

NEWSLETTER, VOLUME 4 NO. 6

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COUNCIL OF EUROPE CRITICISES USE OF INTEGRATION TEST FOR ADMISSION

The [Parliamentary Assembly of the Council of Europe](#) (PACE), in a Resolution entitled '[Integration tests: helping or hindering integration?](#)', has recommended that States reappraise their approach to integration testing as part of citizenship, residence and family reunification applications.

The Parliamentary Assembly has two primary concerns over the use of these tests: whether they promote integration or have the opposite effect, and whether they are used as a migration management mechanism to limit the number of migrants entering and remaining in the country concerned.

According to the resolution, decreases in numbers of admitted family migrants are a reason for concern, as family reunification and greater security in terms of residence rights are beneficial for the integration of migrants

According to the Resolution, the expected standards exceed what is reasonably attainable and that there is a lack of adequate financial support for preparatory courses. The consequences are that illiterate or poorly educated family members are barred from reunification with recognised refugees and those who fail to pass the test are denied citizenship, residence or reunification.

Download: <http://www.assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewPDF.asp?FileID=19772&lang=en>

1. BASIC RIGHTS

Dutch Administrative High Court: individual decisions needed for discontinuing WMO shelter, taking vulnerability into account

The Dutch Administrative High Court has ruled that sheltering for the homeless may not simply be discontinued, not even if the person concerned no longer has a residence permit. In all cases, decisions will need to be made, taking the homeless person's vulnerability into account, (CRvB, 12/4382 WWB, 12/4383 WWB, 12/4384 WMO, 12/4385 WMO, 19.2.14)

2. ADMISSION POLICY

Court: do not revoke residence permit 18-year-old on account of criminal record

The court rules that a single conviction for a serious criminal offence is insufficient reason to revoke this young person's residence permit. According to the court, the Immigration and Naturalisation Service (IND) must take into account his age, the negligible ties with his country of origin, Afghanistan, his strong ties with the Netherlands, and his behaviour both during detention and after. You can read the verdict [here](#) (Dutch only).

European Court of Justice: advice EU (Belgium) Route

The European Court of Justice had advised the Netherlands regarding applications by partners of Dutch citizens who make use of the free movement for persons.

Two cases concern foreign partners of Dutch citizens who frequently stayed in the other EU country. According to the Court, the EU right only applies in case of actual residence, which does not include frequent short-term residence.

Two other cases concern family members of Dutch citizens who work in Belgium part-time. According to the Court, right of residence may only be obtained if the residence of the foreign family member is necessary for the Dutch citizens' jobs.

Implementing the EU law rather than Dutch law is favourable, since in that case Dutch requirements, such as the compulsory integration test, the authorization for temporary stay (visa from country of origin) and the income requirement are cancelled.

Read the [Press report](#) (in Dutch); or the full texts (in English) of the judgements [C-456/12](#) and [C-457/12](#)

Council of State: reassessment residence Surinam child who came to live in the Netherlands (as a 7-year-old) with foster mother in 1999

The Council of State rules that the Immigration and Naturalisation Service (IND) has to reassess this case. It concerns a Surinam child who has lived in the Netherlands for 15 years, attended school here and never went back.

You can read the ruling (in Dutch) [here](#)

3. CHECK AND DEPARTURE

Council of State: even following unlawful detention a return decision and an entry ban may be issued
The court has justly decided that the alien had been detained unlawfully. That is why he has been released from alien detention. However, the return decision and the entry ban that were produced at the time are still valid. Aliens issued with an entry ban who nevertheless stay in the Netherlands are punishable. (ABRvS, 201303624/1, 27.2.14)

4. WHAT CAN BE DONE?

UNHCR: numbers of FMG refugees

Too much pain: Female Genital Mutilation (FGM) & Asylum in the European Union - A Statistical Overview, is the first comprehensive analysis of FGM and asylum in the EU providing data on the women and girls who seek asylum from FGM-practising countries, where they seek asylum in the EU, the FGM prevalence rate in the asylum system, and estimates the number of FGM-related claims received in the top asylum countries. UNHCR has now released an [update](#)

WODC: Preliminary study improper use of residence scheme for victims of human trafficking

The study investigates whether calculating or estimating the extent of improper use of the residence scheme is feasible. According to the authors, this cannot be done.

The full text (in Dutch) can be found on http://www.wodc.nl/images/2307-volledige-tekst_tcm44-540843.pdf, while a summary in English can be found [here](#)

New phone number IND

The customer information centre of the Immigration and Naturalisation Service (IND) has a new phone number: 088 – 0430 430 (local tariff), which can be accessed from abroad as well. As from now, the old 0900 number is no longer in use.

Sign the petition by Toevlucht, reception for undocumented people in Utrecht

Toevlucht is a night shelter for migrants in Utrecht who have no residence permit. The night shelter came into being as a protest, since the regular homeless shelter is not available for undocumented people, which meant they had to sleep in the streets.

By signing this petition you can help make this protest visible: <http://toevluchtutrecht.nl/petitie/> (Dutch only)