

NEWS LETTER, volume 11 nr 06  
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## APPEAL: REGISTER CANDIDATES FOR STUDY RESIDENCE PERMIT

By studying at a Hogeschool [institute for higher vocational training] or University undocumented people can be granted a study residence permit. Funds are available for a part of the money required for young persons who have lived in The Netherlands for the larger part of their lives and who are willing to collect an mvv [authorisation for temporary stay] in their country of origin. Please refer to attachment for further information (in Dutch).

We would like to get in contact with potential students. Please contact Stichting LOS:  
[info@stichtinglos.nl](mailto:info@stichtinglos.nl)

## ADMISSION POLICY

### Court of Appeal: risk at return of Moroccan mother of illegitimate child

This is the second time that a Court has ruled that the IND should give more thorough consideration concerning the risks of the return of a Moroccan mother with an illegitimate child. Extramarital sex is a criminal offence in Morocco. In addition the mother fears honour revenge from her brother (Court of Appeal Den Bosch, NL20.19203, 2.3.21).

### Court of Appeal: taking into account consequences of giving the father custody of children on return of the parents to Chechnya

This Chechen mother runs the risk of being sent back. In The Netherlands she divorced her husband. She told that in Chechnya fathers get custody of the children. The Court is of the opinion that this is not in the children's interest. Therefore the IND has to reconsider their decision about the asylum request of the mother (Court of Appeal Middelburg, NL20.21940, 17.2.21).

### Court of Justice EU: take into account child's interest on considering extradition father

The Court of Justice of the EU has also confirmed that the child's interests should always be taken into account when the immigration service takes decisions about the parents. This case concerned a father with a criminal record. Because of that criminal record he ran the risk of being extradited by the Belgian authorities. The EU Court of Justice has ruled that the child's interests should be taken into account in the case of this extradition. You will find more information [here](#).

### Council of State: no passport required for Chavez permit, however unambiguous proof identity is required

This case concerns a request residence with Dutch child (a so-called Chavez case). The father does not have a passport but he has many other documents. The lawyer had argued that EU law, on which the Chavez cases are based, only requires that the identity is established unambiguously. This is now also accepted by the Council of State.

Yet the Council of State is of the opinion that the father in this case had not given sufficient proof of his identity with the other documents in his possession. According to the statement of the ambassador it is unclear on which information he relied. In the case of the copy of the Guinean driving licence it is unclear how the identity had been established. Therefore this father will not be given a permit stay with child. You will find more information [here](#).

### Court of Appeal: permit au pair rightfully revoked - objective had always been living together with Dutch partner

This case concerns an au pair who halfway through her stay applied to convert her permit into a residence permit with her Dutch partner. The IND were of the opinion that this woman had not been transparent about the objective of her au pair stay and therefore they decided to revoke her au pair permit with retroactive effect. Because the au pair permit had been revoked with retroactive effect this permit can not be converted into a partner permit. You will find more information [here](#).

## ACTIVITIES

### Volunteering: Co-coordinator for the Harriet Tubman House

We are looking for **two resolute and energetic organisers** who want to start working as **co-coordinators** in a team of *four coordinators* for approximately **one day a week** in the Harriet Tubman House, a small-scale refuge for seven undocumented women and their twelve children in Amsterdam Zuidoost.

Deadline applications: 22-3-21.

<https://www.harriettubmanhuis.nl/2021/03/03/harriet-tubman-huis-zoekt-twee-coördinatoren/>

### European Social Forum on Migration, 15-26 March 2021

We recognise the essential link between the fundamental rights of migrants and refugees and the future of our democracy in Europe. This is a critical moment to build a new solidarity at local, national and international level as we strategise our action for system change.

<https://transnationalmigrantplatform.net/european-social-forum-migration-march-15th-26th/>

### De Zwijger Livecast: Right to dignified existence - How is the current situation of stateless and undocumented people in The Netherlands? And what can we do? 16 March, 20.30.

For stateless and undocumented people the right to work, housing, health care and education has been made completely inaccessible and/or insufficiently accessible because their existence has been structurally criminalised and made illegal. How is the current situation of these groups? And which important civil and political steps can be taken to support these groups?

<https://dezwijger.nl/programma/recht-op-menswaardig-bestaan>

### Book: Intimacy in Illegality - Experiences, Struggles and Negotiations of Migrant Women

How do migrant women living in illegality build intimate relationships? How do they experience, resist or take advantage of the tight link between intimacy and migration status created by the German migration legislation? Flaminia Bartolini shows how intimacy should be understood in its intrinsic power dimension and looks critically at the German migration regime and on its effects on migrants' lives.

<https://www.amazon.nl/Intimacy-Illegality-Experiences-Struggles-Negotiations/dp/3837656020>, jan21