

NEWSLETTER, volume 10 no. 21
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GLOBAL TALK: TRANSLATION OF CORONA PRESS CONFERENCES INTO EIGHT LANGUAGES

Global talk subtitled the spoken Dutch from the corona press conferences for the following languages: Syrian Arabic, Turkish, Polish, Tigrinya, Moroccan Arabic, Berber, Farsi and English. See [here](#).

BASIC RIGHTS

Dutch Admin High Court: no accommodation based on WMO law for Dutch mother and child and foreign partner, as self-sufficient

In this ruling, the Dutch Administrative High Court confirmed once again that self-sufficient parents have no right to crisis accommodation if they have nowhere to live. This case was about parents who came back to the Netherlands after they had to shut their phone shop in Portugal. The municipality temporarily housed them in a hotel, but then they had to leave. The Dutch Admin. High Court agreed with the municipality's decision, also because the Dutch mother had not indicated that she has psychological problems. See [here](#).

European Court of Justice: when applying for residence permit on the grounds of serious illness there is a right to accommodation until the court hearing

This case is about a father and his adult daughter in Belgium, both without residence permits. The daughter has a serious illness. The father is the carer for his daughter. The Belgian social services stopped welfare payments for the father when his daughter turned 18. The European Court of Justice ruled that the state is responsible for the primary living needs of the father and daughter, until a decision has been made on the application for a residence permit. See [here](#).

NB: In NL, if you submit an application for delay of departure from the Netherlands on medical grounds (for a serious illness), with all medical information, you have the right to accommodation until the IND's first decision.

ADMISSIONS POLICY

Court: asylum permit retained after change of name

This asylum seeker requested asylum under a false name. His asylum claim did not contain falsehoods, however. The IND removed his asylum permit because he used a false name. He submitted a new asylum request under his real name, and this request was granted. But the man wanted his old asylum permit to be changed into his real name, as with his old permit he had the rights to indefinite leave to remain or naturalisation. The judge agreed with his request. (Haarlem Court, NL19.29648, 21.9.20)

Secretary of State for J&S: reassessment of safe countries & adjustments for India, Togo, Algeria, Brazil and Morocco

The Netherlands has a long list of countries that it deems 'safe'. Asylum seekers from those countries are normally rejected unless they can show that they will be at risk if they have to return. The list has to be regularly updated. In the latest update, the secretary of state determined that India and Togo can no longer be deemed as safe countries. For other countries, exceptions have been established: Algeria (critical journalists and non-Sunni Muslims), Brazil (LHBTI and critical journalists) and Morocco (Rif activists). See [here](#).

Council of State: no admission for Surinamese foster child, as family members in Suriname can look after the child

This request concerns a Surinamese child whose mother had died. The Surinamese authorities granted custody to an aunt in the Netherlands. But the IND rejected the child's claim for asylum to live with the aunt, as there are enough family members in Suriname to look after the child. The Council of State agreed with this decision. See [here](#).

WBV 2020/21: change in orientation year for graduates

A foreign student keeps their residence permit during their orientation (job search) year after graduating. If they find work, they can get a residence permit with a lower salary criterion as a knowledge migrant. Because of coronavirus it is now harder to find work. The secretary of state has therefore decided that the reduced

salary criterion now applies for three years after graduation. But the orientation year has not been extended. So the former student must be in their country of origin when searching for work in the Netherlands. See [here](#).

Council of State: admission of elderly Surinamese woman, who was Dutch for a long time

This Surinamese woman is 82 years old and a widow. She submitted a request for a permit for 'readmission into the Netherlands of a former Dutch person born outside the Netherlands'. The Council of State finds that the IND must grant her admission to the country. What plays a role here is that the woman was Dutch for 42 years, worked as a Dutch civil servant for 22 years, has to pay tax in the Netherlands and also gets a Dutch ABP pension. Furthermore, three of her four children are Dutch and they live in the Netherlands, as do her grandchildren and great grandchildren. In addition, before 1982 the woman stayed long periods in Netherlands with her since-deceased mother and her children. Between 1982 and 2012 she stayed legally in the Netherlands for 9 years on the basis of a temporary residence permit. All of this underlines the strong connections that she still has with the Netherlands. Although she has also lived in Suriname for a long time, the Council of State recognises that the people she knew there have since died and that it would be difficult for her to build up new contacts. Therefore she must be admitted to the Netherlands. See [here](#).

Rb: Children's Pardon closing scheme

Children who were born after the parents' asylum procedure were not included in the old Kinderpardon scheme. The question in this case is whether this is different in the Closing Regulation. The judge reads the text critically and finds that children born after the parents' asylum procedure have ended also fall under the criteria for the closing scheme of the children's pardon. (District Court Utrecht, AWB 20/133, 22.9.20)

CHECK AND DETENTION

Secretary of State for J&S: shorter period for informing about forced removal

The Repatriation and Departure Service must announce a forced removal in advance. The period was 48 hours, and has now been changed to 36 hours. See [here](#).

ACTIVITIES

Conference: 'Together against racism and discrimination', 17 Oct 12:30-15:10

With the national elections on the horizon, it is an ideal moment for anti-racism movements to come together and discuss standpoints and possibilities for working together. Register for the conference [here](#).

Amsterdam Migratiestad Project

The Amsterdam Migratiestad (Migration City) project shares knowledge about Amsterdam migration and shows how important it has been for the development of the city. For more info, see [here](#).