

NEWS LETTER, volume 9 nr 15  
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## TABLE OF CONTENTS

1. ADMISSION POLICY .....	2
2. ACTIVITIES .....	3

## ENTITLEMENT TO EDUCATION

Every underage child is entitled to education, even if they have no residence permit. The school can simply register the pupils and will be remunerated for them by the national authorities. Students are allowed to finish the school they were attending when they are 18 years of age.

However, for pupils who are older than 18 who want to start a new course the status is important. Pupils who are still in asylum proceedings or in different admission procedures where they enjoy 'legal residence' are allowed to start a new course when they are older than 18 and they are allowed to finish this as well. Traineeships, however, do pose a problem; they should be completed within the school because these pupils are not allowed to work.

Pupils without residence permits cannot start a new course when they are over 18 years of age. However, schools can find solutions through contract education in order to provide students with as many opportunities as possible. You will find more information [here](#) and [here](#), or you can contact Stichting LOS.

## 1. ADMISSION POLICY

### European Court of Justice: much scope for authorities to revoke visa because of threat of public order

This case concerned an Albanian who resided in the Netherlands on a tourist visa and had been detained on suspicion of a criminal act. The Dutch Court asked the European Court whether a suspicion provides sufficient ground to revoke the visa. The Court's response was that the national authorities have much scope to revoke visa but there has to be a specific suspicion. You will find more information [here](#), 11.7.19.

### State Secretary Justice and Security: new policy human trafficking Dublin claimants: temporary B8/3 if there are prospects of conviction

Since the beginning of 2019 more cases of human trafficking have been reported to the authorities, especially by Dublin claimants. This has caused a considerable increase of the period required to lodge an official report. Therefore the policy will be adjusted. In case a Dublin claimant reports a case of human trafficking the police and the Public Prosecution Department will assess within four weeks whether there are sufficient prospects of conviction in the Netherlands for which the presence of the migrant in the Netherlands is required. If this is not the case, the transfer will be continued. Should the victim not be a Dublin claimant, the present regulations will continue to apply. You will find more information [here](#).

### Council of State: new assessment security in Sudan because of new rulers

The Council of State has made it clear in four judgements that a new assessment is required for asylum requests made by Sudanese migrants because of the new political relations. You will find more information [here](#).

### Court of Appeal: residence permit with relative: 'more than normal emotional ties'

For residence with a relative who does not belong to the nuclear family a consideration is required as to whether 'more than normal emotional ties' are involved. For this purpose several elements should be considered such as the exclusivity of the relationship, the extent of dependency, the presence of other family members.

In this [judgment](#) the court has found that Syrian grandparents should be issued residence permits in order to stay with their grandchildren in the Netherlands. The grandparents had always participated in the life of their relatives. However, in this [judgment](#) the court has found that a Syrian mother in need of care will not be granted a permit to live with her son in the Netherlands because there is a sister in Syria who can take care of her.

### Minister of Legal Protection: help in the case of abandonment underage children in the country of origin

Since 2017 11 cases of abandonment of minors are known at the National Centre Forced Marriages and Abandonment. A total of 10 underage children have returned to the Netherlands. The following countries are involved: Ghana, Guinea, Kenya, Somalia, Bangladesh and Russia. In the eleventh case it turned out to be in the child's best interest **not** to return to the Netherlands.

In 2015 a covenant has been concluded with organisations such as the police and the Raad voor de Kinderbescherming [Children and Family Court Advisory and Support Service]. This covenant stipulates that the Children and Family Court Advisory and Support Service can submit a request for temporary

guardianship at the court in order to enable the underage child to return. In five cases this regulation has enabled six minors to return to the Netherlands with the help of the Children and Family Court Advisory and Support Service. The countries of origin were Guinea, Ghana, Kenya and Somalia. You will find more information [here](#).

## 2. ACTIVITIES

### COC: new asylum policy for LGBTs executed badly

Because of examples from 17 files the COC has concluded that 'processes of awareness and self-acceptation' still play a large role in the IND's assessment of asylum requests of gay people. In practice still insufficient attention is paid to statements by third parties such as partners or interest groups. Thirdly COC states that stereotypes and prejudices still play a part in the decision-making process of the IND.

Read the [letter by COC Nederland](#), 9.6.19

### Discussion: How do you pay your cleaner? 19 September, 20 hr de Zwiijger, Amsterdam

The law does not recognize domestic work as employment and therefore domestic workers have little social security and a poor position with respect to employment laws. Because of this or in part because of this domestic work is often undeclared work and there is an increasing number of (female) undocumented migrants who take on this work. On this evening we will address the problem of service provision in the house in more detail.

<https://dezwiijger.nl/programma/hoe-betaal-jij-de-schoonmaker>

Founded in 2003, the LOS national foundation for undocumented migrants (*Landelijk Ongedocumenteerden Steunpunt*) is the knowledge centre for people and organisations providing assistance to undocumented migrants. The LOS foundation is devoted to the basic rights of these migrants and their children.