



2016 ANNUAL REPORT

Migration and asylum in the Netherlands



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**2016 ANNUAL POLICY REPORT
MIGRATION AND ASYLUM
IN THE NETHERLANDS**

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EXECUTIVE SUMMARY

The 2016 Annual Policy Report provides insight into the most important developments in the migration and asylum policy of the Netherlands in 2016. Topics that will be addressed are regular migration, civic integration, international protection (asylum), unaccompanied minors and other vulnerable groups, actions addressing trafficking in human beings, irregular migration and border control, return, and migration and development. The Annual Policy Report has been drawn up by employees at the Research & Analysis Department of the Strategy and Implementation Advice Department of the Immigration and Naturalisation Service (IND) and is largely based on desk research.

In 2016, the field of **regular migration** focused on expanding possibilities for economic migration for innovative entrepreneurs and foreign investors. Important developments were policy changes that enabled start-ups with a residence permit to progress easier to the Self-employed Migrants Scheme as start-up entrepreneurs. The scheme for foreign investors has also been adapted, aiming to encourage use of the scheme. Implementation of the **Directive on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer** contributes to a further flexibility to admit international personnel into the Netherlands. In the field of family reunification, there has been an easing of policy for family reunification with adult children, both for applications from family members of beneficiaries of international protection, and for family members of all other third-country nationals.

In 2016, developments also took place in the area of **civic integration**. Extra emphasis was placed on the language development of migrants. Since 2016, various ways have been used to improve the language level of migrants. On 1 January 2016, the Dutch Language Requirement Act entered into force, and language education in the pre-civic integration programme was intensified and made accessible to promising asylum seekers. Promising is understood to mean people with nationalities that have a good chance of getting a residence permit. Since July 2016, preliminary labour market screenings have been carried out at several locations. These labour market screenings mean that new beneficiaries of international protection are already asked in the first interview after being granted a residence permit, about their employment history, and the training and qualifications achieved. The purpose of the screening is for new beneficiaries of international protection to have a better chance of being matched to municipalities, which gives them a faster and better chance to move on to training courses and jobs.

In 2016, measures were taken in the area of **asylum**. Some changes were a direct consequence of the unprecedented high influx of asylum seekers in the second half of 2015. For example, measures were taken to improve the process of registration and identification of asylum seekers, and the multi-track policy was introduced. Formerly, the IND treated all (first) asylum applications, with the exception of Dublin claimants, in the same way. Different procedures (tracks) are used for different target groups within the

multi-track policy. By implementing certain changes to the procedures within these tracks, the asylum procedure can take place in a more efficient manner. The Immigration and Naturalisation Service (IND) determines at an early stage (registration phase), which procedure (track) will be followed for the asylum application. The purpose of the multi-track policy is to prevent the waiting times for asylum seekers from dragging on further and to structure the asylum procedure as efficiently as possible. In 2016, a large part of the influx of asylum seekers came from safe countries of origin. Various policies were therefore developed for this and other groups in 2016. The multi-track policy makes it possible to handle applications from these asylum seekers from safe countries of origin in a faster asylum procedure. The list of safe countries of origin, expanded three times in 2016. An information letter was distributed among asylum seekers, stating that asylum seekers from safe countries of origin are likely to be rejected.

In 2016, there were a number of policy amendments in the area of **unaccompanied minors (UAMs) and other vulnerable groups**. In September 2016, a private member's bill was submitted to amend the Aliens Act 2000, with regard to entrenching the interests of the child in the procedure for obtaining a residence permit. The aim is to acknowledge the interests of the child as a ground for granting a residence permit. Furthermore, measures have been taken to improve the protective care of UAMs. Measures for identifying and protecting minor-aged married girls have also been adapted.

Where it concerns **developments in the field of trafficking in human beings**, 2016 saw a decline in the number of registered victims of trafficking in human beings. A possible explanation for this is the increased asylum influx in 2015. Trying to cope with the increased influx of refugees and its associated migration criminality has led to less capacity being available at the police and at the Royal Netherlands Marechaussee (KMar) for tackling trafficking in human beings.

Due to the high influx of migrants in 2015 and in the first half of 2016, the countering of **illegal immigration, including the smuggling of persons and border control**, were key topics in 2016. The number of illegal immigrants that tried to reach Great Britain through Dutch seaports rose in 2016. This rise is the result of an intensification of checks by the Royal Netherlands Marechaussee in Dutch ports. Mobile Security Monitoring (MTV) for combating the smuggling of persons at internal borders was also intensified in 2016.

In the area of **return**, a few changes were implemented in 2016, including measures to counteract the magnet effect of the departure and reintegration support.

In 2016 too, the Netherlands actively carried out policy in the area of **migration and development**. Various projects and funds were given additional support from the Netherlands in 2016. For example, the government provided additional funding for the structural reception of refugees in the Syria region, in Libya and Morocco and for general programmes and projects to counteract the smuggling of persons.

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1 INTRODUCTION

1.1 Background

The EMN 2016 Annual Policy Report provides an overview of the most important developments in the migration and asylum policy of the Netherlands in 2016. The report describes the actual situation in the Netherlands. Attention is also paid to national debates. This makes the EMN 2016 Annual Policy Report a concise reference document for Dutch policy makers, employees in the organisations cooperating in the immigration process, and other interested parties.

Topics that will be addressed in this Annual Policy Report are regular migration, civic integration, international protection (asylum), unaccompanied minors and other vulnerable groups, actions addressing trafficking in human beings, migration and development, irregular migration, border control, and return.

The Annual Policy Report is an annual publication for the European Migration Network (EMN). The EMN was established in 2008 by the Council of the European Union, to provide for the need of information of policy makers and authorities of the European Union, and of the individual national Member States in the area of migration and asylum. For this purpose, the EMN collects current, objective, reliable and – where possible – comparable information about migration and asylum. The EMN consists of the European Commission and the national contact points (NCPs) in the Member States. The national contact point in the Netherlands is the Research & Analysis Department (O&A) of the Strategy and Implementation Advice Department (SUA) of the Immigration and Naturalisation Service (IND). Based on the Dutch 2016 Annual Policy Report and reports published by the other Member States, the EMN draws up a comparative 'European' 2016 Annual Report on Immigration and Asylum, also known as a Synthesis Report.

The report has been drawn up on behalf of the national contact point for the EMN in the Netherlands by Laura Seiffert and Henrika Wörmann. Pieter Brouwer, Dennis Winkel, and Tessa van der Miesen have also provided substantive contributions.

Basic knowledge of the Dutch migration and asylum policy helps the reader to recognise the policy amendments dealt with, but is not required as such. If required, the necessary background information (e.g. the working procedure of existing policy) is presented in text boxes. Annex B provides the reader with an overview of the general structure of the Dutch migration and asylum policy, and tasks of the organisations involved.

This Annual Policy Report is mainly the result of desk research. The report has been drawn up by employees at the Research & Analysis division (O&A) of the IND. In so doing, experts from different organisations have provided input, such as:

- The Immigration and Naturalisation Service (IND)

- The Ministry of Security and Justice
- The Ministry of Social Affairs and Employment
- The Repatriation and Departure Service (DT&V)
- The Central Agency for the Reception of Asylum (COA)
- The Royal Netherlands Marechaussee (KMar)
- The National Rapporteur on Trafficking in Human Beings

1.2 Political developments in the area of asylum and migration

1.2.1 General political developments

From 1 January to 1 July 2016 the Netherlands held the EU Presidency of the Council of Ministers of the European Union for the twelfth time.

In its EU Presidency, the Netherlands started by emphatically placing the international battle against the smuggling of persons on the European agenda. In that context, together with the Ministry of Security and Justice, the European Migration Network organised the conference *'Promoting the multi-disciplinary approach in addressing migrant smuggling'*, in Amsterdam on 12 and 13 January 2016. More than two hundred experts from all EU Member States discussed the approach to smuggling of persons at a national and international level.¹

During the Dutch presidency, the migration crisis was the most pressing challenge. The EU-Turkey Statement of 18 March 2016 and its implementation constituted one of the major achievements of the presidency. The number of people crossing from Turkey to Greece reduced and the influx of illegal migrants to Europe fell dramatically.²

Other priorities during the presidency included: a strategic agenda for the EU in times of change, creating jobs through innovative growth, and seeking connections with civil society actors. During its presidency, the Netherlands also had to deal with the aftermath of the significantly increased number of asylum seekers in 2015, and with the British referendum on membership of the EU.³

1.2.2 Developments and public debates

In 2016, public debate in the area of migration was dominated by the influx of asylum seekers. The total number of new asylum seekers in 2016 was almost half of what it was in 2015. This meant that all crisis reception centres and some emergency accommodations could be closed in 2016. A substantial part of first asylum applications in 2016 was submitted by persons originating from countries placed on the list of safe countries of origin. Various policies were therefore developed for this and other groups in 2016. The most important political developments and debates are outlined below. Where a debate has led to a concrete policy amendment, we refer to the relevant passages of text in the various chapters of this report.

1 More information on the conference can be found here: www.eu2016.nl/actueel/nieuws/2016/01/14/nederland-promoot-multidisciplinaire-aanpak-van-mensensmokkel

2 *Parliamentary Papers II*, 2015-2016, 34139, no. 18.

3 For more information see: https://www.europa-nu.nl/id/vjdepap9lbl1/nederlands_voorzitterschap_europese_unie. Consulted on 24 April 2017. The British referendum took place on 23 June 2016.

Development of multi-track policy

The multi-track policy was introduced on 1 March 2016. The purpose of the multi-track policy is to prevent the waiting times for asylum seekers, which rose significantly in 2015 due to the high influx, from dragging on further and to structure the asylum procedure as efficiently as possible.⁴ The Immigration and Naturalisation Service (IND) determines at an early stage (registration phase) which procedure (track) will be followed for the asylum application.⁵ By implementing certain changes to the procedures within these tracks, the asylum procedure can take place in a more efficient manner.

The multi-track policy introduced enables the handling of applications from asylum seekers from countries on the list of safe countries of origin in a faster asylum procedure. Since August 2016, applications from Dublin claimants from one of the countries in the Western Balkans which are on the list of safe countries of origin, have also been handled in the accelerated safe-country track, instead of transferring the handling of their applications to the EU Member State that is initially responsible. In 2016, the list of safe countries of origin was expanded three times, and an information letter was distributed among asylum seekers, stating that asylum seekers from safe countries of origin are likely to be rejected. For more information on the multi-track policy see [paragraph 4.2.2](#).

Family reunification of adult children with their parents

In 2014, 2015 and 2016 the debate on asylum family reunification of adult children flared up several times. At the end of 2014, news broadcaster NOS reported, with reference to the UN refugee organisation UNHCR, that approximately thirty Syrian refugee families that had fled, had had to leave an adult child behind in Syria or Lebanon, because they were not eligible for family reunification under the conditions existing at that time.⁶ In January 2015, parliamentary questions were posed to the Minister for Migration about the news report.⁷ In May 2015, the Minister for Migration announced an easing of the asylum family reunification policy for adult children.⁸

In 2016, the policy was amended so that it was easier for adult children to become eligible for family reunification. Previously, reunification between parents and their adult children was only possible if the sponsor could demonstrate that there was 'a more than usual relationship of dependence'. A 'more than usual relationship of dependence' would include, for example, if the adult child is so dependent on a parent because of his/her medical or psychological condition, that he/she cannot function independently without the care of his/her parents.⁹ See [paragraph 2.2.3](#) for the current rules.

4 *Parliamentary Papers II*, 2015-2016, 19637, no. 2086.

5 *Ibidem*.

6 NOS (news broadcaster). (2014). Beleid gezinshereniging pakt soms naar uit [Family reunification policy sometimes has unwelcome repercussions]. Consulted on 7 December 2016 via <http://nos.nl/artikel/2008525-beleid-gezinshereniging-pakt-soms-naar-uit.html>

7 Response to parliamentary questions on asylum family reunification of adult children of refugees of 9 January 2015. 599149.

8 *Parliamentary Papers II*, 2014-2015, 32 175, no. 57.

9 Article C2 4.1 of the Aliens Act Implementation Guidelines (version 1 January 2015)

Nuisance in and around several reception centres

A few groups of asylum seekers, mainly originating from safe countries of origin, caused public nuisance in and around asylum centres in 2016. The Dutch government took various measures to counteract this public nuisance. These measures include:^{10 11}

- faster asylum procedures and Dublin procedures;
- a coordinated approach centred on case studies of those who cause nuisance;
- measures to counteract the magnet effect of the departure and reintegration support;
- encouraging returns by making arrangements with the countries of origin, especially Tunisia, Morocco, and Algeria.

For more information see [chapter 4](#).

Expansion of list of safe countries of origin

A country is considered as being a safe country of origin when, in principle, there is no question of persecution, torture or inhuman treatment. For an asylum seeker originating from a safe country of origin, this means that, in principle, it is assumed that he/she is not eligible for international protection. The applicant may, however, put forward substantial reasons why the country is not safe in his/her specific case. This means that a heavier burden of proof rests with the third-country national to make it plausible that he/she is eligible for international protection.¹² For asylum applications from asylum seekers who have the nationality of a country of origin that has been declared as safe, the IND may make a decision in an accelerated procedure.

In February 2016, the countries Ghana, India, Jamaica, Morocco, Mongolia, and Senegal were added to the list of safe countries of origin.¹³ On 11 October Algeria, Georgia, the Ukraine, and Tunisia were added. However, Georgia and the Ukraine are not considered as entirely safe countries. The regions which are not covered by the national authority are excluded. Algeria and Tunisia do apply as safe countries of origin except for certain groups of persons (for example, LGBTs).¹⁴ Inclusion of Albania on the list of safe countries of origin was confirmed in a ruling by the Council of State in July 2016.¹⁵

In 2016, many asylum seekers came from the Western Balkans (Montenegro, Serbia, the former Yugoslav Republic of Macedonia, Kosovo, Bosnia and Herzegovina, and Albania).¹⁶ In September 2016, it was decided that these countries would be totally excluded

10 *Parliamentary Papers II*, 2016-2017, 19637, no. 2268.

11 *Ibidem*.

12 *Parliamentary Papers II*, 2015-2016, 19 637, no. 2076.

13 Central government (2016) Dutch Minister for Migration to add to list safe countries of origin. Consulted on 17 February 2017. <https://www.government.nl/latest/news/2016/02/09/dutch-state-secretary-to-add-to-list-of-safe-countries-of-origin>

14 Central government (2016) Letter to Parliament on third addition to national list of safe countries of origin. Consulted on 17 February 2017. <https://www.rijksoverheid.nl/documenten/kamerstukken/2016/10/11/tk-derde-tranche-nationale-lijst-veilige-landen-van-herkomst>

15 In 2016, the list of safe countries of origin was expanded by the following countries: Ghana, India, Jamaica, Morocco, Mongolia, and Senegal (February 2016); Algeria, Georgia, the Ukraine, Tunisia (October 2016); and Togo (December 2016).

16 The arrival of first asylum applications from countries in the Western Balkans in 2016 fluctuated between 8% and 36% every month in comparison to the total number of first asylum applications. *Parliamentary Papers II*, 2016-2017, Appendix to *Parliamentary Paper 19637*, no. 2268.

from the repatriation scheme *Return and Emigration of Aliens from the Netherlands* (REAN) for a year. This means that no departure and reintegration support will be offered by the International Organisation for Migration (IOM) to migrants from these countries who voluntarily want to return to the country of origin. The purpose of this decision is to reduce the number of asylum seekers from these safe countries of origin. Since 1 December 2016, Moroccans and Algerians are no longer eligible for the financial component, the relief contribution (OSB) of the REAN repatriation scheme. They may still be eligible for an aeroplane ticket and support in obtaining (replacement) travel documents via the IOM.¹⁷

In the first half of 2017, EMN will publish an EMN Inform on safe countries of origin.

Less use of emergency accommodations and crisis reception locations in 2016 due to declining asylum influx

At the end of January 2017 the last crisis reception location¹⁸ for asylum seekers in the Netherlands closed. This marked the end of a hectic period for the Central Agency for the Reception of Asylum Seekers (COA) and municipalities, among others. These crisis reception locations were meant to cope with the high influx of asylum seekers in the second half of 2015. Since the beginning of February 2016, the emergency accommodations and regular reception centres have been adequate to cope with the current flow of asylum seekers, so the crisis reception locations could be closed. Later in 2016, 15 emergency accommodations on a total of 45 were closed due to the declining influx.^{19 20}

Participation statement

According to a legislative proposal submitted in July 2016, the participation statement will be a compulsory part of civic integration. This means that, as part of their civic integration examination, all newcomers must first follow a programme at the municipality leading to the participation statement. The aim is to incorporate the participation statement in the Civic Integration Act as from 1 October 2017. This means that, as part of their civic integration examination, in the first years after being established in a municipality, all newcomers must have completed the participation statement programme at the municipality (for example, by participating in a workshop and/or discussion of at least half a day on core values of Dutch society and its rules). The participation statement programme consists of an introduction to the core values of Dutch society and the signing of the participation statement.²¹

17 Central government (2016) Letter to Parliament on measures for (counteracting nuisance-producing) asylum seekers from safe countries of origin. Consulted on 17 March 2017. <https://www.rijksoverheid.nl/documenten/kamerstukken/2016/12/13/brief-tweede-kamer-maatregelen-t-a-v-overlastgevend-asielzoekers-uit-veilige-landen-van-herkomst>

18 Crisis reception locations are accommodations such as sports halls, which are also used to cope with citizens in emergency cases of incidents, disasters or crises. Source: <https://www.coa.nl/nl/opvanglocaties/soorten-opvang>

19 NOS (news broadcaster) 2016. COA sluit noodopvanglocaties voor asielzoekers [COA closes emergency accommodations for asylum seekers]. Consulted on 4 January 2017. <http://nos.nl/artikel/2121283-coa-sluit-noodopvanglocaties-voor-asielzoekers.html>

20 NOS (news broadcaster) 2016. Minder asielzoekers: 13.500 opvangplaatsen weg [Fewer asylum seekers: 13,500 places of shelter gone]. Consulted on 4 January 2017. <http://nos.nl/artikel/2148347-minder-asielzoekers-13-500-opvangplaatsen-weg.html>

21 Central government (2016) Participation Statement, compulsory part civic integration examination. Consulted on 17 February 2017. <https://www.rijksoverheid.nl/actueel/nieuws/2016/07/08/participatieverklaring-verplicht-onderdeel-inburgeringsexamen>

2 LEGAL MIGRATION

2.1 Introduction

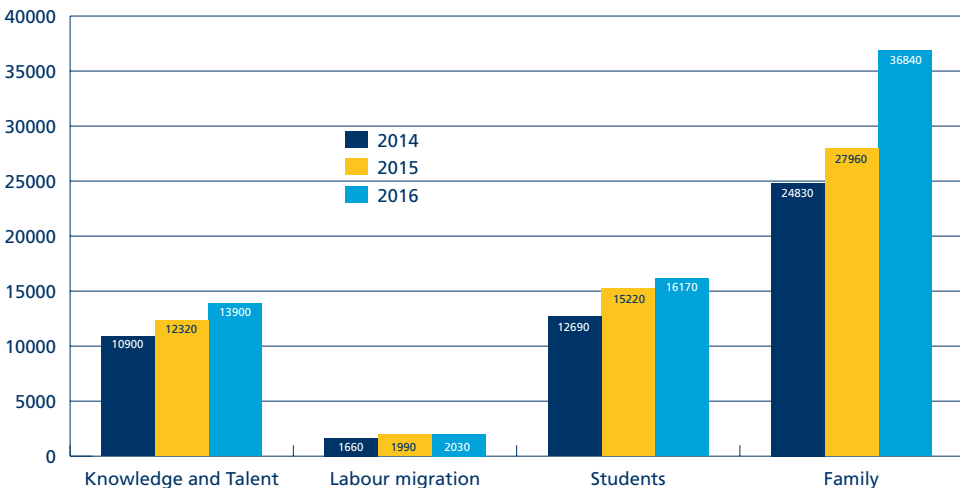
Economic migration

The general premise of the Dutch labour migration policy for workers from outside the European Union (EU) is protection of the Dutch labour market. At the same time, the open Dutch economy and a strong internationally-oriented economy could not exist without interactive exchange of knowledge and labour.

For the top segment of the labour market, the labour migration policy is inviting. The Netherlands therefore pursues a relaxed policy for highly qualified migrants who make a positive contribution to the Dutch economy. For other foreign nationals who want to come to the Netherlands for economic reasons, the admission policy is restrictive; they must be in possession of a work permit or a combined residence and work permit, and they are only welcome if there is no other availability in the Netherlands and the EU/EEA.

The number of foreign nationals who have submitted an application for a residence permit with the purpose of residence being 'knowledge and talent' (such as highly skilled migrants, self-employed persons, those in the Highly Qualified Migrants Scheme, graduates, and scientific researchers) has increased further in 2016. The number of applications for a residence permit for labour migrants as well as the number of applications for residence permits for international students also rose in 2016.

Figure 1: Number of residence permit applications



Source: IND

Family

In 2016, more than 37,000 foreign national submitted an application for a residence permit with the purpose of residence being ‘Family’. This is an increase of 32%. For example, this could be a Dutch national who has met a partner abroad and wants him/her to come to the Netherlands; but it could also be a foreign national who stays lawfully in the Netherlands and wants his family, whom he has left abroad, to come over. Family members of beneficiaries of international protection who have submitted an application for asylum family reunification within three months do not fall under this category.²² For more information on this group, see [chapter 4](#).

2.2 Policy developments

This section reflects all policy developments that have taken place in 2016.

2.2.1 Economic migration

Knowledge and talent

The Netherlands is committed to attract innovative starting and expanding businesses. Important steps were taken for this purpose in the past few years. For example, as part of this, the Ambitious Entrepreneurship programme was started in March 2014.²³ On 1 January 2015, the admissions regulation for start-up entrepreneurs from outside Europe entered into force. The policy was adapted with effect from 1 January 2016, so that start-ups with a residence permit can progress easier as a start-up entrepreneur to the Self-employed Migrants Scheme.

Box 1. How does the start-up scheme work?

The scheme makes it possible for ambitious start-up entrepreneurs to apply for a residence permit for a year, to start up an innovative enterprise in the Netherlands. In that year the start-up entrepreneur develops a plan for an innovative product or service while being counselled by an experienced counsellor (facilitator). The Netherlands Enterprise Agency (RVO), which is part of the Ministry of Economic Affairs, assesses whether the facilitator is reliable and experienced and whether the start-up qualifies as an innovative enterprise. The IND checks whether the start-up entrepreneur’s financial resources are in order and whether the other conditions are met. After a year, the start-up entrepreneur can apply for a residence permit as a self-employed person.

The Self-employed Migrants Scheme is meant for experienced entrepreneurs. A positive decision is taken on an application which has been submitted in the context of the Self-employed Migrants Scheme if, in the opinion of the Minister for Migration, there are essential interests for the Netherlands on admission. The Netherlands Enterprise Agency (RVO) advises the Immigration and Naturalisation Service (IND) on this, and carries out testing pursuant to a points system. Start-ups who want to move on to the Self-employed

²² Family members of the nuclear family are eligible for an asylum residence permit. Family members of beneficiaries of international protection who submit an application for a residence permit in the context of Article 8 ECHR, receive a regular residence permit.

²³ Parliamentary Papers II, 2013-2014, 31311, no. 104.

Migrants Scheme can make use of a 'statement from the facilitator' instead of the points system. If the counselling process of a start-up has been satisfactorily completed, the facilitator can issue a statement which then forms the basis for the Netherlands Enterprise Agency (RVO) to give a positive recommendation.

Start-ups and creative entrepreneurs are important for the creation of new jobs. They feel particularly attracted to cities. In terms of this shared vision, a City Deal 'Warm Welcome Talent' was agreed to and signed in April 2016 between the municipalities of Amsterdam, The Hague, Eindhoven, and Groningen and the Ministry of Economic Affairs, Ministry of Security and Justice, Ministry of Social Affairs and Employment, and the Ministry of Education, Culture and Science.²⁴ The aim of the City Deal is to promote the attractiveness of the Netherlands for ambitious entrepreneurial talent from abroad, and to keep it sustained at a high level. The focus lies on start-ups, scale-ups, and self-employed persons including artists, and covers the entire process of coming to and establishing/developing themselves in the Netherlands. In the spring of 2016, the implementation of a customer journey was launched, in which, through the eyes of the target group, it is examined which steps must be taken at various agencies to be able to establish, to start-up, and to develop themselves in the Netherlands. The purpose of this exercise is to attract new start-ups and creative entrepreneurs. The report with recommendations is expected in the spring of 2017.

The *policy for the orientation year for highly-educated persons* was amended with effect from 1 March 2016. The Highly Qualified Migrants Scheme and the orientation year for graduates have been combined into a single scheme: The 'orientation year for highly-educated persons'. The scheme now not only includes all graduated students in the Netherlands, but also students that have graduated at a top university abroad. The new scheme not only applies to students, but scientific researchers and PhD students can also apply for a residence permit for the orientation year for highly-educated persons. An application for a residence permit for the orientation year for highly-educated persons can be submitted up to 3 years after obtaining a diploma or completion of the scientific research. Under the old orientation year for graduates scheme this was only 1 year.

The new scheme gives graduates in the Netherlands the chance after obtaining a diploma, to first go back to their country of origin, and to subsequently return to the Netherlands again. In addition, the highly-educated person has unimpeded access to the Dutch labour market during the orientation year.

The *scheme for foreign investors* was modified on 1 July 2016. The intention is to encourage use of the scheme. For example, the validity period of the first residence permit has been extended from one to three years, the audit report with regard to the origin of an investor's assets has been cancelled, another assessment which broadly examines the contribution to the economy has been introduced, and investing in property for residential purposes is excluded.²⁵

²⁴ For more information see <http://agendastad.nl/citydeal/warm-welkom-voor-talent-briefing-customer-journey-analyse>. Consulted on 3 February 2017.

²⁵ *Parliamentary Papers II*, 2015-2016, 30573, no. 134.

Labour migrants

On 1 October 2016, a voluntary agreement between the Dutch government and the Asian hospitality sector on the migration of qualified chefs expired. The voluntary agreement was concluded on 1 October 2014 for the purpose of realising a greater supply of work for qualified chefs within the Netherlands and the EU/EEA (prioritised supply) within 2 years by means of additional recruitment and training efforts by the sector. A temporary, more flexible arrangement, as well as the voluntary agreement with the sector, made it possible to issue easily combined residence and work permits (GVVA) for chefs in the Asian hospitality sector for two years. That meant that the sector had to make efforts to train chefs who were not subject to requiring a permit, and to employ them for a position in the Asian hospitality sector. The Asian hospitality sector is understood to include cuisine from China, Indonesia, Japan, India, Korea, Malaysia, Thailand, Tibet and Vietnam.

Research has shown that, at present, there is an insufficient supply of staff in the Netherlands who can immediately start working in the kitchen as a Speciality Chef. It is also difficult and it takes long to train Chefs up to that level.²⁶ There is a sufficient supply of staff for lower positions.

Having regard to this, a new ***temporary flexible arrangement for Asian Speciality Chefs*** came into force with effect from 1 October 2016. In addition, a quota was set.²⁷ The quota applies to specialised Chefs from Asia. In the first year, up to 1800 Asian Chefs may work in the Netherlands. A year later, up to 1400 Chefs will get a residence and work permit. In the third year, this number will be reduced to a maximum of 1000. Restaurants that want to employ Chefs from abroad are also obliged to recruit personnel from the Netherlands or Europe who are not subject to requiring a permit, and to offer training courses or apprenticeships. This will give Asian restaurants a chance to attract sufficient Specialist Chefs, while they also remain responsible to make more use of Dutch or EU employees in the future.²⁸

On 20 June 2016, the consequences of a ruling by the Administrative Jurisdiction Division of the Council of State of 24 December 2014 on the trade agreement between the Netherlands and Japan (1912) were repaired. The Council of State assessed that **no work permit was required for Japanese nationals**. On grounds of a most-favoured nation clause in the trade agreement between the Netherlands and Japan (1912), and the Dutch-Switzerland Treaty (1875), they must be treated the same as the Swiss, in having free access to the Dutch labour market. The governments of the Netherlands and Switzerland therefore drew up an interpretative statement to the Treaty, in which they explain what has always been the viewpoint of both parties to the Treaty, namely, that residency, establishment, and access to the labour market of both countries is subject to national legislation based on the Treaty.²⁹ The statement was published in the Treaty Series on 20 June 2016.

²⁶ *Parliamentary Papers II*, 2015-2016, 29861, no. 44.

²⁷ Government Gazette 2016 no. 50328.

²⁸ For more information see: <https://www.rijksoverheid.nl/actueel/nieuws/2016/09/23/quotumregeling-voor-aziatische-koks>. Consulted on 3 February 2017.

²⁹ Treaty Series 2016, 81.

A consequence of the publication of the interpretative statement is that a work permit may be required for those Japanese who want to work in the Netherlands. As a result of various signs, including those from the business community, it was decided to set a transitional period until 1 January 2017.³⁰

The **Intra-Corporate Transferees Directive** was implemented by the Netherlands and entered into force on 29 November 2016. The Directive prescribes what conditions Member States must lay down for the stay of non-European third-country nationals in the context of an intra-corporate transfer.³¹ The most important parts of the regulation are: (a) a European standard intra-corporate transfer (ICT) permit, valid for up to 3 years, (b) mobility within the EU during the transfer: shorter and longer than 90 days, (c) wages in conformity with the market is a prerequisite, and (d) family members have free access to the labour market.

The legislative proposal for implementation of the Seasonal Workers Directive was sent to the Dutch House of Representatives on 1 November 2016. The Directive is expected to be implemented in the second half of 2017. Implementation of the Seasonal Workers Directive has few consequences for the Netherlands. Third-country nationals who want to be eligible for a residence permit as seasonal workers can submit an application for a combined work and resident permit (GVVA). The Immigration and Naturalisation Service is responsible for issuing the GVVA for seasonal workers, but does request a recommendation from the Employee Insurance Agency (UWV) in relation to the employment part. A new condition for admission of seasonal workers will also be added. This condition implies that it must be assessed whether the third-country national forms a risk of irregular migration or continued illegal stay. The Directive does not oblige Member States to relax the admission policy for seasonal workers. In recent years, no work permits have been issued for seasonal workers. In common practice, this legislative proposal will not bring about any change.³²

2.2.2 **Students**

Within the context of their study in the Netherlands, international students can now do an internship if this is not a compulsory component of the curriculum. Thus **internship options for foreign students have been expanded** and allow for more international students to get acquainted with Dutch companies by means of internships, and also to bind students to the Netherlands after their study. Until now, it was only possible for students from outside the EU to do an internship if that was a prerequisite for completion of the study. It was not possible to do an internship at one's own initiative in addition to the fixed degree programme. The amendment has been laid down in the Foreign Nationals Employment (Implementation) Decree (Buwav). It now stipulates that an internship must be relevant to the degree programme. Formerly, an internship had to be a prerequisite for the completion of the degree programme.³³

30 *Parliamentary Papers II*, 2015-2016, Appendix no. 3142.

31 Additional information on the ICT Directive can be found at the IND website: <https://ind.nl/Documents/ICT-Richtlijn-FAQ.pdf>. Consulted on 13 February 2017.

32 *Parliamentary Papers II*, 2016-2017, 34590, no.6.

33 For further information reference is made to <https://www.epnuffic.nl/nieuws/ep-nuffic-news/regelgeving-stages-internationale-studenten-verruimd>. Consulted on 16 January 2017.

As a result of strong and unexpected growth in the number of enrolling **students from Nepal, Pakistan, and Bangladesh** in 2016, the Immigration and Naturalisation Service (IND) decided to inform all educational institutions about this development in a newsletter. In it, the IND paid attention to signals from within the educational field that there were doubts about the reliability of agents, and the purpose for which the 'students' wanted to come to the Netherlands. The educational institutions themselves are responsible for a careful recruitment and selection of foreign non-EU students. In addition, the IND has committed itself actively and proactively to enforcement beforehand and afterwards in the case of aforementioned nationalities.

The Aliens Act 2000 was amended on 26 October 2016 in relation to the **decision period for study and research**. Where this decision period was previously up to 90 days, this has now become 60 days.³⁴ This entered into force on 1 January 2017.

2.2.3 *Family formation and family reunification*

In May 2015, the Minister for Migration announced an easing of the **family reunification policy for adult children of beneficiaries of international protection**.³⁵ Previously, adult children were only eligible for family reunification if they had a more than usual relationship of dependence ('more than usual emotional ties') with their parents. In practice, this sometimes led to distressing situations of families whose adult children had to remain behind in the country of origin or in refugee camps in the region. It was therefore decided that for adult children who had still formed part of the principle migrant's family until their departure, the usual relationship of dependence between the parent and child would be considered as sufficient for family reunification with a beneficiary of international protection.

Whether adult children are admitted for regular family reunification with their parents, is established in context of the Article 8 ECHR assessment. In September 2016, the assessment of family life between adult children and their parent(s) was adapted in the weighing up of interests regarding Article 8 ECHR. This has enabled the regular **family reunification for adult children to be expanded**. Previously, the IND only assumed family life between adult children and their parents if it concerned a more than usual relationship of dependence ('more than usual emotional ties'). A new factor is that the IND also assumes family life as meant in Article 8 ECHR, without there being a question of a more than usual relationship of dependence, if the adult child: ³⁶

- is a young adult;
- has always actually belonged to the family of the parents; and
- still belongs to the family of the parents.

³⁴ Bulletin of Acts and Decrees 2016, no. 415.

³⁵ *Parliamentary Papers II*, 2014-2015, 32175 no. 57.

³⁶ Decision by the Minister for Migration of 4 September 2016, Government Gazette 46741.

Box 2. Article 8 ECHR: Right to respect for private and family life

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

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

2.2.4 Exchange

The Netherlands and South Korea are continuing their agreement on an international exchange programme (Working Holiday Program). As from 1 October 2016, **young South Koreans** aged between 18 and 30 years, are again given the opportunity to get acquainted with Dutch culture and society by means of an **exchange programme** of up to one year.

On 27 September 2016, the State Secretary for Economic Affairs and the South Korean Minister of Foreign Affairs signed a Memorandum of Understanding. Participants in the Working Holiday Programme (WHP) may study in the Netherlands and may occasionally undertake paid work to provide for the costs of their stay. They do not need to be in possession of a work permit. Each year, a maximum of 100 young South Koreans can participate in this project. Applications may be submitted to the Dutch embassy in Seoul, which keeps track of the quota. The programme commenced as of 1 October 2016, in principle, for a period of two years.

2.3 Conclusion

Economic migration

The starting point of the Dutch labour migration policy for workers from outside the European Union (EU) is protection of the Dutch labour market. In 2016, the focus was geared towards expanding possibilities for economic migration by innovative entrepreneurs and foreign investors.

In 2016, the policy was adapted so that start-ups with a residence permit can progress easier as a start-up entrepreneur to the Self-employed Migrants Scheme. Furthermore, the residence scheme for foreign investors was adapted. The aim of this adaptation is to encourage use of the scheme.

Implementation of the **Directive on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer** contributes to a further flexibility to admit international personnel into the Netherlands. Expanding the intern-

ships options for foreign students who study in the Netherlands allows more international students to get acquainted with Dutch companies by means of internships, and also to bind students to the Netherlands after their study.

Family reunification

In 2016 too, expansion of policy took place in the field of family reunification. There has been an easing of policy for family reunification with adult children, both for applications from family members of a beneficiary of international protection and for family members of all other third-country nationals.

3 INTEGRATION

3.1 Introduction

Dutch integration policy is based on the Agenda for Integration which was launched in May 2013. The three main points of the Dutch Agenda for Integration are *participating and being self-reliant; setting limits and educating; and interaction with others and internalising values*.³⁷

Box 3: Background information: Civic integration process

Persons who are subject to civic integration in the Netherlands are obliged to learn Dutch, to immerse themselves in Dutch society in the Netherlands and to explore their opportunities in the Dutch labour market. This process is concluded with the civic integration examination which consists of 6 parts: reading, writing, speaking, comprehending, Knowledge of Dutch society and Orientation in the Dutch labour market. Most of the persons obliged to participate in a civic integration programme follow a course, but self-study (for example, on the internet) is also an option to prepare for the examinations. The Executive Agency for Education (DUO) can grant a student loan of up to EUR 10,000. This loan can be used for the costs of the course, study books, and the examination fees. Those eligible for asylum who pass the civic integration examination within the set time limit do not have to repay the loan.

Persons obliged to participate in a civic integration programme must pass the examination within three years. If there are special circumstances why the civic integration programme cannot be completed, it is possible to extend the time limit. This is particularly the case for those eligible for asylum. A reason for extension could be that, on commencement of the time limit, the person obliged to participate in a civic integration programme still lives in a reception centre (AZC), and this makes it difficult to study for the civic integration examination. In that case, the time limit shall be extended by the length of time that the person obliged to participate in a civic integration programme still stayed in the AZC. Illiterate people are given an extension of two years to learn how to read and write. It is also possible that third-country nationals are exempted from the civic integration obligation or get dispensation. Exemption applies if the person obliged to participate in a civic integration programme is in possession of an exempting diploma, testimonial or certificate. Dispensation is given, for example, when a doctor has established that someone is not in a position to satisfy the test requirements because of a physical or mental impairment, or if someone has proven to show sufficient efforts, but does not succeed in passing the examination.

As soon as a person obliged to participate in a civic integration programme exceeds the initial term, DUO investigates whether this excess is attributable to this person. This process, including the right to object, takes approximately 5 months. If a person obliged to

participate in a civic integration programme has imputably failed the civic integration examination after expiry of the time limit, a sanction will follow. This failure of the examination obstructs getting a more favourable residence permit or naturalisation. In addition, a fine of up to EUR 1250 can be imposed. Then a new period of two years commences to comply with the obligation to participate in a civic integration programme. If the time limit is imputably exceeded once again, the fine will be imposed again. Finally, the municipality will reduce the possible social assistance benefit for persons undergoing civic integration who do not make sufficient effort to learn the Dutch language.

Source: Parliamentary Papers II, 2016-2017, 32824 no. 161

The State and municipalities were faced with a challenge due to the increased asylum influx in 2015 and early 2016, which led to amendments to the Dutch integration policy. For policy reasons, it is being investigated where beneficiaries of international protection need assistance, so that within the generic integration policy, this target group can be offered tailored assistance. Solutions for these challenges were devised together with central government and municipalities³⁸ by concluding the Administrative Agreement of 27 November 2015 and the Development Agreement of 28 April 2016.³⁹ Both the State and municipalities have duties and responsibilities here. The State is responsible for the admission and reception of asylum seekers, while the municipalities are responsible for housing beneficiaries and counselling them in their further civic integration in the Netherlands. In addition, municipalities put the implementation of social counselling into effect.

3.2 Policy developments

As announced in the Administrative Agreement,⁴⁰ in 2016 the State and municipalities additionally committed to promoting civic integration and participation of beneficiaries of international protection, in close cooperation with the organisations involved. In addition to strengthening the existing implementation, this has led to a number of concrete measures to tackle participation and integration more actively and at an earlier stage. Measures have been taken jointly relating to reception and housing, participation, and social counselling. As a further elaboration of the Development Agreement, ongoing arrangements were made on education, healthcare, employment, and integration.⁴¹

3.2.1 Education

In 2016, measures were also taken in the field of education to encourage **enrolment of minor asylum seekers and beneficiaries of international protection in regular education.**

38 *Parliamentary Papers II*, 2015-2016, 19637, no. 2107 and *Parliamentary Papers II*, 2015-2016, 19637, no. 2182.

39 The increased influx of asylum seekers posed a challenge for the State and municipalities. Solutions for these challenges were devised by concluding the Administrative Agreement on Increased Influx of Asylum Seekers of 27 November 2015 and the Development Agreement of 28 April 2016.

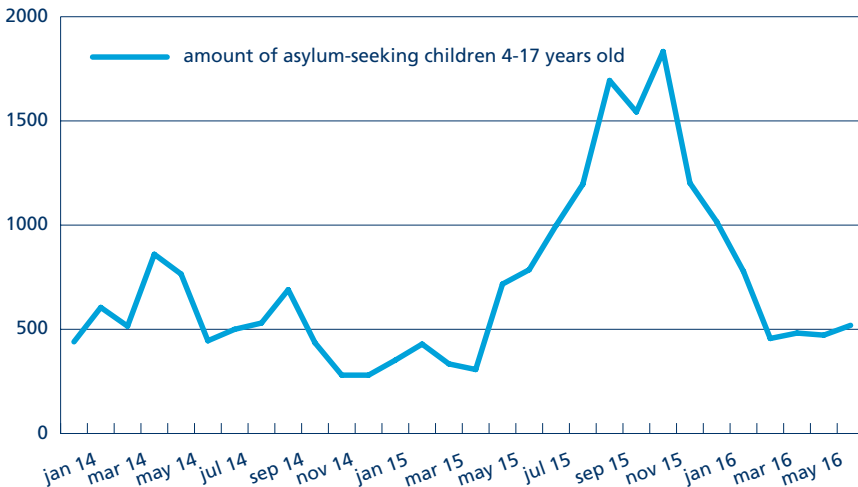
40 *Parliamentary Papers II*, 2015-2016, 19637, no. 2107.

41 *Parliamentary Papers II*, 2015-2016, 19637, no. 2182.

In 2015 and early 2016, the high influx of asylum seekers also demanded additional and flexible capacity in education. For the Ministry of Education, Culture and Science (OCW), the priority was to ensure that school-aged asylum-seeking children and young adults received education as soon as possible.⁴²

Figure 1 Influx of the number of asylum-seeking children per month, from January 2014 to May 2016.

In order to accommodate this volume of school-aged asylum-seeking children, major expansion in the education capacity was required at and in the vicinity of reception centres.



Source: *Parliamentary Papers II*, 2015-2016, 34334 no. 22.

In 2016, a number of measures were also taken to encourage enrolment of asylum-seeking children in regular education, including providing for and upgrading teaching methods of the Dutch language as a second language (NT2). Furthermore, in view of the fact that asylum-seeking children could be suffering from traumas, a scheme was developed to improve the teachers' expertise on trauma. It is generally more difficult to motivate unaccompanied minors to go to school. In 2016, additional resources were deployed to inform education welfare officers about this target group.⁴³

To improve **enrolment** of adult asylum seekers and beneficiaries of international protection in suitable **vocational education and training**, the government commissioned a number of cohort studies to be carried out in the Netherlands into the situation of beneficiaries of international protection, including in relation to the labour market and education. In the next few years quantitative and qualitative analyses will periodically be carried out. School careers of refugees are identified, so too after they have turned

⁴² *Parliamentary Papers II*, 2015-2016, 34334, no. 22.

⁴³ *Parliamentary Papers II*, 2015-2016, 34334 no. 22.

eighteen. As reports are published periodically, measures can be taken on the basis of these analyses, if the talents of refugee children remain underutilised.⁴⁴

In conjunction with the network of senior secondary vocational education (MBO) and the higher professional education (HO) Task Force, the Ministry of Education, Culture and Science (OCW) closely monitors schools, institutions, and municipalities, to detect and resolve problems early. Initiatives have been introduced in several municipalities to help people find employment or a good training course. For example, in June of 2016, together with a large number of parties, the municipality of Amsterdam drew up a formal voluntary agreement "*Amsterdam werkt voor iedereen*" ["Amsterdam works for everyone"], aiming to help refugees to quickly find employment, entrepreneurship and education.⁴⁵

The group of newcomers aged between 16 and 20 forms the greatest challenge. It is important that involved municipalities urge local education providers to provide suitable education pathways. Institutions benefit from receiving information at an early stage on pupils coming to the municipality. The Ministry of Education, Culture and Science (OCW) consults with the Ministry of Security and Justice and the Central Agency for the Reception of Asylum Seekers (COA) to consider how the enrolment procedure and provision of information can be improved.⁴⁶

3.2.2 *Language proficiency*

The Dutch Language Requirement Act entered into force on 1 January 2016. The language requirement in the Participation Act obliges beneficiaries of international protection to make an effort to learn the Dutch language. In the event of refusal to cooperate, the municipality may impose a sanction in the form of a withholding or deduction from the benefit payment.

In 2016, several initiatives were taken in the area of language proficiency. For example, *language education in the pre-civic integration programme* has been intensified since 2016.⁴⁷ This means that language lessons have been extended from ±81 hours to ±121 hours in the pre-civic integration programme. Other pre-civic integration programme modules, including Knowledge of Dutch society and individual coaching, have also been expanded since 2016. Additionally, the module Orientation in the Dutch labour market (ONA) has been included in the pre-civic integration programme, which is already a step towards labour market participation, while still staying at the reception centre. In the context of ONA, those eligible for asylum can also have their credentials evaluated.⁴⁸

44 Ibidem.

45 For more information see <https://www.amsterdam.nl/bestuur-organisatie/college/individuele-paginas/kajsa-ollon-gren/persberichten/persberichten-2016/nieuwe-afspraken/>. Consulted on 6 January 2017.

46 *Parliamentary Papers II*, 2015-2016, 34334 no. 22.

47 In contrast to the civic integration programme, the pre-civic integration programme is voluntary and is already being offered in the reception centre.

48 *Parliamentary Papers II*, 2015-2016, 34334 no. 23.

It has been agreed with COA that language lessons given at present at reception centres will not only be offered to beneficiaries of international protection in view of the pre-civic integration programme, but also to ***promising asylum seekers***. Promising is understood to mean people with nationalities that have a good chance of getting a residence permit. In November 2016 that especially meant Syrians and Eritreans. The objective is that for the vast majority of promising asylum seekers, it will be possible to take part in NT2 language lessons in the pre-civic integration programme at a reception centre in their neighbourhood as from the spring of 2017.⁴⁹

In June of 2016 the ***training of language volunteers*** commenced. This training is geared towards ensuring that volunteers learn how to support asylum seekers in learning the Dutch language. In this training, an explanation is given on how the curriculum is made up, how you can work with the curriculum, teaching tips are given, and it is established which materials are relevant and suitable for which language levels. After the training, volunteers can apply what they have learned in AZCs or at other places.

In addition to the above measures, the government supports the ***umbrella organisation of language volunteers 'Het begint met Taal'*** ['It starts with Language'] for the purpose of its development, and for giving training courses, developing materials, counselling, and the giving of advice in the field of voluntary language coaching of foreign nationals. 'Het begint met Taal' ['It starts with Language'] consists of a network of approximately 150 affiliated local language coaching organisations spread throughout the Netherlands, such as voluntary organisations, community centres, welfare organisations, Humanitas, the Dutch Council for Refugees, and local guilds. They are also active in reception centres.

In the Netherlands, third-country nationals who are obliged to participate in a civic integration programme have a great deal of own responsibility: they can choose their own language provider and which training course is to be followed.⁵⁰ Persons obliged to participate in a civic integration programme are supported in this with a social loan and the provision of information. The ***number of newcomers that meets the civic integration obligation*** varies greatly per country of origin and migration motives. It is especially those eligible for asylum who appear to have difficulty with this own responsibility. Their success rate generally remains significantly behind that of family migrants.⁵¹ Of those undertaking the civic integration examination in 2016, the percentage of successful candidates rose from 32 percent in the month of April to 49 percent in October. All newcomers who failed imputably to comply with the civic integration obligation on time have been fined. Most of the persons obliged to participate in a civic integration programme who have not sat the examination yet, are taking lessons.⁵²

Municipalities may play an important supporting role for persons obliged to participate in a civic integration programme who want to integrate, but cannot manage to do so on their own. In his letter to the Dutch House of Representatives of 11 October 2016, the

49 Ibidem.

50 For more information see the box for an in-depth description of the Civic integration procedure.

51 *Parliamentary Papers II*, 2016-2017, 32824 no. 161

52 Ibidem.

Minister of Social Affairs and Employment announced the following measures that will be taken to help persons obliged to participate in a civic integration programme with their civic integration:

- *Better use of the additional possibilities for support from municipalities:* Municipalities have various options to provide support in respect of civic integration and further integration to persons obliged to participate in a civic integration programme, especially if they're eligible for asylum. Important examples of this are the social counselling including the participation statement procedure, and the language requirement for social assistance benefit. In 2017, the Civic Integration Act will be amended (scheduled entry into force 1 July 2017). As part of the social counselling, municipalities are given the task to advise those eligible for asylum about the civic integration programme to be followed. This offers municipalities more leeway to help persons obliged to participate in a civic integration programme, but who have difficulty with civic integration, for example, by steering them into the direction of an appropriate course.
- *Facilitating municipalities better in their role:* Municipalities have pointed out that they want to gain more insight into newcomers. It is for this reason that as from 2017 they will periodically get information on the progress of local persons undertaking civic integration. This offers an opportunity to help newcomers who have difficulty with civic integration, for example, by steering them into the direction of an appropriate course. Furthermore, experiences and good examples are shared with all municipalities.⁵³
- *Improving the provision of information:* It is important that the provision of information to both the person obliged to participate in a civic integration programme and the parties who play an important supporting role in the civic integration is in good order. Tailored solutions are being sought for target groups who have now been identified as lagging behind due to their failure rate. These groups include women from Somalia and Ethiopia. The government is setting up a pilot study which focuses on reaching and informing such groups that are lagging behind, to increase the chance of a successful civic integration programme. For this purpose, cooperation is also being sought with other migrant organisations.
- *Sanctions in the event of a lack of commitment:* Sanctions are imposed on persons obliged to participate in a civic integration programme who make insufficient effort to pass their examinations. They are fined (repeatedly); loans to those who are eligible for asylum are also not waived (and consequently called in). There are also implications for any social assistance benefits, and they are not entitled to an extended right of stay. International treaties currently do not provide for the ultimate sanction (deportation of persons obliged to participate in a civic integration programme who do not want to participate in civic integration).

53 The information is derived from the ISI information system. Periodic reports are published on the Executive Agency for Education (DUO) website. For more information see Parliamentary Papers II, 2016-2017, 32824 no. 161

3.2.3 *Housing*

Municipalities have a legal duty to arrange housing for beneficiaries of international protection. Every six months it is established how many they have to take up, based on the number of people expected to receive a residence permit in the Netherlands. This results in a **programme target** for all municipalities individually. A large municipality must house more residence permit holders than a small one.

In the first half of 2016, municipalities were instructed to house 20,000 beneficiaries of international protection. Due to the high influx of asylum seekers that came to the Netherlands in 2015 and in the first half of 2016, municipalities lagged behind in housing those beneficiaries. Due to these backlogs, a number of beneficiaries of international protection are still waiting for housing while staying at reception centres. The government's aim was to get the 16,000 beneficiaries of international protection who still stayed at reception centres in the first half of 2016, to move on to regular housing in municipalities as soon as possible, so that these places at the reception centres could be made available for new asylum seekers. In the first half of 2016, these new asylum seekers still often ended up in the emergency accommodation as a result of shortages of places at the reception centres. In December 2016, approximately 12,000 beneficiaries of international protection were still staying in reception centres while waiting for (permanent or temporary) housing. Of this number, almost 6,000 beneficiaries stayed longer than the agreed period of 70 days. In the meantime, all of these beneficiaries have been assigned (matched) to municipalities and are waiting for housing.

To improve the progression of beneficiaries of international protection from reception centres to housing, the State and municipalities made arrangements in an Administrative Agreement in November 2015. These arrangements were also in force in 2016. Beneficiaries of international protection can now also be housed in refurbished care homes, office buildings or housing containers. Furthermore, single beneficiaries of international protection may be placed together in one house.

A large number of waiting beneficiaries of international protection are individuals⁵⁴ and singles, for whom it is more difficult to find appropriate (permanent or temporary) housing. Many of the individuals are awaiting family reunification, the so-called family members seeking asylum family reunification. The family members are mostly still abroad. The time of arrival in the Netherlands is often unpredictable; among other things it depends on the travel possibilities of family members of the beneficiary of international protection. '*Platform Opnieuw Thuis*' ['Home again platform'] has established that, in many cases, municipalities wait to house the beneficiary of international protection who is staying at the reception centre until the family is reunited. To an increasing degree, the arrival of family members seeking asylum family reunification must be anticipated. This presents both a logistical challenge and a chance for the municipalities to achieve the programme target fully and in good time.⁵⁵

54 These are third-country nationals who came to the Netherlands on their own, who still want to be reunited with their family.

55 On its website, '*Platform Opnieuw Thuis*' [Home again platform] shows an interactive map on the progress a municipality has made in achieving its programme target of housing beneficiaries of international protection. This interactive map can be found here: <https://www.opnieuwthuis.nl/land-in-beeld/landelijk>

Box 4: Legislative proposal for scrapping priority for housing beneficiaries of international protection

A clear majority of the Dutch Senate has voted in favour of the proposal to scrap the automatic priority of allocation of rented homes for beneficiaries of international protection. The legislative amendment is part of a package of measures with which the government wants to prevent displacement of regular housing seekers.

On the basis of the 2014 Housing Allocation Act, as it reads now, the municipal council may stipulate that on granting housing permits, priority will be given to certain categories of housing seekers who are in urgent need of living space. In this context, the law stipulates that, if the municipal council makes use of this option, three specific categories of housing seekers have priority in any case. One of those categories concerns third-country nationals who have applied for a temporary asylum residence permit in the Netherlands and, as a consequence thereof, have received a residence permit. The legislative proposal scraps this priority for beneficiaries of international protection to prevent displacement of regular housing seekers in the public housing market, due to the increased influx of beneficiaries of international protection.

By scrapping the priority of beneficiaries of international protection, it could become more difficult for municipalities to fulfil their statutory programme target for housing beneficiaries of international protection. There are basically two ways for municipalities to deal with this. Firstly, these municipalities can, nonetheless, grant priority to beneficiaries of international protection in their housing regulation. If municipalities do so on a large scale, the legislative proposal will effectively scarcely bring about any change. Another way for municipalities to fulfil their programme target is to provide alternative housing. From the explanatory note it appears that the purpose of the legislative proposal is to identify other forms of housing for beneficiaries of international protection. This envisages that municipalities make a distinction between beneficiaries of international protection and regular housing seekers as regards the type of housing that is made available. The housing supply made available to all or a portion of the beneficiaries of international protection will then have an austere character in order to curb the costs borne by society which arise from the high influx of beneficiaries of international protection.⁵⁶

3.2.4 Labour market

Since 1 July 2016, the Central Agency for the Reception of Asylum Seekers (COA) has been carrying out **preliminary labour market screenings** at the process reception centre (POL) in Doetinchem. Asylum seekers who are at the first stage of the asylum procedure (General Asylum Procedure) are accommodated at a process reception centre.⁵⁷ In the month of October this screening was also started at the process reception centres in Arnhem and Budel. Other locations will follow by no later than the beginning of 2017.

⁵⁶ *Parliamentary Papers II*, 2015-2016, 34454, no. 4.

⁵⁷ The process reception centres are always located in the vicinity of an IND office. In the process reception centre, particular attention is paid to interviews between a lawyer and the asylum seeker, the provision of information by the Dutch Council for Refugees, information on the Central Agency for the Reception of Asylum Seekers (COA) and medical advice.

Labour market screening means that new beneficiaries of international protection are already asked in the first interview after being granted a residence permit about the employment history, and the training courses and qualifications achieved. The purpose of the screening is for new beneficiaries of international protection to have a better chance of being matched to municipalities, which gives them a faster and better chance to move on to training courses and jobs. In this way they can sooner participate actively in Dutch society and they have less need to invoke social assistance benefits. The advantage of working in this way is that municipalities already know more about the beneficiaries of international protection they are dealing with, well in advance of providing the housing.

Aside from information concerning the education and employment potential, the first interview also includes information on age, gender and language. After matching up, both the municipality and beneficiaries of international protection can get a move on in utilising the valuable waiting time. The waiting time is the period that the beneficiary of international protection still lives in the AZC and is already matched to a municipality, but does not live there yet because housing is not yet available. This waiting time can be utilised for starting employment, Orientation in the Dutch labour market, starting the regular civic integration programme, doing voluntary work, learning (more) about the Dutch language, following a training course or serving an apprenticeship. As soon as the beneficiary of international protection is matched to a municipality, the municipality gains an insight into the details of the residence permit holder via the Programme Target Tracking System (TVS). It shows, for example, what information has been obtained from the labour market screening, and which components of the pre-civic integration programme the residence permit holder has followed and completed. With this file, the municipality can get on with counselling the beneficiary of international protection to employment or a training course.⁵⁸

As a more oriented approach is achieved by the screening carried out by the COA, it is easier and more attractive for municipalities to already take steps in the COA reception centre stage. The State has a facilitating role in this context. Regional coordinators will encourage municipalities within the labour market region to start courses of action with residence permit holders at an early stage.⁵⁹ In particular, they will not only play a role in the process after the residence permit holder has been matched to a municipality and is not housed as yet, but also in the period after being housed. At the beginning of 2017, regional coordinators will be active in all the labour market regions. The Ministry of Social Affairs and Employment shall bear the costs of the regional coordinators.

In the years ahead, more ***asylum seekers and beneficiaries of international protection will be given the opportunity to do voluntary work*** in the Netherlands. To be able to match up asylum seekers, beneficiaries of international protection and civil society organisations, the Ministry of Social Affairs and Employment has made EUR 1 million available. This financial support enables two successful tests to be introduced on a larger scale.

58 Preliminary labour market screening fact sheet. <https://www.opnieuwthuis.nl/documents/Factsheet+vroege+arbeidsmarktscreeening.pdf>. Consulted on 20 December 2016.

59 In the Netherlands there are 35 labour market regions. Information on the labour market regions can be found at: https://www.werk.nl/werk_nl/arbeidsmarktinformatie/regio/arbeidsmarktregio-overzicht-gemeenten

The purpose of the approach is to involve asylum seekers and beneficiaries of international protection who are still staying at the reception centre to do voluntary work in various municipalities. This already happened in 2016 by way of tests in Nijmegen and Utrecht. In 2017, reception centres in 10 municipalities will follow. The objective is that after 2.5 years, asylum seekers and beneficiaries of international protection at 25 reception centres, will actively be involved in voluntary work in the particular municipality. In those 2.5 years, fourteen thousand volunteer jobs will be carried out by asylum seekers and beneficiaries of international protection. The voluntary work consists of activities that an organisation normally has carried out unpaid. The work may therefore not substitute a paid job.⁶⁰

3.2.5 Participation and social counselling

As from 1 January 2016, municipalities have offered a participation statement procedure to all beneficiaries of international protection who are obliged to participate in a civic integration programme. This way, beneficiaries of international protection get acquainted with the 'core values' of Dutch society. The procedure consists of an introduction to the core values of Dutch society and the signing of a participation statement. In future, the participation statement procedure will be a compulsory component of the civic integration examination. The government is aspiring to incorporate the participation statement procedure in the Civic Integration Act as from 1 October 2017. This means that, in the first years after being established in a municipality, all newcomers must have completed the participation statement procedure at the municipality as part of their civic integration examination (for example, through a workshop and/or discussion of at least half a day on core values of Dutch society and its rules).

The next amendment of the Civic Integration Act will establish social counselling to asylum-seeking migrants and their family members as a task of the municipalities. Municipalities will receive a financial contribution for providing social counselling to asylum-seeking migrants and their family members. This contribution was increased with effect from 1 January 2016 from EUR 1000 to EUR 2370 per beneficiary obliged to participate in a civic integration programme. In the Administrative Agreement on Increased Influx of Asylum Seekers of 27 November 2015 and the Development Agreement of 28 April 2016, the government and municipalities/Association of Dutch municipalities (VNG) have laid down further aspirations and conditions for social counselling. Social counselling is being offered in addition to the participation statement procedure and comprises:⁶¹

1. Practical help: Support and coaching in making arrangements in respect of housing, care, employment, income, insurance, education and other basic services, and getting acquainted with the local community.

60 For more information see <http://www.pharos.nl/nl/kenniscentrum/projectenoverzicht/52/aan-de-slag-vrijwilligerswerk-voor-asielzoekers> en <https://www.rijksoverheid.nl/actueel/nieuws/2016/08/13/meer-vluchtelingen-gaan-vrijwilligerswerk-doen>. Consulted on 2 January 2017.

61 For further information see <https://vng.nl/files/vng/20160627-uitvoering-pverklaringstraject-en-begeleiding.pdf>. Consulted on 3 January 2017.

2. Help in getting civic integration started: providing information about the civic integration procedure and practical help, where necessary, in enrolling for a civic integration course.

3. Encouraging participation and integration: counselling and coaching for the purpose of an active and positive input by the beneficiaries of international protection to be able to participate in Dutch society and to get acquainted with local (social) organisations.

In the area of **digital developments**, the Social and Economic Council of the Netherlands (SER) launched an online starting point for employers and organisations in May 2016, which is geared towards the social participation of beneficiaries of international protection. The website www.werkwijzervluchtelingen.nl provides a clear outline of all available information on (labour) participation of beneficiaries of international protection. This is meant as an encouragement for all organisations who want to improve the social participation and civic integration of beneficiaries of international protection in the Netherlands. The website also contains practical examples of innovative practices to improve the participation of beneficiaries of international protection. The website is a contribution by the SER to the shared objective of the Task Force for the Employment and Integration of Refugees by the Ministry of Social Affairs and Employment (SZW).^{62,63}

At the end of April 2016, this Task Force launched the Facebook page 'Hello'.⁶⁴ The title Hello stands for 'get-together'. The page gathers and publishes a wide range of initiatives, big ones and small ones, of people and organisations that help asylum seekers and residence permit holders in their civic integration and in finding paid or voluntary work. Hello also shares stories of asylum seekers and beneficiaries of international protection who help Dutch people.

3.3 Conclusion

The starting point of the Dutch integration policy is that third-country nationals who are permitted to stay in the Netherlands should participate as quickly as possible in this country: through school or work, in their neighbourhood or district, as a volunteer or employee. It is expected that everyone makes a contribution to Dutch society as quickly as possible. To accomplish this, opportunities are offered in the Netherlands to build up an own private life through education and employment. The key factors in Dutch policy are taking responsibility for one's own civic integration, learning the language, and finding employment and continued education.⁶⁵

In 2016, as a result of the increased influx of beneficiaries of international protection in 2015 and 2016, there were many developments in the area of integration of migrants in the Netherlands. Extra emphasis was placed on the language development of migrants.

62 For more information see: <http://www.ser.nl/nl/actueel/nieuws/2010-2019/2016/20160512-werkwijzer-vluchtelingen-gelanceerd.aspx>. Consulted on 22 December 2016.

63 More information on the Task Force can be found at: <https://www.rijksoverheid.nl/documenten/publicaties/2016/05/20/taskforce-werk-en-integratie-vluchtelingen>. Consulted on 22 May 2017.

64 <https://www.facebook.com/HalloWerkEnIntegratie>

65 *Parliamentary Papers II*, 2015-2016, 19637, no. 2182.

Since 2016, various measures have been taken to improve the language level of migrants. The Dutch Language Requirement Act entered into force on 1 January 2016. The language requirement in the Participation Act obliges beneficiaries of international protection to make an effort to learn the Dutch language. For example, language education in the pre-civic integration programme has been intensified since 2016. It was agreed with the COA that language lessons now given at reception centres in view of the pre-civic integration programme are brought forward for promising asylum seekers. Promising is understood to mean people with nationalities that have a good chance of getting a residence permit. In addition, a training course for language volunteers was started in June 2016. This training is geared towards ensuring that volunteers learn how to support asylum seekers in learning the Dutch language.

Municipalities have a legal duty to arrange housing for beneficiaries of international protection. For the period up to and including June 2016, municipalities were faced with a huge task due to the increased influx in 2015/early 2016. By the end of the year, approximately 12,000 beneficiaries of international protection were still staying in reception centres while waiting for housing. All these beneficiaries of international protection were assigned to municipalities and were waiting to be accommodated.

Since 1 July 2016, the COA has carried out preliminary labour market screenings at a number of locations. These labour market screenings imply that new beneficiaries of international protection are already asked in the first interview after being granted a residence permit about their employment history and the training and qualifications achieved. The purpose of the screening is for new beneficiaries of international protection to have a better chance of being matched to municipalities, which gives them a faster and better chance to move on to training courses and jobs.

With effect from 1 January 2017, municipalities have provided a participation statement procedure to all beneficiaries of international protection who are obliged to participate in a civic integration programme. In this procedure, beneficiaries of international protection get acquainted with the core values of Dutch society.

4 INTERNATIONAL PROTECTION (ASYLUM)

4.1 Introduction

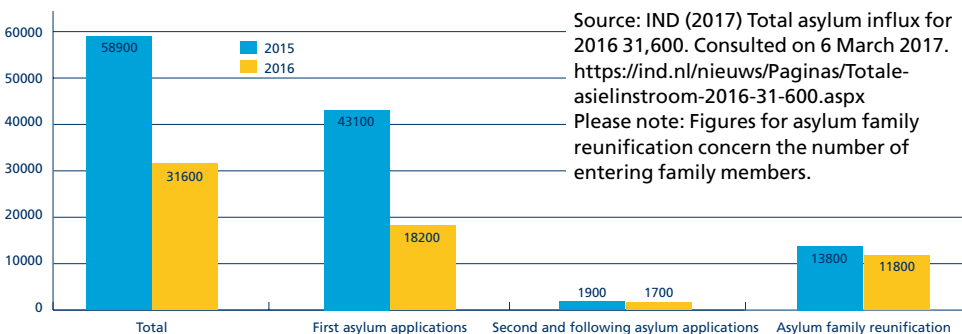
The total asylum influx (first asylum applications, repeated asylum applications and family members seeking asylum family reunification) resulted in approximately 31,600 applications in 2016. This means that the number of asylum applications was almost half of what it was in the peak year of 2015 (approximately 58,900).

The number of first applications (part of the total number of applications, refer also to figure 2) decreased from approximately 43,100 in 2015 to approximately 18,200 in 2016. More than 57% of the total influx of asylum seekers in 2016 involved first asylum applications. In 2015, this was 73%.

The number of repeated applications (included in the total number of applications, refer also to figure 2) decreased from approximately 1900 in 2015 to approximately 1700 in 2016. More than 5% of the total influx of asylum seekers in 2016 involved repeated asylum applications. In 2015, this was 3%. Of all repeated asylum applications over the whole of 2016, most of them were from Afghans, Iraqis, and Iranians.

Family members of beneficiaries of international protection may be eligible for asylum family reunification under certain conditions.⁶⁶ The number of family members seeking asylum family reunification (included in the total number of applications, refer also to figure 2) decreased from approximately 13,800 in 2015 to approximately 11,800 in 2016. More than 37% of the total influx of asylum seekers in 2016 involved family members seeking asylum family reunification. In 2015 this was 24%. The most common nationalities of those seeking asylum family reunification over the whole of 2016 were Syrians (71%), Eritreans (11%), and Stateless persons (10%).

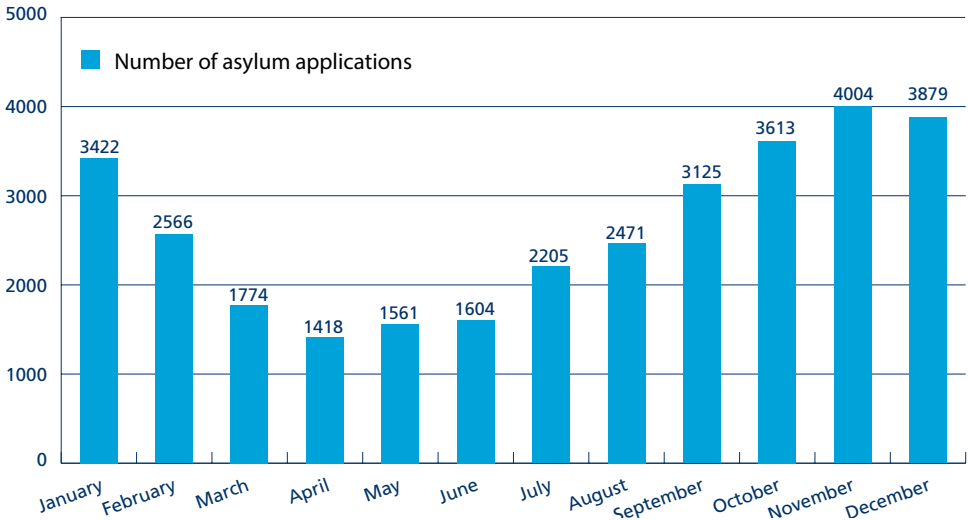
Figure 2: Development of asylum applications 2015-2016



⁶⁶ Asylum family reunification is a special form of family reunification in the Netherlands aiming to reunite the beneficiary of international protection with his family.

Since May 2016, there has been a steady increase in asylum applications (see figure 3). The highest number of asylum applications was submitted in November, which amounted to 4004. In December, the number of asylum applications decreased again.

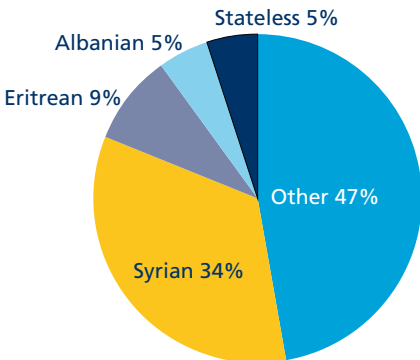
Figure 3: Development of number of asylum applications in 2016



Source: IND. (2016). Asylum Trends: Monthly Report on Asylum Applications in the Netherlands and Europe: December 2016.

In 2016, 34% of the total asylum influx involved asylum seekers with a Syrian nationality, followed by Eritreans (9%), and Albanians (5%). The nationalities ranking first and second remained unchanged compared to 2015. In that year, the third place was held by the Iraqis.

Figure 4: Nationalities of asylum seekers in 2016



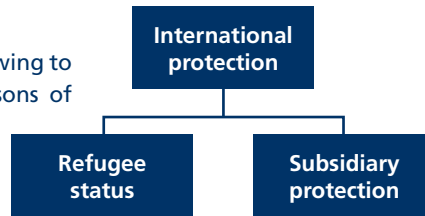
Source: IND. (2016). Asylum Trends: Monthly Report on Asylum Applications in the Netherlands and Europe: December 2016.

This chapter describes changes in the areas of both refugee status and subsidiary protection (for an explanation on the difference between refugee status and subsidiary protection, see box 5).

Box 5. The two statuses in international asylum law: refugee status and subsidiary protection

International asylum law provides for two different types of protection: refugee status and subsidiary protection.

A refugee is a third-country national who, “owing to a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, unwilling to avail himself or herself of the protection of that country...”⁶⁷



A third-country national who is not recognised as a refugee can be eligible for **subsidiary protection**. Subsidiary protection is granted if substantial grounds have been shown to assume that the person concerned if returned to his or her country of origin would face a real risk of suffering “serious harm”.⁶⁸ Serious harm may consist of “the death penalty or execution, torture or inhuman or degrading treatment or punishment, serious and individual threat to life by reason of indiscriminate violence in situations of international or internal armed conflict”.⁶⁹

In the Netherlands, the rights of a third-country national with refugee status and of a third-country national with subsidiary protection are not different. European law, however, gives Member States the latitude to distinguish between the two statuses.

This chapter successively addresses the following topics: substantive assessment of applications for international protection, procedures for international protection, reception, and efficiency and quality of the Dutch asylum system. A conclusion is provided at the end of the chapter.

4.2 Policy developments

4.2.1 Substantive assessment of applications

The list of safe countries of origin was expanded in 2016

In 2015, a list of safe countries of origin was introduced in the Netherlands. In the course of 2016, this list was expanded three times:

- February 2016: Ghana, India, Jamaica, Morocco, Mongolia, and Senegal

⁶⁷ Council Directive 2011/95/EU, Article 2(d)

⁶⁸ Article 2 f of the Qualification Directive

⁶⁹ Council Directive 2011/95/EU Article 15

- October 2016: Algeria, Georgia, Ukraine, and Tunisia
- December 2016: Togo

Some countries are regarded as safe with the exception of, for example, certain groups of people (e.g. LGBTs) or certain regions. The following countries have been assessed by the Dutch authorities, but have not been placed on the list of safe countries of origin: Egypt, Gambia, Kenya, Chad, Zambia, Zimbabwe, and South Africa. The countries that must still be assessed are Brazil, Colombia, Cuba, Honduras, Trinidad and Tobago, Bangladesh, Nepal, Jordan, and Lebanon. These countries will be assessed in the following batches.^{70 71 72}

For more information on the list of safe countries of origin, see the information box below.

In light of the exceptional situation in Turkey as a result of the aftermath of the failed coup attempt of 15 July 2016, the government has decided to maintain assessment of the eligibility of Turkey as a safe country of origin until further notice.⁷³

Box 6. Safe countries of origin

In the Netherlands, a country is considered as being a safe country of origin when there is generally and sustainably no question of persecution for reason of, for example, race or religion, torture or inhuman treatment. Asylum seekers from safe countries have practically no chance of obtaining an asylum residence permit. Their asylum applications are handled as a matter of priority and accelerated. Asylum applications from asylum seekers from a safe country of origin may be rejected as manifestly unfounded. This means that the rejected asylum seeker must immediately leave the Netherlands. Besides, they also get an entry ban for the entire Schengen area for a period of two years. Asylum seekers from safe countries of origin are given the opportunity to prove why the country in their specific situation is not safe.

For the full list of safe countries of origin, see:

<https://www.rijksoverheid.nl/onderwerpen/asielbeleid/vraag-en-antwoord/lijs-t-van-veilige-landen-van-herkomst>

4.2.2 Procedures for international protection

Implementation of the multi-track policy

The multi-track policy was implemented on 1 March 2016. The purpose of the multi-track policy is to prevent the waiting times for asylum seekers, which rose significantly in 2015 due to the high influx, from dragging on further and to structure the asylum procedure as efficiently as possible.⁷⁴ Formerly, the IND treated all (first) asylum applica-

70 *Parliamentary Papers II*, 2015-2016, 19637, no. 2123.

71 *Parliamentary Papers II*, 2016-2017, 19637, no. 2241.

72 *Parliamentary Papers II*, 2016-2017, 19637, no. 2266.

73 *Parliamentary Papers II*, 2016-2017, 19637, no. 2241.

74 *Parliamentary Papers II*, 2015-2016, 19637, no. 2086.

tions, with the exception of Dublin claimants, in the same way. Different procedures (tracks) are used for different target groups within the multi-track policy. By implementing certain changes to the procedures within these tracks, the asylum procedure can take place in a more efficient manner. The Immigration and Naturalisation Service (IND) determines at an early stage (registration phase) which procedure (track) will be followed for the asylum application.⁷⁵

Tracks 1 and 4 have always been part of common practice at the IND, but since 1 March track 2 has also become active. Tracks 3 and 5 are currently 'inactive'. These tracks can be activated by the Minister for Migration for a certain period, but this has not been necessary yet.⁷⁶ Every track continues to be sufficiently safeguarded. The multi-track policy emphatically provides for fall-back scenarios when, for instance, identity fraud or dangers to public order, are detected. In such cases, treatment of the asylum application is continued in the asylum procedure as it is applied in the present situation (track 4), but then an additional investigation takes place.⁷⁷

In concrete terms, the multi-track policy consists of the following five tracks:⁷⁸

Track 1: Dublin Procedure

This track is intended for asylum seekers who have or should have applied for asylum in another EU Member State, for example, if they have entered the Dublin-regulated territory via that Member State. In such a case, the other Member State is responsible for handling the asylum application. This was already an existing track before 1 March.

Track 2: Safe country of origin or legal stay in another EU Member State

Asylum applications are handled in this track if the applicant originates from a safe country of origin or if he/she has international protection in another Member State. The Minister for Migration determines which country may be designated as a safe country of origin.

Track 3: Evident decisions to grant an application

Asylum applications from people who are evidently eligible for a residence permit may have their applications granted in this accelerated track. Examples are properly-documented Syrians or stateless Palestinians from Syria. This track has not yet entered into force.

Track 4: General Asylum Procedure

In this track, all asylum applications are handled that cannot be handled in another track. Within this track, the standard asylum procedure is followed.

⁷⁵ Ibidem.

⁷⁶ Florine Boeding. (2015). Wat is het sporenbeleid? [What is the multi-track policy?]. In *VreemdelingenVisie*, April 2016.

Consulted on 21 December 2016. <https://www.vreemdelingenvisie.nl/vreemdelingenvisie/2016/04/wat-is-het-sporenbeleid>

⁷⁷ *Parliamentary Papers II*, 2015-2016, 19637, no. 2086.

⁷⁸ Florine Boeding. (2015). Wat is het sporenbeleid? [What is the multi-track policy?]. In *VreemdelingenVisie*, April 2016.

Consulted on 21 December 2016. <https://www.vreemdelingenvisie.nl/vreemdelingenvisie/2016/04/wat-is-het-sporenbeleid>

Track 5: Evident decision to grant an application after brief investigation

If an asylum application is evidently promising, but a brief investigation is needed into, for example, nationality, the application ends up in this track. Examples are insufficiently-documented Syrians. This track has not yet entered into force.

The multi-track policy has a number of advantages. Due to accelerations in the procedures, the IND is able to handle more asylum applications with the same number of employees. Benefits for the COA are that asylum seekers need to be transported less frequently and that their stay in the reception centre is shorter. According to the IND, asylum seekers also benefit from the multi-track policy, because they have clarity on their stay in the Netherlands sooner.⁷⁹

Measures to improve the identification process

Because insufficient care was exercised in the identification process during a certain period in 2015, the National Police additionally scrutinized the entire asylum influx of 2015 with general and targeted checks (on the basis of relevant criteria) for possible dangers to national security at the beginning of 2016. In addition, more focused checks were carried out on persons who allegedly belonged to a higher risk category. The police have also acquired equipment to be able to apply state-of-the-art face recognition.⁸⁰

In February and April 2016, the Security and Justice Inspectorate also carried out unannounced inspections of the identification process of asylum seekers at three locations. The inspections showed several bottlenecks, for example, that the examination of documents and the read-out of data carriers, like mobile telephones, did not happen according to plan, and that the quality of staff, equipment and working instructions was sometimes inadequate.⁸¹ In response to the inspection, the government has implemented a number of improvements. For example, the read-out of data carriers like Smartphones has been improved.⁸²

Subsequently, the Inspectorate carried out a follow-up inspections of the registration and identification of asylum seekers by the police and the KMar. In November 2016, the Inspectorate presented the results to the Minister for Migration and the Minister of Security and Justice. The inspection showed that the process is being carried out carefully. However, the Inspectorate ascertained that the objective of picking up signs during the registration process of human smuggling, trafficking in human beings, and terrorism is only partially being achieved. According to the Inspectorate, this is mainly due to the complexity of finding leads to these types of criminality.

79 Florine Boeding. (2015). Wat is het sporenbeleid? [What is the multi-track policy?]. In *VreemdelingenVisie*, April 2016.

Consulted on 21 December 2016. <https://www.vreemdelingenvisie.nl/vreemdelingenvisie/2016/04/wat-is-het-sporenbeleid>

80 Florine Boeding. (2015). Wat is het sporenbeleid? [What is the multi-track policy?]. In *VreemdelingenVisie*, April 2016.

Consulted on 21 December 2016. <https://www.vreemdelingenvisie.nl/vreemdelingenvisie/2016/04/wat-is-het-sporenbeleid>

81 Security and Justice Inspectorate. (2016). De identificatie van asielzoekers in Nederland [The identification of asylum seekers in the Netherlands].

82 *Parliamentary Papers II*, 2015-2016, 19637, no. 2187.

Asylum seekers from safe countries who are subject to the Dublin Regulation can now also be sent back directly to their country of origin

In August 2016, the Minister for Migration amended the policy for asylum seekers from certain safe countries of origin, for whom another Member State is actually responsible in light of the Dublin Regulation. This only applies to asylum seekers originating from one of the countries of the Western Balkans that has been designated as a safe country of origin (Albania, Kosovo, Serbia, Macedonia, Bosnia, and Montenegro). Since the amendment, the IND has handled applications for asylum originating from the Western Balkans in the national procedure, even though there is a basis for a claim on another country based on the Dublin Regulation. A return to the country of origin after settlement in the national procedure can be achieved much faster than a transfer to the responsible Member State based on grounds of the Dublin Regulation. Asylum applications from people from a safe country of origin can be handled in the Netherlands in the context of an accelerated procedure.⁸³

Maximum decision period for asylum applications extended from 6 to 15 months

As a result of the increased asylum seeker influx in 2015, the Minister for Migration decided in February 2016 to extend the decision period for asylum applications to 15 months. Previously, the IND had, in principle, 6 months to handle the asylum application. The extension is in line with Article 31 of the Procedures Directive, which gives Member States the opportunity to extend the decision period where “a large number of third-country nationals simultaneously apply for international protection, making it very difficult in practice to conclude the procedure within the six-month time limit”.^{84 85}

Intention to extend the maximum decision period for applications for family reunification of beneficiaries of international protection from 6 to 9 months

In September 2016, the government proposed to extend the maximum decision period for applications for family reunification of beneficiaries of international protection from 6 to 9 months. Nine months is also the maximum decision period permitted in the EU Family Reunification Directive.⁸⁶ The reason for this change is the substantial increase in the number of applications for family reunification of beneficiaries of international protection. In the explanatory memorandum to the legislative proposal, the Minister for Migration emphasises that this extension to 9 months does not mean that the period of 9 months will always be used to the full. In future, the Netherlands will also continue its efforts to handle every application as soon as possible.⁸⁷

IND sets out procedure concerning medical examination to substantiate the asylum account

If it is deemed relevant for the assessment of the asylum application, the Netherlands has been obliged since the implementation of the Procedures Directive in 2015 to carry out a Forensic Medical Examination (FMO) for medical signs that might indicate past

83 Decree by the Minister for Migration of 23 August 2016, number WBV 2016/10, comprising changes to the Aliens Act Implementation Guidelines 2000.

84 Article 31 of the Procedures Directive 2013/32/EU.

85 *Parliamentary Papers II*, 2015-2016, 19637, no. 2124.

86 *Parliamentary Papers II*, 2016-2017, 34544, no. 3.

87 *Parliamentary Papers II*, 2016-2017, 34544, no. 3.

persecution or serious harm that may relate to the asylum account. How the IND will comply with this obligation, was elaborated further in 2016. The Forensic Medical Examination consists of an examination of physical scars, and medical and psychological problems on the one hand, and events in the country of origin mentioned by the third-country national on the other hand.⁸⁸

4.2.3 *Reception centre*

Less use of emergency accommodations and crisis reception locations in 2016 due to declining asylum influx

At the end of January 2016, the last crisis reception location⁸⁹ for asylum seekers in the Netherlands closed. This marked the end of a hectic period for the COA and municipalities, among others. These crisis reception locations were meant to cope with the high influx of asylum seekers in the second half of 2015. Since the beginning of February 2016, the emergency accommodations and regular reception centres have been adequate to cope with the current flow of asylum seekers, so the crisis reception locations could be closed. Later in 2016, 15 emergency accommodations on a total of 45 were closed due to the declining influx.^{90 91}

Self-care scheme (ZZA) stopped, accommodation scheme continues

The self-care scheme (ZZA) was stopped with effect from 16 September 2016.⁹² In 2015, the ZZA was introduced because of the increased influx. The purpose of the ZZA was to accelerate the moving of beneficiaries of international protection from reception centres in order to provide space for new asylum seekers.

The ZZA meant that a beneficiary of international protection who stayed in a reception centre until he/she could be housed in a municipality could personally arrange an accommodation outside the reception centre, for example, with family or friends.⁹³ The scheme can also be used by municipalities to offer temporary shelter to beneficiaries of international protection outside asylum centres (until final matching to a municipality has been completed).⁹⁴ The beneficiaries of international protection or the municipality – in the

88 IND (2016). Forensisch Medisch Onderzoek naar steunbewijs (FMO) [Forensic Medical Examination (FMO) into substantiating evidence]. Consulted on 2 January 2017. https://ind.nl/Documents/WI_2016-4.pdf

89 Crisis reception locations are accommodations such as sports halls, which are also used to cope with citizens in emergency cases of incidents, disasters or crises. Source: <https://www.coa.nl/nl/opvanglocaties/soorten-opvang>

90 NOS (news broadcaster) 2016. COA sluit noodopvanglocaties voor asielzoekers [COA closes emergency accommodations for asylum seekers]. Consulted on 4 January 2017. <http://nos.nl/artikel/2121283-coa-sluit-noodopvanglocaties-voor-asielzoekers.html>

91 NOS (news broadcaster) 2016. Minder asielzoekers: 13.500 opvangplaatsen weg [Fewer asylum seekers: 13,500 places of shelter gone]. Consulted on 4 January 2017. <http://nos.nl/artikel/2148347-minder-asielzoekers-13-500-opvangplaatsen-weg.html>

92 COA. (2016) Zelfzorgarrangement (ZZA) stopgezet per 16 september [Self-care scheme (ZZA) stopped as of 16 September 2016]. Consulted on 2 January 2017. <https://www.coa.nl/nl/actueel/nieuws/zelfzorgarrangement-zza-stopgezet-per-16-september>

93 Decision by the Minister for Migration of 10 September 2015, number 677862, granting authority to the Central Agency for the Reception of Asylum Seekers (COA) to exclude certain categories of third-country nationals from benefits on the basis of the 2005 Asylum Seekers and Other Categories of Aliens (Provisions) Regulations.

94 COA (2016) GZZA-regeling van kracht [Municipal self-care scheme (GZZA) enters into force]. Consulted on 4 January 2017. <https://www.coa.nl/nl/actueel/nieuws/gzza-regeling-van-kracht>

event that the municipality arranged temporary accommodation – received an allowance for arranging such accommodation outside a reception centre. Due to the declined influx in 2016, the ZZA was stopped in September 2016. Since this date, no new residence permit holders have been admitted any more. Residence permit holders who were already using the arrangement may continue to use the ZZA until their final placement in a municipality. New applications for the ZZA are referred to the accommodation scheme. The accommodation scheme enables residence permit holders to stay with friends or family in the Netherlands for a short period (up to 3 months).⁹⁵ To do so, they receive an allowance of up to EUR 150 per week per family.⁹⁶

Government takes action against asylum seekers causing nuisance

In 2016, a number of municipalities experienced public nuisance caused by asylum seekers. This nuisance included theft, disoriented behaviour, fights in and around reception centres, and intimidation. Those causing nuisance were often groups of asylum seekers from safe countries of origin. The Dutch government took various measures against these groups. The measures include:^{97 98}

- Faster asylum procedures and Dublin procedures;
- A coordinated approach centred on case studies of those who cause nuisance. This approach is an intensive cooperation between the Public Prosecution Service (OM), the police, the municipality, the Repatriation and Departure Service (DT&V), the Central Agency for the Reception of Asylum Seekers (COA), and the Immigration and Naturalisation Service (IND), which aims for a quick and targeted tackling of third-country nationals that cause nuisance, both under criminal law, immigration law, and administrative law;
- Measures to counter the magnet effect of the departure and reintegration support;
- The Netherlands will try to make arrangements with the countries of origin, especially Tunisia, Morocco and Algeria. The purpose of this arrangement is to encourage returns.

4.3 Conclusion

The influx of asylum seekers in 2016 was almost half of the influx of asylum seekers in 2015. Many policy measures that were taken in 2016 were a consequence of the aftermath of the high influx in 2015. For example, measures were taken to improve the process of registration and identification of asylum seekers, and the multi-track policy was introduced. The purpose of the multi-track policy is to prevent the waiting times for asylum seekers – which rose in 2015 due to the high influx – from dragging on further and to structure the asylum procedure as efficiently as possible. Due to the high volumes in 2015, the maximum decision period for asylum application was extended in 2016 to 15 months, and the maximum decision period for asylum family reunification to 9 months.

95 COA (2016) Logeerregeling [Accommodation scheme]. Consulted on 2 January 2017. <https://www.coa.nl/nl/asielopvang/huisvesting-vergunninghouders/logeerregeling>

96 COA (2016) Factsheet logeerregeling vergunninghouders september 2016 [Fact sheet Accommodation scheme for residence permit holders September 2016]. Consulted on 2 January 2017. https://www.coa.nl/sites/www.coa.nl/files/paginas/media/bestanden/factsheet_logeerregeling_vergunninghouders_sept_2016.docx

97 *Parliamentary Papers II*, 2016–2017, 19637, no. 2268.

98 *Ibidem*.

Due to the lower influx in 2016, all crisis reception locations and a few emergency accommodations could be closed in the course of 2016. In 2016, a large part of the influx of asylum seekers came from safe countries of origin. Various policies were therefore developed for this and other groups in 2016.

The multi-track policy makes it possible to handle applications from these asylum seekers from safe countries of origin in a faster asylum procedure. Dublin claimants from one of the countries in the Western Balkans listed as safe countries of origin, have been handled in the accelerated safe country track procedure since August 2016. In 2016, the list of safe countries of origin was expanded three times, and an information letter was distributed among asylum seekers, stating that asylum seekers from safe countries of origin are likely to be rejected.

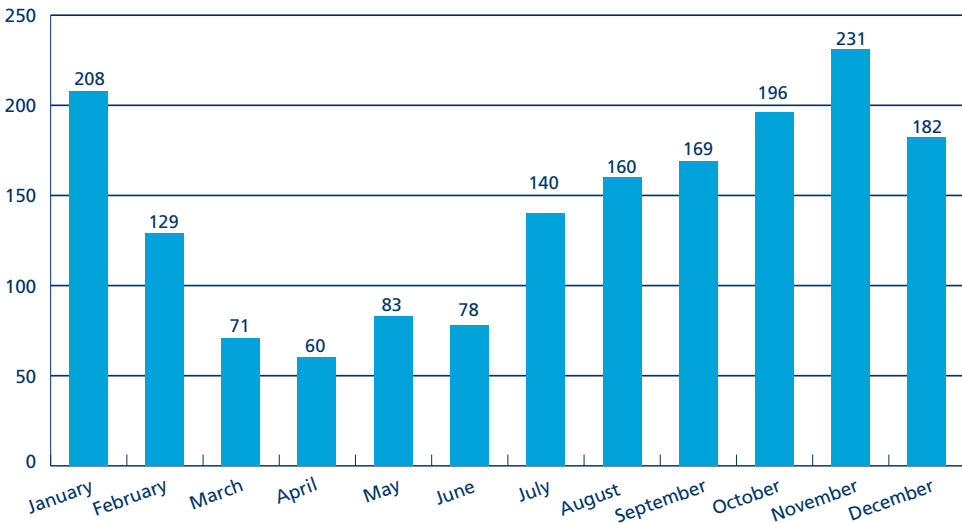
A few groups of asylum seekers from safe countries of origin caused public nuisance in and around asylum centres in 2016. The Dutch government took various measures to counter this public nuisance.

5 UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

5.1 Introduction

From January to April 2016, there was a sharp decrease in the number of asylum applications from unaccompanied minors (UAMs), which was followed by growth. The number of asylum applications in the month of November (231 applications) was higher than in the month of January (208 applications). In December, however, this number had dropped to below the level of October.

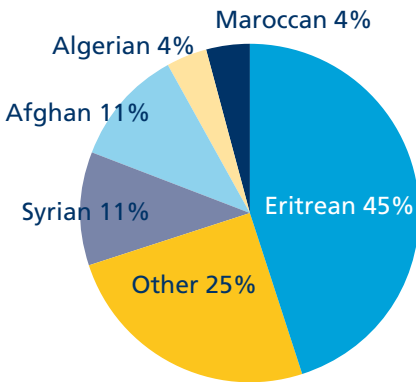
Figure 6: Development of the number of asylum applications from unaccompanied minors in 2016



Source: IND. (2016). Asylum Trends: Monthly Report on Asylum Applications in the Netherlands and Europe: December 2016.

When compared with 2015, less than half as many UAMs came to the Netherlands (3859 in 2015 in comparison to 1707 in 2016). This is a 56% drop.

In 2016, most of the UAMs came from Eritrea (45%), Syria (11%), and Afghanistan (11%).

Figure 7: Nationalities of unaccompanied minor asylum seekers

Source: IND. (2016). Asylum Trends: Monthly Report on Asylum Applications in the Netherlands and Europe: December 2016.

5.2 Policy developments

There were a number of policy developments in 2016 in respect of unaccompanied minors (UAMs) and other vulnerable groups. The changes related, among other things, to the interests of the child and protected reception. The most important changes are briefly explained below.

Private member's bill: Entrenching the interests of the child

In September 2016, two political parties (opposition party GroenLinks [Green Left] and coalition partner PvdA [Labour Party]) submitted a private member's bill amending the Aliens Act 2000, in order to entrench the interests of the child in the procedure to obtain a residence permit.⁹⁹

The authors of the private member's bill are of the opinion that – in the Netherlands – the interests of the child in immigration law proceedings are given too little weight in relation to other interests, or that these are even ignored. In their opinion, the standard in Article 3 of the International Convention on the Rights of the Child (UNCRC) has been inadequately implemented in concrete terms in Dutch regulations. Article 3 UNCRC stipulates that in the event of decisions made by public authorities which affect children, the best interests of the child shall be a primary consideration. The private member's bill envisages establishing a separate ground for granting a residence permit, on the basis of which a residence permit is granted to a minor third-country national or one of his/her parents in case the best interests of the minor third-country national are seriously harmed due if a residence permit is not granted. In the current situation, the IND weighs up the interests of the child when taking decisions, but those do not constitute a separate ground for granting a residence permit. Even if the interests of the child are undermined by a decision of the IND, it is still possible for the IND to make this decision if other interests prevail (e.g. interests of the Dutch State that, as far as possible, admitted third-

country nationals are able to provide for themselves). By including a specific provision in the law regarding the interests of the child, the judiciary will also be in a better position to review whether the IND takes sufficient account of the interests of the child in its decisions. The private member's bill pertains to both regular and asylum proceedings.¹⁰⁰

At the time of publication, the bill is at the Council of State for advice and must still be dealt with by the Senate and Dutch House of Representatives.

Improvement measures regarding protected reception for unaccompanied minor third-country nationals

In March 2016, the Youth Care and Security and Justice Inspectorates published a report on the quality of protected reception¹⁰¹ of unaccompanied minors (UAMs). One of the findings of this report is that the Inspectorates arrived at the opinion that the quality of this protected reception is inadequate. They concluded, among other things, that the youths who need extra protection do not get adequate protection, and that youths, particularly a specific group, cannot be prevented from leaving for unknown destinations. In response to this opinion, the COA drew up improvement plans which were implemented in the course of 2016.¹⁰² The measures taken include the following:

- To keep a close watch on the safety of youths, the COA developed a **risk assessment** instrument. This instrument allows employees at the protected reception to assess the safety of a youngster both on entry and on a periodic basis. In July 2016, the risk assessment instrument was taken into service.
- A **safety plan** was drawn up for the protected reception. On this basis, for each resident in the protected reception, the professionals can determine the counselling for safety risks, limit the safety risks, and ascertain whether the risks have reduced. The safety plan has been applied in the protected reception by employees since June 2016.
- With effect from 1 June 2016, a **residents' meeting** is held once every two weeks. During this meeting, various topics are discussed including the physical living environment of the youths. This is how the participation and the influence of the youths are guaranteed in and on their safety and living environment.
- A **complaints procedure** was drawn up. This is currently being translated into several languages before being used. In addition, an external confidential counsellor has been appointed at the protected reception, who periodically visits the location.

¹⁰⁰ Ibidem.

¹⁰¹ Youths are placed in protected reception because they run an increased risk of disappearing or because they are, or may possibly become, a victim of trafficking in human beings. This often concerns victims of sexual exploitation (e.g. prostitution) or economic exploitation.

¹⁰² Security and Justice Inspectorate, Youth Care Inspectorate. (2016). De kwaliteit van de beschermde opvang voor alleenstaande minderjarige vreemdelingen [Quality of protected reception for UAMs]. Consulted on 2 December 2016. http://www.ivenj.nl/Images/de-kwaliteit-van-de-beschermde-opvang-voor-alleenstaande-minderjarige-vreemdelingen_tcm131-621922.pdf

Forced Marriages (Countermeasures) Act

In October 2015, the Dutch House of Representatives adopted a motion¹⁰³ in which the government was requested to do everything in its power to identify and to offer protection to married minor-aged girls. In February 2016, the Minister for Migration provided information on how the government implemented the motion.¹⁰⁴

The new Forced Marriages (Countermeasures) Act entered into force on 5 December 2015. With the entry into force of the Forced Marriages (Countermeasures) Act, it is no longer possible for minor-aged married couples to legally enter the Netherlands via the family reunification policy for beneficiaries of international protection. However, the possibility remains that minor-aged people who were married abroad enter independently. They are not eligible for a permit for family reunification with a beneficiary of international protection, but they can apply independently for an asylum residence permit. The agreed working practices on safety, protection, and reception have been reviewed and adapted. NIDOS¹⁰⁵ applies for custody for all unaccompanied minors. A minor-aged person married abroad who enters without parents is also designated as an unaccompanied minor, because the marriage is not recognised under Dutch law. If there is a partner, NIDOS will not only interview the unaccompanied minor, but also the partner. NIDOS does not apply for custody for married minors who enter with parents. The minor is then placed with the parents in COA's reception centre. During the interviews, the minor, the partner, and any family members will be informed about current legislation in the Netherlands, in which marriages to and/or between minors are not recognised and discussions will take place about the reception. In the interviews with the minor, NIDOS and the COA are highly alert for signs of a possible forced marriage and forms of abuse. On detecting any signs of this, a solution is sought together with the minor and, where possible, with the family. The Child Care and Protection Board, the National Expertise Centre for Honour-Related Violence (LEC EGG), and the Netherlands Bureau for Protection against Forced Marriages and Abandonment (LKHA) can be engaged during this process. Where necessary, the minor is placed in COA's protected reception.¹⁰⁶

5.3 Conclusion

In 2016, there were several policy amendments in the area of unaccompanied minors. Firstly, a private member's bill was submitted that is to safeguard the interests of the child in the asylum procedure. The aim is to acknowledge the interests of the child as a ground for granting a residence permit. Secondly, various improvement measures were taken by COA relating to the protected reception of UAMs. Lastly, measures to identify and protect minor-aged married girls were adapted.

¹⁰³ *Parliamentary Papers II*, 2015-2016, 19637, no. 2056.

¹⁰⁴ *Parliamentary Papers II*, 2015-2016, 19637, no. 2146.

¹⁰⁵ Stichting NIDOS acts as the legal guardian of unaccompanied minors in the Netherlands.

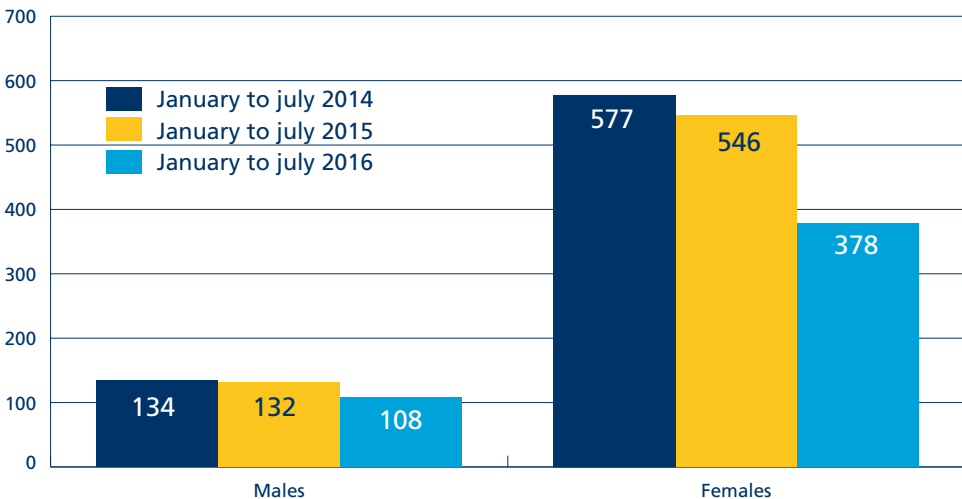
¹⁰⁶ *Parliamentary Papers II*, 2015-2016, 19637, no. 2146.

6 ACTIONS ADDRESSING TRAFFICKING IN HUMAN BEINGS

6.1 Introduction

The number of reports of possible victims of trafficking in human beings reduced significantly in the first half of 2016 in respect of the first half of 2015.¹⁰⁷ Figures for the whole of 2016 are not known as yet.

Figure 8: Number of new registrations in the period 1 January to 30 June 2014, 2015, and 2016



Source: CoMensha. (2016). Report from January to June 2016.

In the first six months of 2016, there were a total of 486 new registrations of trafficking in human beings. This is a reduction of >28% in respect of 2015 (on a total of 678). Most registrations were done by the police (45% of all reports from January to June 2016). Of the 486 victims who were registered in the period from January to June 2016, most have Dutch nationality, followed by people who have Bulgarian, Polish, Romanian, or Nigerian nationality.¹⁰⁸ Most of the registered victims (60%) were exploited for sexual services, followed by managed labour or services (19%).¹⁰⁹

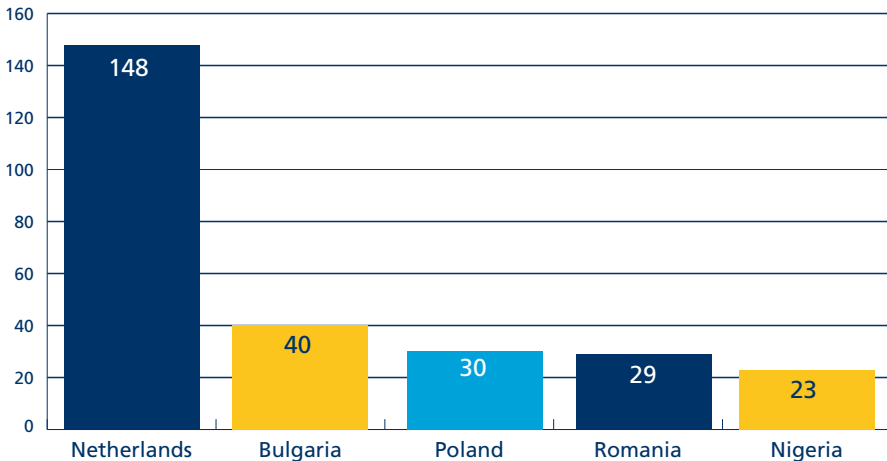
¹⁰⁷ Figures on the number of possible victims of trafficking in human beings are collected in the Netherlands by the Coordination Centre for Human Trafficking (CoMensha) foundation for the Dutch National Rapporteur on Trafficking in Human Beings. CoMensha receives this data from investigation services such as the police, the Royal Netherlands Marechaussee (KMar), the reception centres, and other partners. When CoMensha receives the data of (suspected) victims, those people are registered. However, the figures published by CoMensha are incomplete, because not all victims are registered or identified.

¹⁰⁸ CoMensha. (2016). Report from January to June 2016.

¹⁰⁹ Ibidem.

A possible explanation for the declining number of registered victims is the increased asylum influx in 2015. Trying to cope with the increased influx of refugees and its associated migration criminality, particularly towards the smuggling of persons, has led to less capacity being available for tackling trafficking in human beings, both at the police and at the Royal Netherlands Marechaussee (KMar).¹¹⁰

Figure 9: Top 5 nationalities of victims registered from January to June 2016



Source: CoMensha. (2016). Report from January to June 2016.

In order to counteract trafficking in human beings, a number of measures were taken in 2016. Most measures were not specifically geared towards third-country nationals. They are, however, indeed of significant importance to combat human trafficking in this group. The most important developments are explained below.

6.2 Policy developments

Investing in an approach to human trafficking

In a letter from the Minister for Migration to the Dutch House of Representatives, the Minister wrote that the integral approach to human trafficking unceasingly receives priority. It is only with the combined efforts of all partners that human trafficking can be combated successfully, and proper support can be offered to the victims. One of the pillars of the integrated approach is the criminal prosecution of trafficking in human beings. To achieve this, an extra EUR 1 million will be made available for the National Police and the Public Prosecutor in 2017, plus a structural EUR 2 million for the following years. It is expected that over the next few years this will lead to more and better identification and registration of victims, a higher inflow of suspected perpetrators, and to increased penalties due to better evidence in cases.¹¹¹

¹¹⁰ *Parliamentary Papers II*, 2015-2016, 28638, no. 150.

¹¹¹ *Parliamentary Papers II* 2015-2016, 28638, no. 150.

In concrete terms, the additional funds will be used for the current number of approximately 400 certified investigators dealing with human trafficking cases, to be expanded by 5% in the forthcoming years. The capacity at the Aliens Police, Identification, and Human Trafficking Department (AVIM) is being reinforced. In addition, the information position in investigations will be improved by expanding the number of analysts at the Expertise Centre for Human Trafficking and Human Smuggling (EMM). Alertness to recognising signs of trafficking in human beings will increase as a result of training all primary National Police officers in the years ahead.

This investment in expertise and capacity, in combination with reduced pressure from the migration domain, should lead to more signs of trafficking in human beings being detected and this, in turn, should lead to more criminal proceedings. It is also expected that the quality of the proceedings brought before the courts will increase, which means that the seriousness of cases being brought before the courts, and therefore the penalties imposed, are expected to increase.¹¹²

Study by the National Rapporteur on Trafficking in Human Beings

In April 2016, the Dutch National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children published the report *Zicht op kwetsbaarheid - Een verkennend onderzoek naar de kwetsbaarheid van kinderen voor mensenhandel* [View on Vulnerability - An exploratory study into the vulnerability of children for human trafficking].¹¹³ As a result of the study, the Dutch National Rapporteur is particularly concerned about the position of Roma children, Syrian child brides, and children living illegally in the Netherlands who are forced to work in households.¹¹⁴

The rapporteur points out that there are also minors in the Netherlands who were married abroad to an adult. The report calls for attention to **Syrian child brides**, who often travel with an adult male from Syria. Between September 2015 and January 2016, around 60 child brides entered the Netherlands. The study shows that the girls often live in social isolation, which means that any abuse and exploitation can continue over a long period. There is a risk that in the long-term they could end up as house slaves or could be turned into concealed women.¹¹⁵ With the entry into force of the Forced Marriages (Countermeasures) Act on 5 December 2015, it is no longer possible for minor-aged married couples to legally enter the Netherlands via the family reunification policy for beneficiaries of international protection.

In August 2016 (part 1) and in September 2016 (part 2), the Dutch National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children published the

112 *Parliamentary Papers II* 2016-2017, 28638, no. 150 and Central government (2016) Van der Steur investeert extra in aanpak mensenhandel, [Van der Steur additionally invests in strategy on trafficking in human beings]. Consulted on 1 February 2017, <https://www.rijksoverheid.nl/actueel/nieuws/2016/11/29/van-der-steur-investeert-extra-in-aanpak-mensenhandel>

113 Dutch National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children. (2016). *Zicht op kwetsbaarheid. Een verkennend onderzoek naar de kwetsbaarheid van kinderen voor mensenhandel* [View on Vulnerability. An exploratory study into the vulnerability of children for human trafficking]. News bulletin. Consulted on 2 December 2016. <https://www.nationaalrapporteur.nl/Publicaties/Zicht-op-kwetsbaarheid/index.aspx>

114 Ibidem.

115 Ibidem.

Monitor Mensenhandel [Human Trafficking Monitor]. In the first part of the *Monitor Mensenhandel*, it was investigated who the potential victims of trafficking in human beings were, based on reports made by the Coordination Centre for Human Trafficking (CoMensha). The second part of the *Monitor Mensenhandel*, based on information from the Public Prosecutor, investigated who the perpetrators were and to what extent they were prosecuted and sentenced.¹¹⁶

Legal duty of the Royal Netherlands Marechaussee in human trafficking

In June 2016, a motion by the political opposition party ChristenUnie [Christian Union] was adopted which states that it is desirable to better reflect that the Royal Netherlands Marechaussee (KMar) also has a legal duty to combat human trafficking.

The Minister responded to this in the letter to parliament “Legal duty of Royal Netherlands Marechaussee in human trafficking”. In order to anchor the KMar’s reinforced strategy towards human trafficking, its role in the strategy on human trafficking will be clarified in cooperation agreements between the police and the KMar. For this purpose, a distribution of roles is assumed in which the combating of trafficking in human beings, as part of the upholding of the rule of law, will generally be the duty of the police, and the KMar has to detect signs of human trafficking in the performance of its duties.¹¹⁷

6.3 Conclusion

In 2016, there were a number of developments in the area of trafficking in human beings. In the forthcoming years, more will be invested in tackling trafficking in human beings. In 2017, an extra amount of EUR 1 million was made available. As from 2018 and in subsequent years, this amount will be EUR 2 million. These funds will be used to improve expertise and capacity.

There is a visible decline in the number of registered victims of human trafficking in the last few years. A possible explanation for this is the increased asylum influx in 2015. Trying to cope with the increased influx of refugees and its associated migration criminality has led to less capacity being available for tackling trafficking in human beings both at the police and at the Royal Netherlands Marechaussee (KMar).¹¹⁸

In 2016, the legal duty of the KMar in human trafficking was clarified in cooperation arrangements between the police and the KMar.

¹¹⁶ Dutch National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children. (2016). *Monitor Mensenhandel. Cijfers mogelijke slachtoffers 2011-2015* [Human Trafficking Monitor. Statistics on possible victims 2011-2015], and Dutch National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children. (2016). *Monitor mensenhandel. Cijfers vervolging en berechting 2011-2015* [Human Trafficking Monitor. Statistics on prosecutions and sentencing 2011-2015].

¹¹⁷ *Parliamentary Papers II*, 2015-2016, 30176, no. 34.

¹¹⁸ *Parliamentary Papers II*, 2015-2016, 28638, no. 150.

7 ILLEGAL IMMIGRATION AND BORDER CONTROL

7.1 Introduction

Due to the high influx of migrants in 2015 and in the first half of 2016, the countering of illegal immigration including smuggling of persons and border control, were key topics in 2016. The National Budget of the Ministry of Security and Justice states that the government wants to strengthen border controls and the supervision of foreign nationals even further in 2017, by making more financial resources available for this purpose.¹¹⁹ The following chapter addresses the most important policy amendments in the area of illegal immigration and border control.

7.2 Policy developments

More intensive Mobile Security Monitoring

Since February 2016, after a government decision, the Royal Netherlands Marechaussee (KMar) has carried out intensified Mobile Security Monitoring (MTV) at the internal borders.¹²⁰ For this purpose, the KMar partially shifted the checks carried out along the road to the road itself. In this, use was made of speed-restricting measures. This enabled more road users entering the Netherlands to be checked.

The reason for more intensive Mobile Security Monitoring was the increased influx in 2015 and the first half of 2016. On 2 March 2016, the Minister for Migration decided to deploy the intensified checks for a period of six months. The purpose of the intensified checks was to combat the smuggling of persons.

Mobile Security Monitoring also provides insight into migration flows. The KMar carries out Mobile Security Monitoring on the basis of risk analyses.¹²¹

Box 8: What is Mobile Security Monitoring (MTV)?

Mobile Security Monitoring is a check on people who travel from Belgium or Germany to the Netherlands, and is carried out by the Royal Netherlands Marechaussee.¹²² The aim of Mobile Security Monitoring includes the counteracting of illegal stay, smuggling of persons, and document fraud at the earliest possible stage.¹²³ Mobile Security Monitoring is

119 *Parliamentary Papers II*, 2016-2017, 34550 VI, no. 9.

120 Mobile Security Monitoring (MTV) is a supervisory task pursuant to Dutch law. The checks, pursuant to Article 4 of the 2012 Police Act, are geared towards natural persons who travel from another Schengen country to the Netherlands and are carried out by the Royal Netherlands Marechaussee (KMar). Checks are carried out randomly using KMar Trooper vehicles, and these take place on the roads, in trains, on water, and in air traffic. They are carried out only within the country borders of the Netherlands. On 2 March 2016, the Minister for Migration decided to deploy the intensified checks for a period of six months.

121 *Parliamentary Papers II*, 2015-2016, 19637, no. 2122.

122 Anonymous. (n.d.). Wat betekent MTV? [What does MTV mean?] Consulted on 8 June 2016, <https://www.wat-betekent.nl/wat-betekent-mtv/>

123 *Parliamentary Papers II*, 2012-2013, 19637, no. 1647.

carried out in the area directly after the border. The Royal Netherlands Marechaussee mainly checks on the basis of risk profiles and does random checks. In the context of Mobile Security Monitoring, checks are carried out in trains, on waterways, at airports, and on roads.

Illegal foreign nationals in Dutch ports (“stowaways”)

The Minister for Migration answered parliamentary questions in the Dutch House of Representatives on the rising number of illegal foreign nationals that try to reach Great Britain via Dutch seaports. In his response, the Minister indicated that the Dutch transportation sector (Transport and Logistics of the Netherlands) periodically liaises with the employees from the Ministry of Security and Justice and the KMar to inform each other on the latest developments. According to the Minister, more than 510 “stowaways” were caught by the KMar in 2015, and this was approximately 660 in the period from January to July 2016 (numbers have been rounded off). The rise in the number of discovered “stowaways” is the result of an intensification of checks by the KMar in Dutch ports, which is the reason why more “stowaways” were detected. The exchange of information between the transport sector and the KMar has likewise ensured that “stowaways” are detected more often.

Insofar as it concerns Dutch ports, analyses of the hearings of discovered stowaways do not show at first sight that they travelled from Calais to the Netherlands in large numbers. The Netherlands monitors the migration flows closely and continuously checks whether additional measures are needed. Furthermore, cooperation with border control authorities of the United Kingdom and Belgium has also been intensified. To this end, a joint declaration was signed in November of 2015, which contains a number of concrete operational measures, including the improvement of information exchange.¹²⁴

Raising of maximum sentences for the smuggling of persons

The increased influx of asylum seekers in the Netherlands has led to a number of measures. One of those measures is an intensification in approach to the smuggling of persons. To combat the smuggling of persons more effectively, the maximum sentences for the smuggling of persons was raised from 4 to 6 years, with the possibility of 8 years in case of exercising a profession or public office. The penalty for the smuggling of persons was raised from 8 to 10 years if the smuggling is a habit or a profession or if it takes place by two or more persons. If the offence results in severe bodily harm or mortal danger, the sentence was raised from 12 to 15 years. If there are fatal consequences, the sentence of 15 years will be raised to 18 years. This measure entered into force on 1 July 2016.¹²⁵

¹²⁴ *Parliamentary Papers II, 2015-2016, Appendix to the Proceedings 3471*

¹²⁵ *Bulletin of Acts and Decrees 2016 240 and Parliamentary Papers II, 2015-2016, 34345, no. 3.*

7.3 Conclusion

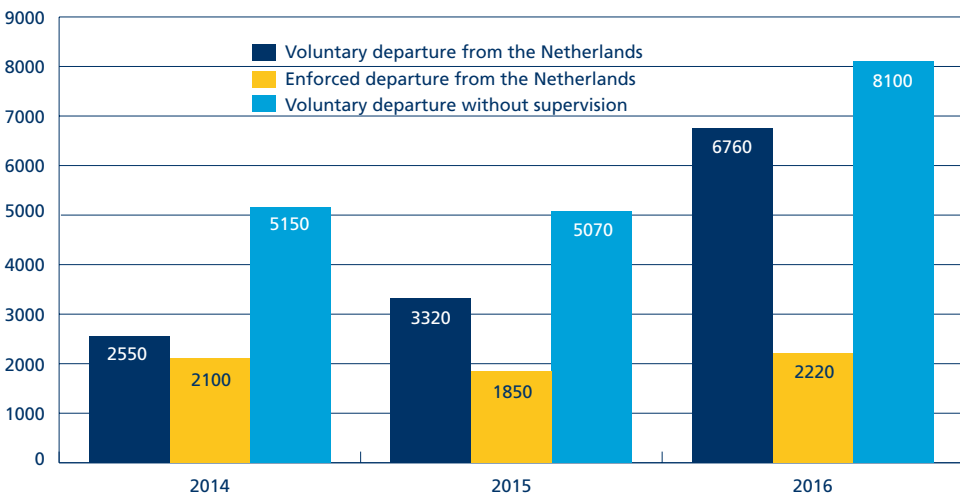
Due to the high influx of migrants in 2015 and in the first half of 2016, the countering of illegal immigration, especially including the smuggling of persons and border control, were key topics in 2016. The number of “stowaways” in Dutch ports rose in 2016. This rise in the number of discovered “stowaways” is the result of an intensification of checks by the KMar in Dutch ports. Mobile Security Monitoring (MTV) for combating the smuggling of persons at internal borders was also intensified in 2016.

8 RETURN

8.1 Introduction

In 2016, the Repatriation and Departure Service (DT&V) registered 17,080 third-country nationals who demonstrably departed from the Netherlands in the context of return to their own country or alternatively to another country where admission is guaranteed.¹²⁶ That is a substantial increase compared to 2015, when 10,240 people left. Of the 17,080 third-country nationals who left the Netherlands, 8980 third-country nationals physically left the Netherlands, of which 6760 third-country nationals left voluntarily.

Figure 10: Number of returned persons registered by DT&V in 2014, 2015, and 2016



Source: DT&V (Repatriation and Departure Service)

8.2 Policy developments

In the area of returns, a few changes took place in the implementation of policy in 2016. An important change in 2016 concerned *measures to counteract the magnet effect of the departure and reintegration support*.

To encourage the return of asylum seekers who have exhausted all legal means and to help them reintegrate in their countries of origin, the Netherlands has various forms of departure and reintegration support (see box 9). To prevent third-country nationals in the Netherlands from applying for asylum merely to become eligible for this support, the asylum influx and the number of applications for departure and reintegration support are being monitored very closely.

¹²⁶ Repatriation and Departure Service (DT&V). (2016). Statistics and infographics. <https://www.dienststerugkeerenvertrek.nl/Mediatheek/Vertrekcijfers/index.aspx>

Please note: Third-country nationals who were sent back at the border, are not included in the figures.

Since the summer of 2015, the IND has detected a steady rise in the number of asylum applications from the **Ukraine**. At the same time, the DT&V and IOM noticed an increase in applications for departure and reintegration support by Ukrainians. This detection gave these organisations cause to further analyse the situation. Among other things, this analysis revealed that the majority of applications for asylum were rejected by the IND or that applications were withdrawn by the Ukrainians themselves, and that shortly after the start of the asylum procedure, steps were taken for voluntary return. On the basis of this analysis, the Netherlands decided to exclude third-country nationals originating from the Ukraine as of 22 March 2016 from receiving additional departure and reintegration support either financially or in kind. In 2016, they could still make use of the REAN scheme¹²⁷ within which they could also become eligible for an aeroplane ticket, replacement travel documents, information on returns, and a fixed financial relief contribution of EUR 200 per adult or unaccompanied minor and EUR 40 per accompanied minor child to sustain initial needs after departure from the Netherlands.¹²⁸ As of 1 January 2017, third-country nationals subject to a visa requirement in countries encircling Europe (including Ukraine) are only eligible for the basic return allowance from IOM (REAN), excluding the support grant.

Box 9. What is a return programme?

Third-country nationals who want to return to their country of origin could be eligible, under certain conditions, for departure and reintegration support. A return project supports the third-country national in his/her departure from the Netherlands and his/her reintegration in the country of origin.¹²⁹ Support can include financial support and assistance in kind such as information, advice, a training course, medical support, and help in finding employment or starting a business.

As the body implementing the return policy, the Repatriation and Departure Service (DT&V) tries to encourage voluntary and permanent returns. To this end, the DT&V maintains subsidy relationships with intergovernmental and non-governmental organisations who implement return projects.¹³⁰ In the Netherlands, various organisations organise return projects and provide departure and reintegration support, including the International Organisation for Migration (IOM), Dutch Council for Refugees and various other civil society organisations such as Stichting WereldWijd [Worldwide foundation], Stichting ROS [foundation assisting undocumented migrants], and Bridge to Better.

More information on various return projects is available at www.infoterugkeer.nl.

127 Return and Emigration of Aliens from the Netherlands.

128 *Parliamentary Papers II*, 2015-2016, 29344, no. 129.

129 European Migration Network. 2014. Asylum and Migration Glossary 3.0: a tool for better comparability produced by the European Migration Network.

130 Repatriation and Departure Service (DT&V). (n.d.). Subsidies. Consulted on 14 July 2016. <https://www.dienstterugkeerenvertrek.nl/projectsubsidies/>

For a considerable time, the Netherlands has been confronted with asylum seekers from safe countries and particularly from the **Western Balkans**. Some of these third-country nationals from the Western Balkans – largely following the rejection of their applications for asylum – still made use of the departure and reintegration support in the REAN scheme implemented by the International Organisation for Migration (IOM) (aeroplane ticket, replacement travel documents, and support grant of EUR 200). This led to rising costs and work pressure at the IOM. That is why the Minister for Migration, also at the request of the Dutch House of Representatives, decided that third-country nationals from Albania, Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro, and Serbia would no longer be eligible for departure and reintegration support from IOM's REAN scheme with effect from 28 September 2016. Third-country nationals from these countries who want to return voluntarily via the Repatriation and Departure Service (DT&V) can still be offered an aeroplane ticket. In about a year, it will be evaluated what impact this measure has had.¹³¹

Since 1 December 2016, **Moroccans and Algerians** are no longer eligible for the financial component, the relief contribution (OSB) of the REAN repatriation scheme. They may still be eligible for an aeroplane ticket and support in obtaining (new or replacement) travel documents via the International Organisation for Migration (IOM). Since 1 December 2016, they have furthermore been excluded from the financial Return and Reintegration Regulation (HRT, EUR 1750) and from participation in in-kind projects. This measure is one of the measures taken by the Minister for Migration in view of the higher influx of third-country nationals from these safe countries, as well as the nuisance caused by part of this group.¹³²

Also in 2016, negotiations ended between municipalities and the State on the Administrative Agreement relating to the **bed, bath and bread discussion about sheltering third-country nationals who have exhausted all legal means**. According to the Dutch central government, providing accommodation to third-country nationals who have exhausted all legal means without wanting an offsetting measure to arrange a return, undermines the credibility and sustainability of the Dutch migration system.¹³³ This led to a political and social debate called the “bed, bath and bread” discussions.¹³⁴ The debate focused on the key question whether an obligation exists by international law for the Netherlands to unconditionally provide accommodation to third-country nationals staying illegally in the Netherlands. After intensive discussions and a great deal of attention in the media, the governing coalition parties VVD and PvdA reached a compromise, in which it was agreed that illegal immigrants are entitled to temporary accommodation in a limited number of municipalities at Local facilities for third-country nationals (LVVs). In other municipalities the emergency facilities would be closed down. The State had discussions with municipalities about the concrete elaboration of this Admi-

131 *Parliamentary Papers II*, 2016-2017, 19637, no. 2236 and Government Gazette 2016 no. 51614, 28 September 2016.

132 For more information see <https://www.rijksoverheid.nl/documenten/kamerstukken/2016/12/13/tk-maatregelen-tav-asielzoekers-uit-veilige-landen-van-herkomst-1docx>. Consulted on 15 February 2017.

133 *Parliamentary Papers II*, 2015-2016, 2015Z08092, no. 875.

134 Van den Dool, P. (16 April 2015). In 5 minuten bijgepraat: ‘bed, bad, brood’ en de spanningen in de coalitie [Updated within 5 minutes: ‘bed, bath, bread’ and the tensions in the coalition]. NRC Handelsblad (newspaper). Consulted on 13 September 2016, <https://www.nrc.nl/nieuws/2015/04/16/in-5-minuten-bijgepraat-bed-bad-brood-en-de-spanningen-in-de-coalitie-a1417027>

nistrative Agreement.¹³⁵ Negotiations between the State and the municipalities ceased on 20 November 2016.¹³⁶ According to the Minister for Migration, the reason for ceasing the negotiations on the Administrative Agreement between the municipalities and the State was because of the uncertainty on whether the opening of the Local facilities for third-country nationals (LNVs) would really coincide with putting an end to the municipal bed, bath and bread facilities. The Minister for Migration concluded that agreement could not be reached for the time being.¹³⁷

June 2016 saw the opening of the ***Closed Family Centre in Zeist***. This facility is intended for families with minor children and unaccompanied minors (UAMs) who are placed in immigration detention. The government may only place families with minor children in detention if, in principle, departure from the Netherlands is possible within 2 weeks.¹³⁸ The Closed Family Centre (GGV) consists of 12 homes with space for up to 6 persons per home. A special building offers space for 10 UAMs where each has his/her own bedroom and bathroom and where there is a common living room. In the design and development of the new facility, account is taken of the perception and protection of children. The basic principle is to have as few restrictions as possible: families are free to plan their own routines in the house and to cook for themselves. Families can also move about freely at the location.

Aside from separate houses, there are also common sports facilities, a place of worship, and a care unit.¹³⁹

On 8 April 2016, the Council of State pronounced a ruling stating that ***a repeat application for asylum by a third-country national no longer automatically leads to cancellation of a previously issued return decision***. During the asylum application, the procedure of the previous return decision is suspended, because the third-country national then has right of residence. The previous return decision is reinstated if the asylum application is rejected. So, in principle, only one return decision is issued for each third-country national.¹⁴⁰ This ruling contributes to an effective return of third-country nationals, because a return decision need not be taken anew each time.¹⁴¹

In 2016, the Netherlands was furthermore involved in developing a number of **implementation protocols** on behalf of the Benelux countries for EU readmission agreements, for the countries Azerbaijan, Armenia, and Sri Lanka.

135 Parliamentary Papers II, 2015-2016, 19637, no. 2106. In November 2015, the Council of State assessed that, if a third-country national refuses to cooperate in working on his departure, shelter may be refused. In a recent ruling by the European Court dated 5 July 2016, case number 17931/16, it was confirmed that refusal of shelter in a general sense, is not a violation of the European Convention on Human Rights.

136 Parliamentary Papers II, 2016-2017, 19637, no. 2264.

137 Ibidem.

138 Central government. (2017). Vreemdelingenbewaring [Detention of foreign nationals]. Consulted on 10 February 2017. <https://www.rijksoverheid.nl/onderwerpen/terugkeer-vreemdelingen/inhoud/vreemdelingenbewaring>

139 Custodial Institutions Agency (DJI). (2016). Gesloten Gezinsvoorziening Zeist (GGV) [Closed Family Centre Zeist]. Consulted on 2 January 2017. <https://www.dji.nl/locaties/detentiecentra/gesloten-gezinsvoorziening-zeist/index.aspx>

140 Administrative Jurisdiction Division of the Council of State (ABRvS) 8 April 2016, 201507608/2/V3. See also <http://www.minbuza.nl/ecer/nieuws/2016/0/asielaanvraag-leidt-niet-meer-tot-verval-terugkeerbesluit.html>

141 <http://wetten.overheid.nl/BWBR0011823/2015-07-20>

Box 10: What are EU readmission agreements?

A readmission agreement is an international agreement for the purpose of easing the readmission of nationals from affiliated countries.¹⁴² This refers to the readmission of third-country nationals who do not (or no longer) have a right of residence within the territory of countries who have mutually concluded an agreement.¹⁴³ The EU readmission agreements are often concluded with third countries on behalf of the EU Member States; those are the so-called 'EU readmission agreements'. Details of these EU readmission agreements are often elaborated by the individual Member States in implementation protocols together with the relevant third country.¹⁴⁴ The Netherlands always concludes such protocols together with the Benelux countries.

8.3 Conclusion

The most important changes are the measures taken to counteract the magnet effect of the departure and reintegration support. In addition, negotiations between municipalities and the State on the Administrative Agreement relating to the bed, bath and bread discussion on providing accommodation to third-country nationals who have exhausted all legal means ended, and a ruling by the Council of State led to the fact that a repeat asylum application by a third-country national no longer automatically leads to cancellation of a previously issued return decision. Furthermore, the legislative proposal 'Repatriation and Detention of Aliens Act' was submitted late in 2015 and, in 2016, the Netherlands was involved in developing a number of implementation protocols of EU readmission agreements.

142 Repatriation and Departure Service (DT&V). (n.d.). Readmission agreement (T&O). Consulted on 8 June 2016, https://www.dienstterugkeerenvertrek.nl/Terugkeer_en_vertrek/Terugkeerproces/Reismogelijkheden/terug-en-overnameovereenkomst.aspx

143 Repatriation and Departure Service (DT&V). (n.d.). Readmission agreement (T&O). Consulted on 8 June 2016, https://www.dienstterugkeerenvertrek.nl/Terugkeer_en_vertrek/Terugkeerproces/Reismogelijkheden/terug-en-overnameovereenkomst.aspx

144 European Commission. (2016). Return & readmission. http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/irregular-migration-return-policy/return-readmission/index_en.htm

9 MIGRATION AND DEVELOPMENT

9.1 Introduction

In the field of migration and development there were various developments. For example, development policy offered multiple forms of support (financial and otherwise) to various projects, such as local reception of asylum seekers and more effective combating of smuggling of persons. In addition, cooperation with countries of origin and diaspora was an important issue in 2016.

9.2 Policy developments

In this context, policy developments regarding cooperation with countries of origin (including support of projects) and diaspora, took place in 2016.

9.2.1 *Cooperation with countries of origin*

In 2016, the Netherlands promised support to several projects and areas concerning the smuggling of persons and the local reception of refugees. In addition, there were developments in several funds in 2016. These projects, areas, and funds are explained below.

In May 2016, the government made an extra amount of EUR 260 million available for **structural reception of refugees in the Syria region** in addition to emergency aid. The purpose of committing these additional funds is to ensure that refugees are given the opportunity to build up a new life in host countries, until it is possible to return home. Programmes supported by the Netherlands are particularly focused on education, employment, and public services and amenities such as water, electricity and waste processing. This benefits both the refugees themselves and the countries and communities that shelter the refugees. This amount was allocated as follows: Lebanon EUR 86 million, Jordan EUR 60 million, Turkey EUR 94 million, and Iraq EUR 20 million. In the meanwhile, EUR 178 million has already been spent. In the case of Turkey, the contribution from the Netherlands is allocated via the EU Facility for Refugees in Turkey. In Iraq, the commitment runs via the United Nations Development Programme (UNDP) for a rapid stabilisation of areas liberated from ISIS, so that displaced people can return to their original housing areas.¹⁴⁵

In 2016, the Netherlands **provided additional support to projects against smuggling of persons** in West and North-West Africa. The Netherlands supported the programme of the *United Nations Office on Drugs and Crime (UNODC)* and *Office of the United Nations High Commissioner for Human Rights (OHCHR)* entitled "*Strengthening the capacities of West-African states to develop a human rights-based response to smuggling of migrants and to effectively respond to human rights violations related to irregular migration*". This programme focuses on:

¹⁴⁵ *Parliamentary Papers II, 2015-2016, 32623, no. 166.*

- 1) strengthening capacities in Niger, Mali, and Senegal for the detection, investigation and prosecution of the smuggling of persons and related crimes, keeping account of the rights of migrants;
- 2) improving regional and international cooperation and the exchange of operational information on the smuggling of migrants, including extradition or rogatory procedures, and on the rights of migrants;
- 3) improving the protection and promotion of human rights of migrants in their country of origin and during their migration.

Aside from this project, projects in **Libya and Morocco** were also supported. During his visit to Libya, the Minister of Foreign Affairs announced providing support along the Libyan border and to help the coastguard in tackling trafficking in human beings. The Netherlands will also be supporting an IOM programme for the voluntary return of African migrants from Libya to their country of origin. The Netherlands also decided to support IOM in sustained voluntary return to and reintegration of at least 5000 irregular migrants who stay in Morocco, in their country of origin.¹⁴⁶

In 2016, the IOM began with a large-scale quantitative study into the motivations of migrants from Afghanistan, Ethiopia, Pakistan, Nigeria, Iraq, and Iran and their decision-making process to migrate, in view of the context in which they live. In addition, the Netherlands supported the IOM to **collect data on migration flows** and to make regional analyses in the Horn of Africa and Northern Africa. Finally, the Netherlands provided the IOM the possibility to make this data available to the Global Humanitarian Data Exchange Centre of the United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA), among others, which will be operational in The Hague in 2017.

The **Addressing Root Causes** (ARC) Fund of the Ministry of Foreign Affairs makes a total amount of EUR 125 million available for the period 2016-2021, for which 125 project proposals were submitted by the Netherlands and international and local NGOs in March 2016, for programmes in the following countries: Afghanistan, Pakistan, Jordan, Lebanon, Syria, Ethiopia, Somalia, Sudan, South Sudan, Mali, Burundi, and the Democratic Republic of the Congo. In January 2017, it will be announced which consortia will receive funding for their project proposal under the ARC Fund.

Within the wider government strategy on the migration issue, the ARC Fund is committed to tackle the root causes of armed conflict, instability and irregular migration. The ARC programmes are geared towards four result areas, which include

- 1) safety for people;
- 2) functioning legal order (access to law);
- 3) peace dividend and inclusive political processes; and
- 4) social and economic reconstruction.

In October 2016, an interim report on the Dutch Good Growth Fund (DGGF) was drawn up for the Dutch House of Representatives. This project endeavours to provide support

to young start-ups and developing entrepreneurs in various countries to create more job opportunities.¹⁴⁷ By offering people prospects of a good future in their own country, alternatives are created for irregular migration.¹⁴⁸

The *Local Employment in Africa for Development* (LEAD) programme was officially started in 2016. This subsidy scheme of approximately EUR 25 million is made available for civil society organisations and social entrepreneurs in African countries. This subsidy scheme envisages countering illegal migration from Africa, by creating better economic prospects in the home country and by providing jobs. In this way, the vulnerability of young people will be reduced for people smugglers or radicalisation and consequently also the driving force to migrate. Proposals by civil society organisations SPARK, Hivos, Oxfam Novib and SOS Children's Villages were selected.¹⁴⁹

9.2.2 Cooperation with diaspora

The focus on migration and development in cooperation with governments in the northern half of Africa and the Syria region are a priority within migration policy.¹⁵⁰ One of its aims is to promote 'brain gain'. The diaspora fulfil an important bridging function between the Netherlands and the country of origin.

The IOM programme for 'Temporary Return of Qualified Nationals (TRQN)' ended at the end of 2015. This programme supported diaspora in the Netherlands to make use of their knowledge for capacity building at governmental and non-governmental institutions in their country of origin. The programme was evaluated in the first six months of 2015. Evaluations showed that the programme was successful, but also mentioned clear points for improvement. One of the main recommendations was to bring about more focus in the programme for a number of countries and sectors in order to embed the contribution of diaspora more strategically in the longer-term development of those countries.

In 2016, TRQN's successor was set up, namely, the programme by IOM Netherlands called Connecting Diaspora for Development (CD4D), which runs from 2016 to 2018. This is a successor to the former TRQN programme, with the same focus: the deployment of diaspora to support development in the country of origin through knowledge exchange (both physical placements and online advice and coaching). Here, knowledge and experience within diaspora groups in the Netherlands are coupled to needs of institutions in six countries: Ethiopia, Somalia, Afghanistan, Sierra Leone, Ghana, and Morocco. The Ministry of Foreign Affairs has budgeted a total of EUR 4.7 million for the CD4D programme.¹⁵¹

147 An overview of countries can be found at: <http://www.dggf.nl/landenlijst>. Consulted on 22 May 2017.

148 *Parliamentary Papers II*, 2015-2016, 33625, no. 234.

149 *Parliamentary Papers II*, 2015-2016, 34551, no. 2.

150 *Parliamentary Papers II*, 2014-2015, 30573, no. 129.

151 For further information see <http://www.iom-nederland.nl/nl/migratie-en-ontwikkeling/temporary-return>. Consulted on 19 January 2017.

9.3 Conclusion

The policy developments addressed in this chapter show that the Netherlands cooperates with countries of origin and diaspora to remove the alleged root causes of migration.

Various projects and funds were given additional support from the Netherlands in 2016. For example, the Dutch government provided additional funding for the structural reception of refugees in the Syria region, Libya, and Morocco and for general programmes and projects to counteract the smuggling of persons.

The mid-term evaluation of the *Dutch Good Growth Fund* shows that giving a perspective of a good future in their own country created alternatives for irregular migration.

ANNEX A: METHODODOLOGY 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 Laura Seiffert, and Henrika Wörmann. Pieter Brouwer, Dennis Winkel and Tessa van der Miesen have also provided substantive contributions. In so doing, thankful use has been made of expertise at the Strategy and Implementation Advisory Department of the IND and the Migration Policy Department of the Ministry of Security and Justice. The following also contributed 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 Royal Netherlands Marechaussee of the Ministry of Defence, the National Rapporteur 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 on parliamentary debates originates from official sources. The following document types were consulted:

- Parliamentary Papers of the Senate and Dutch House of Representatives;
- Proceedings of the Senate and Dutch House of Representatives;
- 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.

The websites of those organisations were mainly consulted to obtain information about organisations and their points of view. 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 conducted into which asylum and migration-related topics got much attention in the media. An important source of information on the social debates were the weekly news items published on Migratierecht.nl, an online publication by Sdu Publishers.¹⁵² Aside from a general analysis of asylum and migration-related topics,

¹⁵² Available on the non-public website www.migratierechtonline.rijksweb.nl

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 important developments relating to migration and asylum. In order to achieve this objective, a number of criteria were used for the term 'important developments'. Hence, differentiation is made between amendments in laws and regulations on the one hand, and political and social debates on the other.

Criteria for the importance of amendments in laws and regulations

The report strives towards providing as complete an overview as possible of the amendments (made or intended) to laws and regulations for the various policies that are dealt with. All amendments (made or intended) which mean an actual adaptation of these laws 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

In respect of political and social debates and developments, completeness is not aimed at. The purpose 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. 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 laws and regulations

The Annual Policy Report envisages providing a complete picture of the implementation of European laws 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 3.0.¹⁵³ The terms and definitions in this explanatory glossary developed by the EMN aim to increase comparability of the information exchanged between EU Member States.

¹⁵³ Asylum and Migration Glossary 3.0 - a tool for better comparability produced by the European Migration Network October 2014 (EC – EMN 2014). Available at http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/glossary/index_a_en.htm

ANNEX B: STRUCTURE OF THE MIGRATION AND ASYLUM POLICY OF THE NETHERLANDS

In the Netherlands, various ministries and other organisations play a role in the development and implementation of policy in the area of asylum and migration.¹⁵⁴ The task of every organisation in the area of asylum and migration is briefly explained below (see also the illustration below):

- The **Minister for Migration** is responsible for policy in the area of admissions, residence, and returns of third-country nationals. In addition, the Minister for Migration develops policies for the immigration process.
- 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 civic integration.
- The **Minister of Foreign Affairs** is responsible for the visa policy. The Minister of Foreign Affairs is also responsible for the coming about of country reports which describe the situation of asylum seekers in key countries of origin, and individual reports with which the facts or documents presented by an asylum seeker are assessed on accuracy and authenticity.
- The **Minister of Defence** is responsible for the policy on admission and control at the border.
- The **municipalities** are responsible for the accommodation of holders of an asylum residence permit and also have a role in handling naturalisation applications. Municipalities also have a duty to care for the civic integration and participation of immigrant population groups and local implementation of the asylum policy.
- 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 from foreign nationals who reside or want to reside 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, the IND assesses all applications for a regular provisional residence permit (MVV) on behalf of the Minister of Foreign Affairs.
- The **Repatriation and Departure Service (DT&V)**, an agency of the Ministry of Security and Justice, is responsible for encouraging the departure of third-country 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 Minister for Migration, the COA offers people safe housing and sup-

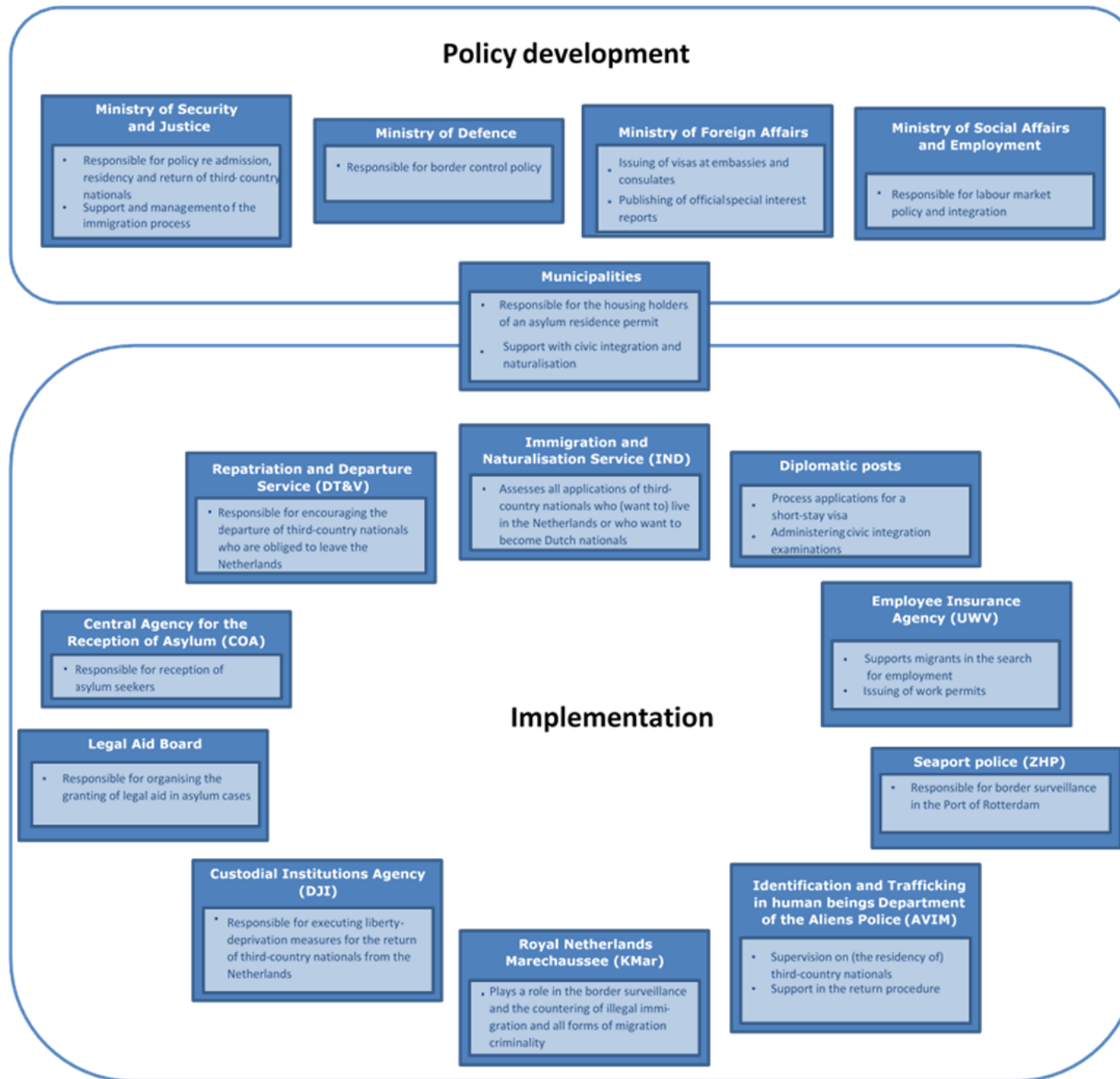
¹⁵⁴ A comprehensive description of the organisation of the Asylum and Migration Policy in the Netherlands is available in the EMN report *De organisatie van het asiel- en migratiebeleid in Nederland* [The Organisation of the Asylum and Migration Policy in the Netherlands]. Rijswijk: INDIAC-NL EMN NCP 2012. http://www.emnnetherlands.nl/EMN_publicaties/2012/Organisatie_van_het_Asiel_en_Migratiebeleid_in_Nederland

ports 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 **Legal Aid Board** is an independent administrative authority that is fully financed by the Ministry of Security and Justice. The responsibilities of this organisation include arranging the granting of legal aid in asylum cases.
- The **Dutch Custodial Institutions Service (DJI)**, an agency of the Ministry of Security and Justice, is responsible for executing custodial measures for the removal of third-country nationals from the Netherlands, including remand in custody (the so-called immigration detention in this context).
- The **Royal Netherlands Marechaussee (KMar)**, part of the Ministry of Defence, has an important task to enforce the Aliens Act. The KMar is responsible for border surveillance and border control. By way of this programme target, the KMar also contributes to combating illegal immigration. In the maritime domain, the Seaport Police fulfil the border-control task.
- The **Aliens Police, Identification and Human Trafficking Department (AVIM)** is part of the National Police of the Netherlands. They supervise the lawful residence of third-country nationals.
- The **Seaport Police**, also part of the National Police of the Netherlands, is responsible for border surveillance in the Port of Rotterdam.
- The **Employee 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 for providing binding advice on applications for a combined residence and work permit (single permit) for foreign nationals who want to work in the Netherlands and for issuing work permits.
- The **Netherlands Enterprise Agency (RVO)**, which is part of the Ministry of Economic Affairs, but also performs assigned tasks on behalf of other ministries, including the Ministry of Foreign Affairs and the Ministry of the Interior and Kingdom Relations. Additionally, the RVO is commissioned by the EU. For a number of residence permits, the IND calls for advice from the Netherlands Enterprise Agency (RVO).
- **Diplomatic posts** are Dutch embassies, consulates, consulates-general, and permanent representations at international organisations. The diplomatic posts handle applications for short-stay visas. Foreign nationals who want to become Dutch nationals can submit their application for naturalisation to a diplomatic post. That is also where they can sit their mandatory civic integration examination and attend the mandatory naturalisation ceremony.
- The **Council of State** is an independent adviser to the government on legislation and orders in council (AMvBs), and it is the highest general administrative court of the Netherlands. The Administrative Jurisdiction Division also assesses issues in which third-country nationals do not agree with decisions by the government.
- The **Advisory Committee for Migration Affairs (ACVZ)** is an independent advisory committee that provides solicited and unsolicited policy and legislative advice to the

government and parliament in matters of immigration law and policy on foreign nationals.

- The **Research and Documentation Centre (WODC)** is part of the Ministry of Security and Justice. The WODC is charged with conducting research which includes the evaluation of policy and policy programmes, providing advice on proposed policy and policy programmes, and the development, maintenance and accessibility of data.
- The **International Organisation for Migration (IOM)**, an intergovernmental organisation, plays a prominent role in the Netherlands in the voluntary return and/or transition migration of third-country nationals.
- The **Dutch Council for Refugees** provides practical assistance to asylum seekers and manages their interests in the political debate.
- Stichting **NIDOS** (foundation), in conformity with the Dutch Civil Code, is appointed as the institution who is charged with the temporary guardianship of unaccompanied minors.



Case law

Administrative Jurisdiction Division of the Council of State

- Deals with appeals in Alien Affairs

Advice

Advisory Committee for Migration Affairs (ACVZ)

- Provides independent opinions to the government and parliament in matters of immigration law and policy

Research and Documentation Centre (WODC)

- Conducts research and provides advice (e.g. on policy evaluations) in the field of migration policy

Support and protection of interests

Dutch Council for Refugees

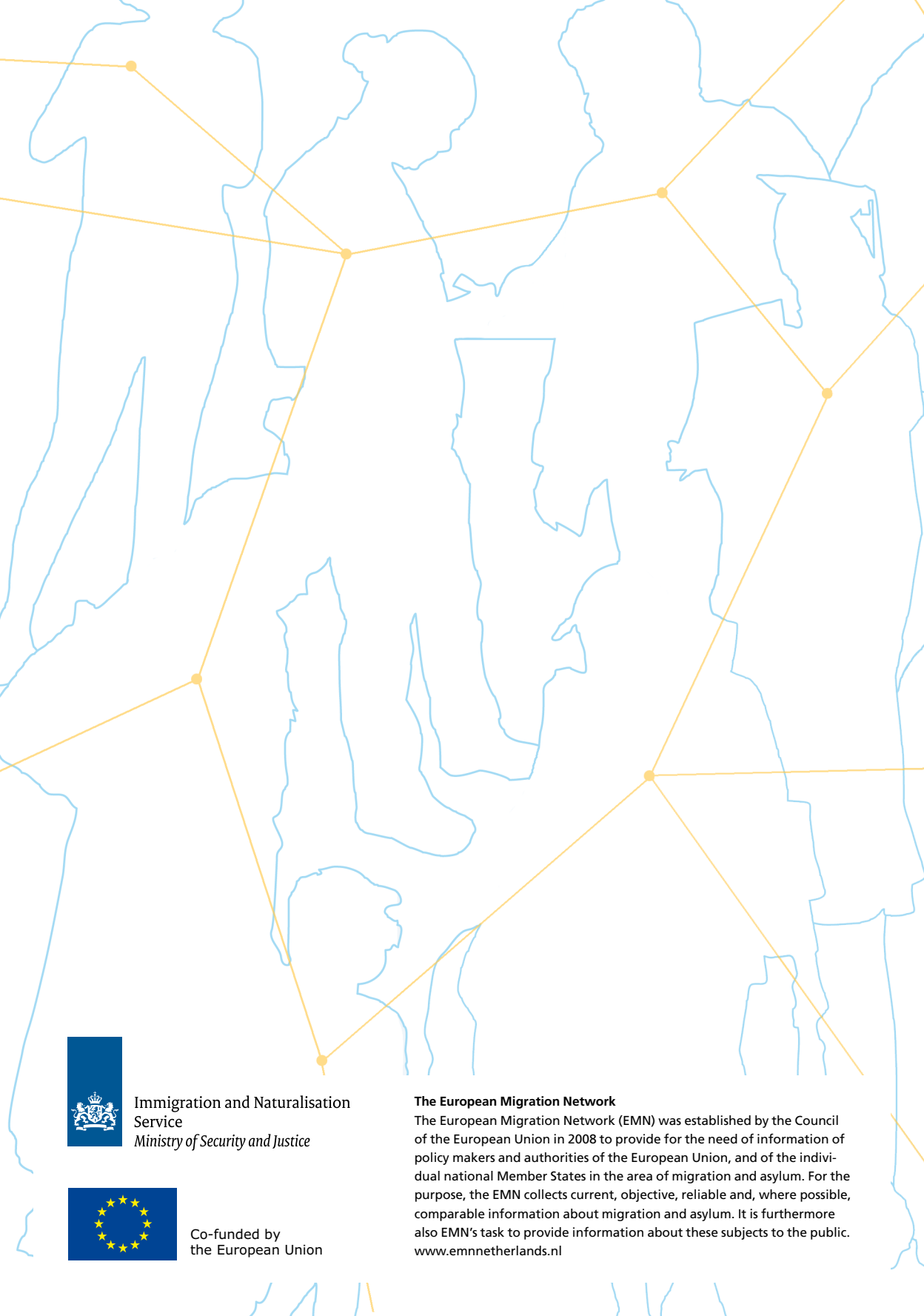
- Practical support of asylum seekers
- Protection of interests of refugees

IOM Netherlands

- Facilitating voluntary return and support with reintegration
- Support of resettlement

NIDOS

- Provides guardianship for unaccompanied minor asylum seekers



Immigration and Naturalisation
Service
Ministry of Security and Justice



Co-funded by
the European Union

The European Migration Network

The European Migration Network (EMN) was established by the Council of the European Union in 2008 to provide for the need of information of policy makers and authorities of the European Union, and of the individual national Member States in the area of migration and asylum. For the purpose, the EMN collects current, objective, reliable and, where possible, comparable information about migration and asylum. It is furthermore also EMN's task to provide information about these subjects to the public. www.emnnetlands.nl