

## NEWS LETTER, volume 7 nr 17

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## HOTLINE DETENTION OF ALIENS

The Hotline Detention of Aliens of Stichting LOS is collecting complaints about the circumstances in the detention of aliens. We investigate these notifications, lodge complaints with the appropriate authorities if this is indicated and ask for attention for these cases with politicians and the media.

The objective of the Registration Centre is to gain an insight into the situation in the detention centres and to improve the circumstances in detention. For this purpose the media are informed and legal proceedings about complaints concerning the detention circumstances are brought.

Are you in detention of aliens or do you know such migrants?. And do you have questions concerning health care, isolation cells, the treatment, the food, the complaint procedures or other aspects pertaining to the detention of aliens? If so, please contact us. We will assist you with your complaint hoping to improve the circumstances in detention.

[www.meldpuntvreemdelingendetentie.nl](http://www.meldpuntvreemdelingendetentie.nl)

*Telephone number from the detention centre: 0800-3388776 (free of charge) - Telephone number from other locations: 010-7470156.*

## 1. BASIC RIGHTS

### Court of Appeal: further investigation false acknowledgement Dutch child in order to be eligible for shelter, accommodation and financial assistance

Since the ruling Chavez-Vilchez it has become easier to be granted a residence permit if a Dutch child is involved. This Surinam woman without a residence permit has a three-year old daughter who recently was acknowledged by a Dutch man. The IND is in doubt whether the acknowledgement had not been made with the sole intention of granting the mother a status and in doing so giving her the right to shelter, accommodation and financial assistance. The Court has agreed with this. Presumably the acknowledgement will be annulled. The woman will not be entitled to shelter, accommodation and social security as a status holder. If she actually becomes homeless, provisions will be made. You will find more information [here](#).

### Utrecht: no social security Belgian partner of Dutch citizen during the first 3 months

During the first three months EU citizens have a right of residence as a tourist, but they are not entitled to social security. Therefore this Belgian woman who resides with her Dutch partner cannot appeal for social security in spite of the fact that her stay is intended to be permanent. The municipal authorities have reduced the Dutch partner's allowance supplied on the basis social security to 70%. (Municipal Executive Utrecht, b17.0719 (bob), 21/6/17).

## 2. ADMISSION POLICY

### Court of Appeal: no annulment of permit in spite of criminal record, 31 years in The Netherlands and psychological problems

This Moroccan man has stayed in The Netherlands since he was 14 years of age, for 31 years, but he has a considerable criminal record. According to the Court his criminal offences (shoplifting) have become less severe during the past few years and he has hardly any ties with Morocco. He has a good relationship with his sister who also lives in The Netherlands and who has become his mentor because of his psychological problems. It is unclear whether he will be able to obtain a mentor and health care in Morocco. You will find more information [here](#).

### Court of Appeal: although sham relationship has been ascertained, the new application three years later has to be seriously investigated

The application 'stay with partner' had been denied earlier, because this was alleged to concern a sham relationship. Prior to this it had been ascertained that sham relationships can develop into genuine relationships. Now, three years later, the couple has again applied for residence. They have married and they are still together. The Court are of the opinion that the relationship has to be investigated, it could now be a genuine relationship. There are statements made by acquaintances which have to be taken seriously as well. You will find more information [here](#).

Court of Appeal: residence permit on account of private life, 10 years of legal stay in The Netherlands of 15 years in total and civic integration

This Ethiopian woman has stayed in The Netherlands for 15 years, 10 of these years in legal residence so; in part because of the asylum proceedings and in part because she resided with her partner. She has integrated and is in employment. The Court are of the opinion that the woman has built up a private life in The Netherlands in the interim and therefore should be granted a permit (VK Court of Appeal Amsterdam, AWB 16/6572, 16/6573, 20.7.17).

### 3. CHECK AND DETENTION

INLIA: expulsions from The Netherlands particularly to Albania

During the first half year of 2017 a total of 1,570 aliens were placed in detention and 490 aliens (fewer than 1/3!) were expelled to the country of origin. The countries to which aliens were most frequently expelled were Albania (160), Afghanistan (40), Georgia (30), Serbia (20) and Poland (20). You will find more information at [INLIA](#), 9/8/17.

### 4. ACTIVITIES

Platform Migrants without Residence Permits, Utrecht, 7 September 10.15-13.00

The Platform Migrants without Residence Permits is the network meeting of professionals who provide care to undocumented migrants from across the country. This time the agenda includes the following subjects:

- how to fight **reports by experts** of the IND (BMA, Bureau Documenten [Document Office], Bureau Land en Taal [Country and Language Office]) ? By Corinne de Klerk of Binnenstad Advocaten, Amsterdam.
  - **Residence with Dutch child**, the Chavez arrest and experiences so far. By Sander Schuitemaker, DCI.
- Contact: Rian Ederveen, Stichting LOS

ASKV: Public meeting basic rights undocumented migrants, Worldhouse A'dam, 7 September 18-20

During the meeting we will address basic rights concerning legal assistance, health care, shelter and accommodation, education, and work - the legal aspects that confront undocumented migrants on a daily basis.

Registration: [pao@askv.nl](mailto:pao@askv.nl) for the attention of Arja & Marloes; facebook-event: <http://bit.ly/2tTibfv>.