

NEWS LETTER, volume 14 nr 13
17 June 2024

TABLE OF CONTENTS

ADMISSION POLICY	2
CHECK AND DETENTION	3
ACTIVITIES.....	3

CONFERENCE: MAKING RIGHTS A REALITY, 17-19 JUNE AMSTERDAM

The **main objective** of this conference is to focus attention on the existing binding human rights instruments, such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW), and ILO C-189 Decent Work for Domestic Workers, particularly in light of their non-ratification in global north countries, such as the Netherlands. In preparation for the conference, the ACMRL will produce a knowledge clip with students and the Committee on Migrant Workers to increase awareness of the ICRMW.

While primarily an academic conference, **a second objective** of the conference is to bring together different partners in the effective protection of migrant rights, main participants also include: the Committee on Migrant Workers; the UN Network on Migration; and civil society, including migrant organizers. Furthermore, this conference aims to bring together scholars from the global south and global north. See [here](#).

ADMISSION POLICY

Court of Appeal: possible risk on return to Algeria after extramarital pregnancy

This case concerned an Algerian woman who had become pregnant outside of marriage. Her family had abused her. She fled to The Netherlands.

The woman presented documentation to show that unmarried women who are pregnant are often abandoned and that the authorities offer no protection from this. The Court are of the opinion that the IND should take this information into consideration when taking a decision (Court of Appeal Rotterdam, NL24.1372, 6.5.24).

Court of Justice European Union: Iraqi westernised women form a social group for assessment of their refugee status

One of the legitimate reasons to flee in the Geneva Convention on Refugees is 'persecution by reason of belonging to a certain social group'. In this case Iraqi westernised women applied for recognition as a social group. They state that they have developed in The Netherlands and are used to making their own choices. This has shaped their identity which they cannot just renounce. The European Court has expressed its agreement with them.

After this ruling of the European Court the Council of State will assess whether the IND were right in rejecting their application. You will find more information [here](#).

Court of Appeal: discussion about discrimination concerning civic integration requirement abroad for residence with partner

Most foreign partners who want to come to The Netherlands have to pass a civic integration test. This civic integration requirement does not apply to partners from 'western countries' such as the US. The [Court of Appeal Amsterdam](#) has ruled earlier that this distinction is 'not allowed'. However, the [Court of Appeal Arnhem](#) are of the opinion that this distinction is allowed. Eventually the Council of State has to decide in Higher Appeal.

Council of State: no right of residence mother with child; child has right of residence with father in The Netherlands

This case concerned a child who has right of residence with his Sierra Leonean father, who has a residence permit in The Netherlands. In actual fact the child resides with its mother who is in The Netherlands without a residence permit. The mother has applied for permission to reside with her child. The Council of State are of the opinion that family life can also be continued in Sierra Leone; the father can move back to this country. He has no asylum permit in The Netherlands and has not proven that he is bound to The Netherlands. You will find more information [here](#).

Court of Appeal: informal care available in Morocco

This case concerned a Moroccan man with a psychotic disorder. He is also addicted to alcohol and drugs. His parents cannot take care of him and they sent him to The Netherlands where two of his brothers live. Currently they provide informal care. Applications for a care authorisation (legal authorisation) have been made.

The psychotic brother wants to stay in The Netherlands and argues that the necessary care is unaffordable in Morocco and that informal care is not available in this country. The brothers have not

proven that this is unaffordable. The Court are of the opinion that the IND has been correct in rejecting the application. You will find more information [here](#).

CHECK AND DETENTION

Court of Appeal: ID rightly checked in case of ignoring red traffic light

This ruling shows that the police are allowed to check the identity if someone ignores a red traffic light. In case the person concerned has no right of residence, he can be placed in detention as well. The argument that everyone ignores traffic lights, particularly in Amsterdam, does not apply. You will find more information [here](#).

ACTIVITIES

PICUM: vacancy for consultants Participatory Action Research

Selected consultants/organisations will each train a former undocumented migrant as a peer researcher to facilitate a series of focus groups in order to identify challenges and strategies concerning labour conflicts, to give feedback on policy recommendations of DignityFIRM, and to identify action and dissemination opportunities.

Deadline: 12 August 2024. You will find more information [here](#).

Lunch lecture: Human Trafficking and the Limits of Lived Experience, 20 June 12-13:30u UvA Amsterdam

Survivors have always played roles within anti-trafficking circles, but they have been historically valued for their capacity to publicly recount their worst days in ways that advance the cause. Survivor engagement is supposed to change this, but hard questions remain as to whether lived experiences have been centred meaningfully or marketized cynically. It is also clear, moreover, that experiences of survival have very different political valances depending on the context and the circumstances. This is particularly an issue when it concerns migrant experiences; governments are much less likely to listen to these in a respectful manner. You will find more information [here](#).

Since 2003, the LOS Foundation (the Dutch acronym for 'Landelijk Ongedocumenteerden Steunpunt') has been the knowledge centre for people and organisations providing assistance to undocumented migrants. LOS Foundation devotes itself to the basic rights of these migrants and their children.