelter. But the VBL in Ter Apel is not suitable for him, because of his medical problems. The Veldzicht Clinic offers only temporary shelter.

The Court now decides that the government is to pay for accommodation in the Daalburgh, a Salvation Army Amsterdam institution. (Rb Haarlem AWB 18/4519, AWB 18/448 and AWB 18/2886, 31.1.19)

Council of State: if the Social Insurance Bank (SVB) does not award child benefits, there is also no entitlement to child-related budget

In hindsight, this mother of a Dutch child already had residency in 2013, as residency is declaratory in case of a Dutch child, which means that it applies if you meet the criteria. She now applies for child benefits and child-related budget.

The SVB has rejected her request for child benefit, and the Tax Authorities follow the SVB by deciding that in that case, there is no entitlement to child-related budget. In both cases, these 'extras' are not considered necessary to safeguard the subsistence level. See [here](#).

2. ADMISSIONS POLICY

Council of State: IND's manner of value assessment of revenue from capital

For the partner to be granted residency, the Dutch partner has to earn sufficient income. This partner maintains that she has sufficient capital to live on, frugally, for the next 10 years. The Council of State finds that the IND has to clarify why this does not sufficiently guarantee that she and her foreign partner will not call on the Dutch social security system. See [here](#).

Court: despite poor contacts with the child, the Child Care and Protection Board considers the presence of the father important

This father applies for residency with Dutch child. He has barely been in contact with the child, because the mother is blocking this. A report by the Child Care and Protection Board states that contact with the father is important for the child. According to the Court, this is an expert opinion, that the IND has to take into account when deciding on the residency. The IND's decision to refuse residency for the father, has to be reviewed. See [here](#).

Court: accessibility of medication in the country of origin

In two decisions, the Court questions the accessibility of the necessary medication for foreign nationals. If they are repatriated, a medical emergency situation threatens within three months.

The case concerns, for instance, a psychotic Rwandan man, who does not adhere to his therapy and as a result, has to receive a 'depot' every three months. He is to be supported in that, this support is not available in Rwanda. See [here](#).

Another case concerns a Russian who requires medicinal cannabis. The availability in Russia is uncertain. The IND has to look further into this matter. See [here](#).

3. INSPECTION AND DETENTION

Council of State: signing of the IOM form does not mean that the current procedure has been withdrawn
This man has signed the IOM form for voluntary repatriation, which includes the statement that he withdraws all his current procedures. But he has not left yet. The Council of State clarifies that the procedures will have been withdrawn only when he has signed for that upon his actual departure. As long as that has not taken place, the procedures will continue. See [here](#).

4. WHAT'S ON?

European Parliament Fit for purpose? The Facilitation Directive and the criminalisation of humanitarian assistance to irregular migrants: 2018 Update

Policing humanitarianism negatively affects EU citizens' rights – such as the freedom of assembly, freedom of speech and freedom of conscience. When civil society is effectively (self-)silenced and its accountability role undermined, policies to combat migrant smuggling may be overused and give rise to serious breaches of the EU's founding values, notably the rule of law, democracy and fundamental rights. Moreover, policing humanitarianism negatively affects wider societal trust and diverts the limited resources of law enforcement from investigating more serious crimes.

[http://www.europarl.europa.eu/RegData/etudes/STUD/2018/608838/IPOL_STU\(2018\)608838_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2018/608838/IPOL_STU(2018)608838_EN.pdf), dec18

GroenLinks Amsterdam: proposal to provide an Amsterdam Pass for undocumented migrants

GroenLinks wishes to provide migrants without residency access to a range of municipal poverty and aid arrangements by offering them an Amsterdam Pass, an extension of the current City Pass (*Stadspas*). This entitles people on low incomes to access of all kinds of poverty and discount arrangements, such as a computer or a sports subscription. Senior citizens can travel free of charge on public transport. An Amsterdam Pass, with a passport picture, could also serve as a local means of identification which they can use for visits to the first aid department or the police. In the future, the Amsterdam Pass could also have a payment function.

<https://www.parool.nl/amsterdam/gemeenteraad-wil-lokaal-paspoort-voor-illegalen~a4622044/>

Since 2003, the LOS Foundation (National Undocumented Migrants Support Centre Foundation) has been the knowledge centre for people and organizations who provide assistance to migrants without residence permits ('undocumented migrants'). The LOS Foundation is committed to the basic rights of these migrants and their