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**CONTENT**

1. BASIC RIGHTS.....	2
2. ADMISSIONS POLICY.....	2
3. INSPECTION AND DETENTION.....	3
4. WHAT'S ON?.....	3

**RB: CONCRETE SUSPICION ILLEGAL RESIDENCE NECESSARY FOR POLICE RAID**

This case is about a woman who had exhausted all appeals and had left the Asylum Seekers' Centre (AZC).

The supervisor of the Repatriation and Departure Service (DT&V) suspected that she had gone into hiding at her daughter's, who had legal residence in The Netherlands, which is why the police went to the daughter's home and found the mother there. She was placed in alien detention.

The court decided in this case that the police had not been allowed to search for the mother at the daughter's, because there were no concrete reasons to think that the mother would be there. She had never mentioned anything in that respect to the DT&V. The mother had to be released. See [here](#).

## 1. BASIC RIGHTS

### Rb: entitlement to W2-document during procedure regarding medical care in country of origin

This family has applied for a residence permit because of the lack of medical care in the country of origin (article 64). They received a letter from the IND showing that this application was still pending, but that letter was not accepted as proof of identity by various authorities. For example, the son states that he had not been admitted to school.

The IND had refused the document because the situation would not last long, but this family had already been waiting for the decision for 18 months. The court therefore considers that the family is entitled to a W2-document, also because there is a statutory duty to provide proof of identity (Rb Groningen, AWB 18/2188, 9.8.18).

## 2. ADMISSIONS POLICY

### Rb: on entry visa of Ghanaian daughter at mother in The Netherlands, with also a Dutch and a Spanish child

The IND decided that this Ghanaian daughter did not have to come to The Netherlands because her mother, who looks after her Dutch and Spanish child in The Netherlands, could go to live in Ghana. The court finds that the IND has not weighed the consequences this would have for the Dutch and Spanish children who had already lived in The Netherlands for a long time. They must leave the EU (Chavez-criteria)? And what does it mean for their private life (8ECHR-criteria)? The IND must take a new decision. See [here](#).

### Council of State: sufficient HIV-drug available in Nigeria

Although the medication Darunavir is not officially registered in Nigeria, the Council of State considers that the statements of Medical Advisors' Office on its availability offer sufficient assurance that the drug will be available constantly.

Because the patient has not proved that he does not have any income to pay for this medication, the IND is not required to look further into its accessibility.

See [here](#).

### Rb: Moroccan woman who came to The Netherlands when she was 12 and has lived here for 14 years old, is to get status

The court finds that this Moroccan woman who grew up in The Netherlands at her aunt's, never returned to Morocco, and is fully integrated, should be given status because of the right to private life. See [here](#).

### Rb: Right to family life with mother for 22 year old disabled boy, lived with grandmother for over 10 years

This Thai mother came to The Netherlands to live with her new partner. She was able to have her healthy children join her in The Netherlands, but the partner did not want to allow her severely handicapped son to come as well. In the meantime, the relationship has broken down, the mother has found a job and now request family reunification for her son.

Her son is now 22 years old. He stayed with his grandparents, but needs a lot of care and the grandparents are no longer able to provide this, because of their age and health. The court finds that the IND should make a more informed decision whether the son has the right to stay with his mother. (Rb Amsterdam AWB 18/2591 AND AWB 18/59, 1.8.18)

### 3. INSPECTION AND DETENTION

Rb: law needs to be adapted to justify immigration detention during asylum procedure

This asylum seeker appealed after a rejected asylum application. Since the ruling of the European Court of Justice in the Ghandi-case, an asylum-seeker is entitled to a legal residence until the first court ruling, but the Aliens Act has not been amended yet. That is why immigration detention during this appeal phase is not allowed, the judge considers.

The foreign national has to be released. See [here](#).

### 4. WHAT'S ON?

[Family Matters: A Study into the factors hampering Voluntary Return of Migrants Residing at Family Locations](#) (24.8.18)

The Government of The Netherlands organizes the housing of migrant families whose asylum application has been rejected (and consequently are obliged to leave The Netherlands) in designated family locations, until the youngest child has reached the age of 18. Also in 2013, the Government of The Netherlands introduced the Child Amnesty provision (*Kinderpardon*), legalizing a group of asylum children (and household) based on the rooting principle.

This study provides insight into the decision-making process of migrant families in these family locations, whose legal remedies in most cases have been exhausted, but who nevertheless decide not to return.

[Geedi Newsletter](#)

Geedi is a volunteer organization that writes a newsletter a few times each year, about the developments in Somalia and Somali asylum seekers in The Netherlands. Newsletter No. 12 can be found [here](#).

Since 2003, the LOS Foundation (National Undocumented Migrants Support Centre Foundation) has been the knowledge centre for people and organizations 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.