

NEWSLETTER, VOLUME 14 no.26  
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## COURT: RB: PRESERVATION OF THE NATIONAL ALIENS FACILITIES LVV

The National Aliens Facilities LVV shelter and counseling to people without residence permits in five cities. In addition, about another 20 cities offer BBB (bed, bath and food) shelter. The minister wanted to terminate the LVV and BBB shelters per 1 January, because she believes this hinders the repatriation. She has discontinued the funding.

In three cities ([Rotterdam](#), [Utrecht](#) en [Amsterdam](#)), the courts ruled that the undocumented people's interest in having shelter outweighed the minister's interest. In [Eindhoven](#), the municipality itself has said it will continue the shelter so that no one will end up on the streets for the time being. There has not yet been a hearing in Groningen.

## BASIC RIGHTS

Tax authorities: [review child budget in case of non-legal entitlement partner, 2018 – 2021](#)

In 2022, the Council of State [ruled](#) that it is disproportionate to deny child allowance budget for a family in which one of the partners does not have a residence permit but the child and the other parent do. Applications for child budget that were previously denied because of the undocumented allowance partner may still be granted. To arrange this, a review request must be submitted. See [here](#) for more information on deadlines and how to submit.

## ADMISSIONS POLICY

Court: [interests of unborn child have to be taken into account](#)

This case concerns a Somalian woman who joined her partner in the Netherlands. Her previous application for an authorization for temporary stay made from the country of origin had been turned down because she had failed the civic integration examination, and her asylum application in the Netherlands had failed as well. She had fallen pregnant in the meantime. The court rules that under the Family Reunification Directive, the IND is obliged to consider the interest of the unborn child.

Court: [interest of 3 NL children is to be taken into account in the application for a residence permit for the father with right of residence in Italy](#)

This father wants the right of residence with his 3 NL children. He has a right of residence in Italy and therefore his children would not have to leave the EU if they moved to their father, and the Chavez ruling would not apply. But the court finds that at the time of the rejection, the IND did not sufficiently take the interest of the children, who by now are rooted in the NL, into account.

Court: [balancing of interests in application for admission Dreamer](#)

This case concerns a woman without a residence permit, who grew up in the Netherlands and studied HR. She had residency rights for part of the time, because her father had serious medical problems. The IND had rejected the application for a residence permit because she would be an economic burden for the NL: she uses water, electricity, roads, housing and so on. The judge found that too little focus on the specific case, and found that the IND had not sufficiently considered the added value of her future work.

## WHAT'S ON

Debate: [Migration Myths](#), 23 January 19.30, de Zwijger Amsterdam

Recent elections in the US and Europe have propelled migration to the forefront of political debates, with anti-migrant sentiment reaching a fever pitch. What is urgently needed is a responsible and balanced discussion on this critical issue. In this programme, we aim to provide the audience with a range of perspectives. We will hear from migrants (including undocumented domestic workers who are members of the FNV Migrant Domestic Workers Union), as well as migration law experts, economic analysts, and policymakers.

Debate: [The legal labyrinth of international love](#), 24 January, 19.30, de Zwijger Amsterdam

In this programme we will discuss migration policy, love and families: how do you prove love or family life to the state? How does the Dutch legal system reflect potentially entrenched stigmas? And how can we strive for a more inclusive and fairer migration policy?

CoMensha is moving

As of 1 January 2025 the address is: Moeder Teresalaan 100, 3527 WB Utrecht.

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.