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MEDICO INTERNATIONAL : RÜCKKEHR-WATCH/RETURN WATCH

The European Union and the German Government are promoting ‘voluntary’ repatriation of refugees and migrants by offering them the prospect of a promising new start in their respective countries of origin.

What impact will these programmes have on the right to asylum and on deportation policies? How could reintegration and a new start succeed under precisely the same circumstances as those that caused these people to flee or migrate in the first place? Or are these support programmes more about repatriating immigrants and refugees as effectively and quietly as possible?

www.return-watch.org

BASIC RIGHTS

Central Appeals Court: no social welfare benefits for Dutch child who is not in the Netherlands

In this case, the Central Appeals Court ruled on social welfare benefits for a Dutch child still living in Morocco. The father wanted to bring mother and child to the Netherlands, but had not yet succeeded in doing so. The child is registered in the Dutch Municipal Personal Records Database. The Central Appeals Court clarifies that only Dutch children living in the Netherlands are entitled to receive social welfare benefits. See [here](#).

ADMISSION POLICY

District Court: risk unattached woman in Republic of Guinea

In the Republic of Guinea, it is difficult for unattached women to survive. This woman is young and vulnerable and has no social network in Guinea. There are some women's organisations, but they are underfunded and, therefore, will not automatically be able to offer assistance. The court is of the opinion that the IND should reconsider the asylum application of this Guinean woman. See [here](#).

District Court: no admission for non-Dutch sister of Dutch child and mother with 'Chavez-Vilchez'-based residence permit

A residence permit awarded on the basis of 'Chavez-Vilchez' is a legal right of residence for the custodial parent or carer of a Dutch child, to ensure that this child will be able to grow up in the Netherlands. In this particular case, the mother also has another daughter who has the Indonesian nationality. This girl is currently being cared for by her grandmother in Indonesia. The court is of the opinion that she cannot come to the Netherlands to be reunited with her mother. See [here](#).

District Court: risks related to the repatriation of Ghanaian man without problem-solving abilities

Immigrants who are ill are not to be sent back to their country of origin if adequate care is not available there, or if such care is not accessible.

This case is about a Ghanaian man suffering from epilepsy and with a high risk of myocardial and cerebral infarction. In addition, he is also intellectually challenged and not good at solving problems. He is also not complying with his therapy. The IND's medical advice office (BMA) had concluded that he could travel back to Ghana under supervision, and that medication would be available to him there. The court, however, was of the opinion that the BMA had not sufficiently taken the man's diminished intellectual capabilities into account nor that he was not compliant with therapy. These factors increase the risk.

The IND should reconsider its decision. See [here](#).

District Court: risk of repatriation intellectually challenged Surinamese man

This case is about an intellectually challenged Surinamese man with epilepsy, who had been brought to the Netherlands by his aunt after both his parents had died. He has been living with his aunt ever since, and she has been caring for him. The court is of the opinion that the IND should further investigate the necessity of this care being provided by his aunt or whether family care could also be provided by a carer in Suriname. See [here](#).

District Court: Turning down applications submitted by older undocumented people justified

In three Amsterdam cases, applications were submitted by a lawyer for a residence permit on the basis of Article 8 of the The Convention for the Protection of Human Rights and Fundamental Freedoms (i.e. private life). The applicants involved had been living in Amsterdam for over 20 years and two of them had been legal residents in the past. The cases were 'put to the side' because the related legal fees of EUR 1086 had not been paid. The lawyer had requested an exemption for these applicants, but the judge rejected this request in all three cases, because the persons concerned were not entitled to a residence permit. See case [\(1\)](#), [\(2\)](#), [\(3\)](#)

CHECK AND DETENTION

District Court: Family members convicted of people smuggling

These Syrian brothers had paid people smugglers to take their parents and sister to the Netherlands. Previous applications for family reunification had been rejected by the IND. The court found the actions by the brothers punishable under the law and sentenced them to 182 days imprisonment, 180 of which suspended, plus 100 hours of community service. See [here](#).

District Court: family without having taken a coronavirus test not in detention

Many countries require a negative coronavirus test before people are granted admission. Immigrants who refuse to take such a test cannot be deported. This case is about a family who were going to be returned to France, as France would have to process their asylum application. However, because the family refused to undergo a coronavirus test, and because families can only be detained for 2 weeks, the court ruled that there was 'no prospect of deportation' and that the detention was unlawful. See [here](#).

ACTIVITIES

For vaccinations without having to make an appointment, also for people without BSN number, see: [Prikken zonder afspraak \(rijksoverheid.nl\)](https://www.prikkenzonderafpraak.nl)

Founded in 2003, the LOS national foundation for undocumented migrants (Landelijk Ongedocumenteerden Steunpunt) is the knowledge centre for people and organisations providing assistance to undocumented migrants. The LOS foundation is devoted to the basic rights of these migrants and their children.