

NEWSLETTER, Volume 13 no. 18
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DISTRICT COURT: IND NOT ALLOWED TO INVESTIGATE SUSPECTED SHAM RELATIONSHIP

Sometimes, when applying for residence with a partner, the IND checks whether the relationship is genuine. They may then question both partners at the same time about their relationship and their private lives and/or make inquiries amongst neighbours. Such relationships are regularly deemed to be 'sham relationships', in which case, the foreign partner is not granted a residence permit.

This particular ruling shows that Dutch law does not allow investigation into sham relationships. The case involved simultaneous interrogations, but because the simultaneous interrogations were unlawful, the results were also not allowed to be used as a basis for rejecting the partner's residence permit application.

(District Court Amsterdam, NL23.4998, NL23.5000, 1.8.23)

1. ADMISSION POLICY

District Court: No risk for mother to return to Morocco with an illegitimate child

In the past, Moroccan mothers with an illegitimate child were sometimes granted a residence permit. An illegitimate child is an embarrassment to the family and the child may face discrimination. Because having a child out of wedlock is punishable by law in Morocco, the mother cannot count on protection from local authorities.

In this case, the court ruled that no one could know the child was illegitimate because it had been born in the Netherlands. Also, the mother has not mentioned any family problems. Therefore, the judge ruled that the mother can safely return to Morocco. See [here](#).

District Court: No risk for single mother in Nigeria

Single mothers may also have a difficult life in Nigeria. However, the IND has concluded that this is especially true for mothers from the north. This woman is from the south, and has previously managed to live as a single mother in Nigeria. Therefore, she would be able to return safely. The judge agreed. See [here](#).

District Court: Consideration of Albanian mother's right of residence with underage Greek child

This Albanian mother's application for a residence permit was rejected. The IND had imposed a return decision, but this cannot be imposed on the Greek child because it is an EU citizen. The mother can have a residence permit as a parent caring for an EU child under conditions of her Greek child having both health insurance and sufficient income. The court ruled that the IND must do further research into the child's residence status. See [here](#).

2. ACTIVITIES

Vacancy: Social worker ASKV Amsterdam, 24 hrs/week

ASKV Refugee Support offers legal, material and psychosocial assistance to refugees who have exhausted all legal procedures and is committed to a humane refugee policy.

As a social worker, you will be responsible for providing guidance and psychosocial support in response to requests from clients. For clients in the ASKV shelter, you will also provide residential assistance, together with colleagues from the social team.

In case of equal suitability, ASKV would prefer applicants with a migration background. Knowledge of Dutch and English are required, knowledge of other languages would be a useful addition.

Applications by 4 September. Starting date as soon as possible.

<https://www.askv.nl/nieuws/maatschappelijk-hulpverlener-24-uur/>

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.