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## FACTSHEET ON VIOLENCE AGAINST/AMONG MIGRANTS IN VULNERABLE SITUATIONS

This factsheet is about migrants in vulnerable situations who are at high risk of becoming a victim of domestic violence but for whom ending a relationship would have consequences for their right to stay in the Netherlands.

<https://www.huiselijkgeweld.nl/vormen/kwetsbare-migranten/publicaties/factsheets/2018/11/15-september-2020/migrants-in-vulnerable-situations>

## BASIC RIGHTS

### Number of undocumented people in 2017-2018

The Research and Documentation Centre of the Ministry of Justice has done research into the number of undocumented people in NL. They used two methods for this. According to the method that has been used for a long time, there are currently 23,000 undocumented people in the Netherlands. This is a drop of approx. one third in comparison with an earlier estimate, in 2013. The main data source for this method is police data.

According to a new method, there are 58,000 without the right to stay in NL. In this method, police data is compared to data from the IOM.

The large difference between the two research results means that questions must be asked about the reliability of both estimates.

[Read the full report](#), 16.12.20

### Court: arrested while declaring birth of Dutch child

This case is about a man who was arrested in November 2019 when he was at the municipality to declare the birth of his Dutch child. He was deported to Italy. An application for a residence permit as a father of a Dutch child did not stop the deportation. The judge agreed with this. See [here](#).

## ADMISSION POLICY

### Council of State: fees for application on the grounds of right to a private life

Normally, for an application for a residence permit on the grounds of a right to respect for private life (art 8 ECHR), high fees must be paid. This woman asked for an exemption, but she had not requested the necessary documents for this (evidence from the Legal Aid Board, declarations from acquaintances).

The Council of State finds that the judge should have looked at her case. The woman has often been involuntarily incarcerated, needs intensive support, cannot and is not allowed to work, and has no fixed abode. Therefore the judge should have concluded that she could not pay. See [here](#).

### Court: admission of older mother requiring help

The adult child of a 78-year-old mother needing help submitted an application so that her mother could come to the Netherlands. The IND refused it because they said that the mother was not ill enough. The lawyer made reference to an information letter from 2015, which stated that such cases must be presented to the Distressing Cases Committee (Commissie Schrijvende Zaken). Although the Commission no longer exists, the judge believes that the IND must implement this sort of test. (Amsterdam Court, AWB 20/1542, 20/1543, 1.12.20)

### Court: conviction of au pair agency

This au-pair agency received a fine because they did not report in time to the IND that an au-pair was no longer taking part in the programme. Furthermore, the agency failed to ensure that the au-pairs were treated well, did not work too much, and could take part in cultural exchange. The agency had already received a warning. Therefore the fine of €3000 is correct. See [here](#).

## CHECK AND DETENTION

### Supreme Court: correct criminalisation of residence with entry ban

An alien who has a criminal record can receive a 'long entry ban'. Someone with a 'long entry ban' cannot enter the EU in the next 5 or 10 years. This period begins after the person has left the EU. In the Netherlands, staying in the country when you have a 'long entry ban' is a criminal offence. The question was if this is only criminalised once a person has left the EU. The Supreme Court has now definitively decided that this is not the case. This means that aliens with a long entry ban who stay in the NL can be charged with a criminal offence. See [here](#).

## ACTIVITIES

### Kruispost Amsterdam: changed opening times

The evening consultations are stopping

For the morning consultations the following applies: call Kruispost to make an appointment with a doctor. You will then get a telephone consultation. If this is not enough then the doctor will invite you to come to Kruispost. **Tel: 020 6249031** Please phone between 9.30 and 12.30