

Annual Report 2020

Migration and asylum in the Netherlands

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EMN Netherlands

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1 Summary

The 2020 Annual Report of the European Migration Network Netherlands (EMN Netherlands) provides insight into the main developments in Dutch migration and asylum policy in 2020. Themes addressed are: legal migration, international protection (asylum), unaccompanied minors and other vulnerable groups, integration, Dutch nationality and statelessness, border control, visa policy and Schengen, irregular migration, measures against human trafficking, return, and migration and development. The report was drafted by EMN Netherlands and is based on desk research and the input from experts of the Dutch migration authorities (such as the Immigration- and Naturalisation Service) and ministries (such as the Ministry of Justice and Security).

The **political and public debate** in 2020 was dominated by the impact of Covid-19, also in the field of migration and asylum. Backlogs in the asylum procedures, the fire in the Moria refugee camp in Greece and the public debate about nuisance by a small group of asylum seekers (from safe countries of origin) also attracted attention.

In the field of **legal migration**, measures took place in order to ensure the residence rights of nationals of the United Kingdom (UK) living in the Netherlands after the withdrawal of the UK from the European Union. In 2020 around 34.790 applications were filed by UK-nationals for a new residence document. Until the end of 2020 in total 32.920 applications were decided up on by the Immigration and Naturalisation Service.¹ Also, developments took place in relation to study and research migration. For example, in order to mitigate the impact of the pandemic the income requirement for students and researchers was temporarily eased and the deadline for enrollment in higher education was extended.

Concerning **asylum**, Covid-19 had a severe impact on asylum procedures and Dublin transfers (asylum applicants transferred to the EU Member State that is considered responsible for examining the application, following a Dublin procedure). These procedures were temporarily halted in order to limit the spread of the virus. The legal decision period for asylum applications was therefore extended. Another major topic in this field, as already mentioned above, included the reducing the backlog of asylum application since the beginning of 2020. It resulted in the establishment of a special Taskforce. Also, a new temporary Act was adopted by the Dutch Parliament. The Act determines that if the IND does not provide for a timely decision on an asylum application, the asylum seeker will no longer be entitled to compensation (penalty payment). This Act is introduced to prevent the further rise of penalty payments due to delays in the asylum procedure. Lastly, in 2020 around 50 relocations of refugees (of the 100 relocation planned) took place as a result of the fire within camp Moria in Greece. The fire had destroyed the reception camp, causing thousands of refugees to lose shelter. The actions to be taken as a result of the circumstances in the camp were an important topic of debate within the Netherlands. There were different views on the resettlement quota that offers these refugees protection and residence in the Netherlands.

For **minors and other vulnerable groups**, policy changes in 2020 mostly concerned safeguards around return procedures for unaccompanied minors and the safety of minors. For example, the possibility to carry out an age assessment for persons that claim to be minors but do not apply for asylum was introduced to prevent unaccompanied minors from living with adults. Other important measures were taken to ensure that minors could follow education remotely from home during the pandemic. With regards to other vulnerable groups, a fourth national action plan for women was presented to further strengthen and empower women in (post)-conflict areas and in asylum procedures. Additionally, in Brazil, Lesbian Gay Bisexual Transgender and Intersex (LGBTI) persons are now considered an exceptional vulnerable group that will be processed in the general asylum procedure.

1 Immigration and Naturalisation Service (IND), '[Rapportage Brexit tot en met December 2020](#)', 9 June 2021.

In the area of **integration**, the main developments in 2020 concerned the planning and conditions of a new integration system. The new Integration Act was adopted by the House of Representatives in July 2020. The intended starting date of the new integration system was adjusted to 1 January 2022. In addition, efforts were made to improve the conditions of civic integration education, such as measures to prevent overlap in migrants education and the integration exam and to ease the conditions for anal-phabetic migrants.

With regard to **Dutch citizenship and statelessness**, new information on the Dominican Republic made it possible to renounce the nationality of Dominican migrants when they acquire Dutch citizenship. Furthermore, a bill on the stateless determination procedure was submitted in December that allows judges to determine statelessness.

In the field of **border management** the withdrawal of the UK from the EU was prepared. For instance, British frontier workers (cross-border commuters) working in the Netherlands need a frontier worker's document to continue their activities as of 2021. Moreover, entry bans were implemented in 2020 to curb the spread of Covid-19. In relation to visa, the amendment of the Community Code on Visas (EU-policy on the procedures and conditions for issuing short-stay visas for third-country nationals) took effect.

For **irregular migration and migrant smuggling**, running programmes continued and new programmes were introduced to prevent irregular migration. The Identification and Registration process in the Aliens Decree was changed to prevent unauthorized entry to the Netherlands. Additionally, efforts were made to prevent irregular migration by international cooperation activities and awareness-raising campaigns.

Measures against **trafficking in human beings** continued during 2020 via the inter-ministerial programme "Together against trafficking in human beings". Also, a network was created to support local governments in the fight against trafficking in human beings, in a meeting organised by the Association of Netherlands Municipalities (*Vereniging van Nederlandse Gemeenten*, VNG) and the Ministry of Justice and Security. Further measures were taken to improve the identification and provision of information to third-country national victims of trafficking in human beings. The Netherlands also funded awareness raising campaigns for migrants abroad.

In relation to **return**, the year 2020 was dominated by the Covid-19 pandemic, which had a major impact on the return of third-country nationals who were obliged to do so. Besides some target groups, most third-country nationals could only return if possibilities arose. In addition, efforts were made to make the process of voluntary return run more efficiently, such as the opening of a new period in the Subsidy Scheme for supporting assisted voluntary return 2019.

For **migration and development cooperation**, programmes in non-EU countries were funded by the Netherlands to offer protection (including mental healthcare) to refugees, stimulating employment and improving education. It concerns eight focus countries in particular and the main instrument is the Prospects Partnership with International Finance Corporation (IFC), International Labour Organization (ILO), UNHCR, UNICEF and the World Bank. Also, in March 2020 the Netherlands became the Chair of the Khartoum Process, the platform for cooperation among the countries along the migration route between the Horn of Africa and Europe.

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2 Introduction

The year 2020 was dominated by the outbreak of the Covid-19 pandemic and the related measures to prevent the virus from spreading. The impact on migration and asylum was major. It affected migrants and asylum seekers in terms of movement possibilities and affected the parties involved in the processes from application to return, who had to adjust quickly from shutting down almost all services to opening up again slowly during the second half of 2020.

To gain more insight in these quickly changing measures and to enhance a common global approach to deal with the impact of Covid-19, the European Migration Network (EMN) collaborated in several studies with the Organisation for Economic Co-operation and Development (OECD). EMN and OECD jointly published studies on the consequences of Covid-19 on voluntary and forced return² and on labour migration in essential sectors in the EU and OECD countries.³

This 2020 Annual Report of the EMN Netherlands reports on these important developments and measures with regards to Covid-19. It also provides an overview of the main developments in Dutch migration and asylum policy in 2020. In doing so, attention is also given to the most important public debates in the Netherlands.

Set-up

Themes discussed in this Annual Report are legal migration, international protection (including asylum), unaccompanied minors and other vulnerable groups, Dutch citizenship and statelessness, integration, border protection, visa policy and Schengen, irregular migration, measures against trafficking in human beings, return, and migration and developments. Before these themes are addressed in the Annual Report, first, in chapter 3, the general political developments and public debates that took place in 2020 in the field of asylum and migration in the Netherlands are discussed.

This report is predominantly the result of desk research and input from experts of Dutch migration authorities. More information about the methodology and an overview of the various experts who provided input is given in Appendix A. Appendix B provides the reader with an overview of the general structure of Dutch migration and asylum policy, and tasks of the organisations involved.

Based on this report and the reports issued by other Member States, the EMN has compiled the EU EMN 2020 Annual Report on Migration and Asylum. This international comparative annual report and the annual reports from the other Member States are available on the European EMN website.⁴

² EMN and OECD, 'Onderzoek: Gevolgen Covid-19 voor vrijwillige en gedwongen terugkeer', 8 March 2021.

³ EMN and OECD, 'Onderzoek: Impact Covid-19 op arbeidsmigratie in essentiële sectoren in de EU- en OECD-landen', 8 March 2021.

⁴ For more information, visit: ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network_en.

3 Main developments and topics within the political and public debate

Migration authorities

There are three primary organisations active within the migration process, falling under the responsibility of the Ministry of Justice and Security:

- Immigration and Naturalisation Service (*Immigratie- en Naturalisatiedienst*, IND): assesses all applications of third-country nationals wish to reside in the Netherlands or those who wish to obtain the Dutch nationality. The IND also plays a role in the assessment of applications for short-stay visas and regular provisional residence permits (MVV).
- Central Agency for the Reception of Asylum Seekers (*Centraal Orgaan opvang asielzoekers*, COA): responsible for the reception of asylum seekers. COA offers housing and supports asylum seekers in preparing for their future in the Netherlands or elsewhere. COA's reception centres are placed throughout the Netherlands.
- Repatriation and Departure Service (*Dienst Terugkeer & Vertrek*, DT&V): responsible for organising humane departure of third-country nationals who have to leave the Netherlands. DT&V offers return counselling for migrants who wish to return voluntarily.

See Annex B for an extensive list of Dutch government organisations with responsibilities in the area of migration and asylum.

The political and public debate in 2020 was dominated by the impact of Covid-19, also in the field of migration and asylum. Moreover, backlogs in the asylum procedures, the fire in the Moria refugee camp in Greece and public nuisance caused by specific groups of asylum seekers also received a lot of attention. Also other major policy developments in 2020 took place, that however were not subject of public and political debate. They do constitute important changes of policy or developments regarding the implementation of previously initiated initiatives. It concerns new legislation adopted on civic integration and proposed on statelessness.

Impact of Covid-19 on the migration area

The outbreak of Covid-19 in 2020 and the measures to stem the spread of the virus had direct impact on the migration field. A range of processes were affected in the Netherlands. In the beginning of the pandemic in March, the asylum procedure was suspended, emergency accommodation was established for newly arrived asylum seekers⁵ and there was only limited access to the front office of the IND, where biometrics are taken and where migrants can collect their residence permits.⁶ The IND ceased carrying out interviews both within asylum and regular migration procedures (with the exception of the border procedure). The DT&V limited its return counselling services to certain target groups. From the 28th of April migration services were gradually restarted.⁷ Newspapers reported about outbreaks of the virus and the impact on living conditions within reception centres.⁸ In addition, the vulnerable position of undocumented migrants during the pandemic Covid-19 received media attention.⁹

5 Immigration and Naturalisation Service (IND), 'Emergency accommodation for third-country nationals in Groningen', 29 March 2021.

6 EMN, 'EU and OECD Member States responses to managing residence permits and migrant employment during the Covid-19 pandemic', 11 June 2021.

7 Parliamentary Papers II, 2019-2020, 19637, no. 2633

8 NRC, 'Gevaarlijke situatie in asielzoekerscentra door tekort aan hulpmiddelen', 30 March 2021; RTV Drenthe, 'Corona-uitbraak azc Ter Apel: elf bewoners besmet en ruim zeventig in quarantaine', 30 March 2021; AD, 'Corona-uitbraak bij Wagenings asielzoekerscentrum: 39 bewoners besmet en overgebracht naar uitwijklocatie', 30 March 2021; Nu.nl, 'Vijftig asielzoekers in quarantaine na corona-uitbraak in azc in Delfzijl', 30 March 2021.

9 Nieuwsuur, 'Illegalen verzwijgen coronaklachten uit angst voor isolatie', 30 March 2021; NPO Radio 1, 'Irreguliere arbeidsmigranten in de knel door coronacrisis', 30 March 2021; Het Parool, 'Hulporganisaties: geef ongedocumenteerden en daklozen 24-uursopvang', 30 March 2021.

Covid-19 also had its impact on programmes abroad financed by the Netherlands. It concerned among others programmes in third countries that offer reception to refugees from that region. These programmes aim to improve perspectives of refugees, internally displaced persons and vulnerable host communities.¹⁰ The initiatives were adjusted in order to deal with complications and delays due to Covid-19. For example, within the Prospects partnership financed by the Netherlands, UNICEF and UNHCR cooperated with authorities in Kenya to increase the possibilities for children to follow primary education from home, for instance through providing radio's and text books.

Taskforce established to deal with backlog of asylum applications

In the beginning of 2020, a backlog of 15,350 asylum applications had arisen at the IND. This resulted in high amounts of penalty payments to be paid by the Ministry of Justice and Security and long waiting periods for applicants, because of the delays in the asylum procedure.¹¹ Therefore, a special Task Force was set up in March 2020 to deal with the backlog. See for more information chapter 5.

The primary cause of the backlog was shortage in staff, in combination with a slight increase in asylum applications.¹² The Task Force would decide on all asylum applications submitted before 1 April 2020. The Task Force experienced several setbacks. According to the Minister for migration, these setbacks were due to anti-corona measures and start-up problems. In addition, she indicated that one of the goals of the Task Force was to be careful and diligent in their decision-making. Hence, acceleration of the process was not possible. With regard to the costs, the IND had to pay 11.5 million euros on penalty payments by the end of November 2020. Expectations were that an additional 32 million euros had to be paid in 2020 and 2021.¹³ By the end of 2020, the Task Force had completed 8,200 applications and about 7,000 still had to be decided on before the second half of 2021.¹⁴

The Task Force sparked a lot of attention in public debate due to the consequences of the backlog of the IND. In August, the public debate centered on the lagging-behind of the Task Force. Also, according to asylum lawyers and asylum seekers themselves, appointments with the IND were cancelled last minute and getting in touch with Task Force employees was deemed difficult.¹⁵ The Minister for Migration acknowledged the setbacks, but reacted that the problems would be solved by taking further measures.¹⁶ In September, several Task Force employees came forward to the media anonymously. They expressed discontent with their work, because they did not receive new cases whilst knowing of the great backlog. They stated that this was due to efficiency and organizational problems. Some asylum seekers also expressed their frustration. They gathered in small numbers near different reception centres when it became clear that some asylum seekers who had entered the Netherlands after 1 April already had their procedure started.¹⁷ Later in the year, the Minister for Migration emphasized improvements made within the Task Force despite the setbacks and unusual circumstances of Covid-19.¹⁸

Relocation of 100 vulnerable refugees from the Greek reception camp Moria

A fire, which took place in September 2020, destroyed the Moria reception camp on the Greek island of Lesbos causing thousands of refugees to lose shelter. The situation was a major subject of political debate in the year 2020. Following the fire, the Minister for Migration announced that if the Greek government would make a request for the relocation of the most vulnerable victims, the Dutch government would be willing to receive 100 vulnerable asylum seekers in the Netherlands. Originally, the Dutch Government decided to relocate up to 50 unaccompanied minors (up to 14 years old) and at least 50 members of vulnerable families with minor children.¹⁹ Together with the expected additional

10 *Parliamentary Papers II*, 2019-2020, 19637, no. 2620.

11 *Parliamentary Papers II*, 2019-2020, 19 637, no. 2585.

12 *Parliamentary Papers II*, 2019-2020, 19 637, no. 2543

13 National Government, '[Task force extends work to deal with backlog in asylum applications](#)', 1 March 2021.

14 Immigration and Naturalisation Service (IND), '[Task Force deals with 8,200 applications for asylum](#)', 9 March 2021.

15 De Volkskrant, '[Chaos bij taskforce die onder grote druk duizenden achterstallige asielaanvragen moet afhandelen](#)', 23 March 2021.

16 *Parliamentary Papers II*, 2019-2020, 19637, no. 2650.

17 NOS, '[IND-personeel heeft weinig om handen, ondanks werkachterstand asielaanvragen](#)', 23 March 2021.

18 National Government, '[Taskforce werkt langer door om achterstanden asielaanvragen weg te werken](#)', 23 March 2021.

19 *Parliamentary Papers II*, 2019-2020, 19637, no. 2652. See also chapter 1.6 under 18.

arrivals following family reunification, the total number of arrivals as a result of this plan were to be deducted from the total national resettlement quota. Furthermore, the Dutch Parliament insisted that the persons needed to arrive in the Netherlands as soon as possible. Given the difficulties in identifying UAM eligible for the Dutch proposition, and upon request of the Greek authorities, the Dutch Government decided to prioritize the selection and relocation of vulnerable families with minor children who had been transferred from the island to the mainland and had been granted an asylum status. By mid-February 2021, 100 vulnerable persons were relocated: 57 vulnerable minors (including two UAM) and 43 adults.

These developments received a lot of attention in political debate and the media. Several newspapers reported that the inhabitants of the reception camp Moria presumably started the fire, because of the dissatisfaction with the conditions and a corona outbreak in the camp.²⁰ Following the fires, the Dutch Parliament requested a letter from the Dutch Government on the situation on Lesbos ahead of an emergency debate with the Dutch Minister for Foreign Trade and Development Co-operation and the Minister for Migration. During this debate, some political parties expressed their frustration about the fact that the 100 relocated vulnerable refugees were subtracted from the number of vulnerable refugees to be

New temporary Kara Tepe refugee camp with UNHCR tents in Lesbos island, Greece, after the devastating fire in the Moria refugee camp in September 2020

Photo: AP Photo, Panagiotis Balaskas



resettled to the Netherlands under the national quota. Thus, resulting in a trade-off rather than an additional humanitarian gesture. They emphasized the short-term nature of the decision and argued that a more sustainable plan was necessary.²¹ Other political parties were not content with the relocation of 100 refugees but for different reasons. Their opinion was that stricter EU border management should be a priority.²² According to NOS News, the situation also sparked silent protests throughout the Netherlands. Protesters shared the opinion that a sustainable solution was needed. They also stated that taking in 100 refugees was far too little given the inhumane conditions many inhabitants of Moria lived in.²³

Measures against asylum seekers causing public nuisance

Disruptive and transgressive behaviour by some asylum seekers (from safe countries of origin) received a lot of attention in the media and parliament in 2020, as was also the case in 2019.²⁴ It concerned among others noncompliance with the rules of the reception centres, shoplifting and aggression. The Minister of Migration took several additional measures in 2020. Among the measures taken was

20 NOS, *'Tekorten, trauma's en corona brachten mensen op Moria tot waanzin'*; NRC, *'Moria bereikt kookpunt na brand'*, 15 March 2021.

21 Parliamentary debate (10-09-2020), *'Brand vluchtelingenkamp Lesbos'*, 20 May 2021.

22 Parliamentary debate (10-09-2020), *'Brand vluchtelingenkamp Lesbos'*, 20 May 2021.

23 NOS, *'Stilteprotest voor opvang honderden vluchtelingenkinderen in Nederland'*, 15 March 2021.

24 Parliamentary Papers II, 2019-2020, 19 637, no. 2671.

the distribution of 1 million euros by the Ministry of Justice and Security to municipalities in order to realize local plans to minimize the disruptive and transgressive behaviour caused by asylum seekers. For more information on the taken measures, please refer to Chapter 5.

Because the measures mainly focused on solutions on the local level, municipalities reacted in diverse ways on how they would deal with the groups of asylum seekers causing public nuisance.²⁵ In the magazine of the Association of Netherlands Municipalities (*Vereniging van Nederlandse Gemeenten*, VNG), the mayor of the municipality of Harderwijk stated that quick responses to nuisance were necessary. Therefore, cooperation between the municipality, organizations that deal with the reception, application (and return) of asylum seekers and law enforcement was a priority. By responding quickly, an example would be set for other asylum seekers causing nuisance, of whom a relatively high percentage come from safe countries of origin.²⁶ Eleven municipalities, among which, Boxmeer, Grave, Emmen and Den Helder, made use of the 1 million euros to set up their local plans. Emmen planned to focus on extra supervision in and around the central station, Den Helder focused on extra community services and Grave set up more supervision in public transportation.

Brexit

The situation for United Kingdom (UK) nationals living in the Netherlands (and their third-country family members) did not change in 2020. Based on the withdrawal agreement of the UK, the year was characterized as a transition period, which started on 1 February 2020 and continued by the end of 2020.²⁷ However, during the year 2020 several legal and policy developments took place in preparation for the end of the transition period. This went rather harmoniously in political debate and was no great concern in public debate either. The developments included:

- The IND sent out invitations to UK nationals and their third-country family members living in the Netherlands to submit an application for a residence permit in the Netherlands.
- The IND has issued new residence documents under the Brexit Withdrawal agreement to most of the UK-nationals (and their third-country members) living in the Netherlands. In 2020 around 34.790 applications were filed by UK-nationals for these residence documents. In total 32.920 applications were decided on up until the end of 2020.²⁸
- Cross-border workers can apply for a 'cross-border' document at the IND, to continue their work after the transition period.
- Border control for different scenarios of the Brexit were prepared.²⁹

Civic Integration

Further preparatory activities took place in light of the new established Civic Integration Act. The new Integration Act was adopted by the House of Representatives in July 2020. The effective date of the new Civic Integration Act was adjusted to 1 January 2022. Within the new system, [municipalities will again be responsible for arranging civic integration](#). For further information, see Chapter 7.

Statelessness procedure

On the 21st of December 2020, a bill was submitted to the House of Representatives to establish a procedure allowing judges to determine statelessness.³⁰ The bill was drafted on the basis of an advice given in 2013 by the advisory committee for immigration affairs to establish such a procedure for persons who cannot prove their statelessness by means of documents.³¹ Under this regulation, persons concerned can request to officially confirm their lack of nationality in a determination procedure. Both

25 RTL Nieuws, '[Boa's en cameratoezicht: zo gaan gemeenten overlastgevende asielzoekers aanpakken](#)', 23 March 2021.

26 VNG Magazine, '[Overlastgevende asielzoekers – Lik op stuk](#)', 23 March 2021.

27 Immigration and Naturalisation Service (IND), '[Brexit: The IND sends Brits an information letter](#)', 17 December 2020.

28 Immigration and Naturalisation Service (IND), '[Rapportage Brexit tot en met December 2020](#)', 9 June 2021.

29 *Parliamentary Papers II*, 2019-2020, 35 393, no. 7.

30 *Parliamentary Papers II*, 2020-2021, 35 687, no. 3.

31 Adviescommissie voor Vreemdelingen zaken (ACVZ), '[Advies: Geen land te bekennen](#)', 11 March 2021.

persons with legal residence who are not (well) documented and persons without legal residence can apply. Determined statelessness offers more rights to the person concerned, for example access to an eased naturalisation procedure.³²

The new bill received attention in the beginning of 2021.³³ The European Network on Statelessness pointed out that the bill has serious shortcomings.³⁴ As, among others, the bill proposes a waiting period of 10 years for children who were born stateless in the Netherlands to apply for Dutch nationality. The Network also stretched the importance of the new bill by referring to a decision of the United Nations Human Rights Committee of December 2020. In the decision, the Netherlands was urged to review its legislation to ensure that a procedure for determining statelessness is established.³⁵

32 EMN, '[Annual Report 2019. Migration and Asylum in the Netherlands](#)', 8 March 2021.

33 For example see the Dutch Newspaper: Trouw, '[Dat paspoort blijft bijna onbereikbaar voor langdurig staatslozen](#)', 8 March 2021.

34 European Network on Statelessness, '[A victory for human rights in Zhao v. the Netherlands \(the 'Denny case'\): Nationality from birth, without exceptions](#)', 11 March 2021.

35 Office of the High Commissioner for Human Rights, '[The Netherlands violated child's right to acquire a nationality, UN Committee finds](#)', 11 March 2021.

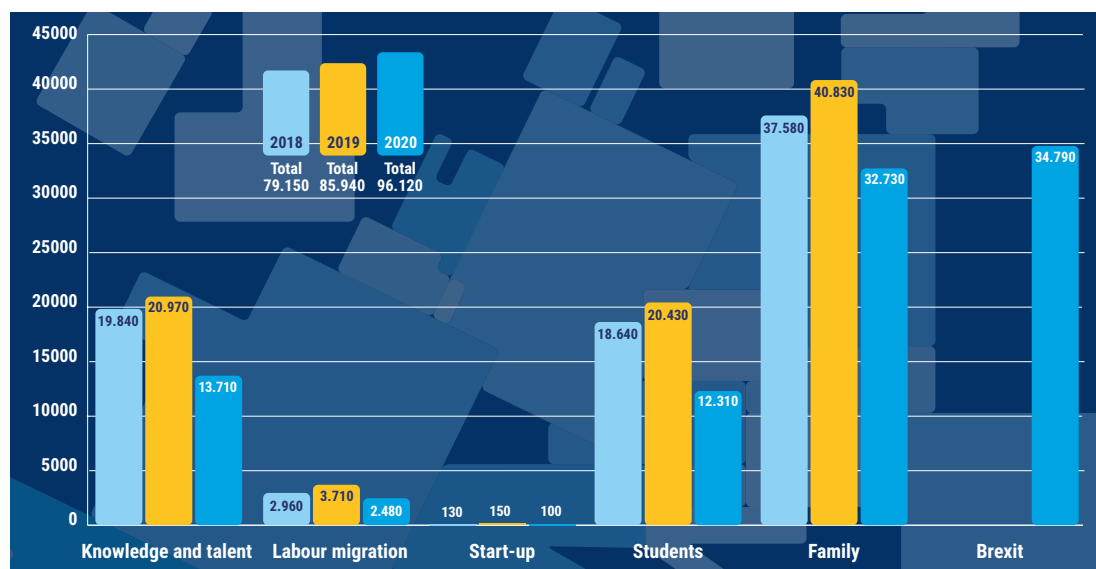
4 Legal migration

Legal migration can be broken down into different migration groups, depending on the grounds of stay. The categories used in this Annual Report are economic migration, study and research migration, family migration and migration in the context of exchange programmes. This chapter deals with policy developments in these different areas.

In 2020 96.120 applications for legal residence permits were submitted in the Netherlands.³⁶³⁷ This is an increase if compared to 2019, when 85.940 applications were submitted. This increase is due to 34.790 applications of British citizens securing their right of residence after Brexit. The number of application for other grounds of stay decreased in comparison to 2019. This is most likely caused by the pandemic, which hindered travel and migration from March 2020 onward.

Figure 1:
Number of applications for legal residence permits in 2018, 2019 and 2020 (excluding exchange, humanitarian and special stay)

Source: IND (2020),
Annual numbers 2020



EMN reports on legal migration

The EMN published several reports in relation to the different categories of legal migration in 2020. Concerning economic migration, EMN conducted research on the admission schemes available to start-ups and innovative entrepreneurs³⁸ and on the attraction of seasonal workers³⁹. Also, the impact of Covid-19 on labour migration and international students was reported on.⁴⁰ Lastly, EMN published a study on the EU long-term residence status.⁴¹

36 Immigration and Naturalisation Service (IND) (2020), 'Jaarverslag 2020: door corona minder aanvragen ingediend', 8 June 2021.

37 In this Annual Report, the annual and semi-annual figures are reported based on national definitions. This is because the figures according to the Eurostat definition are not yet available. The difference in the definitions used may cause the figures to differ from the Eurostat figures.

38 The study can be found on the website of EMN Netherlands via [Onderzoek: EU-lidstaten trekken start-ups en innovatieve ondernemers aan van buiten de EU | EMN Nederland - Europees Migratienetwerk Nederland \(emnetherlands.nl\)](#).

39 The study can be found on the website of the EMN Netherlands via [Seizoensarbeid: ontwikkelingen in wetgeving en beleid | EMN Nederland - Europees Migratienetwerk Nederland \(emnetherlands.nl\)](#).

40 The studies can be found on the website of EMN Netherlands via [Onderzoeken | EMN Nederland - Europees Migratienetwerk Nederland \(emnetherlands.nl\)](#).

41 The study can be found on the website of EMN Netherlands via [Onderzoek: Migranten die langdurig in de EU verblijven | EMN Nederland - Europees Migratienetwerk Nederland \(emnetherlands.nl\)](#).

4.1 Overarching policy changes

Brexit

On 31 January 2020 the United Kingdom (UK) officially left the European Union (EU). This was the result of a referendum in 2016, in which the majority of UK citizens voted in favor of the so called 'Brexit'. The UK and EU came to an agreement on their future partnership that will apply as of 1 January 2021.⁴²

Preparing residence rights of UK nationals after Brexit

The withdrawal agreement of the UK leaving the EU provided for a transition period from 1 February 2020 up to and including 31 December 2020. Therefore, the situation for UK nationals (and their third-country family members) living in the Netherlands did not change in 2020.⁴³ Nevertheless, developments took place to prepare the residence rights for UK nationals and their third-country family members after the end of the transition period:

- In January, the Immigration and Naturalisation Service (*Immigratie- en Naturalisatiedienst, IND*) announced it would send out invitations to UK nationals during the transition period to apply for residency under the Withdrawal Agreement. Upon receiving an invitation, UK nationals were asked to apply for a residence permit within 4 weeks to enable the IND to process all applications in time.⁴⁴ As of August 2020, UK nationals no longer needed an invitation in order to apply for a residence permit.⁴⁵ In 2020 around 34.790 applications were filed by UK-nationals for these residence documents. In total 32.920 applications were decided on up until the end of 2020.⁴⁶
- Under the Withdrawal Agreement, UK nationals and their family members who were legally resident in the Netherlands before 1 January 2021 can submit an application for a residence document until 30 June 2021. They may be eligible for a temporary residence document (5 years validity) or a permanent residence permit (10 years validity), depending on their period of residence in the Netherlands.⁴⁷
- UK nationals with a permanent EU residence document were invited to exchange it for a replacement residence document.⁴⁸
- In August an additional IND desk was opened exclusively for UK nationals and their family members to have their biometrics taken, needed for the application for residency.⁴⁹

Also, an amendment was made regarding UK nationals and their family members who had lost their right to permanent residence in the Netherlands under Directive 2004/38/EC due to an absence of more than two consecutive years. The duration of two year absence was set out in the Directive. Derived from the Withdrawal Agreement, they are now eligible for permanent residence status, if their absence did not last longer than five consecutive years. This is in line with the interpretation of the Withdrawal Agreement by the European Commission and the UK Government. This amendment was made in the Immigration Act Implementation Guidelines (*Vreemdelingencirculaire, Vc*).

British frontier workers document

Due to Brexit, British frontier workers (cross-border commuter) working in the Netherlands need a frontier worker's document to continue their activities from 1 January 2021 onwards.⁵⁰ The objective of this new policy is to facilitate the continuation of frontier work of UK nationals after the withdrawal of the UK from the EU. With a frontier worker's document, UK nationals will be able to easily travel into and out of the Netherlands.

42 National Government, 'Brexit - EU-VK akkoord: stand van zaken', 24 March 2020.

43 Immigration and Naturalisation Service (IND) (2020), 'Brexit: The IND sends Brits an information letter', 17 December 2020.

44 Immigration and Naturalisation Service (IND) (2020), 'Brexit Newsletter April 2020', 17 December 2020.

45 Immigration and Naturalisation Service (IND) (2020), 'Brexit Newsletter October 2020', 17 December 2020.

46 IND (2020), 'Rapportage Brexit tot en met December 2020', 9 June 2021.

47 Immigration and Naturalisation Service (IND), 'Q&A Brexit', 17 December 2020.

48 Immigration and Naturalisation Service (IND) (2020), 'Brexit: The IND sends Brits an information letter', 17 December 2020.

49 Immigration and Naturalisation Service (IND) (2020), 'Brexit Newsletter April 2020', 17 December 2020.

50 Government Gazette, 2020, no. 48510.

Applications for this document under the Withdrawal Agreement were opened as of mid-October 2020.⁵¹ To qualify for the document, the frontier worker must have been working as a frontier worker in the Netherlands prior to 1 January 2021. It does not apply to temporarily seconded workers. Furthermore, the frontier worker must meet the criterion of real and actual work by working for at least 40% of the usual full working hours for that profession in the Netherlands, or alternatively, having an income from work of at least 50% of the social welfare benefits standard in the Netherlands.⁵²

Penalty policy for (recognized) sponsors

Since the implementation of the Modern Migration Policy Act 2013 the IND is competent to impose fines to (recognized) sponsors⁵³ and third-country nationals applying for a residence permit who do not follow the rules. On 25 February 2020 changes in this penalty policy have entered into force. The aim was to offer more tools and guidance for differentiation/customization when imposing an administrative fine and determining the height of this fine, as the system was considered to be too rigid. The so-called Multidisciplinary team penalty policy (*Multidisciplinair Team Boetebeleid*) had been introduced in order to investigate possibilities to differentiate better between severe and less serious offenses and to create more uniformity in imposing fines. In addition, the changes were driven by recommendations made by the Research and Documentation Centre (WODC) of the Ministry of Justice and Security in their evaluation of the Modern Migration Policy Act.⁵⁴

The most important changes were:

- Previously, the imposition of three fines within four years would automatically lead to a withdrawal of the recognised sponsorship status by the IND. In practice, this sometimes led to fines being omitted despite there being reason to impose one, in order to prevent having to revoke the recognised sponsorship. Under the new policy imposing fines will not automatically lead to revoking the recognised sponsorship, but a balancing of interests is required instead.
- The policy on customisation of fines has been clarified, including certain criteria that affect the amount of the penalty fee, such as how to determine whether a violation of rules constitutes a violation of increased gravity.⁵⁵

4.2 Economic migration

Economic migrants

Economic migrants are third-country nationals who come to the EU for work, such as highly educated professionals, employees of a company, entrepreneurs and seasonal workers. The Dutch policy is welcoming towards highly qualified migrants. It facilitates for example highly skilled migrants and migrants that graduated in the Netherlands who are looking for a job. In order to speed up the application procedure, the system of recognized sponsorship applies.⁵⁶ This entails that a recognized sponsor (for example an employer that has been recognized by the IND) gets responsibilities in relation to the admission procedure. For residence applications of entrepreneurs and employees of start-ups, the system of recognized sponsorship does not apply.

For other migrants that want to come to the Netherlands for economic grounds, protection of the national labour market is the starting point of the policy concerned. First it is taken into account whether a vacancy can be filled by Dutch citizens, EU-citizens or migrants already legally residing in the Netherlands and available on the labour market. If this is not the case, then third-country nationals can apply for a work permit and (if necessary) a residence permit.

51 Immigration and Naturalisation Service (IND) (2020), '[Brexit Newsletter October 2020](#)', 17 December 2020.

52 Government Gazette, 2020, no. 48510; Immigration and Naturalisation Service (IND) (2020), '[Frontier workers \(cross-border commuters\) after Brexit](#)', 29 December 2020.

53 A sponsor is a person or organization that has an interest in the stay of a person from abroad in the Netherlands. The sponsor can submit an application for a residence permit from the Netherlands. A recognised sponsor can apply for a residence permit for, for example, employees or students. There is a difference between a sponsor and a recognised sponsor. Only organisations can be recognised as sponsors, not individuals. To become a recognised sponsor, the organisation must be assessed as a reliable partner for the IND. More information: Immigration and Naturalisation Service (IND) (2020) '[Werkgever: Erkenningsreferent](#)'.

54 Ibid.

55 Government Gazette, 2020, no. 11649.

56 Immigration and Naturalisation Service (IND), '[Werkgever: erkenningsreferent](#)'.

Eased criteria for orientation year

The criteria for highly educated migrants who seek highly-skilled employment in the Netherlands following their stay on an orientation year residence permit⁵⁷ have been expanded. The objective of this change is to offer more assurance to highly skilled migrants in times of the pandemic, as it makes it easier for recent graduates to find a job from abroad. Previously, only migrants who found a job during the orientation year qualified for a reduced income requirement when obtaining a residence permit following the orientation year. Now, the lowered income requirement applies to anyone who had a residence permit for 'orientation year for highly educated people'; and who did not find a job as a highly skilled migrant within the orientation year but finds a job as a highly skilled migrant (from abroad) within 3 years after graduation. This does not mean that after the orientation year the migrant can stay in the Netherlands to look for a job. Other migrants who did not possess a residence permit for an orientation year but meet the criteria for this residence permit and found a highly-skilled job within 3 years after graduating also qualify.

Work permit requirement when being on seagoing vessels

On 29 April 2020, the Minister of Social Affairs and Employment announced an amendment of the Aliens Employment Implementation Decree (BuWav). Reason for this amendment was a recent court decision, which deactivated the work permit requirement for third-country nationals on board seagoing vessels. The aim of this amendment was twofold:

- To reinstall the work permit requirement for third-country nationals on board seagoing vessels while meeting the principle of legal certainty.
- To protect the Dutch labour market and safeguard fair and safe working standards and thus prevent social dumping.

4.3 Study and research migration

International students and researchers

Students and researchers can come to the EU and the Netherlands for their study or research project. The EU and the Netherlands want to be attractive to these third-country nationals. Incoming students can for example contribute to the knowledge economy and innovative strength of the Netherlands. For the admission of a student or researcher, an educational or research institution acts as a recognised sponsor.

Eased income requirement for students and researchers

The income requirement for international students and researchers residing in the Netherlands was temporarily relaxed in July 2020. The purpose of this temporarily measure was to prevent the revocation of residence permits for students and researchers who were unable to secure sufficient income due to the pandemic. The coronavirus crisis makes it more difficult to meet the income requirement. The Minister for Migration has therefore decided that students cannot lose their residence permit for this reason alone. The temporary relaxation of the income requirement applies only to current students of the academic year 2020-2021, who already had a legal residence permit to study in the Netherlands in the academic year 2019-2020.⁵⁸ It therefore does not apply to new students. Researchers to which this measure applies are researchers who obtained a PhD, resided in the Netherlands as a highly skilled migrant to undertake scientific research, or resided for the purpose of scientific research within the meaning of EU Directive 2005/71/EC or 2016/801.

Extension of deadline enrolling in higher education

Due to the Covid-19 pandemic, the deadline for enrollment in higher education was extended from 1 May to 1 June 2020. The intention of this development was to maintain student mobility despite the pandemic. This change applied to Dutch students and international students alike. Furthermore, with

57 The 'Orientation year highly educated persons' residence permit is meant for persons who graduated in the Netherlands or abroad at a top university, completed a PhD or conducted scientific research. Persons can apply for the permit within three years after completing their studies or research. It gives holders the ability to search for employment during 1 year.

58 Immigration and Naturalisation Service (IND) (2020), '[International students' income requirement temporarily relaxed](#)'.

the Second Collective Emergency Act Covid-19, it became possible for international students as well as Dutch students who do not fully meet the admission requirements for a Master's programme to enroll on a provisional basis. Students admitted on a provisional basis were given one year to meet the admission requirements.⁵⁹

No work permit for student board activities

As of 1 January 2020, international students no longer need a work permit (*Tewerkstellingsvergunning*; TWV) for engaging in participation and student board activities at their higher education institution. The objective of this measure is to make these activities more accessible and open to international students. Multiple universities had noted difficulties for international students engaging in participation activities. Participation activities and board functions at universities are a way for students to engage in co-determination and influence the decision-making and the organisation of their higher education institution. Previously, international students without a work permit could only do an internship, whereas international students with a work permit could have a part time job of maximum 16 hours a week. Participation and student board activities do not fall in either category. However, participation activities were marked as employment for which a work permit applied for by the institution was necessary. With the decision to exempt international students from the work permit requirement for participation and student board activities, the government emphasizes the importance of student access to participation activities. Both international and national students need to be able to engage in participation activities and thereby be able to participate in debates concerning the governance of the institution.⁶⁰

Permission to work for architecture students

International students of the Academy of Architecture are, as of 1 January 2020, authorised to work 32 hours instead of the previous 20 hours. That way students from outside the EU have the same opportunities and flexibility as other architecture students in obtaining sufficient work experience as required by their study programme. Six Academies of Architecture asked the government to create an equal playing field in their profession, as their educational model combines study and work. The architecture students need a minimum of 840 hours of professional experience per year. To register in the official register for architects, students need to meet the condition of having 2 years of work experience. Originally, international students from outside the EU could not enroll in these study programmes because they could not work the minimum number of hours for their studies under the conditions of their study

TU Delft students in the studio, building models

Photo: Phil Nijhuis,
Hollandse Hoogte



⁵⁹ National Government (2020), '[Veelgestelde vragen over het coronavirus en het hoger onderwijs](#)'.

⁶⁰ Government Gazette, 2019, no. 486.

permit. Since 2016 students can work a maximum of 20 hours per week without a work permit. In practice, this latter rule posed a problem because the students could still not work sufficient hours to meet the conditions for the study programme. Moreover, universities noted that employers prefer students who can work 32 hours. The rules thereby created unfair competition between the students.⁶¹

Improving knowledge security

On 27 November 2020 the government presented a set of measures to improve knowledge security in the area of higher education and (applied) sciences. The measures aim to promote international cooperation, while increasing the awareness about knowledge security and the development of specific security policies by knowledge institutions. In addition, the government is developing a screening mechanism against the unwanted transfer of knowledge and technology in fields with a heightened risk from the perspective of national security. These measures follow from a report of 2019 on the risks for the Dutch knowledge infrastructure.⁶² The Minister for Economic Affairs and Climate announced to explore the need for additional measures to mitigate the risks of unwanted transfer of knowledge and technology to third countries through (academic) education and research.⁶³ This transfer can take place through (foreign) students and researchers residing in the Netherlands. At the same time, the government stresses the importance of international cooperation among higher education and research institutions.⁶⁴ The measures are aimed at universities, universities of applied sciences and research institutions, including institutions for applied research.

4.4 Family migration

Family migration

Family migration covers applications for family formation and reunification. For example, it can concern a Dutch national who has met a partner abroad and wants to bring him/her to the Netherlands or a third-country national who stays in the Netherlands and would like to have family living abroad to join him/her in the Netherlands. The Family Reunification Directive (2003/86/EC) provides the legal base at EU level for migration of these third-country nationals.

No work permit required for family of self-employed persons

As of 1 January 2020, family and family members of self-employed persons no longer require a work permit to take up employment in the Netherlands.⁶⁵ On 1 April 2020, the Vc have been brought in line with this new rule.⁶⁶ The change was driven by research⁶⁷ indicating that the number of third-country national self-employed persons who decide to settle in the Netherlands is strongly influenced by the possibilities for their partners to take up employment. The measure can be an advantages for business in the Netherlands.

4.5 Exchange

Exchange programmes

Young people from non-EU/European Economic Area (EEA) countries can temporarily come to the Netherlands to live with a host family as an au pair or to participate in an exchange programme by way of a recognised organisation. In addition, young people aged 18 to 30 can participate in a Working Holiday Programme (WHP) or Working Holiday Scheme (WHS).⁶⁸ These are temporarily cultural exchange programmes, with the aim to become acquainted with national culture and society.

61 Government Gazette, 2019, no. 486.

62 Rathenau Institute (2019), '[Kennis in het vizier – De gevolgen van de digitale wapenwedloop voor de publieke kennisinfrastructuur](#)'.

63 *Parliamentary Papers II*, 2019-2020, 30821, no. 99.

64 *Parliamentary Papers II*, 2020-2021, 31288, no. 894.

65 Government Gazette, 2019, no. 486.

66 Government Gazette, 2020, no. 15932, section P.

67 Werkgroep Warm Welkom Talent (2017), '[City Deal Warm Welkom Talent. Working group report](#)'; Regioplan Beleidsonderzoek (2018), '[Aantrekkelijkheid van Nederland voor kennismigranten](#)'.

68 Immigration and Naturalisation Service (IND) (2020), '[Working Holiday Programme \(WHP\) / Working Holiday Scheme \(WHS\)](#)'.

Working Holiday Programme for people from Japan, Taiwan and Uruguay

As of 1 April 2020, young people from Japan, Taiwan and Uruguay aged 18 to 30 can get to know Dutch culture and society on a working holiday of up to one year. It concerns a reciprocal international exchange programme. The aim of this development is to create mutual cultural understanding and foster a partnership with Japan, Taiwan and Uruguay. The participants in the Working Holiday Programme (WHP) can follow a short course in the Netherlands and carry out incidental paid work to financially support their holiday. They do not need to have a work permit. Up to 200 young people from Japan can participate in the WHP each year; for Taiwan and Uruguay, up to 100 persons can participate yearly.⁶⁹

4.6 Other developments

More options to refuse permanent residence in relation to committed crimes

On 10 September, the Minister for Migration announced an amendment of the Immigration Act (*Vreemdelingenwet*, Vw) to expand the options for refusing permanent residence permit applications of third-country nationals who grew up in the Netherlands and/or were born here and who committed serious crimes. This change intends to strengthen the approach towards third-country nationals who committed serious crimes. This decision was part of a political compromise in the response to the devastation of the Greek reception camp Moria. In tandem with the politically sensitive decision to resettle 100 vulnerable refugees from Greece, the abovementioned tightening of the policy for third-country nationals who committed serious crimes was announced as well as measures aimed at improving efficiency in the asylum procedure (see Chapter 5).⁷⁰

To this end, the Minister proposes to delete a paragraph in the Vw that limits this possibility only to third-country nationals convicted of crimes related to drug trafficking. In the new situation, permanent residence permit applications can be refused based on other types of crimes as well, as long as third-country nationals have been sentenced to an imprisonment of more than 60 months by a final judicial decision.⁷¹

69 Government Gazette, 2020, no. 15932; Immigration and Naturalisation Service (IND) (2020), [‘The Netherlands, Japan and Taiwan to start international exchange programme’](#).

70 *Parliamentary Papers II*, 2019-2020, 19637, no. 2652.

71 *Parliamentary Papers II*, 2019-2020, 19637, no. 2652.

5 International protection (asylum)

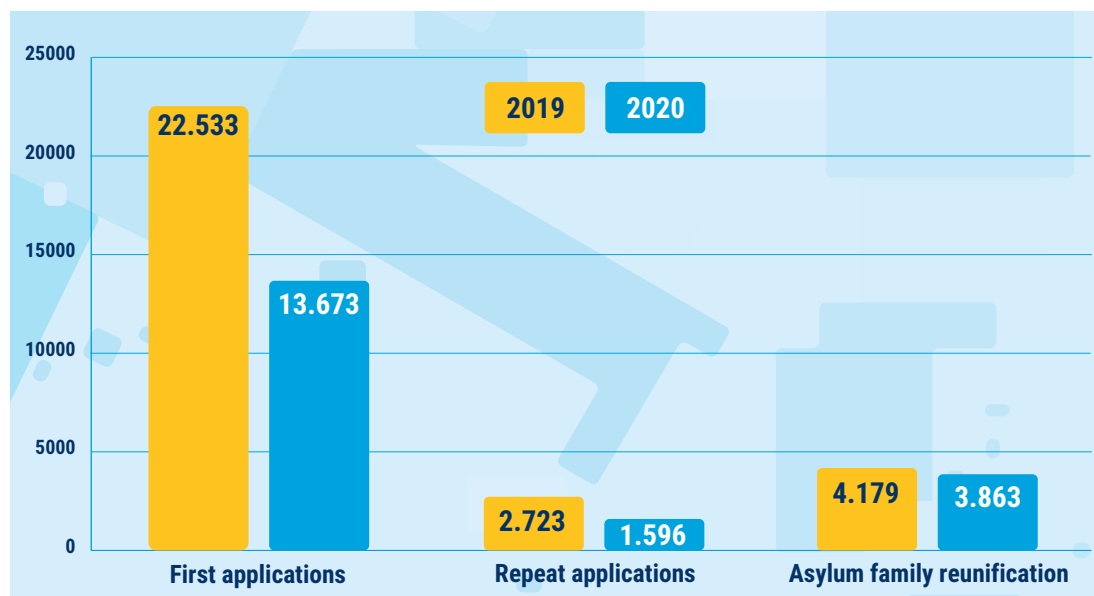
Asylum is granted to refugees who have well-founded fear of being persecuted in their country of origin based on race, religion, nationality, political persuasion or because of belonging to a certain social group.⁷² Also, subsidiary protection can be offered to third-country nationals in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to the country of origin, would face a real risk of suffering serious harm.⁷³

This chapter deals with policy developments in relation to access to the asylum procedure, reception, the Dublin and border procedure, operational aspects, and resettlement and relocation.

In 2020, a total number of 19.132 applications for asylum were submitted⁷⁴, whereas there were 29.435 applications in 2019.⁷⁵ This concerns first applications for international protection as well as repeat applications (second/further asylum applications) and family reunification influx.⁷⁶ The latter concerns applications of family members within three months after their family member received a temporary asylum residence permit in the Netherlands.⁷⁷

Figure 2:
Development of asylum
applications, 2019-2020

Source: IND (2020). Asylum Trends: Monthly Report on Asylum Applications in the Netherlands, December 2020



It consists in total of 13.673 first-time applications compared to 22.553 in 2019. The top three nationalities of first-time applicants in 2020 were Syrian (29%), Algerian (7%) and Turkish (7%). In 2019 the top three consisted of Syrians (16%), Nigerians (9%) and Iranian (7%) applicants. In Figure 2 there is a noticeable drop of applications for asylum as of February/March 2020. This was also the period when measures came into effect to limit the spread of Covid-19. Asylum procedures were halted as announced at the end March and travel was disrupted worldwide.

72 Immigration and Naturalisation Service (IND), '[Asielzoeker](#)'.

73 EMN Glossary, '[person eligible for subsidiary protection](#)'.

74 Immigration and Naturalisation Service (IND) (2020), '[Asylum trends. Monthly report on asylum applications in the Netherlands and Europe, December 2020](#)'.

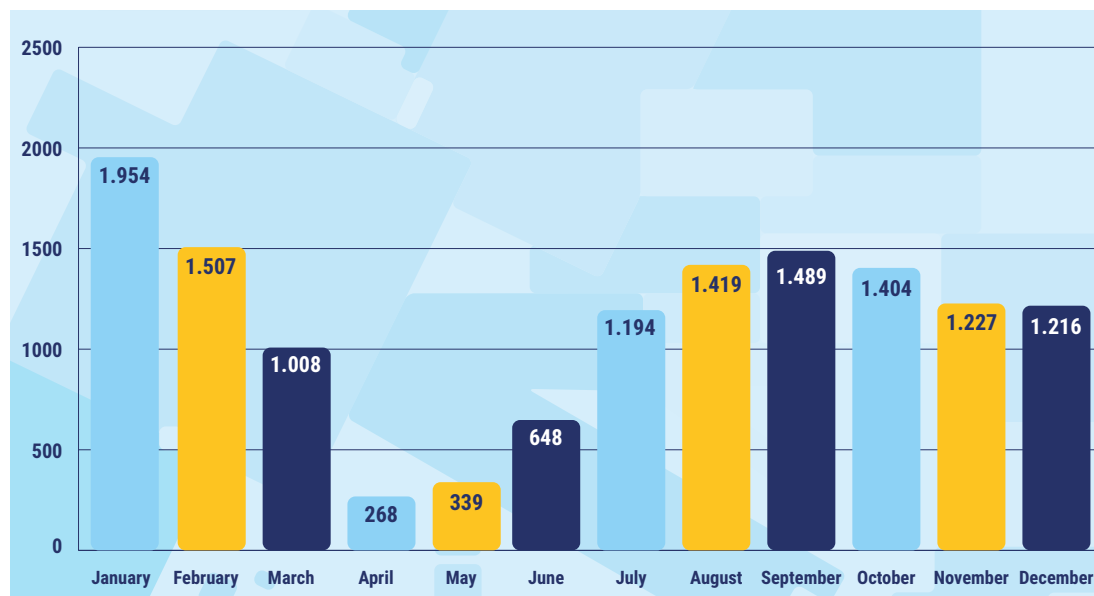
75 IND (2019), '[Asylum trends. Monthly report on asylum applications in the Netherlands and Europe, December 2019](#)'.

76 In this Annual Report the figures are reported on the basis of national definitions. They differ from the Eurostat definitions and figures.

77 Immigration and Naturalisation Service (IND), '[Nareis asiel: veelgestelde vragen](#)', 9 June 2021.

Figure 3:
Number of first
asylum applications
per month, 2020

Source: IND (2020).
Asylum Trends: Monthly
Report on Asylum
Applications in the
Netherlands,
December 2020



The number of repeated applications in 2020 was 1.596. This is a decrease by 41.4 percent compared to 2019 (2.723). The top three nationalities of these applicants were Afghan (11%), Iranian (11%) and Iraqi (11%).

In total 3.863 migrants entered the Netherlands in 2020 in the context of asylum family reunification. In 2019 this number was 4.179 migrants, which indicates a decrease of 7,6 percent. It concerned mostly Syrians (38%), Eritreans (28%) and Yemenites (11%).

5.1 The asylum procedure

The asylum procedure

The asylum procedure starts with registration at the central application centre in Ter Apel. Asylum seekers can submit an application for asylum. The registration and identification procedure takes place, after which the rest and preparation period of at least 6 days begins. During this time the asylum seeker can recover from his/her journey.⁷⁸ The general asylum procedure of 8 days starts with an interview in which the asylum seeker can explain what he/she has experienced in his/her country of origin and why he/she had to leave. An interpreter will be present during the interview. After several steps, the Immigration and Naturalisation Service (*Immigratie- en Naturalisatiedienst*, IND) will assess the asylum applications. In case more time is needed, the applicant will enter the extended asylum procedure.⁷⁹ According to the law this takes 6 months at the most, although it is possible to extend the period for making a decision up to 18 months.⁸⁰

It is possible that an asylum seeker enters the Netherlands via a Dutch airport or seaport, and applies there for asylum. In that case, the border procedure will start instead. This procedure takes 8 days, and can be extended to 28 days. Asylum seekers will stay in a closed reception centre near Schiphol airport.⁸¹

Measures improving processing times in asylum procedure

On 3 March 2020 the Minister for Migration sent a letter to the House of Representatives, in which is indicated that on 31 January 2020 approximately 8.900 cases in the general asylum procedure had exceeded the legal timeframe.⁸² In the letter is stated that in March the Ministry of Justice and Security (the Ministry the IND is part of) expected to spend at least 30 to 40 million Euros in 2020 on penalty

78 Immigration and Naturalisation Service (IND), '[Asylum seeker](#)', 18 May 2021.

79 Immigration and Naturalisation Service (IND), '[Hoe verloopt het aanvragen van asiel?](#)'.

80 Immigration and Naturalisation Service (IND), '[Extended Asylum procedure](#)', 18 May 2021.

81 Immigration and Naturalisation Service, '[Asylum procedures](#)', 18 May 2021.

82 *Parliamentary Papers II*, 2019-2020, 19 637, no. 2585.

payments because of the delays in the asylum procedure. In March these costs were rising with 1 million Euros a week. In order to investigate causes of the delays the Minister for Migration commissioned a research by 'Significant Public'. The researchers investigated possibilities to improve the process of handling asylum applications in the general and extend asylum procedure. Based on the report the Minister for Migration announced the following measures:

- *Appointment of a programme director*: this director will take care of the implementation of the measures and recommendations proposed by the research bureau.
- *Project-based processing of work stock*: the IND will handle the existing work stock and the backlog on a project basis. New asylum applications will be handled separately.
- *Operational management will be improved*: clear management goals will be set and frequent discussion with employees about the results to be achieved, quality and work pressure will be held.
- *Process management on completeness of a file*: disruptions in the process due to incomplete files will be dealt with immediately by introducing process control to the completeness of the files. Thus, prior to the asylum procedure, a separate group of employees monitors the completeness and suitability of the files.
- *Introducing Task Force*: usually, the IND processes applications in the order of entry in the asylum procedure. However, because of the backlog a separate team (Task Force) was put in place with the aim to eliminate the backlog of 15.350 asylum applications before the end of 2020. The taskforce decides on all asylum applications submitted before 1 April 2020. In order to do so, so-called 'written interviews' were introduced. In this written interview, the applicant fills in a form with questions about the asylum motives at the IND. This is on a voluntary basis. This is only possible for certain nationalities and persons capable of filling in the form.

Suspension of penalty payments to asylum seekers

The 'Temporary Penalty Payments by the IND (Suspension) Act' has been adopted by the Dutch Parliament and is effective from 10 July 2020.⁸³ In principle, the new Act will be in effect for one year. The Act provides that asylum seekers will no longer be entitled to compensation (penalty payments) if the IND does not give a timely decision on their asylum applications. This Act is introduced to prevent the further rise of penalty payments due to delays in the asylum procedure.

The final (non-temporary) Act still needs to be presented to the House of Representatives, in which will be provided that no more penalty payments can be forfeited in third-country national cases. This is according to national administrative law (the legal timeframes are according to EU law).

Covid-19 measures

On 16 March, the Minister for Migration sent a letter to the House of Parliament announcing that all contacts within migration services had been limited. This was due to the pandemic of Covid-19. The objective was to limit the risks of transmitting the coronavirus within immigration procedures and to continue core functions within the limitations of the Covid-19 measures.

Identification and registration of third-country nationals was halted and the Immigration and Naturalisation Service (*Immigratie- en Naturalisatiedienst*, IND) no longer carried out interviews both within asylum and regular migration procedures. The Repatriation and Departure Service (*Dienst Terugkeer & Vertrek*, DT&V) no longer conducted return interviews. Services of the IND service desks were limited to emergency cases. If due to these measures decision-making exceeds the legal decision period, because there was no possibility for a personal interview, it is considered "force majeure".⁸⁴ Due to the impact of Covid-19 the period between 16 March and 16 May was added to the regular time limit of 6 months for asylum cases in which no personal interview had taken place. On 20 March the Minister for Migration sent a letter to the House of Parliament stating that asylum procedures were halted. The usual identification and registration process was halted. Registration of new asylum seekers was still conducted, but was limited to the necessary steps: assigning a case-number; taking finger prints and

83 Bulletin of Acts and Decrees (*Staatsblad*), 2020, no. 242; National Government (2020), 'Dwangsom asielzoekers opgeschort'.

84 *Parliamentary Papers II*, 2019-2020, 35300, no. 114.

searching Dutch and European databases; hand searches; brief intake and surrendering documents. Prior to the registration a medical check was carried out.⁸⁵

In April 2020 the asylum procedures were resumed gradually, by using remote interviews. Remote interviews by means of a video conferencing system was first introduced for applicants with the Turkish, Yemen and Syrian nationality. Later on it was also introduced for other cases in the general asylum procedure. Not all cases are suitable for remote interviews, cases are therefore selected.⁸⁶ From May onwards physical interviews were resumed gradually. Before the applicant can lodge the application for international protection the applicant is being screened by medical personnel and if necessary Covid-19 tests are being done. Initially this was only arranged for certain groups, for instance more vulnerable asylum seekers. By December most hearings were conducted physically; only a few interviews were conducted via videoconference. During physical interviews safety precautions are in place to prevent contagion.⁸⁷

Video conference

As of April 2020 it was possible to conduct interviews within the asylum procedure via videoconference. This was implemented due to the pandemic, in order to limit the risks of transmitting the coronavirus within immigration procedures. At the same time it should enable the continuation of core functions within the limitations of the Covid-19 measures. When an interview is conducted via videoconference a secured video connection between the facility location and the IND location is arranged. The asylum seeker is located at the reception facility, while the IND employee is located at the IND location. The interpreter participates via video connection from his/her home address.

Legal decision period for asylum applications extended

The deadline for deciding on asylum applications made prior to 20th of May was extended by 6 months, based on the guidelines from the European Commission of 16th April.⁸⁸ For cases beyond the 20th of May the regular time limit of 6 months was applicable. The reason for the extension was the temporary suspension of all asylum procedures due to the Covid-19 measures. It was not possible to decide on asylum application within the normal decision period. The extended decision period was approved by the Council of State on 16 December 2020.⁸⁹

Rules on providing information regarding criminal activities when applying for asylum

On 28 September 2020 amendments were made in relation to the Aliens Act Implementation Guidelines (*Vreemdelingencirculaire*, Vc), in order to clarify certain aspects of the information that asylum seekers need to provide in their application for asylum. It concerns information about his/her criminal record, possible behaviours within the meaning of Article 1F of the Geneva Convention (commitment of crimes against peace, a war crime or crime against humanity, serious non-political crimes outside the country of refuge or guilty of acts contrary to the purposes and principles of the United Nations) and possible measures imposed by other EU Member States.⁹⁰ In the General Administrative Law Act (*Awb*) it is already stated that a foreign national is obligated to provide data and documents that are relevant for a permit application. However, with adding this text in the Vc these rules are laid down more clearly.

Rules on reporting changes in an applicant's residential address

On 8 July it was implemented in the Vc that an applicant is obligated to report any changes in his/her residential address to the IND. The applicant is also obligated to report to the IND when leaving to stay outside the Netherlands.⁹¹ This amendment should inform the applicant about the obligation to report address changes. It is important, since not reporting these changes can have procedural consequences.

85 *Parliamentary Papers II*, 2019-2020, 19637, no. 2592.

86 National Government (2020), ['Asylum procedures resumed via interviews by videoconference'](#), 16 December 2020.

87 National Government (2020), ['Asylum procedures resumed via interviews by videoconference'](#), 16 December 2020.

88 Government Gazette (*Staatscourant*), 2020, no. 26964.

89 ECLI:NL:RVS:2020:3020, Council of State (Raad van State), 202005098/1/V1

90 Government Gazette (*Staatscourant*), 2020, 48461.

91 Government Gazette (*Staatscourant*), 2020, 37023.

Programme for Flexibilisation of the Cooperating Organisations in the Asylum System

In a letter to the House of Representatives from June 2020 the Minister for Migration informs on the progress made within the programme for Flexibilisation of the Cooperating Organisations in the Asylum System. In this programme measures are implemented to ensure a more flexible and effective asylum system,⁹² which will enable a better response to fluctuations in the asylum influx and will contribute to effective return or integration. Revision of the asylum procedure should also result in the ability to go through the procedure more quickly and in better compliance of Dutch asylum policy with European legislation.⁹³ The driver of this programme were the ambitions set in the Coalition Agreement from 2017. In July 2018 partners in the organisations cooperating in the asylum system had started with the programme.

This system aims at an integrated approach of reception and procedure: a quick assessment at the start of the procedure defines if an applicant is granted stay or has a high chance of obtaining a residence permit. If not, the migration organisations take up return-activities. If so, the applicant moves to a reception facility in the (vicinity of the) municipality where he or she will start to participate in the Dutch society. This will contribute to the implementation of the new integration law (Wet Inburgering, see 7.1 below). Important measures have been implemented for a large part and are giving good results, such as the revised procedure for subsequent asylum applications. Due to the revised procedure, in which incomplete subsequent applications are decided on as quickly as possible, the influx of and stock of applications has diminished largely in 2019 (although this did not prevent a large backlog the IND is currently coping with). Also, in the autumn of 2019 parts of the renewed Identification & Registration-process have been tested. One of the measures was implemented in 2020 and the remaining

Identification at the reception centre for asylum seekers in Ter Apel, The Netherlands

Photo: IND



I&R-measures will be implemented in 2021. The target-group-oriented approach, in which the principle of 'first in first out' concerning asylum applications can be abandoned if a certain case or group of cases so requires, has been used for inter alia Syrians, Yemenites and Moldavians. Their applications have been handled quicker.

Due to Covid-19 some pilots intended for 2020 have been delayed, such as the pilot 'Return track', in which the aim is to develop an approach with migration organisations that leads to more actual return of rejected asylum seekers.

⁹² *Parliamentary Papers II*, 2019-2020, 19637 no. 2634.

⁹³ National Government (2019), '[Kamerbrief over voortgang Programma Flexibilisering Asielketen](#)'.

Family life between an adult and his/her parent

On 27 March 2020, the Immigration Act Implementation Guidelines (*Vreemdelingen-circulaire*, Vc) were amended in relation to the rules on assessing whether there is a family life between an adult child and a parent within the meaning of Article 8 ECRM. This change should enable case-by-case decision making. Previously, it was specified that there was an assumption of the existence of family life if the adult child had entered into a relationship or marriage. This qualifier has been removed, in order to make it possible to check individually in each case whether the adult child has formed a family independently. The young adult can independently form a family by entering into a relationship or marriage, or by actually taking care of an (illegitimate) child.⁹⁴

Clarifications on policy regarding réfugié sur place and political views

In March 2020 rules are specified in the Vc regarding *refugié sur place*. A *refugié sur place* refers to a person granted a refugee status based on international protection needs which arose *sur place*, meaning on account of events which took place after the migrant left his/her country of origin. This specification of rules is partly because of jurisprudence from the Council of State. It is specified which factors in the light of political views are accounted for when reviewing an asylum application. It is clarified that reservation cannot be expected of an applicant when it comes to fundamental political beliefs (meaning that in case the applicant wishes to express political views or to carry out activities related to these fundamental views). It has to be taken into account whether certain actions or expressions are particularly important for the preservation of the applicants identity or moral integrity.⁹⁵ Previously these specifications were not clearly laid out in the Vc.

New criterion for exceptional situations

In case an exceptional situation is applicable when someone is applying for a residence permit, it should be more likely a residence permit is granted. With exceptional situations is referred to the most extreme cases of general violence: when the general situation in relation to violence and human rights in the country of origin is exceptionally bad, to such an extent that there is a high risk for severe damage to the applicant when returning to the country. When judging if an exceptional situation is applicable, from March 2020 onwards the criterion of the presence of a security structure in the country or area of origin is also taken into consideration. This is adjusted in the Vc. The criterion of a safety structure is added because of recent jurisprudence from the Council of State (ABRvS 201904651/1).⁹⁶

Safe countries of origin

In September 2020, the Minister for Migration informed the House of Representatives of the results of the reassessment of some of the countries that are considered to be safe countries of origin.⁹⁷ EU Member States are lawfully obliged to do so from time to time, in order to determine whether a country still can be considered a safe country or if it should be removed from the list.

Safe countries of origin

In the Netherlands a country is considered a safe country of origin if in general and in a sustainable manner there is no persecution, for example due to race or religion, torture or inhumane treatment. Asylum seekers from safe countries of origin have virtually no chance of an asylum residence permit. Their asylum applications are handled with priority and expeditiously. Asylum applications by asylum seekers from a safe country of origin can be rejected as manifestly unfounded. This means that the rejected asylum seeker must leave the Netherlands immediately. Moreover, he/she will have an entry ban imposed for the entire Schengen Area for a period of two years. Asylum seekers from safe countries of origin will however be given the opportunity to demonstrate why the country is not safe in their specific situation.

94 Government Gazette (*Staatscourant*), 2020, no. 15932.

95 Government Gazette (*Staatscourant*), 2020, no. 15932.

96 Government Gazette (*Staatscourant*), 2020, no. 15932.

97 *Parliamentary Papers II*, 2019-2020, 19637, no. 2664.

Countries are reassessed based on the following criteria: democratic government; protection of the person's right to freedom and safety; freedom of expression; freedom of religion and association; protection against discrimination and persecution by third parties; access to independent investigation; access to an independent judicial authority and to legal remedies. If there has been a considerable decline in one of the first three points or if a decline is observed in one or more of the criteria, a comprehensive reassessment of the country of origin will follow. In the meantime, the safe country policy will be suspended with respect to that country.

With respect to India (currently on the list of safe countries, however the safe country policy is currently not applied to India) there has been deterioration in relation to specific groups and the reassessment is suspended. India will be reassessed again later. Togo has been reassessed and has been removed from the list of safe countries. Algeria, Brazil and Morocco are still considered as safe countries. However, in Algeria, the group of persons who have criticized the authorities via (online) media, persons who do not profess Islam or do not conform to the Sunni Islam are an exception. In Brazil LGBTIs are an exception, and special attention must be devoted to journalists reporting on corruption, crime and/or who criticize the authorities. In Morocco Hirak Rif-activists (movement fighting for rights for residents of the Rif area) and journalists reporting on the situation in the Rif mountains and the demonstrations there, are an exception.

5.2 Dublin procedures and procedures at the border

Dublin procedures and procedures at the border

The Dublin Regulation⁹⁸ establishes the criteria to determine which Member State is responsible for the examination of an application for international protection lodged in one of the Member States.⁹⁹ Often the country where the third-country national first entered the Schengen Area is responsible, or the country where other family members or relatives already stay with a residence permit. If it is determined that another Member State is responsible, a Dublin transfer takes place. The applicant will be transferred to the Member State responsible for the examination of the merits of an application.¹⁰⁰

Border procedure

It is possible that an asylum seeker enters the Netherlands via a Dutch airport or seaport, and applies there for asylum. In that case, the border procedure will start instead of the general asylum procedure. This procedure takes 8 days, and can be extended to 28 days. Asylum seekers will stay in a closed reception centre near Schiphol airport.¹⁰¹

Dublin transfers temporarily halted because of Covid-19 measures

On 20 March the Minister for Migration sent a letter to the House of Parliament in which was announced that Dublin transfers have been halted due to Covid-19 measures.¹⁰² The aim of this development was to limit the risks of transmitting the coronavirus within immigration procedures and to continue core functions within the limitations of the Covid-19 measures. As of 1 July, Dutch authorities have gradually restarted the transfer of asylum seekers to the European country that is responsible for processing the asylum application. The resumption was possible as the travel restrictions imposed after the coronavirus outbreak were slowly being lifted.¹⁰³ However, an increasing number of Member States asked for additional transfer requirements to be met, such as PCR-test requirements. These developments that hinder the continuation of Dublin transfers were closely followed.

98 Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person.

99 EMN Glossary 6.0, 'Dublin Regulation'.

100 EMN Glossary 6.0, 'Dublin transfer'.

101 Immigration and Naturalisation Service, 'Asylum procedures', 18 May 2021.

102 *Parliamentary Papers II*, 2019-2020, 19637, no. 2592.

103 National Government (2020), 'Nederland hervat geleidelijk Dublinoverdrachten', 16 December 2020.

Extension of Dublin transfer terms

On 30 October, it was clarified in the Vc under which conditions Dublin transfer terms may be extended because of the presumption that the foreign national has absconded. The aim of this adjustment was to clarify these situations. The driver of this change was the judgment by the Court of Justice of the European Union in the Jawo case.¹⁰⁴ According to this jurisprudence, the Dublin transfer may be extended when the transfer cannot be executed because the third-country national has left the assigned city of residence without notifying the authorities, provided that he has been informed of his obligations in this regard. This is the case when a third-country national absconds or when a foreigner does not appear for the planned transfer. In these two cases the transfer term can be extended with a maximum of 18 months, unless the third country national can prove that there were valid reasons or unless the foreign national had not been informed about his obligations.¹⁰⁵

Detention at the border after refusal or disregarding an asylum application

On May 20, the Vc was aligned with a change in (*Vreemdelingenwet*, Vw) of September 6 2019. It regarded the legal base for the deprivation of freedom of asylum seekers after a negative decision on an asylum application submitted at the border. Detention during the appeals stage cannot be based on the Return Directive and the decision on entry has to be postponed. The new legislation creates a legal basis for detention in the appeals stage, based on the Reception Directive. The decision on entry will be taken when the applicant's right to stay ends. Additionally, a few forms are adjusted based on the new working method.¹⁰⁶

5.3 Reception of asylum applicants

Reception

Migrants that apply for asylum in the Netherlands have a right to housing.¹⁰⁷ This reception is provided for by the Central Agency for the Reception of Asylum Seekers (*Centraal Orgaan opvang asielzoekers*, COA). Different reception centres exist for different stages in the procedure.

Changes in the Regulations on Provisions for Certain Categories of Aliens (Rvb)

In the Regulations on Provisions for Certain Categories for Aliens (Rvb) it is laid down that the COA is charged with providing the necessary living conditions for certain categories of foreign nationals during a specified period. In March multiple changes are made in these Regulations. The aim of this change is to ensure that the policy is more applicable to the current situations and in line with others regulations. Also, a few general provisions are added in which it is arranged that there is no entitlement to Rvb provisions if the necessary basic living conditions of applicants are provided for otherwise. The regulation also contains a number of changes related to the Participation Act, including changes in the percentages on the basis of which the amount of the financial allowance for foreign nationals is calculated.¹⁰⁸ Also, some changes in definitions are made.¹⁰⁹

Measures against asylum seekers causing nuisance

A small group of asylum seekers is involved in a disproportionate amount of disruptive and transgressive behaviour (such as not complying to the rules of the reception centre, shoplifting and aggression). This has received a lot of attention in the media and the parliament. The Minister for Migration has been taking several measures to minimize the disruptive and transgressive behaviour caused by this group of asylum seekers, these are mentioned below¹¹⁰:

¹⁰⁴ C163/17, Jawo, 2019 ECLI:EU:C:2019:218.

¹⁰⁵ Government Gazette (*Staatscourant*), 2020, no. 56296.

¹⁰⁶ Government Gazette (*Staatscourant*), 2020, no. 25589.

¹⁰⁷ Central Agency for the Reception of Asylum Seekers (COA), '*Opvang en begeleiding tijdens de asielaanvraag*', 29 April 2021.

¹⁰⁸ The Participation Act is a Dutch law to ensure every Dutch citizen has an income, including people who are unable to provide for their own subsistence. With this law it is ensured that everyone is provided with an income up to a 'social accepted minimum'.

¹⁰⁹ Government Gazette (*Staatscourant*), 2020, 21085.

¹¹⁰ *Parliamentary Papers II*, 2019-2020, 19 637, no. 2671.

- *Introduction of Enforcement and Supervision locations*

From 1 February 2020 asylum seekers causing serious nuisance within locations of the COA that severely impacts its residents and COA employees will be housed in a so-called Enforcement and Supervision Location (HTL), in order to diminish the nuisance inside and around regular reception centres.¹¹¹ The introduction of the HTL means that current Extra Counselling and Supervision locations (EBTL) will no longer be used. The EBTL pilot will therefore end on 1 February 2020.

- *Top-X-approach*

To obtain clarity on which asylum seekers cause the most nuisance, the Ministry of Justice and Security prepares a monthly list: the Top-X list. The parties cooperating in migration and asylum matters discuss together with parties such as municipalities, the police and the Public Prosecution Service (OM) which measures are to be taken to tackle persons on this list, such as the restriction of freedom. The list is based on data from COA and the police. Since 1 May 2020 the so-called Top-X-approach was introduced nationally.¹¹² During the period between July and December 2020, the amount of unique individuals on the monthly lists varied between 317 and 355 persons.

- *Time out for asylum seekers causing nuisance*

Since 1 August 2020, asylum seekers who cause an impactful incident that brings the safety of the employers and residents in a reception centre at risk, can be transferred to a so-called time-out location, where he or she can stay for some time.¹¹³ After the time-out period, the person involved can return to the asylum seekers' centre or, if necessary, be transferred to another reception centre. Previously, asylum seekers causing disruptive or transgressive behavior in reception centres would temporarily not be welcome in a reception centre after causing serious incidents, but that is no longer possible after the Haqbin ruling by the European Court of Justice. The Court ruled that refraining from housing, clothing or food as a sanction is incompatible with the obligation under the EU Reception Directive to allow an asylum seeker to enjoy a dignified standard of living.

- *Appointment of officially designated officers who work at both national and regional level to reduce disruptive and transgressive behavior caused by asylum seekers*

In May 2019 three officially designated officers who work at both national and regional level to reduce disruptive and transgressive behavior caused by asylum seekers have been appointed.¹¹⁴ These officers bring all parties involved together and assist them in taking the right measures, maintaining a zero-tolerance policy. A municipality for example can file a ban for a certain area. Public transportation companies for example can file a travel ban. All these measures together have been bundled in a so-called toolbox, which is available for all parties involved, including the reception centres. These officers directly report to the Minister for Migration

- *Reception facility with austere nature*

As of 14 September 2020, asylum seekers with low chances of receiving a positive decision on their application in the Netherlands (often from safe countries of origin) are placed in separate, austere reception and more closely supervised facilities.¹¹⁵ By clustering these applicants they are more available for guidance, thus speeding up asylum and departure procedures.

Financial support for municipalities to tackle nuisance-causing asylum seekers

The Minister for Migration had mentioned in a letter to the House of Parliament that municipalities are entitled to a one-off payment after 10 July 2020, in order to support activities that help tackle the small group nuisance-causing asylum seekers.¹¹⁶ It concerns ten municipalities that have recently faced nuisance caused by a small group of asylum seekers, and therefore have joined forces with the National Government. Projects will include the deployment of special investigating officers, supervisors,

¹¹¹ Government Gazette (Staatscourant), 2020, no. 5922.

¹¹² Parliamentary Papers II, 2019-2020, 19 637, no. 2671.

¹¹³ Parliamentary Papers II, 2019-2020, 19 637, no. 2671.

¹¹⁴ Parliamentary Papers II, 2019-2020, 19 637, no. 2671.

¹¹⁵ Parliamentary Papers II, 2019-2020, 19 637, no. 2671.

¹¹⁶ Government Gazette (Staatscourant), 2020, 37345.

coaches and camera surveillance. A total of one million Euros in financial assistance was made available by the State for the implementation of measures to tackle the nuisance locally. Eleven municipalities met the conditions for this financial assistance and combined they have already earmarked half the amount of the one million Euros.

Living outside reception centre for refugees

Asylum seekers who have been granted a residence permit often have to wait for appropriate housing in Dutch municipalities. The possibility to reside for three months with a Dutch host family or friends in expectation of accommodation is called the '*Logeerregeling*' (hosting scheme).¹¹⁷ The Minister for Migration informed the House of Representatives that the hosting scheme (previously a pilot) will be continued on a structural basis and that suggested improvements will be taken into consideration, such as the adjustment of the duty to report to COA. Researchers from the Verweij Jonker institute namely concluded that the hosting scheme helps asylum seekers to build up a life in the Netherlands by learning the language quicker and creating a network. Another effect includes cleared reception capacity within COA facilities.

Extra capacity COA

Greater capacity is required for the reception of asylum seekers in 2021.¹¹⁸ Several developments took place after a national coordination meeting on migration and integration in response to the shortages. Since the increase of asylum applications in 2015, the IND has not been able to process applications in time. In addition, municipalities have not been able to house refugees promptly, due to shortage on the housing market. These developments have resulted in an increased reception period for applicants/refugees inside the reception facilities; increasing the occupancy rate of COA facilities. To ensure sufficient reception capacity in the short term, the COA will devote extra attention of making use of more commercial properties such as hotels and holiday parks. Also, the programme of requirements for reception centres will be re-evaluated, which means that for example extra capacity could become available during renovation work. Moreover, extra efforts will be made to accelerate the housing of refugees in municipalities, for example, by giving additional financial support to municipalities that accommodate refugees. In addition, COA needed additional quarantine and isolation reception facilities for asylum seekers who are (potentially) infected with Covid-19.

5.4 Resettlement and relocation

Resettlement and relocation

Resettlement

Resettlement in the EU-context concerns the transfer of a third-country national or stateless person, from a third country to a EU Member State where they are permitted to reside. This transfer is the result of a request from the United Nations High Commissioner for Refugees (UNHCR) and based on the need for international protection by these third-country nationals. The Member State will admit them with the refugee status¹¹⁹ or a status which offers the same rights and benefits under national and EU law as refugee status.¹²⁰

Relocation

According to the EMN Glossary, relocation refers to an intra-EU solidarity tool enabling the transfer of persons with an international protection status to another EU Member State, where these persons will be granted similar protection. It also concerns the transfer of those who applied for international protection, whose case will then be examined in another EU Member State.¹²¹ This can help to reduce the pressure of a relatively large asylum influx in a Member State.¹²²

¹¹⁷ National Government (2020), '[Logeerregeling asielsstatushouders blijft en breid uit](#)', 16 December 2020.

¹¹⁸ National Government, '[Additional reception capacity for asylum seekers and accommodation for residence permit holders becoming increasingly urgent](#)'.

¹¹⁹ A refugee status within the meaning of Art. 2(d) of Directive 2011/95/EU (Recast Qualification Directive).

¹²⁰ EMN Glossary 6.0, '[Resettlement](#)'.

¹²¹ EMN Glossary 6.0, '[Relocation](#)'.

¹²² For more information, please see: United Nations High Commissioner for Refugees (UNHCR), '[begrippenlijst](#)'.

Relocation

On 10 September 2020, following the fires in camp Moria on Lesbos, the cabinet announced to relocate 100 vulnerable persons out of Greece.¹²³ This number, including the subsequent number of persons that are granted family reunification with the relocated persons in the Netherlands, will be deducted from the number of refugees to be resettled under the national resettlement quota. Eventually, 49 relocations took place in 2020.¹²⁴

Resettlement

On June 10 the Minister for Migration sent a letter to the House of Parliament in which a new national multiannual resettlement policy framework was established for 2020-2023¹²⁵, succeeding the previous policy framework 2016-2019. Like previous multi-annual frameworks for resettlement, the aim for 2020-2023 is to resettle 2.000 refugees in four years (500 a year). Furthermore the Minister for Migration announced that as per this 2020-2023 framework, the calculation model for the national quota and resettlement policy will be on the basis of the arrival date, instead of the date of selection. This is in line with UNHCR and EU reporting on the number of resettled refugees.¹²⁶

The resettlement effort on the basis of the European resettlement programme in 2020 was set at 1,500 (500 national resettlement quota and 1,000 resettlement based on the EU-Turkey Statement). As mentioned in a letter from the Minister for Migration to the House of Parliament, in 2018 and 2019 the Netherlands resettled more refugees from Turkey than agreed upon, due to an omission in the calculation.¹²⁷ Instead of 1.750 Syrian refugees from Turkey, 1.860 refugees from Turkey were resettled. It was possible to include 30 of those refugees in the national quota, which meant the number of exceeded resettled refugees from Turkey was 80. This number can be counted towards the implementation of resettlement under the EU-2020 resettlement programme, leaving the number of refugees to be resettled in the Netherlands to in 2020 at 920 (pledge 1.000).

In 2020 from the national quota a total of approximately 300 resettlements were carried out, out of countries such as Lebanon, Egypt, South-Sudan, Tunisia, Yemen, Surinam, Uganda and Turkey. Next to this, 128 persons were resettled out of Turkey based on the EU-Turkey Statement of 18 March 2016. In 2018 and 2019 the Netherlands resettled more refugees from Turkey than agreed upon, due to an omission in the calculation.¹²⁸

Due to the national and international measures taken because of the Covid-19 outbreak, the resettlement of refugees to the Netherlands was paused as from March 2020. 570 refugees from Lebanon, Egypt, Turkey and some individual cases were already accepted for resettlement.¹²⁹ In the autumn of 2020 resettlement arrivals were resumed. The refugees that arrived in 2020 were selected for resettlement in 2019 and the beginning of 2020. Those who were already selected but who could not be resettled in 2020 because of the Covid-19 outbreak will be resettled in 2021.¹³⁰ Furthermore, in 2021 the remainder of the pledge under the EU 2020 resettlement programme should be implemented; the European Commission has expanded the deadline to 31 December 2021.

123 *Parliamentary Papers II*, 2019-2020, 19 637, no. 2652.

124 According to the resettlement unit of the IND.

125 *Parliamentary Papers II*, 2019-2020, 19 637, no. 2608.

126 Note that the resettlement based on the EU-Turkey Declaration is not part of the multiannual resettlement policy framework but is counted towards 'resettlement in the framework of (EU) migration cooperation with third countries'.

127 *Parliamentary Papers II*, 2019-2020, 19 637, no. 2608.

128 *Parliamentary Papers II*, 2019-2020, 19 637, no. 2608.

129 *Parliamentary Papers II*, 2019-2020, 19 637, no. 2666.

130 *Parliamentary Papers II*, 2019-2020, 19 637, no. 2666.

6 Minors and other vulnerable groups

Vulnerable persons

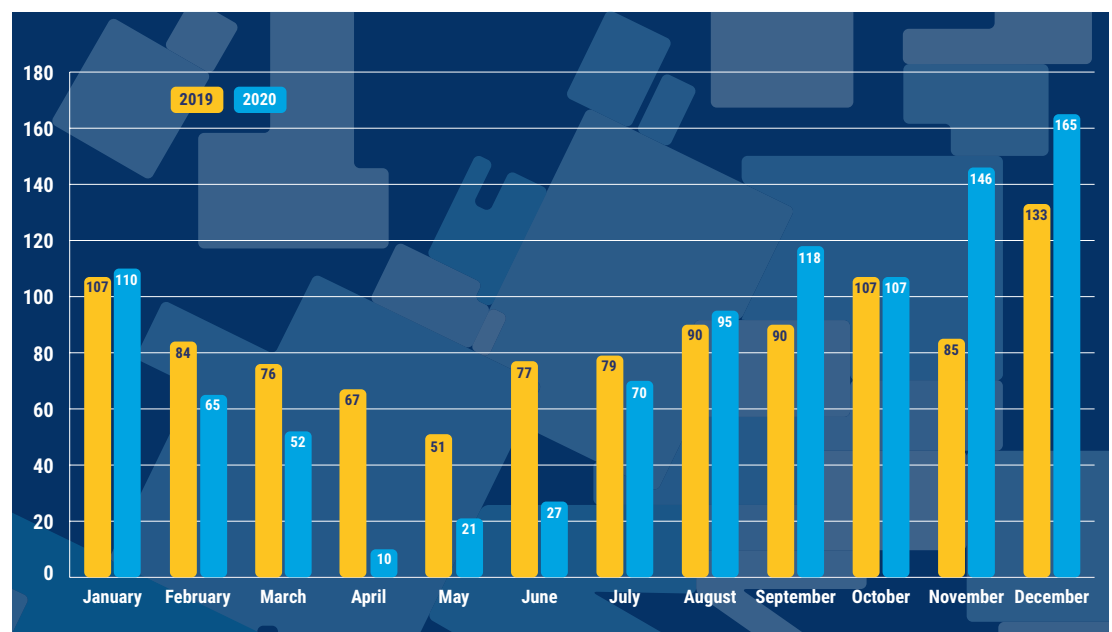
The EMN Glossary defines vulnerable persons as “minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of trafficking in human beings, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation.”¹³¹

Of the mentioned groups of vulnerable persons, this chapter will discuss minors and other vulnerable groups. In the Netherlands, statistics are available for applicants for international protection by unaccompanied minors (UAM) but are not as clearly distinguished for other vulnerable groups. Therefore, only statistics for UAM will be provided for.

In 2020, there were fewer applications for international protection by UAM in the Netherlands than in 2019 (986 compared to 1.046).¹³² An explanation could be that the measures to prevent the corona virus from spreading also included travel restrictions. Figure 4 shows that especially in the months April, May, and June, fewer applicants for international protection were lodged by UAM in comparison to 2019. From July onwards, the number of applications increased again, with particularly high numbers in November and December. The peak in these later months compensated for the earlier lower numbers, but still resulted in a lower total than in 2019.¹³³

Figure 4:
Development of the
number of asylum
applications by UAM
in 2019-2020.

Source: IND (2020). Asylum Trends: Monthly Report on Asylum Applications in the Netherlands, December 2020.



131 EMN Glossary 6.0, “vulnerable person”.

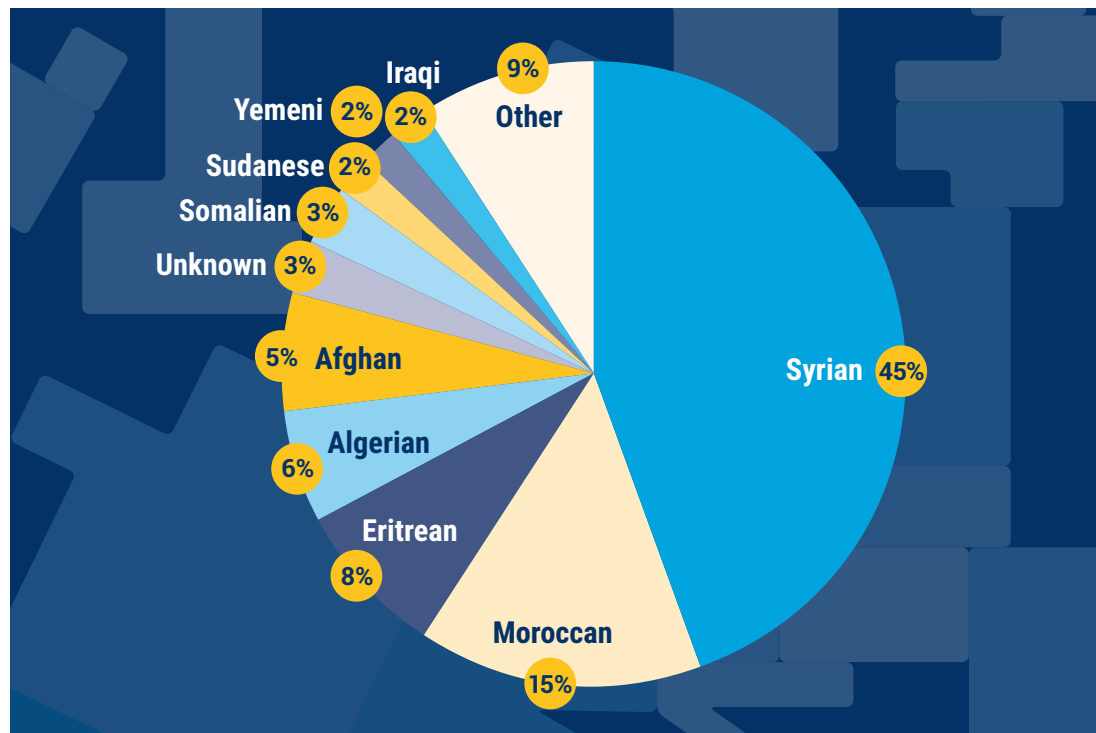
132 Immigration and Naturalisation Service (IND), [Asylum Trends: Monthly Report on Asylum Applications in the Netherlands, December 2019](#).

133 Immigration and Naturalisation Service (IND), [Asylum Trends: Monthly Report on Asylum Applications in the Netherlands, December 2020](#).

In 2020, most UAM came from Syria (45%), Morocco (15%) and Eritrea (7%). This is the same top three as in 2019. The percentages of other nationalities can be found in Figure 5.

Figure 5:
Nationalities of UAM
in 2020

Source: IND (2020). Asylum Trends: Monthly Report on Asylum applications in the Netherlands. December 2020.



6.1 Minors

In 2020, there were multiple law and policy changes concerning minors. Some regarded all minors and other were specifically for accompanied minors or UAM. These will be explained in the stated order.

All Minors

Minors

The EMN Glossary defines a minor as “a person who, according to the law of their respective country, is under the age of majority, i.e. is not yet entitled to exercise specific civil and political rights.” The term minor is used in a legal context and the preferred term to use when referring to an individual. The term “child” should be used to describe the relationship with other family members.¹³⁴

Collaboration established to ensure the best interest of the child in Alien Policy

In March 2020, a new and permanent form of cooperation between the Immigration and Naturalisation Service (*Immigratie en Naturalisatie Dienst, IND*), the Repatriation and Departure Service (*Dienst Terugkeer en Vertrek, DT&V*) and the Child Care Protection Board has been established. The name of this collaboration is the Collaboration Children in Alien Policy (*Samenwerkingsverband Kinderen in het Vreemdelingenbeleid*). The task of this new partnership is to ensure that joint attention is paid to children in immigration procedures with the aim of ensuring that the interest of the child is sufficiently taken into consideration, that justice is done to the position of children in the immigration process and that this process is transparent for children. The partnership is a successor of an earlier collaboration interest of the child in alien's law (*Belang van het kind in het Vreemdelingenrecht*) that started in 2015 and is an outcome of a project which explored possibilities to pay more attention to the best interest of the child within administrative and immigration law frameworks. The partners in this project can exchange data and knowledge in cases involving children.

Age assessment added for third-country nationals who claim to be minors but don't apply for asylum

On September 28, the age assessment as part of the identification process for third-country nationals who claim to be minors but do not apply for asylum was added to the Alien Act Implementation Guidelines. In previous times, third-country nationals who claimed to be minors but didn't apply for asylum did not have to go through an age assessment as part of their identification process, but were placed in facilities for minors regardless. As a consequence, people that were not underaged were placed in facilities that were not meant for them and minors could be staying with adults.

Policy changes for the education of asylum seeking children as a consequence of Covid-19

With regard to integration, the only policy changes that occurred had to do with education and were a consequence of the Covid-19 pandemic. Due to the coronavirus, schools were closed and children had to follow school remotely. However, not all vulnerable children, such as asylum seeking children, had the right tools to follow school remotely. Therefore, on March 20, the Minister of Education announced allocating 2.5 million euro to buy and distribute laptops to children in primary, secondary and further education that did not have laptops and could not obtain one via their schools or municipalities. This announcement formed part of practical measures to ensure accessibility to education during the pandemic, which paid special attention to vulnerable children, including children in reception centres.¹³⁵

As of May 1st, the Minister of Education extended the application period with four weeks for special financing for the education of asylum seekers and other third-country nationals. Due to the Cabinet's decision to close all schools in order to prevent the coronavirus from spreading, there were difficulties for schools and third-country nationals to provide the information required for the application for special financing on time.¹³⁶

In addition to this extension, on June 18, the Minister of Education made additional financing available for schooling of newcomers as they faced additional challenges during the pandemic. Remote education was especially hard due to a language barrier and a lack of guidance with schooling from parents, creating a risk on study arrears and a stagnation of development. This additional financing allowed schools to mitigate any extra school lags to offer newcomers a good start at school.¹³⁷

Relocation of vulnerable persons from Greece after fire Moria

In September 2020, the Minister for Migration announced the decision to relocate 100 vulnerable persons from Greece after a fire destroyed the refugee centre Moria on the Greek island of Lesbos. The Dutch government expressed their willingness to assist the Greek government, preferably as part of an EU-coordinated action, to receive a total of 100 asylum seekers in the Netherlands of which 50 unaccompanied minors and 50 members of families with minor children. The 100 persons, including reuniting family members, are deducted from the resettlement quota.¹³⁸

Accompanied Minors

Accompanied Minors

The Reception Conditions Directive (2013/33/EU) defines an accompanied minor as a minor who is accompanied and effectively taken into care of an adult responsible for him or her by law or by the practice of the Member State concerned.¹³⁹

Determining the transferability of a minor in case of child protection measures

On June 19, the Aliens Act Implementation Guidelines (Vreemdelingenencirculaire, Vc) were clarified regarding the rules for minors that are part of a family and who are under a child protection measure.

¹³⁵ Letter to the Parliament (20 march 2020), '[Continuing education with measures against the coronavirus](#) (*"Continuïteit van het funderend onderwijs bij maatregelen tegen het coronavirus"*)'.

¹³⁶ Government Gazette (*Staatscourant*), 2020, no. 25998.

¹³⁷ Government Gazette (*Staatscourant*), 2020, no. 37478.

¹³⁸ *Parliamentary Papers II*, 2019-2020, 19637 no. 2652. See also chapter 1.6 under 18.

¹³⁹ The Reception Condition Directive (2013/33/EU).

The DT&V and IND require documents to give an advice about the transferability of the child protection measure to the country of origin or another country that will grant entry to this child. First, it was unclear who was responsible for the gathering of the needed information. Now, it has been established that the applicant is the one responsible for the information gathering. The minor or their legal representative has to demonstrate the necessity of the child protection measure with a report of the Child Care and Protection Board. A report of a certified institution that exercises the child protection measure can also be used when that report is more recent than the report of the Child Care and Protection Board. An additional benefit of this clarification is that procedures can go faster, since the people processing these documents have the complete information.¹⁴⁰

Unaccompanied minors

Unaccompanied Minors (UAM)

The Dutch government defines an UAM as a person who arrives in the Netherlands when underaged (18 years or younger) from outside of the European Union (EU) without parents or a guardian. Nidos is conform the Dutch law the organization responsible for the temporary custody for UAM.¹⁴¹

Change of the count of three-year period of the no-fault permit for UAM

On 27 March 2020, the Vc were changed to limit the period of the no-fault policy¹⁴² to three years starting from the first asylum application to offer the UAM more certainty about their future sooner. Prior to this change, this period started from the date the last residence permit was submitted. This created longer times of uncertainty for the UAM and was not in line with the intention of the no-fault policy. UAM were eligible for the no-fault residence permit if it was demonstrated that return would not be possible within a maximum of three years or after three years that the UAM was not able to return. In the implementation of this policy in the Vc, the count of this three-year period started from the date the last residence permit was submitted.¹⁴³

Expansion of situation in which unaccompanied minors can be placed in detention for the purpose of return

On March 27, a change was made to Paragraph A5/2.4 of the Vc with regard to the expansion of situations in which UAM can be placed in detention for the purpose of return. Before, one of the possibilities for detention was when a UAM could be removed within two weeks. This proved to be too short of time, even if the identity of the UAM was available upon apprehension. This largely had to do with the necessary safeguards that need to be in place when returning a UAM. The time for removal has now been extended to four weeks. The goal of this policy change is to prevent UAM from absconding and potentially consequently, becoming a victim of exploitation. UAM that are found during surveillance will be brought to the asylum registration desk in Ter Apel regardless of their intention to apply for asylum. A substantial part of UAM, however, does not want to apply for asylum and absconds as a result. The Minister for Migration has found this to be an undesirable situation, since many of those UAM disappear in illegality, when they are eligible for return and reunification with their parents in the country of origin.¹⁴⁴

¹⁴⁰ Government Gazette (Staatscourant), 2020, no. 33493.

¹⁴¹ National Government, '[Alleenstaande minderjarige vreemdeling](#)'.

¹⁴² In 2013, the no-fault permit for UAM was introduced to create a safety net for UAM who cooperated with the return procedure, but could not return to their country of origin.

¹⁴³ Government Gazette (Staatscourant), 2020, 15932, under S.

¹⁴⁴ Parliamentary Papers II, 2018-2019, 19 637, no. 2530

EMN Inform Missing UAM

The EMN published an Inform (short report) in 2020, on missing UAM: "Missing unaccompanied minors in the EU, Norway and the United Kingdom."¹⁴⁵ The reports maps out the responses of EU Member States towards cases in which UAM are going missing.

In relation to other vulnerable groups, research has been conducted by the EMN in 2020 on the different national protection statuses that are available within the Member States.¹⁴⁶ The title of the report is "Comparative overview of national protection statuses in the EU and Norway."

6.2 Other vulnerable groups

Vulnerable groups

Other vulnerable groups include disabled people, elderly people, lesbian, gay, bisexual, transgender, queer or questioning, and intersex (LGBTQI) people, pregnant women, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical, or sexual violence, such as victims of female genital mutilation.¹⁴⁷

In the Netherlands, the Minister for Migration can designate certain groups in a country as vulnerable minority group or a group at risk of persecution. For the determination, the extent of random violence and the extent of random violations of human rights are viewed in relation to the position of the group in the country of origin. These groups are registered in the country-specific policies. If a country is determined as safe, but an asylum seeker belongs to a designated vulnerable group, the asylum application will not be subjected to the accelerated procedure for safe countries of origin and legal residence in other EU-countries, but will be processed in the general asylum procedure.¹⁴⁸

Designation LGBTI as an exception group in Brazil

As of September 30, the reassessment of Brazil led to the conclusion that Brazil is deemed a safe country of origin, but that LGBTIs are seen as an exception group, since they are increasingly dealing with violence. Asylum applications by this group will be individually assessed in more detail about their safety in the country of origin as LGBTI.¹⁴⁹

4th National Action Plan for Women, Peace and Security

On the 16th of December, the 4th National Action Plan for Women, Peace and Security was presented as a consequence of the UN Security Council Resolution 1325 in the year 2000. This plan focuses on further strengthening and empowering the position and rights of women and girls in (post)conflict areas. This also concerns women and girls in asylum procedures. The new plan will start in January 2021 and will last for 5 years. In comparison to the last three action plans:

- A fifth goal of applying a gender lens was added;
- An oversight board was established;
- More attention will be paid to monitoring, evaluation and shared accountability conform internationally agreed upon Women Peace and Security- and gender indicators;
- There will be a national policy focus besides an international focus.¹⁵⁰

¹⁴⁵ The study can be found on the website of EMN Netherlands via Onderzoek: [Vermiste alleenstaande minderjarige asielzoekers in Europa | EMN Nederland - Europees Migratienetwerk Nederland \(emnetherlands.nl\)](#)

¹⁴⁶ The study can be found on the website of EMN Netherlands via Onderzoek: [Nederland één van de landen met de meeste nationale beschermingsstatussen | EMN Nederland - Europees Migratienetwerk Nederland \(emnetherlands.nl\)](#)

¹⁴⁷ Definition used in the EMN Annual Report 2020

¹⁴⁸ IND-werkinstructie nr. 2013/14 (AUA). [WI 2013-14 \(ind.nl\)](#)

¹⁴⁹ *Parliamentary Papers II*, 2020-2021, 19637, no. 2664

¹⁵⁰ National Government (2020), 'Vierde Nationaal Actieplan 1325 Vrouwen, Vrede en Veiligheid' ('Fourth National Action plan 1325 Women, Peace and Security', [kamerbrief-inzake-vierde-nationaal-actieplan-1325-vrouwen-vrede-en-veiligheid.pdf](#)

7 Integration

This chapter focuses on the developments in Dutch integration policy in 2020. In the Netherlands, integration is primarily a responsibility of the municipalities. This report discusses however, the integration policy developments on the national level.

Integration

Integration includes those aspects that are meant to help the migrant to faster become part of and take part in the Dutch society. This includes for example learning the language, starting to work and actively participate within the Dutch society.

In the Netherlands, newcomers who are obligated to integrate have three years to meet the requirements. In this period, they learn the Dutch language and get to know Dutch norms and values. In addition, newcomers should explore their possibilities on the Dutch labour market. The integration period is completed after successfully finishing the civic integration exam. Newcomers can be exempted from the civic integration exam based on other diplomas.¹⁵¹

Numbers on the status of newcomers who are obliged to do the civic integration exam are provided for 2020 and 2019 (to compare). Newcomers who are obliged to integrate can be divided into three categories: 1) Persons entitled to asylum, 2) family migrants, and 3) Other. Newcomers in the category 'Other' are children of the Final Regulation for long-term resident children and clerics. In 2020, less newcomers in all categories completed the civic integration exam as compared to 2019.

Figure 6: Number of people who are required to do the integration exam and the status in 2019 and 2020

Source: DUO (2020), Voortgangscijfers Inburgering Totaal Nederland

	Persons entitled to asylum		Family migrants		Other	
	2019	2020	2019	2020	2019	2020
Completed	762	142	906	194	97	26
Exempted	47	12	20	*	20	0
Still required to integrate	8.058	12.732	7.088	7.027	722	433
Total	8.867	12.886	8.014		839	459
*Numbers are too small to report because of privacy reasons						

7.1 General civic integration measures

Mandatory participation in civic orientation programmes for new Turkish migrants

On 4 February 2020, the Minister of Social Affairs and Employment decided to reinstall the mandatory participation in civic orientation programmes for Turkish newcomers to improve their integration in the Dutch society.¹⁵² This development followed from the perception of the National Government that not all individuals with a Turkish background integrated well, especially concerning speaking the Dutch language.¹⁵³

As of 2011, Turkish newcomers were exempt from mandatory participation in integration programmes as this was considered unfitting with the EU-Turkey Association Agreement. However, jurisprudence following from a European Court of Justice ruling in 2013 demonstrated that obligatory integration can be justified by pressing reasons regarding general interest. According to research conducted by the

¹⁵¹ Ministry of Education, Culture and Science, 'Voortgangscijfers Inburgering Totaal Nederland', 17 May 2021.

¹⁵² Parliamentary Papers II, 2019-2020, 32824, no. 290.

¹⁵³ National Government, 'Turkse nieuwkomers worden inburgeringsplichtig', 3 March 2021.

Minister of Social Affairs and Employment on request of the House of Representatives, the successful integration of Turkish newcomers is necessary to such an extent that this constitutes a pressing reason. Therefore, it was considered lawful to oblige them to follow integration courses and pass the Integration Exam Abroad.¹⁵⁴ The expectation was that this change would be applied once the changed civic integration law (*Wet Inburgering 2.0*¹⁵⁵) would be implemented.¹⁵⁶ The change did not apply to Turkish migrants granted asylum and their family members, as they do not have to pass the Integration Exam Abroad. From May 2021, this group of Turkish migrants would be obligated to integrate when they have arrived in the Netherlands.

Implementation date of the changed civic integration law (Wet Inburgering 2.0) adjusted

The above-mentioned changed civic integration law (*Wet Inburgering 2.0*) was originally expected to be implemented by the 1st of January 2021. However, this date has been moved and the new expectation is that the law will be implemented by 1st of January 2022.¹⁵⁷ The proposal for a new integration law (*Wet Inburgering*) aimed at ensuring that those obliged to integrate are able to learn the Dutch language and participate in the Dutch society (through paid employment) faster and better.¹⁵⁸ The Dutch government was of the opinion that the current Dutch integration system is not adequately capable of ensuring that all of those who are obliged to integrate, can do so swiftly. This was underpinned by an evaluation of the current integration law¹⁵⁹. That led to the conclusion that changes need to be made to the law to improve its effectiveness. For example by more involvement of municipalities in the process. This intention was also mentioned in the coalition agreement.¹⁶⁰

Changes made to the Civic Integration Decree (Besluit Inburgering)

On 1 October 2020, the Minister of Social Affairs and Employment decided that those who have demonstrated that they are able to function independently on the Dutch labour market, should no longer be obliged to obligatory participation course hours and/or the completion of an exam.¹⁶¹ The decision was made to avoid duplication of requirements and concerned students who successfully completed an MBO-1 programme and self-employed entrepreneurs partaking integration courses.

In addition, the grounds to exempt illiterate newcomers from civic integration requirements were eased.¹⁶² ¹⁶³ Extensions were implemented regarding waiver options for analphabetic participants in civic orientation programmes. The objective was to make passing the integration exam easier for those who are unable to successfully complete the programme due to their analphabetism. Before the change, analphabetic migrants partaking in integration courses would have completed at least 600 hours of courses before they could receive an exemption for passing the integration exam based on their proven effort. In these 600 hours, course hours aimed at improving literacy were not included. The Minister of Social Affairs and Employment indicated that analphabetic migrants experienced this as a challenge, as only 700 hours of courses were financed by a loan. Therefore, migrants can, since the changes, apply for the waiver after 600 hours of any type of course being completed – be that integration or literacy courses.¹⁶⁴

154 *Parliamentary Papers II*, 2019-2020, 32824, no. 290.

155 House of Representatives, '[Wetsvoorstel Wet inburgering 2.0](#)', 7 December 2020.

156 National Government, '[Turkse nieuwkomers worden inburgeringsplichtig](#)', 30 May 2021.

157 National Government, '[Nieuwe ingangsdatum inburgersstelsel](#)', 30 December 2020.

158 House of Lords, '[Wet inburgering 2.0](#)', 4 January 2021.

159 *Parliamentary Papers I*, 2017-2018, 34584, H.

160 House of Lords, '[Wet inburgering 2.0](#)', 4 January 2021.

161 Government Gazette (Staatscourant), 2020, no. 330.

162 Government Gazette (Staatscourant), 2019, no. 34157.

163 *Parliamentary Papers II*, 2020-2021, 32824, no. 319.

164 National Government (2020), '[Kamerbrief over verlenging inburgerstermijn en wijziging regelgeving inburgeren](#)'.

8

Dutch citizenship and statelessness

This chapter deals with policy developments in 2020 concerning obtaining Dutch citizenship and the prevention of statelessness.

Naturalisation

In 2020, 43.660 applications of naturalisations were received in the Netherlands, compared to 44.400 in 2019. As a consequence of digitalization and hiring extra personnel, the Immigration and Naturalisation Service (*Immigratie- en Naturalisatiedienst*, IND) was able to process almost twice as much naturalisation requests in 2020 as in 2019. In 2020, the IND processed 50.870 naturalisation applications, compared to 27.090 in 2019.¹⁶⁵

Registered stateless persons in the Netherlands

There are over 40.000 persons in the Netherlands whose nationality is unknown in the Personal Records Database (*Basisregistratie Personen*). This is not the same as statelessness. Most third-country nationals whose nationality is unknown do have a nationality, but they do not have the documents to prove that nationality. The estimation is that of those 40.000 persons, 12.000 are stateless and registered as such.¹⁶⁶ However, the exact number of stateless persons is unknown, since there is no stateless determination procedure yet in the Netherlands for persons who cannot prove their statelessness by means of documents.

EMN Platform of Statelessness

In January 2020, the EMN Platform of Statelessness (a platform for Member States to exchange information and good practices) has published a report 'Statelessness in the European Union'.¹⁶⁷ The EMN has also published a report on naturalisation called, 'Pathways to citizenship in the EU'. The research period was 2014-2018.¹⁶⁸

8.1 Dutch citizenship

Acquisition of Dutch citizenship

Following the EMN Glossary, acquisition of citizenship refers to "any mode of becoming a national, i.e. by birth or at any time after birth, automatic or non-automatic, based on attribution, declaration, option or application."¹⁶⁹ A first possibility is naturalisation. This is defined as "any mode of acquisition after birth of a nationality not previously held by the target person that requires an application by this person or their legal agent as an act of granting nationality by a public authority."¹⁷⁰ In the Netherlands, this procedure is available for persons who lived in the Netherlands with a valid residence permit continuously for five years and who meet the requirements with regard to the civic integration exam.¹⁷¹ A second possibility is through option. This is a faster procedure, but not available for everyone. To be eligible to apply for acquisition of the Dutch citizenship via the option procedure, the third-country national must fall under a certain category.¹⁷²

165 Immigration and Naturalisation Service (IND)(2021), *IND Jaarverslag*, [Inhaalslag voor Naturalisatie | IND Jaarverslag \(rijksoverheid.nl\)](#)

166 National Government, 'Statelessness'.

167 The study can be found on the website of EMN Netherlands via Onderzoek:

[Staatloosheid in EU-lidstaten | EMN Nederland - Europees Migratienetwerk Nederland \(emnetherlands.nl\)](#).

168 The study can be found on the website of EMN Netherlands via Onderzoek:

[Procedures en regels voor naturalisatie verschillen in EU-lidstaten | EMN Nederland - Europees Migratienetwerk Nederland \(emnetherlands.nl\)](#).

169 EMN Glossary 6.0, 'Acquisition of citizenship'.

170 EMN Glossary 6.0, 'Naturalisation'.

171 Immigration and Naturalisation Service (IND), 'Becoming a Dutch national through naturalisation'.

172 Immigration and Naturalisation Service (IND), 'Becoming a Dutch national through option'.

The Dutch government wants to limit dual citizenship. Generally, persons who acquire Dutch citizenship have to renounce their other nationality. There are exceptions to this rule, such as C-countries. These countries do not allow an automatic loss of their other nationality or renunciation of their nationality.¹⁷³

Policy change on the Dominican Republic due to new information on the renunciation of Dominican nationality

As of July 1st, the Dominican Republic will no longer be marked as a C-country. New information from the country revealed that it is possible to renounce Dominican nationality. This means that Dominicans that submit a naturalisation request have to sign a declaration of willingness to renounce their Dominican nationality.

Exemption civic integration exam for independent entrepreneurs

On October 1st, an exemption for the exam section Orientation on the Dutch labor market (Oriëntatie op de Nederlandse arbeidsmarkt) had been added in the civic integration exam for independent entrepreneurs. The reason for this exemption is that it is presumed that third-country nationals who are independent entrepreneurs are already sufficiently aware of the Dutch labor market. Due to their sufficient knowledge, they do not have to follow a course on that topic.¹⁷⁴

8.2 Statelessness

Stateless persons

The EMN Glossary defines a stateless person as a person who is not considered as a national by any state under the operation of its law.¹⁷⁵ A migrant can become stateless because of state succession (in which a new state is established coming from another state that was previously recognized), unclear or discriminating laws with regard to determination of nationalities, displacement/forced migration or having stateless parents.¹⁷⁶

Stateless determination procedure bill submitted

On the 21st of December 2020, a bill was submitted to the House of Representatives to establish a procedure allowing judges to determine statelessness.¹⁷⁷ The bill was drafted on the basis of an advice given in 2013 by the advisory committee for immigration affairs to establish such a procedure for persons who cannot prove their statelessness by means of documents.¹⁷⁸ Under this regulation, persons concerned can request to officially confirm their lack of nationality in a determination procedure. Both persons with legal residence who are not (well) documented and persons without legal residence can apply.

¹⁷³ Immigration and Naturalisation Service (IND), '[Renouncing your current nationality](#)'.

¹⁷⁴ Government Gazette (*Staatscourant*), 2020, no. 53669.

¹⁷⁵ EMN Glossary 6.0, '[Stateless person](#)'.

¹⁷⁶ National Government, '[Staatloosheid](#)'.

¹⁷⁷ *Parliamentary Papers II*, 2020-2021, 35 687, no. 3.

¹⁷⁸ Adviescommissie voor Vreemdelingenzaken (ACVZ), '[Advies: Geen land te bekennen](#)', 11 March 2021.

9 Borders, visa and Schengen

In 2020 developments took place in relation to management of the external borders of the European Union (EU). In the Netherlands these external borders exist of the international seaport and airport. These are the areas where passengers and goods from outside the EU arrive when entering the Netherlands other than through borders of neighboring countries. Developments also took place in relation to visa policy and the Schengen acquis (regulations on internal borders within the Schengen Area). Additionally, in this chapter special attention is paid towards the withdrawal of the United Kingdom (UK) from the EU.

Around 137.535 short-stay visas were issued to third-country nationals in 2020. About 131.665 of these were issued to third-country nationals coming directly from countries outside the EU/European Economic Area (EEA), and about 5.870 visas were issued to third-country nationals who were staying in a different EU-country.¹⁷⁹ The total number of short-stay visas issued was a lot lower than in 2019, when about 723.825 short-stay visas were issued.¹⁸⁰

9.1 Borders

European integrated border management

The concept of European integrated border management entails national and international coordination and cooperation among relevant authorities and agencies involved in border security and trade facilitation. This in order to establish effective, efficient and coordinated border management at the external borders of the EU.¹⁸¹

Integrated border management (IBM)

In 2020 the national Integrated Border Management (IBM) strategy 2019 – 2024 of the Netherlands has been evaluated by experts of the Commission and Member States (thematic IBM evaluation). The Netherlands will update and improve its IBM strategy in 2021 by implementing recommendations based on the results of the IBM thematic evaluation.

Travel restrictions

On 18 March, an entry ban was implemented to curb the spread of the Covid-19 virus, a major international crisis. This means all non-essential travel from third countries was not permitted. From 1 July, the travel ban was lifted for Australia, Japan, New-Zealand, Rwanda, South-Korea, Thailand and Uruguay.¹⁸² From 20 December 2020 till 1 January 2021, there was a restriction on air travel and ferry travel from the UK and North Ireland.¹⁸³ From the 29th of December, all travelers by plane and ferry to the Netherlands have to show a negative PCR test. Due to the changing circumstances, measures were summarised in one document by the government.¹⁸⁴

On 16 July, the Dutch government decided to ease the travel ban on the entry of partners from third countries in a long-distance relationship with a Dutch national or EU-citizen who lives in The Netherlands, subject to certain conditions.¹⁸⁵ On 11 September, additional exemptions on the travel ban were announced for specific categories such as top athletes and business persons.¹⁸⁶

Later that year, starting from 29 December 2020 on, all passengers, including Dutch nationals, had to have a recent negative PCR test declaration in order to board an aircraft bound for the Netherlands.

¹⁷⁹ This information was provided by the Ministry of Foreign Affairs on 30 March 2021.

¹⁸⁰ EMN (2020), ['Jaaroverzicht 2019, Migratie en Asiel in Nederland'](#).

¹⁸¹ EMN Glossary 6.0, ['European integrated border management'](#).

¹⁸² National Government (2020), ['Nederland stelt inreisverbod voor Marokko weer in'](#).

¹⁸³ National Government (2020), ['Reisadvies Verenigd Koninkrijk'](#).

¹⁸⁴ Repatriation and Departure Service (DT&V) (2020), ['Reisbeperkingen gebundeld in één document'](#).

¹⁸⁵ National Government (2020), ['Minister Grapperhaus relaxes rules for long-distance relationships'](#).

¹⁸⁶ National Government (2020), ['Uitzonderingen inreisverbod Nederland onder strikte voorwaarden'](#).

Everyone arriving in the Netherlands was strongly advised to self-quarantine for a period of 10 days. The negative test required for boarding was not a substitute for self-quarantining on arrival. The rule requiring passengers to submit a negative test declaration before the start of their trip had already been in effect since 15 December for non-EU residents.

9.2 Withdrawal of the UK from the EU

Brexit

On 31 January 2020 the UK officially left the EU. This was the result of a referendum in 2016, in which the majority of UK citizens voted in favor of a Brexit. The UK and EU came to an agreement on their future partnership that will apply as of 1 January 2021.¹⁸⁷ It among others concerns agreement on border controls when travelling to or from the UK.

Developments within border management

Several developments took place in 2020 within border management in relation to the withdrawal of the UK from the EU, among which:

- British frontier workers (cross-border commuters) working in the Netherlands need a frontier worker's document to continue their activities from 1 January 2021 onwards. With a frontier worker's document, UK nationals will be able to easily travel into and out of the Netherlands. The application is free of charge. The aim of this development is to facilitate the extension of residence rights for UK nationals after the withdrawal of the UK from the EU.
- Now that the UK is officially leaving the EU, the Royal Netherlands Marechaussee (*De Koninklijke Marechaussee*, KMar) is intensifying contacts with British border control and immigrations services.¹⁸⁸ Intensification consists of organizing tactical, operational and strategic work meetings, knowledge and innovation sharing and positioning of a KMar liaison officer. Furthermore, the intelligence cooperation is strengthened via the liaison and controls in Rotterdam and Amsterdam. There are no new official partnerships.
- As of 2020, the Netherlands gained a land border with the UK as border checks for the Eurostar, the fast train from Amsterdam to London, now take place prior to boarding the train in Amsterdam or Rotterdam. British border guards are now authorized to carry out border checks in the Netherlands on the basis of English access conditions. The aim of this change is to reduce travel time for the Eurostar by one hour. This change is the result from an agreement signed by the Netherlands with Belgium, France and the United Kingdom¹⁸⁹ as well as a bilateral agreement of the Netherlands with the United Kingdom signed in July 2020.¹⁹⁰

9.3 Visa

Visa

Policy on visa's that allow for the entry of legal visitors into the EU is for an important part a competence of the EU. A common visa policy deems to ensure security and functioning of the free movement of persons within the Schengen Area.¹⁹¹

Two types of visa's exist: Schengen visa's (a short stay visa up to 90 days in any 180-day period¹⁹²) and national visa's (long-stay visa's for over 90 days¹⁹³). In the Netherlands a long-stay visa is called an authorisation for temporary stay (*machtiging tot voorlopig verblijf*, MVV).

187 National Government, 'Brexit, EU-VK akkoord: stand van zaken'.

188 National Government (2020), 'Border forces Netherlands and UK intensify contacts'.

189 National Government (2020), 'Sneller met de trein naar Londen'.

190 National Government (2020), 'Laatste handtekening gezet voor snellere treinreis naar Londen'.

191 European Commission, 'Visa policy', 17 May 2021.

192 European Commission, 'The Schengen visa', 17 May 2021.

193 National Government, 'Staying in the Netherlands for longer than 90 days (long-stay visa)', 17 May 2021.

Amendments of the Community Code on Visas

On 2 February 2020 an amendment of the Community Code on Visas (Visa Code) took effect.¹⁹⁴ For the Dutch application of the Visa Code, the following changes are notable to facilitate legitimate travel on a short-stay visa:¹⁹⁵

- In the Netherlands, repeated regular travel to the Schengen area may qualify a person for a multiple-entry visa (MEV) with a longer period of validity. They must however meet a number of conditions.
- In countries where the Netherlands uses the services of a Visa Application Centre of an External Service Provider (ESP), such as VFS Global or TLS Contact, applicants must submit their visa application at the ESP.

Also, the fees for (Dutch) Caribbean¹⁹⁶ short-stay visas have been increased from €35 to €80 for adults and from €35 to €40 for children aged 6-12. The new prices are in line with the amendments of the application fees for Schengen visa in the Visa Code, effective as of 2 February 2020.

Increased funds requirement for visa

On 1 April 2020, the reference amount used by the Netherlands to determine whether a traveller has sufficient funds when applying for a visa, changed from € 34 to € 55 per person per day. No inflation adjustment had been instituted since 1998. The aim is to ensure that travellers are able to support themselves financially during their stay. With the current standards in the Netherlands, for example costs for accommodation, maintenance, entertainment and the like, it is no longer considered a realistic amount. The amount of € 55 was established by applying a national indexation over the years after 1998. It is also closer to the reference amounts used by neighbouring countries. The reference amount is a set financial standard that border authorities and the Ministry of Foreign Affairs must take into account when granting entry or issuing visas to third-country nationals. Depending on the (personal) circumstances, the duration of the intended stay, the travel purpose and possible accommodation with family members or friends, this amount may be deviated from.¹⁹⁷

Airport Transit Visa for Yemenite nationals

On 15 June 2020, the Netherlands installed an Airport Transit Visa requirement for Yemenite nationals travelling to the Netherlands. The objective is to prevent irregular entry of Yemenite nationals transiting through Schiphol airport. Yemenis transit from various countries via Schiphol airport. Often the journey was interrupted at Schiphol and an asylum application was submitted. This number continued growing, so that the introduction of the transit visa requirement for Yemenis was considered expedient.

9.4 Schengen

Schengen

The Schengen *acquis* concerns a set of EU-regulations that ensure that no internal border controls exist between participating countries in the Schengen Area. The regulations also allow for free movement of persons within the participating countries, the other EU-countries and certain third countries.¹⁹⁸

This paragraph reports on possible developments in relation to these internal borders, the new Schengen *acquis* (new regulations) and Schengen evaluations. All Member States are evaluated in order to monitor the implementation of the Schengen *acquis*. The aim of this evaluation is to ensure effective and consistent application of the Schengen regulations.¹⁹⁹

¹⁹⁴ Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas, OJ L 243, p. 1 (Visa Code).

¹⁹⁵ National Government (2020), '[Changes in the rules for Schengen and Caribbean visa applications](#)', last accessed 18 December 2020

¹⁹⁶ The Dutch Caribbean comprise the countries of Aruba, Bonaire and Curacao, and the special municipalities of St Maarten, St Eustatius and Saba. For more information, please refer to '[Changes in the rules for Schengen and Caribbean visa applications](#)', last accessed 18 December 2020.

¹⁹⁷ Government Gazette (*Staatscourant*), 2020, no.15932.

¹⁹⁸ Europe now, '[Akkoord van Schengen](#)', 17 May 2021.

¹⁹⁹ European Commission, '[Schengen evaluation and monitoring](#)', 24 March 2021.

Implementation of EU Regulations and postponement of evaluation

There were no new legal or policy developments to report in the Netherlands in relation to the new Schengen acquis. However, the Minister of Justice and Security is coordinating, via the Borders and Security Programme, the implementation of the EU-Regulations on SIS, VIS, EURODAC, EEs, ETIAS, Interoperability and ECRIS-TCN. These are regulations about among others, the exchange of information between national border controls, custom- and police authorities on persons that committed serious crimes²⁰⁰ or missing persons²⁰¹, exchange of visa information between Schengen States²⁰² and travel authorization for third-country nationals exempted from the visa requirement.²⁰³

In this programme the national organisations cooperating in security, border management and migration management are represented. Also, the Schengen Evaluations of the Netherlands were postponed to 2021 due to the consequences of the Covid-19 pandemic.²⁰⁴

200 Europe now, '[Schengen-en visabeleid](#)', 17 May 2021.

201 European Commission, '[Schengen Information System](#)', 17 May 2021.

202 European Commission, '[Visa Information System \(VIS\)](#)', 17 May 2021.

203 European Commission, '[European Travel Information and Authorisation System](#)'.

204 Information provided by the Royal Netherlands Marechaussee on 13 January 2021.

10 Irregular migration and migrant smuggling

Following the last estimation of a research of Utrecht University and the Dutch Research and Documentation Centre, the number of irregularly staying migrants in the Netherlands was expected to be between 23.000 and 58.000 persons in the years 2017-2018. Using the same method, the number was estimated to be 194.000 in 1997. There is thus a substantial decrease in the number of irregularly staying migrants in the Netherlands over the last two decades.²⁰⁵

EMN Inform Covid-19 and Return in 2020

In 2020, the EMN has published one Inform on return in cooperation with the Organisation for Economic Cooperation and Development (OECD). The title of this Inform is 'Impact of Covid-19 pandemic on voluntary and forced return procedures and policy responses'.²⁰⁶ The research period was March-September 2020.

10.1 Irregular migration

Irregular migration

Irregular migrants do not have any valid documents to enter a country or to stay in a country. A person could not have a passport or have falsified documents, for instance. The responsibility of preventing irregular migration lies with the Dutch authorities, for which they can use measures such as border controls.²⁰⁷

Developments in prevention of irregular migration of the Royal Netherlands Marechaussee

The Royal Netherlands Marechaussee (*De Koninklijke Marechaussee*, KMar) started to implement new technologies that were developed to assist the comparison of forensic features in false or falsified documents. This technology not only helps to recognize similarities in the documents, but also support the investigation of (organised) international crimes. It gives new possibilities in the cooperation between Member States.

KMar reported the development of Seamless Flow. This is a programme that aims to create a seamless journey for passengers through all obligatory checks at the airport. There have been several separate pilots on biometric boarding and border passage. The airport started a pilot in which passengers test enrolment, border passage and boarding, all using facial recognition.²⁰⁸

Shelter of irregularly staying migrants during Covid-19

Some municipalities offered additional shelter for irregularly staying migrants during the developments of Covid-19. The objective was to ensure that these irregularly staying migrants have a place to stay during the pandemic.

Information and awareness raising campaigns

In 2020, the Netherlands focused on improving the effectiveness of information campaigns aimed at making (potential) migrants aware of the risks of irregular migration and the legal alternatives, through Monitoring and Evaluation. Furthermore, the Netherlands aims to enhance cooperation at the European level through the EMN Working Group on Information Campaigns.²⁰⁹

²⁰⁵ National Government (2020), '[Dalende trend zichtbaar in illegalenschatting](#)'.

²⁰⁶ The study can be found on the website of EMN Netherlands via Onderzoek:

[Gevolgen Covid-19 voor vrijwillige en gedwongen terugkeer | EMN Nederland - Europees Migratienetwerk Nederland \(emnetherlands.nl\)](#).

²⁰⁷ EMN, '[Irreguliere migratie](#)'.

²⁰⁸ Information provided by the Royal Netherlands Marechaussee on 14 January 2021

²⁰⁹ Information provided by the Ministry of Foreign Affairs of the Kingdom of the Netherlands on 13 January 2021

10.2 Migrant smuggling

Smuggling of migrants

The EMN Glossary defines the smuggling of migrants as “the procurement in order to obtain, directly or indirectly, a financial or other material benefit, of the irregular entry of a person into a (UN) Member State of which the person is not a national or a permanent resident.”²¹⁰

New cooperation activities with new or existing partner third countries

The Netherlands funded the United Nations Office on Drugs and Crime (UNODC) the Netherlands funded an awareness-raising campaign in Albania. The aim of the campaign is to reduce the influx of futile asylum applications of Albanian asylum seekers and to inform Albanians about the rules regarding visa-free travel.

The Netherlands also funded various initiatives to improve regional cooperation between West-African countries to counter the smuggling of migrants and the trafficking in human beings, such as a new initiative with the International Centre for Migration Policy Development (ICMPD) to increase the capacity of Nigerien and Nigerian migration authorities.²¹¹

Funds are also allocated to the PROMIS programme, set up by the UNODC and the Office of the High Commissioner for Human Rights (UNHCR) in Mali, Niger, Senegal, The Gambia and Ivory Coast. This programme aims to strengthen local laws and policies on human trafficking and human smuggling. The support led to drawing up the draft legislation against human trafficking and smuggling in Mali, Senegal and the Gambia. In Ivory Coast it led to the adoption of a new law. Since UNODC and other organisations have observed a shift in human trafficking and smuggling routes, Chad and Burkina Faso have been included in the programme.²¹²

210 EMN Glossary 6.0, ‘[Smuggling of migrants](#)’.

211 Information provided by the Ministry of Foreign Affairs of the Kingdom of the Netherlands on 13 January 2021.

212 Information provided by Ministry of Justice and Security on 12 January 2021.

11 Measures against trafficking in human beings

This section deals with policy developments in 2020 in relation to measures against human trafficking. Trafficking in human beings is an exceptionally serious form of organised crime. Combating human trafficking is a priority of the Netherlands and the European Union (EU). Victims of human trafficking are often among the most vulnerable groups in society.

Human trafficking

Human trafficking involves the recruitment, transportation, transfer, harbouring or reception of persons by means of the threat or use of force or other forms of coercion. This is done for the purpose of exploitation.²¹³ It can concern having to work under duress and poor working conditions, child labour, forced prostitution or cooperating under duress in criminal activities. Victims and witnesses who do not have a valid residence permit in the Netherlands can become eligible for a residence permit if they report human trafficking.²¹⁴

Victims of human trafficking can be both EU-nationals and third-country nationals. As the scope of this Annual Report concerns third-country nationals, the developments described in this chapter are limited to the measures that (also) apply to this group.

11.1 National strategic policy developments

Improvements of the programme “Together against trafficking in human beings” announced

On 7 December 2020, a letter to parliament was issued on the progress of the inter-ministerial programme “Together against trafficking in human beings” (*Samen tegen mensenhandel*).²¹⁵ Based on the outcomes of the programme, a strengthening of the approach to trafficking in human beings was announced in the following three ways:

- 1) A reinforcement of projects with the aim of fighting against trafficking in human beings, especially in West Africa and the Sahel.
- 2) Improved international cooperation with governments of countries of transit and origin via bilateral migration dialogues and at the regional level.
- 3) Improved cooperation with police, the Royal Netherlands Marechaussee (*De Koninklijke Marechaussee*, KMar) and the Public Prosecution Service to coordinate their efforts.

The programme was initiated in November 2018 and aims to prevent persons from falling victim to trafficking in human beings; identify and support (potential) victims swiftly and adequately; thwart the perpetrators of THB as much as possible. It is an overarching programme that focuses not just on third-country nationals. However, the programme comprises several measures that are aimed specifically on that group.

Creation of a network supporting local governments to fight human trafficking

On 1 October 2020 a meeting took place between regional portfolio holders on trafficking in human beings, organised by the Association of Netherlands Municipalities (*Vereniging van Nederlandse Gemeenten*, VNG) and the Ministry of Justice and Security. During the meeting, a network was created to support local governments in the fight against trafficking in human beings. The driver for this change was the Cross-Governmental Programme (*Interbestuurlijk Programma*, IBP), initiated in 2018.

²¹³ EMN Glossary 6.0, ‘*Trafficking in human beings*’.

²¹⁴ For more information, please see: EMN Netherlands, ‘*Mensenhandel*’.

²¹⁵ *Parliamentary Papers II*, 2020-2021, 28 638 no. 185.

Employees of the Royal Netherlands Marechaussee during a preventive search action at Schiphol, the airport of Amsterdam

Photo: Koos Busters, Nationale Beeldbank



The IBP is a collaboration of the National Government, municipalities, provinces and water boards. One of the objectives of the programme is for every municipality to have a clear policy on how to fight trafficking in human beings by 2022.²¹⁶ The network gathers three times a year, and functions as a central connection point for municipalities. The network facilitates the exchange of best practices and the improvement of regional coordination and collaboration with other organisations regarding trafficking in human beings, as well as the cooperation between the national, regional and local level.²¹⁷

National Police appointed as main operative to fight human trafficking

The KMar and the National Police have agreed on the responsibility of the National Police as the main operative in the fight against trafficking in human beings. The KMar has the jurisdiction on the five appointed airports where they have the border police task. At these airports they will investigate signs of trafficking in human beings. In all other cases the information is passed on directly to the National Police.²¹⁸

11.2 Improving identification and provision of information to third-country national victims of trafficking in human beings

Measures announced to discourage buying sex from minors

On 18 November 2020, the Ministry of Justice and Security announced the development, in cooperation with the Centre against Child- and Human Trafficking (*Centrum Kinderhandel Mensenhandel*, CKM), a set of measures aimed at discouraging persons from buying sex from minors.²¹⁹ The driver was a resolution adopted by Parliament that identified the need for an increased focus on creating barriers for customers buying sex from minors. The Parliament subsequently asked the government to examine the challenges and opportunities regarding the discouragement and prosecution of customers buying sex from minors and to develop a set of measures to discourage persons from buying sex from minors.²²⁰ Among the measures were awareness raising initiatives.²²¹

²¹⁶ *Parliamentary Papers II*, 2017-2018, 29362, no. A, p. 22.

²¹⁷ *Parliamentary Papers II*, 2020-2021, 28 638, no. 185.

²¹⁸ Information provided by the Royal Netherlands Marechaussee on 14 January 2021.

²¹⁹ *Parliamentary Papers II*, 2020-2021, 28 638 no. 185.

²²⁰ *Parliamentary Papers II*, 2018-2019, 28 638, no. 166.

²²¹ *Parliamentary Papers II*, 2020-2021, 28 638 no. 185.

Online training for primary police officers encountering human trafficking

On 18 November 2020, it was announced that, due to Covid-19, the one-off training of all primary police officers who may encounter trafficking in human beings as part of their daily job changed to an online training. This only concerned the police officers who did not finish this training yet. Part of the police units organizing the training will do so online, however part of the units will organise the training themselves (depending on the online and physical possibilities).

E-learning module developed to raise awareness and identification of human trafficking cases

The Consular Affairs and Visa Policy Department of the Ministry of Foreign Affairs (*Ministerie van Buitenlandse Zaken*, BZ) developed an e-learning module on Human Trafficking and Human Smuggling to raise awareness and to identify possible victims before they have left the safety of their own country. The module, which consists of a theoretical part and a practical part, was specifically intended for the consular staff of the Ministry of Foreign Affairs. Case studies were presented to train them in recognizing the tell-tale signs of human trafficking and human smuggling. An English-language version of the module was made available for front-office staff at the various missions.²²²

11.3 Cooperation with third countries

Cooperation

The Netherlands is cooperating with third-countries of origin or transit countries in order to prevent human trafficking. It concerns for example support to programmes focused on capacity building of local authorities and the judicial sector.²²³

Projects set up in third countries to raise awareness about falling victim to human trafficking

The BZ of the Netherlands funded an awareness campaign in Nigeria run by the International Organization for Migration (IOM). The project aimed to find effective awareness raising methods on the risk of falling victim to human traffickers. The project focused on both the Nigerian government and local communities and civil society organizations. Alongside this initiative, more general awareness campaigns highlighting the risks of irregular migration were organised in other West-African countries, as well as in Afghanistan, Iraq and Ethiopia. These campaigns also include a strong focus on the risk of falling victim to human trafficking.²²⁴

New police liaisons in important places to better investigate human trafficking

On 18 November 2020 it was announced in a letter to the Parliament about the progress of the programme 'Together against trafficking in human beings' (*Samen tegen mensenhandel*), that police liaisons with the special task trafficking in human beings were placed in Italy (already placed as regular liaison) and Poland (September 2020 with accreditation for Hungary). In Croatia the job as liaison was still vacant. Countries along the Western Balkan route, Poland and Italy are relevant for the Netherlands with regards to human trafficking, since these were the source and transit countries. This provided the Netherlands with a better information position and contributed to more investigations of human trafficking, Joint Investigation Teams and other interventions.²²⁵

Common Operational Partnership Mali

As of 2020, the Netherlands is funding a common operational partnership between the French and Spanish police and a police team in Mali that specializes in investigating trafficking in human beings and migrant smuggling. The project is financed through the EU Trust Fund for Africa. Mali has namely

²²² Information provided by Ministry of Justice and Security on 12 January 2021.

²²³ Ministry of Justice and Security, Ministry of Social Affairs and Employment, Ministry of Foreign Affairs, Ministry of Health, Welfare and Sport (2018), '*Samen tegen mensenhandel, Een integrale programma-aanpak van seksuele uitbuiting, arbeidsuitbuiting en criminele uitbuiting*' 18 May 2021.

²²⁴ Information provided by Ministry of Justice and Security on 12 January 2021.

²²⁵ *Parliamentary Papers II*, 2019-2020, 28 638, no. 176.

developed into one of the most important transit countries for migration and migrant smuggling. The aim is to assist the Malian unit in their investigations, while providing day-to-day peer training in modern investigation techniques.²²⁶

Operational collaboration with Nigeria and Niger

Under the programme “Together against trafficking in human beings” (*Samen tegen Mensenhandel*) a reinforcement of projects is made in West Africa and the Sahel region. One of these projects is an intensification of the fight against trafficking in human beings in the region.

Nigeria has the largest number of victims of trafficking in human beings in the world, and Nigerian citizens also top the list of victims of human trafficking in the Netherlands. In close consultation with the operational services, therefore, given the scope of the problems in that region and the added value for the Netherlands of an approach aimed at tackling the issue there, it has been decided to expand the existing effort in Nigeria.

- Through a programme aimed at setting up operational collaboration between the Nigerian National Agency for Prohibition of Trafficking in Persons (NAPTIP) and its Nigerian counterpart (term 2020-2022, ICMPD).
- In addition, efforts are under way to build capacity for several anti-human trafficking units in Nigeria, as an extension of the existing PROMIS programme with UNODC and OHCHR (term 2020-2024, UNODC and OHCHR).²²⁷

Visit Lebanese government in the Netherlands

From 17-21 February 2020, a delegation of the Lebanese government visited the Netherlands to learn more about the developments in battling trafficking in human beings. The meetings with several Dutch organisations and governmental departments were a platform to investigate the newest developments and challenges in the battle against trafficking in human beings.

The visit was organised by the International Organisation for Migration (IOM) in cooperation with the Dutch Government and the Dutch Embassy in Beirut and the Lebanese Embassy in The Hague. The Lebanese delegation was interested in the Dutch experience with protecting victims and battling trafficking in human beings.²²⁸

²²⁶ Information provided by the Ministry of Foreign Affairs on 13 January 2021 and the Ministry of Justice and Security on 12 January 2021.

²²⁷ Information provided by Ministry of Justice and Security on 12 January 2021.

²²⁸ IOM Netherlands, ‘[Libanon en Nederland: Kennisuitwisseling rond bescherming slachtoffers van mensenhandel](#)’, 18 December 2020.

12

Return

Return

Return concerns the movement of a person going from a host country back to a country of origin, country of nationality or habitual residence. The return can be voluntary or forced, assisted or spontaneous.²²⁹ When no lawful residence is granted to a person in the Netherlands, a return decision is issued and the person is obliged to return. The person usually receives 28 days to voluntarily leave the country. If a person wants to return voluntarily they can receive assistance, for instance from the International Organisation for Migration (IOM). Assisted voluntary return or voluntary departure includes support by logistical, financial and/or other material assistance.²³⁰ If the person does not cooperate with voluntary return proceedings, a procedure for forced return will be started.

In 2020, the Repatriation and Departure Service (*Dienst Terugkeer & Vertrek*, DT&V) registered 2.640 migrants from countries outside the EU/European Economic Area (EEA) who have demonstrably left the Netherlands. It concerns two types of departures: forced departure (570 in 2020) and voluntary departure from the Netherlands (2.080 in 2020). Compared to 2019 this is a decrease by approximately 41 per cent. In that year, DT&V registered 4.490 migrants from countries outside the EU/EEA who departed from the Netherlands. This decrease is mainly caused by the pandemic that resulted in travel restrictions during 2020.

The number consists of cases of migrants who demonstrably departed from the Netherlands, therefore excluding cases in which migrants left on their own to an unknown destination. Cases in which departure to another EU Member State is realized by means of Dublin transfers are not included in these numbers, as the EMN reports on EU-level focus on return numbers excluding Dublin transfers.

Furthermore, it is important to note that the numbers only concern the caseload of the DT&V. There are other organizations through which departure of third country nationals is registered. This concerns for example voluntary return with support of the International Organization of Migration (partially) or return directly after denied entry at the border.²³¹ Nevertheless, in relation to the numbers of these other procedures it is not yet possible to deviate between return and departure to another EU Member State by means of Dublin transfers, as in line with the scope of EMN reports. Therefore, only the DT&V numbers are included in this report.

Lastly, these numbers can differ from numbers on Eurostat regarding return, because there might be underlying differences in definitions between the numbers used for international and national purposes.

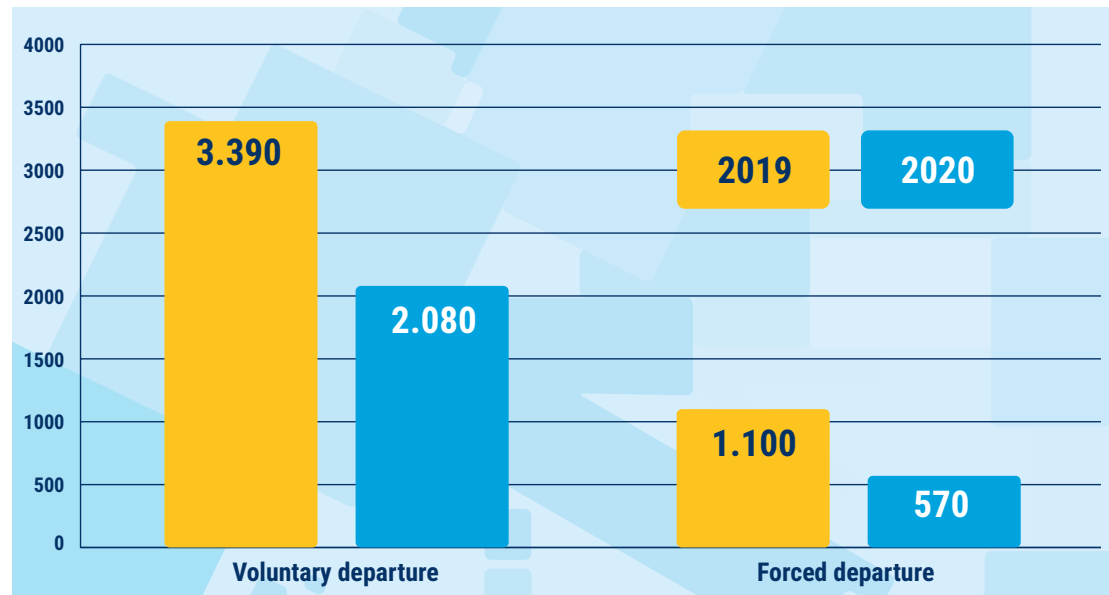
229 EMN Glossary 6.0, 'Return'.

230 EMN Glossary 6.0, 'Voluntary Return'.

231 Ministry of Justice and Security (2020), 'Rapportage Vreemdelingenketen, Periode januari-juni 2020'.

Figure 7:
The number of third country nationals who have demonstrably left the Netherlands, voluntary or forced, in 2019 and 2020.

Source: DT&V (2021).



12.1 Swift, sustainable and effective return

Amendments made to the no-fault policy

On 1 October 2020, adjustments were made to a section of the Immigration Act Implementation Guidelines (*Vreemdelingencirculaire, Vc*) regarding the scope of the “no-fault” policy. The “no-fault” policy describes the policy towards third-country nationals subject to a return decision who are unable to return through no fault of their own. The goals of the amendments were the clarification and tightening of the legal provisions setting out the “no-fault” policy.

- The first change was that the previous first condition from the no-fault policy was now included in the second condition. Thus, the statement that ‘the third-country national has independently attempted to effect his departure’ was added to second statement that ‘the third-country national has requested mediation from the DT&V and this mediation did not have results’.
- The former fourth condition, now the third, focused on the contribution of the third-country national to the mediation procedure and the agreements made with the DT&V about this.
- The conditions that there should be no reasonable doubt about the identity and nationality of the third-country national and that there should be no ongoing proceedings at the time of the decision have now been included as the first and fourth conditions respectively.
- The detailed enumerations (examples) of situations about assumptions of no-fault situations were deleted.²³²

Amendments made to the wording of the Immigration Act Implementation Guidelines

A section of the Vc regarding the pronouncement of undesirability has been amended to ensure full compliance with the standing appreciation of the fundamental rights. A third-country national who is pronounced undesirable (entry ban on national grounds) is obligated to leave the Netherlands. In section A4 / 3.6 it was stated that in the assessment of the application for lifting a pronouncement of undesirability, among other things, conflict with Article 8 ECHR is taken into account. In the further elaboration of this provision, only the facts and circumstances related to family life, referred to in Article 8 ECHR, were explicitly discussed. However, Article 8 ECHR also pertains to private life. Insofar as this is the case, facts and circumstances relating to private life, as referred to in Article 8 ECHR, will also be taken into account. This has now been explicitly included in section A4 / 3.6.²³³

²³² Government Gazette (*Staatscourant*), 2020, no. 48461, section E.

²³³ Government Gazette (*Staatscourant*), 2020, no. 48461, section C.

Adaptation to the repatriation and departure services due to the Covid-19 pandemic

The Covid-19 pandemic and the following national and international measures had a major impact on the departure process of third-country nationals who were obliged to depart. In the first phase of the outbreak, the departure services focused on criminal third-country nationals, third-country nationals causing nuisance, third-country nationals who are considered to be a threat to national security and detainees. In addition, independent departure was encouraged if possibilities arose.²³⁴ Return counselling by the DT&V halted, except for the abovementioned target groups. This decision was based on the risks posed by interpersonal contact that outweighed the benefits, considering that possibilities for return were limited.²³⁵

Later in the year, return services and counselling resumed their work simultaneously with the resumption of services within the asylum process. DT&V was able to resume contacts with returnees in a responsible manner, for example by making meeting rooms “Covid-proof” or through teleconferencing. In addition, besides the aforementioned target groups, all groups of third-country nationals for whom there was a prospect of departure were taken into consideration again.²³⁶

The minimum period of the announcement of departure amended

The minimum period in which the DT&V has to announce the departure was shortened from 48 hours to 36 hours. The amendment followed from a comparison made by the Research and Documentation Centre (*Wetenschappelijk Onderzoek- en Documentatiecentrum*, WODC) of the Dutch practices and policy in the area of return with other EU Member States. The goal was to identify areas in which the Netherlands were more accommodating than required by EU rules and regulation. The 48-hour period was identified as such.²³⁷ By reducing the minimum period to 36 hours, the Minister for Migration wished to send a signal to rejected asylum seekers that forced return is no unexpected information, considering the long procedures preceding their departure.

The minimum period has been established in legislation to meet the right to an effective remedy. The obligation of the DT&V to inform the third-country national can be foregone if there is a risk that the safety or health of the third-country national or his possible family members will be endangered by the information. This may include severe psychological problems or a risk of suicide. The legal representative of the third-country national is always notified.²³⁸

Amendment made to the Aliens Act concerning the detention of asylum seekers in the border procedure

On 13 May 2020, an amendment to the Aliens Act (*Vreemdelingenwet*, Vw) was published, taking effect the following day. With the amendment, a legal ground was introduced for detention of asylum seekers in the border procedure during the appeal phase following a rejection of the asylum application to ensure that detention in the border procedure would remain possible in the appeal phase. The amendment was deemed necessary following two decisions of the Administrative Jurisdiction Division of the Council of State. The decisions were related to case law of the Court of Justice of the European Union (EU)²³⁹, from which it followed that Member States must allow third-country nationals to remain on their territory during the period that they have the opportunity to appeal against a negative decision. The Administrative Jurisdiction Division of the Council of State concluded that while EU law did preclude the detention of asylum seekers during the appeal phase, detention during this period would only be possible in accordance with the Receptions Directive. However, the Dutch implementation of the Receptions Directive did not provide a legal ground for detention of asylum seekers in the border procedure during this phase. Consequently, these third-country nationals would have to be granted access to the Dutch territory. The Dutch Government introduced the changes to Articles 3 and 6 of the Vw to

234 Parliamentary Papers II, 2020-2021, 19627, no. 2666

235 Parliamentary Papers II, 2019-2020, 35300, no. 114.

236 Parliamentary Papers II, 2020-2021, 19627, no. 2666

237 Parliamentary Papers II, 2019-2020, 19637, no. 2540.

238 Government Gazette (*Staatscourant*), 2020, no. 48461, section B.

239 C-181/16, *Gnandi and others*, C-269/18.

incorporate Article 8(3)(c) of the Receptions Directive. As of 14 May 2020, detention in the border procedure can be maintained in the appeal phase on the basis of Article 6(3) Vw.²⁴⁰

12.2 Assisted voluntary return

New period opened in the Subsidy Scheme for supporting assisted voluntary return 2019

Due to the finish of the previous period for submitting project applications under the scheme, the Subsidy Scheme for supporting assisted voluntary return 2019 (*Subsidieregeling ondersteuning zelfstandig vertrek*) was amended to open a new period for submitting project applications. The new application period ran from July 15, 2020 to September 30, 2020.²⁴¹ The objective was twofold:

- (1) To enable subsidies for new projects and to continue successful projects that end in 2020;
- (2) To promote independent departure of third-country nationals who are obliged to leave the Netherlands and EU citizens who cannot support themselves financially.

Amendments made to the Continuation Voluntary Return (REAN) programme

In September 2020, the donor agreement for the main Dutch AVR(R) programme, the REAN programme operated by IOM, was amended. The changes were made, because of the end of the previous donor agreement, the need to separate Official Development Aid (ODA) from non-ODA costs in line with the clarified OECD-DAC criteria²⁴², and to continue the REAN programme with alignment of the wording with the de facto situation. The amendments made were to emphasize and acknowledge:

- The special status of IOM as an international organization, knowledge centre for AVR(R) services and sole provider of AVR services.
- The additional return and reintegration assistance that IOM can provide in the context of the Covid-19 pandemic for migrants who leave the Netherlands voluntarily. The additional assistance consists of, but is not limited to, Covid 19 tests prior to departure and additional assistance after arrival such as shelter during a quarantine period.

²⁴⁰ Government Gazette (*Staatscourant*), 2020, 136.

²⁴¹ Government Gazette (*Staatscourant*), 2020, no. 38108.

²⁴² The OECD-DAC criteria explain the conditions for the spending of the development aid.

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Migration and development cooperation

Sustainable development of countries of origin has among others the aim to tackle the root causes of irregular migration. This chapter pays attention towards the cooperation with countries of origin in the form of development projects.

Reception and protection in the region of origin of refugees

As stated in the Policy Note Improving Global Prospects “Reception and protection in the region of origin of refugees” is a regular component of development cooperation. The objective is to improve prospects for refugees, internally displaced persons and host communities by bridging the gap between humanitarian and development aid. It is due to the need for longer-term and more flexible financing of common interventions by humanitarian and development partners based on a shared analysis.

Per year €128 million is available for funding programmes offering protection (including mental health-care), stimulating employment and improving education. It concerns eight focus countries in particular (Egypt, Ethiopia, Iraq, Jordan, Lebanon, Kenya, Uganda and Sudan). The main instrument is the Prospects Partnership (2019-2023, €500 million) with International Finance Corporation (IFC), International Labour Organization (ILO), UNHCR, UNICEF and the World Bank. In 2020 the partners, both humanitarian and development actors, have jointly worked towards concrete results, with flexible adjustments to their programming needed in the light of the Covid-19 pandemic

Khartoum Process

In March 2020 the Netherlands became the Chair of the Khartoum Process, the platform for political cooperation among the countries along the migration route between the Horn of Africa and Europe. Due to the Covid-19 crisis the scheduled in-person thematic meeting had to be postponed while webinars have been organised on the impact of Covid-19 on migration in the Horn of Africa.

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APPENDIX A - METHODOLOGY
AND DEFINITIONS**Methodology**

This Annual Report is predominantly the result of desk research. The report was drawn up on by the national EMN contact point in the Netherlands. In doing so, EMN Netherlands greatly benefitted from expertise at the Strategy and Implementation Advise Department (DSUA) of the Immigration and Naturalisation Service (*Immigratie- en Naturalisatiedienst*, IND) and the Migration Policy Department (DMB) of the Ministry of Justice and Security (J&V). The following parties have also provided a contribution to the compilation of this report: the Community and Integration Department and the Labour Relations Department of the Ministry of Social Affairs and Employment (SZW), the Repatriation and Departure Service (*Dienst Terugkeer & Vertrek*, DT&V) and the Central Agency for the Reception of Asylum Seekers (*Centraal Orgaan opvang asielzoekers*, COA) of the Ministry of Justice and Security (J&V), the Royal Netherlands Marechaussee (KMar) of the Ministry of Defence, the National Rapporteur on Trafficking in Human Beings, the Law Enforcement and Crime Prevention Branch (DRC) of the Ministry of Justice and Security, the Ministry of Foreign Affairs, the Ministry of Education, Culture and Science (OCW), The Education Executive Agency (DUO), Nidos, Custodial Institutions Agency (DJI) and the National Police.

Information on the preparation of legislation and regulations and on parliamentary debates originates from official sources. The following types of documents were consulted:

- Parliamentary Papers of the Senate and House of Representatives;
- Proceedings of the Senate and House of Representatives;
- Official publications of legislation and regulations in the Treaty Series, Bulletin of Acts and Decrees and Government Gazette.

All these documents are available in the database of official publications on the website www.rijksoverheid.nl. This website is maintained by the Ministry of the Interior and Kingdom Relations (BZK).

Information about organisations and their viewpoints has mostly been obtained by consulting the websites of these organisations. Publications by various organisations with respect to asylum and migration have often been obtained from the websites of these organisations as well.

To gain insight into the public debate, the internet was consulted. By means of the internet sites of large national newspapers and news and current affairs programmes on national television (by both public and commercial broadcasters), it was determined which topics related to asylum and migration were given much attention by the media. An important source of information about social debates was the weekly. News items about migration on Migratierecht.nl, a digital publication by *Sdu Uitgevers*.²⁴³ In addition to a general survey of topics related to asylum and migration, research also included specific topics debated in parliament.

The objective of the Annual Report is to reflect all the important developments in the fields of migration and asylum. In order to achieve this objectively, a number of criteria was used for the definition of 'important developments'. In these criteria, a distinction was made between changes in law and regulations on the one hand, and political and social debates on the other.

243 Available on the non-public website: <https://migratierecht.sdu.nl/>.

Criteria for the importance of changes in law and regulations

The report strives to provide an overview of the main changes and intended changes in law and regulations in the different policy domains addressed. All developments that entail an actual substantive change to these laws and regulations have been included in the report. Minimal changes have not been included.

Criteria for the importance of political and social debates

The report does not aim at completeness with respect to the political and social debates and developments. The objective of the Annual Report is to give an impression of the most important topics of debate in the field of asylum and migration in the Netherlands. To make this selection, a topic within the political or social debate must meet at least the following cumulative requirements:

- The topic was brought up for debate in parliament;
- The topic was 'in the news' for a longer period. In that case, it must have been reported on by various news media.

Implementation of European legislation and regulations

The Annual Report aims at giving a complete picture of the implementation of European legislation and regulation in the fields of asylum and migration. Hence, the developments in this field have been addressed.

Terms and definitions

This report has adopted the definitions of relevant terms in the EMN Asylum and Migration Glossary 6.0.²⁴⁴ The terms and definitions in this Glossary, developed by the EMN, aim, inter alia, at improving comparability of information exchanged between EU Member States.

²⁴⁴ Asylum and Migration Glossary 6.0 - a tool for better comparability produced by the EMN, Available at: https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary_en.

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APPENDIX B – STRUCTURE OF THE DUTCH ASYLUM AND MIGRATION POLICY

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

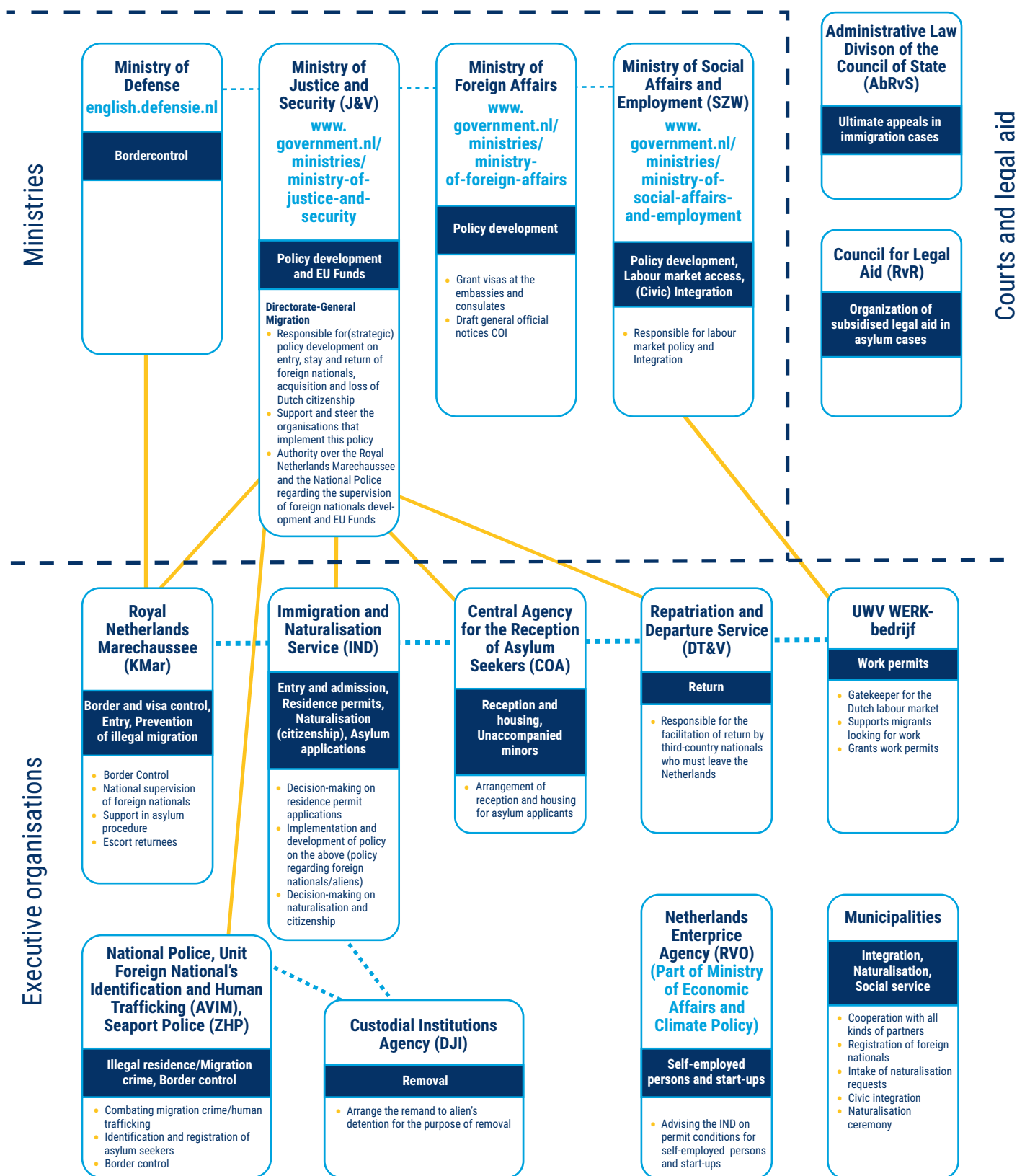
- The **Minister for Migration (Ministerie van Justitie en Veiligheid, J&V)** is responsible for policies in the field of admissions, residence and return of third-country nationals. In addition, the Minister for Migration leads the organisations cooperating in the immigration process.
- The **Minister of Social Affairs and Employment (Ministerie van Sociale Zaken en Werkgelegenheid, SZW)** is responsible for the admission of third-country 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 (Ministerie van Buitenlandse Zaken, BZ)** is responsible for visa policy. The Minister of Foreign Affairs is also responsible for the compilation of official reports, which describe the situation in important countries of origin of asylum seekers, and individual official reports, used for the assessment of facts or documents presented by an asylum seeker for correctness 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 residence permits for international protection 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 (Immigratie- en Naturalisatiedienst, IND)**, an agency of the Ministry of Justice and Security (J&V), is responsible for the implementation of the Aliens Act and the Netherlands Nationality Act. This agency assesses all applications of third-country nationals who wish to reside in the Netherlands or who want to become a Dutch national. 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 (Dienst Terugkeer & Vertrek, DT&V)**, an agency of the Ministry of Justice and Security (J&V), is responsible for organising a humane departure of third-country nationals who are obliged to leave the Netherlands.
- The **Central Agency for the Reception of Asylum Seekers (Centraal Orgaan opvang asielzoekers, COA)**, an independent administrative body, is responsible for the reception of asylum seekers. Commissioned by the Minister for Migration, COA offers migrants safe housing and supports them in preparing for their future in the Netherlands or elsewhere. This mainly concerns asylum seekers and refugees, and specific groups such as unaccompanied minors.
- The **Council for Legal Aid (Raad voor de Rechtspraak, RvR)** is an independent administrative body that is responsible for subsidised legal aid in the Netherlands on behalf of the Ministry of Justice and Security (J&V). The responsibilities of this organisation include arranging the provision of legal aid in asylum cases.
- The **Custodial Institutions Agency (Dienst Justitiële Inrichtingen, DJI)**, an agency of the Ministry of Justice and Security (J&V), is responsible for executing freedom-restricting measures for the removal of third country nationals from the Netherlands, including detention (the so-called aliens detention).

- The **Royal Netherlands Marechaussee (Koninklijke Marechaussee, KMar)**, part of the Ministry of Defence, has the task of enforcing the Aliens Act. The KMar is responsible for border monitoring, border control and border surveillance. By way of this task, the KMar also contributes, inter alia, to combating irregular immigration. In the maritime domain, the Seaport Police fulfils the border-control task in the harbor of Rotterdam and the KMar fulfils the maritime border control task in all harbors.
 - The **National Police, Unit Foreign National's Identification and Human Trafficking (Afdeling Vreemdelingen Identificatie en Mensenhandel, AVIM)** is part of the National Police. It supervises the lawful residence of third-country nationals.
 - The **General Intelligence and Security Service (Algemene Inlichtingen- en Veiligheidsdienst, AIVD)** provides the IND with information when subjects of investigation are concerned against whom the IND can take action in the interest of national security.
 - The **Seaport Police (Zeehavenpolitie, ZHP)**, also part of the National Police, is responsible for border surveillance in the Port of Rotterdam.
 - The **Employee Insurance Agency (Uitvoeringsinstituut Werknemersverzekeringen, UWV)** is an independent administrative body commissioned by the Ministry of Social Affairs and Employment (SZW). Among other things, it is entrusted by the ministry with the task of providing binding advice on applications for a combined residence and work permit (single permit) for third-country nationals who want to work in the Netherlands and for the issuing of work permits.
 - The **Education Executive Agency (Dienst Uitvoering Onderwijs, DUO)** is responsible for the execution of several acts and regulations, such as student grants and information management. These acts are commissioned by the Minister of Education, Culture, and Science (OCW).
 - The **Netherlands Enterprise Agency (Rijksdienst voor Ondernemend Nederland, RVO)** is part of the Ministry of Economic Affairs and Climate Policy (EZK), but also performs assigned tasks on behalf of other ministries, including the Ministry of Foreign Affairs (BZ) and the Ministry of the Interior and Kingdom Relations (BZK). Additionally, the RVO is commissioned by the European Union. For a number of residence permits, the IND calls for advice from the Netherlands Enterprise Agency.
 - **Diplomatic missions** are Dutch embassies, consulates, consulates general and permanent representations at international organisations. The diplomatic missions process applications for short-stay visas. Moreover, third-country nationals who want to become Dutch nationals abroad can file their applications for naturalisation with diplomatic missions. This is also where they can sit their mandatory civic integration examination and attend the mandatory naturalisation ceremony.
 - The **Council of State (Raad van State, RvS)** 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 (Adviescommissie voor Vreemdelingenzaken, 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 (Wetenschappelijk Onderzoek- en Documentatiecentrum, WODC)** is part of the Ministry of Justice and Security (J&V). The WODC is entrusted with the task of conducting research, including 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 Organization for Migration (Internationale Organisatie voor Migratie, IOM)**, an intergovernmental organisation, plays an important role in the Netherlands in the voluntary return and reintegration of third-country nationals.
 - The **Dutch Council for Refugees (Vluchtelingenwerk Nederland, VWN)** is a foundation that provides practical assistance to asylum seekers and promotes their interests in the political debate.
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- **CoMensha** is the national, independent expertise and coordination centre that defends the rights and interests of victims of human trafficking in the Netherlands.
 - The **Nationaal Rapporteur on Trafficking in Human Beings and Sexual Violence against Children** reports on the nature and extent of human trafficking and sexual violence against children in the Netherlands, and on the effects of the government policies pursued.
 - **Nidos** focusses on unaccompanied minors. For children who apply for asylum in the Netherlands without their parents, Nidos will assure authority by means of temporary guardianship. Nidos will also carry out the child protection measure when it concerns migrant families who are in the asylum procedure and stay at a COA location.
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Organizational chart

Netherlands: Institutional framework for Asylum and migration



*Please note that this institutional chart provides an indicative overview of the asylum and migration system in the Netherlands in 2020.