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## COURT: RIGHT TO RECEPTION DURING ASYLUM PROCEDURE

On 19 June last, in the Gnandi case, the European Court of Justice has found that asylum seekers are entitled to reception from the moment they submit their asylum application till the first court case.

Courts have since explained this in various judicial rulings.

The right to reception exists from the moment of submitting the Notification ([RvS \(Council of State\) 201706173/1/V1, 28.6.18](#) Dutch only).

There is a right to reception in the appeal phase following rejection ([Rb Den Haag \(The Hague Court\) NL18.12511, 5.7.18](#) Dutch only).

There is likewise a right to reception in the appeal phase following rejection of a renewed asylum application ([Rb Middelburg 18.10716, 1.8.18](#) Dutch only).

There is no right to reception while awaiting an appeal at the Raad van State ([Rb Zwolle NL18.13602, 9.8.18](#) Dutch only).

Lastly, the residence permits must be granted from the Notification date, since that date marks the start of the asylum procedure ([RvS 201706294/1/V1, 28.6.18](#) Dutch only).

## 1. BASIC RIGHTS

### Council of State: revoking childcare allowance for working woman whose partner is still in Egypt is justified

This case concerns a woman with children who is working full-time in order to be able to bring her Egyptian partner to the Netherlands. She has arranged for childcare service for her children and has applied for childcare allowance. The Tax Authorities now reclaim this allowance, since her husband is living in Egypt rather than in NL or the EU, so that she was not entitled to it. The Council of State confirms the decision by the Tax Authorities is justified. See [here](#) (Dutch only).

### Council of State: revoking supplements for man with partner who resided in NL first as a tourist and later during the procedure

This case concerns a man who brought his wife to NL as a tourist. Subsequently she started a procedure for residence with partner.

During that period, she was in the Netherlands legally. Still, the Tax Authorities find that the husband was not entitled to supplements. The council of State confirms this decision. See [here](#) (Dutch only).

## 2. ADMISSION POLICY

### Court: revoking Dutch permit after 12 yrs for wrong data use inadmissible, EU permit is revoked

The judge finds that the Immigration and Naturalisation Service (IND) cannot revoke a residence permit after 12 years on the grounds of using fictitious personal data. This is written in the Dutch Alien Act. Since an EU permit may always be revoked on these grounds, the EU permanent residence permit may be revoked. It must be changed into a national permanent residence permit. See [here](#) (Dutch only).

### Court: revoking asylum permit from 1991 because of criminal record only allowed in case of 'serious and present threat'

This case concerns a man with a permit from 1991 on 'urgent humanitarian grounds'. The Netherlands aims to revoke the permit due to the man's criminal record. The judge finds that here the EU criterion 'serious and present threat' applies, because such permits were granted in the past in situations that would now be grounds for Subsidiary Protection. Therefore, the permit may not be revoked. See [here](#) (Dutch only).

### Court: no exemption from provisional residence permit requirement for residence as partner/informal carer of sick partner with 4 children

This case concerns a Moroccan woman who is caring for her sick partner and his 4 children. She doesn't want to submit her application for residence with partner in Morocco, as her partner would then go without her care for too long. There are letters from social workers, among others, supporting her request.

The IND finds that formal care may supplant the informal care, and therefore will not grant a permit as long as the woman is residing in NL. The judge agrees. See [here](#) (Dutch only).

### Court: NL must be most suited country for readmission after 5-year-residence as a minor in NL

Readmission is a residence permit for people who were legally residing in the Netherlands as a child and

later returned to their country of origin. Apart from a 5-year residence period a requirement is that the Netherlands is the most suited country.

In the case, the applicant did reside in NL for 5 years, but also lived in Iran, where he started a family. For that reason he does not comply with the criterium, according to the judge. See [here](#) (Dutch only).

### 3. CHECK AND DETENTION

#### Court: asylum request invalidates visa, making entry ban possible

This Ukrainian woman came to NL on a valid visa, but then submitted an asylum request. Now, she wants to revoke her asylum request and re-establish her legal residence as a tourist. The judge finds that this is not possible, since by submitting her asylum request, she has shown that she intends to stay in the EU for longer than 3 months, and this is contrary to the reason why she was granted a visa. Hence the visa has been invalidated and an entry ban may be imposed on her. See [here](#) (Dutch only).

### 4. ACTIVITIES

#### ASKV Amsterdam: [Help a refugee start work through our new webshop!](#)

The ASKV invites you to support part of our courses. Through our [webshop](#) (Dutch only) you can make a solidarity purchase for, among others, the materials needed to learn a trade. For 10 euros, we can buy bike lights for our course members, a set of scissors for 25 euros, and for 50 euros you can sponsor two classes of your choosing. See what courses we offer and make a [purchase](#).

#### Lizebeth Melse: [‘I do not know where the wind will blow me’ - A research on the changing lives and survival strategies of aging long-term undocumented migrants in the Netherlands. \(July 2018\)](#)

This thesis explores the most important changes that have taken place in particular areas of life of long-term undocumented migrants in The Netherlands and how these changes interfere with their survival strategies. Further, it elaborates on how these changes influence their ideas about the future.

The data show that long-term aging undocumented migrants are facing difficulties in all explored areas of life and that these difficulties have emerged and increased during the course of 15-30 years. People have found multiple ways to make ends meet, but the many years that they constantly had to adapt their survival strategies have taken their toll and there have been periods that people have lived or still live in dire circumstances. The option to return to their country of origin seems far away, but a majority sees their lives in the Netherlands as hopeless too: they find themselves in a stalemate position.

#### Glenn Oostveen: A long-term undocumented existence: life versus policy

This thesis pays specific attention to the group of undocumented people who are staying in the Netherlands for a long period of time. Through an analysis of interviews with twelve persons staying illegally in the Netherlands, explanations have been sought for the question why long-term undocumented persons staying in the Netherlands for longer than seventeen years have not yet been made legal. The thesis also investigates the consequences of the long-term illegal residence in the Netherlands. All the interviews took place at the Wereldhuis.

<https://openaccess.leidenuniv.nl/handle/1887/63658>.