



ANNUAL POLICY REPORT 2014

Migration and Asylum in the Netherlands



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EXECUTIVE SUMMARY

The EMN Annual Policy Report 2014 offers an overview of the most important developments in the migration and asylum policy of the Netherlands in 2014.

The year started between 1 January and 1 April 2014 with the enforcement of a series of measures in the program Streamlining Entry Procedures (PST). This programme is geared towards reducing the lead time by setting up more efficient entry procedures and discouraging the so-called stacking of procedures (submission of subsequent applications). Measures include a more efficient structuring of the Dublin procedure, a fast procedure for repeated asylum applications and the ex officio simultaneous testing of a number of ordinary humanitarian purposes of stay on rejection of the first application for asylum. The grounds for asylum have been rearranged and a number of policy amendments for Family Reunification with holders of an asylum seeker status have been implemented. Also, parents of an unaccompanied minor who hold an asylum seeker status are now eligible for a dependent asylum seekers' permit. From now on family members are also eligible for a derived asylum permit if the relationship is formed in a third country, for example, in a refugee camp outside the country of origin.

But in 2014, the focus particularly lay on the highly intensified influx of asylum seekers, which has been felt by the entire EU. The influx, particularly from Eritrea and Syria has led to major pressure on the process since April 2014. Various actions have been taken to deal with the influx properly, including employing extra temporary personnel at the IND and extending the opening hours at the reception desks. Also, the sheltering of asylum seekers is now under a great deal of pressure. The COA has responded to this by using the available buffer of 1,250 places, by increasing the capacity of care locations using sports halls and recreational areas amongst other things, and where necessary, by placing additional (provisional) buildings and realising new locations. In this way the COA sheltered a number of refugees at the former grounds of the Zeist prison in 2014.

There were also many general developments. The most important of these was the introduction on 1 April 2014 of the combined residence and work permit (GVVA). In future, third-country nationals submit their applications for residency and for a work permit at the IND in one simple procedure. For most third-country nationals who envisage a longer stay than three months to work in the Netherlands, a separate work permit is therefore no longer required. Instead, an advisory procedure has been introduced at the Employees Insurance Agency (UWV). This labour market recommendation by the UWV is to protect the domestic Dutch labour market from the arrival of third-country nationals who have (too) low a level of education. The salary to be paid, in any case, must always comply with the Minimum Wage and Minimum Holiday Allowance Act, so that exploitation of third-country nationals as "cheap labour" is not the issue.

Further in 2014, a number of amendments of existing policy have been implemented to facilitate smoother highly skilled migration and to enlarge the attractiveness of the Netherlands for the highly skilled and for investors.

In addition there are many projects and programmes for combating irregular migration, trafficking in human beings and migration criminality, both nationally as well as on a European level.

Within the European collaborations in the area of return and reintegration, the Netherlands has continued to play a leading role in 2014. For example, the DT&V is the Project Manager of the ERIN Project (European Reintegration network) Seven European Member States (a total of eight European migration services) work together on reintegration within ERIN. The ERIN project which officially started on 1 June 2014, mainly concentrates on the joint procurement and implementation of a reintegration project in eleven countries of origin. The most important target countries include Afghanistan, Iran, Iraq, Nigeria and Somalia (Somaliland).

In 2014, the societal debate especially dealt with the so-called 'sidelined-criterion' for those who fall under the long-term resident regulation for children (children's amnesty). A number of rejected applications of children have been under discussion politically and in the media, and in a number of cases this has ultimately led to a residence permit.

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1 INTRODUCTION

The EMN Annual Policy Report 2014 offers an overview of the most important developments in the migration and asylum policy of the Netherlands in 2014. The report describes the actual situation in the Netherlands. Attention is also paid to national debates and the countries' policy on asylum. This makes the EMN Annual Policy Report 2014 an abridged reference document for Dutch policy makers, employees in the migration process and other interested parties.

Topics covered in this Annual Policy Report are: regular migration, integration, irregular migration and return, asylum, unaccompanied minors, migration and development and the battle against trafficking in human beings.

Structure of the asylum and migration policy

In the Netherlands various ministries play a role in executing the asylum and migration policy.¹

The State Secretary of Security and Justice is responsible for the Immigration and Naturalisation Service (IND), the Repatriation and Departure Service (DT&V) and the Central Agency for the Reception of Asylum Seekers (COA).²

The Minister of Social Affairs and Employment is responsible for the admission of foreign nationals to the Dutch labour market. In addition, the Minister of Social Affairs and Employment is responsible for integration and citizenship education.

The Minister of Foreign Affairs is responsible for the visa policy. The Minister of Foreign Affairs is also responsible for the coming about of general official reports which describe the situation of asylum seekers in important countries of origin, and individual official reports with which the facts or documents presented by an asylum seeker are assessed on accuracy and authenticity.

Organisations involved

A large number of organisations play a role in executing the asylum seeker and migration policy. The following is an overview of the most important ones:

- The Immigration and Naturalisation Service (IND), an agency of the Ministry of Security and Justice is responsible for the execution of the Aliens Act and the Netherlands Nationality Act. This agency assesses all applications by foreign nationals who (want to) live in the Netherlands or who want to become Dutch nationals. The IND also plays a role on behalf of the minister of Foreign Affairs in the assessment of applications for a short stay visa. In addition, on behalf of the minister of Foreign Affairs, the IND assesses all applications for a temporary residence permit (mvv).

1 A comprehensive description of the organisation of the Asylum and Migration Policy in the Netherlands is available in the EMN report *The Organisation of the Asylum and Migration Policy in the Netherlands*. Rijswijk: INDIAC NL EMN NCP 2012. http://www.emnnetherlands.nl/EMN_publicaties/2012/Organisatie_van_het_Asiel_en_Migratiebeleid_in_Nederland

2 For more information about the Immigration and Naturalisation Service, the Repatriation and Departure Service and the Central Agency for the Reception of Asylum Seekers, see below. These three partners in the so-called 'small chain' – IND, COA and DT&V – have intensified their mutual collaborations further in 2014.

- The Repatriation and Departure Service (DT&V), as the task organisation of the Ministry of Security and Justice, is responsible for encouraging the departure of foreign nationals who have to leave the Netherlands, in a humane and professional manner.
- The Central Agency for the Reception of Asylum Seekers (COA), an independent administrative authority, is responsible for the reception of asylum seekers. Commissioned by the State Secretary of Security and Justice, the COA offers people safe accommodation and supports them in preparing for their future in the Netherlands or elsewhere. It mainly concerns asylum seekers and refugees, and specific groups such as unaccompanied minors. The COA is an implementing body with reception centres throughout the Netherlands.
- The Dutch Custodial Institutions Service (DJI), an agency of the Ministry of Security and Justice, is responsible for executing custodial measures for the expulsion of foreign nationals from the Netherlands, including remand in custody (the so-called detention of foreign nationals).
- The Employees Insurance Agency (UWV) is an independent administrative authority that is commissioned by the Ministry of Social Affairs and Employment. Among other things, it is charged by the ministry with a binding ruling on applications for a combined residence and work permit (single permit) for foreign nationals who want to work in the Netherlands and the issuing of work permits.
- The Legal Aid Board is an independent administrative authority that is fully financed by the Ministry of Security and Justice. Among other things, this organisation is responsible for arranging the granting of legal aid in asylum matters.
- The Royal Netherlands Marechaussee (KMar), part of the Ministry of Defence, plays a role in border control and the combating of irregular immigration and all forms of migration criminality.
- The Aliens Police forms part of the National Police. They supervise the lawful residency of foreign nationals. In 2014 the National Police concluded a new collaboration agreement with the IND.
- The municipalities are responsible for the accommodation of holders of an asylum seekers' permit and also have a role in the handling of naturalisation applications.
- The International Organisation for Migration (IOM), an intergovernmental organisation, plays a prominent role in the voluntary return and/or onward migration of foreign nationals.

Further, there are a number of active non-governmental organisations in the area of asylum and migration. The most important ones are:

- The Dutch Council for Refugees, who offers practical support to asylum seekers;
- The NIDOS foundation, a nationally operating guardianship agency specifically for unaccompanied minors and asylum seekers.

2 OVERVIEW OF ASYLUM AND MIGRATION POLICY DEVELOPMENTS

2.1 Political developments

In 2014 no important political developments occurred. Since November 2012 the Netherlands has been governed by the Rutte II cabinet. This cabinet is a coalition of the liberal People's Party for Freedom and Democracy (VVD) and the social democratic Labour Party (PvdA).

2.2 Overall developments in the area of asylum and migration

In the area of asylum, migration and return a number of important developments occurred in 2014.

- Between 1 January and 1 April 2014 a series of measures were implemented in the program Streamlining Entry Procedures, such as the implementation of a fast procedure for repeated asylum applications and the ex officio simultaneous testing of a number of ordinary humanitarian purposes of stay on rejection of the first application for asylum.
- The intensified influx particularly from Eritrea and Syria, which have led to a great strain on the asylum process, and the measures taken to tackle this influx.
- The introduction on 1 April 2014 of the combined residence and work permit (GVVA).
- The formal commencement on 1 June 2014 of the European Reintegration Network (ERIN). As a follow-up to the successful ERI project (European Reintegration Instrument), within ERIN there are now seven European States (a total of eight European migration services) working together in the area of reintegration, with the DT&V as the Project Manager.

3 LEGAL IMMIGRATION AND MOBILITY

3.1 Economic migration

3.1.1 *Admissions policy and labour market*

Dutch labour migration policy is geared towards enhancing the knowledge-based economy and attracting highly skilled people. For the top segment of the labour market the labour migration policy is inviting. For other third-country nationals who want to come to the Netherlands for economic reasons the admissions policy is restrictive; they must be in possession of a work permit or a combined residence and work permit. In 2014, the IND published a Highly-skilled migrants monitor which analysed the effects of the highly skilled migrants scheme. It also covered topics like the EU Blue Card, researcher directive EC 2005/71, the academic employee, unsalaried scientific researcher, working as an independent, and the orientation year for graduates. From this monitor it appears that the admission of highly skilled migrants and scientific researchers has become easier and is valued positively. In 2014 there were various developments relating to economic migration.

Advice from Social and Economic Council

In July 2013 the cabinet sought advice from the Social and Economic Council (SER) concerning the possible contribution of labour migration to the Dutch economy in the future, and under which conditions labour migrants are best integrated in the Dutch labour market. Due to the fact that the cabinet additionally thinks it's important that the Netherlands will also remain attractive in the long-term for highly qualified third-country nationals, the SER has been requested to pay specific attention to this in its advice.

The SER adopted a unanimous recommendation about labour migration on 19 December 2014. The recommendation is directed to the Minister of Social Affairs and Employment and concerns both mobility of labour within the EU as well as highly skilled migration outside the EU.

According to this recommendation the current mix of supply and demand-based policy works effectively for highly skilled migrants. The challenge is mainly to make our country an alternative for potential highly skilled migrants. The recruitment and binding of foreign students could play an important role in this. Moreover, the draft recommendation mainly gears itself towards EU labour mobility. Hence the recommendation advocates that the cabinet should draw up a plan of action in liaison with social partners to encourage honest labour mobility in the EU. This plan must then be placed on the national and EU agendas.

Revision of the Foreign Nationals Employment Act

On 1 January 2014 the recast of the Foreign Nationals Employment Act (Wav) entered

into force. This act, among other things, strengthens the testing of prioritized labour supply, and the duration of a labour market-based work permit is restricted to a maximum of 1 year. Previously this was a maximum of 3 years. An extension of the work permit is also no longer possible. On extension under the old Foreign Nationals Employment Act no labour market test was done. Hence there was a risk that extension took place, whereas a prioritized labour supply was on offer. Under the revised Foreign Nationals Employment Act a new work permit must be applied for if the time has expired, which calls for a renewed labour market testing. Besides the term that a foreign national is released in the labour market will be extended from a three to a five year stay in the Netherlands.

The introduction on 1 April 2014 of the combined residence and work permit (GVVA).

On 1 April 2014 the Single Permit Directive (2011/98/EU) entered into force.³ The Immigration and Naturalisation Service (IND) is responsible for the execution of the directive. The implementation of the directive is geared so that third-country nationals only need to follow a single procedure when submitting an application for an extension of a residence and work permit (the combined residence and work permit – GVVA) to the IND. For most third-country nationals who envisage a longer stay than three months to work in the Netherlands, a separate work permit is therefore no longer required. Instead, an advisory procedure has been introduced at the Employees Insurance Agency (UWV). At the request of the IND, the UWV, who remains the responsible party, tests whether the foreign national/employer complies with the criteria of the Wav. This labour market recommendation by the UWV is to protect the domestic Dutch labour market from the arrival of third-country nationals who have (too) low a level of education. The salary to be paid, in any case, must always comply with the Minimum Wage and Minimum Holiday Allowance Act, so that exploitation of third-country nationals as “cheap labour” is not the issue.

The IND includes the recommendation in the assessment of the application. If an application for a residence and work permit leads to a decision to grant an application, then the foreign national is issued with a residence permit and a supplemental document. The supplemental document states at which employer and under what conditions the foreign national may work. Together, these two documents form the GVVA.

Covenant for the Asian Catering Industry

On 1 October 2014 the IND, the UWV and the employers' organisations in the Asian Catering Industry concluded the Covenant for the Asian Catering Industry. During a period of two years and for certain positions, this covenant provides for a limited number of combined residence and work permits being granted for qualified Asian cooks. On the basis of the covenant, in the first six months – therefore from 1 October 2014 to 31 March 2015 – the IND can grant a maximum of 900 GVVA's.

3.1.2 *Easing of admissions*

Highly skilled migrant scheme

The Ministry of Social Affairs and Employment annually determines the index-linked salary criterion for highly skilled migrants, as well as the salary criterion for holders of an EU Blue Card. Since 1 January 2014 the salary must be paid out by funds transfer and the annual indices have been changed to monthly indices.⁴ This amendment is intended to ensure that an employee gets the same amount of salary every month. No further policy amendments took place in 2014 for the highly skilled migrants scheme.

However, in a broad sense there is attention for the knowledge-based economy. In future there will be more focus on recruiting and binding of highly skilled migrants. In the letter 'Working on Growth' submitted by the Prime Minister to the Lower House of Parliament dated 16 September 2014, measures were announced to maintain and to strengthen the Netherlands' international high ranking in respect of the economy.⁵ For that purpose, among other things, the admission of highly skilled migrants must become more flexible and must be made cost effective in 2015. In addition, measures will be taken to make the Netherlands more attractive as a destination.

Expat Centres

On Wednesday 5 March 2014, together with the Mayor of Amsterdam, the State Secretary of Security and Justice signed a covenant for the continuation of their collaborations in Expat Centre Amsterdam. In conjunction with the IND the Expat Centre Amsterdam Area was launched in June 2008. The purpose of the Expat Centre is to quickly assist highly skilled migrants and businesses in the region of Amsterdam with a number of administrative matters, such as registration at the municipality, the collection of the residence permit, the providing of information and suchlike. The fact that the service of the Expat Centre caters for a major need is shown by the number of visitors - in 2013 alone 6500 highly skilled migrants and their family members were assisted. In 2014 there were almost 8400. For a large part the increase is attributable to growth in the IT sector and the creative industry.

In the autumn of 2014 the IND also launched its service in the Expat Centre Food Valley (Wageningen), Expat Centre Twente (Enschede), and the International Welcome Centre North (Groningen).

Proposal for exemption of temporary residence permit (mvv) for highly skilled migrants, scientific researchers and students who reside lawfully in another Schengen Member State

In a letter dated 1 July 2014 to the Lower House of Parliament, the cabinet announced that highly skilled migrants, scientific researchers and students no longer need to apply for a temporary residence permit if they have a recognized sponsor who submits an application for a residence permit on their behalf and complies with the other condi-

4 Regulation of the Minister of Social Affairs and Employment of 28 November 2013, 2013-0000163182, comprising changes in the amounts mentioned in Articles 1d and 1i of the Aliens Employment Act Implementation Decree for the year 2014; <https://zoek.officielebekendmakingen.nl/stcrt-2013-34008.html>

5 Policy document about the status of the State's Finances "Working on growth"; <https://zoek.officielebekendmakingen.nl/kst-34000-4.html>

ons. The amendment of the regulations have not entered into force as yet. This will probably take place at the end of 2015. See also paragraph 3.3 under the heading Study and scientific researchers

Admissions regulation for foreign investors

The admissions regulation for foreign investors (previously known as admissions regulation for wealthy foreign nationals)⁶ was amended as at 1 June 2014 on a few points so that the regulation provides better for the needs of the target group. The investment possibilities have been widened. Aside from the option to invest in an innovative business it is now also possible to invest in a contractual partnership which invests in one or more innovative businesses, a seed fund which is being established, recognized by the Government Development Authority for Entrepreneurial Netherlands, or an investment fund that is affiliated with the Dutch Association of Investment Companies. Furthermore, the minimum period for main residency in the Netherlands has changed. A foreign investor is now obliged to reside in the Netherlands for a minimum of four months per year (previously this was six months).

Directive intra-corporate transferees

On 15 May 2014 the Directive Intra-corporate Transferees (2014/66/EU)⁷ was adopted. This directive must be transposed into national legislation by 29 November 2016 at the latest. No policy amendments took place in 2014.

Seasonal Workers

The Seasonal Workers Directive (2014/36/EU)⁸ was published on 28 March 2014. The directive must be incorporated into national legislation by 30 September 2016 at the latest. At present the Netherlands is examining how implementation of the directive will be dealt with in practice.

Self-employed Migrants Scheme / Scheme for start-ups

According to the Dutch government, the current scheme for self-employed migrants provides insufficient leeway for entrepreneurs who are starting up to be eligible for a residence permit for undertaking work as a self-employed person.

Start-up entrepreneurs often don't have a business plan and neither do they have initial capital. It's for this reason that a measure was put in place in 2014 for talented entrepreneurs who want to start a company in the Netherlands, which entered into force at the beginning of 2015. The scheme offers start-up entrepreneurs the opportunity to formulate a fully-fledged business plan within a year with counselling from a reliable supervisor. Further, the start-up must be able to afford their residency in the first year using own resources or be funded by third parties. If the start-up wants to continue the business after the first year in the Netherlands, then they move up the ladder to the Self-employed Migrants Scheme. This will be tested in accordance with a points systems applicable to self-employed migrants.

6 See for example, EMN Annual Policy Report 2013 (Rijswijk: INDIAC NL EMN NCP 2014), page http://www.emnnetherlands.nl/EMN_publicaties/2014/EMN_Beleidsverzicht_2013_Migratie_en_asiel_in_Nederland

7 <http://eur-lex.europa.eu/legal-content/NL/TXT/PDF/?uri=CELEX:32014L0066&from=EN>

8 <http://eur-lex.europa.eu/legal-content/NL/TXT/PDF/?uri=CELEX:32014L0036&from=EN>

Au Pair Policy

In April 2014 the Research and Documentation Centre (WODC) published a Dutch survey report *Au pairs in the Netherlands, cultural exchange or labour migration?* In consequence to the results of this study, in the autumn of 2014 it was announced that the Au Pair Policy would be adapted in mid 2015. A host family must then sign a declaration in which it acknowledges being aware of and agrees to the fact that supervisory institutions may enter their home to check whether the rules are being abided by. In order to ensure that the Au Pair Policy is being abided by for cultural exchange and not for family reunification/forming or a family visit, the au pair and host family may not be related to each other.

Working Holiday Programme with South Korea

On 1 June 2014 a two-year pilot, the Working Holiday Programme was started between the Netherlands and South Korea. On the basis of this a maximum of 100 youths aged between 18 and 31 years, who have either the Dutch or South Korean nationality, are given the opportunity to become acquainted with each other's culture and society by means of a working holiday of one year at most.

3.1.3 Third-country nationals with legal residency in the EU

Long-term residency

Also, before the implementation of Council Directive (2003/109/EC) concerning long-term residents,⁹ the Netherlands had the possibility to grant a permanent residence permit to third-country nationals who resided lawfully for at least five years. With the implementation of this Directive the Netherlands initially opted to grant a permanent residence permit endorsed with 'EU long-term resident', to long-term residents who complied with the conditions of the directive. However, on 1 April 2014 the Netherlands introduced a separate residence permit for long-term residents: the EU residence permit for long-term residents. The issuing of a national residence permit stating "EU-long-term resident" would be in contravention of the directive. The substantive conditions, for that matter, were not changed.

Mobility of third-country nationals within the EU

Since the introduction of the Modern Migration Policy as at 1 June 2013, a recognised sponsor submits the application on behalf of third-country nationals who are categorised under 'knowledge and talent' (highly skilled migrants, scientific researchers and students). By letter to the Lower House of Parliament of 1 July 2014¹⁰ the State Secretary of Security and Justice announced for 2015, that this category of third-country nationals who reside lawfully in another Schengen Member State, no longer needs a temporary residence permit if they want to establish themselves in the Netherlands. If an application has been submitted for them by a recognized sponsor, this means that they no longer require a temporary residence permit if they comply with all the conditions for granting a residence permit with the required purpose of residency. Hence procedures become shorter and administrative expenses for the foreign national and the govern-

⁹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:016:0044:0053:NL:PDF>

¹⁰ <https://zoek.officielebekendmakingen.nl/kst-29861-36.html>

ment are curbed (for example, for the Ministry of Foreign Affairs). This makes it more attractive for third-country nationals who want to come to the Netherlands as a knowledge migrant, student, scientific researcher and it simplifies procedures when coming from other Schengen member states to the Netherlands. The same shall apply for the members of their family.

3.2 Family formation and family reunification

Marriage migration in the Netherlands

The Netherlands Institute for Social Research (SCP) published a report *Marriage migration in the Netherlands* on 29 October 2014.¹¹ This is a report of direct experiences. Topics covered are motives of people opting for a partner across the border, their considerations to migrate to the Netherlands, their experiences with the migration procedure, the establishing of a family, searching for work and the building up of a life in the Netherlands.

Family reunification of family members who hold an asylum seekers' status

The Aliens Act has been amended in the context of the programme 'Streamlining Entry Procedures' (PST). On 1 January 2014 legislation entered into force in which the grounds for asylum have been rearranged. The amendments mentioned in the legislative proposal in respect of family reunification with holders of an asylum seekers' status have been implemented. These amendments are as follows:

The Aliens Act has been amended so that also the parents of an unaccompanied minors holding an asylum status are eligible for a dependent asylum seekers' permit.

From now on family members are also eligible for a derived asylum permit if the relationship is formed in a third country, for example, in a refugee camp outside the country of origin. The fact that the family members must have the same nationality as the principle migrant is also no longer applicable in order to be eligible for a family reunification permit.

The family reunification permit can be withdrawn if the relationship has been broken. The permit is not withdrawn if the relationship has been broken due to the death of the principle migrant or if the family member has become a victim or threatens to become a victim of honour-based or domestic violence, or when it concerns a minor-aged family member who has been a holder of a family reunification permit for longer than a year. By letter of 23 October 2014¹² the State Secretary of Security and Justice informed the Lower House of Parliament that on the grounds of European and national case law a further amendment will take place of the family reunification policy. On the basis of this national case law the State Secretary has decided to accept an actual relationship sooner for adult-aged children who were still minors at the time of the principle migrant's departure from the country of origin (or country of previous residency). Applicable in principle from now on for this specific group, is that it is assumed to be an actual relationship if the principle migrant shows that the adult-aged child has belonged to the family all the time, unless there are indications to the contrary. These contrary indicati-

11 The Netherlands Institute for Social Research (SCP), report of 29 October 2014;

12 kst-19637-1904; <https://zoek.officielebekendmakingen.nl/kst-19637-1904.html>

ons, among other things, could be that the adult-aged child has started an own family, lives independently or provides for their own subsistence. If such indications to the contrary are present, the IND will assess separately whether the actual relationship should be considered as broken.

ACVZ advice about family reunification policy

At the request of the State Secretary of Security and Justice, the Advisory Committee on Migration Affairs (ACVZ) published a recommendation on 31 October 2014 about the family reunification policy ('Reunited after taking flight'). The family reunification policy is an exceptional form of family reunification for families who, due to one or more family members having fled from the country of origin (or the former country of stay), are separated from each other. A significant conclusion from this recommendation reads, that the ACVZ does not see any reason to reassess ex officio all the family reunification applications that were submitted in the period 2008-2013. The Child Ombudsman had called for this on the basis of alleged breaches of the rights of the child in the family reunification policy.¹³ The ACVZ arrives at this conclusion on the basis of its own research and the findings that have arisen from it.

From the findings of the ACVZ it further appears that the IND itself is thoroughly aware of the sometimes complicated situation in which families find themselves, having been separated from each other due to the flight of a family member. The ACVZ has noted that in a restricted number of cases, rejections have not (or insufficiently) been substantiated, have not been tested in a correct manner to the applicable conditions, or have been issued on the basis of a negligent assessment of the actual relationship. This is an incentive to continue focusing on the quality and transparency of decisions in family reunification cases.

Integration of family migrants

In October 2014 the Ministry of Social Affairs and Employment published a new information leaflet for marriage and family migrants: "Living with your partner in the Netherlands".¹⁴ This leaflet provides the future migrant with information about having rights and obligations in the Netherlands, realistic information about life and opportunities in the Netherlands, and for marriage migrants it points out what the rights and options are regarding e.g. violence in dependent relationships or honour-based violence. The leaflet is available online free of charge at www.naarnederland.nl. The leaflet is currently only available in Dutch, but will be translated into other languages.

Reduction of fees for minor children

On 1 September 2014 the fee for submitting an application or extension of an application in light of family reunification or family formation for minors was reduced from € 228 to € 53. Also for minors who submit an application for a residence permit as a long-term resident the applicable fee is now € 53 (formerly € 153).

¹³ The Child Ombudsman, report of 6 June 2013:

¹⁴ <http://cdn.naarnederland.nl/naarnederland/website/brochure-basisexamen-inburgering-in-het-buitenland.pdf>

3.3 Students and researchers

Study and scientific researchers

Aside from the proposal for an mvv-exemption mentioned in paragraph 3.1.2 for highly skilled migrants, scientific researchers and students who reside lawfully in another Schengen Member State, the cabinet announced in the same letter to the Lower House of Parliament that the regulation for the orientation year for graduated students will be simplified and expanded upon. The amendment of the regulations have not entered into force as yet. This will probably take place at the end of 2015. Further, no significant developments have occurred during 2014.

Orientation year for graduates and the Highly Skilled Migrants Scheme

In April 2014 the Research and Documentation Centre (WODC) of the Ministry of Security and Justice assessed the Highly Skilled Migrants Scheme.¹⁵ From the report Assessment of Migrants Scheme it appears that the original ambition of the scheme, to attract five hundred highly skilled migrants within two years, even within four years, was not achieved. In addition, it seems, that particularly highly skilled migrants who already reside in the Netherlands based on a residence permit, make use of the scheme. This means that the scheme mainly succeeds in keeping the highly skilled migrants for the Dutch labour market instead of attracting them.

The Highly Skilled Migrants Scheme for the present remains unaltered. It is expected that in mid-2015 the scope of the orientation year for third-country nationals who have graduated in the Netherlands, will be extended to third-country nationals who obtained a doctoral degree in the Netherlands or who have conducted scientific research. For these third-country nationals a work permit is no longer a prerequisite in the orientation year for access to the labour market.

3.4 Other aspects of regular migration

Also in 2014, the Netherlands again made efforts directed towards encouraging legal migration, information and awareness.

3.4.1 Routes and conditions for legal migration

The most important source of information about routes and conditions for legal migration to the Netherlands continues to be the Residence Wizard on the English language website of the IND: <https://ind.nl/EN/individuals/residence-wizard>.

3.4.2 Prevention of unsafe migration

From 1 January 2013 to 1 July 2014 the DT&V invested in the project National Campaign on Child Protection to ensure prevention of, and response to violence, abuse, exploitation and neglect of children in Afghanistan. In Afghanistan the DT&V worked together with UNICEF. The activities carried out by UNICEF include entering into dialogue with the local communities about child protection, providing information in the form of theatre

¹⁵ <http://www.rijksoverheid.nl/documenten-en-publicaties/rapporten/2014/07/03/evaluatie-van-de-regeling-hoogopgeleiden.html>

(due to illiteracy) about the risks of irregular migration; campaigning and broadcasting to raise awareness, and the launching of a campaign with child-marriage as the topic. The project was completed on 1 July 2014. At the time of publication of this Annual Policy Report, UNICEF has not presented the project results yet. It is expected that UNICEF will present the project results at the end of June 2015.

In 2013 and 2014 the IOM carried out a project in cooperation with UNHCR. The purpose of the project Protection project supporting governmental and non-governmental partners to protect migrants' human rights East Africa Route was to strengthen the capability of governmental and non-governmental organisations in Egypt to protect the Human Rights of migrants. In this way awareness has been created in communities in countries of origin and transit countries about the options of regular migration and the risks of irregular migration. In addition, solutions have been offered to detainees and/or stranded migrants in Egypt, and collaborations and dialogue have been improved in matters of migration management between countries of origin, destination countries and transit countries.

3.5 Integration, naturalisation and citizenship

3.5.1 *Integration through socio-economic participation*

Measures to improve the language skills of migrants and improving their performances in education

The Agenda for Integration published on 19 February 2013 by the Ministry of Social Affairs and Employment (SZW) contains the cabinet's most important aim in the field of integration. The main points of the Agenda for Integration are: Interaction with others and internalising values; Setting limits and educating; Participating and being self-rescuing. Language is a theme that overlaps the three starting points of the Agenda for Integration. In 2014 the Ministry of Social Affairs and Employment pursued the following avenues:

- Interdepartmental commitment to language and literacy. Together with the Minister and State Secretary of Education, Culture and Science (OCW) and the State Secretary of Health, Welfare and Sports (VWS), the ministry of SZW works on a comprehensive vision and approach to language and literacy. The objective is to reach more people who have deficient language skills in an effective manner (both persons of native Dutch heritage as well as migrants). To this end there will be close cooperation with civil society organisations (CSOs) and various sectors.
- Language agreement: In 2015 the ministry of SZW will enter into a language agreement with employers to provide a substantial boost to the language skills of employees, both in a quantitative sense (as many businesses as possible), as well as in a qualitative sense (good and sustainable).
- Enhancing the role of parents in the language development of their child. In the first quarter of 2014 the government's pilot programme The Egg of Columbus was concluded. This links up the language development of parents with poor language skills to

the language development of children in the pre-school and early education programme (VVE), intended to encourage the educative domestic environment and thus preventing deficient language skills for children. The results of the programme were presented at a national working conference in June 2014. This conference also saw the start-up of a practical team service 'Language for parents and child together', which provides tailor-made recommendations to municipalities and schools about the implementation of language and parental involvement programmes.

- Language in the education of newcomers. Together with the National Education Working Group for Asylum Seekers and Newcomers (LOWAN), the Ministry of Social Affairs and Employment organised a Round Table at the beginning of June with those involved in the organisation and quality of education for children of families who have lived in the Netherlands since recently: Together with the ministry of OCW it is being investigated how to enhance the knowledge that exists about and within the education of newcomers.
- Methodology development. In 2014 investments were made in various ways in the development of easily accessible methodologies, which includes the support of voluntary linguists (projects *Aan de slag met taal* [Tackling Language] and *Nog meer spreektaal* [More spoken language]). Furthermore, a methodology will be developed for a continuous learning curve approach with 'Language for parents and child together' for those in group 3 and onwards in primary school.

Migrants' access to social security, healthcare and accommodation

At the moment there's a pilot involving four Dutch municipalities to improve the infrastructure of mental healthcare for migrant youths. The pilot is currently halfway through its implementation and is co-subsidised by the European Integration Fund.

Integration of migrants in the labour market

In 2014 the ministry of SZW started the pilot project Link2Work. In this project youngsters are coupled to a mentor who works within the business community. More often than young Dutch nationals, migrant youths lack a professional network, have a wrong professional image, have trouble in finding a good apprenticeship and sooner make an incorrect study choice. To be able to tackle this, the business mentor helps the youngster to find answers about a study choice and career, e.g. by providing assistance with a job application, or by making contact with the business community. The pilot ran successfully in two major cities and will be introduced further in the forthcoming years.

3.5.2 Rights and obligations

A few municipalities started a pilot with 'Participation Statements' for newcomers in the Netherlands. The Participation Statement informs migrants about their rights and obligations and about the fundamental values of Dutch society. The statement forms part of a wider package of measures aimed at a successful integration. The Participation Statement which was launched in January 2014, is directed both towards migrants from EU countries and migrants from third countries.

3.5.3 *Integration of specific groups*

Naturalisation and Dutch citizenship

In more than 400 Dutch municipalities, including Bonaire, St. Eustatius and Saba, but also at embassies and consulates-general throughout the entire world, naturalisation ceremonies took place on National Naturalisation Day on 15 December 2014. During the ceremony new Dutch nationals solemnly affirmed 'The Declaration of Commitment'. In this they solemnly affirmed to hear, respect and fulfil the obligations of freedoms and rights for Dutch citizenship.

In 2014 no new developments occurred in this respect.

3.5.4 *Non-discrimination*

This cabinet's antidiscrimination policy is the cornerstone of the national integration policy of third-country nationals. The government likewise works closely together with municipalities on this matter and stimulates and facilitates the combating of discrimination on a local level.

As announced in the Agenda for Integration, the Ministry of Social Affairs and Employment meets with municipalities, the Association of Dutch Municipalities and various parties in the field, to investigate whether possible measures are required to tackle the approach to discrimination more effectively. To gain an insight into the degree in which Dutch people perceive discrimination, the Netherlands Institute for Social Research undertook a wide-ranging investigation at the request of the Ministry of SZW: *Ervaren discriminatie in Nederland* [Perceived discrimination in the Netherlands], appeared on 24 January 2014.¹⁶ On the basis of these results, some Round Tables were organised covering discrimination of Muslims and an investigation was carried out into discrimination of Muslims in police data.

In response to the recommendations brought by the Social and Economic Council (SER) on 17 April 2014 entitled 'Discrimination doesn't work!'¹⁷ the Ministry of Social Affairs and Employment put a plan of action in place to vigorously clamp down on labour market discrimination.

Finally, quality guidelines are being drawn up to improve the provisions for anti-discrimination in the Netherlands.

Further, the government has taken the initiative to discuss the increasing tensions between the various population groups with all the relevant parties and, where necessary, to intervene. Amongst other things, this has led to a Round Table event about anti-Semitism and the organising of an inter-religious meeting on 20 November 2014 in the presence of the Minister of SZW.

¹⁶ http://www.scp.nl/Publicaties/Alle_publicaties/Publicaties_2014/Ervaren_discriminatie_in_Nederland

¹⁷ <https://www.ser.nl/nl/publicaties/adviezen/2010-2019/2014/discriminatie-werkt-niet.aspx>

3.5.5 *Collaboration, consultation and coordination*

The central government and particularly the Ministry of SZW who is responsible for the integration policy, is conducting a rigorous dialogue with migrant groups and key figures from migrant communities. This happens both to obtain information about new developments, as well as for the improvement of policy quality, by consulting with the groups who are affected by the integration policy. At the same time there are discussions to get the groups to discuss amongst themselves, to overcome taboos and to facilitate meeting each other. An example of this is the Ridderzaal Dialogue which is mentioned in paragraph 3.5.4.

In order to get the knowledge function of integration issues for a wide group of users (governments and social institutions) to tie in with the current knowledge requirement, a revamping of this function was prepared by the Ministry of SZW. The existing knowledge institute FORUM was discontinued and as from 1 January 2015 a subsidy of 3.2 million will be provided to the Verwey-Jonker Institute and the agency Movisie. This is the same amount that was reserved for FORUM for 2015; so the same expenditure is incurred for knowledge for 2015. What triggered the collaboration with another institute is the need for a knowledgeable partner with a scientific and objective background (Verwey-Jonker Institute) who, in conjunction with an application-oriented partner (Movisie), can coordinate and thus give flexible and high-grade substance to the knowledge requirements at various parties. The new knowledge programme will operate on demand, a (digital) portal will be set up where supply and demand converge, and for the required knowledge a connection is being sought with the knowledge that is already at hand. For the theme social tensions in relation to cultural diversity in the community there will also be an expert unit, established for the time being at the Ministry of SZW. This expert unit will, on the basis of knowledge about working methods and interventions, provide practical support to parties like municipalities, in their approach to the issues at hand with or between groups of inhabitants. This expert unit, among other things, will focus more on building knowledge and being able to offer action prospects for issues relating to the theme radicalisation.

3.5.6 *Involvement by countries of origin*

New developments in 2014 were particularly focused on involving the country of origin to encourage integration when returning from the Netherlands. In view of returns, the DT&V implements care facilities and re-integration projects for Angolan and Congolese unaccompanied minors who return from the Netherlands to Angola and the Democratic Republic of the Congo. The contract regarding the reception project in Angola will continue until 1 August 2015. The reception centre contract in the Democratic Republic of the Congo expired on 1 June 2014. Negotiations for a contract extension were started and the DT&V also asked the IOM mission in Kinshasa (the implementing organisation) to include an additional project activity in the extension. This additional activity focuses on the supply of information (awareness raising) about irregular migration in general. In the first instance the projects provide for the reception, supervision and re-integra-

tion of the target group. But moreover, the DT&V has also paid attention to and reserved funds for capacity building of stakeholders dealing with the target group (like trainings for government personnel and civil society organisations) and improvements to the infrastructure in and around the care facilities (children now have access to clean drinking water). Besides, the IOM and a number of other NGOs have specific return programmes for victims of trafficking in human beings/human smuggling who voluntarily return to the various countries of origin. Of vital importance here is the collaborations with the victims' countries of origin. After all, a successful return and reintegration of victims requires collaboration between countries and organisations.

3.6 Migration management, including visa policy and Schengen management

3.6.1 Visa policy

The Netherlands follows the EU VIS implementation, as is determined in Brussels. On 1 April 2014 the Commission presented a proposal for a recast of the Union Code on Visas (Visa Code) and a proposal for establishing a new visa, the so-called touring visa. Together, these proposals are indicated as the visa package. The Netherlands is closely monitoring developments and thus considers it important that the treatment of these proposals is safeguarded, so that the balance between facilitating bona fide travellers on the one hand, and the combating of irregular migration on the other hand, remains secured.

Regulation (EU) No. 1289/2013 has been applicable since 9 January 2014. It concerns an amendment of Council Regulation (EC) no. This amendment has introduced the so-called reciprocity mechanism and the visa suspension mechanism. The Netherlands will participate in the specially appointed Committee for this purpose, within which matters related to these mechanisms will be discussed.

There are numerous agreements about consular representation by another Member State. A complete overview of this is provided in the List of Member States' consular presence, representation arrangements and forms of cooperation for the collection of visa applications, collection by Honorary Consuls or outsourcing of the collection of visa applications.¹⁸

3.6.2 Schengen management

Especially for the Nuclear Security Summit (NSS) in The Hague in March 2014, the Netherlands has temporarily introduced border controls at the internal borders. The Netherlands was the first Member State to have introduced this measure based on the revised regulations of November 2013.

3.6.3 Management of fluctuations in the migration pressure

The Netherlands has no contingency plan at hand for managing fluctuations in the migration pressure. Migration flows, however, are monitored very closely and measures

¹⁸ http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/borders-and-visas/visa-policy/docs/en_annex_28_ms_consular_representation_20.pdf

are taken where necessary. In 2014 the Netherlands was confronted with an increasing number of asylum applications. Aside from other measures, the IND has therefore employed extra personnel (225 fte), the Central Agency for the Reception of Asylum Seekers (COA) has opened up new reception centres throughout the entire country, and the national police and KMar have carried out investigations into the migration flows and particularly into (criminal) organisations who facilitate these flows. In addition, a number of ad hoc measures have been taken in view of a more efficient deployment of the present capacity (in terms of personnel, interpreters, etc.), and a plan has been developed to bring the backlog back to normal proportions by 1 April 2015.

In 2015 the Netherlands is aiming to develop a contingency plan or blueprint for future fluctuations in the migration flows. Besides, the Netherlands envisages to develop a method for estimating future asylum applications, in order to be able to better anticipate fluctuations instead of responding to them retrospectively.

3.6.4 *Border Control*

Relevant developments that occurred in 2014 at the Border Control will be discussed in chapter 8.

3.6.5 *Frontex*

Since the establishment of Frontex in 2004 the Netherlands has contributed substantially to the various types of mutually common operations along the external borders (being both land, sea and air-space borders) of the European Union. In the meanwhile, the Netherlands has participated in more than a hundred joint border control operations, including in areas bordering onto Greece/Bulgaria and Turkey and in the Mediterranean Sea. The Netherlands is also taking part in Frontex programmes which are geared towards the combating of human smuggling, and in a number of countries that border onto the European Union, such as Moldavia, providing assistance to reinforce the level of border control. With back-up provided by Frontex, the Netherlands carries out two joint return flights per annum.

In 2014, the Netherlands was the organising Member State of two joint return operations to Nigeria, being on 16 April 2014 (seven foreign nationals deported from the Netherlands' side) in cooperation with Norway, Sweden, France, Poland, Bulgaria, Germany, Romania, Spain and Malta; and on 22 October 2014 (five foreign nationals deported from the Netherlands' side) in cooperation with Denmark, Sweden, Finland, Portugal, Switzerland, Norway, Germany, Bulgaria, Malta, Belgium and Spain.

Besides, on 28 January 2014 the Netherlands participated in a joint return operation to Nigeria, which was organised by the UK where one foreign national from the Netherlands' side was deported. Further, the Netherlands participated on 19 November 2014 in a joint return operation to Georgia which was organised by France, where likewise one foreign national from the Netherlands' side was deported.

Every year, the Netherlands provides personnel to the various Frontex operations. Dozens of border guards from the KMar are deployed annually for border patrol support at various parts of the external Schengen borders, and important border crossing points such as the southern external border in Italy, Malta and Spain and the Eastern external borders in Romania, Bulgaria and Greece. In this, the KMar not only helps with the registration of irregular migrants that are found, but also with document and identity checks and with training courses. Defence also assists with the interviewing of migrants in the analysis of networks of traffickers in human beings. Defence also provides structural knowledge and expertise to Frontex. The training centre of the KMar and the Dutch Defence Academy work in close cooperation with Frontex on training courses.

In recent years, Defence has also contributed military equipment on numerous occasions. For example, a coast guard aircraft was deployed from 2010 to 2014 which included operation Poseidon (in the Aegean Sea near Greece) and operation Hermes (near the maritime border area between the Italian and North African coast). This aircraft was used to carry out patrol flights to be able to detect refugee boats timeously. In addition, in recent years the Netherlands also deployed dogs, coast guard patrol boats and vehicles from the KMar for various sea and land operations, among others in Bulgaria, Greece and Italy.¹⁹

The Netherlands is also a very active participant within the Frontex Risk Analysis Network (FRAN). This is a network of experts/heads of risk analyses departments derived from services that are charged with Border Control. The FRAN is chaired by the Head of the Risk Analysis Unit of Frontex. Each Member State provides a national representative. This is complemented by a representative from the European Commission, Europol and EASO.

Within FRAN, arrangements are made about the supply of information, and about the frequency, quality and timeliness required for drawing up a risk analysis for the external EU border.

19 Information about the contribution from the Netherlands to Frontex operations, largely obtained from a letter of 3 February 2015 by the Minister of Defence to the Lower House of Parliament, parliamentary document 29521-283; <https://zoek.officielebekendmakingen.nl/kst-29521-283.html>

4 INTERNATIONAL PROTECTION (ASYLUM)

Several developments have occurred relating to asylum in the Netherlands in 2014. As will be dealt with in this chapter, the policy amendments partially correlate directly with the implementation of the Common European Asylum System (CEAS). For example, for submission of an application for asylum the identification and registration phase was introduced in view of the implementation of the recast Dublin Regulation. Also, in line with the EU acquis, the grounds for granting asylum have been rearranged.

In future, as already dealt with in paragraph 3.2, between 1 January and 1 April 2014 a series of measures in the program Streamlining Entry Procedures has been implemented. This programme, which was launched in 2010, is geared toward reducing the lead time by setting up more efficient admission procedures and discouraging the so-called stacking of procedures (submission of subsequent applications). Measures include a more efficient structuring of the Dublin procedure, the implementation of a fast procedure for repeated asylum applications, and the ex officio simultaneous testing of a number of regular humanitarian purposes of stay on rejection of the first application for asylum.

The major challenge in the area of asylum seekers has occurred since April 2014. An intensified influx particularly from Eritrea and Syria has led to major pressure on the process. Various actions have been taken to deal with the influx properly, including employing extra temporary personnel (150 fte)²⁰ at the IND and the extending of opening hours at the reception desks.

Due to the unexpected rise of the influx of asylum seekers since April 2014, the asylum seekers' reception centres have come under substantial pressure. The manner in which the COA has responded to the rise will be dealt with in paragraph 4.9.

The Ebola epidemic was another development in 2014. The Emergency Committee of the World Health Organization (WHO) determined on 8 August 2014 that the outbreak of Ebola in West Africa constituted a threat to other countries. Measures were taken by the Netherlands too. Asylum seekers who were suffering with fever who had left the countries affected by the Ebola epidemic less than three weeks before, were placed under medical supervision. This led to a number of people being placed in quarantine, but no Ebola was actually established in any of the cases.

²⁰ Fte stands for fulltime-equivalent. It is a calculation unit with which the scope of a function or the staff complement can be expressed. One fte is a full working week.

4.1 Institutional changes and amendments in legislation

On a departmental level regarding agencies, or on a department level (including mandate amendments) no institutional changes occurred relating to asylum in 2014.

But there was an important amendment in the legislation. The Aliens Act 2000 was amended on 1 January 2014.²¹ The grounds for granting an asylum seekers' residence permit have been reorganised and brought more into line with the EU acquis. Hence the individual asylum seeker residence permits, on the grounds of a pressing humanitarian nature and the categorical protection policy, have been discontinued. This reorganisation of asylum grounds does not mean that the Netherlands offers less protection than previously.

4.2 Procedures for international protection

Entry into the Netherlands

Since 1 September 2014 families with minor children who apply for asylum at an external border of the Netherlands, are screened. A check is carried out to see whether there is a relationship between adult(s) and children. It is also checked to see whether there are well-founded reasons to refuse the family further entry into the Netherlands (e.g. on the suspicion of war crimes). This screening is carried out by the KMar and the IND.

If the outcome of the screening shows that there is no cause for further investigation, then the family may travel to a reception centre to proceed with the asylum procedure. See the paragraph below about access to the asylum procedure.

If further investigation is required the family is placed in the new closed family care facility in Zeist. That is where the family also proceeds with the asylum procedure. If it is suspected that the adult(s) and children are not related, then the adult will be placed in border detention and the child will be placed under supervision of the guardianship organisation Nidos.

Access to the asylum procedure

Likewise since 1 September 2014, the asylum applications submitted at the border by families with minor children (with the exception of a few in connection with national safety, the public order or trafficking in human beings), are no longer dealt with in the closed centre at Schiphol. Instead, asylum seekers are referred to the Reception Centre in Ter Apel, where their applications are dealt with in an open centre.

Detention during the asylum procedure

In the Netherlands border detention is the only form of detention in the asylum proce-

21 Decree of 18 December 2013 for determining the time of entry into force of the legislation of 25 November 2013 for amendment of the Aliens Act 2000 in connection with the rearrangement of the grounds for granting asylum (Bulletin of Acts and Decrees 2013, 478) and of the Decree of 17 December 2013 for amendment of the Aliens Decree 2000 (streamlining admission procedures) (Bulletin of Acts and Decrees 2013, 580). <https://zoek.officielebekendmakingen.nl/stb-2013-587.html>

dure.²² As mentioned before, a screening has been introduced for families with children since 1 September 2014. As a consequence, they only have to undergo border detention in the asylum procedure (in the child-friendly closed family care facility) if further investigations are needed into the relationship or if there is a suspicion that there are well-founded reasons to refuse the family further entry into the Netherlands.

On the basis of the IND's public working instructions the border detention for adults without minor children has been discontinued in a number of cases. In those cases the asylum seeker can proceed with the procedure in an open centre. That is the case when it is proven that someone originates from a country where, in general, an asylum seekers' permit is granted and there are no individual indications of crimes against humanity (Article 1F of the Geneva Convention on Refugees).

Amendment to the asylum procedure in the first instance

Until 31 December 2013 submission of the application for asylum took place on day 1 of the general asylum procedure. after the Period of Rest and Preparation, which, in principle, is a minimum of 6 days after registration. With the implementation of the recast Dublin Regulation on 1 January 2014, submission of the application for asylum takes place during the so-called identification and registration phase prior to the Period of Rest and Preparation. The assessment as to which Member State is responsible for handling the application commences immediately after submission of the application. In the past this assessment took place prior to the application for asylum, during the Period of Rest and Preparation, which then preceded the asylum application. The Dublin test could therefore take place early in the process; the application for asylum wasn't submitted yet. Actually, the only change is that the application for asylum has been brought forward. So in practice it has been brought into line with the European regulations, which determines that the investigation into the responsible Member State only starts after submission of the application for asylum.

Official normal testing for the first application for asylum

If a foreign national is not eligible for an asylum seeker's residence permit, it is tested ex officio whether he/she is eligible for a residence permit on the grounds of ordinary humanitarian reasons. The reasons for this are efficiency and to discourage the submission of a follow-up application for ordinary purposes of stay. This measure entered into force on 1 April 2014 in connection with the program Streamlining Entry Procedures (PST).²³

Vulnerable groups in the asylum procedure

In response to the ruling of 7 November 2013 by the Court of Justice of the European Union in the cases X, Y and Z (C-199/12 up to and including C-201/12), the policy framework in the Refugee Convention in respect of lesbian, gay, bisexual, transgender and intersex (LGBTI) people has been adapted in line with the ruling as at 22 February 2014.²⁴

²² It could also be possible that the third-country national is already in detention and submits an application for asylum during the detention or that during the asylum procedure a ground for detention comes about.

²³ For Streamlining Entry Procedures (PST) see paragraphs 2.2 and 3.2 of this Annual Policy Report, and the introductory paragraph to this chapter.

This means that the foreign national does not need to conceal his or her sexual nature in order to prevent issues coming about which could lead to an assessment that there is a question of persecution.

Family reunification procedure

As already mentioned in paragraph 3.2, a legislative amendment was adopted in view of the family reunification procedure as at 1 January 2014. Family members who sought family reunification who make use of the existing possibility to apply for a temporary residence permit (mvv) at the Dutch representation abroad prior to arriving in the Netherlands, can, if the temporary residence permit is granted, be given a Temporary asylum residence permit ex officio on entry in the Netherlands, unless there are contradictory indications observed by the IND. The holder of the temporary residence permit is then not required to submit an application for asylum. The testing for compliance with the conditions for granting a permit takes place in light of the temporary residence permit procedure, the result of which is awaited abroad. The conditions for granting a permit remain unaltered. The same rights apply to the asylum seekers' permit granted ex officio as to an asylum seekers' permit granted as a result of an independent application for asylum.

Repeated applications

As from 1 January 2014 an asylum seeker must inform the IND in writing of his/her wishes to submit a repeated application for asylum. This too, is a measure in view of the program Streamlining Entry Procedures (PST).²⁵ Until 31 December 2013 the asylum seeker had to make his or her wishes known in person for the repeated application for asylum at the Reception Centre in Ter Apel.

Besides, with effect from 1 January 2014 an accelerated procedure for repeated applications has been introduced (maximum of 3 days). When an asylum seeker notifies his or her intentions in writing to want to submit a repeated application, he or she must indicate which new elements will be put forward. After receipt of this form the IND plans an appointment within approximately 2 weeks for the submission of the application.

On day 1, after verification of the identity of the asylum seeker and the actual submission of the application, an interview takes place mainly focused on possible new elements. If possible an investigation into these new elements even takes place on the same day. If international protection is granted, this can happen on the same day. (no new relevant elements), an intention of rejection is issued to the applicant on the very same day. On day 2, the applicant can - assisted by his or her lawyer - respond (in writing) to the intended decision and the report of the second interview. On day 3, the final decision from the IND follows. If, for whatsoever reason, no decision can be taken within this accelerated procedure, the handling of the repeated application will be continued in the General Asylum Procedure or even in the Extended Asylum Procedure.

24 Decree by the Secretary of State for Security and Justice of 18 February 2014, number WBV 2014/3, comprising changes to the Aliens Act Implementation Guidelines Government Gazette 2014-5333: <https://zoek.officielebekendmakingen.nl/stcrt-2014-5333.html#d16e591>

25 For Streamlining Entry Procedures (PST) see paragraphs 2.2 and 3.2 of this Annual Policy Report, and the introductory paragraph to this chapter.

Since the beginning of 2014 the financial compensation for legal aid representation provided to an asylum seeker during a repeated asylum procedure, has been reduced on the basis of a 'no cure, less fee' principle. If the request is denied, they receive a lower compensation.

4.3 Country-related asylum policy

In addition to the generally applicable asylum policy, in certain cases the Netherlands also has a country-specific asylum policy. In 2014 the following changes occurred. These changes are based on new official reports from the Ministry of Foreign Affairs in which it is evident that the circumstances have changed.

Afghanistan

Policy in respect of Afghanistan has been amended on a number of aspects. Policy in respect of westernised school-aged minor girls has been discontinued as asylum policy, and has been administered under the regular admissions policy as an ordinary humanitarian purpose of residency since 1 January 2014.²⁶ Since 14 February 2014, lesbian, gay, bisexual, transgender and intersex (LGBTI) people are considered as a vulnerable minority and are thus sooner eligible for subsidiary protection.²⁷

China

The moratorium on decisions and departures²⁸ for asylum applications from Tibetans originating from China had been extended with effect from 8 December 2013 for a duration of three months up to 7 March 2014.²⁹

By letter of 10 March 2014, the State Secretary of Security and Justice decided to treat asylum applications of Tibetans from China on an individual basis again.³⁰

26 Decree by the Secretary of State for Security and Justice of 5 December 2013, number WBV 2013/26, comprising changes to the Aliens Act Implementation Guidelines, Government Gazette 2013-36021. <https://zoek.officielebekendmakingen.nl/stcrt-2013-36021.html#d16e268>

27 Decree by the State Secretary of Security and Justice of 6 February 2014, number WBV 2014/2, comprising changes to the Aliens Act Implementation Guidelines, Government Gazette 2014-4418. <https://zoek.officielebekendmakingen.nl/stcrt-2014-4418.html#d16e430>

28 A suspension of decisions is constituted when a decision cannot provisionally be taken about asylum applications for people from a certain country. A suspension of decisions can be set up when (temporary) vagueness exists about the security situation in a country, or when an unsafe situation in a country of origin exists and it is expected that this will not last long. For a suspension of decisions the standard decision period can be extended by a maximum of one year. In this period the asylum seekers stay lawfully in the Netherlands, because their application for asylum is still being processed. There are also conceivable situations in which, after the application has been irrevocably rejected and the third-country national must leave the Netherlands, the situation in the country of origin has changed as such that it is uncertain whether deportation can occur to that country. In such a situation it can be decided that deportation of this category of third-country nationals cannot be enforced. This would then mean a suspension of repatriations. A third-country national who falls under this suspension of repatriations may lawfully stay in the Netherlands. The validity of the lawful stay is equal to the duration of the suspension of repatriations.

A suspension of both decisions and repatriations often applies simultaneously for a certain area.

29 Decree by the State Secretary of Security and Justice of 2 December 2013, no. 456789, for an extension of a suspension of decisions and a suspension of repatriations for Tibetan asylum seekers originating from China, Government Gazette 2013-35538. <https://zoek.officielebekendmakingen.nl/stcrt-2013-35538.html>

30 Letter from the State Secretary of Security and Justice to the Lower House of Parliament dated 10 March 2014, parliamentary document 19637-1793. <https://zoek.officielebekendmakingen.nl/kst-19637-1793.html>

Democratic Republic of Congo

On 13 February 2014, the State Secretary of Security and Justice terminated the moratorium on decisions and departures for foreign nationals belonging to the Tutsi population from the Eastern regions of the Democratic Republic of Congo (North Kivu and South Kivu regions and the Haut-Uele province and Bas-Uele district).³¹

Eritrea

Policy in respect of foreign nationals with an Eritrean nationality who left Eritrea legally, was amended as from 5 August 2014.³² Legal departure, in principle, means that on return a foreign national does not run any risk of being treated in contravention with Article 3 ECHR³³ and would therefore be eligible for subsidiary protection. In individual cases, despite legal departure, there could be a question of infringement of Article 3 ECHR on return. Also, the category of foreign nationals with a homosexual nature has been amended into the category LGBTI (lesbian, gay, bisexual, transgender and intersex) for which it is not likely that they could get protection from the authorities or international organisations.

Iraq

Since 25 April 2014 Turkmen and single women in Central and South Iraq are designated as a vulnerable minority group and are eligible for subsidiary protection. Religious minorities from the Kurdish Autonomous Region are no longer designated as a vulnerable minority group as from 25 April 2014. In this region members of religious minority groups are generally able to express their beliefs in public without running any risks.³⁴

Iran

Since 6 March 2014 the country-related asylum policy in respect of Iran sets out that Iranian LGBTIs are eligible for an asylum seekers' residence permit as a statutory refugee, except if it is evident from the individual asylum seeker's story that the individual in question will not be exposed to persecution within the meaning of the Geneva Convention on Refugees.³⁵

Uganda

Having regard for the very fragile position of LGBTIs in Uganda, also as a result of the undersigning of the Anti-Homosexuality Act, the State Secretary of Security and Justice

31 Decree by the State Secretary of Security and Justice of 6 February 2014, number WBV 2014/1, comprising changes to the Aliens Act Implementation Guidelines, Government Gazette 2014-4195. <https://zoek.officielebekendmakingen.nl/stcrt-2014-4195.html>

32 Decree by the State Secretary of Security and Justice of 30 July 2014, number WBV 2014/24, comprising changes to the Aliens Act Implementation Guidelines, Government Gazette 2014-22397. <https://zoek.officielebekendmakingen.nl/stcrt-2014-22397.html>

33 European Convention for the Protection of Human Rights and Fundamental Freedoms. Rome, 4.XI.1950. Article 3: Ban on torture. Nobody may be subjected to torture or to inhuman or degrading treatment or punishments.

34 Decree by the State Secretary of Security and Justice of 16 April 2014, number WBV 2014/16, comprising changes to the Aliens Act Implementation Guidelines, Government Gazette 2014-11803. <https://zoek.officielebekendmakingen.nl/stcrt-2014-11803.html>

35 Decree by the State Secretary of Security and Justice of 24 February 2014, number WBV 2014/5, comprising changes to the Aliens Act Implementation Guidelines, Government Gazette 2014-6453. <https://zoek.officielebekendmakingen.nl/stcrt-2014-6453.html#d16e237>

indicated in a letter to the Lower House of Parliament of 20 March 2014 that Ugandan LGBTIs, in principle, are eligible for an asylum seekers' residence permit as a statutory refugee, unless this is obstructed by contra-indications.³⁶

Pakistan

As at 18 December 2014, not only Ahmadis but Pakistani Christians were also designated as a risk group, sooner rendering them eligible for an asylum seekers' residence permit as a statutory refugee. Christians or Ahmadis who have suffered are no longer required to have called upon the Pakistani authorities for protection prior to their arrival in the Netherlands.³⁷

Somalia

Since 8 March 2014 a couple of new attention groups have been designated in the Somali country-related asylum policy.³⁸ This concerns government officials, members of the judicial system, members of AMISOM, people who work for international organisations, international delegations and people who are suspected by Al-Shabaab as being spies for the government, who originate from Mogadishu or who originate from other parts of South and Central Somalia that are governed by Al-Shabaab. People who can prove that they belong to such a group and are fearful of Al-Shabaab, are sooner eligible for subsidiary protection on individual grounds. If there are concrete leads that the person can establish him/herself outside the area of origin in South and Central Somalia which is devoid of the influence of Al-Shabaab, then it is tested whether such an alternative can be relied upon.

4.4 Case law

In terms of asylum seeker matters, 2014 also saw important new national case law with consequences for the policy. There was also an impact of opinions by the European Court of Justice (ECJ) about national case law and policy. An overview of important national case law is provided in Appendix B of this Annual Policy Report.

4.5 Efficiency and quality

Efficiency in the treatment of (first) applications and appeals

As stated before, measures mentioned at the outset of this chapter are geared towards reducing the lead time by structuring admission procedures more efficiently and discouraging the submission of repeat applications.

36 Decree by the State Secretary of Security and Justice of 20 March 2014, number WBV 2014/14, comprising changes to the Aliens Act Implementation Guidelines, Government Gazette 2014-8914. <https://zoek.officielebekendmakingen.nl/stcrt-2014-8914.html>

37 Letter by the State Secretary of Security and Justice to the Lower House of Parliament dated 18 December 2014, parliamentary document 19637-1937. <https://zoek.officielebekendmakingen.nl/kst-19637-1937.html>

38 Decree by the State Secretary of Security and Justice of 27 February 2014, number WBV 2014/6, comprising changes to the Aliens Act Implementation Guidelines, Government Gazette 2014-6969. <https://zoek.officielebekendmakingen.nl/stcrt-2014-6969.html>

Quality of the national asylum system

Since 2011 the IND uses an own method to determine the quality of the asylum procedure. This method entails a three-monthly ad hoc check of the quality of random decisions (files) based on a list of questions. The number of checked files of the random check is significant enough to derive representative data about the quality of the procedure. With this data it is possible to draw up a faults analysis and subsequently to implement necessary improvements. Due to the three-monthly characteristic of this method of working, it is also possible to monitor the degree of success of the implemented improvements.

An audit will be carried out on the effectiveness of this quality measurement of the asylum procedures. This audit will be carried out internally by the IND itself.

Fluctuating migration pressure

In response to the crisis in Syria, in 2014 a number of special measures were introduced regarding the Syrian nationals:

For example, measures were taken to increase the capacity and flexibility of the IND by extending the office hours, and the expansion of opening hours at the reception desks. By engaging extra personnel and by raising the qualifications of personnel for a broader spectrum of applications. Besides, in order to reduce the pressure at reception centres, a task force was set up (consisting of a number of government institutions and municipalities), to accelerate finding accommodation for families and individual foreign nationals who have been granted a residence permit. More than 20 new reception centres have been opened, with a total of almost 10,000 places. By keeping a tight watch on the situation in the countries surrounding the Mediterranean Sea, an attempt was made to forecast the influx of asylum seekers and to improve family reunification.

Survey report by Human Rights Watch 'The long arm of justice'

The Netherlands is exemplary to other countries where it concerns the prosecution of people who are guilty of international crimes. This was apparent from the survey report by Human Rights Watch 'The Long Arm of Justice', that appeared on 25 September 2014. The report contains a comparative investigation of the approach to international crimes in France, Germany and the Netherlands. Since the introduction by the IND of a 1F unit in the late 1990s, the Netherlands is leading in investigations into war criminals. Among other things, the report states that "the Dutch experience demonstrates the key role that specialized immigration units can play in ensuring that those who have committed grave international crimes do not obtain asylum."

4.6 Collaboration with the European Asylum Support Office (EASO)

Participation in EASO activities

The Netherlands provides a significant contribution to EASO by deploying trainers,

experts and interpreters. During 2014, in view of EASO emergency and special support operations, the Netherlands posted various experts to support a couple of Member States because of the temporary major pressure on their asylum systems. This includes experts sent to Italy, Greece and Bulgaria.

In addition, the Netherlands provides a significant contribution to the European Asylum Curriculum (EAC) by supplying trainers for the communal professional training of employees at migration services. In view of this the Netherlands not only provides training experts and substantive experts, but it also provides didactic experts.

The Netherlands has likewise provided experts plus a coordinator for the specific COI networks on countries of origin which are of importance to the EU. Networks exist for Somalia, Pakistan and Syria.

The IND represents the Netherlands on the EASO Management Board and coordinates all the Dutch input for EASO by way of the National Point of Contact.

Support received from EASO

In 2014 the Netherlands made no request for support. But the Netherlands does, for example, make national use of the EASO training modules and published EASO reports.

4.7 Solidarity within the EU, including relocation

During 2014, in view of EASO emergency and special support operations, the Netherlands posted various experts to support a couple of Member States because of the temporary major pressure on their asylum systems. This includes experts sent to Italy, Greece and Bulgaria. See paragraph 4.6.

No relocation took place in 2014.

4.8 Strengthening the external dimension, including resettlement

Resettlement

The Netherlands resettles an average of 500 asylum seekers per annum³⁹. These are people who are proposed by the UNHCR for relocation and are subsequently transferred from the country of refuge to the Netherlands. This happened in 2014 too.

Employees from the IND and the COA selected people in Jordanian refugee camps for whom resettlement was a necessary solution. For instance, because they were not safe in Jordan either, or needed medical assistance which they could not get there either. Aside from this mission, 2014 also saw resettlement missions to Thailand, Sudan, Lebanon and Burundi. In 2014 a total of approximately 800 refugees who arrived in the Netherlands, were selected during missions in both 2013 and 2014.

Migration management in third countries

In 2014 the Netherlands also made efforts to enlarge the capacity of countries of origin and transit in order to manage mixed migration flows.

39 The four-yearly quota was determined at 2000

To this end, the Netherlands participated in various twinning projects which were geared to provide primary care facilities in third countries with the means to guarantee protection of refugees and to manage mixed migration flows better, including national asylum legislation and asylum policy frameworks.

In Serbia, the Netherlands participated in the twinning project with Slovenia and Austria for capacity building of the Serbian State Migration Service.

In Azerbaijan, on behalf of the Netherlands, the DT&V was the Project Manager of the twinning project together with Latvia and Romania for capacity building of the State Migration Service.

The results of these developments (e.g. an increase in the number of asylum applications settled in countries of first reception) are not available.

4.9 Sheltering asylum seekers

Measures in connection with a strongly rising influx

As already pointed out in the introduction of this chapter, the sheltering of asylum seekers has been under a great deal of strain in 2014, because the influx of asylum seekers unexpectedly rose substantially since April. The COA has responded to the rise by:

- using the available buffer of 1,250 places;
- increasing the capacity of reception centres by, among other things, utilising sports halls and recreational areas and where possible, by adding (temporary) buildings;
- realising extra capacity by means of new locations. Being able to provide shelter for the asylum seekers is the first priority. To this end, the COA is constantly in search of possibilities for alternatives and additional capacity. The search mainly concentrates on real estate formerly owned by central government, but also emergency facilities. In this way the COA sheltered a number of refugees at the former grounds of the Zeist prison in 2014.

Care for pregnant asylum seekers

At the beginning of 2014 the Health Care Inspectorate (IGZ) published a report about the care for pregnant asylum seekers.⁴⁰ The conclusion of this study is that the deployment of professional interpreters and the handover on transfer has to improve in order to provide better maternity care to asylum seekers.

As a result of this report by the IGZ, the State Secretary of Security and Justice notified the Lower House of Parliament by letter of 3 February 2014, that, together with the minister of Health, Welfare and Sport, they had ascertained that maternity care to asylum seekers is generally well organised. However, parties must be aware that good maternity care is a chain network responsibility.⁴¹

40 IGZ, Deployment of professional interpreters and hand-over when transferring, must be arranged better for responsible maternity care provided to asylum seekers, February 2014. <http://www.igz.nl/zoeken/document.aspx?doc=Inzet+professionele+tolken+en+overdracht+bij+overplaatsing+moeten+beter+voor+verantwoorde+geboortezorg+aan+asielzoekers&docid=6807&URL=>

41 Letter by the State Secretary of Security and Justice to the Lower House of Parliament dated 3 February 2014, parliamentary document 19637-1775. <https://zoek.officielebekendmakingen.nl/kst-19637-1775.html>

Report about the safety of foreign nationals

As a result of a commitment by the State Secretary of Security and Justice on this matter, which was done after the parliamentary debate about the suicide of a Russian asylum seeker in 2013,⁴² the Dutch Safety Board (OvV) carried out a study into the safety of foreign nationals entrusted to the protection of the government.⁴³ The Dutch Safety Board published its findings on 24 April 2014 and concluded that there are no indications that either asylum seekers or asylum seekers who have exhausted all legal remedies are structurally unsafe in reception centres and detention centres. All the same, according to the Board there are risks in which these foreign nationals could suffer physical or mental injuries. The Board therefore recommends that the State Secretary of Security and Justice should take precautionary measures to limit the risks that third-country nationals run. One of those measures is to place the safety of third-country nationals under external supervision throughout the chain. In the meanwhile, the Inspectorate for Security & Justice has been given the responsibility for this.

4.10 Integration of asylum seekers and holders of asylum status

No changes have occurred to the integration policy in 2014 which are relevant for asylum permit holders. The Netherlands, for that matter, only concentrates on those eligible for asylum. Asylum seekers are not a target group of integration policy. After all, if they have exhausted all legal remedies, they can be returned to their country of origin.

42 See also EMN Annual Policy Report 2013 (Rijswijk: INDIAC NL EMN NCP 2014), page 12. http://www.emnnetherlands.nl/EMN_publicaties/2014/EMN_Beleidsoverzicht_2013_Migratie_en_asiel_in_Nederland

43 Report of 24 April 2014;

5 UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

5.1 Unaccompanied minors

In 2014 the EMN carried out a still unpublished focused study into the policy for unaccompanied minors (UAMs) in the Netherlands. The information about new developments in 2014 in this chapter largely deals with this study.

The majority of UAMs request asylum after arrival in the Netherlands. UAMs who do not request asylum, do so because of work, family visits or because they are in transit.

Reception and asylum procedure

In 2014 the reception and asylum procedures for UAMs were amended on a couple of aspects.

On arrival in the open Reception Centre (AC) in Ter Apel, the UAM reports to the IND to apply for asylum at the so-called registration desk where staff from both the police and the IND are present. In consequence to the entering into force of Dublin Council Regulation III, since 1 January 2014 applications for asylum are signed at AC Ter Apel on the day of registration. Prior to 1 January 2014 the applications for asylum were signed after a couple of weeks, the so-called Period of Rest and Preparation (RVT).

Since 1 January 2014 the new Dublin Regulation is applicable. A new aspect in this Regulation is that an unaccompanied minor (UAM), for example, is transferred to the Dublin Member State where an uncle or aunt lives. A precondition here, is that an individual investigation must prove that this family member can take care of the minor.

Reception

In the normal reception of UAMs there is no differentiation made between UAMs who have been given residency and UAMs who have to prepare for their return. From various reports, among others from the Child and Youth Services Inspectorate, it has been concluded that the large-scale reception on campus grounds for UAMs aged 15 to 18 years, is not a good practice (prevention of violence, drug usage, psychiatric problems), and this has led to UAMs feeling unsafe. The State Secretary of Security and Justice has announced that the care arrangements for UAMs will be changed in a manner as proposed by the COA and Nidos.⁴⁴ This change will enter into force on 1 January 2016 or sooner if it's practically possible. The campus will disappear and will be replaced by a small-scaled type of care facility.

According to the new model, on registration UAMs up to and including 14 years of age are taken into care by families under the responsibility of Nidos. In the new model, the

⁴⁴ Letter by the State Secretary of Security and Justice to the Lower House of Parliament dated 12 September 2014, parliamentary document 27062-94. <https://zoek.officielebekendmakingen.nl/kst-27062-94.html>

UAMs of 15 years and older, and UAMs younger than 15 who, on registration cannot be placed in a foster family, will be taken care of by the COA in small-scaled housing facilities clustered close to each other. Together, these consist of a maximum of 16 to 20 beds. At the facilities 24 hour supervision is present if needed. The campuses are no longer used as a UAM reception centre facility. The period of time spent by the UAM in the Process Reception Location is shortened, to the duration of the Period of Rest and Preparation and the general asylum procedure. UAMs who are 17.5 years or older on registration, are taken care of in small-scaled housing facilities at an Asylum Seekers' Centre (AZC) so that, on reaching adulthood, they can be admitted in the AZC as long as they are eligible for residency in the follow-on stage. Relocations of UAMs are confined to the region where they were initially accommodated.

In the new model, those UAMs who have been given a residence permit, are transferred by Nidos from the COA facility to a family setting or to small-scaled care facilities to enable integration.

'Awareness' project with UNHCR in Afghanistan

In 2012 and 2013⁴⁵, in view of the prevention of UAMs coming to the Netherlands, the Netherlands executed an 'awareness' project implemented by UNHCR in Afghanistan. The Project envisages to develop an awareness campaign geared towards informing young children and their parents about the risks and dangers of irregular migration. This project would run from 1 January 2013 to 1 January 2014, but was extended by six months in a budget-neutral manner at the request of UNHCR (to 1 July 2014). The most important activities that took place in various parts of the country are:

- Dialogue with the local communities about child protection (abuse, violence, exploitation and neglect);
- Providing information in the form of theatre (due to illiteracy) about the risks of irregular migration;
- TV and radio campaigns about irregular travel and the vulnerability of unaccompanied minors during irregular travel;
- Campaign about the forced marriages of children.

Afghan UAMs

In 2014 the United Nations University published a study into the situation of Afghan UAMs in the Netherlands.⁴⁶ This is the largest group of UAMs in the Netherlands and in many other Member States. The study showed that the Netherlands is doing well where it concerns care facilities, standard of living and healthcare. According to the study there are some points for improvement relating to educative options, time off, mental health care, integration and the duration of the asylum procedure.

45 Progress report on international migration and development 2013, Year of Session 2013-2014, attachment to Parliamentary Papers 30573 no. 126, 7 July 2014. <https://zoek.officielebekendmakingen.nl/kst-30573-126>. As well as in: Letter by the State Secretary of Security and Justice to the Lower House of Parliament, dated 17 May 2013, "Reassessment of the policy for unaccompanied minors (UAMs)" parliamentary document 27062-88. <https://zoek.officielebekendmakingen.nl/kst-27062-88.html>.

46 United Nations University – Maastricht Economic and social Research institute on Innovation and Technology (UNU-MERIT), Carla Buil and Melissa Siegel, *Afghan unaccompanied minors in the Netherlands: Far away from home and protected?* Maastricht 2014. <http://www.merit.unu.edu/publications/wppdf/2014/wp2014-037.pdf>

5.2 Other vulnerable groups

Lesbian, gay, bisexual, transgender and intersex (LGBTI)

Paragraph 4.2 has already dealt with the amendment of the policy framework for lesbian, gay, bisexual, transgender and intersex LGBTIs. Paragraph 4.3 subsequently provides an overview of the asylum policy for LGBTIs from various countries of origin.

Special procedural guarantees

The recast Procedures Directive determines that Member States, within a reasonable period after an application for international protection has been submitted, must assess whether the applicant requires special procedural guarantees. The Netherlands will include this in the framework of the implementation of the directive, which must be completed by 20 July 2015. It is not yet clear exactly how the new method of working will be designed.

Asylum seekers who have exhausted all legal remedies who apply for asylum on medical grounds

With effect from 1 January 2014 options were expanded for asylum seekers who have exhausted all legal remedies to receive care while awaiting a decision for an asylum seekers' permit on medical grounds (Spekman motion). Three additional measures have been taken which are briefly shown below:

1. The option to rectify omissions
The foreign national henceforth will be offered the option, among other things, to furnish missing medical data.
2. Asylum Seekers on appeal
Aside from asylum seekers who have exhausted all legal remedies, in future asylum seekers in the appeal phase will also be offered the option, among other things, to furnish missing medical data.
3. Care facilities after a granted preliminary injunction
Foreign nationals who are granted a preliminary injunction pending the objection or appeal phase, and who may then await the decision in the Netherlands, are henceforth also entitled to care in that phase.

Regulation for long-term residency of children (children's amnesty)

In 2013 the regulation entered into force for children with an asylum seekers' background and their family members who had already stayed in the Netherlands for a long time without a prospect of a residence permit. Foreign nationals who have submitted an application for asylum in the Netherlands at least five years before their 18th birthday, are conditionally eligible for the children's amnesty. During those five years they also genuinely should have lived in the Netherlands, and in that time, not have been beyond the central government's view for a sequential period of more than three months. It's particularly this last precondition - the so-called 'sidelined-criterion' - which has frequently been under discussion in politics and in the media in 2014.⁴⁷

47 Information about the social discussions in this paragraph derived from the IND publication *The IND in 2014*, available at https://www.ind.nl/Documents/web_Jaarresultaat14.pdf.

In addition, in the spring of 2014, a commotion came about in the Netherlands relating to children whose applications had been rejected. Many mayors signed a manifest in which they called upon the State Secretary to re-examine a number of rejected children's amnesty applications. The Child Ombudsman interfered in the debate and published a number of files on his website on 21 May. The State Secretary of Security and Justice then committed to take another look at the cases mentioned in the 'mayoral letters'. This meant that a number of families nonetheless got a residence permit, partially on the grounds of existing policy (based on new information), and partially because the State Secretary made use of his discretionary authority.

6 ACTIONS ADDRESSING TRAFFICKING IN HUMAN BEINGS

6.1 Assistance to victims, including children

National Referral Mechanism

In June 2014 the first phase of the interdepartmental project National Referral Mechanism was concluded. This project was started in October 2013 and aims to achieve a National Referral Mechanism for (possible) victims of trafficking in human beings with the concrete purpose of improving the supply of assistance and support – and access to it – for all victims of trafficking in human beings. In this first phase of this project, the existing supply of assistance and support for victims of trafficking in human beings was critically assessed and a number of obstacles have been identified. This entails a tailored focus on the victim of trafficking in human beings. The framework provides an indication to what victims of trafficking in human beings are entitled. In brief, the referral mechanism contains the following elements: an overview of the service package, transparency and formalisation. This project is a response to the recommendations from the Dutch National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children.

The second phase of the project commenced in September 2014 and will continue through 2015. In this phase the National Referral Mechanism will be elaborated further and established. For example, a website is being developed which will contain all information about organisations involved in combating trafficking in human beings and where the rights of victims are defined. Furthermore, part of the National Referral Mechanism project includes examining the option to implement a multidisciplinary system for the identification of victims of trafficking in human beings.

Project of multidisciplinary identification of victims of trafficking in human beings

In October 2014 the Ministry of Security and Justice started a project to implement the option of a multidisciplinary system for the identification of victims of trafficking in human beings. This project is part of the referral mechanism. The examination includes finding out whether the police can accomplish identification of victimisation jointly with other institutions. The focus lies on the following questions. Is it possible to provide a unanimous recommendation on victims of human trafficking? To what purpose and to whom is a recommendation provided? What is the possible result of such a recommendation for the arrangements at the various institutions for victims of trafficking in human beings? This project is in a start-up phase and will continue in 2015.

Training courses

In 2014 the IND started regular training courses for its staff on trafficking in human beings. For the training courses, use is made of the documents designed in the framework of the project subsidised by the European Commission Development of common

guidelines and procedures for the identification of victims of trafficking in human beings. Attention is paid to recognising the signs of trafficking in human beings, the protection of (possible) victims and prosecuting the suspects. Partner organisations are also involved as participants or trainers at these training courses.

Conference on Trafficking in human beings

As part of the awareness campaign, the KMar and the IND organised a conference for professionals from various government organisations and NGOs on 28 October 2014. The theme of the conference was: Trafficking in human beings and Human smuggling: differences and similarities. Who is responsible for detecting signs? The main aim of the conference was to exchange information.

7 MIGRATION AND DEVELOPMENT POLICY

7.1 The integration of migration in the development policy

Both on a regional as well as on an international level the Netherlands is active in a large number of dialogues.

The Netherlands also participates in EU mobility partnerships, Regional Development and Protection Programmes and Common Agendas.

EU migration dialogues

At an EU level, migration dialogues are held with the most important regions and countries. In an EU framework, harmonisation about priorities takes place within the High Level Working Group on Asylum and Migration (HLWG). The large number of migration dialogues conducted by the EU with third countries and the activities related thereto, calls for the setting of priorities. The regional migration dialogues that are important to the Netherlands are the Budapest Process, the migration and asylum panel of the Eastern Partnership, EuroMed Migration III and the EU ACS migration dialogue. Due to the events happening in the Mediterranean Sea the Rabat Process is gaining significance.

Migration dialogues with the Eastern region

The comprehensive dialogue in the Eastern region is the Prague Process (countries from the Western Balkans, the Eastern Partnership, Central Asia and Russia). The Prague Process overlaps with the migration and asylum panel within the Eastern Partnership and with a portion of the Budapest Process.

Actual activities are geared where possible towards the countries of the Eastern Partnership (Armenia, Azerbaijan, Georgia, Moldova, the Ukraine and Belarus). Agreement has been reached with all countries (with the exception of Belarus) about returns and take overs and visa facilitation.

In view of the migration and asylum panel of the Eastern Partnership, the Netherlands participated in a conference about detention of foreign nationals in March 2014. In June it participated in a conference on human smuggling and in October about labour migration. In December 2014, together with Georgia, the Netherlands organised a conference about credibility assessment within asylum procedures.

Migration dialogues with the Southern region

In 2014 the Netherlands participated in various EuroMed Migration III conferences, including conferences about legal and irregular migration, a peer-to-peer meeting about migration and development which focused on “high profile” migrants and their potential for the development of countries of origin. The Netherlands also took part in the DG conference in December 2014, which took a retrospective look at EuroMed

Migration III and in which the priorities for EuroMed Migration IV were discussed.

In view of the Rabat Process a ministerial conference took place in November 2014. The former State Secretary Teeven participated in this on behalf of the Netherlands.

In April 2014, a ministerial summit took place in view of the EU-Africa Partnership. Prime Minister Rutte and the former minister of Foreign Affairs Timmermans took part in this on behalf of the Netherlands. At the summit a separate declaration and a 2014-2017 plan of action were adopted, which, among other things, were directed towards combating trafficking in human beings and human smuggling, and the combating of irregular migration.

The Netherlands finances a number of activities that are geared towards supporting governments of countries of origin in the development and enhancement of a diaspora policy, and in the setting up of a “European-wide Diaspora Platform for Development”.

In addition, the Netherlands supports various projects directed towards the enhancement of self-supportiveness of refugees and integration with local guest communities, like in Lebanon via the UNHCR, in Yemen via the Adventist Development and Relief Association (ADRA) and in Kenya via the International Rescue Committee (IRC). Here more than 200 refugees received lessons in Arabic, another 200 received vocational education and leadership courses, and more than 30 societal initiatives were supported by refugees. In so doing, just under 1400 refugees received an awareness training about topics like discrimination, sexual and gender-based violence (SGBV), family planning, human smuggling, children's rights, social cohesion and the importance of ID documents. In Kenya the International Rescue Committee (IRC) provides legal and psycho-social assistance to refugees, enhances the capacity of government officials in providing protection to refugees, and works together with community leaders to improve the social cohesion with guest communities.

Mobility partnerships

The Netherlands participates in the mobility partnerships with Georgia, the Cape Verde Islands, Armenia and Morocco (implementation phase) and Azerbaijan (implementation still in a start-up phase). In this, the Netherlands largely directs itself towards strengthening migration management, sustainable returns and reintegration, as well as migration and development. The supply is matched up to the situation in the relevant third country.

Global

The Netherlands also actively participates in global dialogues, like actively contributing to the High Level Dialogue on Migration and Development. The Netherlands has also participated in the Global Forum on Migration and Development process (GFMD) since its inception.

The seventh GFMD took place from 12 to 16 May 2014 in Stockholm. The Netherlands maintains sound contacts with the Swedish chairperson and therefore played an active role in the preparation of the Forum over the last year. In addition, the GFMD and civil society participation was supported financially by the Netherlands.

On 1 July 2014 Turkey took over the chairmanship from Sweden. Once again the Netherlands will actively take part in the preparations of the Forum which will take place in Istanbul in October 2015. The Netherlands will also continue to support the GFMD financially.⁴⁸

7.1.1 *Collaboration with third countries for economic migration*

The Netherlands supports the Moroccan mobility partnership and the Regional Development and Protection Programme for Syria in Lebanon, Jordan and Iraq. Here no new developments occurred in 2014.

7.1.2 *Efforts to limit the 'Brain Drain'*

Every year the Netherlands budgets EUR 9 million for support of activities in the field of migration and development. From this migration and development fund approximately 35 activities are currently being financed in a diversity of policies.

The Netherlands supports a number of projects for the temporary return of migrants with a permanent residence status in the Netherlands or (albeit it to a limited degree) in another EU Member State. Through the transfer of knowledge they contribute to the development of their country of origin. Aside from having professional qualities, the migrants have an added value due to their knowledge of the language and culture of the country. They act as 'agents of change' by introducing new ideas and working methods. The projects are demand-driven and where possible must be embedded in existing structures and must link up with existing policy in the country of origin for purposes of sustainability and ownership.

Since December 2012 phase III of the IOM project Temporary Return of Qualified Nationals (TRQN) has been underway, as a follow-up to the successful phases I and II, for a duration of 3 years. The main objective of the project is to contribute to the development in a number of countries, by deploying migrants who originate from those countries for the build-up of capacity at governments and non-governmental institutions. These countries are: Afghanistan, Armenia, Cape Verde Islands, Georgia, Ghana, Iraq, Morocco, Somalia and Sudan. These countries have to contend with a brain drain and shortages of qualified personnel. There are many migrants from these countries in the Netherlands who are well educated and experienced. In the first 16 months the placement of 117 people was realised. In the new countries of the project (Armenia, Cape Verde Islands, Ghana, Iraq, Morocco and Somalia) time was needed for start-up activities, which is why the placement of people could not take place from the outset. In South Sudan, another new country in the project, it appeared to be impossible to realise the placement of people because of the security situation. This country was replaced by Sudan which had previously been in the project.

⁴⁸ More information and reports about the abovementioned meetings can be found on the websites of the organisations/fora mentioned: www.un.org/en/ga/68/meetings/migration, www.gfmd.org and www.iom.int.

In 2012, in conjunction with the Netherlands Migration Institute (NMI), *Stichting Marokkofonds* (Morocco Fund foundation) started a three-year project called *Kennis delen in Marokko* [Sharing Knowledge in Morocco]. The project was geared towards strengthening the healthcare sector in Morocco, especially in the Rif region. Here, highly skilled Moroccan migrants living in the Netherlands (diaspora professionals) were temporarily deployed at healthcare organisations in the private and public sector. In the first year the project did not go according to plan, mainly because it seemed that suitable diaspora professionals were more difficult to find than expected. In the first year nobody was placed. So in October 2014 it was decided to prematurely terminate the subsidy for this project.

February 2014 saw the start of Maximizing the value of Kenyan diaspora, a two-year project of Voluntary Services Overseas (VSO). The main objective of the project is to send 15 volunteers, members of the Kenyan diaspora, who will utilise and share their expertise over a period of 3 to 6 months with guest organisations in Kenya, especially in small and medium-sized enterprises, with whom they'll stay in touch afterwards. In addition the project must contribute to closer ties between Dutch and Kenyan businesses, to the socio-economic development of Kenya, and to capacity enhancement in the implementing organisations.

7.2 Money transfers by migrants

The starting point for the Netherlands is that transferring funds (remittances) concerns private money, and the spending thereof is an individual choice. The Netherlands is of the opinion that governments, in principle, may not act in a steering fashion in the spending of these funds. Yet the Netherlands continues to commit itself to seek possibilities to reduce the costs of remittances and to enlarge the transparency of the Dutch market for money transfers.

In order to get a better overview of the remittances from migrants in the Netherlands, the Ministry of Foreign Affairs subsidised a study carried out by The Network University (TNU) from 1 October 2013 to 31 January 2014 into the Remittances market⁴⁹ in the Netherlands. The Dutch Banks Association (NVB) and De Nederlandse Bank (DNB) likewise contributed financially to the study. The Dutch Banks Association (NVB) and De Nederlandse Bank (DNB) likewise contributed financially to the study.

The study focused on four corridors to the African countries of Ethiopia, Ghana, Nigeria and Somalia, because the costs of remittances to these countries in Sub Sahara Africa are the highest.

The purpose of the TNU study was:

- creating more transparency in the Dutch market for remittances;
- finding possibilities to reduce costs of remittances;
- creating a greater awareness of the possibilities to use remittance to create new activity in the receiving countries, and to facilitate this with new financial products from the Netherlands;
- providing an insight into the context of remittances in the Netherlands.

The report contains recommendations that are not only of importance to the Dutch government, including supervisory bodies, but also for the financial sector and migration organisations themselves.

In addition, in a letter of recommendation by AUXFIN, the Netherlands has supported a pilot project financed by the World Bank. The two-year project focuses on the remittances between Spain and Senegal. By utilising the internet and mobile technologies, AUXFIN International has created an inexpensive and easily accessible platform, UMVA (Universal Method of Value Access) to link up migrant money flows with local institutions like farming co-operates, schools and religious institutions. In this way part of the 80% of the “unbanked” world population (people without bank accounts) can transfer money almost free of charge at € 1 per month. UMVA Software is made available free of charge to migrant associations in the submitting country and to Savings and Credit Co-operations (SACCOs), Monetary Financial Institutions (MFIs) or post offices in the receiving country. In the first year of the pilot, the system will be installed and tested in two locations in Senegal and two locations in Spain. In the second year the system will be installed at 14 locations in Senegal and 28 in Spain. Due to internal issues at World Bank Group (WBG) the project has not started yet. The World Bank is doing everything in its power to start up the project. The Netherlands is keeping track of the developments regarding the start of this project.

7.3 Working with diaspora

The Netherlands enhances the positive role that migrants could play in the development of countries of origin by supporting a number of initiatives in this field.

Aside from the projects described in paragraph 7.1 it involves the following initiatives.

In 2014 the African Diaspora Policy Centre (ADPC) continues with the project geared towards the capacity enhancement of twelve African ministries in the area of diaspora involvement. The project envisages enlarging the capacities of diaspora ministries in order to involve their diaspora more closely in the development of their own country. Various technical assistance missions are taking place from 2012 to 2015 in Kenya, Ghana and Uganda, and 24 policy makers from African countries (including Benin, Burundi, Ethiopia, Ghana, Kenya, Liberia, Mali, Nigeria, Rwanda, Sierra Leone, Uganda and Zimbabwe) are being trained and receive supplemental supervision. Courses are also being offered online. In 2013 and 2014 four technical missions took place. A next training course is planned in Addis Ababa.

The Netherlands supports a project of the Stichting Spark (Spark foundation):⁵⁰ *Circular Migration and Brain Gain: Supporting migrant entrepreneurs*. The project envisages contributing to the enhancement of economic growth by providing possibilities to migrants (particularly women and youngsters) to establish an own business in the coun-

50 <http://www.spark-online.org/>

try of origin. The project will be carried out in the six focus countries: Ghana, Morocco, Suriname, Afghanistan, Iraq and Somalia. The project started on 1 January 2014 and will continue until 31 December 2016.

The target groups of the project are:

- Migrant entrepreneurs, who want to start up an own company in their country of origin, which especially includes young people under the age of 36 (ambition is 80% young entrepreneurs) and at least 33% female entrepreneurs.
- Selected Business Support Organisations (BSOs) and Financial Institutions (FI's) in the focus countries to support the start-up entrepreneurs in the focus countries.
- Migrant organisations (Umbrella and Country-specific organisations).
- Selected government institutions involved with migrants/diaspora entrepreneurs.

Government institutions are also supported and trained to better facilitate the migrant entrepreneurs in setting up a business in the country of origin.

The Netherlands also supports a one-year project by the Stichting Izere (foundation): Capacity building and starting a business in Burundi by the diaspora in the Netherlands. The project period is 1 July 2014 up to 30 June 2015. The aim of the project is to enhance the economic development in Burundi by way of knowledge transfer of temporarily seconded experts from the Burundian diaspora living in the Netherlands (migrant experts), and by way of investments, among other things, in partnership with Dutch businesses. In this the demand from the Burundian enterprises for a particular type of knowledge is consistently leading. The transfer of knowledge is geared towards capacity building in Burundi.

The starting of businesses and investing in new businesses in Burundi enables an economic development, job opportunities and combats poverty in Burundi.

With this project, Izere also wants to contribute to a successful reconciliation amongst the Burundian people, taking into consideration that improvement of the social and economic situation is a significant condition for sustainable peace and development of Burundi.

Moreover, the Netherlands supports ADPC, The Hague Academy for Local Governance and The Network University (TNU) in setting up a diaspora academy which commenced in the spring of 2014.⁵¹ In total, ADPC envisages training 90 diaspora developmental actors in Europe and beyond, in the area of peace processes and reconstruction, lobbying and networking, and partnerships. Five-day workshops are organised and studies are carried out into diaspora involvement in the abovementioned topics.

Another project by TNU which is supported by the Netherlands is "E-learning for Entrepreneurship in West Africa". The project offers a two-year online programme Entrepreneurship in combination with an individual coaching course for start-up entrepreneurs. The project period is 1 September 2014 until 31 August 2016. The objective of the project

is to provide a contribution to the “Brain Gain” and to increase the involvement of migrants and migrant organisations in the development of their country of origin. This happens by involving successful migrants as moderators and coaches in an e-learning programme for start-up entrepreneurs, which, in the long run, will contribute to a drop in unemployment in Sierra Leone (and in due course in other English-speaking African countries), and will benefit the general economic development in this part of Africa. In the first instance the project focuses on students and graduates of IAMTECH, one of the most prominent colleges of Sierra Leone.

The Netherlands also contributes to a series of debates and an anthology of essays about the concept of African diaspora on the policy of the minister of Foreign Trade and Development Cooperation. 12 December 2014 saw the presentation of this anthology of essays *Game Changers: diaspora doers and thinkers for a different Africa Agenda* at the Ministry of Foreign Affairs.

Finally, the Netherlands supports The Hague Process with a pilot project for the start-up of a collaborative venture between the municipality of Rotterdam and the private sector for the improvement of the position of migrants and refugees in the labour market in the city.

The Dutch government also actively commits to involving diaspora for returns. The DT&V invests in managing relationships with diaspora organisations and has the option to finance return-related activities. In 2014 the Coordination of Armenian Organisations foundation (Stichting Coördinatie Armeense Organisaties) in the Netherlands was involved in carrying out the pilot ‘activating residents at family locations’ (activering bewoners gezinslocaties). In addition, in 2014 Stichting Dalmar (Somalia) and the Goodwill Homage Foundation (Nigeria) received a subsidy for their contribution in supporting independent departures from the Netherlands and sustainable reintegration in the country of origin. Hence, use is not only made of the special access that these organisations have to the relevant target groups in the Netherlands, but their capabilities to provide after-care to returned third-country nationals is optimally utilised and strengthened.

8 IRREGULAR IMMIGRATION, INCLUDING HUMAN SMUGGLING

In respect of the battle against irregular migration in 2014, the following developments can be reported.

8.1 Surveillance at the external borders

8.1.1 *Technology, equipment and infrastructure*

On 12 November 2014 the Netherlands connected onto the EUROSUR network. EURO-SUR is a European border surveillance system that is meant to prevent and combat serious criminality, such as trafficking in human beings and drugs, and to reduce victims amongst migrants at sea. The National Coordination Centre of the KMar will play a more coordinating role in the management of the external borders. Elements such as connections with partners (connections of systems and personnel) and further development of analysis instruments are necessary for this coordinating role.

8.1.2 *Border control measures: other activities*

- As part of the vision 'Grenzeloze Veiligheid' (borderless security) the KMar launched the Border Police Task (GPT) in 2014. Here each team of military police is no longer only deployed for one task, but a team is deployed for the entire policing task at the airport, including border surveillance. With the integration of various operational tasks, the GPT envisages achieving more effectiveness and efficiency. On a nation-wide scale the KMar transforms from an area-related organisation into an intelligence-controlled organisation. It is for this purpose that the national tactical command (LTC) has been set up, from which the entire operation (across all tasks of the KMar) is steered.
- In the 4th quarter of 2014/ start of 2015 the intention is to fully check the travel document number of all passengers in the available police force databases.

8.1.3 *Collaboration with third countries relating to border control.*

The Netherlands considers it important to conduct wide-ranging cooperation with Turkey. Aside from a rapid and effective implementation by Turkey of the return and take over agreement, the concerns about irregular immigration via the Greece-Turkey border instigates further development of this cooperation. Together with DT&V and COA the IND has drawn up a draft agreement with possible topics for collaborations with the Turkish Directorate for Migration Management (DGMM). This was presented to the DGMM in October 2014. The DGMM has not responded to the contents as yet.

In 2015 the Netherlands intends to start up a project in cooperation with the ICMPD with Lebanon in order to train Lebanese border guards of the Lebanese Armed Forces, as part of Integrated Border Management (IBM).

8.2 Approach to abuse of legal migration channels

8.2.1 *Irregular migration caused by visa relaxation*

Since the entering into force of Regulation (EU) 1289/2013 on 11 December 2013, which amends Regulation (EC) 539/2001, the visa exemption for third-country nationals can be suspended if it appears that large-scale abuse is being made in submitting asylum applications which are certain to fail. It is monitored whether, and if such is the case, how such situation occurs. This has not appeared to be the case until now.

With regard to the border control and the repatriation of third-country nationals who no longer stay lawfully in the Netherlands, the normal policy is applicable. Yet visa liberalisation is generally connected to a return and take-over agreement, which eases the return and take-over by the country of origin.

EU project "Combating Fraud in Migration Procedures"

On 1 July 2014 a Common Advisor on Immigration was appointed at the Dutch embassy in Accra. This IND employee participates in the EU project "Combating Fraud in Migration Procedures". The purpose of this project is to combat migration fraud and abuse. The Common Advisor on Immigration works closely with the Regional Support Office of the Ministry of Foreign Affairs and the visa department, not only of the Dutch, but also of the other EU embassies.

8.2.2 *Irregular migration due to abuse of the right to family reunification*

The KMar takes part in various projects of the European EMPACT Platform (European Multidisciplinary Platform Against Criminal Threats). In a four-year policy cycle (2013-2017) EMPACT combats many forms of international criminality. The EMPACT Facilitated Irregular Migration directs itself towards human smuggling. The KMar is the action leader in an operational plan of action against bogus marriages, for the purpose of sharing information with Europol in cases of organised crime and bogus marriages.

8.2.3 *Irregular migration due to abuse of study migration*

In 2014 the recommendations in The Wall Programme (2012), which was focused on criminal activities within the Chinese community and particularly on abuses within the Chinese beauty industry, have been taken up by the Trafficking in Human Beings Task Force.⁵² Some of the recommendations provide for the prevention of abuse of the procedure for a study residence permit and also advises on the dangers of exploitation and possible forced prostitution of female Chinese students in the Beauty industry.

52 In The Wall project, between 2010 and 2012, various government institutions joined forces to investigate signs of Chinese trafficking in human beings and human smuggling to enable a better combating of such abuses. The motivation for this was that a growing issue was becoming visible in respect of Chinese victims of trafficking in human beings, Chinese irregular third-country nationals in the Netherlands and forms of criminality and abuses related thereto. Under the supervision of the National Public Prosecutor's Office, the SZW Inspectorate, the Receiver of Revenue, the KMar, the IND and the National Police Services Agency (KLPD), have exchanged and analysed information to carry out specific investigative and enforcement actions, and to increase the knowledge about this phenomenon. In this there was close cooperation with local authorities and police forces.

The EMPACT Platform is also keeping an eye on abuse of the student regulation. The EMPACT project Trafficking in human beings comprises 25 Member States as well as agencies such as Europol, Eurojust and Frontex, working operationally together. The operational collaborations relating particularly to EMPACT were intensified in 2014. The sub project relating to Chinese trafficking in human beings falls under the leadership of the Netherlands.

8.2.4 Irregular migration using false travel documents

1 March 2014 saw the introduction of a new biometric policy.⁵³ The use of biometric characteristics by organisations involved in policy on foreign nationals has been expanded, which is an important step for improving the establishment of identity of the foreign national.

In 2014 there have also been developments at the IND in a concept for identity management. the appointment of an Identifications Manager at the IND, making better use of knowledge and expertise of e.g. agency Documents of the IND for the entire chain of organisations involved in the policy on foreign nationals, and the continuation or intensification of the IND's input for initiatives of all organisations involved in this theme.

ID Management Dutch National Police

In the context of ID Management in 2014, the Dutch national police has drawn up a concept on how to deal with the identification of suspects and foreign nationals and how to combat identity fraud.⁵⁴ The concept was established in close collaboration with all the organisations involved in policy on foreign nationals who have an interest in a proper identification and registration of foreign nationals.

Recognising the signs of trafficking in human beings will become a fixed component in the identification process. The entire Basic Police Care will be trained in 2015 for supervision on foreign nationals. Identification of suspects and foreign nationals and the recognition of signs of trafficking in human beings are part of the training course.

The Dutch national police will be given access to the "Basic service facility Identification 2.0" in 2015. Here registration at the police station of third-country nationals takes place at a so-called ID station in which the fingerprints are recorded electronically for the central shared database with basic information on applicants (BVV), Eurodac and EU VIS. This happens in a single operation and within a single set process.

In 2015 police in the street will be given access to MEOS (Mobility more Effective On the Street). Hence the identity based on the fingerprints of the foreign national can be checked in the BVV and EU VIS using a mobile device. This will enable all police personnel to check and identify foreign nationals in the street more efficiently and effectively.

The Police Department for Aliens, Identification and Trafficking in human beings (AVIM) will have its final form in 2015, within the reorganisation of the Dutch national police that was initiated on 1 January 2013. Each unit of the AVIM will have a clearly approachable service counter for all chain partners in the immigration process. These service counters will answer all queries and where necessary, will take action where it concerns

53 Decree by the State Secretary of Security and Justice of 18 February 2014, number WBV 2014/4, comprising changes to the Aliens Act Implementation Guidelines, Government Gazette 2014-4418.
<https://zoek.officielebekendmakingen.nl/stcrt-2014-5611.html>

54 Information in this paragraph supplied by the Dutch police.

identity investigations and investigations into trafficking in human beings. Personnel will receive extra training for these tasks which will raise professionalism. As soon as cases concern trafficking in human beings, detectives must be certified for dealing with trafficking in human beings.

8.3 The battle against facilitating irregular migration (human smuggling)

Policy-wise, the Ministry of Security and Justice is responsible on a national level for the battle against human smuggling. Here this Ministry collaborates with the ministries of Defence, of Foreign Affairs and of Social Affairs and Employment.

On an operational level various organisations play a role in the battle against human smuggling. The KMar is responsible for the border controls and for carrying out criminal law investigations into human smuggling. In addition, the KMar's Expertise Centre for Identity Fraud & Documents (ECID) battling against human smuggling on an operational level.

The IND does not register as such whether a person has come to the Netherlands assisted by a human smuggler. During interviews with asylum seekers, attention is paid to possible human smuggling aspects and also to the travel routes. Statistics of human smuggling-related incidents, the number of smugglers and investigations into human smuggling are registered by the KMar and the Expertise Centre for Human Trafficking and Human Smuggling (EMM). The EMM gathers data on information, knowledge and experience about human smuggling and trafficking in human beings. The investigation services support the EMM in possible criminal investigations. The collaboration within the EMM is between the Dutch National Police, the KMar, SZW Inspectorate and the IND.⁵⁵

8.3.1 Coordinated approach to human smuggling

In 2014, a multidisciplinary barrier model on human smuggling was developed by these organisations who deal with human smuggling. The aim of this barrier model is to provide an insight into the various intervention options that public authorities and partners use to counteract human smuggling and irregular migration. The model provides an overview of the processes and most important steps that are tackled in the route of human smuggling and irregular migration. By seeing the journey from the migrant's perspective, this model provides an insight into the measures, and it offers suggestions which the identified public authorities and partners can utilise in the prevention and combating of human smuggling and irregular migration. Hence human smuggling must become more difficult, less lucrative and less attractive for traffickers in human beings.⁵⁶

Multidisciplinary team

A Human Smuggling Multidisciplinary Team was also set up in November 2014 to respond both proactively and reactively, as well as criminally and/or administratively, on the influx of asylum seekers, the related (organised) human smuggling and the accom-

⁵⁵ Within the EMM ad hoc information is periodically shared amongst these various organisations. The EMM also has collaborations with the Public Prosecution Service, the Ministry of Foreign Affairs and the COA.

⁵⁶ See also paragraph 3.4.3 of this Annual Policy Report.

panying jihadists. This team - with representatives from KMar, the National Police, Public Prosecution Service, COA and IND - meets every month for the purpose of exchanging information with which an insight can be gained into the state of affairs relating to irregular migration and human smuggling, the expected influx of asylum seekers and other irregular migrants, and accompanying jihadists. Measures are taken to counteract or to influence this influx on the basis of the insight gained.

This team ensures that all the organisations concerned can quickly and effectively anticipate irregular secondary migration from other Member States to the Netherlands and the coherent forms of cross-border migration criminality like human smuggling. In addition, these organisations are developing a barrier model with which the multidisciplinary approach of human smuggling is further elaborated. The purpose of this model is to effectuate barriers for the people smugglers and the smuggled people, so that human smuggling becomes less attractive. Barriers are ways to prevent criminal organisations or people from abusing legal structures (permits, identity documents etc.). This model must be ascertained by the beginning of 2015 at the latest.⁵⁷

Capacity building in third countries

The Netherlands has further provided a contribution to the battle against human smuggling by helping to build up capacity in third countries in the area of document fraud (Kenya, Tanzania and Ghana). The Netherlands also offered assistance to border and coast guards, the customs department and airport authorities in other Member States. Agreements (Memoranda of Understanding) have been made with authorities in the Dutch Caribbean that apply to Trafficking in human beings and Human smuggling. The Netherlands tries to involve countries of departure or transit in shared border controls. Consulates in countries such as the Dominican Republic and Colombia are instructed by means of training courses on how to detect signs of human smuggling.

In order to discourage asylum seekers from reaching Europe via dangerous routes, every year the Netherlands provides substantial contributions to the UNHCR and other organisations who take care of protection in the region. Further, the Netherlands also provides a contribution to Regional Development and Protection Programmes of the EU aiming to strengthen regional care at reception centres. Furthermore, there are awareness campaigns directed towards migrants who try to enter the EU illegally, which point out the risks and dangers for Trafficking in human beings and Human smuggling.

8.3.2 Immigration Liaison Officers (ILOs)

As a continuous measure used in the battle against irregular migration the IND has already posted Immigration Liaison Officers (ILO's) abroad the last fifteen years. At present this involves thirteen locations. At these locations the ILOs are primarily active in helping to prevent irregular migration to the Netherlands and Europe. To this end, they make recommendations and train airline companies, immigration services and consular departments in the area of travel documents, visa regulations, recognition of "imposters",⁵⁸ passenger profiles and trafficking in human beings/human smuggling. In addi-

⁵⁷ For more information, please refer to the website of the Centre for Crime Prevention and Safety (CCV). <http://www.hetccv.nl/dossiers/Mensenhandel/index?filter=Achtergrondinformatie#6>

⁵⁸ An "imposter" (or "look-alike" is a person who travels on someone else's document. The ILOs train stakeholders to recognize this.

tion, information is gathered and shared about migration in the broadest sense, and part of the core tasks of the ILO is to facilitate and investigate return options. The ILOs mutually exchange information about matters like smuggling routes and trends. The ILOs mutually exchange information about matters like smuggling routes and trends.

In 2014 the IND's ILOs provided more than 290 training courses covering topics like verification of documents and Schengen regulations to more than 4500 employees of airline companies, immigration services and consular departments.

In order to obtain a better understanding of migration routes from Rwanda, Burundi and the Democratic Republic of the Congo, in 2014 the IND detached an EU-subsidised ILO to Kigali in Rwanda for a period of one year, also on behalf of Germany, Sweden and Portugal.

8.3.3 *Monitoring and identifying migration routes*

For the Netherlands, the KMar collects and analyses its own information about migration routes. on the other hand by maintaining good contacts on the work floor (operations) and with experts in the field. In this way the ILOs and the Liaison Officers (LOs) of the KMar provide information about the situation of irregular migration from third countries which fall under their area of attention. Every two months a report (monitor) is published which describes the most recent developments in the area of migration routes. In addition, the Netherlands works closely with Frontex and the other Member States to exchange information about irregular migration. By exchanging information and utilising the final analysis reports drawn up, an insight is gained of migration routes to and at the external EU borders. Besides, in 2014 good progress was made with efforts to provide an insight into migration routes within the EU. Understanding the so-called 'secondary movement' will provide a clearer perspective of the migration route from entry into the EU to the final destination.

The two-monthly monitor on migration routes puts operational superiors from Border Control and Mobile Supervision on Security (MTV) in a position to make decisions about the deployment of personnel and equipment at the right place and time. Hence the operation can be directed based on information, enabling specific controls to be carried out in combating irregular migration.

9 RETURN

9.1 Collaboration with third countries of origin and transit

The EU has entered into takeover agreements with a number of third countries. At the Benelux level, the Netherlands undertook the following activities for the implementation of these takeover agreements in 2014.

For the EU takeover agreement with Armenia which entered into force on 1 January 2014, in that month a draft text for an implementation protocol was offered to the Armenian authorities on behalf of the Benelux. Armenia sent a first response to this draft at the end of 2014. Further finalisation will take place in 2015.

For the EU takeover agreement with Azerbaijan which entered into force on 1 September 2014, in that month a draft text for an implementation protocol was offered to the Azerbaijani authorities on behalf of the Benelux. Azerbaijan has committed to sending a response in the first quarter of 2015.

For the EU takeover agreements which also entered into force in 2014 with Turkey (as at 1 October 2014) and Cape Verde Islands (1 December 2014), draft texts for concluding implementation protocols with the respective authorities in the relevant countries will be offered on behalf of the Benelux in 2015.

At the Benelux level for that matter, various stages of negotiating activities were developed in 2014 in order to achieve negotiations about and possible conclusions of Benelux takeover agreements and return agreements with: Kazakhstan, Kyrgyzstan, the Philippines and Vietnam.

Negotiations with the Ukraine have been on hold in 2014 due to the political situation there. For Pakistan, efforts are concentrated on direct implementation of the EU takeover agreement. So negotiations about the Benelux implementation protocol are therefore suspended for the present.

9.2 Common EU approach

Project ERIN

After a successful implementation of the ERI project (European Reintegration Instrument), as the Project Manager the DT&V again received a subsidy from the EC's European Return Fund for the follow-up to the ERI project, being the ERIN project (European Reintegration Network). Seven European Member States (a total of eight European migration services) work together on reintegration within ERIN. The ERIN project which officially started on 1 June 2014, mainly concentrates on the joint procurement and implementation of a reintegration project in eleven countries of origin. The most impor-

tant target countries include Afghanistan, Iran, Iraq, Nigeria and Somalia (Somaliland). A new component introduced in the ERIN project involves establishing a joint procurement team (JPT). Under the leadership of the JPT which contains expertise in the field of European tenders, a European tendering procedure has been started up for each country of origin. The JPT acts on behalf of all participating migration services (European Partner Institutions) within ERIN. The European tendering procedures were concluded at the end of November 2014. The JPT prepared and published its recommendation to the ERIN Steering Committee members in December 2014. The ERIN Steering Committee has taken over and adopted the recommendation without amendment. Further settlement of the tendering procedure and the actual implementation of the eleven reintegration projects will take place in 2015.

Project EURINT

On 1 September 2013 the EURINT Network project commenced for the duration of 2 years. The network is mainly geared towards improvement of the identification process by and the obtaining of substitute travel documents for the (enforced) return of nationals from priority countries designated by the network. In total there are currently 23 European partners (including Frontex) represented in this network, including non-EU States such as Norway, Liechtenstein and Switzerland. In 2014 the working groups that focus on the relevant priority countries met at least once and two workshops for 'field practitioners' took place, which events were mainly used to examine the possibilities for organising joint operational actions for countries other than the aforementioned priority countries. The umbrella steering group, in which all project partners basically participate, met twice in 2014.

9.3 Return of rejected asylum seekers

Aside from the already existing subsidy framework Voluntary, sustainable return and reintegration of former asylum seekers (SVT), in 2014 the subsidy scheme Support for Independent Departure (OZV) entered into force.⁵⁹ The OZV scheme, which not only applies for rejected asylum seekers, but for all foreign nationals who are required to leave, in a certain sense is the successor to the pilot of alternatives for detention of foreign nationals. With this scheme the DT&V annually makes € 1 million available for projects that support independent return.

The main objective of OZV is to avoid the detention of foreign nationals for the purposes of return, by supporting the independent departure of foreign nationals from the Netherlands. Further, in the implementation of this subsidy scheme the following aspects are of importance: supporting the sustainable return of foreign nationals to the country of origin; saving on the costs of the repatriation process in respect of detention of foreign nationals; encouraging collaborations between the DT&V and civil society and the promotion of involvement of local authorities in the prevention of detention. In 2014 subsidy was granted to six NGO projects for supportive activities for the return of foreign nationals.

⁵⁹ DT&V/beleid/2013/UIT-1108, comprising regulations to grant a subsidy in view of supporting independent departure (Subsidy scheme support of independent departure), Government Gazette 2014-7154; <https://zoek.officielebekendmakingen.nl/stcrt-2014-7154.html>.

ANNEX A : METHODOLOGY AND DEFINITIONS

Methodology

This Annual Policy Report is mainly the result of desk research. The report has been drawn up on behalf of the national contact point for the EMN in the Netherlands by Alfred van der Helm and Pieter Brouwer, both scientific staff members at the IND Information and Analysis Centre (INDIAC). Grateful use has been made of the expertise at the Implementation and Advice Departments (AUA) of the Directorate for Implementation Strategy and Advice (DUSA) of the IND, and the Migration Policy Department of the Ministry of Security and Justice. The following have also provided a contribution to the coming about of this report: the Integration and Community Department and the Labour Relations Department of the Ministry of Social Affairs and Employment, the Repatriation and Departure Service of the Ministry of Security and Justice, the KMar of the Ministry of Defence, the National Reporter on Trafficking in Human Beings, the Law Enforcement and Crime Prevention Branch of the Ministry of Security and Justice, and the Consular Affairs and Migration Policy Department of the Ministry of Foreign Affairs.

Information about the coming about of legislation and regulations and about parliamentary debates originate from official sources. The following document types were consulted:

- Parliamentary Papers of the Upper and Lower House of Parliament;
- Proceedings of the Upper and Lower House of Parliament;
- Official publications of legislation and regulations in the Treaty Series, the Bulletin of Acts and Decrees and the Government Gazette of the Netherlands.

All these documents can be found in the database of official publications on the website www.overheid.nl. This website is maintained by the Ministry of the Interior and Kingdom Relations.

In order to obtain information about organisations and their points of view, mainly the websites of those organisations were consulted. Also, publications by various organisations about asylum and migration were mostly obtained at their websites.

Use was particularly made of the internet to gain an insight into the public debate. By making use of the internet sites of the major national newspapers and the news and actuality programmes on national television (both by public and commercial broadcasters), research was undertaken into which asylum and migration-related topics got a great deal of attention in the media. An important source of information on the social debates were the weekly news items published on Migratierecht.nl, an online publica-

tion by Sdu Publishers.⁶⁰ Aside from a general inventorisation of asylum and migration-related topics, research included media attention for specific topics which were dealt with in the parliamentary debate.

The aim of the Annual Policy Report is to reflect all the important developments relating to migration and asylum. In order to achieve this objective, a number of criteria have been used for the term 'important developments'. Hence a differentiation is made between amendments in legislation and regulations on the one hand, and political and social debates on the other.

Criteria for the importance of amendments in legislation and regulations

The report strives towards providing as complete an overview as possible of the (intended) amendments in legislation and regulations for the various policies that are dealt with. All (intended) amendments which mean an actual adaptation of this legislation and regulations, are incorporated in the report. Only minor changes have not been included (for example, the annual increase of certain income requirements).

Criteria for the importance of political and social debates

For the political and social debates and developments, no completeness is intended. The aim of the Annual Policy Report is to give an impression of the most important discussion topics relating to asylum and migration in the Netherlands. The following criteria were used in the selection process. In order to be included in the report, a political and social debate must at least comply with the following cumulative preconditions:

- The topic has been dealt with in parliament.
- The topic has been 'in the news' for quite a long time. Reports must have appeared in a number of news media.

Implementation of European legislation and regulations

The Annual Policy Report envisages providing a complete picture of the implementation of European legislation and regulations relating to asylum and migration. Hence all the developments in this area are included in the report.

Terms and definitions

This report assumes the definition of relevant terms in the EMN Asylum and Migration Glossary 3.0.⁶¹ The terms and definitions in this explanatory list developed by the EMN serves for the purpose of increasing the comparableness of the information exchanged between the EU Member States.

⁶⁰ Available on the closed website www.migratierechttonline.rijkswb.nl

⁶¹ Asylum and Migration Glossary 3.0 - a tool for better comparability produced by the European Migration Network October 2014 (EC – EMN 2014). Available on http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/glossary/index_a_en.htm

ANNEX B:

CASE LAW IN ASYLUM MATTERS WITH CONSEQUENCES FOR THE POLICY

Important national case law in asylum matters, with consequences for the policy

Administrative Law Division of the Council of State (AbRS) 15 October 2014 no. 201405219/1/V1 ECLI:NL:RVS:2014:3833: Despite acquittal by Trial Chamber II of the criminal court, yet rightful objection to 1F of the Geneva Convention on Refugees. This ruling has limited policy consequences since it concerns a relatively small group of people (suspects at the International Criminal Court), but it is nonetheless important for its execution, with regard to an objection to Article 1(F) of the Geneva Convention on Refugees.

Administrative Law Division of the Council of State (AbRS) dated 2 July 2014, 201311213/1 (HBV): In the ruling, the Court has considered that during the transposition of a directive, a Member State must refrain from measures which could seriously jeopardize the realisation of the prescribed result of a directive. In the ruling of 4 July 2006 of case C-212/04 (Adeneler), the Court has further considered that the obligation to refrain from taking measures during the transposition period which would seriously jeopardize the realisation of the prescribed result of a directive, also applies to the national court. On the legal ground of 2. it follows that, at the time of the decision, the directive had entered into force and the transposition period had not lapsed. The obligation mentioned in legal ground 3.1. to refrain from taking measures which would seriously jeopardize the realisation of the prescribed result of a directive, however, does not mean that Article 46 of the directive must already be applied prior to the expiry of the transposition period in this case. This ruling is of importance, since no action has to be taken prior to implementation of the procedural directive and the consequences related thereto for the manner in which the credibility of an asylum account should be assessed.

AbRS dated 11 June 2014 JV (2014/237: From the documents handed over it appears that Christians in Egypt encounter problems and that the safety of Christians has deteriorated since 11 February 2011. This also appears to be the case from the documents handed over by the foreign national. However, according to the court this does not lead to every Christian originating from Egypt needing to fear for persecution or an inhuman treatment on return, neither if they openly fulfil their religious beliefs. The policy in respect of Christians from Egypt can thus be continued.

AbRS dated 24 April 2014, JV 2014/197: Eritrean exit visa exceeded. As a result of this ruling, if the third-country national lawfully exited Eritrea, the infringement of Article 3 ECHR (European Court of Human Rights) is assumed on return, if the term of the exit visa has been allowed to expire.

AbRS dated 06 March 2014, JV 2014/153: a personal declaration versus a declaration from an ecclesiastical institution. A declaration from an ecclesiastical institution or person may be submitted in support of personal conversion, but the responsibility of the third-country national involved is unimpeded from personally providing a convincing statement with regard to their conversion and the process that has led to such conversion. It is then up to the State Secretary of Security and Justice to make an assessment on the basis of statements by the third-country national concerned and possible statements from third parties, about the credibility of the stated conversion. As derived from the ruling by the Administrative Law Division of the Council of State dated 24 May 2013 («JV» 2013/264), the viewpoint on credibility of the State Secretary may then restrictively be tested by the administrative courts. Policy in respect of the assessment of the credibility of a conversion is approved.

AbRS dated 19 February 2014 (201307257/1): In this ruling the Administrative Law Division deals with the question whether Gadaffi-supporters belong to a group that is systematically persecuted or is undergoing a practice of inhuman treatment. The Administrative Law Division emphasizes that the answer to this question should be negative.

AbRS dated 11 July 2014 (201311503/1): In this ruling the Administrative Law Division provided an opinion about the risks run by Somali third-country nationals on account of westernisation, if they have to try to maintain themselves under the Al Shabaab regime. Hence the Administrative Law Division places the onus on the third-country national to prove that it concerns a westernisation, and the opinion of the State Secretary is followed, that spending several formative years in the Netherlands is not sufficient for this.

AbRS dated 18 July 2014 (201404877/1): For this ruling the Administrative Law Division addressed the question whether, in order to reduce an asylum risk, a North Korean third-country national may invoke obtaining the South Korean nationality. Since the State Secretary has assumed that a security check is carried out by the South Korean authorities, without it being apparent what such check consists of, that question must be answered negatively.

AbRS dated 2 July 2014 about family reunifications: By letter of 23 October 2014 to the Lower House of Parliament the State Secretary for Security and Justice announced that as a result of national and European case law, he will amend the family reunification policy. The assessment of the actual family relationship that the Administrative Law Division supports in a ruling of 2 July 2014, in combination with case law of the European

Court of Human Rights (ECHR), is the reason for the State Secretary to assume an actual family relationship sooner for adult-aged migrants who were still minor-aged at the time that the principle migrant left the country of origin (or country of earlier stay).

AbRS dated 16 June 2014 about 1F: In a ruling of 16 June 2014 the Administrative Law Division made a pronouncement about the meaning of a criminal court ruling where it concerns evidence obtained by coercion. With reference to ECHR case law the Administrative Law Division assesses that in such case, the conviction cannot form part of the question whether it's a situation as meant in Article 1(F) of the Geneva Convention on Refugees.

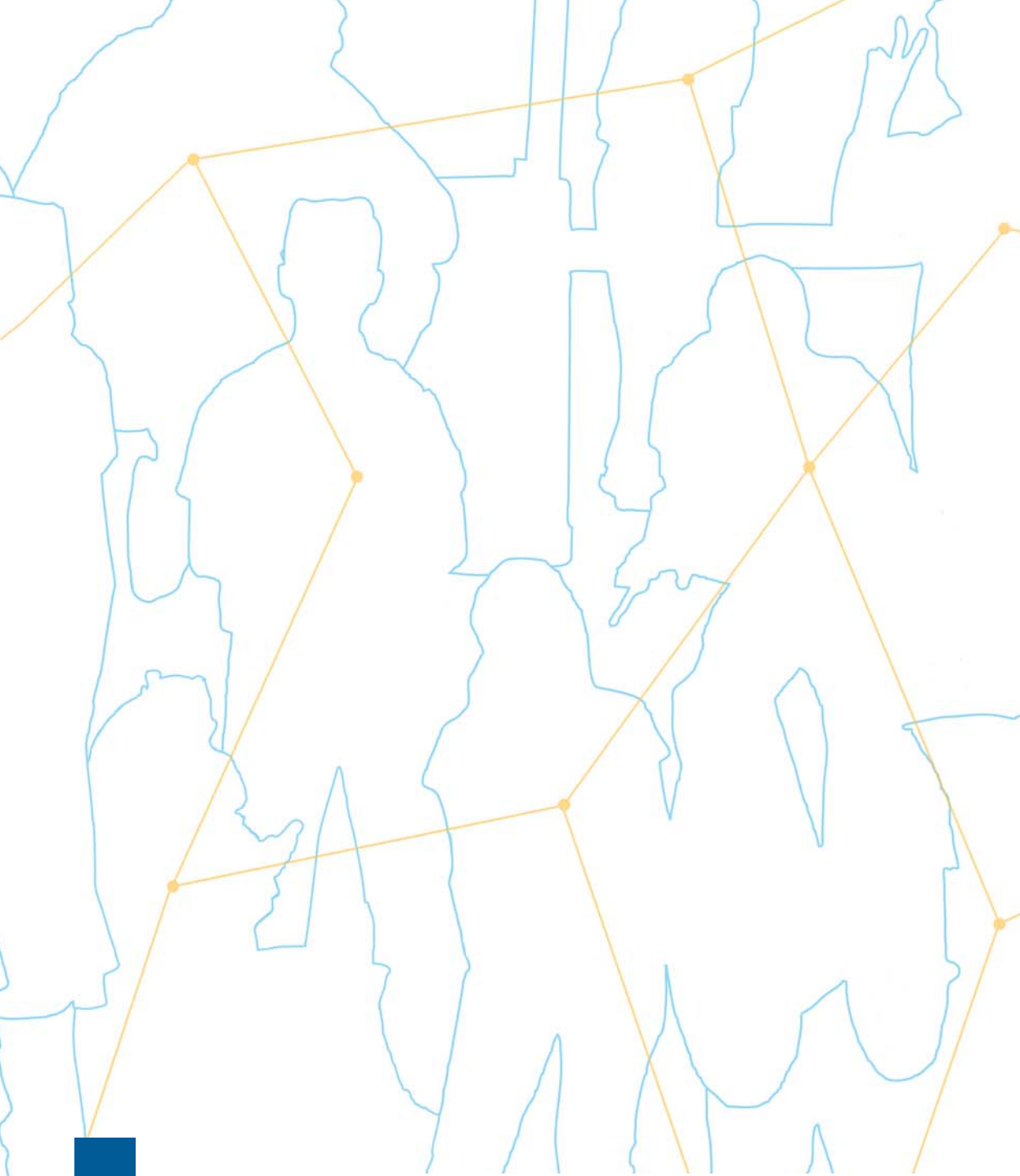
AbRS dated 20 June 2014 (201400058/1): In this ruling the Administrative Law Division expresses it's opinion about Tamils returning to Sri Lanka, because they are possibly seen as activists who form a risk for the unity of Sri Lanka. With reference to a ruling by the English Upper Tribunal and ECHR case law the Administrative Law Division assesses that such a risk need not be assumed in advance for every Tamil and is therefore dependent on the individual circumstances of the case. Participating in demonstrations and Hero Days in itself is not enough to assume such risks, which deviates from that which was assumed several times in lower case law.

Among others AbRS dated 27 June 2014, 201310217/1/V1: In 2014, the Administrative Jurisdiction Division of the Council of State ruled several times about the question whether witnesses from the International Criminal Court (ICC) in The Hague could be eligible for asylum protection in the Netherlands. This would concern third-country nationals from African countries for example, who testify in criminal proceedings against suspects accused of crimes against humanity. The ICC concluded an agreement with the Netherlands which makes it possible for such witnesses to come to the Netherlands to be heard and stay here under the responsibility of the ICC. On return to their country of origin, these witnesses could run the risk of persecution, for example, due to having testified. So the ICC sometimes arranges resettlement in other (African) countries. In a ruling dated 19 February 2014 the Council of State concludes that, despite commitments by the ICC that the witness can establish him/herself in a third country, the Netherlands (the IND) would still have to assess an application for asylum on the basis of the return possibilities to the country of origin.

AbRS dated 25 August 2014 (201209148/1): In this ruling the Administrative Law Division addressed the question as to what significance should be placed on a handed over medical report in support of the relationship between medical injury and the stated asylum seeker motives. In brief, the Administrative Law Division considers that the ECHR case law from which it arises that evidential weight can be placed on such reports, does not obstruct the asylum account to be assessed as implausible, as long as there is a proper rationale of this assessment about such credibility.

Impact of European Court of Justice opinions about the national case law and policy

EU Court of Justice dated 30 January 2014, JV 2014/61: 'Internal Armed Conflict' Article involvement of regular armed forces of a State, not required. In response to questions from the Council of State (Belgium) the Court declares that the applicable law: must be clarified in the sense that, for the implementation of this Directive, an inland armed conflict must be considered to exist when the regular armed forces of a State confront one or more armed groups or when two or more armed groups come into conflict with one another, whereby it is not essential that this conflict be noted as an armed conflict which does not bear an international character, in the sense of international humanitarian law, and in which the intensity of the armed confrontations, the organisation level of the armed forces concerned, or the duration of the conflict cannot be assessed separately from the scale of violence occurring in the territory involved.



Immigration and Naturalisation
Service
Ministry of Security and Justice



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The European Migration Network (EMN) has been set up by the Council of the European Union. The EMN collects up-to-date, objective, reliable and where possible comparable information on migration and asylum. The EMN publishes reports on a variety of subjects in the field of asylum and migration. The establishment of the EMN is consistent with the aim of the EU to establish an effective asylum and migration policy.

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