

NEWSLETTER, volume 9 no. 8  
15 April 2019

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## SSS&J REPEAL OF DISCRETIONARY POWERS PER 1 MAY

As promised at the time of accepting the Amnesty Scheme for Minor Asylum Seekers (*Kinderpardon*), the state secretary's discretionary powers will be repealed. With these discretionary powers, the state secretary could decide to grant a residence permit, even if according to the rules, this would not be allowed. The new policy will come into force on 1 May 2019. Applications up to 1 May 2019 will be handled according to the old rules.

Instead of the discretionary powers, the IND will be charged to check at the time of the initial asylum application whether there is cause to grant a residence permit on different grounds, such as on humanitarian grounds. The Court may verify whether this decision is correct.

The discretionary powers were mainly used for migrants who had been in the Netherlands for a prolonged period. Under the new system, this will not be possible for them any more, but the IND may still use its inherent power to derogate in case of an application for a residence permit.

See the scheme [here](#).

## 1. BASIC RIGHTS

SSS&J Regulations on Provisions for Certain Categories of Aliens (Rvb) also applies to human trafficking victims outside the women's shelters; and to EU citizens

The Rvb is a contribution towards costs granted by the Central Agency for the Reception of Asylum Seekers (COA) to human trafficking victims living in women's shelters. The state secretary has decided now that the Rvb may also be granted to human trafficking victims living outside women's shelters. Victims of domestic and honour-related violence are entitled to Rvb, too, if they live in women's shelters. This change does not apply to them; to qualify for Rvb they have to live in women's shelters. EU citizens who fall victim to human trafficking, domestic or honour-related violence during the first three months of their stay in the Netherlands are also entitled to Rvb. The state secretary has extended the period for them. On certain conditions they are entitled to Rvb, too, if they fall victim after three months.

See the scheme [here](#).

## 2. ADMISSIONS POLICY

Council of State (CoS): inhumane living conditions because of discrimination of children of African father in Georgia

The CoS has confirmed the Court ruling that the living conditions of this Georgian mother with two children of an African father in Georgia was untenable. The children were being bullied and threatened, and had great problems obtaining medical care. The mother regularly lost her job. The authorities did not act upon this. (ABRVs, 201808940/1/V2, 26.3.19)

SSS&J: amendment of the asylum policy Nigeria

The new official country report on Nigeria shows that the situation for homosexuals has deteriorated, which is why the asylum policy for this group is amended. The question regarding the role of the social network in the possible prevention of female circumcision has also been dealt with. See [here](#).

CoS: Moroccan daughter does not get a residence permit as informal caregiver of her father

This case concerns a daughter who, from 2000 to 2012, cared for her father, who was in need of help. She had not seen him for 22 years before then, and had no residence permit while caring for him. She now applies for a residence permit as an informal caregiver.

The IND had denied the application, the Court had set the decision aside, but in the end, the CoS confirmed the IND's decision after all: the woman does not get permission to care for her father in the Netherlands. There are other possibilities for informal care, according to the CoS. See [here](#).

Court: legal children whose father is imprisoned have an interest in their Nigerian mother's presence

The Court finds that the IND has to reconsider its decision on the residence permit of a Nigerian mother of three legal children, with an imprisoned partner. The children's interest has not been weighed in the balance sufficiently: if the mother now has to return to Nigeria, the children will be put in foster care.

Rb Amsterdam AWB 18/7603 (beroep) AWB I 8/7604 (provisional ruling), 21.3.19

Court: ill 82-year old Syrian mother may join her son in the Netherlands

This 82-year old Syrian mother is applying for residence with her son, who lived with her from 2012 until 2015, but subsequently left for the Netherlands. Her son looked after her. Her neighbours now look after her, but that care is insufficient and uncertain, also in view of the unstable situation (war). The Court finds that the IND has taken the mother's living accommodation insufficiently into account and finds that the IND has to reconsider its decision. See [here](#).

Court: 'necessary dependence' required for residence with adult child

This case resembles the previous one, but the Court found differently. It concerns an old mother who remained in Lebanon when her daughter left for the Netherlands in 2012. In this case, the Court finds that the medical and informal care does not necessarily have to be provided by the daughter, The mother is now being cared for by a neighbour. See [here](#).

### 3. INSPECTION AND DETENTION

Repatriation and Departure Service: number of minor Afghans in immigration detention

Two requests under the Government Information (Public Access) Act (WOB) show that during the years from 2016-2018, eight 17-year old Afghans have been placed in immigration detention, to be deported. During that same period, approx. 20 Afghans were placed in immigration detention immediately after their 18th birthday, and deported. See [here](#) and [here](#).

### 4. WHAT'S ON?

Doctors of the World: sign for accessible dental care

Dental care has become unaffordable for over 500,000 people in the Netherlands. We see the results of this every day: rotting teeth, bleeding gums or terrible pain - with all that this entails. We consider this unacceptable. Everyone should have access to health care, and that includes dental care.

Please sign the petition: <https://dokterstvanderwereld.org/campagnes/mondzorg/>