

NEWSLETTER, Volume 9 no. 4
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IND: TRANSITIONAL ARRANGEMENT CHILDREN'S PARDON

Last week, the IND published the Transitional Arrangement for the Regulation for Long-term Resident Children (DRLVK), also called the children's pardon, see [here](#).

Minors who, previously, had already submitted an application will be reassessed. This will happen automatically for those children who are known to the COA, DT&V, AVIM or NIDOS. Others, who are no longer on the radar of any of these organisations, will need to apply for reassessment themselves. Such reassessments do not consider whether the person concerned has always cooperated in the past, but they will consider whether he or she always has been available. Once a family has left for a country outside the European Union, the family is no longer eligible.

Minors who have never before submitted an application can do so **up to 25 February 2019**. Whether the minor has always been on the radar of one or more of those organisations is a factor that is also looked at. In many cases, this may not have been so.

In case a family has a temporary permit (e.g. due to human trafficking, education, medical conditions or humanitarian circumstances) while also meeting the criteria for the children's pardon, the family may also apply for a children's pardon. In some cases, this will be less expensive. Please consult your lawyer.

1. BASIC RIGHTS

District Court: Ministry to research whether a VBL facility is suitable

This case is about an asylum seeker who had exhausted all legal procedures and had medical problems that meant he had to visit the toilet very regularly. He was ordered to be housed at the VBL facility in Ter Apel (a 'restriction on freedom of movement' facility), but he claims this facility is not suitable for him. The court has ordered the Ministry to research the suitability of this facility, but also states that, in this case, the medical condition is not serious enough (District Court of Amsterdam: AWB 18/2967, 28.1.19).

2. ADMISSION POLICY

District Court: no withdrawal of permit for 57-year-old Turk who has been in the Netherlands, legally, for 27 years, yet had been deregistered for 3.5 years

The judge stated that the residence permit of a Turkish labour migrant, who had been living in the Netherlands for 27 years, should not be withdrawn merely because he had been unregistered for 3.5 years—a time during which he possibly was living in Turkey. The man chose to return to the Netherlands and reregister. In the court's opinion, the man's private life is in the Netherlands rather than in Turkey. See [here](#).

Council of State: possible risk for Gülen supporters on return to Turkey

The Dutch Council of State is of the opinion that the IND must conduct more in-depth research into the situation for Gülen supporters if they were to return to Turkey. They may be at risk if they are sent back to Turkey. The IND is ordered to reassess the asylum application. See [here](#).

Council of State: residence permit for Dutch child is declaratory

The Court of Justice of the European Union, in 2017, demonstrated in the Chavez case that parents of Dutch children are entitled to a residence permit for the Netherlands. The Council of State now acknowledges that these parents would have been entitled to such a permit from the time of the birth of their child, thus retroactively. This means that they have been in the Netherlands legally for longer, and, for example, could be naturalised sooner. See [here](#).

Ministry BZ: victims of forced marriage and abandonment

The Ministry of Foreign Affairs (BZ) has proclaimed that it is actively involved in countering forced marriages and abandonment; there is a policy staff member working on this subject at the ministry and civil servants at the embassies are being trained on these issues. Particular attention is paid, in this respect, to the five focal countries of Somalia, Sudan, Pakistan, Morocco and Iraq. Moreover, a special Ticket Fund has been established to fund return tickets. See [here](#). There were 57 cases reported in 2018, which is 19 more than in 2017. For more data, see [here](#).

District Court: family care by Dutch organisation must be taken into account in judging risks upon return

In this case, family care is being provided by MOO (medical support project for the undocumented in Amsterdam). The IND has declared that the patient is able to return to the country of origin, but this type of family care is not available in that country. The court has ordered the IND to more carefully study the

consequences of a return without family care by a comparable organisation on location (District Court of Amsterdam AWB 18/7468 and AWB 18/7469, 29.1.19).

3. CHECK AND DETENTION

Council of State: consequences of return to the Netherlands during valid entry ban

This man from Suriname had received a five-year entry ban. He had returned to Suriname, but came back to the Netherlands within five years. After having been here for many years, he once more travelled out of the country and then came back again. Each time, he had been in Suriname for a period shorter than five years.

According to the Council of State, in this case, the separate periods must be added together. Thus, because the total period he had been in Suriname was longer than five years, the entry ban was no longer valid. See [here](#).

4. ACTIVITIES

Amsterdam City Rights Market, 23 February, 14:00–18:00 hrs, van Ostadestraat 233D Amsterdam

Get to know the many talents and skills of entrepreneurs from all over the world. Meet the people behind the brands: Lady Dahlia, Kangi Style, Hassan Tassan! Connect to different cultures and backgrounds, taste the food and listen to the music. Be there in support and solidarity!

https://www.facebook.com/events/545621639271588/?active_tab=about

Information evening on the Amsterdam City Pass for Undocumented, 6 March; 6 pm

With Amsterdam City Council member from GroenLinks, Femke Roosma, as speaker.

Address: Frederik Hendrikstraat 111-A in Amsterdam.

Presentation: Human trafficking discussion with asylum seekers, 4 April, 9:30–12:45 hrs, Nieuwspoor in The Hague

On 4 April, the COA, CoMensha, Nidos, Rode Kruis and VluchtelingenWerk will present the toolkit 'Het bespreken van mensenhandel/uitbuiting met (voormalig) asielzoekers' [Discussion on human trafficking and exploitation, with (former) asylum seekers']. Following the launch of the toolkit, there will be a discussion on how asylum seekers (aged 12 and over) could be protected better against human trafficking by educating them. [Click here to attend](#).