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GUIDANCE: MILD ID AND ASYLUM

This guidance clarifies what mild ID (mild Intellectual Disability) is and how to best to deal with it throughout the asylum procedure.

Whether someone has a mild ID can be determined with various tests, by an expert, a psychologist or behavioural scientist. But anyone may spot indications of mild intellectual disability during a conversation — whether you are an IND official, lawyer or counsellor.

If you suspect someone has a form of mild ID, you can take this into account. This guidance contains various pointers on how to recognise mild ID and gives advice on how to deal with mild ID during a conversation or interview. See [here](#).

BASIC RIGHTS

INLIA: Dutch children at family locations

INLIA (aid organisation in Groningen) has gathered information on the numbers of people staying at so-called family locations (for those asylum seekers families who have exhausted all legal procedures) and their nationalities. This showed that there are only 537 people staying at the five family locations, while these places can accommodate 2000 people. Most of those families have the Nigerian nationality (91 people), 54 people have the Iraqi nationality and 39 have the Eritrean nationality. Of the 537 people, 20 people (17 families) have the Dutch nationality. See [here](#).

INLIA explains that families with one or more Dutch children can be provided shelter at the family locations in cases where the Dutch parent is unable to provide housing for them.

ADMISION POLICY

Dutch Council of State: considerations re. travel of granddaughter to her grandmother in the Netherlands for the purpose of family reunification

This case is about a 10-year-old Syrian girl. She had been living in Turkey with her mother and grandmother in 2016, after which, in 2017, her mother went to live with another man and the girl stayed with her grandmother who then took care of her granddaughter. The grandmother came to the Netherlands in 2019 because her son is living here. Meanwhile, the granddaughter stayed with various acquaintances; in the past she hardly had any contact with her mother and had daily contact with her grandmother, so she wanted to come and live with her grandmother in the Netherlands. The IND rejected her application.

The Council of State finds that, in this case, there are special ties between grandmother and granddaughter, and that the IND has not taken these ties sufficiently into account.
(RvS 202302223/1/V2 en 202302223/2/V2, 19.9.24)

District Court: considerations residence permit after Brexit withdrawal agreement

Right of residence as an EU citizen in another EU Member State is declaratory: even if you do not have an IND pass, you still have a right of residence. The same applies to partners of EU citizens: they too have a right of residence by virtue of their relationship. An IND pass is only proof of this right of residence. After the United Kingdom's Brexit Withdrawal Agreement came into effect, the EU residency rules no longer applied and UK citizens and their family members could apply for a residence permit under the Withdrawal Agreement.

In this court case, the judge ruled that the right of residence remains declaratory after the UK withdrawal from the European Union: those who meet the conditions still have right of residence even when they do not have an IND pass. The peculiarity in this case is that the IND had previously rejected an application for a residence permit under the Withdrawal Agreement. But, according to the courts, this rejection was incorrect as the IND did not conduct a thorough investigation and the applicant did meet all the requirements.

(Rb Amsterdam, AWB 23/5853, 3.9.24)

CHECK AND DETENTION

District Court: marriage and care responsibilities not taken sufficiently into account with implementation of immigrant detention

This case is about a man held in immigration detention in order to be deported. He says he is living with a woman with whom he is in an Islamic marriage, and that he takes care of her child. He takes the child to school and puts him to bed. He also provided his wife's name and address.

The judge finds that the IND did not sufficiently investigate whether immigration detention was necessary or if a 'less stringent' measure would not have sufficed. Therefore, the man should be released from detention. See [here](#).

District Court: more careful consideration of whether deportation of half a family is possible

This case is about a family that sought asylum in the Netherlands but had previously been in Croatia and, therefore, is to be transferred back to Croatia. The family was put into immigration detention when their two eldest sons were not at home, which is why these two are still at large. The police has asked them to come forward but they have not.

The court finds that the IND needed to reconsider whether deportation of the family would still be possible, but, because they failed to do so, the family must be released from detention. See [here](#).

Council of State: return to Guinea impossible without a passport

The Council of State concludes that, based on information from the website of DT&V, deportation to Guinea is impossible without a passport. This Guinean, therefore, needs to be released from custody. See [here](#).

ACTIVITIES

[Conference: Caring for undocumented migrants in Utrecht](#), 10 Oct., 12:00–17:30 hrs Utrecht

Being a Human Rights City, Utrecht thinks it is important that it is a city for all. Regardless of who you are or where you are from. The right to a safe roof over your head and adequate care is a big part of this — for people either with or without a residence permit.

This conference is aimed at exchanging knowledge, experiences and dilemmas, and being curious about each other's point of view. In addition, it is also intended to identify practical obstacles and initiate concrete improvement efforts. In this way, we will be able to learn to work together even better for and with undocumented migrants in Utrecht

[Aukje Mens: Recognition and conversion of foreign adoptions](#)

This dissertation describes what the recognition and conversion of a foreign adoption means under Dutch private international law. It explores answers both from a legal dogmatic perspective and on the basis of current Dutch rules and regulations and possible future regulations.

Founded in 2003, the LOS national foundation for undocumented migrants (Landelijk Ongedocumenteerden Steunpunt) is the knowledge centre for people and organisations providing assistance to undocumented migrants. The LOS foundation is devoted to the basic rights of these migrants and their children.