

NEWS LETTER, volume 8 nr 26
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DAMAGE RISK FOR CHILDREN WHO STAY FOR LONG

A few hundred children who applied for a residence permit In The Netherlands over five years ago are now threatened with deportation. Both the year-long impending deportation and the actual deportation when this happens increase the risk of damaging these children to such an extent that their development has to be protected by offering them a secure and positive perspective for the future. This memorandum about the possible damage provides an insight into the damage to be expected as to the development of children when they are threatened with deportation.

You can read the memorandum [here](#).

1. BASIC RIGHTS

Central Court of Appeal: reduced additional benefit elderly couple with resident disabled son without right of residence

The Central Court of Appeal have decided that an elderly couple with a resident disabled son without right of residence will receive only a reduced additional pension (*AIO Aanvulling Inkomensvoorziening Ouderen* - Additional Benefit for the Elderly). This will leave them a little under € 620.- to live and therefore these are not compelling circumstances according to the court. More information [here](#).

Court of Appeal: in spite of the right of residence with Dutch child since 2011 still only one year retroactive child benefit

This case concerned a foreign mother of a Dutch child who was born in 2011. The mother applied for child benefit from the beginning. With hindsight it has been decided that the mother has had right of residence as of the birth of the Dutch child. Yet the Court are of the opinion that it is justified to grant the mother child benefit only over the past year and that she is not entitled to receive this benefit from the moment the child was born. This is the policy rule and The Netherlands are not obliged to act differently by EU. More information [here](#).

Council of State: benefit partner is the person registered at the same address in the population register, even if the actual home address is elsewhere

After their divorce this couple did not register the relocation of one of them with the municipal authorities. Although it is clear that this partner in fact lived somewhere else, the tax authorities assume the registered address is the actual address and therefore both partners are considered benefit partners. This would only be different if the partner who moved, had later registered at the address where he lived beforehand as well. In this case in the intervening period he lived at a different address where he could not register. More information [here](#).

Court of Appeal: entitlement to care allowance for partner of EU citizen during application phase

Partners of EU citizens have declaratory right of residence. But until the IND have decided there is still no formal confirmation of this residence permit. It is the question whether this partner can be considered a benefit partner. The Court are of the opinion that this is indeed the case even if the partner had no residence documents and no health insurance at the time. More information [here](#).

2. ADMISSION POLICY

Court of Appeal: no entry visa for presence at the birth of a Dutch child

This Algerian partner of a Dutch woman would wholeheartedly like to be present at the birth of his (Dutch) child. According to him he has right of residence as a father of a Dutch child. The Netherlands do not grant him a visa and the Court are in agreement with this. The right of residence with a Dutch child applies in those cases where the parent should be able to take care of the child. The father cannot yet care for an unborn child, according to the Court (Vzr VK Rb Den Haag zp Amsterdam, AWB 18/8339, 19.11.18).

GRETA: recommendations to The Netherlands for help to victims of human trafficking.

The Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA), published its report with the following issues for immediate action

- GRETA once again urges the Dutch authorities to ensure, in line with Article 12 (6) of the Convention, that assistance provided to foreign victims of Trafficking in Human Beings is not linked to investigations or prosecutions being pursued (paragraph 130);
- GRETA once again urges the Dutch authorities to take additional steps to ensure that all possible foreign victims of trafficking, including EU/EEA nationals, are consistently offered a recovery and reflection period, regardless of the competent authorities dealing with the case. To this end, the Dutch authorities should ensure that the legislation and instructions are harmonised and unambiguous as regards the right of foreign EU trafficking victims to a recovery and reflection period (paragraph 163). You will find more information [here](#).

3. ACTIVITIES

[Lecture Pim Fischer about the Right to Shelter and the LVV \[national provision for migrants\], 16 January 15-18 hr Keizersgrachtkerk Amsterdam](#)

Lawyer Pim Fischer explains the current situation with respect to court proceedings about the right to food, clothing and shelter and what are the consequences of the Shelters yet to be built for undocumented migrants. [LVV = Landelijke VreemdelingenVoorziening/national provision for migrants] Language: Dutch. Information and order the reader in advance: mail@amsterdamcityrights.org.

[Tesseltje de Lange and Conny Rijken: Towards a Decent Labour Market for Low-Waged Migrant Workers An Introduction](#)

In this book we dive into the position of low-waged migrant workers from within the EU, possibly working under worse labour conditions than nationals or under the level of their education attainments, as well as third-country nationals, especially those in low-paid jobs such as seasonal workers, asylum seekers or those without legal residence. They contribute to the labour market but are vulnerable...

[European Commission : 2nd Progress Report Trafficking in Human Beings](#)

Trafficking in human beings is a violation of fundamental rights, and is explicitly prohibited under the Charter of Fundamental Rights of the European Union. The EU Anti-trafficking Directive adopted in 2011 put forward a victim-centred, gender-specific and child-sensitive approach to address trafficking in human beings, establishing robust provisions on victims' protection, assistance and support, as well as on prevention and prosecution of the crime.

This report includes an update on the actions taken as well as an update on the application of EU rules on residence permits for victims of trafficking (Directive 2004/81/EC).

[Trijntje Oosterhuis sings about child's pardon](#)

Waar je bent geboren en getogen./ moet je daar vandaan – wie heeft dat beslist?

Had je willen zijn geboren,/ als je dat tevoren wist?

Handen af zingt mijn geweten,/ laat ze blijven, laat ze blijven

God en bijna iedereen/ staat aan hun kant.

Overheid, doe niet zo verbeteren/ maak een beter, liever Nederland.