

Annual Report 2022

Migration and Asylum in the Netherlands

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Authors

Rosina Tavares
Jade Wirken
Yanniek Moll
Nienke Meffert
Pepijn Roos
Nini Pieters

EMN Netherlands

National contact point in the Netherlands for the European Migration Network (EMN)
Ministry of Justice and Security (J&V)
Immigration and Naturalisation Service (IND)
Strategy and Implementation Advice (SUA)
Research and Analysis (O&A)

Rijnstraat 8 | 2515XP The Hague, The Netherlands
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Migration figures of the Netherlands in 2022



1. International protection(asylum):

- Total number of asylum applications: **37,020**
- First asylum applications: **35,495**
 - Subsequent asylum applications: **1,525**
 - UAMs: **4,170**



2. Resettlement

Total: **1,405**



3. Temporary protection Ukrainians

Total: **102,895**



4. Legal migration:

- Total number of regular applications by third-country nationals: **137,446**
- Study: **21,871**
 - Employment: **32,369**
 - Family: **45,870**



5. Naturalisation

Total number of applications: **45,090**



6. Return:

- Total number: **3,565**
- Supervised independent return: **95**
 - Unsupervised independent return: **2,900**
 - Forced return: **570**

Summary

In this Annual Report

Overarching developments and socio-political debates | The far-reaching international developments in 2022 resulted in several amendments of Dutch migration policy. This primarily concerned displaced persons from Ukraine and the high number of asylum applicants from countries outside the EU/EEA. A social debate emerged about different standards for displaced persons from Ukraine and other refugees.

Compared to 2021, the total number of asylum applications rose by almost 10,500 in 2022. Together with almost 103,000 Ukrainian displaced persons, they had to be provided with shelter, and the asylum reception capacity shortage reached high levels. Moreover, this shortage was affected by shortages on the housing market because the housing shortage prevented beneficiaries of international protection from moving out of reception centres. To structurally address the shortage of asylum reception capacity, the government introduced measures including the Dispersion Act and a measure restricting asylum family reunification. The Dispersion Act received a lot of criticism from municipalities. The announcement of the measure restricting asylum family reunification also led to a lot of commotion. New legislation (rulings by courts) resulted in the adaptation of the temporary family reunification measure, among other things.

Also notable in 2022 was the large increase in the number of unaccompanied minors (UAMs), more than twice the number of the year before. Several organisations expressed their great concern about the risk of exploitation of UAMs, the risk of trafficking in human beings and the lack of suitability for UAMs of many reception locations.

The growth of the number of international students led to a socio-political debate because of the potential financial consequences for educational institutions and the quality of education. Moreover, international students were also faced with a considerable housing shortage.

The new government, sworn in in January 2022, did not only adapt the existing migration policy for the short term, but also looked at a more distant future. In the summer of 2022, the government appointed a Government Committee in response to the report *'Bevolking 2050 in beeld: opleiding, zorg, arbeid en wonen'* (*'Picture of the population in 2050: education, care, labour and housing, 2021'*), which outlines expected demographic developments until 2050. The consequences of migration and ageing are especially decisive for this. Early 2024, the Government Committee will give recommendations on scenarios, perspectives for action and possible policy.

Temporary protection | Because of the war in Ukraine, many displaced persons arrived in the Netherlands and other EU Member States. The EU activated the Temporary Protection Directive for them. In 2022, the Netherlands introduced several measures to organise adequate reception for this large group of displaced persons.

Legal migration | New legislation was an important reason to amend the policy on legal migration. For example, the government had to adapt the policy on family reunification inter alia because case-specific circumstances had to be taken into consideration more often. In addition, various regulations have been amended to make them more effective and future-proof. This was the case for the extension of the validity of the start-up scheme from 1 year to 2 years, for example. There was also a lot of attention for the enforcement and prevention of labour exploitation and fraud.

International protection (asylum) | Adaptations of the asylum policy were primarily caused by the large increase in the number of first asylum applications and the ensuing backlog of asylum procedures, the shortages of asylum reception capacity and the increase in nuisance caused by small groups of

asylum seekers. The decision term for first asylum applications was extended. To reduce the reception capacity shortages, various new measures were introduced, such as the activation of the national crisis structure and the expansion of the staffing and financial capacity for reception. Several supplementary measures were introduced in 2022 to limit nuisance. For the integral strategy on nuisance, a national coordinator was appointed, some reception centres were equipped partially for nuisance-causing asylum seekers and funding was made available. The measures should ease the burden on organisations in the immigration system, deal with the reception crisis, discourage asylum applications from asylum seekers who are unlikely to succeed and reduce nuisance as much as possible.

Unaccompanied minors and other vulnerable groups | In 2022, the number of first asylum applications by UAMs doubled and relevant court rulings were issued in relation to the policy on UAMs and vulnerable groups. Because of the increase in first asylum applications by UAMs, a number of measures were introduced, such as earlier transfer of UAMs to regular reception centres for adults and additional funding for the reception and support of UAMs.

Case law on UAMs and vulnerable groups resulted in the amendment of policy on the age assessment of UAMs, the independence of UAMs in case of exceeded decision periods, return decisions where there is doubt about the reception of UAMs, investigation into medical care for vulnerable groups, and the required evidence if care is not accessible for vulnerable groups.

Integration | For integration, 2022 was particularly characterised by the start of the new Civic Integration Act 2021. In this Act, municipalities are given more responsibility for supporting migrants in their integration. In addition, three learning pathways were developed for different groups of persons obliged to civically integrate.

Dutch citizenship and statelessness | In the field of statelessness, a new Act was passed on the determination procedure for statelessness. This Act resulted from a report published by the Advisory Council on Migration in 2013.

Borders, visa and Schengen | Among other things, 2022 was about harmonising Dutch systems and regulations with EU systems and regulations. Dutch regulations were also adapted in response to a ruling by the Council of State on entry bans. A lot of attention was also devoted to the intensification of international cooperation on border control, including the cooperation with Morocco and Canada.

Irregular migration and the smuggling of migrants | The increase of irregular migration into Europe was one of the reasons for two policy developments: the intensification of supervision controls by the Mobile Security Surveillance (*Mobiel Toezicht Veiligheid, MTV*) of the Royal Netherlands Marechaussee and international cooperation on countering irregular migration to Europe between the Netherlands, Germany, Belgium, France and the United Kingdom.

Trafficking in human beings | In 2022, the Netherlands again considered it important to strengthen the strategy for preventing and countering trafficking in human beings. The government invested in the national programme '*Samen tegen mensenhandel*' ('*Together against trafficking in human beings*') and the publication of a monitor for labour exploitation and serious disadvantage.

Return | Case law was the reason for various Dutch policy developments in 2022 in connection with return. For instance, the IND will have to issue a return decision in the future in case of suspension of return based on medical reasons, and the role of national courts in detention cases of third-country migrants has been clarified. In response to an evaluation conducted by the IND, the accessibility investigation by the Repatriation and Departure Service (*Dienst Terugkeer en Vertrek, DT&V*) has been halted. Furthermore, in addition to Ukraine, a postponement of decisions and departures was introduced last year for Afghanistan, Russia as well as Sudan to further investigate the changing situations in these countries.

Migration and international cooperation | In 2022, a revised strategy was announced for Foreign Trade and Development Cooperation. For the migration component of this strategy, this means that the Netherlands will focus more on stimulating voluntary return, reducing irregular migration, countering radicalisation and expanding reception in the region.

1 Introduction

The migration domain is highly dynamic. Every year, many adaptations are made to the migration policies of the various Member States of the European Union. Policy changes in the realm of migration can have a range of reasons, such as policy evaluations, changes in the political arena, changes in EU legislation, case law, but also national and international events and social necessity.

The European Migration Network (EMN) is an EU research network for migration and asylum, and has a key role in informing policymakers, researchers and the wider public about relevant policy developments. EMN research reports provide objective, reliable, and comparable information on asylum and migration in the different Member States. This allows the EU to better respond to challenges in these areas. The European Commission (Directorate-General for Migration and Home Affairs) coordinates the EMN, and is supported by an external Service Provider and the National Contact Points (EMN NCPs) in the EU Member States and Norway, Armenia, Georgia, Moldova, Montenegro, Ukraine and Serbia.

Each year, EMN Netherlands publishes an Annual Report on Asylum and Migration. The annual report provides an overview of the most important policy developments within migration in 2022 in the Netherlands. Themes covered in this report are: displaced persons from Ukraine (Ch3), legal migration (Ch4), international protection (including asylum, Ch5), unaccompanied minors and other vulnerable groups (Ch6), integration (Ch7), Dutch citizenship and statelessness (Ch8), border control, visa policy and Schengen (Ch9), irregular migration (Ch10), measures against trafficking in human beings (Ch11), return (Ch12) and migration and development (Ch13). Before these themes are addressed in the Annual Report, the general political developments and public debates that took place with respect to asylum and migration in the Netherlands in 2022 will be discussed in chapter 2.

This report has primarily been compiled with the aid of desk research and contributions by experts of the Dutch migration authorities. In the report, both background information and statistics are provided. Insofar as possible, information from Eurostat, the European Bureau of Statistics, was used for this. These statistics can deviate from statistics on migration in the Netherlands published elsewhere because European definitions are different from definitions used in the Netherlands. More information about the methodology and the overview of the different experts who contributed is available in Appendix A. Appendix B provides the reader with an overview of the general organisation of the Dutch migration and asylum policy and the tasks of the organisations involved.

Based on this Annual Report EMN Netherlands and the reports of other Member States, the EMN has compiled the **European Annual EMN Report on Migration and Asylum 2022**. This international comparative annual report and the annual reports from the other Member States are **available on the EMN's European website**.¹

¹ For more information, please go to: ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network_en.

2 Overarching developments and sociopolitical debates

The invasion of Ukraine by Russia on 24 February 2022 had far-reaching consequences for the asylum and migration policy in the Netherlands. On 4 March 2022, Directive 2001/55/EG on temporary protection came into effect for the first time. The national government, provinces and municipalities were confronted with the challenge to work out and implement a policy for registration, housing, and care of this large group of refugees at short notice. The strategy for this challenge adopted by the Dutch authorities will be discussed in [chapter 3](#) of this report.

In the year 2022, the last COVID-19 measures were lifted gradually², so that legal migration could take place unobstructed. Lifting these restrictions could possibly have been part of the reason for the higher number of asylum applicants in the Netherlands in 2022. After all, the number of first asylum applications rose from 24,725 to 35,495 (by comparison, the number of first asylum applications was still 22,485 in 2019).³ This higher number of asylum applications, combined with a backlog in finding housing for beneficiaries of international protection, resulted in pressure on not only the asylum procedure, but also the reception of asylum applicants. Structural shortages on the labour market made this situation even more complex. In addition, a tight labour market made it hard to recruit additional staff quickly. This led to a series of measures to accelerate the asylum process and measures to find accommodation for the reception of asylum applicants and housing for beneficiaries of international protection. More information about these measures is available in [chapter 4](#) of this report.

Finally, rulings by district courts often led to policy adaptations in 2022, in particular with respect to family migration of beneficiaries of international protection (asylum family reunification) as well as regular family migration, and Dublin transfers. Detailed information about these subjects is available in [chapter 4](#), [chapter 5](#) and [chapter 9](#) of this report.

2.1 Overarching developments

The primary developments with a wider (potential) influence on the migration and asylum policy were the installation of a new government and the appointment of a Government Committee on Demographic Developments by the new government.

Fourth Rutte government

On 10 January 2022, the fourth government of prime-minister Rutte was sworn in. Never had such a long period elapsed between the elections and the formation of a new government, namely 9 months after the election and almost a year after the dismissal of the third Rutte government. Just like the third Rutte government, the fourth Rutte government consists of the parties VVD, D66, CDA and Christen Union (CU).⁴ On 15 December 2021, the coalition agreement was published, detailing the coalition's vision on migration among other things. The vision on migration of the fourth Rutte government is based on two important pillars, or objectives: on the one hand, the policy focuses on improving and strengthening legal migration, and on the other hand it prioritises limiting irregular migration. In relation to the first pillar, improving and strengthening legal migration, the coalition parties proposed to:

- start using a policy-based target number to gain periodical insight into the expected legal migration⁵;

2 Government of the Netherlands, Coronavirus timeline, <https://www.rijksoverheid.nl/onderwerpen/coronavirus-tijdlijn>

3 Eurostat, Asylum applicants by type of applicant, citizenship, age and sex - annual aggregated data

4 [Parlement.com](#), 'Kabinet-Rutte IV (2022)' (Fourth Rutte Government)

5 Based on this, the Advisory Council on Migration issued the report '*Realisme rond richtgetallen*' (Realism of target numbers) in late December 2022, pertaining to the feasibility of imposing a policy-based target number, or quota, on migration. Although limiting asylum migration via a quota is not possible, this would be possible for labour migration. The report concludes that a policy-based target number can be used as an instrument, where the Canadian model could serve as an example, but does not set a goal as such.

- counter abuse of labour migration by implementing the recommendations from the report by the Migrant Worker Protection Task Force;
- allow temporary legal migration from third countries that cooperate on return.⁶

Concerning the first pillar, the European Commission presented a plan in late April to simplify labour migration for non-EU migrants (from, for example, Morocco, Tunisia and Egypt). This led to a dichotomy in the coalition, where D66 supported the plan and VVD, CDA and CU rejected the plan. The Annual Report of 2021 by the Labour Inspectorate, describing the pressure of labour migration on Dutch society among other things, motivated the three parties to emphasise the potential increase of the housing shortage and nuisance.⁷ D66 pointed out that non-EU migrants can also provide a solution for the housing shortage through an increase of labour migrants in the building sector. In May and June, several debates on migration took place in the House of Representatives. Eventually, the government decided not to support the plan of the European Commission.⁸

In relation to the second pillar, limiting irregular migration, the coalition parties proposed to:

- strengthen the external borders of the EU;
- raise the sentence for smuggling of migrants;
- address the root causes of migration through trade and development cooperation;
- increase the contribution to the reception of refugees in the region.

The second pillar also led to a dichotomy between coalition parties in 2022. Late October, Statistics Netherlands (*Centraal Bureau voor de Statistiek*, CBS) reported a population growth of 191,000 inhabitants, primarily resulting from migration. In response to this publication, the government had several discussions about limiting both irregular and legal migration in November and December 2022. Late December, the Advisory Council on Migration (*Adviesraad Migratie*, previously the Advisory Council on Aliens Affairs) published a report which discussed the option to impose a policy-based target number or quota on migration. The report emphasised that although it was not possible to impose a quota on asylum migration, this could be an option for labour migration. The report concluded that a policy-based target number can be used as an instrument, where the Canadian model could serve as an example, but also emphasised that the target number should not be a goal as such.⁹ The coalition parties differed in opinion about restricting migration: the VVD and CDA advocated strengthening border control to counter irregular migration, whereas D66 argued that limiting migration was unnecessary.¹⁰

To achieve the above pillars, the coalition agreement mentions that the government will make efforts for:

- an effective and humane European asylum policy;
- cooperation with likeminded countries at times of crises;
- migration partnerships with third countries.

In addition, the coalition agreement mentions that the governments will make efforts on a national level for:

- improvement of the practical implementation of the asylum procedure;
- more stable funding for the IND and the COA;
- continuation of the current strategy for nuisance-causing asylum seekers;
- improvement of return;
- increase of the resettlement quota from 500 to 900;
- continuation of the legislative proposal on the determination of statelessness.

6 Government of the Netherlands, 'Coalition Agreement "Omzien naar elkaar, vooruitkijken naar de toekomst"' (Looking out for each other, looking ahead to the future).

7 NOS, 'Inspectie pleit voor beperking arbeidsmigratie' (Inspectorate advocates restriction of labour migration).

8 NOS, 'Kabinet tegen Europees plan om meer arbeidsmigranten uit Noord-Afrika te halen' (Government against European plan to fetch more labour migrants from North Africa).

9 Advisory Council on Migration, 'Advisory Report "Realisme rond richtgetallen - Kansen en risico's van streefcijfers en quota in het migratiebeleid"' (Realism of target numbers - Opportunities and risks of target numbers and quotas in migration policy).

10 NOS, 'CDA: asielininstroom terugdringen met betere bewaking Europese buitengrenzen' (CDA: reducing asylum influx through better surveillance of European external borders), ; Trouw, 'D66 wil geen inperking migratie: "Ininstroom is niet enorm"' (D66 does not want to limit migration: Influx is not enormous).

In connection with integration, the new Civic Integration Act and the re-introduction of obligatory civic integration for Turkish nationals will be pushed through.¹¹

Government Committee on Demographic Developments in 2050

In 2022, the government complied with the motions by MPs Dijkhoff (VVD)¹² and Den Haan (splinter group Den Haan),¹³ which asked to chart the consequences of demographic developments, related challenges and possible perspectives for policy and action. Together with ageing, migration plays a prominent role in this.¹⁴ In connection with these motions, various studies were conducted. Moreover, the final report *'Picture of the population in 2050: education, care, labour and housing'* (*'Bevolking 2050 in beeld: opleiding, zorg, arbeid en wonen'*, 2021) (was presented to the House of Representatives. In January 2022, Minister Van Gennip of Social Affairs and Employment responded to Den Haan's motion, which called for the development of a method to gain periodical insight into demographic developments and their consequences, as well as an exploration of a 'Government Committee on Population Growth and Ageing'.¹⁵ On 6 July 2022, the Minister announced that a Government Committee on Demographic Developments 2050 would be appointed to issue recommendations on possible scenarios and corresponding policy and action perspectives pertaining to the consequences of demographic developments, and ageing and migration in particular. This will utilise migration-related instruments such as the Migration Update (issued by the Ministry of Justice and Security) and the recommendation by the Advisory Council on Migration on the use of policy-based target numbers in the migration domain.¹⁶

2.2 Most important political and public debates on asylum and migration

The most important political and public debates on migration and asylum in 2022 pertained to the issues arising from a lack of accommodation for asylum seekers. In addition, there was also a political and public debate on the reception of displaced persons from Ukraine, for example about the care for vulnerable refugees. Finally, there was also quite some discussion of the negative consequences of the internationalisation of higher education.

Political and public debates in response to the 'asylum crisis'

In 2022, the shortage of asylum accommodation capacity and housing for beneficiaries of international protection was again discussed intensively in public and political debates, just like in 2021. The increasing number of asylum seekers and the long-term reception of beneficiaries of international protection in reception centres resulted in pressure on the reception facilities and an urgent need for additional reception centres.¹⁷ Discussions focused on the challenges around sufficient reception locations and housing for asylum seekers and beneficiaries of international protection, just like the IND's backlog of unprocessed asylum applications and measures to limit the influx of asylum seekers and their family.

On 17 June, the government proclaimed the faltering asylum reception a national crisis. The faltering asylum reception led to tensions between different administrative levels, especially the national government and the municipalities. Mayor Bruls of Nijmegen, head of the Security Regions Council, emphasised that the problems were not only related to reception, but also the entry of asylum seekers into the country, requiring the IND to enlarge its capacity.¹⁸ On 17 August, the Council for Refugees brought preliminary relief proceedings against the national government and the COA because of the long-term sub-standard reception. The demand was that reception would start meeting the minimal

11 Government of the Netherlands, *'Coalition Agreement "Omzien naar elkaar, vooruitkijken naar de toekomst"* (Looking out for each other, looking ahead to the future).

12 *Parliamentary Papers II*, 2018-2019, 35000, no. 8.

13 *Parliamentary Papers II*, 2021-2022, 31765 no. 578.

14 Government of the Netherlands, *'Staatscommissie adviseert over uitdagingen demografische ontwikkelingen'* (Government Committee issues recommendation on challenges posed by demographic developments), *Parliamentary Papers II*, 2021-2022, 35925 no. 171.

15 *Parliamentary Papers II*, 2021-2022, 35925, no. 55.

16 *Parliamentary Papers II*, 2021-2022, 35925, no. 171.

17 European Migration Network Netherlands, *'Annual Report 2021: Migration and asylum in the Netherlands'*, October 2022.

18 NOS, *'Bruls: "Kansloze asielzoekers eerder weren om noodopvang te verlichten"'* (Bruls: 'Deter ineligible asylum seekers to ease the burden on crisis reception').

statutory requirements again as of 1 October 2022.¹⁹ Although the Court of Appeals of The Hague recognised that the current reception did not meet the statutory standards, it ruled that efforts were being made to solve the problems and that it was unrealistic to expect a complete solution in the short term.²⁰

In the summer months, heavy pressure resulted in a lot of problems in Ter Apel. The area around the centre was designated as a security risk area by the municipality of Westerwolde on 19 August.²¹ Staff walked out because of dissatisfaction, and on 24 August an emergency order was issued in which asylum seekers were no longer allowed to wait in tents outside the centre.²² On that same day, it became known that a three-month-old baby had died in a sports hall nearby.²³ On 25 August, Médecins Sans

Ter Apel 25-08-2022. Between 250 and 700 people sleep outside every day. Asylum seeker centers no longer have room and status holders cannot move on to a home due to, among other things, the overheated housing market.

Photo: ANP / Hollandse-Hoogte / Nico Garstman



Frontières sent a team to provide medical care to asylum seekers without accommodation.²⁴ The next day, the Minister for Migration announced measures to reduce the influx and throughput in the asylum system. On 28 August, no asylum seekers were forced to sleep outside in Ter Apel for the first time in months.²⁵

To reduce the pressure on reception, the COA bought a hotel in Albergen in August 2022 with the plan to house 150-300 asylum seekers in it. The government granted the permit for this, bypassing the municipality of Tubbergen, under which Albergen falls. Despite the lack of consent from Tubbergen, the government still decided to accommodate the asylum seekers in the municipality, which resulted in protests by residents.²⁶ On 2 September, Tubbergen, the national government and the COA agreed that there would only be 150 visitors in the hotel.²⁷

19 Dutch Council for Refugees, '[VluchtelingenWerk spant kort geding aan tegen het Rijk en het COA vanwege opvangcrisis](#)' (Council for refugees brings preliminary relief proceedings against the National Government and the COA because of the reception crisis).

20 Immigration and Naturalisation Service (IND), [Migration Radar T3](#) September - December 2022.

21 NOS, '[Noodverordening Ter Apel: tenten en kampeerspullen verboden](#)' (Emergency order Ter Apel: tents and camping gear forbidden).

22 NOS, '[Onvrede bij personeel Ter Apel, deel legde werk neer](#)' (Dissatisfaction among staff Ter Apel, part of staff walked out).

23 NOS, '[Noodverordening Ter Apel: tenten en kampeerspullen verboden](#)' (Emergency order Ter Apel: tents and camping gear forbidden).

24 NOS, '[Artsen zonder Grenzen naar Ter Apel waar opnieuw 700 mensen buiten slapen](#)' (Médecins Sans Frontières to Ter Apel, where 700 people slept outside again).

25 NOS, '[Voor het eerst in lange tijd slapen geen asielzoekers gedwongen buiten in Ter Apel](#)' (After a long time, no asylum seekers forced to be outside in Ter Apel).

26 NOS, '[Opnieuw protest tegen azc hotel, ook Kamerleden in Albergen](#)' (Again protest against reception centre hotel, also MPs in Albergen).

27 NOS, '[Maximaal 150 asielzoekers in Albergen, "inwoners willen helpen"](#)' (No more than 150 asylum seekers in Albergen, 'residents want to help').

Hence, the Netherlands was faced with a structural shortage of places to accommodate asylum seekers in 2022. In addition, their distribution across the country was also uneven. To address these problems, the government wanted to introduce the **Dispersion Act** (*Spreidingswet*). This Act aims to create enough places and distribute them evenly across the Netherlands.²⁸ After months of work, the Dispersion Act was brought for consultation in early November by the Minister for Migration.²⁹ However, the proposal was criticised by the VVD group, the Association of Dutch Municipalities (*Vereniging van Nederlandse Gemeenten*, VNG), the Security Regions Council (*Veiligheidsberaad*), provinces and the COA.

VVD in particular objected to the obligatory housing of asylum seekers imposed by the Minister for Migration. They emphasised that more needed to be done to restrict the influx and to prevent new asylum seekers from being left without a place to sleep in the registration centre in Ter Apel. VVD did not want to force municipalities to make houses available considering the current housing shortage. Hence, VVD did not want to talk about force, but rather about distribution and demanded a limited validity for this Act.³⁰ In the middle of November, the VVD group supported the Dispersion Act after Prime Minister Rutte announced restrictive measures.³¹ The coalition partners, and D66 and Christen Union in particular, instead insisted that the Dispersion Act had to be in place as quickly as possible.³²

The Association of Netherlands Municipalities, the Security Regions Council, several provinces and the COA also criticised the Dispersion Act. In particular because there was still a lack of clarity about:

- the number of asylum seekers to be accommodated per municipality;
- how the number of reception places would be calculated per municipality;
- the tiered process proposed in the Act, where municipalities could mutually exchange places or wait for one another;
- the division of roles between municipalities and the COA.

The timespan for creating reception locations in municipalities as proposed in the bill was criticised by both the Association of Dutch Municipalities and the COA. The Association of Dutch Municipalities indicated that the timespan described in the bill was too short. The COA, instead, expressed its concern about the long period given to municipalities and provinces, which would not solve the reception crisis in the short term. In addition, both the COA and Nidos pointed out that the bill did not offer facilities for the reception of unaccompanied minors.^{33 34}

By late August, the Minister for Migration announced a set of temporary measures to cope with migration. One of these measures was the **asylum family reunification measure**. It meant that family of beneficiaries of international protection could no longer travel to the Netherlands immediately after a request for reunification was granted, but first had to wait until the beneficiary of international protection had housing.³⁵ The announcement of the measure restricting asylum family reunification led to a lot of commotion. In a letter to the spokesperson for asylum policy in the Standing Committee on Justice and Security in the House of Representatives, the Dutch Council for Refugees emphasised that the measure was unjust. Other organisations, such as UNHCR,³⁶ the Advisory Council on Migration,³⁷ and various district courts (Haarlem, Amsterdam, Middelburg and Arnhem) were also of the opinion that the family reunification measure cannot be reconciled with Dutch nor European law.

28 The Netherlands Institute for Human Rights, '*Spreidingswet biedt hoop maar bescherming mensenrechten niet onderhandelbaar*' (Dispersion Act gives hope but protection of human rights non-negotiable),

29 Letter from the Minister for Migration of 8 November 2022, reference: 4296956.

30 NOS Nieuws, '*Nieuwe asielwet na maanden onderhandelen in zicht, mogelijk maandag klaar*' (View on new asylum act after months of negotiations, possibly ready on Monday),

31 NOS, '*Rutte heeft "heel lijstje" om instroom te beperken, maar sluit asielstop uit*' (Rutte has 'long list' to restrict influx, but excludes asylum stop), NOS, '*VVD-leider Rutte krijgt steun van achterban, maar "hij moest ervoor knokken"*' (VVD leader Rutte gets support from followers, but 'he had to fight for it').

32 NOS, '*VVD-fractie steunt spreidingswet asielzoekers na gesprek met premier Rutte*' (VVD group supports Dispersion Act asylum seekers after conversation with Prime Minister Rutte).

33 NOS, '*Gemeenten kritisch op spreidingswet asielzoekers*' (Municipalities critical of Asylum Seekers Dispersion Act),

34 Trouw, '*Coa kraakt nieuwe asielwet: Dit lost de crisis niet op*' (COA slates new asylum act: This does not solve the crisis),

35 Letter from the Minister for Migration of 26 August 2022, reference: 1.

36 UNHCR, '*Geen wettelijke basis voor gezinsherenigingsmaatregel*' (No statutory basis for family reunification measure).

37 Advisory Council on Migration, '*Signalering: Schurende maatregelen - over maatregelen aangekondigd in reactie op de opvangcrisis in Ter Apel*' (Detection: Jarring measures - about measures announced in response to the reception crisis in Ter Apel).

Political and social attention for the reception of displaced persons from Ukraine

Dutch society showed great solidarity with displaced persons from Ukraine. Neither was there a lot of political or popular debate on how this reception was to be organised. Because of this, a popular debate arose about different standards for different groups of migrants. Several opinion articles, including those in Het Parool, BNN Vara and Human Rights Watch, criticised the high level of solidarity displayed towards Ukrainians, which was not shown towards other refugees of war, such as Syrians, Afghans, Palestinians and Somalis.³⁸

Criticism of internationalisation of higher education

The growth of the number of international students and the possibility of reducing this were also part of the sociopolitical debate in 2022. In the academic year of 2021-2022, 115,000 international students³⁹ were registered in the Netherlands, compared with 104,000 in the preceding year.⁴⁰ Partially because of the increasing number of students, educational institutions are receiving less funding per student and the quality of academic education is getting lower, 18 organisations and 14 universities wrote late 2021 in a letter to the persons responsible for forming the new government.⁴¹ At the same time, there is a national housing shortage, which is also a considerable problem among Dutch and international students.⁴² In 2022, the critical voice from the educational sector continued: in February 2022 the alliance of Universities of the Netherlands (UNL) warned for too much work pressure and reduced quality of higher education and called for the Ministry of Education, Culture and Science (OCW) to take measures to keep the influx in check. For instance, universities advocated a maximum number of educational programmes in English.⁴³ The House of Representatives repeatedly debated the subject in 2022, and several motions were tabled to slow down the influx of international students. In November 2022, the Motion by MPs Kwint and Van der Molen to stop actively recruiting foreign students until further notice was adopted. In response to this, Minister Dijkgraaf of OCW asked the Universities of the Netherlands and the Association of Universities of Applied Science to stop actively recruiting international students. In December 2022, the Minister informed the House of Representatives in a letter to start looking into the possibilities to limit the influx of international students, for example in relation to supplementary administrative agreements, the role of the Accreditation Organisation of the Netherlands and Flanders (NVAO) and the Inspectorate of Education concerning the language of education and legal instruments.⁴⁴

38 NOS, 'Human Rights Watch: reactie op oorlog Oekraïne toont dubbele standaard' (Human Rights Watch: reaction to war in Ukraine shows double standard).

39 An international student is a student with non-Dutch nationality and non-Dutch prior education. As reference date for nationality, 1 October of the academic year concerned was chosen. Students with unknown nationality and stateless students are also considered international students.

40 Statistics Netherlands, '40 procent eerstejaars universiteit is internationale student' (40 percent of first-year students are international students), House of Representatives, 'Debat over werven internationale studenten' (Debate on the recruitment of international students).

41 Nationale Onderwijsgids, 'Kwaliteit academisch onderwijs achteruit, universiteiten eisen investeringen' (Quality academic education lower: Universities demand investments).

42 Metronieuws, 'Meer internationale studenten, maar ook een woningtekort' (More international students, but also a housing shortage).

43 AT5, 'Universiteiten willen toestroom internationale studenten kunnen afremmen' (Universities want to be able to slow down influx of international students).

44 House of Representatives, 'Debat over werven internationale studenten' (Debate on the recruitment of international students).

3 Ukraine

Temporary protection

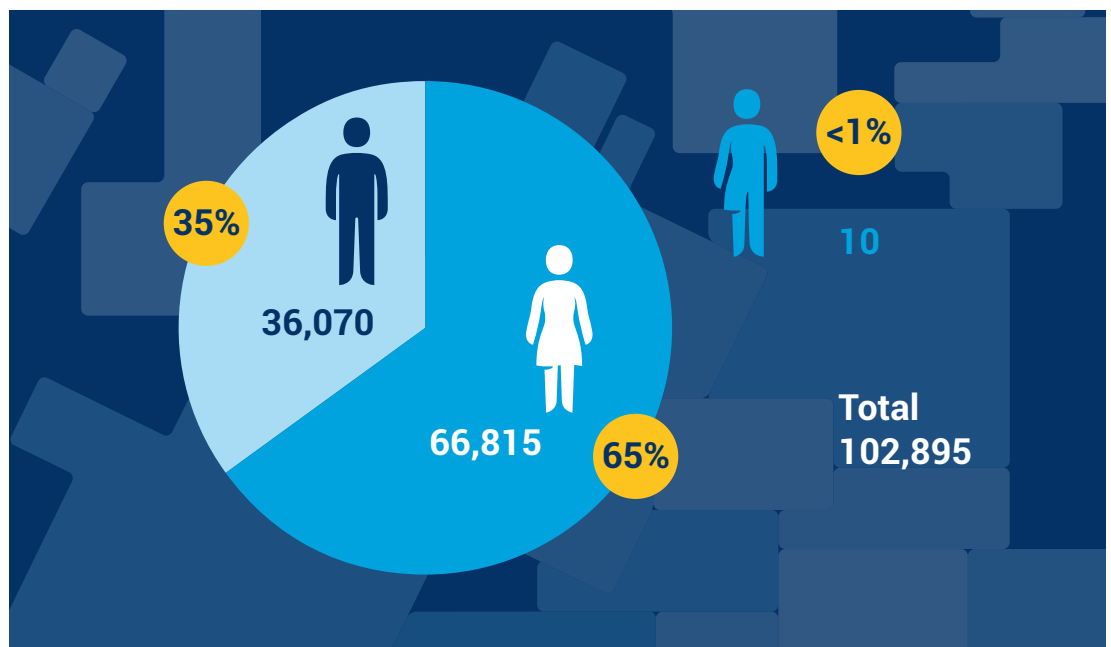
Temporary protection is a procedure of exceptional character that provides immediate and temporary protection in the event of mass influx or imminent mass influx of displaced persons, in particular when there is a risk that the asylum system is unable to process this influx. The Temporary Protection Directive (2001/55) provides that EU Member States must provide a temporary residence permit to displaced persons and facilitate their arrival. This concerns displaced persons who are unable to return to the country of origin, for example because of war.⁴⁵

On 24 February 2022, Russia invaded Ukraine. This invasion and the ensuing activation of the European Temporary Protection Directive on 4 March 2022 resulted in a large migration flow towards the Netherlands. The activation of the Temporary Protection Directive provides the basis for the Dutch administrative reaction to these displaced Ukrainians.

In 2022, around 102,895 displaced persons from Ukraine were registered under the temporary protection directive. As can be seen in the table below, 65% of them were known to be female.⁴⁶

Figure 1:
Number of displaced persons from Ukraine who were registered in the Netherlands under the temporary protection directive, disaggregated by sex.

Source: Eurostat; Decisions granting temporary protection by citizenship, age and sex – annual data.⁴⁷



⁴⁵ EMN Glossary 8.0 'Temporary protection'.

⁴⁶ Eurostat, Decisions granting temporary protection by citizenship, age and sex – annual data. Last updated: 05/06/2023.

⁴⁷ The table does not contain data on non-Ukrainian displaced persons from Ukraine who received reception in the Netherlands in 2022 or for part of 2022 under the Temporary Protection Directive.

3.1 Temporary protection for displaced persons from Ukraine

Application of Temporary Protection Directive in the Netherlands

In response to the decision by the European Council to activate the Temporary Protection Directive (EU 2022/382),⁴⁸ the Minister for Migration announced on 30 March that the government wanted to apply the Temporary Protection Directive generously in the Netherlands. Concretely, this meant that these categories of persons come under the protection of the Directive in the Netherlands:

1. Ukrainian nationals who:
 - a. resided in Ukraine on 23 February 2022;
 - b. fled Ukraine on or after 27 November 2021 because of rising tensions, or who were within the territory of the Union on or after 27 November 2021 (for example on holiday or for work);
 - c. can prove that they resided in the Netherlands before 27 November 2021, for example with a prior submitted application for international protection or with a regular residence permit or with a residence permit that had been terminated.
2. stateless persons or third-country nationals with a nationality other than Ukrainian, who:
 - were beneficiaries of international protection or equivalent national protection in Ukraine on 23 February 2022;
 - had a (different) valid Ukrainian residence permit on 23 February 2022;
3. family members of the aforementioned persons:
 1. spouse or unmarried partner with whom a durable relationship is maintained;
 2. minor unmarried children (born or adopted within or outside marriage)
 3. other close relatives that lived with the family and are completely or largely dependent on them.⁴⁹

Amendment of protection directive

On 18 July 2022, the Minister for Migration announced that the application of the Temporary Protection Directive would be amended in the Netherlands. Migrants from outside the EU with a temporary residence permit in Ukraine who had not been registered in the Personal Records Database on 19 July 2022 were excluded from the Protection Directive as of 19 July 2022, and were thereby no longer eligible for reception and facilities in the Netherlands. To migrants from outside the EU with a temporary residence permit who had already been registered in the Personal Records Database before 19 July applied that their temporary protection ended on 4 September 2023.⁵⁰ This decision followed after security regions,⁵¹ municipalities and the IND received signals of a higher influx of migrants from outside the EU from other (European) countries. This concerned migrants from third countries with a temporary residence permit in Ukraine. For this reason and the fact that migrants from third countries with a temporary residence permit (for example for study or work) can usually return safely to a country of origin or legal residency, the decision was made to no longer allow this group to appeal to temporary protection as of 19 July.⁵²

Registration of displaced persons from Ukraine

To ensure that displaced persons from Ukraine who were entitled to temporary protection could be registered in the Netherlands swiftly, it was announced on 8 March 2022 that this would take place via the Personal Records Database (Basisregistratie Personen, BRP) This was to ensure that swift and uniform registration of displaced persons from Ukraine in the Netherlands could take place.⁵³ This process was explained further on 17 and 30 March 2022. Registration took place based on submitted documents. Displaced persons whose identity and nationality could be established were registered in the BRP by the municipality where they were staying. This also applied to persons who were being provided reception by private individuals. In the case of minors who arrived with their family and who did

48 European Council, [Implementing Decision \(EU\) 2022/382](#).

49 *Parliamentary Papers II*, 19637, no. 2907.

50 This measure was extended to 4 September 2023 on 10 February 2023.

51 A security region is an area in the Netherlands in which various governments and services cooperate on the implementation of tasks with regard to, inter alia, public order and security. The Netherlands has 25 security regions. A region comprises the full territory of a number of municipalities. The collaboration is governed by these municipalities.

52 *Parliamentary Papers II*, 2021-2022, 19637, no. 23945.

53 *Parliamentary Papers II*, 2021-2022, 19637, no. 2829 and no. 2834.

not have proof of identity, the parents had to issue a statement under oath or solemn affirmation (in case of a lack of other documents), whereby the municipality established the children's identity and relationship to their parents. Subsequently, the municipality also registered these children. This is an exception to the standard rule that proof of identity is required for this. If a person claimed to have Ukrainian nationality but could not provide (sufficient) proof and the municipality was unable to establish the identity or nationality, the municipality would refer this person to the Ukrainian embassy. The consular department could verify the identity and nationality of a person and issue a certificate based upon which registration in the BRP could still take place. After registration of the displaced person from Ukraine in the BRP, he or she must make an appointment with the IND to collect a residence document (namely a residence endorsement sticker or o-document). To assist registration, municipalities were aided by the National Government. This is done inter alia through information that was provided by the National Office for Identity Data (*Rijksdienst voor Identiteitsgegevens*, RvIG).⁵⁴

Procedure proof of residence for displaced persons from Ukraine

For a displaced person from Ukraine to receive proof of residence, they were first required to submit an asylum application in the Netherlands. This is because during the implementation of the Temporary Protection Directive in Dutch legislation in 2004, it was chosen to follow existing procedures. On 30 March 2022, it was announced that a simplified procedure would be followed. Not only does the right of residence as a beneficiary of international protection provide temporarily displaced persons clarity and an adequate level of facilities: lifting the terms also offers the IND the necessary flexibility to process the large influx of third-country nationals. By issuing the proof of temporary displacement, other actions in the asylum procedure, such as holding reporting interviews, are also halted temporarily. When the third-country national wants to continue the asylum application after temporary protection, these actions can be resumed. The reason to opt for an existing procedure was that a new special permit would have a great impact on implementation. Not only would all procedures and systems have to be adapted to a new permit. It could also be expected that in many cases asylum applications would be submitted to prevent the right of residence from expiring when temporary protection ends. Hence, the existing procedure in the Aliens Act 2000 quickly gives the displaced person clarity about the residence status. In addition, the existing procedure safeguards that the displaced person will have immediate reception and aid, without burdening the immigration system acutely and unnecessarily with additional matters. The current system temporarily provides displaced persons protection and aid at the level required under the Directive.⁵⁵ As of 19 July 2022, the Aliens Regulations were amended to provide for residence documents (O-document) and a new passport sticker for migrants from third countries who are entitled to this pursuant to the Temporary Protection Directive.⁵⁶

Exemption from work permit obligation

As of 1 April 2022, an exemption from the obligation to have a work permit applies to employers of displaced persons from Ukraine to have them conduct work in paid employment. This exemption of the obligation to have a work permit applies retroactively from 4 March 2022. In many Member States, the European Directive was implemented in such a way that beneficiaries had direct access to the labour market. Through the exemption from the obligation to have a work permit, the Netherlands is in line with the applicable practice in other Member States. To prevent abuse, such as underpayment, an obligation to report applies as of 1 April 2022 to employers if they want to employ displaced persons from Ukraine.⁵⁷ Through this amendment, the Netherlands has reconsidered the choice made during the implementation of the Directive in 2004, where it was necessary for employers of displaced persons to have a work permit. A transition period was in place until 31 October 2022 to ensure that Ukrainian displaced persons could also start working without the required document. This provided enough time for the IND to supply these documents and stickers and for displaced persons to obtain them.⁵⁸

54 *Parliamentary Papers II*, 2021-2022, 19637, no. 2834 and no. 2907.

55 *Parliamentary Papers II*, 2021-2022, 19637, no. 2907.

56 *Government Gazette*, 2019, no.x

57 *Parliamentary Papers II*, 2021-2022, 19637, no. 2907.

58 Immigration and Naturalisation Service (IND), '[Vanaf 1 november 2022 sticker of O-document van IND verplicht voor vluchteling uit Oekraïne in loondienst](#),' (From 1 November 2022, sticker or O-document from IND required for refugees from Ukraine in paid employment).

People flee Ukraine at the Medyka border crossing and Przemyśl train station.

Photo: International Organisation for Migration (IOM)
Francesco Malavolta



Residence endorsement stickers and documents

As of 1 November 2022, a displaced person from Ukraine can only demonstrate that they come under the Temporary Protection Directive if they possess a residence endorsement sticker or O-document issued by the IND. Only with these documents can it be demonstrated that the beneficiary is allowed to work in paid employment without a work permit. Prior to this date, a transitional period was in place. In this period, displaced persons from Ukraine were given the opportunity to collect the correct documents from the IND, which confirmed their displaced status.⁵⁹

Activation of the Population Relocation Act

Per 1 April 2022, section 2c and section 4 of the Population Evacuation Act, an emergency law, were activated. This gave mayors the statutory task to provide displaced persons from Ukraine with reception. The security regions were primarily responsible for the coordination of the measures by the Dutch municipalities. In addition, many people were accommodated in the homes of friends, family, acquaintances and other private individuals. A part of the private initiatives were coordinated and facilitated by NGOs which operated under the name *RefugeeHomeNL*. The social initiatives were supported financially by the Minister for Migration. The driver of new measures for the reception of Ukrainians was that on 30 March 2022 it had become clear that the existing structures for the reception of applicants for international protection and other categories of refugees were unable to handle the large influx of displaced persons from Ukraine. The goal of this development was to organise adequate reception facilities for beneficiaries of temporary protection. In addition, *RefugeeHomeNL*'s goal was to make private shelters as safe as possible.⁶⁰

Introduction of the National Reception Organisation (NOO) and the Temporary Reception Acceleration Taskforce

In April 2022, the Minister of Justice and Security, established the National Reception Organisation (*Nationale Opvang Organisatie*, NOO). It is entrusted with the task to contribute to the realisation of sufficient reception locations of adequate quality and sufficient availability and accessibility of required basic facilities and functions, such as education, care and social assistance in the context of the reception of displaced Ukrainians. Thus, the organisation provides (financial) support to municipalities

59 Immigration and Naturalisation Service (IND), 'Vanaf 1 november 2022 sticker of O-document van IND verplicht voor vluchteling uit Oekraïne in loondienst,' (From 1 November 2022, sticker or O-document from IND required for refugees from Ukraine in paid employment).

60 *Parliamentary Papers II*, 2021-2022, 19637, no. 2907.

which organise reception in practice.⁶¹ Additionally, the Minister of Housing, Spatial Planning and the Environment established a 'Temporary Reception Acceleration Taskforce' (*Taskforce Versnelling Tijdelijke Huisvesting*) in May 2022, to actively support municipalities and other parties. Here, too, financial means are made available to achieve this housing faster.⁶² The above measures were taken to facilitate the reception of displaced persons from Ukraine as properly and swiftly as possible in a time when housing is only sparsely available.

Guidelines for the reception of displaced persons

To make sure the reception went as smoothly as possible, the Ministry of Justice and Security published two sets of guidelines in 2022, offering tools for organising the reception of displaced persons from Ukraine. One set of guidelines is for municipalities⁶³ and the other for private hosts who provide housing to displaced persons.⁶⁴

Investment in housing for asylum seekers and displaced persons from Ukraine.

On 28 June 2022, the Minister of the Interior, announced that the government would allocate € 177 million in 2022 and 2023 to the housing problems surrounding several target groups in a broader sense and displaced persons from Ukraine in particular. The funds will be used for construction projects. The purpose of this is to address the limited outflow of asylum seekers from reception centres and to create more housing for displaced persons from Ukraine. Reasons behind this investment are the shortage of housing for asylum seekers, the tight housing market and the large influx of displaced persons from Ukraine.⁶⁵

Medical care for displaced persons from Ukraine

On 24 June 2022, by analogy with the regulation for asylum seekers, the Ministry of Justice and Security and the Ministry of Health, Welfare and Sports jointly established a special (free) regulation for medical care for all displaced persons from Ukraine in the Netherlands: the Medical Care for Displaced Persons from Ukraine Regulation (*Regeling Medische Zorg voor Ontheemde Personen uit Oekraïne*, RMO). Registration in the Personal Records Database automatically ensures registration for this specific medical care. The reason for this was that there were indications that beneficiaries of temporary protection often found work on a short contract basis, leading to regularly changing health insurance obligations. Beneficiaries making errors concerning their health insurance obligations could be subject to fines. There was also the expectation that many beneficiaries might be uninsured, making them financially vulnerable in case of potential health problems. The objective of the regulation was to simplify the access to healthcare for beneficiaries of temporary protection and healthcare providers.⁶⁶ The costs of medical care to displaced persons who have not (yet) been registered in the Personal Records Database, such as medical evacuees, are at the expense of the subsidy scheme for medical care for uninsured persons. This way, there is a sound system to cover care expenses.

Displaced Persons from Ukraine Regulation (ROOO)

On 1 April 2022, the Reception of Displaced Persons from Ukraine Regulation (ROOO) went into effect. The ROOO regulates the reception of displaced persons from Ukraine in municipalities and by private parties. Among other things, the scheme regulates the amount of monthly financial allowance (food and living allowance) that beneficiaries receive to meet their daily needs. The allowance can be withheld or limited if the beneficiary has a labour-related income. The food and living allowance was €205 for food and €55 for clothes and other personal expenses per person per month for persons living in common reception facilities. In case of private reception, an additional €215 for adults and €55 for minors was provided per person per month for additional living costs. The objective of the ROOO was to create a simple and straightforward allowances scheme for beneficiaries of temporary protection.⁶⁷

61 Government Gazette, 2022, no. 17918.

62 Parliamentary Papers II, 2021-2022, 19637, no. 2899.

63 Government of the Netherlands, 'Handreiking Gemeentelijke Opvang Oekraïners (GOO)' (Guidelines for Municipal Reception of Ukrainians).

64 Government of the Netherlands, 'Handreiking Particuliere Opvang Oekraïners (POO)' (Guidelines for Private Reception of Ukrainians).

65 Parliamentary Papers II, 2021-2022, 19637, no. 2910.

66 Parliamentary Papers II, 2021-2022, 19637, no. 2095.

67 Section 10 of the Reception of Displaced Persons from Ukraine Regulation (ROOO) 2022.

Amendment of the Reception of Displaced Persons from Ukraine Regulation (ROOO)

In response to the outcome of an evaluation by the Association of Dutch Municipalities three months after the implementation of the original ROOO, the Ministry of Justice and Security announced on 4 November 2022 that it would amend the ROOO in two phases. The phase-one amendments went into effect on 1 December 2022 and the phase-two amendments went into effect on 1 February 2023. Phase one included an additional living allowance for persons residing long-term in a healthcare institution (€56.12 per month), as well as an allowance for performing volunteer work (€14 per week). Phase two comprised an amendment of the allowance for additional living costs for persons residing in private reception; for both adults and minors the amount was modified to €93 per person per month. Furthermore, food allowances were reduced according to the size of the household, declining gradually per extra person. The purpose of the changes was to strengthen the social and political support as well as to improve the practicability of the allowance scheme. An additional purpose of the changes was to align the scheme with existing schemes for asylum seekers, beneficiaries of international protection and persons entitled to social assistance.⁶⁸

Eligibility for childcare allowance for working beneficiaries of temporary protection

On 16 June 2022 the government decided that in anticipation of a more general amendment of the Childcare Act, beneficiaries of temporary protection who were active in the labour market would retroactively be eligible for childcare allowance since 4 March 2022. They were only eligible if they also met the other requirements. The amendment of the law will make it possible for all working parents with partners outside the EU to receive this allowance. The reason for this was the high number of beneficiaries of temporary protection with a partner outside of the EU, in most cases in Ukraine, who were originally not eligible for certain allowances, hindering their access to the labour market. The scheme also facilitates the option to work for single parents who come under the Temporary Protection Directive.⁶⁹

Right to education for children under temporary protection

On 17 March 2022, the Minister for Migration informed Parliament of the right to education for children under 18 who come under the Temporary Protection Directive. Where possible, children up to 12 years old will be placed in the existing specialised education system for migrants that already exists in the Netherlands. For children between 12 and 18 years old, there is the international transition class that serves as a transition to ordinary secondary education. The driver behind the announcement was the expected arrival of between 15,000 and 25,000 minors from Ukraine who are entitled to education. The purpose of this is to honour the right to education and to provide children normalcy and routine.⁷⁰

Funding education of children under temporary protection

On 22 April 2022, it was announced that the Ministerial Commission on Crisis Management (*Ministeriële Commissie Crisisbeheersing*, MCCB) allocated €136.3 million to municipalities to cover the costs for the extra infrastructure and hardware necessary for providing education to minors who come under the temporary protection regulation. This funding was available until the end of the 2021-2022 school year.⁷¹ On 22 July 2022, this was extended by another €136.3 million until 31 December 2022.⁷² On 1 September 2022 another extension was announced that would cover the rest of the school year until July 2023 by an additional €318 million, split equally between primary and secondary education.⁷³ This funding was necessary for the approximately 20,000 minors registered on 1 September 2022 who benefitted from temporary protection in the Netherlands and were entitled to education. In order for the municipalities to provide this, supplementary funds were necessary. Through this, municipalities were supported in organising temporary education for minors coming under the Temporary Protection Directive.

68 Government of the Netherlands, 4 November 2022 'Gefaseerde aanpassing Regeling opvang ontheemden Oekraïne' (Gradual Adaptation Reception of Displaced Persons from Ukraine Regulation).

69 Government of the Netherlands, 16 September 2022 'Werkende Oekraïense ontheemden krijgen recht op kinderopvangtoeslag' (Working Ukrainian displaced people will become eligible for childcare allowance).

70 *Parliamentary Papers II*, 2021-2022, 19637, no. 2834.

71 *Parliamentary Papers II*, 2021-2022, 19637, no. 2887.

72 *Parliamentary Papers II*, 2021-2022, 19637, no. 2942.

73 *Parliamentary Papers II*, 2022-2023, 19637, no. 2981.

Improvement of flexibility of the educational system for fast increase of capacity

The number of minor children and young people among the displaced persons from Ukraine was above average. The existing capacity in education for newly arrived migrants, which was already under pressure, was not equipped for this influx. Therefore, the Temporary Educational Facilities in the Event of Mass Influx of Displaced Persons Act and regulations became effective on 14 July 2022. These regulations make it legally possible for schools to organise temporary educational provisions. The changes serve the purpose to expand educational capacity for minors quickly and to provide school boards extra room to organise the education.⁷⁴

Financial support of research institutions and umbrella organisations

On 4 March 2022, the Minister of Education, Culture and Science announced that 1 million euros would be made available to a number of Dutch research institutions and umbrella organisations to support their activities in providing assistance to students and researchers from Ukraine and Russia in the immediate aftermath of the Russian invasion of Ukraine. This was to prevent students and researchers in the Netherlands from suffering consequences of the war in Ukraine. At the same time, the Minister appealed to all higher education institutions to freeze all formal and institutional collaborations with educational and knowledge institutions in the Russian Federation and in Belarus.⁷⁵

April 2022. Refugee children from Ukraine receive lessons at the first Ukrainian school in Eindhoven. Up to 600 children can receive lessons in primary and secondary education. It is the first place in the Netherlands where education for these refugees is arranged in one place.

Photo: ANP / Hollandse Hoogte / Rob Engelaar



Admission examinations to Ukrainian higher education in the Netherlands

On 10 June 2022, the Ministry of Education, Culture and Science announced that it would adhere to an appeal by the Ukrainian embassy in the Netherlands and the Ukrainian Ministry of Education and Science to facilitate entry exams for higher education in Ukraine for young people who come under the Temporary Protection Directive in the Netherlands. € 315,000 were allocated to facilitate these exams, which took place in the months of July and August 2022. Other Member States of the European Union and countries outside the Union also cooperated on these exams. This way, Ukrainian young people could still have the option to receive higher education in Ukraine. Making entrance exams accessible globally also demanded a lot from the Ukrainian Ministry of Education and Science, which provided the technology to simultaneously administer the exams digitally in a large number of countries.⁷⁶

74 Bulletin of Acts and Decrees, 2022, no. 0293.

75 Letter from the Minister of Education, Culture and Science, 4 March 2022, 31790307.

76 *Parliamentary Papers II*, 19637, no. 2899. Also see: *Government Gazette*, 2022, no. 18581.

New process for the registration of unaccompanied minors (UAMs) from Ukraine

In June 2022, a new process was implemented for registration of unaccompanied minors (UAMs) from Ukraine. In the initial registration process that was adopted shortly after the outbreak of the war, it was agreed that municipalities had to report the arrival of minors from Ukraine who were accompanied by an adult who was not the parent or legal guardian to the Child Care and Protection Board (*Raad voor de Kinderbescherming*, RvdK). If minors arrived without being accompanied by any adult, municipalities had to report this to Nidos (the national guardianship institution for UAMs in the Netherlands).

The new process, which was implemented in June 2022, meant that all UAMs from Ukraine who arrived without any of their parent had to be reported to Nidos. Nidos would then assess on the basis of an intake interview whether there was a need to provide a temporary legal guardian. If the UAM would be staying with a host family, Nidos would alert the RvdK, who would carry out a screening of the host family.⁷⁷

The reason for the adaptation was that a number of parties, including the Association of Netherlands Municipalities, Nidos and UNICEF, had expressed their concerns that UAMs from Ukraine were not always registered and assigned a legal guardian. This was reason for the Minister for Migration to review the agreements with the parties involved.⁷⁸ The policy change also resulted from a motion by the House of Representatives of 21 April 2022 requesting the government to make a plan for centralised information provision and awareness raising on the importance and necessity of registering unaccompanied minors from Ukraine. The motion noted that in the Netherlands, relatively few Ukrainian minors were referred to the Child Care and Protection Board compared to other EU Member States. According to the motion, this could indicate that a significant number of unaccompanied minors had not been identified and registered, increasing the risk of exploitation or trafficking in human beings.⁷⁹

This new process has made the identification, registration and reception of unaccompanied minors clearer. The objective of the new process was to identify all unaccompanied minors who fled from Ukraine to the Netherlands and provide them with a legal guardian.

Support for voluntary return to Ukraine

The Repatriation and Departure Service (*Dienst Terugkeer en Vertrek*, DT&V) decided to provide return assistance to persons wishing to voluntarily return to Ukraine. Although the vast majority of persons who would like to return to Ukraine do so independently, the DT&V offers help with specific questions, counselling, obtaining relevant documents and assistance in arranging transport. The DT&V emphasised that the decision to return to Ukraine must be a well-considered and voluntary choice. Therefore, persons wishing to return are asked to sign a declaration stating that they are leaving voluntarily and withdraw any pending residency procedures. DT&V does not offer support for temporary return to Ukraine, for example for family visits. Doing so, the government attempts to offer assistance for voluntary return to Ukraine.⁸⁰

3.2 Measures taken outside of the legal framework of the Temporary Protection Directive

Leniency towards Ukrainians

On 25 February 2022, even before activation of the Temporary Protection Directive, the IND announced it would be lenient to Ukrainians who had applied for a residence permit in the Netherlands. This applied for example to persons who were not able to collect their entry visa (MVV) in Ukraine, who had overstayed their short-stay visa, or who were unable to submit all documents required for a residence permit.⁸¹ Through this adaptation, it is hoped that leniency can be applied to Ukrainian subjects applying for a residence permit.

77 *Parliamentary Papers II*, 2021-2022, 19637, no. 2942

78 *Parliamentary Papers II*, 2021-2022, 19637, no. 2942.

79 *Parliamentary Papers II*, 2021-2022, 19637, no. 2872.

80 Repatriation and Departure Service (DT&V), 'Assistance for those returning to Ukraine'.

81 Immigration and Naturalisation Service (IND), 'Leniency for Ukrainians in the Netherlands'.

Postponement of decisions on asylum applications by Ukrainians

On 28 February 2022, postponement of decisions on asylum applications from Ukrainian nationals was activated for a period of six months. All removals of Ukrainian nationals were also halted.⁸² The postponement meant that the decision period of all new and ongoing asylum applications by Ukrainian nationals was extended by one year. In addition, Ukraine would not be regarded as a safe country of origin for the duration of the postponement of decisions. The postponement was extended by another six months on 24 August 2022.⁸³

Medical redistribution of Ukrainian patients

On 30 March 2022, the Minister for Migration announced that the Netherlands would contribute to the EU-wide medical redistribution of Ukrainian patients with urgent or chronic medical issues. The Dutch National Coordination of Patient Distribution (Landelijke Coördinatie Patiënten Spreiding, LCPS) was asked by the Ministry of Health, Welfare and Sport to identify the hospital capacity which could be allocated to Ukrainian patients who would be redistributed from the European Member States neighbouring Ukraine.⁸⁴ This attempts to contribute to the care of Ukrainian patients.

Right to basic departure and reintegration assistance for voluntary departure

On 30 March 2022, the Minister for Migration announced that all third-country nationals who resided legally in Ukraine, irrespective their nationality and whether they were eligible for protection under the Temporary Protection Directive, would be eligible for basic departure and reintegration assistance to their country of origin in cases of voluntary departure. The Repatriation and Departure Service (Dienst Terugkeer & Vertrek, DT&V) and the International Organization for Migration (IOM) arrange the departure for this target group from the Netherlands. Support measures include support for obtaining travel documents and airline tickets, counselling and guidance, and financial reintegration support. By facilitating voluntary departure to the country of origin or a third country where third-country nationals are eligible for permanent residency, the Dutch government, inter alia, aims to alleviate the pressure on reception facilities (see section 3.1 for more information about assistance for return for Ukrainian nationals).⁸⁵

Financial remigration assistance for third-country nationals

On 4 March 2023, the temporary protection of certain groups of displaced persons who did not have Ukrainian nationality would expire. This was postponed until 4 September 2023. On 4 November, the Minister for Migration implemented specific remigration policy for migrants from third countries who will lose their temporary protection status on 4 September 2023 and meet all requirements. They can submit an application between 15 November 2022 and 1 August 2023.⁸⁶ This specific policy aims to actively stimulate the remigration of abovementioned third-country nationals and thereby alleviate the possible burden on the reception and asylum system after 4 September.

Transfer of displaced persons in the context of the Platform for Solidarity with Moldova

Throughout 2022, displaced persons from Ukraine were transferred from Moldova. This was done in the context of the Platform for Solidarity with Moldova promoted by the European Commission.⁸⁷ In total, around 40 persons were transferred to the Netherlands in the context of this Platform. By taking in displaced persons, European solidarity with Moldova is shown and a contribution is made to the Platform designed by the European Commission.

82 *Parliamentary Papers II*, 2021-2022, 19637, no. 2822.

83 *Government Gazette*, 2022, no. 22910.

84 *Parliamentary Papers II*, 2021-2022, 19637, no. 2907.

85 *Parliamentary Papers II*, 19637, no. 2907.

86 Government of the Netherlands, 'Tijdelijk financiële ondersteuning voor remigratie vluchtelingen uit Oekraïne met niet-Oekraïense nationaliteit', (Temporary financial support for remigration of refugees from Ukraine without Ukrainian nationality). The period for submitting an application was previously 15 November 2022 until 1 February 2023. This has been extended to 1 August 2023.

87 European Commission, 'EU solidarity with the Republic of Moldova'.

Participation in EMPACT

The Netherlands participates in a programme of the European Multidisciplinary Platform Against Criminal Threats (EMPACT), which started in 2022: the South Eastern partnership related to trafficking in human beings. The objective of the new programme is to identify and fight organised crime groups devoted to trafficking in human beings, with the purpose of sexual, labour or any other forms of exploitation, in and across the EU, where the suspects and/or victims are from South Eastern Partnership countries (more specifically Ukraine and Moldova, and where relevant, Armenia, Azerbaijan and Georgia). A specific focus will be on the exploitation of temporary displaced persons from Ukraine (for more information, see [section 11.2](#)).

4 Legal migration

Legal migration is a broad concept that comprises different categories of migrants. The primary migration categories are study, employment and family. In 2022, there were no developments in connection with student migration. Hence, this category will not be discussed further in this chapter.

An important trend in 2022 in the area of legal migration was the amendment of policy as a result of case law. This was particularly the case for policy on family migration. Case law also resulted in the amendment of policies for Turkish nationals and for suspension of departure for medical reasons. In this context, the court often ruled that the applicant's individual circumstances had to be taken into consideration more often.

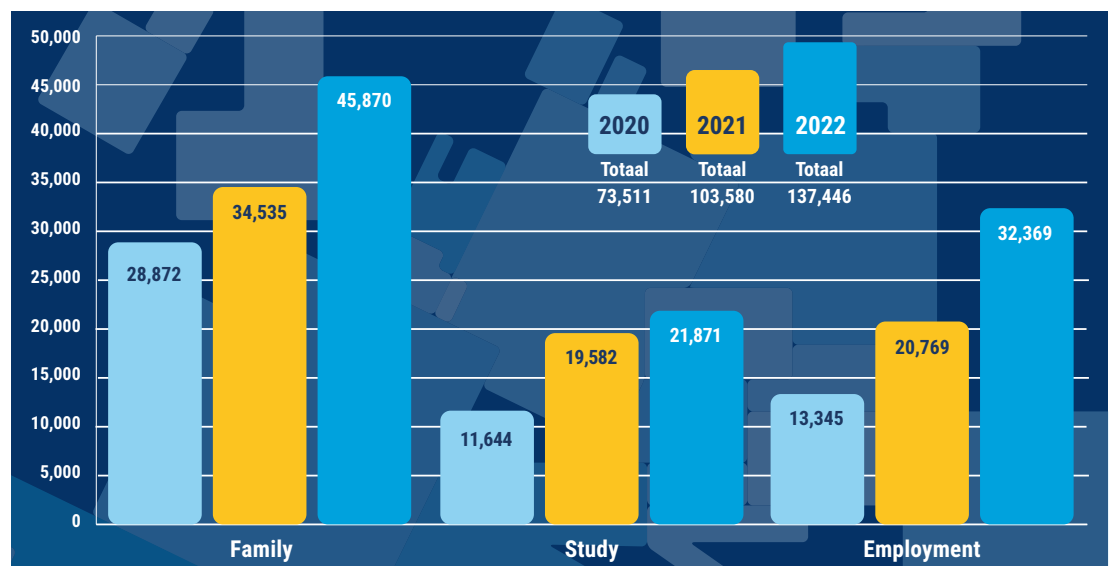
In addition, various regulations were amended to make them more effective and future-proof. This was the case for the extension of the duration of the startup scheme from 1 year to 2 years, for example.

Lastly, there was a lot of attention for the enforcement and prevention of labour exploitation and fraud. After all, changed policies for international au pairs and Asian cooks were primarily driven by the desire to prevent abuse of the scheme.

The table below shows statistics for the first residence permits that were issued for the different categories of legal residency in the Netherlands in the period from 2020 to 2022 inclusive. The largest share of this pertained to the category of family, which comprises regular family migration and marriage, for example. The category of work-related migrants was also high in 2022. The end of the COVID-19 pandemic may explain the increase of legal migration in the period of 2020-2022. Legal migration forms the greatest share of the influx of migrants to the Netherlands compared with the influx of migration for international protection (see [chapter 5](#)).

Figure 2.
Number of applications by third-country nationals for legal migration to the Netherlands for study, employment and family reasons in 2022.

Source: Eurostat, First Residence permits by reason - annual data



4.1 Economic migration

Economic migrants

Economic migrants are third-country nationals who come to the EU for work. This concerns, for example, 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 recognised sponsorship applies.⁸⁸ This entails that a recognised sponsor (for example an employer that has been recognised by the Immigration and Naturalisation Service (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 reasons, protection of the national labour market is the starting point of the concerned policies. First, the employer needs to prove that the vacancy cannot be filled by Dutch citizens, EU-citizens, or migrants already legally residing in the Netherlands and who are 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.

Amendment of the Foreign Nationals Employment Act (Wav) to improve the position of labour migrants. As per 1 January 2022, the Foreign Nationals Employment Act (*Wet arbeid vreemdelingen*, Wav) was amended. This amendment extends the maximum validity of the work permit and the single permit for residence and labour from one to three years. In addition, the Act contains a number of measures to strengthen employees' position, such as the obligation to pay migrants on a monthly basis via bank transfer. This ensures that migrants have more direct access to their wages. It also enables better financial surveillance by the Netherlands Labour Authority (*Nederlandse Arbeidsinspectie*, NLA). The purpose of the legislative amendment is to make the system flexible and future-proof, as well as to ameliorate the position of labour migrants.⁸⁹ This amendment was partially inspired by the coalition agreement of the previous government from 2017.⁹⁰

Extension validity start-up permit

To facilitate the innovation of foreign start-ups, it was announced on 29 November 2022 that the validity of residence permits under the start-up visa scheme will be extended to 2 years. Previously, the visa was valid for 1 year. The scheme makes it possible for ambitious entrepreneurs to apply for a temporary residence permit. The scheme, which started in 2015, allows entrepreneurs to launch innovative businesses in the Netherlands.⁹¹ Their spouse and children can join the permit holder in the Netherlands. The entrepreneur must be guided by an experienced mentor (facilitator). After one year, the entrepreneur can apply for a residence permit as a self-employed person (self-employment scheme).⁹² From an evaluation report by the IND called '*Succesvol opgestart? Een evaluatie van de startup regeling, 2015-2021*' (Started successfully? An evaluation of the start-up scheme, 2015-2021), it became clear that the current validity of the start-up permit was too short to be eligible for the self-employed persons scheme.⁹³ Hence, the recommendation of this report to extend the validity of the start-up visa from 1 to 2 years was adopted. The final effective date of this policy change must still be determined.⁹⁴ Other recommendations from the report have been embraced in principle and will be fleshed out depending on technological and legal feasibility.

88 Immigration and Naturalisation Service (IND), [Employer: Apply for recognition as sponsor](#).

89 Letter from the Minister of Social Affairs and Employment, 14 December 2020, 2020-0000120392.

90 Government of the Netherlands, Coalition Agreement 2017: '[Vertrouwen in de toekomst](#)' (Confidence in the future).

91 There is an exception for start-up entrepreneurs from Australia, Canada, Japan, New Zealand, the USA and South Korea. They can submit a visa application for the Netherlands directly.

92 Letter from the Minister for Migration, 29 November 2022, 4293893.

93 Immigration and Naturalisation Service (IND), '[Evaluation: scheme for attracting start-ups is successful](#)' (2022).

94 Letter from the Minister for Migration, 29 November 2022, 4293893.

4.2 Labour exploitation

Scheme for Asian cooks

The scheme for Asian cooks will expire permanently. On 1 January 2022, the scheme was already discontinued for new applications. This was decided by the cabinet in response to a proposal by Minister Van Gennip of Social Affairs and Employment. The scheme made it easier for Asian restaurants in the Netherlands to hire specialised cooks from outside the European Economic Area (EEA). A report by the Netherlands Labour Authority (*Nederlandse Arbeidsinspectie*, NLA) played a considerable role in the decision to permanently discontinue the scheme. In the report on the Asiancooks residence scheme, the NLA observes that around half of the inspected hospitality establishments are in breach of the regulations. For a number of employers, the NLA suspected serious harm, trafficking in human beings, labour provision to illegal migrants or other punishable acts. The expiration of the scheme does not mean that the sector will no longer be able to bring over staff from outside the EU to the Netherlands. Employers can now apply for a single residence and work permit under the general conditions laid out by the Foreign Nationals Employment Act (*Wet arbeid vreemdelingen*, Wav).⁹⁵

Labour Exploitation Monitor

To strengthen the fight against labour exploitation as a form of trafficking in human beings, it was announced on 7 February 2022 that the Netherlands Labour Authority (*Nederlandse Arbeidsinspectie*, NLA) would publish a monitor on labour exploitation and serious disadvantage. This monitor was based on reports and insights from 2020 and 2021. The monitor was published in July 2022.⁹⁶ In addition, a regional pilot (pilot Oost-Brabant) was launched to develop and implement a regional monitor for labour exploitation. The driver of this development was the Victims of Trafficking in Human Beings Monitor 2016-2020 (*Slachtoffermonitor mensenhandel*) published by the National Rapporteur, which underlined the importance of strengthening the strategy against labour exploitation amongst other things. The objective of implementing (regional) monitors on labour exploitation is to collect information on vulnerable sectors and places where potential victims of labour exploitation could be located, as well as to gather concrete data on the victim population and their background.⁹⁷

4.3 Family migration

Family migration

Family migration covers applications for family formation and reunification. Family reunification 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.⁹⁸ The Family Reunification Directive (2003/86/EC) provides a legal basis at EU level.⁹⁹

Introduction policy framework for the admission of foster children

On 30 June 2022, the Aliens Act Implementation Guidelines were amended to allow foster children who were already part of the foster family in the country of origin to immigrate to the Netherlands together with their foster parents under certain conditions. The foster children do not have to be relatives of the foster parents. Prior to this change, no policy framework existed concerning the admission of foster children who were already part of the foster family in the country of origin and whose foster parents were entitled to residence in the Netherlands.¹⁰⁰ The policy amendment also contains clarifications of the custody relationship required between the foster parents and children, and of other conditions that must be met in the pre-existing policy framework concerning the admission of foster children who were not already part of the foster family in the country of origin.

95 Letter from the Minister of Social Affairs and Employment, 18 November 2022, 2022-0000235529.

96 Netherlands Labour Authority (NLA), 'Monitor arbeidsuitbuiting en ernstige benadeling 2020-2021' (Monitor on Labour Exploitation and Serious Disadvantage 2020-2021).

97 *Parliamentary Papers II*, 2021-2022, 28638/31015, no. 206.

98 Statistics Netherlands (CBS) 'Gezinsmigratie' (Family migration). Migration radar | About us (ind.nl).

99 EMN Glossary 8.0 'Family reunification'.

100 Government Gazette, 2022, no. 16773.

Ter Apel, 08-06-22.
A man waves goodbye to his children. The father has a residence permit and has been reunited with his wife and children, but they have to temporarily go to another location.

Photo: ANP / Hollandse
 Hoogte / Kees van de Veen



The drivers of this policy development were signals that the human dimension is insufficiently taken into consideration in the Dutch migration and asylum system, stemming inter alia from a report published by several Dutch migration and asylum lawyers in 2021 (see also Annual Report 2021).¹⁰¹ In a letter to the Senate of 25 July 2022, the Minister for Migration acknowledged that the lack of a policy framework for the admission of foster children who were already part of the foster family in the country of origin together with their foster parents leads to disproportionately harsh decisions. The broader aim of this change is to be able to better take into consideration the human dimension in Dutch migration policy.¹⁰²

Adaptation assessment of family life for family reunification with adult children

To bring the national policy on family reunification in relation to adult children in line with a ruling of 28 April 2022 by the Administrative Jurisdiction Division of the Council of State (Afdeling bestuursrecht-spraak van de Raad van State, AbRvS), the assessment for family reunification has been adapted partially. For example, from that date on the assessment of family life for family reunification must include a proper justification why an adult child is or is not covered by the young adult policy, even if the child is (well over) 25 years old. This means that rejection can no longer purely take place on the basis of age, as was the case before. It has to be taken into account that children aged 25 or over may also come under the young adult policy. The older a child, the more independence can be expected. Young adulthood can only be determined in an individual assessment, which must include all the circumstances put forward. The Council of State indicated on 28 April 2022 that the age limit used in the policy for young adults in the assessment of family as defined in article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms (8 ECHR) had to be interpreted more broadly than had been done so far.¹⁰³

¹⁰¹ Dutch Association of Asylum Lawyers (VAJN) and Association of Migration Law Experts (SVMA), 'Ongehoord Onrecht in het Vreemdelingenrecht,' (Unheard Injustice in Aliens Law).

¹⁰² *Parliamentary Papers I*, 2021-2022, 9637 J.

¹⁰³ ECLI:NL:RVS:2022:1260.

Mandatory balancing of interests in decisions on family reunification 8 ECHR

In response to a ruling by the Administrative Jurisdiction Division of the Council of State (*Afdeling bestuursrechtspraak van de Raad van State*, AbRvS) on 13 July 2022, balancing of interests became mandatory in decisions on applications for family reunification based on article 8 of the European Convention on Human Rights (ECHR). In the ruling, it was determined that a balance of interests must always be made, also in cases where family life is not worth protection.¹⁰⁴ Therefore, balancing of interests must always take place in decisions on applications for family reunification under article 8 ECHR from 13 July 2022. Before, in his judgement, the Minister could suffice with an observation whether family life was worth of protection. Normal emotional (non-dependable) ties were not sufficient to receive a positive decision from the Minister. According to the AbRvS, a court must always be able to assess the balance of interests.¹⁰⁵

Adapted assessment documents for family reunification

In response to a ruling by the Administrative Jurisdiction Division of the Council of State for the Netherlands (*Afdeling bestuursrechtspraak van de Raad van State*, AbRvS) on 26 January 2022, an adaptation of the assessment of documents for family reunification was implemented. It followed from the ruling that in case of family reunification all documents that are submitted with the application must be assessed in their entirety and in conjunction to determine whether identity and family ties have been plausibly established.¹⁰⁶ The difference between official documents issued by the authorities and supporting, unofficial documents will continue to be important in this regard as they may carry different probative value. However, unlike before, they will no longer be assessed in isolation. Applicants will now more often be given the benefit of doubt when applications for family reunification are assessed. For example, when there is a presumption that the persons concerned actually form a biological nuclear family with the family member in the Netherlands, less stringent requirements are imposed on the proof of identity. Hence, these policy changes aim to bring the Aliens Act Implementation Guidelines in line with the ruling by the AbRvS. More than before, the specific circumstances are taken into account in which beneficiaries of international protection and their family members can find themselves. The assessment of the application for reunification will thus take on a more integral nature.¹⁰⁷

4.4 Other developments

Ultimate application date Brexit residence permits for British nationals and their family in the Netherlands

British nationals and their family members who lived in the Netherlands before 1 January 2021 could apply for a Brexit residence permit after the United Kingdom left the European Union on 1 October 2021. Because it turned out not all British nationals residing in the Netherlands or their family had submitted an application for a residence permit before 1 January 2021, the Netherlands chose to apply a lenient policy until 1 October 2022 to process Brexit applications that were submitted too late. This lenient measure meant that the reason for late submission was not relevant for Brexit residence applications on or before 30 September 2022.¹⁰⁸

Au-pair scheme

The au pair scheme was changed on 30 September 2022. The change must ensure that it will only be used for the intended purpose in the future. The adaptation concerns the addition of further requirements for migrants who want to come from outside the EU and want to work in the Netherlands as an au pair. The au pair must be unmarried and is not allowed to have any children. In addition, a pre-existing requirement has been amended. Under the new scheme the au pair should not be older than 25 years at the time when the residence application is filed. Previously, the age limit was 30 years.¹⁰⁹

104 ECLI:NL:RVS:2022:2006

105 Council of State (RvS), ‘*Staatssecretaris J&V moet voortaan altijd belangen afwegen bij verzoek om gezinshereniging*’ (From now on, Minister for Migration must always balance interests for requests for family reunification).

106 ECLI:NL:RVS:2022:245

107 Immigration and Naturalisation Service (IND), ‘*Measures to shorten the waiting time for family reunification*’.

108 Immigration and Naturalisation Service (IND), ‘*30 September last day to apply for Brexit residence permit*’.

109 Government Gazette, 2022, no. 8628.

There were indications that many au pairs worked more than 30 hours a week and had to perform heavy household duties. Moreover, au pairs were often in a dependent situation or came to the Netherlands primarily to earn money for their family in their home country. This does not align with the purpose of the au pair scheme to improve cultural exchange.¹¹⁰ The policy change will be evaluated and the results of this evaluation will be shared with the Dutch House of Representatives in 2024.

Rejection applications by Turkish migrants in case of a lack of a provisional residence permit
On 29 August, the IND announced that from 1 October 2022 onwards, applications for a residence permit (except asylum) by Turkish citizens, including those coming under the EU-Turkey Association Agreement and their family members, will be rejected if the person concerned has not obtained the right visa, a provisional residence permit (MVV).¹¹¹ Previously, Turkish citizens coming under the EU-Turkey Association Agreement did not need to have an MVV if they met all other application requirements when applying for a residence permit. The change prevents the evasion of the civic integration obligation by Turkish citizens, as completion of civic integration abroad¹¹² is a necessary requirement before the MVV visa is issued.¹¹³ The civic integration obligation for all Turkish citizens and their family was implemented on 1 January 2022 as part of the new Integration Act 2021.¹¹⁴ Furthermore, illegal employment and the inappropriate use of the Schengen visa are countered by requiring the applicant to obtain a provisional residence permit before coming to the Netherlands.

The policy change was made possible by the ruling from 2018 by the Court of Justice of the European Union in the Yön case. It emerges from this ruling that Association law allows this obligation to be imposed if special individual circumstances can be taken into consideration in the assessment. The policy accommodates this.¹¹⁵

110 Immigration and Naturalisation Service (IND), 'Au pairs'.

111 Immigration and Naturalisation Service (IND), 'Application for residence permit rejected after 1 October if Turkish citizens do not have a provisional residence permit'.

112 Civic integration abroad concerns the basic civic integration examination and is a test on Dutch language and society that is taken abroad.

113 *Parliamentary Papers II*, 2021-2022, 32824, no. 366.

114 For more information about this legislation, see 6.1 and 6.2.

115 C.JEU, C. 2018-632, Yön.

5 International protection (asylum)

Various developments in the context of international protection (asylum) resulted in several changes and expansions of the asylum policy, such as the increase in the number of first asylum applications and the subsequent backlog of asylum procedures, shortages in reception facilities and an increase of nuisance-causing asylum seekers in reception centres. First, the influx level for international protection in 2022 is discussed below. In particular, developments are addressed concerning the substantive assessment of asylum applications, reception, nuisance, the Dublin procedure and safe countries of origin. Finally, the statistics are given of the number of persons that came to the Netherlands on the basis of resettlement.

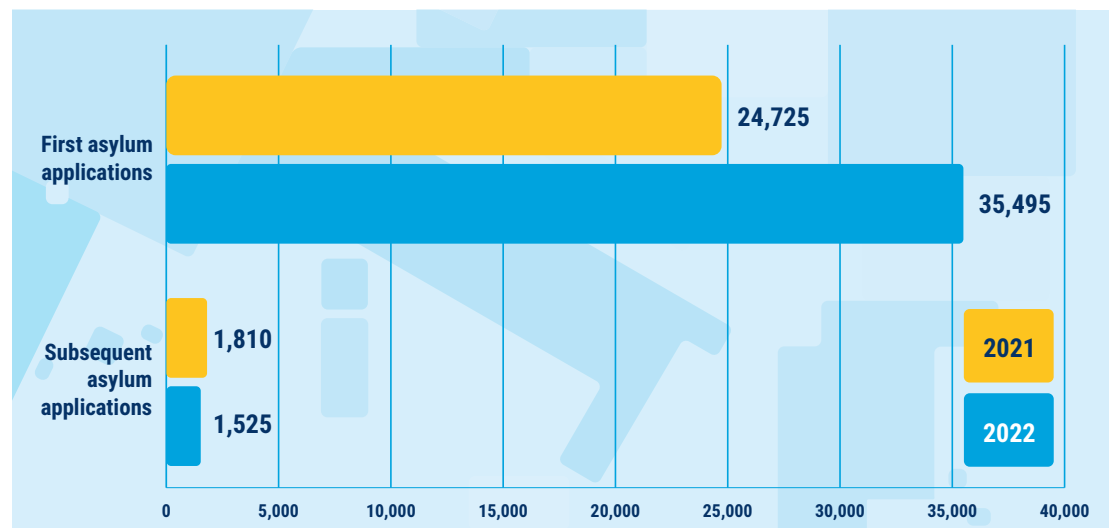
Asylum

Asylum is a form of protection given by a State on its territory, based on the principle of non-refoulement (or non-removal) and internationally or nationally recognised refugee rights. An asylum application is granted to a person who is unable to seek protection in their country of origin or residence, in particular for fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.¹¹⁶

In 2022, a total of 35,495 first asylum applications were submitted, and 1,525 subsequent applications (figure 1). A subsequent asylum application is a further application for international protection, which is made after a final decision has been taken on a previous (first) application.¹¹⁷ With a total of 37,020, the number of asylum applications has increased by almost 10,500 compared to 2021, when the total amounted to 26,535. The increase in the number of first asylum applications in 2022 forms the basis for this; the number of subsequent applications decreased compared to 2021.

Figure 3
Total number of first and subsequent asylum applications in the Netherlands in 2021 and 2022.

Source: Eurostat, Asylum applicants by type of applicant, citizenship, age and sex - annual aggregated data.



In 2022, these were the top ten nationalities of first asylum applications in the Netherlands: Syrian (36%), Afghan (8%), Turkish (8%), Yemeni (7%), Somali (4%), Eritrean (4%), Algerian (3%), Unknown (3%), Ukrainian (3%) and Pakistani (2%). The number of first asylum applications peaked from August to November 2022 (figure 2). In September, most asylum applications were submitted. This may have been caused by the seasonal effect: usually, in the course of the summer, more asylum applications are submitted.¹¹⁸

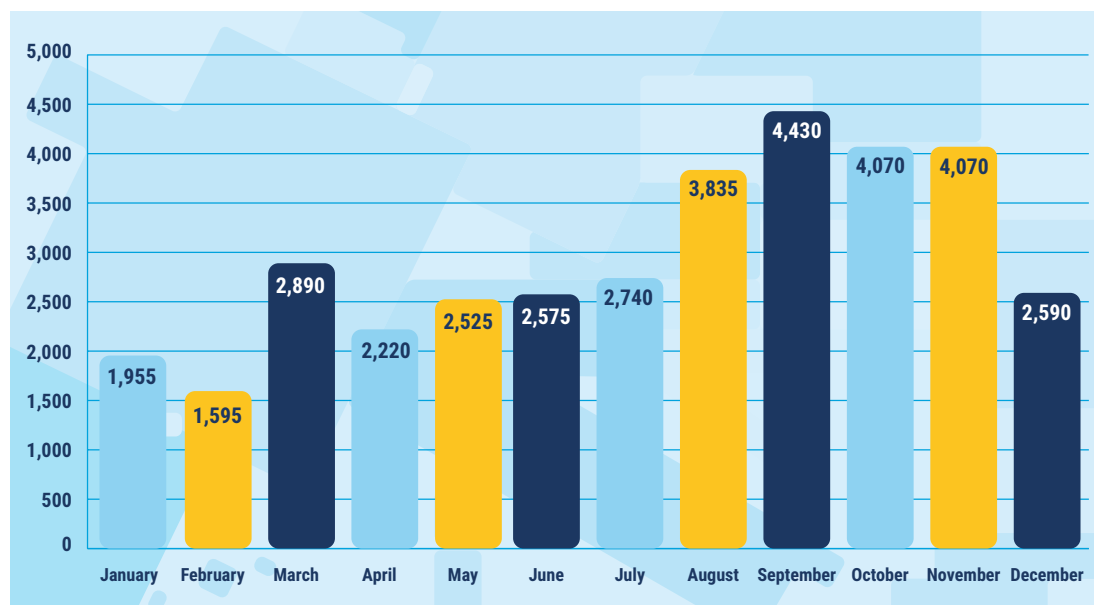
¹¹⁶ EMN Glossary 80 'Asylum'.

¹¹⁷ EMN Glossary 8.0 'Subsequent application for international protection'.

¹¹⁸ Immigration and Naturalisation Service (IND), *Migration Radar T3* September - December 2022.

Figuur 4.
Eerste asielaanvragen
per maand in
Nederland in 2022.

Bron: Eurostat, Asylum applicants by type of applicant, citizenship, age and sex - monthly data.



These were the top ten nationalities of subsequent asylum applications: Iranian (14%), Nigerian (10%), Iraqi (9%), Syrian (7%), Algerian (4%), Moroccan (4%), Afghan (4%), Pakistani (3%), Eritrean (3%), and Somali (3%) and Ugandan (3%) jointly in tenth place.

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 six days begins. During this time, the asylum seeker can recover from his/her journey. The general asylum procedure usually takes 6 days and starts with an interview in which the asylum seeker can explain what he/she went through in his/her country of origin and why he/she was compelled to leave. An interpreter is present during the interview. After several steps, the Immigration and Naturalisation Service (*Immigratie- en Naturalisatiedienst*, IND) assesses the asylum application. In case more time is needed, the applicant enters the extended asylum procedure. Within 6 months, an asylum seeker hears from the IND whether he/she will be granted a residence permit. The IND can extend this period to a maximum of 15 months.¹¹⁹

It is possible that an asylum seeker enters the Netherlands via a Dutch airport or seaport, and applies for asylum there. In that case, the border procedure will start instead. This procedure takes eight days, and can be extended to 28 days. During this time, asylum seekers stay in a closed reception centre near Schiphol airport.¹²⁰

Measures to alleviate the pressure on the asylum procedures

Extension of decision period:

On 26 August, the Minister for Migration announced that the standard decision period in the asylum procedure would be extended by 9 months, from 6 to 15 months. The reason for this extension is the increased number of asylum applications since August 2021 and the ensuing backlogs of the IND, causing decisions outside the legal decision period for a number of the asylum applications. The extension serves several purposes: restoring stability at the IND, preventing decisions to be taken outside the legal decision period and providing clarity to asylum applicants. The extension only applies to asylum cases where the legal decision period has not yet been exceeded.¹²¹

¹¹⁹ Government of the Netherlands, 'Hoe verloopt het aanvragen van asiel?' (What is the procedure for applying for asylum?).

¹²⁰ Immigration and Naturalisation Service (IND), 'Asylum procedures in the Netherlands'.

¹²¹ Letter from the Minister for Migration of 26 August 2022, 1. Parliamentary Papers II, 2021-2022, 19637, no. 2982.

Measures to accelerate family reunification with beneficiaries of international protection

On 19 April 2022, the Immigration and Naturalisation Service (IND) announced measures to shorten the waiting time for persons applying for family reunification with beneficiaries of international protection.¹²² To prevent long waiting times, DNA testing and other supplementary investigations were temporarily lifted. The reason for this was to process the growing number of applications for reunification with beneficiaries of international protection, combined with the need to ease pressure on the IND. The temporary acceleration measures had to guarantee faster reunification with family members.¹²³

5.2 Dublin procedure

Dublin Regulation

The Dublin Regulation¹²⁴ establishes the criteria to determine which Member State is responsible for processing an application for international protection.¹²⁵ Often, the country where the third-country national first entered the Schengen Area, or the country where other family members or relatives are already staying with a residence permit, is responsible. If it is determined that another Member State is responsible, a Dublin transfer takes place. The applicant (also called Dublin claimant) will then be transferred to the Member State responsible for the examination of the merits of an application.¹²⁶

Dublin transfers to Croatia temporarily suspended and transfers to Denmark resumed

Investigation into the situation of Dublin claimants in Croatia

Late May it was announced that further investigation into the situation of Dublin claimants in Croatia would be started and that Dublin transfers were suspended temporarily until more was known about the situation. The reason for this was a ruling by the Administrative Jurisdiction Division of the Council of State (AbRvS) of 13 April 2022. In response to reports about systematic pushbacks, where refugees and migrants were forcefully returned to the border, the AbRvS ruled that in the case of Croatia, the IND was required to conduct further investigation into the situation for Dublin claimants before their transfer to Croatia, to gather sufficient information to form an opinion of whether Croatia is complying with its international obligations. To conduct this investigation, information is gathered from various sources, such as reports of the independent Croatian Border Monitoring Mechanism and any other reports.¹²⁷

Response Denmark to transfer of Syrian Dublin claimants

Early November, the transfer of Syrian Dublin Claimants from the Netherlands to Denmark was resumed. On 6 July, the AbRvS issued a ruling on the transfer of Syrian Dublin claimants to Denmark and the risk of refoulement or removal. Denmark announced in April 2021 that it would start returning Syrians from Damascus considering that the capital was considered safe again under Danish policy.¹²⁸ In response to the ruling by the AbRvS, the Minister for Migration requested further information on the Danish asylum policy. The reason for the resumption of the Dublin transfers was the explanation of the Danish authorities in which it was indicated that the Dublin claimants would not be forcefully removed.¹²⁹

122 Family reunification with beneficiaries of international protection can take place within 3 months after the status being granted. Reuniting family members are family members who are reunited with the beneficiary of international protection.

123 Letter from the Minister for Migration of 19 April 2022, 3891088.

124 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.

125 EMN Glossary 8.0 'Dublin Convention'.

126 EMN Glossary 8.0 'Dublin transfer'.

127 Letter from the Minister for Migration of 30 May 2022, 3980097. Parliamentary Papers II, 2021-2022, 19637, no. 2897.

128 NOS, "Damascus veilig genoeg", *Denemarken trekt verblijfsvergunningen Syriërs in* ('Damascus safe enough', Denmark withdraws Syrians' residence permits)

129 Letter from the Minister for Migration, 7 November 2022, 4242124. Parliamentary Papers II, 2021-2022, 30573, no. 195.

5.3 Reception capacity

Reception Directive

Asylum seekers in the Netherlands are entitled to reception. This has been laid down in the Reception Directive 2013/33/EU. This reception is provided by the Central Agency for the Reception of Asylum Seekers (*Centraal Orgaan opvang asielzoekers*, COA). Different reception centres exist for different stages in the asylum procedure.¹³⁰

Measures to expand reception capacity

The reason for the range of measures taken to expand reception capacity was the growing shortage of reception places over the course of 2022. Among other factors, this shortage was the result of the increased influx, long waiting times for asylum procedures, and the shortage of housing capacity preventing beneficiaries of international protection from flowing out of reception. The overarching objective of the various measures outlined below was to deal with the reception crisis by effectively creating more reception capacity for asylum seekers (also see [section 2.2](#)). The overview of measures described below is not exhaustive.

Compulsory legal instruments reception asylum seekers

Late May, the government explored the option for compulsory legal instruments for municipalities in relation to the reception of asylum seekers (also see [section 2.2](#)). These instruments would only be deployed as an ultimate remedy to ease the pressure on reception. There would be three possible options to force cooperation on reception by municipalities: the COA would be designated a building in such a municipality, the central government would grant a permit for a reception centre in such a municipality and the national government could establish a government-imposed zoning plan allowing the amendment of local zoning or environment plans. This exploration did not lead to an actual policy amendment yet. In addition, the distribution of asylum reception facilities was also explored (see [section 2.2](#)).¹³¹

National crisis structure activated

Mid-June, the national crisis structure in the Netherlands was activated in response to the lack of reception and outflow options. The national crisis structure is a crisis organisation that can act quickly and decisively, on both a governmental and operational level, in high-risk and threatening situations.¹³² The national crisis structure is coordinated by the National Coordinator for Terrorism and Security (Nationaal Coördinator Terrorisme en Veiligheid, NCTV) and was activated on 17 June 2022 to achieve improvement of the throughput and output of the migration system. At a high official and political-administrative level, weekly consultations were held to ensure that new measures were implemented quickly and new reception capacity was organised effectively.¹³³

Allocation of € 117 million to reception in 2022 and 2023

Late June, the Minister for Migration announced that € 177 million would be allocated in 2022 and 2023 to organise additional reception capacity for asylum seekers, refugees, and other focus groups, such as displaced persons from Ukraine. The funds would be used to support and stimulate construction projects for these target groups.

Expansion of (crisis) emergency reception and accelerated placement of beneficiaries of international protection

Pertaining to the national crisis structure, the Minister for Migration announced, inter alia, the outcomes of the meetings of the Ministerial Crisis Management Committee (Ministeriële Commissie Crisisbeheersing, MCCb) in a letter in late July. In this letter, it was announced that out of the targeted 5,625 emergency reception places, 4,100 had been achieved in July. In addition, an increasing number of

¹³⁰ Central Agency for the Reception of Asylum Seekers (COA), 'The COA: shelter, guidance and support'.

¹³¹ Letter from the Minister for Migration of 25 May 2022, 3989578.

¹³² NCTV, 'Nationale crisisstructuur' (National crisis structure).

¹³³ Letter from the Minister for Migration of 17 June 2022, 4067840. *Parliamentary Papers II*, 2021-2022, 19637, no. 2829.

places for crisis reception had been added in municipalities, where people could be housed as agreed with the Security Regions Council¹³⁴ in late June. Furthermore, the government announced that it was seeking an alternative location for identification, registration and reception that could alleviate the pressure on the current location in Ter Apel. The government also expressed the intention to rent three cruise ships for the reception of asylum seekers. To expand the number of COA reception centres, new locations were opened at various sites. Another measure to alleviate the pressure on Ter Apel was the accelerated placement of 7,500 beneficiaries of international protection through interim facilities or placement in hotels. Late July, around 15,500 beneficiaries of international protection were residing in reception centres. To support municipalities in providing housing to beneficiaries of international protection, the so-called hotel and accommodation scheme (hotel- en accommodatieregeling, HAR)¹³⁵ was extended to late December.¹³⁶

Netherlands, Amsterdam, 8-10-2022. Refugees on a cruise boat in the ports. Group of people give the refugees a warm welcome. They want to show that there are people in the Netherlands who can approach refugees positively. Coffee is handed out and people talk to each other.

Photo: ANP / Hollandse Hoogte / Sabine Joosten



Two cruise ships

From late August, the Central Government rented two cruise ships for the reception of 2,000 to 2,700 asylum seekers in the municipalities of Velsen and Amsterdam. The cruise ship in the municipality of Velsen was deployed late September for the duration of half a year. 1,000 to possibly 1,200 asylum seekers could be accommodated on the cruise ship in the municipality of Velsen.¹³⁷ The cruise ship in the municipality of Amsterdam was also deployed for the duration of half a year in October. 1,000 to 1,500 asylum seekers could be accommodated on the cruise ship in the municipality of Amsterdam.¹³⁸ The IND prioritised the processing of the applications for a residence permit by third-country nationals who were employed as staff on the cruise ships.¹³⁹

Temporary emergency reception centre Marnewaard

In August and September 2022, hundreds of asylum seekers slept outside the application centre in Ter Apel (also see section 2.2). In response to the great pressure on the application centre in Ter Apel, the reception centre in Marnewaard was opened opposite to the Marnewaard Willem Lodewijk van Nassau

¹³⁴ The Security Regions Council consists of 25 heads of the security regions. The Netherlands has been divided into 25 security regions. Each security region is committed to the security of the residents and visitors of the area.

¹³⁵ This is a scheme where beneficiaries of international protection are temporarily housed in a hotel or holiday home in their future municipality to alleviate the pressure on reception capacity.

¹³⁶ Letter from the Minister for Migration of 28 July 2022, 4131242. Parliamentary Papers II, 2021-2022, 19637, no. 2948.

¹³⁷ Letter from the Minister for Migration of 23 August 2022, 4171578. Parliamentary Papers II, 2021-2022, 19637, no. 2950. Parliamentary Papers II, 2021-2022, 19637, no. 2961.

¹³⁸ Letter from the Minister for Migration of 30 August 2022, 4180447.

¹³⁹ NOS, 'Indonesische arbeidsmigranten ingezet op asielschip in Amsterdam' (Indonesian labour migrants deployed on asylum ship in Amsterdam).

barracks in Zoutkamp on 10 September. The location would serve as a gateway to Ter Apel, where asylum seekers were accommodated for a short period until they could go to Ter Apel for registration. After this they were housed in reception centres elsewhere in the Netherlands. The aim of opening the centre in Marnewaard was that no asylum seekers would have to sleep outside in Ter Apel.¹⁴⁰

Collaboration between COA and EUAA

Mid-November, COA announced that it would be cooperating intensively with the European Union Agency for Asylum (EUAA) in connection with the urgent demand for reception capacity. In 2022, EUAA supplied experts to support the guidance and support of residents in Ter Apel. In addition, EUAA delivered 160 residential units, creating accommodation for approximately 500 asylum seekers. Pertaining to the support of the COA in Ter Apel, the EUAA supplied experts who were involved in the daily information provision to residents, as well as interpreters. The collaboration will be continued and expanded in 2023.¹⁴¹

Temporary measure to alleviate pressure on reception capacity

Adequate housing of beneficiaries of international protection as a requirement for issuance of provisional residence permit for family members

After 19 April 2022, the pressure on the IND and the asylum procedure continued to remain high. Therefore, a package of temporary measures was presented on 26 August 2022 to alleviate pressure on the asylum reception and housing system. Part of this package was to suspend the issuance of a provisional residence permit to travel to the Netherlands for family reunification until the sponsor had adequate accommodation outside a reception centre to house the entire family. This measure allowed the suspension of the issuance date of the provisional residence permit by 6 months after a decision on the application. This means that the maximum period between the application for family reunification and the time of issuance of the provisional residence permit to the family members could be a maximum of 15 months (9 months to reach a decision on the application and 6 months before issuance of the provisional residence permit). If the sponsor did not yet have adequate housing after 15 months, the provisional residence permit was issued after all.¹⁴² This measure was intended to alleviate the pressure on the application centre in Ter Apel.¹⁴³

Discouragement of low-prospect applicants through austere reception

On 31 December 2021 the pilot on austere reception conditions for asylum applicants from safe countries and beneficiaries of international protection in other countries ended. During the pilot, asylum applicants from these groups were hosted in an austere reception facility to discourage low-prospect applicants. The pilot was considered a success by the implementing organisations, but because it was agreed with the pilot municipalities that other municipalities would take over the pilot, and it had not been possible to find these new locations by the end of 2021, the pilot was ended as agreed on 31 December 2021. Late June 2022, the Minister for Migration announced the creation of a new reception concept: a process availability location (*procesbeschikbaarheidslocatie*, PBL). The purpose of this concept is the same as the austere reception pilot, namely the discouragement of the entry of third-country nationals whose asylum applications in the Netherlands have a low chance of success and to ensure that the asylum application of these people is processed quickly and effectively. However, a difference is that the PBL focuses on all low-prospect applicants and not just asylum seekers from safe countries of origin. Another difference is that the target of the PBL will be to have residents stay at the location as much as possible so that they are available for all appointments in the context of their asylum procedure. An austere and strict regime will also be enforced in the PBL, whereby procedures can be followed quickly and the residence period in the centre is minimal.¹⁴⁴ In 2022, the PBL concept was fleshed out further and the preparation for the creation of a first PBL was started. This preparation is still ongoing at the time of writing.

140 Letter from the Minister for Migration of 16 September 2022, 4204411. *Parliamentary Papers II*, 2021-2022, 19637, no. 2986.

141 Central Agency for the Reception of Asylum Seekers (COA), '*Intensieve samenwerking COA en Europa*' (Intensive cooperation COA and Europe), 15 November 2022.

142 *Parliamentary Papers II*, 2021-2022, 19637, no. 2982

143 This measure is currently no longer applicable, since it was found to be unlawful by the court.

144 Letter from the Minister for Migration of 29 June 2022, 4072767.

5.4 Safe countries of origin

Integration

In the Netherlands, a country is considered a safe country of origin if there is no persecution in a general and sustainable manner, for example due to race or religion, or if there are indications for 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 swiftness. 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.¹⁴⁵

Measures for clarification

List of safe countries of origin in the Aliens Act Implementation Guidelines

Mid-July, the existing list of safe countries of origin was added to the Aliens Act Implementation Guidelines, together with various details per country. The list of safe countries in the Aliens Act Implementation Guidelines are the basis upon which decisions are made to grant or deny an asylum application by a person from a safe country of origin. There are exceptions to which the concept of 'safe' does not apply, for example excluded groups or regions within the safe country of origin. Persons from these groups would be eligible for asylum. Reason for the addition of the list to the Aliens Act Implementation Guidelines is to prevent fragmented policy and thereby making the implementation of the policy more uniform.¹⁴⁶

Concept 'heightened attention' no longer used

On 5 April 2022, the Administrative Jurisdiction Division of the Council of State (AbRvS) ruled that it was unclear what the concept 'heightened attention' meant in the context of an asylum application by a Georgian national from the LGBTI community. Georgia is on the list of safe countries of origin, but with heightened attention for LGBTI persons. In response to this ruling, the Minister for Migration announced late May that the concept 'heightened attention' would no longer be used for asylum applications by persons from safe countries of origin. Heightened attention groups from safe countries of origin would from then on be processed in the general asylum procedure. The purpose of no longer using the concept is to process only those applications that can be handled quickly in the procedure for safe countries.¹⁴⁷

5.5 Strategy against nuisance-causing asylum seekers and detention of asylum seekers

Measures to reduce nuisance

In 2022, the Netherlands introduced several supplementary measures to reduce nuisance. Nuisance is only caused by a very small group within the asylum seeker population, but does have a large impact, including on public support for the reception of asylum seekers in the Netherlands. Below, a number of measures are listed that have been taken. This list is not exhaustive considering that extensive measures to combat nuisance were also taken in earlier years.

Pilots to limit nuisance

Late June, two pilots were started in the context of reception and guidance: the pilot to identify (potential) nuisance-causing asylum seekers early on and the Outreach Support Team (*Ambulant Ondersteunings Team, AOT*) pilot. The purpose of the pilots was to detect signs of nuisance-causing behaviour by

¹⁴⁵ Government of the Netherlands, [Welke landen staan op de lijst van veilige landen van herkomst?](#) (Which countries are on the list of safe countries of origin?).

¹⁴⁶ Government Gazette, Decision by the Minister for Migration of 13 July 2022 no. WBV 2022/18, on the amendment of the Aliens Act Implementation Guidelines 2000, 20 July 2022.

¹⁴⁷ Letter from the Minister for Migration of 25 May 2022, 3955586.

asylum seekers early and to adjust support accordingly. As a result, potential nuisance-causing asylum seekers are on the radar earlier and have a more stringent daily schedule through, for example, an activities programme, resulting in less nuisance-causing behaviour. Both pilots will be evaluated in 2023. In addition to the pilots, centres for UAMs are also monitored more strictly for alcohol and drug abuse.¹⁴⁸

Allocation of budget to the strategy against nuisance-causing asylum seekers

Mid-May, the Minister for Migration announced that €1,25 million in total would be allocated to municipalities to address nuisance-causing asylum seekers more effectively. Examples of nuisance mentioned were vandalism, theft and threats. Dependent on the number of asylum seekers hosted by a municipality, municipalities could be eligible for grants ranging from €50,000 and €150,000.¹⁴⁹ Late November, it was announced that the government would structurally make €45 million available to address nuisance-causing asylum seekers. The amount would be divided into three: €15 million would be spent on the national strategy, €15 million would be spent on creating austere reception, or process availability locations (PBL, also see section 5.3) and €15 million would be spent on more intensive monitoring of return.¹⁵⁰

National Nuisance Strategy Coordinator

Mid-September, a National Nuisance Strategy Coordinator was appointed. The coordinator has the task to strengthen the strategy against nuisance-causing asylum seekers in cooperation with parties in the immigration system, the police, and the public prosecution service. In addition the coordinator works together with four specially appointed officers. Under the direction of the National Nuisance Strategy Coordinator, the Mobile Street Team also started mid-November. The team would be deployed in Ter Apel for three months, where they would use new types of supervision in public spaces, for example by operating on a street credibility basis. In response to the results of the pilot, the team can also be deployed on other 'hot spots' in the Netherlands.¹⁵¹

5.6 Resettlement

Resettlement

In the EU context, resettlement is the transfer of third-country nationals, asylum seekers, or stateless persons eligible for international protection, on a request from the United Nations High Commissioner for Refugees (UNHCR), from a country outside the EU/EEA to an EU Member State which has agreed to admit the person involved. 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 of these asylum seekers. The Member State will admit them by awarding refugee status¹⁵² or any other status which offers similar rights and benefits under national and Union law.¹⁵³

Before 2022, the Netherlands pledged to resettle 1,915 refugees in the context of the EU 2021-2022 resettlement programme. This pertains to 915 refugees under the national quota and 1,000 refugees in the context of the EU-Turkey Statement. The purpose of resettlement is to provide a safe and regulated route to protection for the most vulnerable refugees and it is also a means of international solidarity and burden sharing with countries that receive large numbers of refugees. In the two figures below, the number of arrivals of resettled refugees in the Netherlands in 2022 can be seen. The number of arrivals of resettled refugees in the Netherlands was 1,405 in 2022; this is a rise of 935 compared to 2021.

¹⁴⁸ Letter from the Minister for Migration of 29 June 2022, 4072767.

¹⁴⁹ Government Gazette, *Regeling van de staatssecretaris van Justitie en Veiligheid, eenmalige specifieke uitkering voor gemeenten in verband met het treffen van maatregelen ter vermindering van overlast en criminaliteit door asielzoekers* (Regulation by the Minister for Migration, single payment to municipalities in connection with taking measures to reduce nuisance and criminality by asylum seekers), 24 May 2022.

¹⁵⁰ Government of the Netherlands, *€ 45 miljoen beschikbaar voor stevigere aanpak overlastgevend en criminele asielzoekers* (€45 million available to address nuisance-causing and criminal asylum seekers more strictly).

¹⁵¹ Letter from the Minister for Migration, 24 November 2022, 4102059. Parliamentary Papers II, 2022-2023, 30 573, no. 193.

¹⁵² A refugee as defined in article 2 (d) of Directive 2011/95/EU (Recast Qualification Directive).

¹⁵³ EMN Glossary 8.0 'Resettlement'.

Figure 5.
Resettlement by
country of residence
in 2021 and 2022.

Source: Eurostat,
Resettled persons by
age, sex, citizenship and
country of previous
residence - annual data.

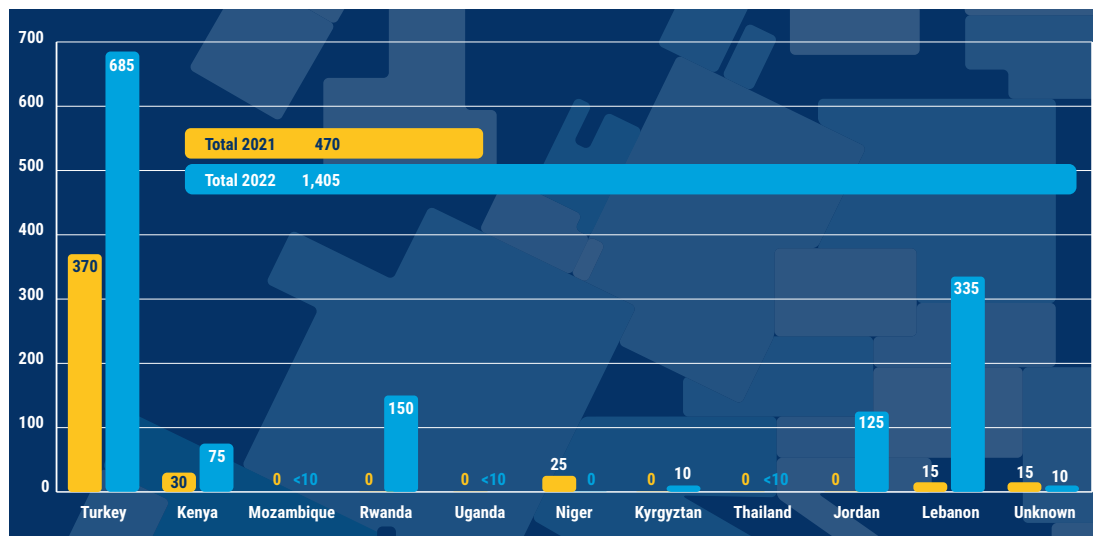
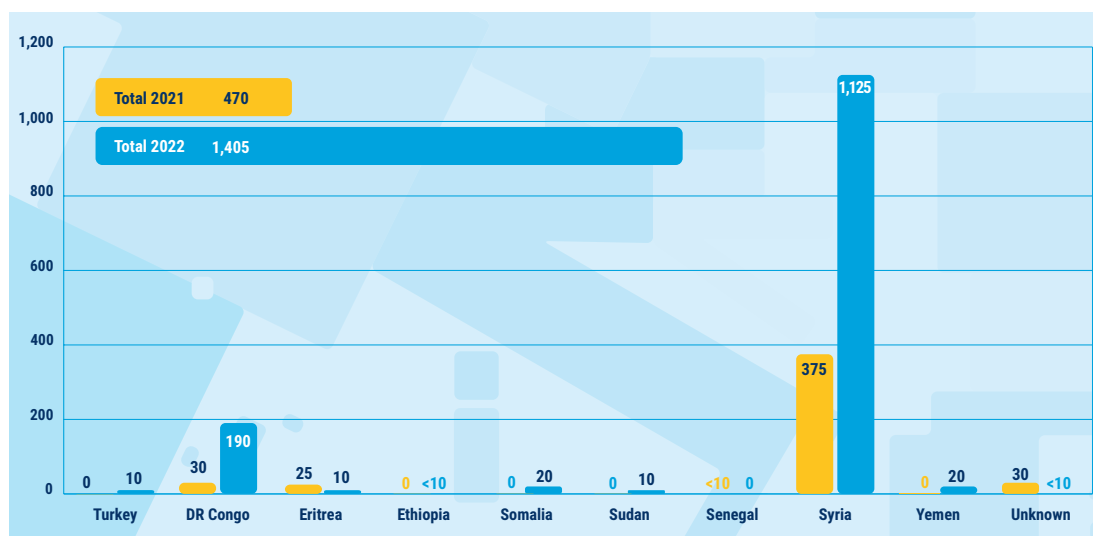


Figure 6.
Resettlement in the
Netherlands per
country of citizenship
in 2021 and 2022.

Source: Eurostat,
Resettled persons by
age, sex, citizenship and
country of previous
residence - annual data.



Temporary halt of resettlement under EU-Turkey Statement

Late August, the Minister for Migration announced that resettlement in the context of the EU-Turkey Statement would be halted temporarily. This was done in response to the large pressure on the asylum reception capacity. The reason to temporarily halt this resettlement was that the government considered it unjustifiable to select people for resettlement if there was no guarantee of finding accommodation for them.¹⁵⁴ Hence, this temporary halt was part of the package of temporary measures introduced in late August by the Minister for Migration (also see [section 2.2](#)).

¹⁵⁴ Letter from the Minister for Migration of 26 August 2022, reference: 1. *Parliamentary Papers II*, 2021-2022, 19637, no. 2982.

6

Unaccompanied minors and other vulnerable groups

Various policy changes for unaccompanied minors (UAMs) and vulnerable groups were introduced in 2022. The reasons for this were the increase in first asylum applications by UAMs and recent case law pertaining to the policy for UAMs and vulnerable groups.

EMN glossary

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.’¹⁵⁵

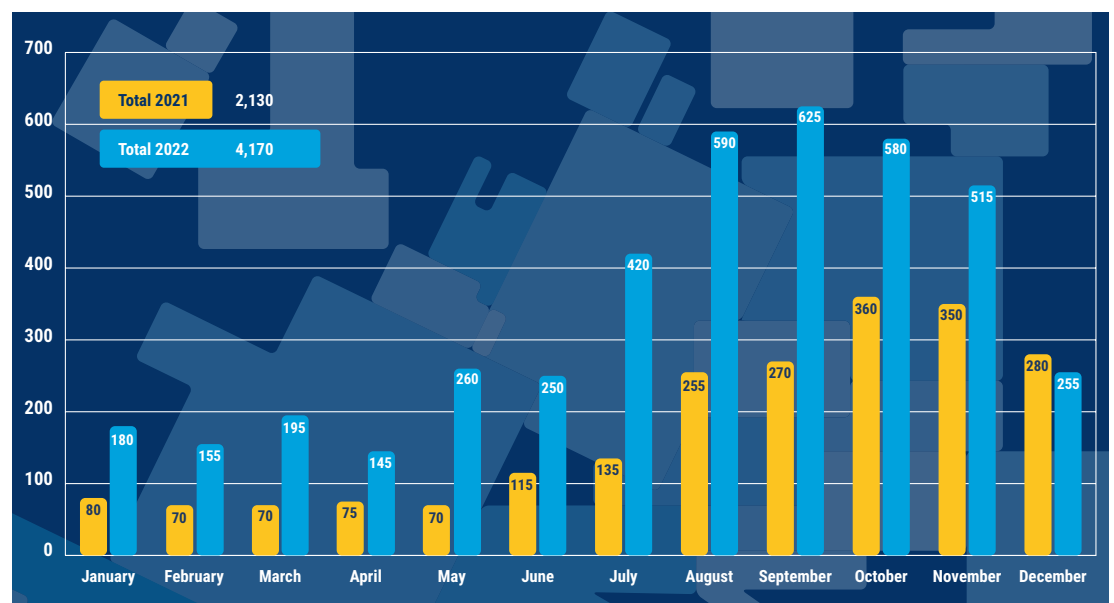
The EMN glossary defines a minor as ‘in a legal context and in contrast to a child, a person who, according to the law of their respective country, is under the age of majority, i.e. is not yet entitled to exercise specific civil and political rights.’¹⁵⁶

6.1 Unaccompanied minors (UAMs)

The number of first asylum application by UAMs in the Netherlands rose by almost 96% compared to 2021. The number of first asylum applications by UAMs was structurally higher in 2022 compared to 2021, with the exception of the month of December. The number of first asylum applications by UAMs was mainly high from July up to and including November 2022. In September, the highest number of asylum applications by UAMs was submitted. This may have been caused by the seasonal effect: in the course of the summer, more asylum applications are usually submitted.¹⁵⁷

Figure 7.
First asylum applications by UAMs in the Netherlands per month in 2021 and 2022.

Source: Eurostat, Unaccompanied minor asylum applicants by type of applicant, citizenship, age and sex - monthly data.



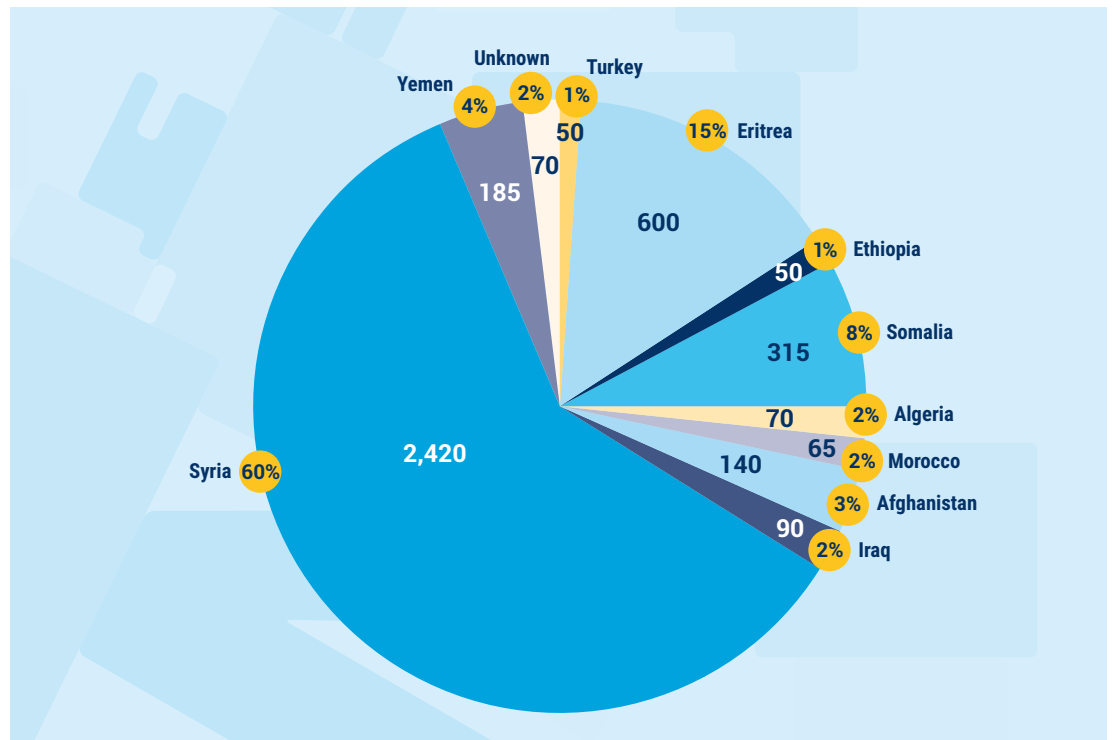
155 EMN Glossary 8.0, 'Vulnerable person'.

156 EMN Glossary 8.0, 'Minor'.

157 Immigration and Naturalisation Service (IND), *Migration Radar T3* September - December 2022.

Figure 8.
Top 10 nationalities of UAMs in the Netherlands in 2022.

Source: Eurostat, Unaccompanied minor asylum applicants by type of applicant, citizenship, age and sex - annual aggregated data.



The top three nationalities of UAMs in the Netherlands in 2022 were Syrian (60%), Eritrean (15%) and Somali (8%), of which Syrians and Eritreans were responsible for the submission of three quarters of first asylum applications by UAMs. These are the same top three nationalities as in 2021: Syrian (49%), Eritrean (11%), and Somali (8%). The share of Syrian and Eritrean UAMs rose in 2022 compared to 2021. The presence of Iraqi, Moroccan and Ethiopian UAMs in the top 10 nationalities of UAMs is striking. These nationalities do not occur in the top 10 nationalities of all first asylum applications in 2022.

Measures pertaining to age assessment, increased independence, support in adulthood and adequate reception within and outside the Netherlands

Transfer to regular reception centres 3 months before the age of 18

Early November, the Minister for Migration announced that UAMs who would turn 18 years old within 3 months would be transferred early to regular COA reception centres for adults. In addition, UAMs who arrived in the Netherlands 3 months before turning 18 years old would also be placed in regular reception centres immediately. However, this did not apply to UAMs who had been granted a residence permit and would shortly be transferred to a reception centre managed by the guardianship organisation (Nidos), UAMs who required medical care, UAMs who had appointments in connection with their asylum procedure, or UAMs who had an extra vulnerability. This was a temporary measure that was extended on 22 February 2023 until at least September 2023.¹⁵⁸ In addition, groups of UAMs with a high chance of receiving a residence permit could be immediately transferred to Nidos to relieve pressure on the registration centre of the COA in Ter Apel. The driver for this development is the increase of the number of UAMs in 2022 and the increased pressure on the asylum procedure. The purpose of the accelerated transfers is to alleviate the pressure on the reception capacity and the asylum procedure.¹⁵⁹

Age assessment

In October 2022, the age assessment was revised in cases of doubt about the age of UAMs. The assessment can take place when the UAM does not have evidence to demonstrate their minority. As of October 2022, if it is concluded from the medical age assessment that the alleged UAM is not a minor after all, this is to be understood as the person being at least 18 years old. Previously, it was assumed

¹⁵⁸ *Parliamentary Papers II*, Session year 2022-2023, 27062 no. 132.

¹⁵⁹ Letter from the Minister for Migration, 4 November 2022, 4269102. *Parliamentary Papers II*, 2022-2023, 19637, no. 195.

the person was at least 20 years old. The driver for this development was a literature study by the Netherlands Forensic Institute (NFI). This revealed that individuals with a fully developed collarbone are at least 18 years old, and not 20, as previously assumed. An examination of the collarbone is part of the medical age assessment initiated by the IND. The age assessment examination of the collarbone can be used to determine the UAM's minority or majority at the request of the IND.¹⁶⁰

Netherlands, Cadier en Keer, 02/11/2022
Unaccompanied minor foreigners in conversation with mentors in a COA location.

Photo: ANP / Hollandse Hoogte / Roger Dohmen



Family reunification, exceeded decision periods and increased independence

Early July, the Minister for Migration announced an amendment of the Aliens Act Implementation Guidelines. This amendment provides that in family reunification procedures where the applicant is an unaccompanied minor and the statutory decision period has been exceeded, the IND may no longer consider personal circumstances (such as signs of the minor's increased independence or autonomy) that occurred after the date on which the family reunification application was submitted. This means that when the application for family reunification is not dealt with within the statutory decision period, the IND only takes into account the situation of the minor at the time the application was submitted. Reason for this change is the ruling by the AbRvS of 23 November 2021.¹⁶¹ The AbRvS issued a ruling in a case where the application for family reunification was rejected because of the minor's increased independence, that rejection based on increased independence was unfounded considering that the IND had exceeded the statutory decision period. According to the AbRvS, the long decision periods did not take into account the required sense of priority and urgency that should be given to UAMs as a particularly vulnerable group. The objective of the policy change is to comply with this and bring the policy in line with the ruling.¹⁶²

Allocation of funds for the expansion of reception and support for UAMs in transition to adulthood

Late August, it was announced that structural means had been made available for the purpose of extended reception and support of UAMs under international protection who would be coming of age. The driver for extended reception and support is that there had been repeated signals of concern about the development of former UAMs as a consequence of the brief period they spend in the Netherlands as minors before transitioning into adults. After they become adults, much of the guidance they used to receive disappears and they find it difficult to be independent, which causes different types of issues.

¹⁶⁰ Immigration and Naturalisation Service (IND), IB 2022/92 Toekennen leeftijd bij gestelde amv (Determining age of an alleged UAM), 4 October 2022.

¹⁶¹ Administrative Jurisdiction Division of the Council of State, 23 November 2021 – ruling 202100316/1/V1.

¹⁶² Government Gazette, Decision by the Minister for Migration of 24 June 2022 no. WBV 2022/16, on the amendment of the Aliens Act Implementation Guidelines 2000, 6 July 2022.

Additionally municipalities indicated that the intensive care and support required for former UAMs leads to great (financial) pressure on the provision of adequate housing for young people and other social services by municipalities. As a result, municipalities have been reluctant to create reception accommodation for UAMs. The objective of extended reception and support for former UAMs under international protection is to provide them with the necessary guidance and care for a better transition into adulthood and independence, and to integrate into society more successfully. Additionally, the realisation of extended reception and care for former UAMs is intended to counter reluctance within municipalities to create new reception places for this group.¹⁶³

Return of UAMs in case of doubt about reception in the country of origin

In early January 2022, a form of postponement of departure for UAMs was established by the Minister for Migration pending the investigation into adequate reception. This was to act upon a ruling by the Court of Justice of the European Union (CJEU) of 14 January 2021, from which it followed that the investigation into adequate reception must take place before a return decision can be issued. Previously, the investigation into adequate reception took place after a return decision had already been issued. On 8 June 2022, the AbRvS issued a ruling in the case that had formed the basis of the ruling by the CJEU of 14 January 2021. In its ruling, the AbRvS indicated that the investigation into adequate reception had to begin as soon as possible after the submission of the asylum application, but that in this respect time must also be allowed to conduct the investigation adequately. In response to this, it was announced in mid-July that if the IND was unable to complete the investigation into adequate reception during the asylum procedure, the IND would only decide on the asylum application and in case of rejection would not already impose a return decision. The investigation would then subsequently be transferred to the DT&V and the UAM would continue to have legal residency until completion of the investigation. The reasons for the amendments were the rulings by the CJEU and the AbRvS in which it was determined that a return decision for an UAM without investigation into adequate reception in the country of origin is in breach of European law. An UAM's situation must be assessed generally and thoroughly, taking the child's interests into consideration. In light of this, it must be established prior to issuing a return decision that adequate reception is available. Through this amendment, the policy is brought in line with European law.^{164 165}

6.2 Vulnerable groups

Amendment in the assessment of suspension of departure due to medical reasons

To obtain suspension of departure for medical reasons based on Article 64 of the Aliens Act, the applicant must make it plausible that necessary medical care is not accessible to them in the country of origin or the country to which they can depart. To assess the applicant's information about this, original documents must also be demonstrated to prove identity and nationality.

On 31 March 2022, the policy was eased with respect to the latter in response to case law by the Administrative Jurisdiction Division of the Council of State (AbRvS).¹⁶⁶ If the applicant's identity was considered reliable in previous migration procedures, the applicant's information about accessibility of necessary medical care must now be assessed substantively. And if this is not the case, assessment of said information can also no longer be refrained from, but reasons must be given why an assessment of the actual accessibility of the care cannot take place in relation to the lack of original documents demonstrating the third-country national's identity and nationality.¹⁶⁷

Evidence when care is not available in the country of origin

Late September 2022, the Minister for Migration announced that the Aliens Act Implementation Guidelines (Vc) 2000 had been amended to clarify which documentary evidence a foreign national can submit if they want to substantiate that care is not accessible in the country of origin. The burden of proof

163 Letter from the Minister for Migration of 26 August 2022, 1. *Parliamentary Papers II*, 2021-2022, 19637, no. 2982.

164 Letter from the Minister for Migration of 20 December 2022, 3672358. *Parliamentary Papers II*, 2021-2022, 29344, no. 149.

165 Letter from the Minister for Migration of 14 July 2022, 4090076. *Parliamentary Papers II*, 2021-2022, 29344, no. 149.

166 Decision by the Minister for Migration of 29 March 2022 no. WBV 2022/8, pertaining to the amendment of the Aliens Act Implementation Guidelines 2000

167 ECLI:NL:RVS:2021:2799, ECLI:NL:RVS:2022:2799.

here lies with the foreign national. For the assessment, it is crucial that the foreign national provides insight into the costs of treatment locally, their financial situation, the possibility of taking out a health insurance, expectations of what they can earn in wages and to what extent family members can contribute to the cost of care. It is also relevant to know how often the foreign national will have to travel to the healthcare facility for their treatment and how much time they will spend doing so. The response time to submit the supporting documents has been extended from two to four weeks because the information must be requested in the country of origin. The reason for this amendment was an evaluation of the policy on residence permits based on medical reasons and consultation with various civic organisations. The purpose of the change is to clarify which types of documentary evidence are required from the applicants when they wish to submit their residence application based on medical reasons.¹⁶⁸

¹⁶⁸ Government Gazette, Decision by the Minister for Migration of 29 March 2022 no. WBV 2022/8, on the amendment of the Aliens Act Implementation Guidelines 2000, 31 March 2022.

7 Integration

Integration indicators

Benchmarks used to measure the integration of migrants in specific policy areas, such as employment, education, social inclusion and active citizenship.¹⁶⁹

In 2022, the integration policy developments were dominated by the new Civic Integration Act 2021 coming into effect on 1 January 2022. In the Netherlands, the Ministry of Social Affairs and Employment (SZV) is responsible for the integration policy. In this report, integration comprises those aspects that ensure that migrants can become a part of and participate in Dutch society faster. These include, for example, learning the language and gaining access to the labour market.

Integration is important for migrants who wish to settle in the Netherlands for a longer period or permanently. Integration measures focus on language, education, the labour market and the social counselling of migrants. Many migrants from outside the European Union (EU) have to participate in civic integration first. This requirement applies to most residence permits. Civic integration means learning Dutch and getting to know Dutch society.

Statistics on the status of migrants who were obliged to integrate in 2021 and 2022 are shown below for comparison. Newcomers who are obliged to integrate can be divided into three categories: 1) beneficiaries of international protection, 2) family migrants, and 3) other. Migrants in the category 'Other' are family members of children that received a residence permit based on the Definitive Regulation for long-term resident children¹⁷⁰ and spiritual counsellors¹⁷¹.

Figure 9.
Number of persons having to take the civic integration exam and their status in 2021 and 2022.

	Beneficiary of international protection		Family migrant		Other	
	2021	2022	2021	2022	2021	2022
Passed	589	9	1,125	40	105	*
Exempted	25	0	20	*	21	0
Still obliged to civically integrate	16,599	1,332	6,624	735	532	21
* Numbers are too low to be displayed due to privacy reasons.						

Source: DUO (2023)
Peilingsdatum 2-1-2023.

7.1 General policy developments

New Civic Integration Act 2021

The new Civic Integration Act came into effect on 1 January 2022. This new act is called the Civic Integration Act 2021 and applies to everyone who is obliged to integrate from 1 January 2022 onwards.¹⁷² Municipalities now play an important role in the support of migrants who are obliged to integrate. This

169 EMN Glossary 8.0, 'Integration indicators'.

170 The Definitive Regulation for long-term resident children is a regulation in the Netherlands that provided a residence permit to asylum children and their families if they resided long-term in the Netherlands but were unable to obtain a regular residence permit.

171 The admission scheme for spiritual counsellors is a special scheme in the Netherlands that offers spiritual counsellors from third countries the opportunity to work temporarily in the Netherlands. This scheme is intended for religious leaders or counsellors who wish to serve a specific religious community.

172 Government of the Netherlands, 'Wet inburgering 2021' (Civic Integration Act 2021).

is in contrast with the previous civic integration act, where migrants themselves were predominantly responsible for their own integration. The objective of the Civic Integration Act 2021 is that those obliged to civically integrate participate in Dutch society as fast as possible. In addition, they should be able to gain access to the Dutch labour market faster. Using a broad intake interview, the municipality will draw up a personal Civic Integration and Participation Plan.¹⁷³ The government had reached the conclusion that the existing system for civic integration was inadequate to achieve fast integration of persons obliged to integrate and, hence, the existing civic integration act was insufficiently effective. This was confirmed by the results of an evaluation of the previous legislation.¹⁷⁴ The intention to revise the integration policy was also recorded in the coalition agreement of 2021.¹⁷⁵ At the same time, the new act abolishes the exception from the obligation to civically integrate for Turkish migrants.¹⁷⁶

Improvement Civic Integration Act 2013

Parallel to the Civic Integration Act 2021 coming into effect, the old Civic Integration Act 2013 was amended. This was done for a smooth transitional period between the two acts. The Civic Integration Act 2013 continues to apply to persons obliged to civically integrate who started their civic integration before 1 January 2022. The amendments to the Civic Integration Act 2013 were inspired by recommendations from the Civic Integration Act 2013 improvement plan.¹⁷⁷ The following amendments were made to the Act.

- The first amendment concerns the possibility of a partial waiver of the outstanding loan for beneficiaries of international protection in case of the maximum period for civic integration was exceeded slightly (0-6 months). Until 1 January 2022, a beneficiary of international protection had to repay the full loan if they had culpably exceeded the maximum period, irrespective of the extent of exceeding or its circumstances. The government considers this method no longer proportionate and in conflict with the purpose of civic integration if the obligation to integrate is fulfilled after the term was exceeded slightly.
- The second amendment that came into effect on 1 January 2022 concerns the compensation of the costs of a medical examination necessary to obtain an exemption on medical grounds. Previously, persons obliged to integrate had to pay the costs of the medical examination themselves. Under the Civic Integration Act 2021, these costs will be paid if the medical exemption is granted. Also paying these costs under the Civic Integration Act 2013 if the medical exemption is granted better reflects the (financial) position of the person obliged to civically integrate.¹⁷⁸

7.2 Pre-departure integration programmes

Obligation to integrate for Turkish migrants

From 1 January, Turkish citizens who apply for a residence permit for family reunification have been obliged to pass the Basic Civic Integration Examination Abroad¹⁷⁹ (also see 4.4). This policy change relates to the changes in the Civic Integration Act, obliging all Turkish citizens and their family members to civically integrate (see 7.1).¹⁸⁰ In addition to the Civic Integration Act 2021, the ruling by the Court of Justice of the European Union in the *Yön* case was also a reason for the change.¹⁸¹

7.3 Education and training

New language requirement for integration

To improve the participation of migrants in Dutch society and their opportunities on the labour market, the language requirement for civic integration has been changed. The new Civic Integration Act 2021

173 Association of Netherlands Municipalities (VNG), 'Modelbeschikking Plan Inburgering en Participatie (PIP)' (Model Decision Civic Integration and Participation Plan).

174 *Parliamentary Papers II*, 2017-2018, 34584, H.

175 Government of the Netherlands, 'Coalition Agreement "Omzien naar elkaar, vooruitkijken naar de toekomst"' (Looking out for each other, looking ahead to the future).

176 *Parliamentary Papers II*, 2021-2022, 32824, no. 366.

177 *Parliamentary Papers II*, 2021-2022, 32824, no. 359.

178 *Idem*.

179 Immigration and Naturalisation Service (IND), 'Application for residence permit rejected after 1 October if Turkish citizens do not have a provisional residence permit'.

180 *Parliamentary Papers II*, 2021-2022, 32 824, no. 366.

181 CJEU, C. 2018-632, *Yön*.

(see 7.1), has raised the requirement for persons obliged to integrate from A2 to B1. Through the new Act, migrants from third countries can choose from three learning pathways to civically integrate:

- The B1 route: a pathway for language and paid or volunteer work. Persons obliged to integrate must be able to speak and write Dutch at B1 level within a maximum of 3 years. At the same time, they can participate by doing paid or volunteer work.
- The education route: a pathway primarily for young people. They learn Dutch on B1 level or higher. They will also be prepared for pursuing vocational or university education.
- The self-dependency route: a pathway for persons obliged to integrate for whom pathways 1 and 2 are too difficult. They learn Dutch at a lower level (A1 level). These persons are prepared for participation in Dutch society (in a more simple way).¹⁸²

Research has shown an association between the language fluency of migrants and their success on the labour market. Based on this, recommendations were made to raise the expected language level for migrants in the Netherlands.¹⁸³

Additional funding for education route

On 29 June 2022, the Minister of Social Affairs and Employment incidentally allocated € 35 million to municipalities to facilitate the abovementioned Education Route for (mostly) younger third-country nationals who are obliged to integrate. This additional funding was made available to provide clarity for the coming years, since there is a delay in the structural funding of the education route of the Civic Integration Act 2021. It is expected that the additional incidental funding for 2023 until 2025 will allow municipalities and educational institutions to resume tendering procedures so that the existing infrastructure can be kept. The decision on structural funding of the education route is expected in the second quarter of 2023.¹⁸⁴

Correction regarding regulations pertaining to the Civic Integration Act 2021

In a letter to the House of Representatives, the Minister of Education and the Minister of Social Affairs and Employment announced on 30 August 2022 that third-country nationals successfully completing one of the two lower levels of Dutch secondary education (VMBO basis and VMBO kader) are exempted from the requirement to integrate as prescribed in the Civic Integration Act 2021. Based on an incorrect interpretation of information, it had been concluded that the programmes VMBO basis and VMBO kader were not sufficient to be exempted from the language requirement to integrate. Hence, the exemption of the obligation to integrate after successfully completing the abovementioned programmes is a correction of prior legislation.¹⁸⁵

7.4 Social support

Launch of informative legal migration app MyInfoNL

To ensure an accessible information supply to workers from other EU Member States and labour migrants, the Association of Dutch Municipalities (Vereniging van Nederlandse Gemeenten, VNG) launched the new informative app MyInfoNL on 13 December 2022. It can be used in all municipalities and improves the integration of this group. With this app, municipalities can offer workers from other EU Member States and labour migrants high-quality information on living and working in the Netherlands. The MyInfoNL app gives them access to all relevant information about housing, work, and life in the municipality where they are or will be residing. The information in the app is available in several languages. The app was developed by the Municipality of Waalwijk, several employers, as well as employees.¹⁸⁶

¹⁸² Government of the Netherlands, 'Wet inburgering 2021' (Civic Integration Act 2021).

¹⁸³ Government of the Netherlands, 'Explanatory Memorandum Civic Integration Bill 2021'.

¹⁸⁴ *Parliamentary Papers II*, 2021-2022, 32824, no. 364.

¹⁸⁵ *Parliamentary Papers II*, 2021-2022, 32824, no. 369.

¹⁸⁶ Association of Netherlands Municipalities (VNG), 'Informatieapp voor arbeidsmigranten nu beschikbaar' (Information app for labour migrants now available).

8

Dutch nationality and statelessness

In 2022, there were no far-reaching changes in the policy for obtaining Dutch nationality. However, in 2022 a new act was passed by the House of Representatives for a procedure to determine statelessness. This Act resulted from a report published by what was then the Advisory Committee on Migration Affairs (now: Advisory Council on Migration) in 2013. The origin of this act goes back a long way. An earlier version of the bill was already presented to the Council of State for a recommendation in 2018.

Naturalisation

In 2022, the Immigration and Naturalisation Service (IND) received 45,090 applications for naturalisation, compared to 59,680 in 2021. In 2022, the IND granted 97% of the naturalisation requests.¹⁸⁷

Registered stateless persons in the Netherlands

In the Netherlands, 6,000 persons are currently registered as stateless in the Personal Records Database (Basisregistratie Personen, BRP). This is only a small portion of the estimated 30,000 persons whose nationality is unknown in the BRP. Registered stateless persons include Moluccans, persons from Syria, Lebanon, the United Arab Emirates and Saudi Arabia. The group of stateless Moluccans are considered statutory equal to Dutch citizens. They have a special position according to the Facilities Act.¹⁸⁸

8.1 Dutch nationality

Acquisition of Dutch nationality

According to the EMN Glossary, acquisition of nationality 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.'¹⁸⁹ The first option 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 well as an act of granting nationality by a public authority.'¹⁹⁰ 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 naturalisation test, including the civic integration exam.¹⁹¹ A second possibility is the option procedure. This is a faster procedure, but not available to everyone. To be eligible to apply for acquisition of the Dutch citizenship via the option procedure, the third-country national must fall under certain specific categories.¹⁹²

Exemption from naturalisation assessment for persons who fall under the Civic Integration Act 2013

On 10 May 2022, it was decided to amend the Naturalisation Test Decree in connection with the transitional situation after the Civic Integration Act 2021 came into effect. Pursuant to the amendment, the Civic Integration Act 2013 will remain the guideline during the transition period. This means that persons who were awarded the civic integration diploma under the Civic Integration Act 2013 are exempted from having to take the naturalisation test. The main objective is to take away any ambiguity for persons coming under the Civic Integration Act 2013 and who therefore will not have to pass the naturalisation test.¹⁹³

187 Immigration and Naturalisation Service (IND), 'IND Annual Report 2022'.

188 Government of the Netherlands, 'Staatloosheid' (Statelessness).

189 EMN Glossary 8.0, 'Acquisition of citizenship'.

190 EMN Glossary 6.0, 'Naturalisation'.

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

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

193 Bulletin of Acts and Decrees, 2022, no. 115.

8.2 Statelessness

Stateless persons

A stateless person can be defined as a person who is not considered as a national by any state under the operation of its law.¹⁹⁴ A migrant can become stateless as a result of the succession of states (whereby a new state is founded originating from a previously recognised other state), unclear or discriminating legislation pertaining to the determination of nationality, displacement/forced migration, or having stateless parents.¹⁹⁵

New act on determination procedure of statelessness

On 31 May 2022, a new act on the determination of statelessness was passed.¹⁹⁶ This act introduces a new procedure to establish the statelessness of a person by a judge.¹⁹⁷ The act resulted from a report published by the Advisory Council on Migration in 2013 called '*Geen land te bekennen*' (No Country of one's own). From this report it became clear that the Netherlands did not have an adequate procedure to determine statelessness.¹⁹⁸ Therefore, the new act aims to establish clear procedures for statelessness that comply with international regulations. In addition, one institution can be made responsible for implementation of the policy. Furthermore, the new act gives the option to look at individual cases. This gives third-country nationals the option to have their statelessness determined via a judicial determination procedure. The bill will become effective on 1 October 2023.

Option law for stateless minors from the Kingdom of the Netherlands:

On 6 June 2023, two bills were passed by the Senate:

1. The Act on the determination procedure for statelessness (see above); and
2. Repeal reservations Convention relating to the Status of Stateless Persons in connection with the establishment of statelessness.

The second bill also changes section 6 of the Netherlands Nationality Act (*Rijkswet op het Nederlanderschap*, RWN), among other things. Through this bill, children who are born stateless in the Netherlands and who do not have lawful residence will, under conditions, be given the option to obtain Dutch citizenship via the so-called option procedure. The child must have been born in the Kingdom of the Netherlands, have had 5 years of stable residency in the Kingdom, and be reasonably unable to obtain any other nationality. The effective date of both bills is 1 October 2023. The driving force behind this change is the bill that was tabled in 2016. The purpose of the change is to comply with the provision in the Convention relating to the Status of Stateless Persons where the right to a nationality for a stateless person born in a territory is concerned.

¹⁹⁴ EMN Glossary 8.0, '[Stateless person](#)'.

¹⁹⁵ Government of the Netherlands, '[Staatloosheid](#)' (Statelessness).

¹⁹⁶ This Act was passed by the Senate on 6 June 2023.

¹⁹⁷ *Parliamentary Papers II*, 2020-2021, 35687, no. 2.

¹⁹⁸ Advisory Council on Migration (2013), '[Geen land te bekennen](#)' (No Country of one's own).

9 Borders, visa and Schengen

In 2022 most policy developments with respect to border control, visa and Schengen revolved around bringing Dutch systems and regulations in line with those of the European Union (EU). Another important development was the adaptation of Dutch legislation in response to a ruling by the Council of State pertaining to entry bans. In addition, in 2022 a lot of attention was paid to international cooperation in the field of border control, involving closer contacts with Morocco and Canada to strengthen cooperation in this area.

9.1 General policy developments

Bill to operationalise EU Regulations related to EES, ETIAS, SIS and interoperability

On 1 July 2022, a bill was submitted to the house of Representatives to operationalise a number of EU Regulations related to EES, ETIAS, SIS, VIS and the interoperability of the information systems for borders, security and migration.¹⁹⁹ Among other issues, the proposal seeks to regulate the appointment of the competent authorities for EES, ETIAS and VIS in the Netherlands. The Public Prosecutor will function as the central access point. Furthermore, the proposal stipulates searching of the EU common identity register in relation to Dutch legislation and lays the legal foundation for alteration of the Dutch Aliens Act 2000 according to the aforementioned EU Regulations.²⁰⁰ Although EU Regulations have direct effect and do not need to be transposed into national law, Member States may make adaptations to operationalise Regulations depending on the national context, for example by appointing the authorities responsible for implementing the Regulations.²⁰¹

9.2 Border management

European integrated border management

National and international coordination and cooperation among all relevant authorities and agencies involved in border security and trade facilitation to establish effective, efficient and coordinated border management at the external European Union (EU) borders, in order to reach the objective of open, but well controlled and secure borders.²⁰²

Amendment of the Aliens Act Implementation Guidelines because of a ruling by the Council of State

On 14 December 2022, the Administrative Jurisdiction Division of the Council of State issued a ruling that has consequences for the policy on entry bans in the Aliens Act Implementation Guidelines. It follows from the judgement that the Immigration and Naturalisation Service can no longer impose an entry ban on a third-country national who has a right of residence in another Member State. This is in case the other Member State notifies the Netherlands after consultation that it is maintaining the residence permit or long-stay visa (or in case the other Member State does not respond). According to the Administrative Jurisdiction Division, section 66 (a) Aliens Act is solely the implementation of article 11 Return Directive and does not provide a legal base for a national entry ban. As a consequence, it is not possible to impose an entry ban on third-country nationals who have a right of residence in another Member State. The Aliens Act Implementation Guidelines will be adjusted on this point to comply with the ruling by the Council of State.²⁰³

¹⁹⁹ *Parliamentary Papers II*, 2021-2022, 36158, no. 2. It concerns the following EU Regulations: Regulation (EU) 2017/2226; Regulation (EU) 2018/1240 Regulation (EU) 2018/1861; Regulation (EU) 2018/1862; Regulation (EU) 2018/1860; Regulation (EU) 2019/817; Regulation (EU) 2019/818; Regulation (EC) 767/2008.

²⁰⁰ This information was provided by the Ministry of Foreign Affairs on 17 January 2023.

²⁰¹ *Parliamentary Papers II*, 2021-2022, 36158, no. 3.

²⁰² EMN Glossary 8.0, 'European integrated border management'.

²⁰³ This information was provided by the Immigration and Naturalisation Service (IND) on 17 January 2023.

EU-Canada Strategic Partnership Agreement

The strategic partnership agreement between the EU and Canada was passed by the Dutch Senate on 12 July 2022.²⁰⁴ The aims of the 2016 Strategic Partnership Agreement include the promotion of the dialogue regarding legal and irregular migration, trafficking in human beings, international protection and border management (article 23).²⁰⁵

Royal Netherlands Marechaussee decides to deploy Liaison Officers

To improve the bilateral relationship between the Netherlands and Morocco, the Royal Netherlands Marechaussee (KMar) decided to deploy a Liaison Officer in Rabat. In doing so, the KMar aims to combat irregular migration and related cross-border crime, including human trafficking.²⁰⁶

The Royal Netherlands Marechaussee also decided to close the Liaison Offices in Lima (Peru) and Jakarta (Indonesia) due to changing operational and strategic priorities.²⁰⁷

No new decisions to deploy or remove Liaison Officers

In 2022, the Immigration and Naturalisation Service (IND) of the Netherlands took no new policy decisions to deploy or remove Immigration Liaison Officers (ILOs) to or from particular regions or countries. Five ILOs – Istanbul, Dubai, Moscow, Beijing and Lagos – returned to the Netherlands. Four returned due to the fact that their periods of deployment ended. One, from Moscow, returned due to the invasion of Ukraine. In Istanbul, Dubai and Lagos three new ILOs were already installed in 2022. In Beijing, a new ILO started as of 1 February 2023. In Moscow there will not be a new successor because of the abovementioned circumstances.²⁰⁸

9.3 Visa

ATV for Turkish nationals at Schiphol Airport

From 1 December 2022, Turkish nationals require an Airport Transit Visa (ATV) for a transfer at Schiphol Airport in Amsterdam. Exemption categories from this visa requirement correspond to those of other ATV-required nationalities: amongst others holders of Turkish diplomatic, service, or official passport and family members of a national of an EU or EEA Member State or Switzerland).²⁰⁹ This way, an attempt is made to reduce asylum applications in transit and align with the policy of a number of other EU-member states.

9.4 Schengen

Schengen-acquis

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 the free movement of persons within the participating countries, other EU-countries and certain third countries.²¹⁰

VIS evaluation

In the context of the Schengen evaluation mechanism, the Netherlands was visited from 23 June to 1 July 2022 by a team conducting an evaluation of visa policy. The team assessed to which extent the Schengen acquis is being applied by the Member State. In general, the team took notice of good practices, including a good follow-up on previous recommendations. However, several cases of non-compliance were found. In addition, a more serious deficiency was found: the time to receive an appointment to lodge a visa-application surpasses the legal requirements. This could lead to visa-shopping and contributes to a negative impact on individuals and the image of the Netherlands.²¹¹ As a consequence of this evaluation, the Netherlands will have to come up with an action plan to follow-up on the recommendations made by the on-site team.

204 The Senate of the States General, 2021-2022, [meeting 38, item 12](#).

205 Treaty Series, 2016 no. 190.

206 This information was provided by the Royal Netherlands Marechaussee (KMar) on 18 January 2023.

207 This information was provided by the Royal Netherlands Marechaussee (KMar) on 18 January 2023.

208 Information provided by the ILO Backoffice of the Immigration and Naturalisation Service (IND) on 12 January 2023.

209 This information was provided by the Ministry of Foreign Affairs on 17 January 2023.

210 Europa Nu, 'Akkoord van Schengen' (Schengen Agreement).

211 This information was provided by the Royal Netherlands Marechaussee (KMar) on 18 January 2023; Parliamentary Papers II, 2022-2023, 32317, no. 822.

10 Irregular migration and the smuggling of migrants

In the field of irregular migration, the Netherlands took measures in 2022 to prevent (potential) abuse of residence permits to study in the Netherlands. A new bill was also submitted to the Council of State for consultation. This bill broadens the extraterritorial jurisdiction over smuggling of migrants in such a way that any person guilty of smuggling of migrants can be brought to justice by a Dutch court. Other important developments pertain to the monitoring and identification of irregular migration routes. The increase of irregular migration into Europe was the reason for two policy developments:

- The intensification of supervisory controls by the Mobile Security Surveillance (MTV) units of the Royal Netherlands Marechaussee.
- An international collaboration on irregular migration into Europe between the Netherlands, Germany, Belgium, France and the United Kingdom.

Irregular migration

Movement of persons to a new place of residence or transit that takes place outside the regulatory norms of the sending, transit and receiving countries.²¹²

10.1 Prevention of irregular migration

Revision of the Code of Conduct for International Students in Higher Education

In 2021, the Immigration and Naturalisation Service (IND) noticed that a significant number of international students discontinued or never started their education. These were mainly students from Bangladesh.²¹³ There were also signals that a relatively large number of students from Bangladesh registered a business with the Chamber of Commerce as a self-employed person. Taken together, this prompted an investigation into misuse of residence permits for study purposes. On 10 October 2022, the Minister of Education, Culture and Science and the Minister for Migration stated that there was increased awareness of (potential) misuse of residence permits for the purpose of studying in the Netherlands.²¹⁴ The revised Code of Conduct International Student Higher Education, became effective on 1 October 2022. In this revised Code of Conduct, the requirements for higher education institutions to cooperate with third parties in the recruitment of international students have been clarified. The purpose of this revision is to address misuse of residence permits for the purpose of studying in higher education in the Netherlands in view of irregular migration.

Intensification Mobile Security Surveillance (MTV) units

Because of the considerable increase in irregular residency of migrants after border trespassing in the Netherlands, the Mobile Security Surveillance (MTV) by the Royal Netherlands Marechaussee was intensified from 11 November 2022 until 12 May 2023.^{215 216} These intensive supervision controls are pursuant to section 4.17 (b) of the Aliens Decree 2000. The intensive MTV controls should contribute to countering irregular migration in general and countering smuggling of migrants in particular. They should prevent degrading incidents from taking place, such as the foreign nationals who died in lorries. They can also contribute to the prevention of substantial incidents for public order and national security in the Netherlands.

212 EMN Glossary 8.0 'Irregular migration'.

213 Letter from the Minister of Education, Culture and Science of 10 October 2022, 2022Z16234, p.2

214 Letter from the Minister of Education, Culture and Science of 10 October 2022, 2022Z16234.

215 Government Gazette, Decision by the Minister for Migration of 11 November 2022 no. 4282062, to temporarily deviate from section 4.17 (a), sub 3, 4, and 5, of the Aliens Decree 2000.

216 This commission was extended by another 6 months from 12 May 2023, Government Gazette 2023, no. 15993.

Zevenaar, 24-11-2022
Border control of the Royal Military Police, police and customs. They will hold a campaign on November 24 on the A12 near Zevenaar. All border crossings are closed and checked.

Photo: ANP / Hollandse Hoogte / Bram Petraeus



Extension of the investigation into identity and residence status:

Late March, the Aliens Act Implementation Guidelines were amended in relation to detention of third-country nationals. The amendment concerns the extension of the time for the investigation into the third-country national's identity and residence status from 6 to a maximum of 48 hours (excluding night hours). In addition, after the introduction of the amendment for extension of the investigation period, it no longer has to be justified per individual what kind of investigation has to be conducted. Reason for this extension is the ruling by the Administrative Jurisdiction Division of the Council of State of 30 April 2019, wherein extension is permitted under certain circumstances. This policy change brings the policy in line with this ruling.²¹⁷

The smuggling of migrants

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.²¹⁸

10.2 Combatting and prevention of smuggling of migrants

Broadening of extraterritorial jurisdiction over smuggling of migrants

The prosecution of smugglers who were engaged in smuggling activities outside the Netherlands is too complex within the current legal framework. Therefore, a new bill was also submitted to the Council of State for consultation on 28 November 2022. This bill broadens the extraterritorial jurisdiction over migrant smuggling in such a way that anyone who is guilty of migrant smuggling can be prosecuted before a Dutch court. The extraterritorial jurisdiction in migrant smuggling will be expanded by including the crime of migrant smuggling in section 4 of the Dutch Criminal Code. This provision provides a general legal basis for the exercise of jurisdiction to protect important general national legal interests, irrespective of the territory in which the offense was committed and the nationality of the offender or victim. In addition, the proposal sees to an increase of the maximum sentences for migrant smuggling

²¹⁷ Government Gazette, Decision by the Minister for Migration of 29 March 2022 no. WBV 2022/8, on the amendment of the Aliens Act Implementation Guidelines 2000, 31 March 2022.

²¹⁸ EMN Glossary 8.0 'Smuggling of migrants'.

(section 197 (a), subsections 1 to 6 of the Dutch Criminal Code). The proposal makes it possible to prosecute non-Dutch perpetrators in the Netherlands who are present on the territory, whom have previously committed migrant smuggling abroad. The proposal also effectuates jurisdiction in regard to preparatory and actual acts that were performed outside the European Union. Moreover, the increase in the maximum sentences would make it possible to pursue a further tightened criminal procedure policy and to impose higher penalties on migrant smugglers.²¹⁹

10.3 Monitoring and identifying irregular migration routes

International cooperation on irregular migration into Europe

In response to increasing irregular migration into Europe, the Ministers of the Interior and/or Migration of the Kingdom of Belgium, the French Republic, the Federal Republic of Germany, the United Kingdom of Great Britain and Northern Ireland and the Kingdom of the Netherlands formulated a Joint Statement on migration issues on 8 December 2022 at the invitation of the Netherlands. In this statement, they agreed to the following:

- to further bolster cooperation between them;
- to target supply chains facilitating irregular migration and migrant smuggling;
- to exchange best practices;
- to share expertise and knowledge of the most effective use of technology to support the fight against organised migration crime, within the framework set by international law.²²⁰

The joint statement focuses on tackling illegal and dangerous attempts to transport or smuggle people across the borders, thereby circumventing border controls, and on providing refuge to those in need of protection.

²¹⁹ Council of State, 'Verhoging strafmaxima en uitbreiding rechtsmacht mensensmokkel' (Increase maximum sentences and broadening of jurisdiction over smuggling of migrants).

²²⁰ Government of the Netherlands, 'Joint Statement the Ministers of Interior and/or Migration of the Kingdom of Belgium, the French Republic, The Federal Republic of Germany, The United Kingdom of Great Britain and Northern Ireland and the Kingdom of the Netherlands'.

11

Trafficking in human beings

The Netherlands attaches great importance to a strengthened approach to prevent and combat trafficking in human beings in the Netherlands. This can be seen in, among other things, the structural investment in the national programme ‘*Samen tegen mensenhandel*’ (together against trafficking in human beings) and the publication of a monitor on labour exploitation and serious disadvantage. Another development in the field of detection, identification and information provision is the Dutch participation in the new EMPACT programme South Eastern partnership related to trafficking in human beings. The reason for Dutch participation is to combat trafficking in human beings activities by organised crime groups and identify victims.

Trafficking in human beings

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.²²¹

11.1 National strategic policy developments

Structural investment in national programme ‘Together against trafficking in human beings’

On 7 February 2022, the Minister for Migration and the Minister for Education, Culture and Science announced that the national government would structurally invest €2 million in the national programme ‘*Samen tegen mensenhandel*’ (Together against Trafficking in Human Beings) from 2023 onwards. This investment was driven by a shared sense of urgency to continue the current program. This is supported by the National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children.²²² This investment is an important development because it concerns the structural funding of the interdepartmental programme and strategy against trafficking in human beings in the Netherlands. The Ministry of Justice and Security and the Ministry of Public Health, Welfare and Sports together are discussing the concrete details of the further implementation of the programme in 2023 together with other relevant stakeholders. There are also roundtables with all partners in the field. The aim is to collect information on what is needed in the short term as well as in the long term. A working group with the main partners has been set up and a steering group has been installed. They both consist of government partners and NGOs, to include all partners in the field in the programme. The steering group will make decisions on all proposals made by all partners. A two-lane approach is used. All stakeholders are asked to send in short-term and pilot projects, which can be organised and implemented in 2023. At the same time, the long term needs are looked into and a programme is prepared for those. The short-term and pilot projects are taken into account in case they would need to continue after 2023.²²³ The structural investment in the program ‘Together against Trafficking in Human Beings’ strengthens the strategy for preventing and combating human trafficking in the Netherlands. The structural funding of this programme was also laid down in the coalition agreement of the new government in 2021, in order to ensure its continuity.²²⁴

11.2 Detection, identification and provision of information

Dutch participation in EMPACT programme

In 2022, the European Multidisciplinary Platform Against Criminal Threats (EMPACT) started with two new programmes related to Trafficking in Human Beings (8.6 Western Balkan partnership on trafficking in human beings and 8.7 South Eastern partnership on trafficking in human beings). The Netherlands participates only in the new EMPACT programme South Eastern partnership related to trafficking

²²¹ EMN Glossary 80 ‘Trafficking in human beings’.

²²² Letter from the Minister for Migration and the Minister for Education, Culture and Science of 7 February 2022, 3823397. *Parliamentary Papers II*, 2021-2022, 28638/31015, no. 206.

²²³ Information provided by the Ministry of Justice and Security on 26 January 2023.

²²⁴ Letter from the Minister for Migration and the Minister for Education, Culture and Science of 7 February 2022, 3823397. *Parliamentary Papers II*, 2021-2022, 28638/31015, no. 206.

in human beings (8.7) under (co-)leadership of France and Spain. The reason for this participation is to counter activities related to trafficking in human beings by organised crime groups and to identify victims from regions that fall under the South Eastern Partnership.

The EMPACT programme has four objectives:

- to identify and fight organised crime groups devoted to Trafficking in Human Beings activities, with the purpose of sexual, labour or any other forms of exploitation, in and across the European Union. The suspects and/or victims of this are from South Eastern Partnership countries (more specifically Ukraine and Moldova, and where relevant, Armenia, Azerbaijan and Georgia). A specific focus will be on the exploitation of temporary displaced persons from Ukraine;
- to set up a platform with EU Member States, Ukraine, and where relevant other South-Eastern Partner Countries. This platform facilitates the exchange and sharing of information and expertise at a strategic and operational level with the objective of increasing the knowledge and cooperation and the effectiveness of the operational activities such as investigations;
- to support and ease the investigations against networks for trafficking in human beings in Europe that exploit victims from mainly Ukraine, but also from South-Eastern Partner countries;
- to discuss the ways to set up and strengthen a strategic and operational cooperation with the ELA (European Labour Authority) against labour exploitation.²²⁵ (See section 3.2 for more information)

Publication monitor of labour exploitation and serious disadvantage.

This policy development does not pertain only to victims of trafficking in human beings from countries outside the European Union, but also to Dutch and EU citizens.

The Monitor on Victims of Trafficking in Human Beings 2016-2020 published by the National Rapporteur underlines inter alia the importance of strengthening the approach to labour exploitation.²²⁶ In response to this Monitor on Victims of Trafficking in Human Beings, the Minister for Migration announced on 7 February 2022 that the Netherlands Labour Authority (*Nederlandse Arbeidsinspectie*, NLA) would publish a monitor on labour exploitation and serious disadvantage. This monitor was based on reports and insights from 2020 and 2021 and was published in July 2022.²²⁷ In addition, a regional pilot (*pilot Oost-Brabant*) was launched to develop and implement a regional monitor for labour exploitation.²²⁸ Implementing (regional) monitors on labour exploitation serves to collect information on vulnerable sectors and places where potential victims of labour exploitation could be located. Concrete data can also be gathered on the victim population and their background. The broader objective of this policy development is to strengthen the approach to combating labour exploitation as a form of human trafficking.²²⁹ (See section 4.2 for more information)

²²⁵ Information provided by the national EMPACT trafficking in human beings coordinator of the Netherlands on 10 February 2023.

²²⁶ *Parliamentary Papers II*, 2021-2022, 28638/31015, no. 206.

²²⁷ Netherlands Labour Authority (NLA), '[Monitor arbeidsuitbuiting en ernstige benadeling 2020-2021](#)' (Monitor on labour exploitation and serious disadvantage 2020-2021)

²²⁸ *Parliamentary Papers II*, 2021-2022, 28638/31015, no. 206.

²²⁹ *Parliamentary Papers II*, 2021-2022, 28638/31015, no. 206.

12 Return

In 2022, two court rulings at a national and European level resulted in policy developments in the field of return.

- Because of a ruling by the Administrative Jurisdiction Division of the Council of State, the Immigration and Naturalisation Service (IND) must now also issue a return decision if migrants from countries outside the European Union are granted suspension of departure based on medical grounds;
- Because of a ruling by the Court of Justice of the European Union, the role of national courts during detention cases of migrants from third countries has been clarified.

In response to an evaluation conducted by the IND, the accessibility investigation by the Repatriation and Departure Service (*Dienst Terugkeer en Vertrek*, DT&V) has been halted. In addition, postponement of decisions and departures was introduced in the past year for various groups from Afghanistan, Russia and Sudan, as well as Ukraine (see [section 3.2](#)), to further investigate the changing situations in these countries.

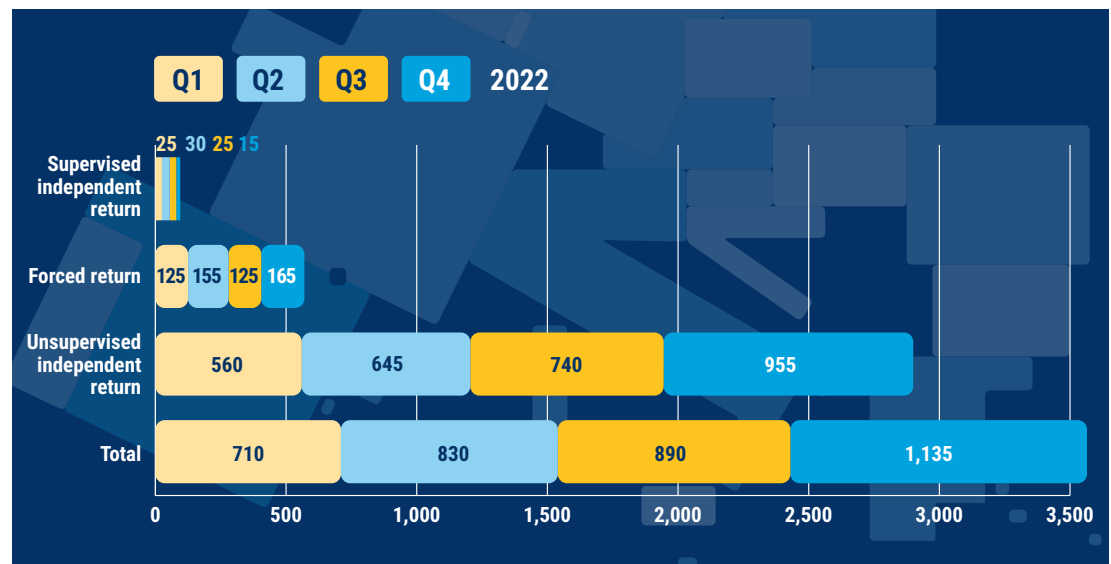
Return

'Return' means the process of a third-country national going back, whether in voluntary compliance with an obligation to return, or enforced, to:

- his or her country of origin;
- a country of transit in accordance with Community or bilateral readmission agreements or other arrangements; or
- another third country, to which the third-country national concerned voluntarily decides to return and in which he or she will be accepted.²³⁰

Figure 10.
Return of third-country nationals per quarter and type of return in 2022.

Source: Eurostat,
Third-country nationals returned following an order to leave, by type of return, citizenship, country of destination, age and sex – quarterly data.



12.1 General policy developments in the area of return

DT&V stops accessibility investigation

The IND evaluated the medical return policy as introduced in 2018 in response to the *Paposhvili v. Belgium* ruling (13 December 2016) by the European Court of Human Rights. In this medical return policy, the Repatriation and Departure Service (DT&V) had to investigate before removal whether the necessary medical care was accessible to the migrant in the country of return (accessibility examination). From the evaluation it became clear that the accessibility investigation did not sufficiently contribute to the actual possibilities to return for third-country nationals. Therefore, the government decided on 20 May 2022 that the DT&V no longer has to conduct an accessibility investigation into asylum matters if the IND accepts the claim of the returnee whose residence application has been rejected that the necessary access to healthcare is not available. However, third-country nationals involved still need to convincingly demonstrate that necessary medical treatment will not be accessible upon return. The Aliens Act Implementation Guidelines (Vc) 2000 have been amended accordingly.²³¹

IND must issue return decision in case of suspension of return on medical grounds

In response to a ruling²³² by the Administrative Jurisdiction Division of the Council of State on 8 June 2022, the IND must now also issue a return decision if the third-country national is granted a suspension of return on medical grounds (section 64 Aliens Act 2000).²³³ Before, this did not happen. On 30 September 2022, the Aliens Act Implementation Guidelines (Vc) 2000 have been amended accordingly. This amendment brings the national policy in line with recent case law.

12.2 Forced return and detention

Extension postponement of decisions and departures for migrants from Afghanistan

Because of an uncertain situation in connection with safety risks, the postponement of decisions and departures for third-country nationals from Afghanistan was extended for six months on 25 February 2022. This meant an extension of the period in which the Immigration and Naturalisation Service (IND) would temporarily not take decisions on asylum applications from these persons, and the Repatriation and Departure Service (DT&V) would not return rejected asylum seekers to Afghanistan.²³⁴ Postponement of decisions and departures can be issued when the security situation in a country of origin is developing rapidly or when more information is needed on how the situation will develop. Without adequate up-to-date information, the IND is not able to produce a risk assessment of the country. On 28 March 2022, the Ministry for Foreign Affairs published an official country report on Afghanistan, in which the situation in Afghanistan was described since the Taliban's seizure of power. The indiscriminate violence had decreased to a large extent as there was no more fighting between the government forces and the Taliban. In addition, fewer civilian casualties were reported as a result of the decreased fighting. Based on the report there is no exceptional situation as referred to in Article 15(c) of the Qualification Directive. This Directive stipulates that the degree of indiscriminate violence must be so high that a citizen, merely by virtue of their presence there, faces a real risk of serious harm. The objective of the postponement of decisions and departures was to suspend decision-making and returns, as there was no time to await an amelioration of the general safety situation in Afghanistan and adequate information was not accessible. The official country report of 28 March 2022 gave reason to terminate the postponement of decisions and departures. This was done on 30 June 2022.²³⁵

²³¹ *Parliamentary Papers II*, 2022-2023, 19637, no. 2893; Government Gazette, 2022 no. 25406.

²³² ECLI:NL:RVS:2022:1530

²³³ Government Gazette, 2022, no. 25406.

²³⁴ Immigration and Naturalisation Service (IND), 'Decision and departure moratorium on Afghan asylum applications extended'

²³⁵ *Parliamentary Papers II*, 2021-2022, 19637, no. 2912; Immigration and Naturalisation Service (IND), 'IND will decide on Afghan asylum applications again'

Extension postponement of decisions and departures for Sudanese nationals who form part of the political opposition

Due to three rulings²³⁶ by the Administrative Jurisdiction Division of the Council of State on 15 December 2021, the Minister for Migration was compelled to conduct an investigation into the safety of political opponents in Sudan. Because of these rulings, postponement of decisions and departures was imposed on 24 February 2022 for Sudanese nationals who have carried out political activities (in the Netherlands) against the Sudanese authorities. The Immigration and Naturalisation Service (IND) will temporarily not take decisions on asylum applications by this group of Sudanese nationals and the return of this group to Sudan has been halted temporarily. On 23 August 2022 the postponement of decisions and departures was extended for a period of six months.²³⁷

Extension Postponement of decisions and departures for Russian conscripts

There is a lack of unambiguous and reliable information on the extent of forceful deployment of Russian conscripts in the war in Ukraine. The current official country report (2021) about the Russian Federation dates from before the invasion of Ukraine and does not provide the necessary information. Therefore, the Minister for Migration announced postponement of decisions and departures on 29 June 2022 for Russian conscripts for a period of six months. This decision means that the IND does not make any decisions on asylum applications by Russian conscripts and the return of this group to the Russian Federation has been halted temporarily. The exempted group consists of Russian men between the age of 18 and 27, who refuse to serve in the military or who have deserted military service due to the war in Ukraine.²³⁸ On 29 December 2022, the postponement was prolonged for a period of six months.²³⁹

Clarification role of national judges in detention cases of third-country nationals who come under the Return Directive, Reception Directive or Dublin Regulation

On 8 November 2022, the Court of Justice of the European Union ruled that a national court is required to ascertain ex officio whether a detention measure taken in respect of an illegally staying foreign national or an asylum seeker is lawful under the Return Directive, Reception Directive or Dublin Regulation. In the ruling, the Court of Justice of the European Union stipulates that, when reviewing these decisions, national judges must from then ex officio raise the failure to comply with a condition governing lawfulness arising from EU law in addition to all the elements brought to its knowledge and supplemented during the proceedings. (ECLI:EU:C:2022:858). Before, in the Netherlands, third-country nationals coming under the Return Directive, Reception Directive or Dublin Regulation had to put forward of their own motion the grounds on which the detention decision was not in compliance with applicable legal regulations. Neither could the judge examine the conditions for detention stemming from EU legislation of its own motion. Through this ruling, the role of judges in EU member states has been clarified in detention cases of irregularly staying third-country nationals coming under the Return Directive, Reception Directive or Dublin Regulation, including (rejected) asylum seekers.

12.3 Implementation of an EU readmission agreement

Connection to Readmission Case Management System (RCMS)

In 2022, the Netherlands supported the implementation of the EU readmission agreement with Pakistan by connecting to the Readmission Case Management System (RCMS). The Readmission Case Management System is a system used to manage and coordinate the return of migrants to their country of origin. It comprises different aspects of the return process, such as recording and keeping track of data on the migrants involved, the assessment of their returnability and the facilitation of the necessary administrative and logistic steps.²⁴⁰

236 The three rulings are: CLI:NL:RVS:2021:2792, ECLI:NL:RVS:2021:2793, ECLI:NL:RVS:2021:2794

237 *Parliamentary Papers II*, 2021-2022, 19637, no. 2957.

238 Immigration and Naturalisation Service (IND), 'Temporary stop decisions for Russian conscripts'.

239 Letter from the Minister for Migration of 13 December 2022, 4355586.

240 IOM, 'Readmission Case Management System (RCMS)', 6 May 2022.

13

Migration and international cooperation

The Netherlands cooperates actively with other countries and international organisations to improve an effective strategy on migration. For example, the Netherlands participates in various EU initiatives and programmes focused on migration, such as the Common Immigration Policy.²⁴¹ The Netherlands also participates in international platforms such as the United Nations (UN), the International Organisation for Migration (IOM) and the World Bank to discuss migration-related issues and develop policy, and staff of the National Government are sent abroad to support other countries in the context of asylum and migration. Doing so, the Netherlands wants to contribute to the prevention of irregular migration to the Netherlands and making the (asylum) influx more predictable.²⁴²

Revisited strategy for Foreign Trade and Development Cooperation (BHOS)

There is a record number of 100 million refugees and displaced persons in the world. The factors responsible for this include the COVID-19 pandemic, climate change, the war in Ukraine and other global developments. This development has also increased the numbers of irregular migrants coming to the Netherlands, increasing the pressure on the external borders. In response to this development, the Netherlands announced a revisited strategy for 'Foreign Trade and Development Cooperation' (*Buitenlandse Handel en Ontwikkelingssamenwerking*, BHOS) based on the coalition agreement 2021-2025.²⁴³ In the context of migration, the goals of the new BHOS strategy are:

- promoting voluntary return;
- reducing irregular migration;
- countering radicalisation; and
- increasing the reception of refugees in the region.

This aims to achieve a more coherent and focused BHOS strategy.

241 Europa Nu, 'Artikel III-168: Gemeenschappelijk Europees immigratiebeleid' (Article III-198: Joint European Immigration Policy).

242 Immigration and Naturalisation Service, 'Our organisation'.

243 Government of the Netherlands, 'Beleidsnotitie Buitenlandse Handel en Ontwikkelingssamenwerking: Doen waar Nederland goed in is' (Foreign trade and development cooperation policy memorandum: Doing what the Netherlands is good at), .

Appendix A – Methodology and definitions

Methodology

This eleventh 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 of the Strategy and Implementation Advice Department of the Immigration and Naturalisation Service (IND) and the Migration Policy Department (DMB) of the Ministry of Justice and Security. The following parties have also provided a contribution to the compilation of this review: the Community and Integration Department and the Labour Relations Department of the Ministry of Social Affairs and Employment (SZW), the Repatriation and Departure Service (DT&V) and the Central Agency for the Reception of Asylum Seekers (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 Education Executive Agency (DUO) and the Ministry of Education, Culture and Science (OCW), Nidos, the 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.overheid.nl. This website is maintained by the Ministry of the Interior and Kingdom Relations (*Ministerie van Binnenlandse Zaken en Koninkrijksrelaties*, 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 were often obtained from the websites of these organisations as well.

To gain insight into the public debate, the Internet was mainly 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 were the weekly *Nieuwsberichten* (news items) about migration on Migratierecht.nl, a digital publication by Sdu Uitgevers. In addition to a general survey of topics related to asylum and migration, research also included specific topics debated in Parliament.

For statistics, the Eurostat statistics were used. These statistics can deviate from the statistics used nationally since Eurostat uses different definitions. Eurostat statistics were used to improve comparability between annual reports by the EU Member States and Observer States.

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 public debates on the other.

Criteria for the importance of changes in law and regulations

The report strives to provide a complete 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 (for example the annual increase of certain income requirements).

Criteria for the importance of political and social debates

The report does not aim at completeness with respect to the political and public 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. The following criteria have been used to make a selection. To be included in the review, a political or social debate must meet at least the following cumulative requirements:

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

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, developments in this field have been addressed.

Terms and definitions

This review has adopted the definitions of relevant terms in the *EMN Asylum and Migration Glossary 8.0*.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.

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 (also see the organization chart):

- The **Minister for Migration (*Justitie en Veiligheid, JenV*)** is responsible for policies in the field of admissions, residence and return of third-country nationals. In addition, the Minister leads the organisations cooperating in the immigration process.
- The **Minister of Social Affairs and Employment (*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 (*Buitenlandse Zaken, BZ*)** is responsible for the visa policy. The Minister of Foreign Affairs is also responsible for the compilation of official reports that 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 **Dutch municipalities** are responsible for the accommodation of beneficiaries of 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 (*Justitie en Veiligheid, JenV*), 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 by naturalisation. The IND also plays a role on behalf of the Minister of Foreign Affairs in the procedure of objection and appeal for 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 (*Justitie en Veiligheid, JenV*), 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, the 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 COA is an implementing body with reception centres throughout the Netherlands.
- The **Council for Legal Aid (*Raad voor de Rechtsbijstand, 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 (*Justitie en Veiligheid, JenV*). 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 (*Justitie en Veiligheid, JenV*), is responsible for implementing 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 important 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 the combating of illegal immigration. In the maritime domain, the Seaport Police fulfils

the border control task in the harbour of Rotterdam and the KMar fulfils the maritime border control task in all harbours.

- The **Aliens Police, Identification and Human Trafficking Department (Afdeling Vreemdelingenpolitie, 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 that is commissioned by the Ministry of Social Affairs and Employment (*Sociale Zaken en Werkgelegenheid*, 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 the implementing organisation for education of the Central Government. DUO finances (student financing for students and teachers) and informs participants in education and educational institutions and organises exams. In addition, it is commissioned by the Ministry of the Interior and Kingdom Relations (*Binnenlandse Zaken en Koninkrijksrelaties*, BZK) to support the municipalities in implementing the Civic Integration Act.
- The **Netherlands Enterprise Agency (Rijksdienst voor Ondernemend Nederland, RVO)**, is part of the Ministry of Economic Affairs and Climate Policy (*Economische Zaken en Klimaat*, EZK), but also performs assigned tasks on behalf of other ministries, including the Ministry of Foreign Affairs (*Buitenlandse Zaken*, BZ) and the Ministry of the Interior and Kingdom Relations (*Binnenlandse Zaken en Koninkrijksrelaties*, BZK). Additionally, the RVO is commissioned by the European Union. For a number of residence permits, the Immigration and Naturalisation Service (IND) calls for advice from the RVO.
- **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 (WODC)** is part of the Ministry of Justice and Security (*Justitie en Veiligheid*, JenV). 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 Organisation for Migration (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)** provides practical assistance to asylum seekers and promotes their interests in the political debate.
- **CoMensha** is an independent expertise and coordination centre against trafficking in human beings. Together with partners, they combat trafficking in human beings in the Netherlands. When doing so, CoMensha focuses primarily on the registration, reception and aid to victims. The organisation also invests in raising more awareness of human trafficking by training and informing professionals.

- The **National 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. The National Rapporteur monitors the effects of the government policies pursued in this area and issues recommendations to improve the strategy against trafficking in human beings and sexual violence against children.
 - **NIDOS Foundation** focuses on unaccompanied minors (UAMs). 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 family supervision order imposed as a child protection measure when it concerns migrant families who are in the asylum procedure and stay at a COA location.
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Organisational chart

..... Cooperation
 ——— Coordination

Institutional framework for asylum and migration policies (2023)*

