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## WANTED: ONDOCUMENTED YOUTHS DREAMING OF UNIVERSITY DEGREE

In March 2022, a covenant was signed between the Municipality of Amsterdam and the Amsterdam universities and HBOs (i.e. universities of applied sciences) to give undocumented young people more access to higher education in Amsterdam. We are looking for young people who want to take advantage of this opportunity, starting this September.

*Are you currently undocumented while staying in the Netherlands and would you like to further your education at a university or college in Amsterdam? If so, then the possibilities are perhaps greater than you think.*

- *Are you 29 years old or younger and without a residence permit?*
- *And did you graduate from a Dutch secondary school with a havo, vwo or mbo-4 diploma (or will you do so this school year)?*
- *And would you like to continue your education at an HBO or University in Amsterdam?*

*Then please look at the preconditions and register as soon as possible, but no later than 1 May 2023, at one of Amsterdam’s HBOs or universities!*

*For more information:* [Pilot project on access to higher education for undocumented youth in Amsterdam — Municipality of Amsterdam](#)

## 1. BASIC RIGHTS

District Court: [Social welfare benefit entitlement during residence procedure Spanish woman with her Dutch husband](#)

This case concerns a Spanish woman who went to live with her Dutch husband. She applied for a residence permit to stay with her husband. The husband was receiving a social welfare benefit. Her permit application was rejected, after which the woman lodged an objection and then appealed the decision. The judge clarified that the couple was entitled to a social welfare benefit as a family in the period up to the Court's ruling on the objection. Over any subsequent period up to the Court's ruling on the appeal, the Spanish woman will no longer have lawful residence and, therefore, the man will be entitled to only half of the family benefit payment.

Ministry of Education, Culture and Science (OCW): [no standard lower tuition fee for refugee students](#)

The Minister does not want to charge all asylum seekers the same —lower— tuition fee (EU 2,000) when they are looking to pursue a higher education (HBO and WO). He is afraid of the English-language courses attracting large additional numbers of applicants. The so-called dreamers (young undocumented migrants who grew up in the Netherlands) argue that they form a separate category and that the lower tuition fees should apply to all of them.

## 2. ADMISSION POLICY

District Court: [Young women in Sierra Leone are hardly able to escape circumcision](#)

The judge in this case made it clear that uncircumcised women in Sierra Leone face social exclusion and experience great peer pressure to become circumcised. Circumcision usually takes place between the ages of 10 and 14. The daughter in this case is 13 and therefore at high risk. The mother, who is 40, is no longer at risk. Mother and daughter should be granted asylum.

District Court: [Difference is unjustified between countries of origin where it comes to the civic integration requirement for foreigners](#)

For a residence permit to stay with a partner, the foreign partner usually has to take a Dutch citizenship course exam in their country of origin. However, there is no such requirement for partners from 'wealthier countries', such as the United States, Canada, Japan and South Korea. In this case, the court ruled that there is no valid reason for this difference, as there is no evidence of partners from such 'wealthier countries' having less trouble integrating.

[Information message about status Chavez-Vilchez permit](#)

In the past, the Netherlands considered that a residence permit as responsible parent for a Dutch child (Chavez-Vilchez status) is temporary in nature and therefore does not entitle this parent to a permanent residence permit or naturalisation. Following a ruling by the EU Court of Justice, the Netherlands has now adjusted this policy.

### 3. CHECK AND DETENTION

District Court: no detention for elderly Pakistani of fixed abode

This Pakistani of nearly 70 years old has been put in immigration detention. He suffers from back pain and looks frail. For years, he had been staying at the same address, known to the police. The judge in this case ruled that the police was not justified in imposing this detention. (District Court Amsterdam, NL23.570, 19.1.23)

### 4. ACTIVITIES

New: 'law clinic' for advice about the social rights of EU citizens

A group of 5 or 6 students from the master course on European and International Law will be working to provide legal advice on social security entitlement for EU citizens. It is a pilot project. These students will need some time to study each request for advice, so it may take a while before applicants receive an answers to their questions.

Contact: [dion.kramer@vu.nl](mailto:dion.kramer@vu.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.