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### MINISTRY OF SOCIAL AFFAIRS AND EMPLOYMENT: UNDOCUMENTED WOMEN CAN GO TO THE WOMEN'S REFUGE

The minister for Social Affairs and Employment has made funding available to the women's refuge, enabling them to accommodate victims of domestic violence lacking residence permits, for at least as long as they are in an admission procedure. At the end of this year, this policy will be laid down in an Administrative Decree.

The motivation for this policy change is the fact that the Netherlands has to write a national report for the Istanbul Convention; the Council of Europe convention on preventing and combating domestic violence. According to this convention, support must be offered to all victims, including undocumented migrants. The Netherlands had not been complying with this.

(Ministry of Health Welfare and Sport, 24.5.18)

## 1. BASIC RIGHTS

### Court of Appeal: no welfare for mother with Dutch child, paternity Dutch father not believed

The court judged that Social Security was correct in not paying welfare to this mother of a Dutch child. The IND (Immigration and Naturalisation Service) rejected her request for residency, which was based on having a Dutch child. Consequently, Social Security does not have to do their own investigation into her rights to residency and there is no right to welfare. See [here](#)

### Council of state: in retrospect entitled to social benefits because legal residence with Dutch child with retroactive effect

This case is about a mother of a Dutch child. Based on the Chavez ruling she was given right of residence retrospectively. Therefore, she has the right to backdated allowances. See [here](#)

## 2. ADMISSION POLICY

### Secretary of State Security and Justice: modifications to permit based on Dutch child

The Chavez ruling forced the Netherlands to issue residence permits to primary carers of Dutch children. The State Secretary is now tightening up the policy. According to him, it only applies to the parent on whom the child is dependent, the one providing the actual care. There will be no right to residency for a parent playing a marginal role.

Moreover, the parent must have a passport and the family relationship must be proved. See [here](#)

### Council of state: EU women with a Dutch child in the Netherlands don't get right of residence

This verdict was about a Spanish mother with a Dutch child. She didn't have independent right of residence because she didn't have a job.

According to the Chavez ruling, undocumented women who are primary carers of a Dutch child, would get the right to residence if leaving the Netherlands meant the child would also have to leave the EU. In this case, the Spanish mother would take her child to Spain, and that is within the EU. As a result, the mother didn't get a permit based on having a Dutch child. See [here](#)

### EU Court of Justice: non-simultaneous return following the 'Belgian route', requires further investigation into the family relationship

The Court of Justice explains European directives. In this case, the question was how EU countries should deal with returning foreign family members who initially lived with their EU partner in another EU country and then returned. That often happens in the Netherlands; for instance, a foreign national lives initially with his Dutch partner in Belgium, and then the family returns to the Netherlands.

In this case, the EU citizen returned long before the foreign partner. The Court has now decided that the EU country involved may investigate the relationship, to examine whether the foreign partner does have right to residency. See [here](#)

### Council of state: partners permit revoked because relationship not exclusive - fathered children with another woman

This man had gained a residence permit in 2006 based on his relationship with a Dutch woman and had meanwhile been granted citizenship. But in the meantime he had fathered three children with another

woman, one of the children was born in 2007. He didn't mention this at all. The Secretary of State revoked his permit and stripped him of his Dutch nationality. The Council of State agrees with this decision. See [here](#)

#### Court of Appeal: no residence permit for Algerian after 30 years illegal residence

The judge ruled that this Algerian, having lived for 30 years illegally in the Netherlands, did not fulfil the criteria for a residence permit based on personal circumstances or discretionary power. See [here](#)

### 3. CHECK AND DETENTION

#### Member of Parliament VoordeWind:

Debating the draft legislation on the regime in immigration detention centres, ChristenUnie MP VoordeWind proposed a motion on the manner in which families with children were taken into custody. He thinks the police should be less intimidating when they raid the family's homes, and asks for an investigation into possibilities of involving external organizations. The [motion](#) was carried.

### 4. ACTIVITIES

#### Defence for Children International: "You can't see me, but I am here"

In 2017, 130 children disappeared from the freedom-limiting family location run by the Central Agency for the Reception of Asylum Seekers (COA from now on). The children's rights helpdesk at Defence for Children describes how the children were getting on in this report.

#### COC: Proud or Ashamed?

When assessing whether someone is genuinely LGBTI, the Dutch Immigration and Naturalisation Service uses as its most important criterion the question: has the asylum seeker gone through the so-called 'awareness and self-acceptance process'?

Investigator Sabine Jansen concluded in this report that this was inappropriate stereotyping without scientific foundation. Many LGBTI asylum seekers don't understand what's meant by the question.

#### Sehaq: LGBT refugees collective

The collective organises workshops solely for refugees. This way everyone feels free to talk about what they've been through. Besides workshops, SEHAQ also organises dinner parties and benefit concerts for a wider public. Asylum seekers always have their travel costs reimbursed.

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

#### Our values are at risk: Let's reclaim a welcoming Europe

Since our governments are struggling to handle migration, we – European citizens, students, volunteers, families, unions and communities of faith from all walks of life – have stepped in to help. **We have joined forces to launch the first European Citizens' Initiative to empower a #WelcomingEurope.**

Get more info and sign: <https://www.weareawelcomingeurope.eu/>