

8 ECHR in the Netherlands

Nikki Vreede

20 September 2025



8 ECHR - right to respect for private and family life

1

Everyone has the right to respect for his private and family life, his home and his correspondence.

2

There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.



Assessment national judiciary

1. Does the private life or family life fall under the protection of article 8?

Full assessment / factual determination

2. Fair balance of interests State and applicant

- Starting point of the scale (first applicant, settled migrant)
- Are all interests considered?
- The weight is attributed to each interest and final balance



Young adult policy

The Dutch State considers there to be family life between parents and young adult children if the child has always been, and continues to be, an integral part of the parents' household.

- Between 18 and 25
- Child lives with the parents/is part of the parents' household
- Child does not support themselves and is financially dependent on their parents
- Child is not in a committed relationship



Fair Balance

Economic interest

- Money
- Publicly funded services such as education, health care and infrastructure
- Housing





Nikki Vreede
Attorney at Everaert Advocaten
Immigration Lawyers



vreede@everaert.nl

020 752 32 29

www.everaert.nl

