



Stichting Landelijk Ogedocumenteerden Steunpunt

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Apply for child benefit for children without residence permits who have been here long!

The Dutch Administrative High Court has awarded child benefit to parents without residence permits. The criteria the Court took into account are:

- Lengthy stay in the Netherlands and tightly bonded with the Netherlands
- Being involved in proceedings (rightfully) part of that time, preferably at the time of the Court decision.

The lawyer who won this case advises anyone who thinks they may be eligible to apply for child benefit. If the application is turned down, he is eager to bring proceedings. You'll find more information at: www.fischeradvocaten.nl

LOS foundation is the supporting organization for the assistance of migrants without residence permits. By means of this newsletter we inform you of current developments. If you have any questions about this newsletter or about the rights of migrants without residence permits, please feel free to contact LOS.

1. Basic rights

Illegal mother granted right of reception with her child

When the mother was admitted to a clinic, the 7-year-old child was abused in its foster family. For that reason, Youth care decided to take care of the child. After the mother was released from the clinic, the court decided she has right of reception with her child.

2. Admission policy

Protection in the Netherlands from domestic violence in Togo

The court has decided that women from Togo who have been married off and fall victim to domestic violence must be protected in the Netherlands, as it is impossible for them to maintain themselves in Togo without the support of their family.

No visa needed in country of origin (authorisation for temporary stay) on account of care for Dutch partner

The Council of State finds it unreasonable to send a woman who is looking after her ill Dutch partner to her country of origin for an authorisation for temporary stay. The application is to be handled in the Netherlands.

Care for children yields right of residence

The European Court of Human Rights has decided that a Dominican woman who has lived in Norway on a false passport since 1996 and since had two children for whom she has cared, is allowed to stay in Norway after all. The children's interest outweighs the use of false documents.

Authorisation for temporary stay is needed when caring for ill mother

The Council of State decided that a Moroccan woman who is caring for her ill mother in the Netherlands is to travel back to her country of origin to apply for an authorisation for temporary stay. According to the Council of State there are other people who may provide this care.

3. Check and deportation

Border controls are still not allowed

Earlier this year it became clear that mobile border controls (in train, bus or car) contravenes the European Schengen Agreement. Two months ago, the Netherlands published a change in the law. According to courts, the Netherlands still does not comply with Schengen criteria, in spite of this change.

Police check fingerprints in the street

The police have started a test involving wireless fingerprinting and document checks in the street to trace illegal aliens.

African women in the bus to wealthy neighbourhoods are illegal?

The Council of State has decided that the police are not authorized to check the passports of African women from the Bijlmer travelling to Kennemerland by bus. There is no 'reasonable cause' to suspect that are illegal.

EU Sanctions directive bill for checks on illegal labour

The European Sanctions Directive compels all EU member states to check on illegal labour. The directive applies since 20 July. Recently, the bill for introducing the law in the Netherlands was published. It states that employers are report all migrants who want to work for them. They will be fined if they employ people without residence permits. Illegal employees who are caught have the right to claim six months' wages.

Deportations to Surinam started again

According to a court, a Surinam man remains in detention, as the Surinam embassy has promised to resume issuing emergency passports.

4. What can be done?

Homeless refugee organization in Utrecht

Homeless refugees ('Vluchtelingen op Straat;') have organized themselves. After they exhausted all legal remedies, they have been evicted from reception. They cannot go back, they are not allowed to work and are not eligible for social assistance benefit. Their networks of temporary addresses with fellow countrymen and friends are exhausted. Moreover, they cannot sleep in the homeless shelters.

Join through: vluchtelingenopstraat@gmail.com

Sticker campaign: we help people without a residence permit

In Amsterdam, the ASKV refugee centre has applied stickers to the doors of civil society organisations saying 'Yes, people without residence permits are still welcome here. We don't ask to see your documents.' The ASKV wants everyone to continue to be welcome with them. You can apply for stickers at: www.askv.nl