

NEWS LETTER, volume 13 nr 14  
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## CAMPAIGN 'BREACH DESPAIR'

Dutch migration policy places people in harrowing situations. They cannot return to their country of origin, but the current legislation does not entitle them to refugee status either. In order to give these people a future on World Refugee Day thirteen organisations have started the campaign 'Breach despair'.

We want to breach despair:

- for old, vulnerable people who have been in the Netherlands for dozens of years but do who not have a residence permit. They have become well-rooted here.
- for young adolescents who trained here and who want to find employment here but are not allowed to do so because they have no residence permit. They have become well-rooted as well.

We spoke with Junius; he tells his story in this video: <https://youtu.be/Mgs2AmhDOXE>. He is by far not the only person to find himself in such a predicament. We are of the opinion that these people should be given back their lives and need to be provided with an opportunity to fully participate in our society.

Will you help? You can do this by [sharing this video](#), by [subscribing](#) to stay informed and by [supporting this campaign with a donation](#).

## 1. ADMISSION POLICY

### Council of State: simultaneous interview sham marriage not allowed because there is no legal basis

This ruling of the Council of State shows that the Netherlands are not allowed to carry out simultaneous interviews to examine whether a relationship is genuine. Jorg Werner, lawyer, found that this was standard practice in the case of Ghanaian marriage partners. According to the Council of State this practice has no legal basis and is therefore not allowed. You will find more information [here](#).

In response to this ruling the Netherlands has adjusted its policy, you will find this [here](#).

It should further be added that the ruling makes it clear that a policy change is in preparation which will allow simultaneous interviews.

### Court of Justice: parent of EU child abroad is entitled to entry with child

From the ruling of the European Court, it becomes apparent that a child with the nationality of an EU country is allowed to enter the European Union with its custodial parent, even if this parent has no EU nationality. It is no requirement that the non-EU parent was the carer all along. Neither is it relevant whether there is a possibility that the EU parent could take responsibility for the care of the child. You will find more information [here](#).

### Court of Appeal: old and sick Syrian mother of adult son in the Netherlands possibly allowed to join him in the Netherlands

The mother has many physical and psychological ailments. According to her physician she needs continuous care but at the moment there is only a neighbour who brings food occasionally. According to the IND this is sufficient, which would have become apparent from the fact that she is still alive. The court did not find this a valid argument. The IND has to provide better arguments to prove the mother can still take care of herself.

On the other hand, the son in the Netherlands has psychological problems, which are in part caused by feelings of guilt concerning his mother with whom he has a special attachment. According to the Court the IND has not taken this aspect in sufficient consideration.

Therefore, the IND has to make a new assessment as to whether the mother can join her son in the Netherlands. You will find more information [here](#).

### Aliens Act 2023/16: criteria for 'delay of departure for medical reasons' extended

'Delay of departure' on the basis of Section 64 of the Aliens Act is possible if someone is ill and the care required is not accessible in his country of origin, while lack of this care would cause a medical emergency. In the past the IND applied a threshold of 3 months in these cases. In response of a ruling of the Court of Justice of November 2022 this term has now been extended to 6 months. Moreover, the medical emergency has been given a wider interpretation: it now not only includes death or disability but has been extended to a general decline of the overall health. You will find more information [here](#).

## 2. ACTIVITIES

### Symposium 'Sexual violence: Blind spot in the asylum process?', Amsterdam, 6 July 13.30-17.30

In March 2023 Amnesty International published the report '*Sexual violence: blind spot in the asylum*

*process?*' in which Amnesty has concluded that people who flee to the Netherlands receive insufficient protection when they were confronted with sexual violence. In the report Amnesty Netherlands made an appeal to adapt the Dutch asylum legislation and to offer victims of sexual violence the protection to which they are entitled. During the symposium we would like to investigate subsequent steps. If you want to attend this symposium you need to register. You can register through this [link](#).

#### Expert meeting input CEDAW shadow report 2.0, Utrecht, 18 September

During this expert meeting we will collect input for the contents of the shadow report 2.0 for the purposes of the 7th report cycle of CEDAW, the UN women's treaty. Together with a broad group of experts the writers' team of the shadow report want to produce a survey of pressing questions. After this first general and physical meeting a few meetings will follow, in digital, physical or hybrid form. If you want to contribute, you can register at [schaduwrapportage@gmail.com](mailto:schaduwrapportage@gmail.com).

#### Website Platform Self-determination and Right of Residence

The Platform Self-determination and Right of Residence advocates a residence permit for marriage migrants that will guarantee their right to self-determination and their right to equality so they too can make an autonomous life for themselves, free of exclusion and free of violence!

The platform's website will provide you with information about the dependent residence permit. The brochure gives you general information about the dependent right of residence. On the site you will also find the roadmap for continued residence. You will find a more extensive interpretation and context of the meaning of the dependent right of residence in the report '*Heb geduld*'.

<https://zelfbeschikkingenverblijfsrecht.nl/>, 23.6.23

#### IOM: support for return for North-Africans among others

IOM assists people who voluntarily return to their country of origin. Returning migrants from most countries of origin are also supported in the process of their resettlement. In 2016 frequently occurring countries of origin were excluded from this support but this was reversed on 1 July 2023. The following countries were returned to the list for re-integration help: Algeria, Belarus, Egypt, Lebanon, Mongolia, Morocco, Tunisia.

<https://iom-nederland.nl/nieuws/avrr-assistentie-uitgebreid>, 30.6.23