

NEWSLETTER, volume 11 no. 08
12 April 2021

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BLACK BOOK: UNPRECEDENTED INJUSTICES

Over the past six months, migration lawyers have compiled a black book containing 24 stories revealing how very strictly the Immigration and Naturalisation Service (IND) applies the rules and how that results in unjust situations.

The layers compare this strictness to the benefit scandal and observe that the very same injustices apply in migration law.

The black book can be found here [Dutch only].

BASIC RIGHTS

Dutch Administrative High Court (CRvB): no right to supplementary assistance for Somali with state pension during new admission procedure

This Somali had forgotten to extend his residence permit in time and had to apply for a new one. During the procedure, he is not entitled to social assistance, or to supplementary assistance. His state pension does continue, but this is insufficient for his upkeep. See [here](#) [Dutch only].

Court: no insurance obligation as long as Chavez permit has not been granted

The Immigration and Naturalisation Service (IND) had initially turned down this parent's application for a permit with Dutch child (Chavez permit), but later granted it retrospectively. The insurance company has now demanded for the premiums to be paid retrospectively as well. The judge has ruled this is not required, since no right of residence and no insurance right existed before. See [here](#) [Dutch only].

ADMISSION POLICY

Court: insolvency must be well substantiated for exemptions of document duties

The judge finds that this alien has to pay document duties when applying for a residence permit. He has stated that he has no money, but has not substantiated his statement. The judge holds that he must be able to prove that family, friends or aid workers cannot incur these costs. In the end, he has submitted a letter by VluchtelingenWerk, but according to the judge that came too late. See [here](#) [Dutch only].

Court: no risk upon return to Ghana for victim of human trafficking

The judge finds that Ghana makes sufficient efforts to combat human trafficking and punish traffickers. According to the judge that is why returning to Ghana is not a risk to a victim of human trafficking. See [here](#) [Dutch only].

Court: possible admission of elderly Surinam Down patient with sister in NL

This mentally disabled elderly Surinam woman has few family members left in Surinam. That is why her sister has brought her to NL to care for her. The judge finds that the IND has to make an informed decision about possible alternatives in Surinam, as there is no care home there and no informal care is available. See [here](#) [Dutch only].

CHECK AND RETURN

Court: identity checks only allowed in case of substantiated rejections

The IND had received an anonymous tip-off that a woman was using a false identity. Subsequently, they started searching on social media, and eventually forced the woman to reveal her true identity. As a result, her social assistance has been revoked.

The judge finds that there were insufficient indications for this investigation to take place. It should not have taken place, even if it has revealed the indications were correct. The social assistance should not have been revoked. See [here](#) [Dutch only].

Council of state: extradition to Morocco not imminent

Since 2019, nobody has been extradited to Morocco because the Moroccan embassy does not issue travel documents to people without passports. The Council of State (RvS) recently acknowledged that for that reason extradition to Morocco is not imminent. As a result, Moroccan people may no longer be placed in alien detention. Scores of Moroccan people have been released from detention. See [here](#) [Dutch only].

ACTIVITIES

Research into food aid by Amsterdam churches in times of corona

Since the corona pandemic started, many churches in Amsterdam started giving food aid. This proved very important, particularly for groups who are not entitled to official food aid by food banks, such as undocumented people.

This research study describes the importance of the relief and advises churches to not only think about the relief itself, but also about the structures upholding this situation and address those. You can find the [English-language] report [here](#).

Municipality of Amsterdam: provisions for undocumented youngsters

As a result of a Council initiative by Don Ceder, Christian Union, the municipality of Amsterdam has described what rights undocumented youngsters have. You can find the report [here](#) [Dutch only].

IND work instruction human trafficking and gender-based violence

In cases of human trafficking or gender-based violence, the IND has to have internal experts decide. The IND working method has been described in this new [work instruction](#) [Dutch only].

Three petitions:

- [NL passport for pardoners](#): Fourteen years ago, 10,000 people were told they could stay in the Netherlands. Now, years later, they are still not allowed to call themselves Dutch – bureaucratic rules get in the way.
- [Right of residence for Sofia and Najoua Sabbar](#): The young Amsterdam girls are very socially minded and enterprising, and they want to have a future in the Netherlands.
- [Right of residence for Jacob and Tina](#): Jacob and his mother fled the war in Syria. Armenian Christians, they hoped it would be easier to enter Europe on Armenian passports, but failed. By now, they have lived here for five years. The IND intends to send them to Armenia, where they never set foot in their lives.