



Stichting Landelijk
Ongedocumenteerden
Steunpunt

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REIMBURSEMENT HEALTH CARE EXPENSES FOR UNDOCUMENTED MIGRANTS THROUGH CAK AS OF 2017

Physicians who help undocumented migrants can be reimbursed for their costs in so far as the healthcare provided pertains to the standard package and providing there is a healthcare contract (except for general practitioners). Until January 1st 2017 the Zorginstituut Nederland (the Dutch National Healthcare Institute) was responsible for this regulation. As of now this has become the CAK.

You will find the regulations here: <https://www.hetcak.nl/zakelijk/regelingen/onverzekerbare-vreemdelingen>

(website www.hetcak.nl, click *zakelijk* and then *regelingen*)

1. BASIC RIGHTS

Court of Appeal: family norm does not apply for assistance benefit for a family with an undocumented partner

The municipal authorities have granted this father a single-parent assistance benefit, which amounts to 90% of the family norm. This municipality does not count his undocumented partner when determining the amount of the assistance benefit. The man has stated that this harms his children. But the Court is of the opinion that the man's choice to provide for his wife is his own and it has denounced the request for family income supplement. You will find more information [here](#).

Secretary of State Security and Justice: forensic psychiatric treatment measures (TBS) for undocumented migrants

As a rule no tbs is imposed for migrants who presumably have no rightful residence in The Netherlands after the treatment measure (tbs) has expired. The objective is to extradite these migrants as soon as possible. But in many cases where inhouse treatment is required this fails. You will find more information [here](#).

2. ADMISSION POLICY

Court of Appeal: exemption Court Registry Fees in spite of having partner with income, for she is not a partner in the sense of the Social Security Supplements Act

The Court has found in favour of this woman and is of the opinion that she has to be exempted from paying the Court Registry Fees. Although she shared a house with her partner, this partner was not her fiscal partner and therefore he could not be assumed to pay for her. You will find more information [here](#).

Court of Appeal: exemption Legal Dues for the application for a child's pardon; the applicant does not need to ask support from charities

This family has no financial means and has applied for exemption of Legal Dues. The Court is of the opinion that it is unreasonable for the IND to require them to ask social institutions for money. (Court of Appeal Haarlem (MK), 15/19507, 6.12.16).

Court of Appeal: revoking permit because of criminal record is allowed, in spite of 36-year stay in The Netherlands

This Moroccan man has been in The Netherlands for 36 years but stayed in detention for 14 of these years and has shown no improvement. Therefore he forms a 'real, current and sufficiently grave threat of the public order, violating a fundamental interest of society', (the criteria applicable). He has little education, hardly any work experience and no family in The Netherlands. Therefore the Court has ruled that his residence permit can be revoked. You will find more information [here](#).

Court of Appeal: no residence permit with partner because of penalties

This man applied for an mvv (authorisation for temporary stay) for residence with his partner. They had been married for 5 years and had lived together when he stayed in The Netherlands as a student. The authorisation for temporary stay was denied because of the 'public order' (three penalties including because of driving under the influence of alcohol and resisting authorities). The Court has agreed with this. You will find more information [here](#).

Court of Appeal: no return to The Netherlands after EU route with partner, because no actual stay in Portugal

Together with her foreign husband this Dutch woman registered in Portugal and was granted right of

residence there. After a few years they registered in The Netherlands again and they have applied for right of residence in The Netherlands as returning EU citizens. The Netherlands have investigated whether they actually resided in Portugal. They had housing accommodation, insurance, telephone and a bank account. But the woman and her children were still registered in The Netherlands and received assistance benefit. Therefore the Court was of the opinion that they did not actually live in Portugal. This means that the husband cannot be considered to be an EU citizen and will not be granted right of residence in The Netherlands. You will find more information [here](#).

Court of Appeal: following adult son for 80-year old woman: dependence for daily care

This 80-year old Syrian mother has asked for right of residence with her son who lives in The Netherlands. His wife has stayed with her mother in law in order to take care of her. According to the Court this is a case of 'more than normal emotional ties' between the mother and her adult child. The IND is obliged to grant a visa. You will find more information [here](#).

3. CHECK

Secretary of State Security and Justice: quota of undocumented migrants abolished

In recent years the police were required to check the identities of at least 4,000 migrants. In 2016 the attention was shifted towards entry checks. The quota has been abolished. On the other hand the police still are ordered to track down undocumented migrants who cause trouble and undocumented migrants who are criminals. You will find more information [here](#).

Secretary of State Security and Justice: return order and entry ban also possible for tourists

Aliens who do not need a visa for The Netherlands but who do not have enough money or they are found to work can be sent back. An amendment of the law is in preparation; this amendment is to state that an entry ban for a year can be imposed. You will find more information [here](#).

4. ACTIVITIES

Presentation Safe Future Method for Children, 10 February 09.30 - 13.30 Amersfoort

With presentations about the Safe Future Method for Children (by *Trijntje Kootstra*, project leader), and about the private member's bill stating that the interests of the child should play an important part when making decisions concerning residence (by members of the Dutch Lower House *Linda Voortman* and *Marit Maij*) and the Best Interests of the Child Model as applied to the return to Kosovo and Albania (by *Daniëlle Zevulun*, Groningen). Mandatory registration with Trijntje Kootstra (project leader): t.kootstra@comensha.nl.

Fact sheet Istanbul treaty for municipal authorities

The Treaty concerning the prevention and counteracting of violence against women and domestic violence ('Istanbul Treaty') was put into force on 1 March 2016. This factsheet informs municipalities about this Treaty and its implications for municipal policies. [VNG-factsheet Verdrag van Istanbul](#), 23.12.16

ETUC: "Defending Undocumented Migrants"

This document emphasises all workers' rights, regardless of residence status. The report explains the situation of undocumented workers and the need for a 'firewall', a clear separation between immigration law enforcement and public services. The report, proposes to ensure migrant workers' right to change their employer and complaint mechanisms for all workers to enforce their labour rights. Download the report [here](#).