



Stichting Landelijk  
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## MEDICAL CONTACT: EFFECTS OF IMMIGRATION DETENTION

Three therapists from the ARQ psychotrauma centre asked nine patients who were being treated for post-traumatic stress disorder and who had experienced immigration detention about their experiences.

Several participants recounted being lifted from their beds early in the morning and taken away handcuffed, without knowing where to or why. The procedures upon arrival in detention were 'confusing' because the foreign nationals did not know what they were allowed to take with them or what they would get back. The feeling that they were being detained innocently caused fear, indignation, anger and shame. Experiences with handcuffs and strip searches were also mentioned. One 18-year-old boy had been afraid of the other detainees. The emotions most often mentioned were fear, hopelessness, shame, anger and suicidality. Six of the nine participants had also been placed in isolation, which had meant a deterioration in their mental health, and several of them had attempted suicide during their detention.

The authors argue for clarity about the reason for and duration of the detention, and a regime that looks less like a prison. And isolation in immigration detention must stop. See [here](#).

## BASIC RIGHTS

### Court: COA is not required to pay for the reception by Moviera of human trafficking victim

This case concerns the question whether COA should pay for the reception of a victim of human trafficking. The Beninese boy was in the shelter of Nidos until he turned 18. After that, he was accommodated by Moviera for a few months, until he received this status of victim of human trafficking. The Court ruled that COA does not have the assignment to receive victims of human trafficking, and therefore dismissed the case. See [here](#).

### Court: care allowance in Chavez case only from the date of insurance, not date of the residence permit

This case is about allowances in a family with a Moroccan mother, Dutch children and a Dutch father. The Moroccan mother came to the Netherlands with the children in March 2019 and received her residence permit in June 2019. She was only able to take out insurance at that time. The Tax Authorities had originally ruled that the woman was not entitled to care allowance until July 2019. In a review this was reduced to a 50% care allowance, because the Dutch husband had tried to insure her but had not succeeded. The Court agrees. See [here](#).

## ADMISSIONS POLICY

### CJEU AG: Chavez-status does not give entitlement to permanent residence

According to Dutch law, a Chavez-status is temporary and therefore does not offer the prospect of long-term EU residence. Judges have asked the EU Court whether this interpretation of the Chavez-status is correct.

The Advocate General advised the EU Court to confirm the Dutch position, namely that a Chavez-status is temporary in nature and therefore offers no prospect of permanent residence. See [here](#).

Please note: this advice is not yet the final decision, that will follow.

### Min. of Migration: new policy on arrival in connection with family reunification

Due to a ruling by the Council of State, the State Secretary has adjusted the policy on arrival in connection with family reunification. A request for subsequent entry into the Netherlands of family members with an asylum status often runs aground on the required documents. The Netherlands almost never accepted unofficial documents as proof.

That policy will be adjusted. If it is established that family members are involved, in future it will be possible for family members with no official identity documents to apply for reunification. The 'benefit of the doubt' will also be granted more often. See [here](#).

### Min. of Migration: reassessment child pardon

Children born after the end of the asylum procedure of their parents, for whom the parents never notified that they had to join the process and who meet the other conditions of the child pardon, will get a status after all. This is what the Minister says in answer to questions from Jasper van Dijk. It concerns approximately 30 cases. (Parliamentary paper 19637 no. 2833, 14.3.22)

## INSPECTION AND DETENTION

### Min. of Migration: fines for abuse of au pairs

In answer to questions in the House of Representatives about the newly proposed au-pair policy - in which only single persons under the age of 25 will be admitted - the State Secretary also states that abuse of the au-pair arrangement is already possible now. The Labour Inspectorate can only enter a house with an 'authorisation to enter', which requires a notification. Moreover, complaints are difficult to check, as less is recorded. Moreover, a fine has no consequences for future au pairs as the Labour Inspectorate is not allowed to share the information with the IND or the au-pair agency. See [here](#).

### Court: no prospect of deportation to The Gambia

It is questionable whether the Gambian embassy cooperates with deportations to Gambia. Arrangements are made for presentations, but nobody has been deported for a long time. The Court is of the opinion that in this case there is too little clarity on the possibility of deportation. See [here](#).

### Court: doubts about the possibility of deportation to Algeria

The Council of State had decided in September 2021 that there was no possibility of deportation to Algeria because the embassy was not cooperating. A new Consul has arrived in January 2022 and presentations have resumed. But so far there has been no deportation. In January, the courts found that there was still no prospect of deportation, this changed in February but the most recent ruling by the District Court of Middelburg again states that there is no prospect of deportation. See [here](#).

## WHAT'S ON

### Information Basic Rights Undocumented People, 4 April from 6 - 9 p.m. in The Hague

During the evening, various speakers from civic organisations and churches will share tips, inspiration and advice on how to support this target group. The evening starts at 6 p.m. with a meal. The programme starts at 6.30 p.m. Participation is free. See [here](#).

### Workshop Rights of EU Migrants, 12 April from 10 - 12 a.m. in Utrecht

Although 'non-beneficiaries' are still often mentioned in policy terms, EU migrants do have rights. In practice, however, it appears that it is difficult and sometimes even impossible to claim these rights or that social workers do not always know what is and what is not possible. To get a better understanding of what is possible, LOS foundation organises a meeting in Utrecht. Dion Kramer of the VU University Amsterdam will take us through the laws and regulations and explain what is possible.

Participants are asked to provide an (anonymous) case study in advance.

Register via [rian.ederveen@stichtinglos.nl](mailto:rian.ederveen@stichtinglos.nl). Don't forget to submit your case in time.

### Radboud Welcomes Newcomers.

In this project, all newcomers are given the opportunity to follow a course at Radboud University for free and in an accessible way. This also applies to undocumented persons. The only requirements are that the student has an academic background or has completed pre-university education in the country of origin, understands sufficient English or Dutch to attend classes, and has time to attend classes.

For more information about this initiative and to register, please visit: [deze site](#).

Since 2003, the LOS Foundation (National Undocumented Migrants Support Centre Foundation) has been the knowledge centre for people and organisations who provide assistance to migrants without residence permits ('undocumented migrants'). The LOS Foundation is committed to the basic rights of these migrants and their children.