



Stichting Landelijk
Ongedocumenteerden
Steunpunt

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THIS WEEK THE NETHERLANDS WILL TAKE THE CEDAW EXAM

CEDAW is the UN Convention against the discrimination of women. Once every four years the countries that are signatories to this treaty have to report what they have done in order to improve women's rights. This year it is the turn of The Netherlands again. The Dutch authorities have written a report. In addition to this an NGO report has scrutinised the situation to a greater extent.

The Dutch NGO report has been drawn up by the Committee UN Women's Convention in co-operation with several other NGOs, including Stichting LOS. Among other things this report contains the fact that the policy of family migration causes female migrants to be dependent on their partners for a longer period of time.

On Monday 7 November in Geneva the Dutch NGO report will be elucidated. During the remainder of the week more informal and formal meetings will take place, including a meeting with the Minister. Based on this information the CEDAW Committee will draw up a report on the situation concerning women's rights in The Netherlands.

You will find information on CEDAW [here](#) and information on the meetings this week can be found [here](#).

1. BASIC RIGHTS

Ministry of Social Affairs and Employment: EU citizen who has worked for shorter than 1 year may lose the entitlement to assistance benefit

Minister Asscher is working on an instruction for municipalities to automatically withdraw the assistance benefit of EU citizens who can no longer be considered employees. This applies in those cases where the period of employment was shorter than 1 year and there is no view to employment in the near future. After 1 year the entitlement to assistance benefit can no longer be withdrawn any longer. As long as EU citizens are looking for work their right of residence will be retained. You will find more information [here](#).

Central Court of Appeal: child benefit for child in Ghana, ties with The Netherlands not permanently broken

For the entitlement to the payment of child benefit it is important whether there is a permanent tie of a personal nature between the child and The Netherlands. This case concerns a Ghanaian boy who, because of his mental capacities and his behaviour, had to rely on special needs education, which was no longer available in The Netherlands. The mother had housed him in Ghana in order to follow suitable education, hoping that he would do well there. She visited him a number of times in Ghana and he stayed in The Netherlands during the summer period. Once he had finished his special needs education in Ghana she had him return to The Netherlands in order to follow further education. In spite of the time during which the boy stayed in Ghana (2011 until 2014) the court has ruled that the ties with The Netherlands have never been broken permanently. Therefore there is still a right to child benefit for that particular period of time. You will find more information [here](#).

Court of Appeal: divorce in The Netherlands not possible, because valid Moroccan marriage not valid in The Netherlands

This case concerns a Moroccan couple who had married in Morocco in accordance with Moroccan law and now want a divorce in The Netherlands. According to the Court of Appeal the marriage in Morocco had been contracted in accordance with the local law, but it is not legally valid in The Netherlands because the woman was underage at the time and cannot prove that she had explicitly agreed with the marriage at the time. Therefore the marriage cannot be dissolved in The Netherlands. You will find more information [here](#).

2. ADMISSION POLICY

Court of Appeal: Moroccan mother no residence with (almost) adult children who live on their own

This case concerns a Moroccan mother of four children who live in The Netherlands. Since 2000 the mother resided in Morocco. Since 2006 the children have independent residence permits and no longer live with their father. When the mother applied for a residence permit the youngest child was still under age.

The Court is of the opinion that The Netherlands was right in rejecting the application because the mother had not contributed to family life to a sufficient extent since her departure from The Netherlands in 2000. You will find more information [here](#).

3. CHECK

Court of Appeal: no punishment for providing assistance to undocumented resident, because it may have been an act of kindness

This case concerns a restaurant owner who had helped an undocumented man by giving him food. In return the guest performed some chores in the kitchen. The Labour Inspectorate had discovered this. The case addressed the question whether the restaurant owner is punishable because he provided help with illegal residence. This is a criminal offence if it is done for profit. The man himself had declared that he was being exploited but the Court did not want to rely on the man's own statements because it was in his interest to present himself as a victim of human trafficking. Therefore no fine was put upon this restaurant owner. You will find more information [here](#).

Council of State: only warning for marginal labour by a relative

This case concerns a fine for illegal employment because a family member of the owner of a restaurant had moved a terrace table and two chairs while he had no work permit. The Labour Inspectorate issued a fine of € 6,000.-. Eventually this fine was converted into a warning because the work was performed by a family member who was in The Netherlands for family reasons, because the work was carried out in a family context, its proportions and duration were limited and no payment took place and it only occurred once. You will find more information [here](#).

4. ACTIVITIES

Debate Invisible Labour, 14 November 20.00 Pakhuis de Zwijger Amsterdam

Participants include **Lisa Berntsen** and **Tesseltje de Lange** who investigated the employment situation of undocumented migrants in The Netherlands for which purpose over 100 undocumented migrants in Amsterdam have been interviewed. **Frank Vandenbroucke** will provide information about service cheques [dienstencheques] in Belgium while **Leo Lucassen** will address the counterproductive effects of the current migration system. <https://dezwijger.nl/programma/onzichtbare-arbeid>

Forum for the Ratification of the ILO Convention 189 on Domestic Work, 19nov 13-16u R' dam

The Forum is the start of the Campaign to ask the Dutch Parliament to ratify ILO Convention 189 on recognizing domestic work as work. We want to exchange ideas on how best to create pathways out of irregularity and get the support of as many organizations and individuals as possible.

Location: Het Nieuwe Instituut, Museumpark 25, Rotterdam

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EESC Opinion paper on 'the rights of live-in care workers' (sept16)

The European Economic and Social Committee (EESC) is a consultative body of the European Union. With this Opinion Paper the EESC calls on the European Union to coordinate supply and mobility of live-in care workers. Specific measures should include: improving safeguards in the Employers' Sanctions Directive (2009/52/EC) and the Victims' Rights Directive (2012/29/EU) to provide effective support for live-in care workers who are victims of exploitation, regardless of their migration status. You will find more information [here](#).

Since 2003, the LOS Foundation (the Dutch acronym for 'Landelijk Ongedocumenteerden Steunpunt') has been the knowledge centre for people and organizations providing assistance to undocumented migrants. LOS Foundation devotes itself to the basic rights of these migrants and their children.