

NEWSLETTER, volume 11 no. 23  
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## WANTED: AFRICAN MIGRANTS FOR HIV CARE STUDY

The main objective of this study is to explore the barriers and facilitators to HIV testing among Sub-Saharan African migrants in the Netherlands, in order to build more relevant and effective testing services. For this reason, we are looking for potential participants willing to share their experiences and perspectives on migration, HIV testing, and health care access.

The study does not involve HIV testing, does not require participants to have tested previously and is highly confidential and anonymous. In addition, participants will receive a VVV gift voucher worth 30 Euros.

Are you a sub-Saharan African man or woman, 18 years or older who has lived in the Netherlands for at least one year? Join us for a one-on-one interview!

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## ADMISSION POLICY

### Court: EU Member States must publish grounds for rejecting visa application

An EU visa application can be rejected because one of the EU Member States objects to entry by the applicant.

The court has concluded from responses to prejudicial questions by the EU Court of Justice that these objections must always be published, so that they can be litigated against. Also, a visa with limited territorial validity (for one country only) may be issued. See [here](#) (Dutch only).

### Court: risk upon return to be assessed after revoking asylum status homeless Somali

This Somali refugee lost his home, and as a result the municipality unregistered him from the municipal database. The Immigration and Naturalisation Service (IND) assumed he had left NL and ended his refugee status. The man heard this too late and thus objected too late against this revocation. The judge finds that the man should have filed an objection sooner. However, since returning to Somalia is too dangerous for him, in the case his asylum status must not be revoked. (Den Bosch regional court, NL20.22228, 21.10.21)

### State secretary Justice and Security: reassessment safe country of origin: Brazil, Jamaica, Serbia

It follows from the reassessment that Brazil, Jamaica, and Serbia continue to be safe countries of origin.

- Brazil: with the exception of journalists who report on corruption, crime and / or criticise the government (increased attention for this group was already in place). Also exempted are environmental activists who actively resist (illegal) mining and land clearing in areas where this is taking place. The pre-existing exception for LHBTI remains unchanged.
- Jamaica: The current exception for LHBTI remains unchanged.
- Serbia: the exception of journalists and persons likely to be placed in criminal detention and increased attention for LHBTI remain in place.

See [here](#) (Dutch only).

### Court: foreign partner loses residence right if EU partner leaves prior to divorce

The partner of an EU citizen (who is living in another country than their nationality) is automatically granted residence right. This can be adjusted to an independent residence right after five years, provided the foreign partner has an independent income. In the case of a divorce, the foreign partner can keep their right of residence after three years as long as they have an independent income. This is conditional to the divorce taking place while both are residing in the country of residence.

In this case, the EU partner had already returned to her country of origin before divorce proceedings were started. As a result, the foreign partner loses his residence right. The court concludes no unjustifiable distinction between people who live together or get divorced applies. See [here](#) (Dutch only).

### Court: wealth of religious community insufficient to admit preacher as migrant worker

Foreign preachers may be granted a status as an employee of their religious community. In such cases, any prioritised supply is not assessed. However, the community must have sufficient income to be able to pay wages.

In This case, the judge finds that the community's funds were insufficient and that the gifts and legacies were an 'insecure future event' on which the IND cannot rely. As a result, the application is turned down.

If the community can prove sufficient guarantees after all, a new application may be filed. See [here](#) (Dutch only).

## ACTIVITIES

### Project day: Refugees without rights, 20 Nov 10-16 hrs Amersfoort

The aim of this project day is focussing on the situation of undocumented people. Who are they and what are the experiences of church communities that shelter them for shorter or longer periods? With the cooperation of Derk Stegeman, Stek director, The Hague, and Linda Polman, research journalist. Further info [here](#) (Dutch only). Please register with the secretariat of the Dutch Council of Churches: [rvk@raadvankerken.nl](mailto:rvk@raadvankerken.nl).

### FRA: protecting migrants in irregular residence from economic exploitation

Regardless of their status, workers have human rights. They should not be exposed to violence and abuse, they should not be forced to work in inhumane or dangerous conditions and they should get paid for their work. This report shows what needs change to ensure workers' rights are respected.

From improving the complaint systems, to providing more information and ensuring irregular workers get compensated for their work, EU countries can do a lot more to protect workers from exploitative employers. It can start with small steps, for example by requiring labour inspections to focus on labour conditions and not on reporting workers' status to immigration authorities.

See [here](#).

### Study report human trafficking and religion: 'A Question of Faith'

This report reveals that knowledge about religion and spirituality is essential to communicating with migrants of West-African origin who may be victims of human trafficking.

In response to the report, the CKM organises a knowledge sharing session. Are you interested in attending? Please contact Sabine Leermakers: [sleermakers@hetckm.nl](mailto:sleermakers@hetckm.nl)

[Study report](#) and [Dutch-language version](#), Sept21