

NEWSLETTER, volume 15 no.08
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WAKE SCHIPHOL JUDICIAL COMPLEX, 4 MAY 15.30 HRS

The Schiphol Judicial Complex (JCS) is detaining innocent migrants for months on end. Through this wake, we mean to extend our sympathy and solidarity to these imprisoned aliens, showing them they have not been completely forgotten; and calling on society to reflect and change.

We will gather at the **visitors' parking** lot of the **Schiphol Judicial Complex**, Duizendbladweg 100, 1171 VA Badhoevedorp. Following a welcome and a reflection, we'll circle the detention centre with our banners – a 1000-meter walk – waving at the prisoners and chalking 'We ❤️ you'. In the colonnade, we will retreat into ourselves to prepare for prayers of intercession. All-in all, the wake will take one hour.

For further info: contact@dorothygemeenschap.nl or noelhuis@antenna.nl

BASIC RIGHTS

Dutch Administrative High Court: withholding social assistance father Dutch child in residence permit procedure was justified

The municipal Social Services department has an independent duty to assess whether a parent has residence rights regarding their Dutch child, but obviously needs to weigh in the IND assessment. In [this case](#) (Dutch only) a father had applied for residence with their Dutch child. During the procedure, the IND had allowed him to work and Social Services had supplied a provisional type of social assistance. Eventually Social Services had concluded that the father had no residence rights. The Dutch Administrative High Court finds that this assessment has been carefully made. As the IND has not granted the father residence rights, their right to work and any social assistance came to an end.

ADMISSION POLICY

Court: stepmother can also derive residence rights from care for Dutch child

This [verdict](#) (Dutch only) makes clear that not only a biological parent may be granted a residence permit, but also a stepparent who provides actual practical and emotional care to stepchildren. Once the children have grown up, an 8EVRM assessment is compulsory.

Council of State: residence rights father with child with French nationality

On the basis of EU law, a minor French national has residence rights if they do not depend financially on the government, but – for instance – on a parent. In this case, the other parent may also be granted residence with their EU-born child. To this end, this parent must live with and be financially dependent on the EU-born child, as becomes clear from [this verdict](#) (Dutch only).

Ministry of Asylum&Migration: Unaccompanied minors without shelter in country of origin to receive status until aged 18

On the basis of the TQ ruling of the EU Court of Justice, minors must receive a fast decision on their status. If they have no shelter in their country of origin, they must be granted a status in NL. The Minister has now [decided](#) (Dutch only) that up to the age of 18 years they must receive a temporary status that cannot be extended. Minors under the age of 15 years at entry will be granted a permanent status.

CHECK AND DETENTION

Court: in case of detention based on old return decision, risk at deportation must be checked

Roermond regional court has [judged](#) (Dutch only) that an old return decision does not suffice as grounds for detention, because the risk any person runs following deportation must always be assessed. This is also the judge's obligation.

ACTIVITIES

Webinar: Storytelling for Social Change, 17 April 16:00 - 17:00 hrs

During this [webinar](#) (Dutch only), you will find out how you can use storytelling to connect people, change perspectives and encourage action for social change. We do so by combining timeless insights from literature, groundbreaking art and the latest social movements. We will shed light on the basic principles of Storytelling for Social Change and apply them to proven methods furthering refugee integration and inclusion. Creativity is central to this approach since imagination is the key to a joint, better future.

Wake 'Wij Maken Plek' (We make room), 17 April, 18:00 - 19:00 hrs Amsterdam City Hall

This is our [fourth anniversary](#)! Speakers will be: Eduard Nazarski, Rutger Groot Wassink, Lisa-Marie Komp

Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families General comment No. 6 (2024) on the convergent protection of the rights of migrant workers and members of their families through the Convention and the Global Compact for Safe, Orderly and Regular Migration

The purpose of the [General Comment](#) is to explore linkages between the Convention and the Compact, which overlap in important ways despite some key divergences, as well as to provide guidelines on how to implement the Compact in light of existing human rights norms.

The Committee considers for instance that States must facilitate migrant workers' access to an adequate standard of living, including through access to decent housing, water and sanitation, food, social protection and health, all of which are linked to the right to life. The Committee reiterates that States may not use social services for immigration control purposes, as this could not only hinder access to these rights and worsen the vulnerable situation of the persons concerned, but also undermine the achievement of social policy objectives. States must establish firewalls, in law and in practice, to ensure that social services do not report immigration status to the authorities responsible for controlling the residence of migrants. The rights set out in the Convention apply to all migrant workers and members of their families, including those in an irregular situation.

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.