

NEWS LETTER, volume 13 nr 23
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VOTE IN FAVOUR OF UNDOCUMENTED MIGRANTS

The viewpoints of political parties with respect to undocumented migrants in the Netherlands can be found on the website www.Kiesvoorongedocumenteerden.nl. You can also send them a letter.

In the week before the elections in some cities, including Amsterdam, Rotterdam, Utrecht and Eindhoven, undocumented migrants can give their own votes about subjects that concern themselves. Before the elections the result of these votes can also be found on the website, so that voters can take them into consideration when they decide to vote for a political party.

About refugees you can also consult the [stemwijzer van UNHCR](#), [stemwijzer van Stichting Vluchteling](#).

1. ADMISSION POLICY

Court of Appeal: no residence permit for the mother of an adult Dutch child

In accordance with the Chavez ruling the care-giving parent of a Dutch child will be granted right of residence in order to prevent the child from having to leave the European Union. The same rule applies in case of adult Dutch persons who are dependent on a family member without a residence permit. In this case the judge ruled that a young adult Dutch person who had not grown up in the Netherlands and who has limited command of the language is not dependent on his undocumented mother. The mother will not be granted a residence permit. You will find more information [here](#).

Court of Appeal: no status after domestic violence because of insufficient evidence return to Morocco would present no risk

In cases of domestic violence, a residence permit for the partner can be converted into a permanent humanitarian permit. A condition is that the domestic violence was the reason to terminate the relationship and that the crime has been reported with the police. This ruling shows that the IND also examines the content of the police reports. Because the police had only drawn up brief reports of the couple's arguments and these reports date from after the termination of the relationship and because the perpetrator had not been persecuted this woman will not be granted an independent residence permit.

The Court are also of the opinion that there is insufficient evidence that the woman, upon her return in Morocco, will fall victim to honour violence because she lived together with her partner whilst not being married. You will find more information [here](#).

2. CHECK AND DETENTION

Court of Appeal: unkempt appearance no reason for identity check

This ruling shows that the police are not allowed to carry out identity checks without reason. The undocumented man concerned sat beside another man who had a head wound and who reeked of alcohol. The police were allowed to check the latter man and subsequently checked the man who was sitting next to him. The reason that was given was that he was at a place where drugs and alcohol were consumed frequently and that he had an unkempt appearance. The Court have ruled that this is insufficient reason for a check. You will find more information [here](#).

Court of Appeal: when return decisions are imposed care for Dutch children should also be considered

Return decisions are imposed upon foreigners who have to leave the Netherlands. This undocumented man told the Aliens Police who wanted to impose a return decision upon him that he has been taking care of his Dutch, non-biological child for eight years. This care could have been a reason to grant him a residence permit according to the Court. The Aliens Police should have posed more thorough questions about the intensity of the care and the dependence of the Dutch child. You will find more information [here](#).

3. ACTIVITIES

Change walk-in consultation *Fabel van de illegaal Leiden*

As of 1 November 2023, the *Fabel* is only open on Mondays from 13 to 16 h. At other times you can leave a message on the voice-mail or send an e-mail. We will respond as soon as possible; www.defabel.eu / info@defabel.eu.

PRO BONO Week: NGO Round table 21nov, and Legal workshops 22nov, Den Haag

Pro Bono Connect connects NGO's with law firms. We invite you to join two events for NGOs! During the NGO round table on 21nov 16-18u, we will discuss our experiences & questions about pro bono legal support. We'll ask how pro bono can contribute to NGO impact. Our partner firm, Bird & Bird, invites you to join two workshops on 22nov 14-16u, during which they will discuss NGOs questions about tax & governance, followed by a session on privacy law and the GDPR. Register [here](#) (round table) & [here](#) (workshops) by 15 November

PICUM Legal seminar: Racial Profiling, Policing and Immigration Control, 29-30 November

Across Europe, policing and immigration enforcement is becoming increasingly interconnected. Research from 2021 by the EU Fundamental Rights Agency shows that people from an ethnic minority are disproportionately affected by police stops, both when they are walking and when in a vehicle. Another study from 2014 showed that 79% of surveyed border guards at airports rated ethnicity as a "helpful indicator" to identify people attempting to enter the country in an irregular manner before speaking to them. This legal seminar aims to discuss these topics together with advocates, community organizers, and legal practitioners working on racial justice, migrant justice, and related movements. We invite you to participate online by registering [here](#) by Monday 27 November 2023

Statewatch: research project on sexualised border violence in the EU

The project aims to explore the scale and scope of sexualised border violence with a view to exploring and assessing policy and political responses. The project uses a wide definition that includes acts such as forced undressing and genital searches, rape, sextortion, and sex trafficking. It is particularly concerned with instances where the perpetrators of that violence are state agents or individuals acting on their behalf.

The project is seeking to obtain responses to a questionnaire, that you can access [here](#). If you are able to spare the time, [responses to the questionnaire](#) would be greatly appreciated.

If you have any other questions about this research, please contact volunteer@statewatch.org