

NEWS LETTER, volume 6 nr 15

18 July 2016

TABLE OF CONTENTS

1. BASIC RIGHTS.....	2
2. ADMISSION POLICY.....	Fout! Bladwijzer niet gedefinieerd.
3. CHECK AND DEPARTURE	3
4. ACTIVITIES.....	Fout! Bladwijzer niet gedefinieerd.

MINISTER OF SOCIAL AFFAIRS AND EMPLOYMENT: NEW AMOUNTS OF FINES FOR VIOLATIONS OF THE LABOUR ACT FOR FOREIGN NATIONALS

As a consequence of a ruling of the Council of State the fines for violating the Labour Act for Foreign Nationals will be altered.

As of now the fine for a natural person who has domestic or personal services performed and who violates the Labour Act for Foreign Nationals will amount to EUR 2,000.-; For foundations this fine will amount to EUR 4,000.-.

The fine will be increased with 50% if the work is carried out by an undocumented migrant.

You will find the public sector information [here](#).

1. BASIC RIGHTS

Council of State: change of personal details after 13 years on the basis of ID document

This woman had been registered with the municipality on the basis of a declaration on oath but she wanted to change her identity. For this purpose she showed a genuine birth certificate and an identity document from her country of origin. The identity card contains her finger print and photograph. According to the Council of State the municipal authorities should have investigated these documents. Once her real identity has been established beyond doubt, this should also be altered in the municipal administration. You will find more information [here](#).

Secretary of State for Security and Justice: Social Support Act for victims of domestic violence not necessary, practical solutions suffice

Currently the Implementation Act of the European Victim Directive is being discussed in the Dutch Upper Chamber. The Council for Human Rights has pointed out that this Directive entitles women to shelter and support and that this applies to *all the* victims of domestic violence. The Social Support Act has now excluded undocumented victims. In reply to Parliamentary Questions the Secretary of State has responded that the laws and regulations do not need to be adjusted but that practical solutions suffice. You will find more information [here](#).

2. ADMISSION POLICY

Minister of Social Affairs and Employment: sanctions in case of non-compliance with integration requirement

Foreign Nationals with a residence permit are required to integrate. If they fail to pass the examination, sanctions may follow. This may be in the form of fines or the refusal of a permanent residence permit or of the Dutch citizenship. But it may also result in the withdrawal of a permit.

In these cases an individual assessment is always required. The refugee status cannot be withdrawn, and in many cases a status as a family member or spiritual leader cannot be withdrawn either. You will find more information [here](#).

Court of Appeal: authorities Kabul cannot offer protection in cases of risk for honour-related violence

The Court of Appeal has read in the policy that women who fear from violence cannot be offered protection. This does not only apply in cases of domestic and sexual violence but in all cases of honour-related violence. The Court of Appeal are of the opinion that the woman in this case should be granted asylum because the woman is afraid of her family after her refusal to marry a cousin (Rb Haarlem, 16/11156 en 16/11159, 21.6.16).

Council of State: family permit rightfully withdrawn because of loss of income, although they had a child who died in The Netherlands

This case concerns a Moroccan family with a residence permit in The Netherlands. The central figure's employment was discontinued. Because they do not meet the income requirement the woman's permit has been withdrawn. This is not changed by the fact that they have a stillborn child who was buried in The Netherlands as well as other small children who were born in The Netherlands (RvS 201600168/1/V1, 13.7.16).

Council of State: income requirement in The Netherlands also in accordance with Family Reunion Directive

The central figure should have sufficient income in order to be entitled to a residence permit as a family member. In these cases it is key that the family will not apply for Social Assistance Benefit. According to the Family Reunification Directive all personal circumstances should be taken into account. The Family Reunification Directive also applies to foreign partners of Dutch citizens.

This case concerned a teacher who recently finished her study and who has her first job with a view to a continuation of her contract. According to the Council of State she has sufficient prospects for a long-term income. Therefore the foreign partner should be admitted. You will find more information [here](#).

Court of Justice EU: rules in cases of extended residence of partner of EU citizen in case of separation

The Court of Justice of the EU has interpreted the extended right of residence for a partner of an EU citizen who lives in country different from that of his nationality ('Belgium route'). The right of residence of the partner can be extended in cases of domestic violence, but only if the EU citizen lived in the host country at the moment of separation.

In this case there is a child who is also an EU citizen. In the host country the child is not automatically entitled to right of residence because it also has another nationality.

However, if the child was to go to school at the moment when the EU citizen (the father) was to depart from the host country the child would have to be granted right of residence. Subsequently the ex-partner (the mother) would be granted right of residence as well because the child is dependent on the mother. If the child was to have an income of its own, it would also be granted an independent right of residence and subsequently the mother as well because the child is dependent on her.

The Court has to investigate this. You will find more information [here](#).

3. CHECK AND DEPARTURE

Council of State: former return decision expired after the permit by other EU country has been extended

The old return decisions only applied in The Netherlands, not in the entire EU. In this case it concerned a return decision from 1995. The foreign national departed from The Netherlands and subsequently was granted a permit in Spain. Because this took place before the Return Directive came into force (in 2010) the Return Decision was revoked. For a possible extradition from The Netherlands a new Return Decision should be made. You will find more information [here](#).

4. ACTIVITIES

New address Stichting LOS

As of 27 July, Stichting LOS will be established at Mara, Hang 14, 3011 GG Rotterdam

New address Fairwork:

As of 14 July 2016 FairWok will be established in **Pand Noord**: Meeuwenlaan 98-100; 1021 JL Amsterdam.

ZonMW: 'Resilience and trust'

The psychosocial support available in emergency temporary shelters, asylum seekers' centres and municipalities is fragmented and differs in each of the locations. This report provides the parties concerned, such as caregivers, municipalities and volunteer organisations, with a survey of the psychosocial assistance which is available.

Pan-European Migrant Seminar, Amsterdam - 23th to 25th September 2016

The Transnational Migrant Platform (TMP) is a network of migrant and refugee organizations working in the fields of migrant rights, migrant worker rights and socio-economic development. In order to strengthen efficient policy intervention and advocacy, we invite you to our Pan-European Seminar in Amsterdam. Info:

<https://www.facebook.com/TransnationalMigrantPlatform/>