



Stichting Landelijk
Ongedocumenteerden
Steunpunt

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PICUM : THE IMPACT OF GROWING UP UNDOCUMENTED IN EUROPE

Undocumented children are part of our communities and share the hopes and dreams of any other child. But their lives and the lives of their families are characterised by uncertainty and instability due to their irregular residence status. PICUM’s new report looks at how their residence status affects six areas of their lives: housing, access to services, income and socio-economic status, residence procedures and immigration enforcement (including detention), school life, and family life.

Many undocumented children were born in or have lived for many years in Europe, most often with their parents. Sixty-eight percent of undocumented children whose parents were surveyed in Ireland, were born there, for instance. According to Eurostat, about one in ten people that were found to be irregularly present in the EU in the past decade were children.

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ADMISSIONS POLICY

Court: no protection against domestic violence in Kazakhstan

The foreigner is seeking asylum because she was being ill-treated by her family and they wanted to marry her off. According to the IND, the Kazakh law offers protection and there are shelters. But according to the woman, in practice these rights are barely guaranteed at all, and the shelters for victims of domestic violence are full. Moreover, she is from the Uyghur minority, and accessing help is more difficult for her because of discrimination.

The court decides that the IND must take a new decision, in which these aspects are taken into account. (Rb Amsterdam, NL21.1639, 17.3.21))

Court: there must be sufficient evidence for continued residence after domestic violence

This Moroccan woman had a partner's residence permit, but it was revoked because of the breakup of the relationship. The woman argues that there was domestic violence, and therefore she should be granted an independent permit.

According to the IND, there was no domestic violence. The woman did file a report but that was only based on her own statements and the police did not investigate further. She produced photos showing injuries, but according to the IND these do not prove the cause of the injuries. The fact that the woman and her child were taken care of at the women's shelter and the statements of the family doctor are also insufficient because they are based on the woman's statement.

The woman argues that she cannot go back because she is being threatened by her family in Morocco. But the IND thinks she is an adult and should therefore be able to build a new life without her family. The judge found that the IND could rightly refuse a continued residence permit. The IND did however issue a permit to stay with her NL child (Chavez). See [here](#).

Rb: study permit is not dependent on the field of study

This man with a permit as a student wanted to change his study. The IND stated that he had to apply for a new permit. The judge made it clear in this ruling that this was not necessary because such a permit is valid for any study. However, there must be study progress. See [here](#).

Court: despite 7 years outside NL, permit for Ghanaian woman not withdrawn, medical problems proven

This Ghanaian woman came to NL in 1999 and received a permit to stay with her mother. In 2012 she went back to Ghana, and in 2019 she returned to NL. The IND wanted to revoke her permit.

The woman explained that she had psychological problems, and that the medical care in NL was not satisfactory. She went to Ghana to use traditional medicine. There are police reports in NL of her psychotic state in 2012. And there is evidence of her medical treatment in Ghana.

The court believes this story and understands the choice of the woman and her family. The IND must take a new decision and take better account of the evidence of the psychological problems. See [here](#).

SUPERVISION AND REPATRIATION

SvJ&V: no deportation possible without PCR test is own fault

In a letter to the House of Representatives, the State Secretary writes that many countries require a

negative PCR test for deportation. If the foreign national does not cooperate, deportation is not possible. The detention of the foreign national may then be continued. Dublin claimants may be detained at most 6 weeks and other foreign nationals 6 months, with the possibility of an extension of 12 months. See [here](#).

Rb: release of children in detention due to preliminary questions pending at the EU Court of Justice

In this case the judge had already posed questions to the EU Court of Justice regarding the way in which the court should rule on the lawfulness of the immigration detention of children.

In this follow-up judgement, the judge states that the judgement of the EU Court is taking too long. The children should therefore be released. See [here](#).

WHAT'S ON?

Pharos: Information on COVID-19 and vaccinations, explained In plain terms in various languages.

<https://www.pharos.nl/coronavirus/coronavaccinatie/>

<https://www.pharos.nl/coronavirus/begrijpelijke-informatie-over-het-nieuwe-coronavirus/>

Women in Migration Network: No Borders to Equality - Global Mapping of Organisations Working on Gender and Migration

This report provides an analysis of the realities of women in migration and of those organisations working with them in different regions (Africa and the Middle East, Asia and the Pacific, Europe and the Americas). It also identifies common challenges faced by civil society organisations and proposes recommendations for strategy and organising. We thus provide the foundations for strengthening connections among organisations working for migrant rights with a gender perspective and bringing a migrant rights perspective to those groups working in other sectors, including women's rights, labour rights, climate justice, development, and democratisation. [Download PDF](#)

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