

10
YEARS

EMN

European Migration Network



IND O&A • NL EMN NCP • JUNE 2018

2017 ANNUAL REVIEW

Migration and Asylum in the Netherlands



2017 ANNUAL REVIEW MIGRATION AND ASYLUM IN THE NETHERLANDS

June 2018

Credits

Title	2017 Annual Review
Subtitle	Migration and Asylum in the Netherlands
Authors	Stijn Bleichrodt, Nico van der Laan, Hanna van der Linden, Amber Mulder, Henrika Wörmann emn@ind.minvenj.nl Ministry of Justice and Security Immigration and Naturalisation Service (IND) Strategy and Implementation Advice (SUA) Research and Analysis (O&A) National contact point in the Netherlands for the European Migration Network (EMN) Rijnstraat 8 2515 XP The Hague

SUMMARY

The 2017 Annual Review provides an insight into the most important developments in the migration and asylum policy of the Netherlands in 2017. Topics addressed in this review are legal migration, international protection (asylum), unaccompanied minors and other vulnerable groups, civic integration, irregular migration, return, measures addressing trafficking in human beings, and migration and development. The Annual Review has been compiled by the Research & Analysis Department and is largely based on desk research. Experts have provided input for the different themes. In 2017, relatively few major policy changes were made as a result of the elections on 25 March 2017 and the subsequent lengthy government formation. This resulted in there being a caretaker government for a large part of the year (March-October).

In the area of **legal migration** the major focus was on family formation and family reunification in 2017. For instance, policy was eased regarding (1) resources required from persons without a permanent contract for admission of family members in the Netherlands, (2) minor children who wish to be considered eligible for staying with their grandparents and (3) in light of the Chavez-Vilchez ruling by the European Court, regarding parents staying with their children. In respect of adult children and foster children, there were also changes in the area of no documentary evidence and family reunification policy for beneficiaries of international protection. In order to promote internationalisation in education, in 2017 it was made possible for foreign senior secondary vocational education students to study in the Netherlands for one year. In addition, regulations for the admission of certain groups of labour migrants were eased to make it more appealing for knowledgeable and talented migrants to come to the Netherlands.

There were also major developments regarding **international protection** (asylum) in 2017. Because of the lower influx, there was a reduction in the number of reception centre places and the number of personnel at both the Immigration and Naturalization Service (those who deal with applications) and the organisation responsible for the reception of asylum seekers: the Central Agency for the Reception of Asylum Seekers (COA). In addition, the decision-making period for asylum applications was brought back to six months again. In order to combat nuisance-causing behaviour in the general reception centre, two facilities for additional counselling and monitoring (EBTLs) were opened. Nuisance-causing asylum seekers are taken care of here with additional counselling. Furthermore, in 2017 digital legal proceedings have become mandatory in asylum and detention cases.

Attention has also been paid to further development of the protected reception of **unaccompanied minors**. Protected Reception offers reception, counselling and support to all alleged under-aged victims of trafficking in human beings. In 2017, further improvements were made particularly to the quality of protected reception.

As a result of the reduced number of asylum seekers in 2017 in the area of **civic integration**, attention has shifted from creating satisfactory education and adequate funding in education, to organising good quality education for children who came to the Netherlands as asylum seekers. In addition, in 2017 the emphasis lay on early civic integration and participation of asylum seekers. In this context, the programme *Verdere Integratie Arbeidsmarkt (VIA)* [Further Integration in the Labour Market] of the Ministry of Social Affairs and Employment was started, and COA has further implemented the programme *Vroege integratie en participatie* [Early civic integration and participation]. Due to an amendment of the Civic Integration Act in October 2017, social counselling of asylum seeking migrants was also provided for in addition to the introduction of the participation statement.

In order to combat **irregular migration**, financial resources were made available in 2017 for the Royal Netherlands Marechaussee (KMar) to strengthen its capacity for border security. Moreover, efforts are concentrated on making information campaigns in countries of origin and transition countries more effective.

In the area of **return**, policy changes were implemented that make it easier in certain situations to impose entry bans, such as when third-country nationals have been given a departure period and through their own fault, no longer comply with the conditions for their stay. Besides, from a departure perspective, it has become more difficult to place third-country nationals in custody. The return and reintegration support has also been revised and adapted for a number of nationalities.

In 2017, the combat against **trafficking in human beings** was further intensified. For example, more is being invested in international cooperation and international investigations. Additional attention is likewise being paid to the support of victims of trafficking in human beings. For instance, funds are now structurally being made available for 'exit programmes' to help people who want to break away from prostitution.

In the area of **migration and development**, additional funds were made available in 2017 for development projects in countries of origin and programmes aimed at the protection and reception of refugees in the region. Furthermore, contributions were made to projects of the International Organisation for Migration (IOM) that tackle the root causes of armed conflicts, instability and irregular migration and encourage return.

TABLE OF CONTENTS

1	Introduction	7
2	Political developments in the area of asylum and migration	9
2.1	General political developments	9
2.2	New government takes office	10
2.3	Public debates	12
3	Legal migration	15
3.1	Introduction	15
3.2	Policy developments	16
3.2.1	Economic migration	16
3.2.2	Students	21
3.2.3	Family formation and family reunification	23
3.2.4	Other forms of legal migration	27
4	International protection (asylum)	29
4.1	Introduction	29
4.2	Influx	29
4.3	Policy developments	32
4.3.1	Substantive assessment of applications for international protection	32
4.3.2	Procedures for international protection	33
4.3.3	Reception, efficiency, and quality of Dutch asylum policy	34
4.3.4	Resettlement	36
4.3.5	Intentions of Rutte III government in coalition agreement regarding asylum policy	37
5	Unaccompanied minors and other vulnerable groups	39
5.1	Introduction	39
5.2	Policy developments	40
5.2.1	Unaccompanied minors	40
5.2.2	Other vulnerable groups	42
6	Civic integration	43
6.1	Introduction	43
6.2	Policy developments	43
6.2.1	Quality improvement of education for asylum seekers	43
6.2.2	Language proficiency	44
6.2.3	Housing	47
6.2.4	Labour market	48
6.2.5	Participation and social counselling	50
6.2.6	Anti-discrimination policy	52

7	Irregular migration	55
7.1	Introduction	55
7.2	Policy developments	55
7.2.1	Abuse of legal migration channels	55
7.2.2	Prevention of irregular migration	57
7.2.3	Monitoring and identifying irregular migration routes	59
8	Return	61
8.1	Introduction	61
8.2	Policy developments	62
9	Actions addressing trafficking in human beings	67
9.1	Introduction	67
9.2	Policy developments	69
10	Migration and development policy	73
10.1	Introduction	73
10.2	Policy developments	73
10.2.1	General	73
10.2.2	Reception centres in the region	74
10.2.3	Cooperation with diaspora	76
	ANNEX A: Methodology and definitions	77
	ANNEX B: Structure of the migration and asylum policy of the Netherlands	79

1 INTRODUCTION

Developments in migration and asylum policies follow one another in rapid succession. Member States of the European Union (EU) are working on a common policy for migration and asylum. This is important because of the freedom of movement of people within the EU. Moreover, in economic terms Europe competes with other parts of the world, for example, to attract highly educated personnel. This common policy needs objective, reliable and comparable information on migration and asylum in the EU member states. Being the European research network on migration and asylum, it is the European Migration Network (EMN) that provides this information.¹

The tenth EMN Annual Review on Asylum and Migration (formerly Annual Policy Report) provides an overview of developments in the year 2017 in the Dutch migration and asylum policy, including the civic integration policy for third-country nationals. The report describes the actual situation in the Netherlands. In this, attention is also paid to the most important national debates and implementation of European policy in the Netherlands. This makes the 2017 EMN Annual Review a concise reference document for Dutch policy makers, employees in organisations cooperating in the immigration process, and other interested parties.

Topics that will be addressed in this Annual Review are, in order: legal migration, civic integration, international protection (asylum), unaccompanied minors and other vulnerable groups, measures addressing trafficking in human beings, migration and development, irregular migration, border control, and return.

Based on the Dutch 2017 Annual Review and reports published by the other Member States, EMN draws up the 2017 Annual Report on Immigration and Asylum.² This international comparative annual review and the annual reviews from the other member states are available at EMN's European website.

Basic knowledge of the Dutch migration and asylum policy helps the reader to recognise the policy amendments dealt with, but is not required as such. If required, necessary background information (e.g. the working procedure of existing policy) is presented in text boxes. This 10th Annual Review is mainly the result of desk research. More information on the methodology and an overview of various experts who have provided input, is set out in Annex A. Annex B provides the reader with an overview of the general structure of the Dutch migration and asylum policy, and tasks of the organisations involved.

Before the abovementioned topics are addressed in the Annual Review, chapter 2 will first deal with general political developments in the area of asylum and migration in the Netherlands.

1 More information on EMN Netherlands is available at our website: <http://www.emnnetherlands.nl/over-het-emn>.

2 The Annual Report on Migration and Asylum can be found here: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00_arm2017_synthesis_report_final_en.pdf.

2 POLITICAL DEVELOPMENTS IN THE AREA OF ASYLUM AND MIGRATION

This chapter first describes general political developments in the Netherlands in 2017 and their implications for policy in the area of asylum and migration, such as the formation of the Rutte III cabinet. The foremost intentions with regard to migration and asylum in the coalition agreement will also be featured. Then the public debates during this period will be dealt with, for example, with regard to civic integration and nuisance-causing asylum seekers. Where debates have led to concrete policy changes, reference is made to relevant passages of text in the various chapters of the report.

2.1 General political developments

General Elections

The Rutte II cabinet's term, consisting of the People's Party for Freedom and Democracy (VVD) and the Labour Party (PvdA) ended in 2017. General elections took place for a new Dutch House of Representatives on 15 March 2017. The turnout percentage was 81.9% which was significantly higher than at the General Elections of 2012 and 2010 (respectively 74.6% and 75.3%). The People's Party for Freedom and Democracy was by far the largest party. The party won 33 of the 150 seats with 21.3% of the votes. This was followed at a considerable distance by the Party for Freedom (PVV) with 13.1% and 20 seats, the Christian Democratic Alliance (CDA) with 12.4% and 19 seats, and Democrats 66 (D66) with 12.2% and 19 seats. The biggest loss in the elections was for the Labour Party (PvdA) that dropped from 38 to 9 seats. Despite the People's Party for Freedom and Democracy (VVD) remaining the largest party, this coalition party also suffered a considerable loss, dropping from 41 to 33 seats. Green Left (GL) gained the highest number of seats, rising from 4 to 14 seats. On 23 March 2017, the newly-elected Dutch House of Representatives met for the first time.

Formation of the new government

After the elections the formation of the new government began with an attempt to form a coalition with the People's Party for Freedom and Democracy (VVD), Christian Democratic Alliance (CDA), Democrats 66 (D66) and Green Left (GL). Two attempts were made to form a coalition with this combination, but by 12 June 2017, it became clear that this had no potential. Many media sources reported that the topic of migration was the main reason for failure of these formation attempts.³ Soon thereafter, the possibility to form a coalition with the VVD, CDA, D66 and ChristenUnie was examined. This combination proved to be successful in the long run and the Rutte III cabinet was sworn in

3 See, for example, NOS (2017) [news broadcaster] Formatiedag 90: het is over en uit tussen VVD, CDA, D66 en Groenlinks [90th day of Formation: it's over and out between VVD, CDA, D66 and GL]. Consulted on 2 May 2018 via: <https://nos.nl/artikel/2178110-formatiedag-90-het-is-over-en-uit-tussen-vvd-cda-d66-en-groenlinks.html> or Algemeen Dagblad (2017) [newspaper] Formatie met GroenLinks mislukt wéér door migratie [Formation with Green Left fails again because of migration]. Consulted on 2 May 2018 via: <https://www.ad.nl/politiek/formatie-met-groenlinks-mislukt-weneacute-eneacute-r-door-migratie-a4ac9a58/>

on 26 October 2017. Having lasted 225 days, this was the longest formation of a new government since the Second World War. The lengthy formation also had consequences for asylum and migration policy. A number of pending legislative proposals were considered controversial, which resulted in the debates of the bills being suspended. Moreover, both in the run up to the elections and during the formation of the new government, no major policy changes came into force.

2.2 New government takes office

When the new cabinet took office in October 2017 it led to small institutional changes in the area of asylum and migration. The Ministry of Security & Justice (V&J) underwent a name change under the new cabinet and is now called the Ministry of Justice and Security (J&V). In addition, this Ministry is headed by two ministers; aside from the Minister of Justice and Security (Ferdinand Grapperhaus) there is the Minister for Legal Protection (Sander Dekker), a newly added minister's post.

In the new cabinet, the Minister of Migration, Mark Harbers, is solely responsible for tasks in the area of asylum and migration:

- Immigration/Migration
- Immigration and Naturalisation Service (IND), Central Agency for the Reception of Asylum Seekers (COA) and Repatriation and Departure Service (DT&V)
- Article 1F of the Geneva Convention
- Border control in immigration affairs
- Netherlands Nationality Act
- Trafficking in human beings (including smuggling of persons) and prostitution
- International migration policy

In the previous government, the Minister of Migration was also responsible for Cyber Crime/cyber security (excluding crises), the Custodial Institutions Agency, the Probation and After-care Service, the chain of implementing organisations for Criminal Law Decisions (USB), Policy on Sanctions (including forensic psychiatric treatment, TBS), Games of Chance and the Weapons and Ammunition Act.

In the new government, the civic integration policy also remains a competence of the Minister of Social Affairs and Employment (Wouter Koolmees).

Coalition Agreement 'Vertrouwen in de toekomst' [Confidence in the future]

In the coalition agreement 'Vertrouwen in de toekomst' [Confidence in the future], the Rutte III cabinet has committed itself to an effective and humane migration and civic integration policy on a national and European level.⁴ The starting point here is to ensure efficient and fast reception and civic integration possibilities for newcomers and likewise to ensure fast returns of those who are not allowed to stay. According to the new cabinet this is important so that mutual trust and social cohesion within the Netherlands

4 VVD, CDA, D66 and ChristenUnie. *Vertrouwen in de toekomst* [Confidence in the future], Coalition Agreement 2017-2021. Consulted on 11 January 2018: <https://www.kabinetsformatie2017.nl/documenten/publicaties/2017/10/10/regeerakkoord-vertrouwen-in-de-toekomst>.

and Europe continue to work effectively, despite the many moving people and civic integration problems. In this, the cabinet also considers it important that root causes of refugee flows should be tackled, that refugees get reception in accordance with international conventions, and that irregular migration is counteracted.

The most important points of the coalition agreement are contained in this report. Below is a brief summary of the topics which the government intends to focus on and which must lead to concrete policy measures during this government term.

• ***Asylum***

The effects of the high influx of asylum seekers have become clear in recent years. This has revealed that, among other things, a more flexible asylum system is needed that is more effective socially and financially than ad hoc measures. To achieve this, an integrated approach to reception, the asylum procedure, and civic integration or return, is key. This emphasis has been recognised in the coalition agreement. The intention has also been established to stimulate reception and protection of asylum seekers in the region, which was already endeavoured in 2017. On the other hand, the Netherlands is increasingly prepared to offer resettlement and in this, it pays special attention to vulnerable minorities and refugees aiming for successful civic integration in Dutch society. For more detailed information on the intentions of the new government in the area of asylum, reference is made to chapter 4 'International protection (asylum)'.

• ***Return and irregular migration***

With regard to return, the new government wants to focus on strengthening international cooperation, so that the return policy becomes more efficient. The aim is to bring about a higher proportion of demonstrable returns through a greater capacity at the Repatriation and Departure Service (DT&V) to implement more intensive case management. This could lead to more assisted voluntary returns and could also enhance any enforceable return of criminal third-country nationals, for example. Asylum seekers who have exhausted all legal means must leave the Netherlands as soon as possible, so as to prevent illegal stay in the Netherlands. Special attention is paid to minor third-country nationals in the return policy plans, for example, by providing adequate reception in the country of origin. For more details, see chapter 8 'Return'.

• ***Civic integration and integration***

The new coalition agreement pays attention to language development of newcomers. Newcomers are encouraged to focus on active and autonomous civic integration. Other important points are access to social welfare for newcomers, housing during the asylum procedure, and labour market participation of beneficiaries of international protection. For further information see chapter 6 'Civic integration'.

• ***Trafficking in Human Beings***

In order to counteract trafficking in human beings and human smuggling in the first

place, the coalition agreement intends to expand border control capacity and to improve cooperation with countries where irregular migrants depart from. The new government is planning to use more intensive measures and financial resources in countering trafficking in human beings. For example, more is invested in international search and detect investigations and in exit programmes to help people who want to break away from prostitution. More money will also be made available for victims of trafficking in human beings and for regional police teams who monitor illegal and forced prostitution and minors in prostitution. For more information, see chapter 9 'Measures against trafficking in human beings'.

2.3 Public debates

In the previous two years, 2015 and 2016, public debate was primarily dominated by the higher influx of asylum seekers. In the 2017 election year, particular attention was paid to the topic of migration during the election campaign and especially during formation of the new government.

The topic of migration at elections, formation of the new government, and the coalition agreement

During the run-up to the general elections, the subject migration appeared to be a much-debated topic. Much attention was paid to the topics migration and civic integration in the most important television and radio debates in the run-up to the elections.⁵ During the attempt to form a government between the VVD, CDA, D66 and GL, the topic migration was often mentioned in the media as a potential stumbling block. After failure of this formation attempt, it indeed became apparent that no agreement was possible in terms of migration, among other things. There appeared to be irreconcilable differences, particularly with regard to possible deals with (North)African countries.⁶ Based on the coalition agreement, certain matters relating to the topic migration were highlighted on several occasions. The following plans in the coalition agreement were mentioned: entering into similar deals to the Turkey-EU deal with African countries, not adapting the children's amnesty, and increasing the resettlement quota from 500 to 750.⁷

In addition to the public debates in the run-up to the elections and during the formation, politics and the media also debated a number of specific issues.

5 See, for example, NOS (2017) [news broadcaster] *Dit zijn dé fragmenten uit het NOS-slotdebat* [These are clips of the NOS closing debate]. Consulted on 2 May 2018 via: <https://nos.nl/artikel/2163208-dit-zijn-de-fragmenten-uit-het-nos-slotdebat.html> or NRC (2017) [newspaper] *Teruglezen: Het eerste grote verkiezingsdebat op Radio 1* [Review clip: The first major election debate on Radio 1]. Consulted on 2 May 2018 via: <https://www.nrc.nl/nieuws/2018/03/09/live-het-eerste-grote-verkiezingsdebat-op-radio-1-a1595096>.

6 See, for example, NOS (2017) [news broadcaster] *Politiek antwoord op migratie verdeelt Den Haag* [Political response to migration divides politics]. Consulted on 5 April 2018 via <https://nos.nl/nieuwsuur/artikel/2178016-politiek-antwoord-op-migratie-verdeelt-den-haag.html>.

7 See 4.2.3. of this report for more information on the increased quota.

Civic integration

On several occasions in 2017, attention was focused on the difficult civic integration procedure for refugees. This often concerned the issue on how quickly municipalities could manage to get refugees into employment. In the context of this debate on the difficult civic integration procedure for refugees, attention was also paid a few times to the large number of refugees on social assistance benefit. A report published by Knowledge Platform Integration & Society (KIS) showed that the percentage of beneficiaries of international protection who do have a job is still very limited, despite the fact that municipalities sooner offered counselling to refugees to find a job in 2017.⁸ Parliamentary questions were posed in response to an article in the media about the large number of refugees on social assistance benefit⁹. In response to these parliamentary questions, the minister of Social Affairs and Employment referred to measures such as the raised language level in civic integration, and to preparations for the civic integration programme.¹⁰

Nuisance-causing asylum seekers

In 2017, as was the case in 2016, there was a great deal of media attention for nuisance-causing asylum seekers. This nuisance mainly concerned aggressive and intimidating behaviour, vandalism, theft and distressed behaviour in the vicinity of reception centres. This often related to asylum seekers from safe countries of origin who have exhausted all legal means. In the context of these issues, Nieuwsuur (news programme) broadcast an episode on nuisance-causing asylum seekers in January 2017.¹¹ The mayors of a few towns, Weert and Ter Apel, pointed out that a lot of nuisance was caused by asylum seekers from safe countries in North Africa who have exhausted all legal means. It was also pointed out that return procedures of asylum seekers from safe countries who are not allowed to stay, should be processed faster to avoid nuisance. The intention to accelerate return procedures of migrants who are not allowed to stay was repeated in the coalition agreement of October 2017 (see also chapter 8 of this report on 'Return'). Moreover, in 2017 the government expanded the measures that were already taken in 2016 for the prevention of nuisance by asylum seekers. For example, nuisance-causing asylum seekers may be placed in extra counselling and monitoring facilities (EBTLs) (for more information, see chapter 4 on 'Civic integration').

8 Kennisplatform Integratie & Samenleving (2017) *Monitor gemeentelijk beleid arbeidstoeleiding vluchtelingen 2017* [Knowledge Platform Integration & Society (2017) *Monitoring municipal policy for getting refugees into employment 2017*]. Consulted on 5 April 2018 via <https://www.kis.nl/publicatie/monitor-gemeentelijk-beleid-arbeidstoeleiding-vluchtelingen-2017>.

9 Algemeen Dagblad (2017) (newspaper), *Gros van de vluchtelingen in de bijstand*. [Bulk of refugees on social assistance benefit]. Consulted on 5 April 2018 via <https://www.ad.nl/rotterdam/gros-van-de-vluchtelingen-in-de-bijstand-a9b48dc0/>.

10 National government (2017) *Beantwoording Kamervragen vluchtelingen in de bijstand* [Answering parliamentary questions on refugees on social assistance benefit]. Consulted on 5 April 2018 via <https://www.rijksoverheid.nl/regering/bewindspersonen/wouter-koolmees/documenten/kamerstukken/2017/12/11/beantwoording-kamervragen-vluchtelingen-in-de-bijstand>.

11 For more information see: <https://nos.nl/nieuwsuur/artikel/2151471-burgemeesters-willen-af-van-kansloze-asielzoekers.html?title=burgemeesters-willen-af-van-kansloze-asielzoekers>.

Return

Finally, the issue of return also received a certain amount of attention in individual cases in 2017. The most important example of this was political and media attention to the removal of an Armenian woman while her children were in hiding elsewhere in the Netherlands.¹²

Attention was also given to many other individual cases, especially in regional media as a result of protests from the community against the removal of third-country nationals living in those regions.¹³

12 For more information see also: <https://www.elsevierweekblad.nl/nederland/achtergrond/2017/08/boze-reacties-op-alleen-uitzetten-armeen-moeder-531206/>.

<https://www.rtlnieuws.nl/nederland/politiek/moeder-en-kinderen-mogen-worden-uitgezet-naar-armenie>

13 See for example: <http://www.dvhn.nl/groningen/Na-16-jaar-dreigt-uitzetting-voor-Alpha-Bangoura-uit-Stadskanaal-22345668.html>.

<https://www.omroepgelderland.nl/nieuws/2150362/Schooldirecteur-strijdt-tegen-uitzetting-geliefde-leerling>.

3 LEGAL MIGRATION

3.1 Introduction

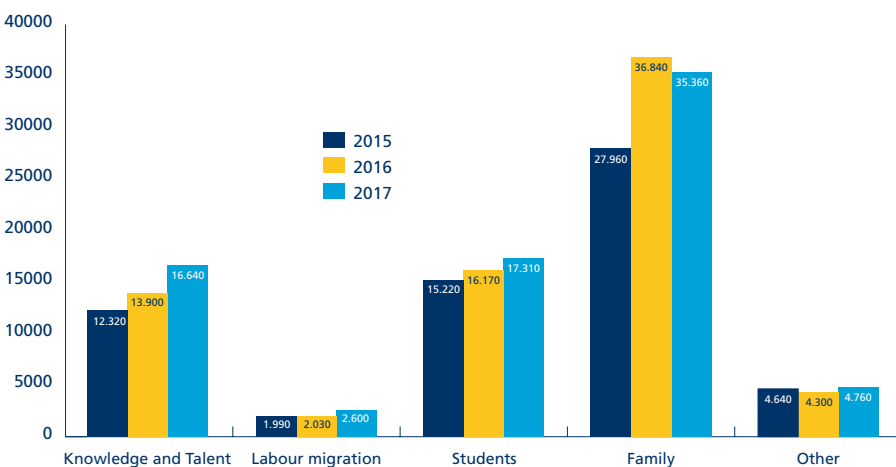
This first topic addresses important policy developments in 2017 in terms of legal migration in the Netherlands. Legal migration is a broad term and is divided into different migration categories.¹⁴ The migration categories used in this chapter are: economic migration (this includes knowledge & talent and labour migration), study migration, migration because of family, and other forms of legal migration (for example, exchange and migration based on humanitarian grounds).

Firstly, the number of applications for residence permits for legal migration in 2017 is addressed. Then, policy developments are described for each migration category in the following order: economic migration, study migration, family, and other forms of legal migration.

In 2017, the total number of applications for regular residence permits was 76,670. Applications for an additional 14,490 asylum permits were received in the context of asylum family reunification (family reunification with a beneficiary of international protection), an increase compared to the 11,815 applications in 2016.

The number of regular residence permit applications in 2017 can be broken down into the following clusters (see Figure 1): Knowledge and Talent, Labour migrants, Students, Family and Other. These clusters will be further explained in this chapter.

Figure 1: Number of regular residence permit applications in 2017



Source: Report on organisations cooperating in the immigration process, January - December 2017.

14 The IND uses cluster categorisation as it was introduced in the Modern Migration Policy Act (MoMi).

3.2 Policy developments

In the area of legal migration a number of policy developments took place in 2017. These changes relate to economic migration, study migration, family, and other migration. The most important changes in these categories are dealt with below. Firstly, a general update on legal migration is discussed.

Granting a regular residence permit is possible on the strength of a valid reason after expiry of the temporary regular residence permit (MVV)

Newcomers coming from outside the European Union to the Netherlands for longer than 3 months with a regular purpose of stay, such as family reunification, study or employment, require a regular provisional residence permit (MVV) and a temporary regular residence permit. The MVV is a visa for taking up residence in the Netherlands and is necessary to travel to the Netherlands. Application abroad for the MVV and residence permit are filed at the same time using the so-called Entry and Residence Procedure (TEV). If the application is given a positive evaluation, the MVV can be collected at the embassy. After issuance of the MVV, the newcomer has up to 90 days to travel to the Netherlands. Until recently, the temporary regular residence permit was granted on arrival, on the proviso that validity of the MVV had not expired. On 28 March 2017, however, the Minister of Migration decided that the regular residence permit can still be granted by the IND if it appears that validity of the MVV has expired¹⁵. The IND then checks whether the newcomer has valid reasons for expiry of the validity period. Valid reasons include illness, delays in the trip to the Netherlands, or not being able to schedule an appointment sooner at the IND.

3.2.1 Economic migration

The Netherlands wants to continue strengthening its position as an internationally competitive knowledge-based economy. At the same time, protection of the labour market is of vital importance in the Dutch admissions policy.

For the top segment of the labour market the labour migration policy is inviting. For instance, policy is accommodating for highly qualified migrants who could make a positive contribution to the Dutch economy. Other third-country nationals who want to come to the Netherlands for economic reasons must be in possession of a work permit or a combined residence and work permit. They are only welcome if there is no available supply in the Netherlands and the EU/EEA.

Under economic migration, distinction is made between third-country nationals who have 'knowledge and talent' as a purpose of stay (e.g. highly skilled migrants, self-employed persons, highly educated, graduates and scientific researchers migrants scheme) and other labour migration (e.g. seasonal workers). This paragraph first addresses policy changes regarding knowledge migration (knowledge and talent), then changes relating to other labour migration.

15 Decree of the Minister of Migration of 28 March 2017, Aliens Act Implementation Guidelines (Amendment) Decree (WBV) no. 2017/3, comprising changes to the Aliens Act Implementation Guidelines 2000, Government Gazette 2017, no. 17943.

Knowledge and talent

Rules for entrepreneurship of talented internationals have been eased

Since 1 April 2017, the rules for entrepreneurship of talented internationals have been eased. Normally a regular residence permit is issued for a specific purpose, such as 'employment as a highly skilled migrant'. This means that the residence permit can only be used for this specific purpose and not for other purposes of stay. With effect from 1 April 2017, it will also be possible for students, scientific researchers, highly skilled migrants and holders of an EU Blue Card to work on a self-employed basis, in addition to their specific purpose.¹⁶ However, they must continue to meet the conditions of their residence permit. The change also applies to students, scientific researchers, highly skilled migrants and holders of an EU Blue Card who obtained their residence permit document before 1 April 2017. This means they do not need to exchange their document to become eligible for the eased rule.

For the specific group of researchers who conduct research at a recognized research institution based on a hosting agreement as referred to in Article 6 of Directive 2005/71, it already applied that they had free access to the labour market before 2017, as long as they continued to comply with the conditions of their residence permits. This means that scientific researchers may work as self-employed persons, in employment, and as volunteers.

Start-ups

As several municipalities in the Netherlands consider start-ups, scale-ups, and creative entrepreneurs as being important for creating new jobs, the municipalities of Amsterdam, The Hague, Eindhoven and Groningen and the Ministry of Economic Affairs, Ministry of Justice and Security, Ministry of Social Affairs and Employment, and the Ministry of Education, Culture and Science (OCW) agreed to and signed a City Deal 'Warm Welcome for Talent' in April 2016.¹⁷ Its aim is to promote the attractiveness of the Netherlands for ambitious entrepreneurial talent from abroad and to keep it at a sustainably high level. The focus is on start-ups, scale-ups, and self-employed persons including artists, and covers the entire procedure of coming to and establishing/developing in the Netherlands.¹⁸ In the spring of 2016, based on the City Deal, implementation of a customer journey was started, in which, through the eyes of the target group, it is examined which steps they must take at various agencies to be able to establish, start up, and develop themselves in the Netherlands.

On 19 May 2017, a report was published with recommendations based on this customer journey.¹⁹ It shows that on the one hand the Netherlands is an attractive country for

16 Decree of the Minister of Migration of 28 March 2017, Aliens Act Implementation Guidelines (Amendment) Decree (WVBV) no. 2017/3, comprising changes to the Aliens Act Implementation Guidelines 2000, Government Gazette 2017, 17943.

17 For more information, reference is made to: <http://agendastad.nl/citydeal/warm-welkom-voor-talent-briefing-customer-journey-analyse.nl>. Consulted on 8 January 2018.

18 For further information, see EMN 2016 National Report.

19 Agendastad (2017). *Rapportage Werkgroep Warm Welkom Talent* [Report by working group, City Deal (2017): Warm Welcome for Talent]. Consulted on 11 January 2018: http://agendastad.nl/wp-content/uploads/2017/05/102724_Rapportage_Citydeal_web.pdf.

start-up entrepreneurs to establish themselves, but that on the other hand the relevant procedures are long and complicated. Besides, it is difficult to find information for start-up entrepreneurs and there is not much assistance. The report points out the following recommendations:

- Actively seek talent and promote the Netherlands as the 'place to be' for entrepreneurial talent;
- Improve awareness about entrepreneurship and life in the Netherlands;
- Give cities a say in admissions, improve existing regulations, and take additional measures specifically geared towards start-ups;
- Introduce a national contact point whose guidance is always available, and ensure a soft landing on arrival in the Netherlands;
- Help foreign entrepreneurs to do business in the Netherlands, expand opportunities to employ talent from abroad.

Labour migrants

Japanese require work permit since 1 January 2017

On 24 December 2014 the Administrative Jurisdiction Division of the Council of State ruled that Japanese nationals did not require a work permit.

The Council of State assessed that the Japanese had to be treated the same as the Swiss in having free access to the Dutch labour market as a result of a most-favoured-nation clause in the trade agreement between the Netherlands and Japan (1912) and the Netherlands-Switzerland Treaty (1875).

The governments of the Netherlands and Switzerland therefore drew up an interpretative statement to the Treaty, in which they explain what has always been the viewpoint of both parties to the treaty, namely, that based on the Treaty residency, establishment and access to the labour market of both countries is subject to national legislation.²⁰ The statement was published in the Treaty Series on 20 June 2016.

A consequence of the publication of the interpretative statement is that a work permit may be required for those Japanese who want to work in the Netherlands. As a result of various signals from the business community, a transitional period was instituted until 1 January 2017.²¹

Those Japanese who are already in possession of a residence permit with an employment status 'no employment restrictions, work permit not required', keep this residence permit as long as it is valid. Applications received on or after 1 January 2017 for a (new) residence permit will be assessed according to generally applicable policy on grounds of the Foreign Nationals Employment Act (Wav).²²

Second Monitor of Labour Market Fraud (Bogus Schemes) Act

The Labour Market Fraud (Bogus Schemes) Act (Was) contains a number of measures

²⁰ Treaty Series 2016, 81.

²¹ *Parliamentary Papers II*, 2015-2016, Appendix no. 3142.

²² Treaty Series 2016, 81.

intended to contribute to creating a level playing field in the labour market, preventing unfair competition among companies, strengthening the legal position of employees, and paying correct wages according to the collective agreement.²³ This law applies to all employers in the Netherlands who have employees. The first measures provided for under the Was entered into force in mid-2015. New sections to the Was entered into force on 1 January 2017. These relate to extending the vicarious tax liability²⁴ to include contracts for transporting freight by road (contract of carriage), and no longer allowing adjustments to or deductions from the minimum wage.

A review of the law is planned after completion of three monitors, in which input is collected about the measures put in place. The second Was monitor presented in December 2017 again combines the experiences of those parties who were most involved in establishing the Act.²⁵

In this monitor, several parties indicate that payslips are being specified better, resulting in improved monitoring on whether the minimum wage and minimum holiday allowance are being met. In addition, trade unions indicate that a preventive effect of the Was is also noticeable. This applies to an expansion of the vicarious tax liability to contracts of carriage introduced on 1 January 2017, but pay issues are also resolved faster because employers cooperate better in settling back pay. However, there are signs that employers and employees are not always aware of their rights and obligations with regard to payment of the statutory minimum wage; and that is why parties advocate the importance of public information.

The second monitor entails publication of an in-depth investigation into the relationship to vicarious tax liability, and the question whether this has an impact on sectors particularly where there is competition relating to working conditions. This reveals that familiarity with vicarious tax liability is still limited, although it does become clear that in sectors where risk of underpayment is being felt, such as the building industry, transport, and temporary employment sector, parties take preventive measures to ensure that properly negotiated wages are paid. In some sectors the introduction of vicarious tax liability, however, has had little effect and it is unclear exactly why that is so.

Supporting documents from religious or ideological organisations

As of 1 April 2017, it was determined that, together with a combined residence and work permit (GVVA) application to work for a religious or ideological organisation, the annual accounts of the closed financial year, accompanied by an approved auditor's report, must be submitted.²⁶ In common practice it appears that it is often not possible for these organisations to submit annual accounts with an auditor's report, and this

23 *Parliamentary Papers II*, 2017-2018, 34108, no. 29.

24 When a company places an order at another company, and personnel are deployed to implement the contract, a chain is created. If employees within that chain are not paid their wages, they may hold any other link within the chain liable for payment of their wages. This is vicarious tax liability for wages.

25 For more information reference is made to: <https://www.rijksoverheid.nl/documenten/rapporten/2017/12/22/tweede-monitor-wet-aanpak-schijnconstructies>. Consulted on 10 January 2018.

26 Decree of the Minister of Migration of 28 November 2017, Aliens Act Implementation Guidelines (Amendment) Decree (WBV) no. 2017/13, comprising changes to the Aliens Act Implementation Guidelines 2000, Government Gazette 2017, 69808.

requirement also entails unnecessarily high costs for the organisation. The condition that annual accounts must be approved by means of an auditor's report has therefore been discontinued.

Employment status in passport on renewal of combined residence and work permit (GVVA)

In order to continue staying and working in the Netherlands, a combined residence and work permit (GVVA) is required. This does not, however, apply for highly skilled migrants. This permit is granted for one year at most. After that year, an application for a GVVA renewal must be submitted, which is then reassessed in light of the criteria of the Labour Act for Aliens (Wav). In the past it was not permitted to work if the validity of the GVVA had expired and no decision had yet been taken on the application. Employees who submitted their renewal application on or after 5 April 2017 may continue working for their employer under certain conditions, pending a decision on their application.²⁷ Currently, this is only possible when the following conditions are met:

- The application must be submitted in good time to the Immigration and Naturalisation Service (IND), which must be received before expiry of the previous GVVA;
- The employee must continue to perform the same work for the same employer during the pending application. A work permit is still a requirement for working at another employer;
- Employees must have a Residence Endorsement sticker placed in their passport by the IND, as proof that working for the same employer is permitted.

When the renewal application is granted, in principle the GVVA is granted as a follow-up to the previous GVVA.

International trade regulations

On 1 July 2017 the International Commercial Trade Regulations entered into force. These regulations make it possible for companies to bring foreign workers to the Netherlands on a temporary basis via a flexible procedure, for employment activities that are not in competition with the Dutch and EU workforce.²⁸ For example, providing training courses to overseas employees of a Dutch company's client abroad, or to train employees in working with new machinery.

The regulation replaces the Knowledge-based Industry Pilot Project that started in July 2013 and was discontinued on 1 July 2017. The regulation follows the systematic method of the Knowledge-based Industry Pilot. Companies that wish to be considered eligible for the regulation must submit a Request for Admission to a Procedure with Accompanying Employment Activities to the Netherlands Employees Insurance Agency (UWV). The UWV in turn checks whether the procedure fulfils the criteria. If the procedure is approved, the employer no longer needs to apply for a work permit (TWV) to allow foreign nationals to be employed within the framework of the procedure. It is sufficient for the

27 For more information reference is made to: <https://ind.nl/nieuws/Paginas/Arbeidsmarktaantekening-bij-verlenging-GVVA.aspx>. Consulted on 08 January 2018.

28 Decree of the Minister of Migration of 21 June 2017, Aliens Act Implementation Guidelines (Amendment) Decree (WBV) no. 2017/5, comprising changes to the Aliens Act Implementation Guidelines 2000, Government Gazette 2017, 36329.

employer to notify the UWV about these employees. In the event that employees come to the Netherlands for more than 3 months, a temporary regular residence permit with the restriction 'working in employment' can be granted on grounds of this regulation. The residence permit may be issued or renewed for a maximum of one year.

Implementation of Seasonal Workers Directive

On 1 July 2017, the Seasonal Workers Directive was implemented.²⁹ This directive relates to the conditions of entry and residence of citizens from third countries (non-EU countries) for the purpose of employment as a seasonal worker.

The implementation of the Seasonal Workers Directive has little impact on the Netherlands.³⁰ Third-country nationals who want to be eligible for a residence permit as seasonal workers, may submit an application for a combined work and resident permit (GVVA) as from 1 July 2017. The IND is responsible for issuing the GVVA for seasonal work, but is obliged to request advice from the Netherlands Employees Insurance Agency (UWV)³¹ about the applicant's compliance with the criteria set out in the Labour Act for Aliens (Wav). Implementation of the directive has resulted in a new condition of admission for seasonal work being added. This condition implies that an assessment must be made in respect of the third-country national, whether there is a risk of irregular migration or continued illegal stay.

Intention to facilitate labour migration

In the coalition agreement of October 2017, the government noted that labour migration which is favourable for the Netherlands will be facilitated as labour migrants can provide a viable contribution to the Dutch economy and society.³² In this way the Netherlands can strengthen its competitive position, as well as the (knowledge) economy and opportunities for innovation. This means a continuation of the current policy, which encourages highly skilled migrants.

3.2.2 Students

The Netherlands' starting point is to encourage internationalisation of education as much as possible. Incoming students can contribute to the knowledge-based economy and innovative strength of the Netherlands.

New tool with data on mobility

Much attention is paid to internationalisation in Dutch education and in fostering this development. For instance, on 11 January 2017, Nuffic launched a new 'Market Informa-

29 Decision of 16 June 2017 establishing the date of entry into force of the Law to amend the Foreign Nationals Employment Act and the Aliens Act 2000 in connection with the implementation of Directive 2014/36/EU, Bulletin of Acts and Decrees 2017, 283.

30 Decree of the Minister of Migration of 15 September 2017, Aliens Act Implementation Guidelines (Amendment) Decree (WBV) no. 2017/9, comprising changes to the Aliens Act Implementation Guidelines 2000, Government Gazette year of publication 2017, 53847.

31 The Employee Insurance Agency (UWV) performs tasks relating to a professional and efficient implementation of the various employee insurance schemes, and also provides employment and data services.

32 VVD, CDA, D66 and ChristenUnie. Vertrouwen in de toekomst [Confidence in the future], Coalition Agreement 2017-2021. Consulted on 11 January 2018: <https://www.kabinetsformatie2017.nl/documenten/publicaties/2017/10/10/regeerakkoord-vertrouwen-in-de-toekomst>.

tion Tool' (MIT), which combines different data sets from the Executive Agency for Education (DUO)³³, Unesco and Nuffic.³⁴ This enables a systemic comparison between various target countries for student recruitment. In this way, marketing professionals can compare enrolments at their own institution with that in the Netherlands as a whole, and also with worldwide diploma mobility. MIT can support Dutch institutions in the recruitment of international students. The tool is available free of charge for Dutch institutions.

Pilot 'Incoming mobility MBO-4'

In order to encourage internationalisation in senior secondary vocational education, the pilot 'Incoming mobility MBO-4' was started on 1 February 2017.³⁵ This pilot will continue until 1 February 2021. Within the three-year term of this pilot, up to 300 students from outside the EU/EEA can be offered the opportunity to undertake part of a full-time training programme in the Netherlands at a senior secondary vocational education level 4 (MBO-4) for a maximum period of one year instead of up to three months on a tourist visa. This may be the last year of this training programme. The pilot includes the opportunity to do an internship in the context of this training programme.

In the context of the pilot, a Code of Conduct was drawn up for international students in senior secondary vocational education. This was done using the Code of Conduct for international students in higher education as an example. Compliance with this Code of Conduct is checked by a newly established National Committee.

An MBO educational institution must undergo a number of steps to be able to participate in the pilot. Firstly, the educational institution must send an application to the Executive Agency for Education (DUO) to affiliate to the Code of Conduct and for registration in the corresponding public register, for which certain conditions must be met. This is subject to a positive assessment being given by the Education Inspectorate about the institution and the training programme. If the conditions are met, the application is approved, so that the education institution is affiliated to the Code of Conduct register. In addition, the institution must have been recognised as a sponsor at the IND. If this is not the case, the institution must submit an application to the IND. Only after it has been admitted to the pilot by DUO and recognised by the IND, may the education institution submit applications for students. In this, it is essential that these applications are first notified to DUO.

The parties will discuss any progress made in the pilot after eighteen months. After three years a wider evaluation will be carried out. It will then be examined whether there is also a need for a long-term solution to encourage internationalisation within senior secondary vocational education.³⁶

33 Executive Agency for Education (DUO) is the implementing organisation of National government for the education sector. DUO funds and informs programme participants and education institutions and administers examinations.

34 For more information reference is made to: <https://www.nuffic.nl/nieuws/nuffic-news/nieuwe-tool-met-data-over-mobiliteit-gelanceerd>. Consulted on 11 January 2018.

35 Decree of the Minister of Migration of 4 November 2016, Aliens Act Implementation Guidelines (Amendment) Decree (WBV) no. 2016/15, comprising changes to the Aliens Act Implementation Guidelines 2000, Government Gazette 2016, 62558.

36 For more information, reference is made to www.internationalvet.nl. Consulted on 30 January 2018.

Housing Hotline for housing issues of international students

While focusing on internationalisation, attention is also paid to the fact that it is often a problem for large numbers of international students to find housing in the Netherlands.³⁷ Due to high rental prices and a structural shortage of rooms, it is difficult to find suitable housing for international students. In addition, landlords are not always keen on international students and it is often difficult for these students to find information on rights and obligations as a tenant.

The National Students' Union (LSVb),³⁸ and Erasmus Student Network (ESN)³⁹ therefore launched the Housing Hotline in July 2017.⁴⁰ International students can contact the Housing Hotline with queries and complaints about housing during their stay in the Netherlands. For example, students can get help in finding a room and have the possibility of reporting abuses or conflicts with their landlord. They are assisted by telephone or by email by a team of staff and volunteers at the LSVb and ESN. A summary of all complaints is passed on to the Ministry of Education, Culture and Science (OCW).

3.2.3 Family formation and family reunification

There was a great deal of focus on family formation and family reunification in 2017. The number of applications regarding family decreased slightly in comparison to 2016, to 35,360 (see figure 1). This category could, for example, include a Dutch national who has met a partner abroad and wants them to come to the Netherlands, or it could be a foreign national who stays lawfully in the Netherlands and wants his/her family, which he/she has left abroad, to come over. This category also includes family members of beneficiaries of international protection who submitted an application for asylum family reunification within three months. Despite family members seeking asylum family reunification submitting their asylum applications in the Netherlands, policy changes regarding asylum family reunification are dealt with in this chapter. This is due to asylum family reunification being a special form of family reunification which aims to reunite the beneficiary of international protection with his family.

Flex test on income requirements on admitting family members in the Netherlands

An important change in the regular family policy is an easing of the flex test for the income requirement for admission of family members in the Netherlands. To admit family members of a sponsor living in the Netherlands, the main rule that applies is that the sponsor must have sufficient independent long-term means of support. The aim of the policy is to guarantee integration of the arriving family member by testing whether the sponsor can bear financial responsibility for the family. To be able to assess whether the income of flex workers or employees with an employment contract of less than one year is sustainable, it was previously examined whether the income was sufficient over a period of three years and whether it is still available.

37 For more information reference is made to: <https://www.nuffic.nl/nieuws/nuffic-news/housing-hotline-voor-huisvestingsproblemen-van-internationale-studenten>. Consulted on 9 January 2018.

38 The National Students' Union represents the interests of students in the Netherlands.

39 Erasmus Student Network (ESN) is a students' organisation that is active in Europe and aims to support and develop student exchanges.

40 For more information reference is made to: <https://www.nuffic.nl/nieuws/nuffic-news/housing-hotline-voor-huisvestingsproblemen-van-internationale-studenten>. Consulted on 9 January 2018.

However, in September 2016, the Administrative Jurisdiction Division of the Council of State assessed that the retrospective timeline of three years is too long.⁴¹ During these three years, the chance of family reunification is restricted and this is in conflict with the objective of the Family Reunification Directive, namely promoting civic integration by making it possible via family reunification to have a family life.

In addition, the Division has indicated that the policy rule must be changed, because the amount of income will be assessed in light of the standard amount applicable at the time of application. As a result, the sponsor does not know in advance what standard amount would suffice.

On 23 February 2017, the Minister of Migration stated that the new flex test would maintain a retrospective timeline of one year and also to look ahead for the next six months.⁴² This means that the sponsor's income, at the time of application, must be available for at least the next six months. Before the change, the term of looking ahead had been one year.

Simplified conditions granting residence permits to adoptive children and proposal for measures regarding intercountry adoption

In 2017, changes also took place in the area of adoption policy. The adoption of a child from abroad is subject to permission from the Ministry of Justice and Security. The department at the Ministry of Justice and Security that specifically deals with intercountry adoption is the Central Authority for International Children's Issues. The Central Authority for International Children's Issues, inter alia, implements the Hague Adoption Convention and ensures that the intercountry adoption procedure is carried out with due care, and that the adoption is in the best interests of the child. Since 2014, all child adoption proposals have been submitted to this Central Authority for approval.⁴³ On 28 March 2017, the Minister of Migration therefore decided to simplify the conditions for granting a residence permit to adopted children.⁴⁴ When the Central Authority consents to inclusion of the relevant foreign adoption child into the family of the prospective adoptive parents based on a non-convention adoption,⁴⁵ a denominated permission in principle is issued by the Central Authority. In the event that it concerns an adoption based on the Hague Adoption Convention,⁴⁶ a Statement of Approval is issued by the Central Authority. As a condition for a residence permit based on the adoption policy, policy currently provides for a denominated permission in principle (in the case of a non-convention adoption) or a Statement of Approval (in the case of a convention adoption). In this connection, a number of other supporting documents no longer need to be submitted. For obtaining a residence permit on grounds of the adoption policy, from now on the following supporting documents must be submitted: The permission in prin-

41 Administrative Jurisdiction Division of the Council of State (ABRvS) 21 September 2016, ECLI:NL:RVS:2016:2588.

42 *Parliamentary Papers II*, 2016-2017, 32175, no. 63.

43 *Parliamentary Papers II*, 2017-2018, 31265, no. 63.

44 Decree of the Minister of Migration of 28 March 2017, Aliens Act Implementation Guidelines (Amendment) Decree (WBV) no. 2017/3, comprising changes to the Aliens Act Implementation Guidelines 2000, Government Gazette 2017, no. 17943.

45 A non-convention adoption means that an adoption has been established abroad outside the operation of the Hague Adoption Convention.

46 In 1993, 66 countries ratified a convention in The Hague for cooperation in intercountry adoptions, the Hague Adoption Convention. It focuses on the interests and rights of the child and ensures that the adoption procedure takes place with as much due care as possible.

ciple issued by the Central Authority which is evidence of the suitability of the prospective adoptive parents, the previously mentioned denominated permission in principle or the Statement of Approval issued by the Central Authority, the authenticated declaration of abandonment from the biological parents, the authenticated adoption decision issued by the competent authorities in the country of origin, and a medical certificate (not older than 6 months) regarding the child's state of health. Furthermore, the identity of the child must be confirmed. If the child is not in possession of a valid national passport, the identity must be proven in some other way (e.g. a birth certificate).

Policy change as a result of the Chavez-Vilchez ruling

Another important change concerns a policy change as a result of the Chavez-Vilchez ruling. As a result of a ruling on 10 May 2017 by the European Court of Justice (ECJ), the Chavez-Vilchez ruling,⁴⁷ implementing policy was changed with regard to granting a right of residence to a third-country national parent of a Dutch child.⁴⁸ Prior to this ruling, the ruling in the preceding Zambrano⁴⁹ case was explained as follows: if a Dutch child has one parent with a Dutch nationality and one parent with a non-EU nationality, the latter could be denied a right of residence. In the event that the Dutch parent would care for the child, the child would not be solely dependent on the third-country national parent for its upbringing and education, and it would not have to leave the EU if the third-country national is denied the right of residence.

On the strength of the Chavez-Vilchez ruling, the EU Court of Justice has determined that a third-country national parent of a minor child with Dutch nationality, may only be denied the right of residence in a limited number of situations. The fact that the Dutch parent is able to care for the child is no longer sufficient for this purpose. It must now be established that a dependency relationship as such does not exist between the child and the third-country national parent, so that, if this parent is denied the right of residence, the child would have to leave the EU anyway. It must also be proven that divorce from the third-country national parent will have no negative consequences for the child.

In July 2017 the Minister of Migration indicated in a letter that policy would be changed as a result of the Chavez-Vilchez ruling.⁵⁰ In this letter, he confirms that it must now be proven that separation from the third-country national parent will have no negative impact on the child, even if the Dutch parent can and wants to take care of the child. It is up to the third-country national parent to provide the necessary information to prove that denial of the right of residence would be to the detriment of the child, and the child would have to leave the EU. The competent authorities must consequently examine the situation of the child in respect of age, physical and emotional development, degree of the emotional relationship with both parents, and the risk that might arise in the child's stability if it were separated from the third-country national parent.

47 ECJ 10 May 2017, ECLI:EU:C:2017:35.

48 *Parliamentary Papers II*, 2016-2017, 19637, no. 2338.

49 For a further explanation of the Zambrano case see <http://www.minbuza.nl/ecer/nieuws/2011/08/derdelanders-met-eu-kinderen-beroep-op-arrest-zambrano-wordt-niet-snel-geaccepteerd.html>.

50 *Parliamentary Papers II*, 2016-2017, 19637, no. 2338.

Change of policy for minor children staying with grandparents

On 1 December 2017, there was a policy change in respect of minor children wishing to become eligible for staying with their grandparents. Prior to this policy change, in order to assume family life within the meaning of Article 8 of the ECHR, there had to be more than usual emotional ties between minor grandchildren and grandparents. Due to the policy change, the criterion that there must be 'more than usual emotional ties' between grandparents and minor grandchildren, has been replaced by the criterion that there must be 'close personal ties' between minor grandchildren and grandparents. This policy change may be considered as an easing, because there will sooner be 'close personal ties' than 'more than usual emotional ties'.⁵¹

There have also been a number of important policy changes in respect of policy for beneficiaries of international protection in relation to family formation and reunification (asylum family reunification). The asylum family reunification policy is a special form of family reunification for families that have been separated from one another due to one or more family members having fled from the country of origin (or the country of prior stay).

Change in asylum family reunification policy for adult children or foster children

Another change in the asylum family reunification policy concerns adult children and foster children. This policy changed on 15 September 2017 and was brought in line with the regular family migration policy that is based on case law of the European Court of Human Rights. Prior to this policy change, for adult children who always formed part of the principle migrant's family until their departure, the normal relationship of dependence between parent and child was considered as being sufficient to be eligible for asylum family reunification. With the entry into force of this change, it means that a de facto family tie between parents and adult children will only be assumed if there is a more than usual dependence between parents and adult children, unless it concerns young adults who have always belonged and continue to belong to the family of their parents, in which case a de facto family tie is assumed.⁵²

Change in policy of no documentary evidence in the event of asylum family reunifications

When applicants cannot provide certain valid documents in their application to the IND, such as a passport or birth certificate, this is considered to be no documentary evidence. It will then have to be proven that these documents are actually not obtainable. On 1 December 2017, policy rules changed regarding no documentary evidence in the event of asylum family reunifications. After this change in policy, indicative documents - which are non-official documents - are included at an earlier stage in assessment of the asylum family reunification application by the IND, and not only when there is an inability to meet the standard of evidence. In the past, an applicant who could not submit official

51 Decree of the Minister of Migration of 1 December 2017, Aliens Act Implementation Guidelines (Amendment) Decree (WBV) no. 2017/14, comprising changes to the Aliens Act Implementation Guidelines 2000, Government Gazette 2017, no. 70919.

52 Decree of the Minister of Migration of 15 September 2017, Aliens Act Implementation Guidelines (Amendment) Decree (WBV) no. 2017/9, comprising changes to the Aliens Act Implementation Guidelines 2000, Government Gazette 2017, no. 53847.

documents, first had to provide a good explanation why this was not possible. Without such an explanation, non-official documents were ignored. Indicative documents can contribute to a plausible case for the identity and/or family relationship. Since this change in policy and taking the best interests of the child into account, the IND also offers early DNA testing to established biological nuclear families.⁵³

Cohabitation requirement in country of origin cancelled in cases of family reunifications for both marital and partner relationships

On the basis of a court ruling⁵⁴ of 1 December 2017, the asylum family reunification policy was changed. This means that applications for asylum family reunification in both marital and partner relationships will not be rejected simply because the partners had not been living together before the sponsor's arrival in the Netherlands. A third-country national who has received an asylum residence permit in the Netherlands may apply for asylum family reunification of their family members within three months after the asylum residence permit has been granted. The condition has remained in force that it must be proven that, at the time of the sponsor's entry into the Netherlands, the (marital) partner actually belongs to their family and that the actual family tie has not been broken. In this context, all of the individual facts and circumstances of the case are considered, including whether there is or has been cohabitation. Since the policy change, the latter is no longer a requirement, but is part of the assessment whether there is an actual family tie or not.⁵⁵

3.2.4 Other forms of legal migration

Clarifying policy on cultural exchange

Policy rules for third-country nationals who want to stay in the Netherlands in the context of cultural exchange have been clarified as a result of a decree by the Minister of Migration of 28 November 2017.⁵⁶ There are various forms of cultural exchange.

The rules for cultural exchange have been clarified in the context of the Working Holiday Scheme (WHS) or the Working Holiday Program (WHP). WHS and WHP are agreements with Canada, South Korea, Argentina, Australia and New Zealand respectively, on the basis of which youths in possession of the nationality of one of these countries, subject to certain conditions, may temporarily stay in the Netherlands to get acquainted with Dutch society and culture. The rules for undertaking employment during the stay have been clarified based on these programmes. This clarification concerns making mention in the regulations that participants may only occasionally undertake work as a supporting activity during their holiday. The employer is not required to have a work permit (TWV) in its possession for performing occasional work.

53 Decree of the Minister of Migration of 1 December 2017, Aliens Act Implementation Guidelines (Amendment) Decree (WBV) no. 2017/14, comprising changes to the Aliens Act Implementation Guidelines 2000, Government Gazette 2017, no. 70919.

54 Administrative Jurisdiction Division of the Council of State (ABRVs) 20 February 2017, ECLI:NL:RVS:2017:2050.

55 Decree of the Minister of Migration of 1 December 2017, Aliens Act Implementation Guidelines (Amendment) Decree (WBV) no. 2017/14, comprising changes to the Aliens Act Implementation Guidelines 2000, Government Gazette 2017, no. 70919.

56 Decree of the Minister of Migration of 28 November 2017, Aliens Act Implementation Guidelines (Amendment) Decree (WBV) no. 2017/12, comprising changes to the Aliens Act Implementation Guidelines 2000, Government Gazette 2017, 69763.

4 INTERNATIONAL PROTECTION (ASYLUM)

4.1 Introduction

This chapter addresses Dutch policy developments on the international protection of asylum seekers. This includes developments regarding the substantive assessment of asylum applications, changes in procedures in the Netherlands for international protection, and developments relating to reception, efficiency and quality of the Dutch asylum system.

First, the asylum influx in the Netherlands is reflected. Here the number of family members who seek asylum family reunification is mentioned again, because they apply for asylum in the Netherlands. Asylum family reunification, however, is a form of family reunification, and the substantive handling of the topic asylum family reunification can therefore be found in the chapter on legal migration (paragraph 3.2.3 Family formation and family reunification).

4.2 Influx

The the total asylum influx in 2017 was 31,327. This number included both first asylum applications and repeat applications, as well as family members who seek asylum family reunification. This meant the total influx remained virtually unchanged compared to the previous year (31,642 in 2016).⁵⁷

The total number of first applications in 2017 was 14,716; a decrease in comparison to 2016 by almost 3,500 applications (18,246 in 2016). First applications represented about 47% of the total number of applications, 10% fewer than in 2016. The three highest rankings in 2017 represented applicants from Syria, Eritrea and Morocco.

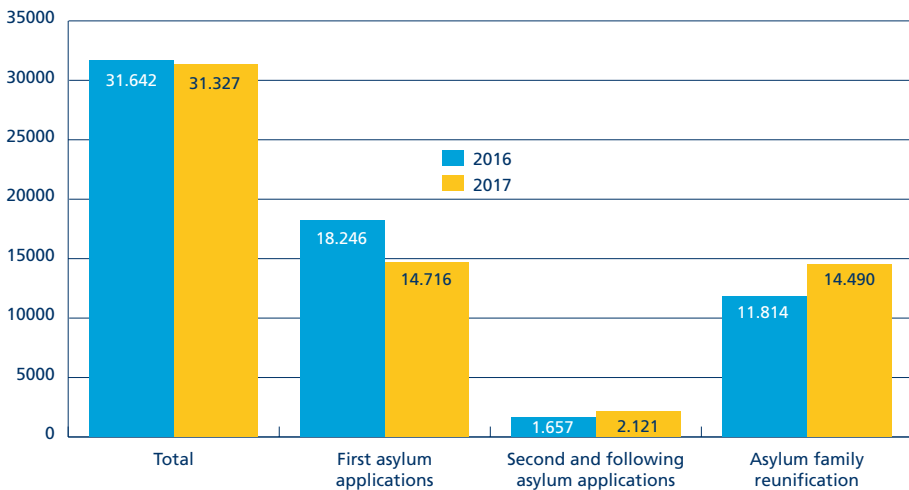
The number of repeat applications in 2017 amounted to 2,121; an increase of some 500 applications compared to 2016 (1,657). Repeat applications represented about 7% of the total number of applications in 2017. The three highest rankings of repeat applications, as was the case in 2016, represented applicants from Afghanistan, Iraq and Iran.⁵⁸

In 2017, more than 46% of the total number of asylum applications were received from family members seeking asylum family reunification, which is 9% more than the previous year. The nationalities of those family members seeking asylum family reunification ranking in the top three places in 2017 were Syrian (59%), Eritrean (20%) and stateless (10%).⁵⁹ For more figures and the substantive handling of the asylum family reunification topic, reference is made to the chapter on Legal migration.

57 IND (2017), Asylum trends. Monthly report on asylum applications in the Netherlands and Europe, December 2017.

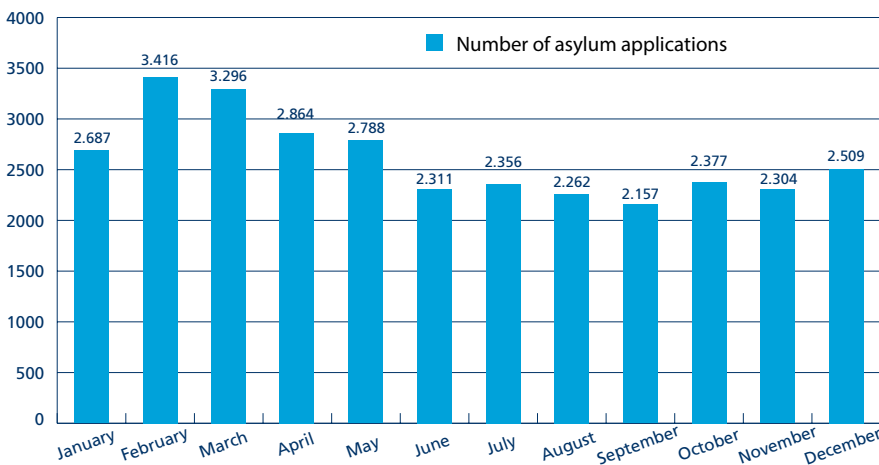
58 IND (2017), Asylum trends. Monthly report on asylum applications in the Netherlands and Europe, December 2017.

59 IND (2017), Asylum trends. Monthly report on asylum applications in the Netherlands and Europe, December 2017.

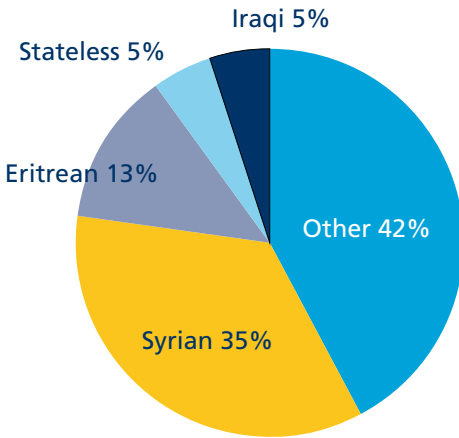
Figure 2: Development of asylum applications 2016-2017

Source: IND (2017), Asylum trends. Monthly report on asylum applications in the Netherlands and Europe, December 2017.

The highest number of asylum applications (3,416) was submitted in February 2017 after which the number of applications declined steadily each month to just over 2,000. The last quarter saw a slight increase to just over 2,500 in December. Most of the applications were filed by Syrians (35%), followed by Eritreans (13%) and stateless persons and Iraqis (both 5%).⁶⁰ In 2016, Albanians were ranked in third place.

Figure 3: Numbers of asylum applications per month in 2017

Source: IND (2017), Asylum trends. Monthly report on asylum applications in the Netherlands and Europe, December 2017.

Figure 4: Nationality of asylum seekers

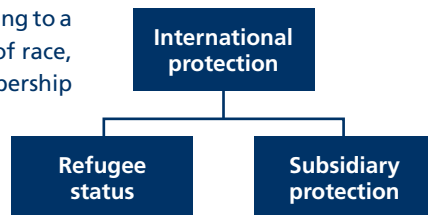
Source: IND (2017), Asylum trends. Monthly report on asylum applications in the Netherlands and Europe, December 2017.

The following paragraphs describe changes in the areas of both refugee status as well as beneficiaries of subsidiary protection (see box 1 below for an explanation on the difference between refugee status and beneficiaries of subsidiary protection).

Box 1 The two statuses in international asylum law: refugee status and subsidiary protection

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

A refugee is a third-country national who, "owing to a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of which he/she possesses the nationality and is unable or, owing to such fear, unwilling to avail himself or herself of the protection of that country..."⁶¹



A third-country national who is not recognised as a refugee may be eligible for subsidiary protection. Subsidiary protection is granted if substantial grounds have been shown to assume that the person concerned, if returned to his or her country of origin, would run a real risk of suffering "serious harm".⁶² Serious harm may consist of the "death penalty or execution, torture or inhuman or degrading treatment or punishment, serious and individual threat to life by reason of indiscriminate violence in situations of international or internal armed conflict".⁶³

61 Council Directive 93/119/EC Article 2 d.

62 Article 2 f of the Qualification Directive.

63 Council Directive 93/119/EC Article 15.

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

4.3 Policy developments

This section consecutively addresses policy developments concerning assessments of applications for international protection, developments with regard to procedures for international protection, and developments regarding reception, efficiency and quality of the Dutch asylum system.

4.3.1 *Substantive assessment of applications for international protection*

List of safe countries of origin

In 2015, a list of safe countries of origin was introduced in the Netherlands. In 2017, this list was expanded to include Brazil and Trinidad and Tobago. For Brazil, in individual cases, special attention is paid to asylum applications from LGBTIs. For Trinidad and Tobago, an exception applies in respect of LGBTIs. Dutch authorities also assessed Colombia, Cuba, Honduras, Bangladesh, Jordan, Lebanon, Moldova and Nepal, but these were not deemed to be safe countries of origin and were consequently not included in the list.⁶⁴

The countries that were placed on the list on 3 November 2015 (introduction date of safe country list)⁶⁵ were reviewed in 2017 and reconfirmed as safe countries of origin.⁶⁶

The decision taken by the government on 15 July 2016 to postpone the assessment of Turkey as being deemed a safe country of origin until further notice, continued to apply in 2017.⁶⁷

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

64 Letter to Parliament on expanding the list of safe countries of origin in a fifth tranche, 24 April 2017; <https://www.rijksoverheid.nl/documenten/kamerstukken/2017/04/24/tk-uitbreiding-lijst-veilige-landen-van-herkomst-vijfde-tranche>; Letter to Parliament on expanding the list of safe countries of origin in a sixth tranche, 12 December 2017; <https://www.rijksoverheid.nl/onderwerpen/asielbeleid/documenten/kamerstukken/2017/12/12/tk-beoordeling-veilige-landen-van-herkomst-6e-tranche>; *Parliamentary Papers II*, 2016-2017, 19637, no. 2314 and *Parliamentary Papers II*, 2016-2017, 19637, no. 2356.

65 These are Albania, Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro and Serbia, Andorra, Monaco, San Marino, Vatican City, Switzerland, Australia, Canada, Japan, United States of America and New Zealand.

66 *Parliamentary Papers II*, 2017-2018, 19637, no. 2349. As of 3 November 2015, EEA Member States have also been designated as safe countries of origin. No reassessment is required for these countries.

67 For the government decision, see *Parliamentary Papers II*, 2016-2017, 19637 no. 2241

Box 2 Safe countries of origin.

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

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

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

4.3.2 *Procedures for international protection*

Tightened registration procedure by the police

In 2017, the identification and registration (I&R) procedure of asylum seekers was tightened by the police, partly in view of increased attention for national security. In harmonisation with organisations cooperating in the immigration process, the police force management team of the National Police and the portfolio holder of Immigration Affairs, assigned the Foreigner and Migration Criminality Task Force to redesign the I&R procedure.

In the new procedure, the first steps in the identification procedure are undertaken locally, after which the asylum seeker is transported under supervision to the Application Centre. The I&R procedure is pursued further at the Application Centre, possibly on an individualised basis. This eventually results in a procedure-based recommendation in each third-country national's case file. In this, private law verification takes place of registration of the asylum seeker's name, which also arranges registration in accordance with the Persons Database. The entire procedure is supported by a digital tracking system⁶⁸. The revised procedure was tested in 2017 using a number of try-outs and will be implemented in 2018.

Third-country nationals detained under criminal law are denied the period of rest and preparation

On 15 September 2017, policy was introduced to deny a period of rest and preparation for third-country nationals that submit an asylum application while they are detained under criminal law, but have not yet been convicted, because they could constitute a

⁶⁸ Redesign I&R procedure: An analysis and redesign by and for professionals, Final Report (27 September 2017), Foreigner and Migration Criminality Task Force, National Police, Galan Group, p.8.

danger to public order (for more information on the rest and preparation period refer to box 3 below). Places where asylum seekers are detained often lack the facilities necessary for the rest and preparation period. Even if an asylum seeker causes a nuisance at or near a reception centre, based on this change a rest and preparation period may be stopped in order to accelerate the asylum procedure.⁶⁹

Box 3 Rest and preparation period.

After submission of an asylum application, a third-country national is entitled to a rest and preparation period of at least six days based on Article 3 of the Aliens Decree 2000.

In this period, the asylum seeking applicant prepares for interviews and is assisted in the asylum procedure.

During the rest and preparation period the third-country national is not questioned about his/her reason for requesting asylum, but an investigation may take place into the identity, nationality, and fingerprints of the third-country national.

Pilot on claiming third-country nationals from Greece

At the end of 2017, the Netherlands decided to start cautiously, claiming third-country nationals in Greece in the context of the Dublin Regulation.⁷⁰ In 2018, a pilot will be started in this respect with five third-country nationals. The actual transfer of the third-country nationals to Greece, however, was suspended until the reception and procedures had been arranged there.⁷¹

4.3.3 Reception, efficiency, and quality of Dutch asylum policy

Extra counselling and monitoring facilities

Since November 2017, asylum seekers who cause a nuisance may be placed in extra counselling and monitoring facilities (EBTL). These facilities have been set up due to a number of incidents at reception centres where asylum seekers caused a nuisance. On 20 November 2017 the first *EBTL* was opened in Amsterdam and the second was opened in Hoogeveen on 18 December 2017. These facilities will be made available for two years.⁷²

69 Decree by the Minister of Migration of 15 September 2017, Aliens Act Implementation Guidelines (Amendment) Decree (WbV) no. 2017/9, comprising changes to the Aliens Act Implementation Guidelines 2000, Government Gazette 2017, 53847.

70 The Dublin Regulation (officially known as Dublin III) is a European Regulation which has been in force since January 2014. This regulation provides clarity about which country is responsible for processing an asylum application. Most of the time, the responsibility lies with the country where the third-country national enters the Schengen Area. However, another country may also be responsible. This is the case, for example, when family members who have a residence permit, already live there. The Regulation also ensures that third-country nationals do not apply for asylum in several countries at the same time. A downside of the Regulation is that there is often a disproportionate amount of pressure on countries where most of the asylum seekers enter Europe.

71 *Dutch Senate of the States General, 20 February 2018, Eerste Kamer steunt begroting Justitie & Veiligheid* [Dutch Senate backs Justice & Security budget] https://www.eerstekamer.nl/nieuws/20180220/eerste_kamer_steunt_begroting. Consulted on 1 May 2018.

72 For more information reference is made to: <https://www.coa.nl/nl/opvanglocaties/typen-locaties/extra-begeleiding-en-toezichtlocatie>. Consulted on 23 March 2018.

The *EBTL* is a reception facility with a strict regime, where adult asylum seekers can be placed if they cause a nuisance at the reception facility where they are staying. This can include (repeated) aggressive behaviour towards co-residents or staff, causing destruction and vandalism, or discriminating against or intimidating co-residents. On the one hand, the *EBTL* is intended to confront those who cause a nuisance with the consequences of their behaviour and to propound behavioural change and, on the other hand, to ensure the safety and well-being of other inhabitants at the reception centre.⁷³

The *EBTL*, which can accommodate up to 50 third-country nationals, has an austere character and a strict regime with tightened monitoring. In principle, *EBTL* residents are subject to an imposed freedom-restricting measure, which means that they are only allowed to be at a restricted number of places outside the facility.⁷⁴

Stricter house rules apply at the *EBTL* than at a normal reception centre and the residents are obliged to follow an intensive programme that focuses on behavioural change. To achieve this, the organisation responsible for monitoring at *EBTL* facilities, the Central Agency for the Reception of Asylum Seekers (COA), makes use of methodologies used by the Probation and After-care Service (RN) and also works closely with the Custodial Institutions Agency (DJI). In addition, an individual counselling plan is drawn up for each resident. During the stay at the *EBTL*, the asylum application is processed to achieve a (speedy) decision (if a decision was not taken earlier), or other possible steps are taken in the procedure, such as return. Residents at the *EBTL* do not receive any financial compensation as in a normal reception centre, but only meals and essential personal care products.⁷⁵

Closure of reception centres due to decreased asylum influx

In 2017, the number of reception centres was reduced due to the decreased influx of asylum seekers. At the end of 2017, the total reception centre capacity was approximately 31,000 places. In April 2017, this was approximately 48,700 places. In 2017, the number of reception centres was reduced to approximately 60.⁷⁶

The decreased asylum influx likewise led to the fact that less capacity was needed for identification and registration, the asylum procedure, and the reception of asylum seekers. At Repatriation and Departure Service (DT&V) on the other hand, since the end of 2016, this meant an expansion as a result of the increased influx of third-country nationals who were obliged to leave the country .

Decision-making period for asylum applications back to six months in 2017

Due to the high influx in 2015, and the six-month handling time of an asylum application often being exceeded, the decision-making period was extended by nine months (to

⁷³ *Parliamentary Papers II*, 2016-2017, 19637, no. 2336.

⁷⁴ This happens based on Article 56 of the Aliens Act (Vw).

⁷⁵ *Parliamentary Papers II*, 2016-2017, 19637, no. 2336.

⁷⁶ Central Agency for the Reception of Asylum Seekers (2017), Opgangcapaciteit COA voor eind 2017 naar 31.000 plaatsen [COA reception centre capacity down to 31,000 places before the end of 2017] <https://www.coa.nl/nl/actueel/nieuws/opvangcapaciteit-coa-voor-eind-2017-naar-31000-plaatsen>, consulted on 23 March 2018; Central Agency for the Reception of Asylum Seekers, Search reception centre, <https://www.coa.nl/nl/zoek-locatie>, consulted on 23 March 2018.

fifteen months) as at 11 February 2016. In 2017, the asylum influx and the handling times had reduced to such an extent that an extension by nine months was no longer needed. For applications submitted on or after 1 February 2017 the decision-making period of six months is applicable again⁷⁷.

Conducting digital legal proceedings at district courts

Since 12 June 2017, it is mandatory to conduct digital legal proceedings in asylum and detention cases at any district court in the Netherlands. This means that legal counsel in asylum cases must submit documents digitally when they bring proceedings before a court. During the court case they conduct the procedural acts in a digital file. This is controlled with the Quality and Innovation (KEI) programme. By using the KEI programme, the Judiciary is modernising the handling of cases through digital development and simplification of procedures. The aim of this programme is to achieve a faster and more accessible judiciary.⁷⁸

4.3.4 Resettlement

Resettlement in the Netherlands took place in 2017 based on European migration agreements, such as the EU-Turkey Statement (the Turkey deal), and based on the national policy framework. On grounds of the Turkey deal, the Netherlands resettled 2,126 Syrian refugees from Turkey in 2017. In preparation for this, there were nine missions to Turkey. As part of the national resettlement programme, two missions were carried out to Lebanon and Uganda in 2017. In this context, 145 of these persons were resettled.⁷⁹ As from 1 January 2018, the national resettlement quota was raised from 500 to 750.⁸⁰ All cases of resettlement in the Netherlands are based on selections by UNHCR.

The coalition agreement of October 2017 states that the Netherlands is prepared, to an increasing degree, to offer resettlement to relieve the pressure on reception in the region, should European agreements with transit countries and countries in the region of countries of origin lead to a reduced influx to the Netherlands.⁸¹

77 Decree of the Minister of Migration of 11 January 2017, Aliens Act Implementation Guidelines (Amendment) Decree (WBV) no. 2017/1, comprising changes to the Aliens Act Implementation Guidelines 2000, Government Gazette 2017, 5487.

78 See also: Bulletin of Acts and Decrees 174-2017: Entry into force of aspects for simplification and digital development of procedural law.

79 Asylum trends December 2017, p. 3. In fact the refugees who were accepted during the mission in 2017 to Uganda, will travel to the Netherlands in 2018 and do not form part of the figures in the asylum trends of December 2017.

80 Coalition agreement Vertrouwen in de toekomst [Confidence in the future] (2017), VVD, CDA, D66 and ChristenUnie, p. 51. <https://www.kabinetformatie2017.nl/documenten/publicaties/2017/10/10/regeerakkoord-vertrouwen-in-de-toekomst>.

81 Ibid.

4.3.5 *Intentions of Rutte III government in coalition agreement regarding asylum policy*

In the coalition agreement of October 2017, the government stated that it only wants to grant legal aid to asylum applicants after an intended rejection of the application. This is partly meant to relieve pressure on the judicial system and is in line with EU legislation. In the coalition agreement the government has also expressed its intention to omit an interview with asylum seekers in cases where repeat applications stand no chance of succeeding.⁸²

In the coalition agreement, the government additionally recorded the intention to arrange supported access for newcomers to the Dutch welfare state. In this plan, municipalities themselves would collect health care benefits, rent benefits, and social security benefits in the first two years, and use them to provide the newcomer with counselling and a living allowance. After a periodic check, self-reliant beneficiaries of international protection may leave the scheme. The scheme would remain in force for those to whom this does not apply yet. The purpose of the scheme is, inter alia, to improve the self-reliance of newcomers and methods are developed that can be applied in every municipality.⁸³

The government further wants to tighten the time frame for the public-order criterion in naturalisation applications from four to five years. This means that refugees who want to become Dutch nationals may not have committed a crime in the *five years* prior to their application for naturalisation, instead of the *four years* that applied previously.⁸⁴ In addition, the government plans to strengthen the IND's *International Crimes Team* (the so-called *1F unit*, referring to Article 1(F) of the Geneva Convention on Refugees that relates to war crimes) in order to identify potential war criminals in the asylum influx.⁸⁵

The government has also informed that it intends to reduce the stacking of applications as much as possible by ensuring that the asylum procedure lasts eight days and that the handling of a repeat application⁸⁶ takes place within two days.⁸⁷ Finally, the government is planning, at first instance, to grant an asylum application for three years and no longer for five years. Thereafter, one could be eligible for an extension of another two years. Those who are still eligible for a Refugee Status after this period, will be given a permanent residence permit.⁸⁸

82 See Advocaatenblad [Law Journal], Regeerakkoord 2017: Een overzicht voor de advocatuur, [2017 Coalition Agreement: an overview for the legal profession], 10 October 2017; <http://www.advocaatenblad.nl/2017/10/10/regeerakkoord-2017-meer-politie-griffierechten-gelijk/>; Regeerakkoord: Vertrouwen in de toekomst (2017), VVD, CDA, D66 en ChristenUnie [Coalition Agreement: Confidence in the future] (2017), VVD, CDA, D66 and ChristenUnie; <https://www.kabinetsformatie2017.nl/documenten/publicaties/2017/10/10/regeerakkoord-vertrouwen-in-de-toekomst>.

83 Coalition agreement Vertrouwen in de toekomst [Confidence in the future] (2017), VVD, CDA, D66 and ChristenUnie, p. 57. <https://www.kabinetsformatie2017.nl/documenten/publicaties/2017/10/10/regeerakkoord-vertrouwen-in-de-toekomst>.

84 Ibid.

85 Coalition agreement Vertrouwen in de toekomst [Confidence in the future] (2017), VVD, CDA, D66 and ChristenUnie, p. 52. <https://www.kabinetsformatie2017.nl/documenten/publicaties/2017/10/10/regeerakkoord-vertrouwen-in-de-toekomst>.

86 Coalition agreement Vertrouwen in de toekomst [Confidence in the future] (2017), VVD, CDA, D66 and ChristenUnie, p. 52. <https://www.kabinetsformatie2017.nl/documenten/publicaties/2017/10/10/regeerakkoord-vertrouwen-in-de-toekomst>.

87 A repeat asylum application usually takes place within one day. That is why the IND also calls this procedure the one-day review.

88 Ibid.

5 UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

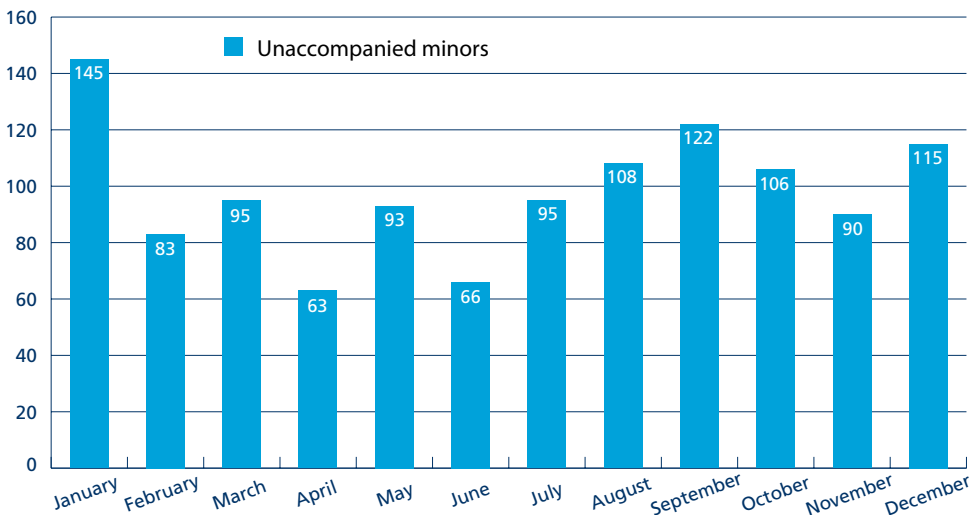
5.1 Introduction

This chapter addresses policy changes and measures relating to unaccompanied minors (UAMs) and other vulnerable groups.

First of all, the number of applications and the most common nationalities of unaccompanied minors in the Netherlands are dealt with. No figures are available on other vulnerable groups.

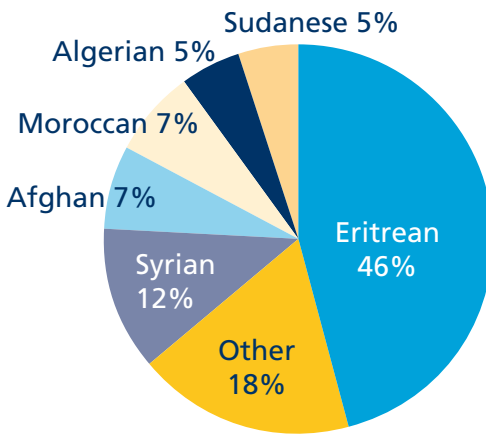
The number of unaccompanied minors in 2017 continued to decrease in 2017 (from 1,707 in 2016 compared to 1,181 in 2017). The number of asylum applications of unaccompanied minors in the month of January 2017 (145 applications) was higher than in the month of December (115 applications).

Figure 5: Development of the number of asylum applications of unaccompanied minors in 2017



Source: IND. (2017). Asylum Trends: Monthly Report on Asylum Applications in the Netherlands and Europe: December 2017.

In 2017, most of the unaccompanied minors came from Eritrea (41%), Syria (11%), Morocco (6%) and Afghanistan (6%).

Figure 6: Nationalities of unaccompanied minor asylum seekers

Source: IND. (2017). Asylum Trends: Monthly Report on Asylum Applications in the Netherlands and Europe: December 2017.

5.2 Policy developments

There were a number of policy developments in 2017 in respect of unaccompanied minors and other vulnerable groups. Changes mainly relate to improvement measures of protected reception for unaccompanied minors. The most important changes are explained briefly below.

5.2.1 Unaccompanied minors

Improvement measures at protected reception

Protected Reception offers reception, counselling and support to all alleged under-aged victims of trafficking in human beings. In recent years a great deal of attention was paid in the Dutch House of Representatives to disappearances of unaccompanied minors from COA's protected reception.⁸⁹ Reports by the Youth Care Inspectorate and the Security and Justice Inspectorate on the quality of protected reception were also discussed in the Dutch House of Representatives.

In 2016, after it was found by the Youth Care Inspectorate and Justice and Security Inspectorate that the quality of protected reception was inadequate, improvement measures were introduced. At the beginning of 2017, the inspectorates carried out a reassessment. In it, the inspectorates found that the quality of protected reception had improved, but was still inadequate on two assessment criteria.⁹⁰ For example, the inspectorates found that information which is of importance for counselling youths during their stay in protected reception had not been established fully, clearly and unambiguously, partly because the so-called working plan and safety plan could not yet be saved digitally in the resident's file in the *IBIS* system. Moreover, the inspectorates found

⁸⁹ *Parliamentary Papers II*, 2016-2017, 27062, no. 106 and Tenth Report by the National Rapporteur on Trafficking in Human Beings, 9 November 2017, p. 56.

⁹⁰ *Parliamentary Papers II*, 2016-2017, 27062, no. 106.

that COA did not have an established viewpoint and policy on the application of freedom-restricting measures. Furthermore, the inspectorates expressed their concern in the report that during the reassessment, again it was found that youths had disappeared from protected reception.

In 2017, COA again took measures to improve the quality of protected reception for unaccompanied minors:⁹¹

- To ensure good quality in the counselling of youths, the IBIS system has been accessible again to employees at the protected reception facilities since May 2017. The format of the safety plan already forms part of IBIS. Since 1 September 2017, the format of the working plan has also formed part of IBIS. In addition, the viewpoint and policy on the freedom-restricting measures were implemented in August.
- A revised procedure has also been implemented in protected reception, which is geared towards a multidisciplinary risk analysis of the vulnerabilities of youths in protected reception.⁹² Those involved in this multidisciplinary risk analysis are NIDOS, COA, Jade, the Expertise Centre for Human Trafficking and Human Smuggling (EMM) and Centre of Expertise on Aliens, Identification and Human Trafficking (EVIM). This risk analysis is a means to determine what help the youths need, what care is needed, what kind of follow-up care is suitable, and whether they need additional counselling and protection for this. The outcome of the analysis can also be included as evidence in the third-country national and criminal proceedings. The multidisciplinary risk analysis takes place in the first six weeks after placement of a youth in protected reception.⁹³

In July 2017, the Minister of Migration stated in a letter to parliament that the pilot of protected reception for youths aged 18+ that was started in 2015 would be discontinued in 2017.

Aside from providing protection, protected reception focuses on making unaccompanied minors more resilient. In protected reception, unaccompanied minors are therefore offered a programme that focuses on this. As it appeared that many unaccompanied minors had not completed the programme by the time they turned eighteen, it was decided in 2015 to start the 18+ pilot. In the pilot period, unaccompanied minors would complete the programme in protected reception, even if they had turned eighteen in the meantime. Furthermore, the pilot paid more attention to moving on to a following reception facility. It specifically concerns unaccompanied minors for whom it had been established that there was no longer any need for reception in protected reception, yet for whom moving to a normal reception centre was too big a step, but they were still entitled to reception.

However, both the influx of unaccompanied minors in protected reception and the average age of these incoming unaccompanied minors were too low to draw any conclusions on this basis. With that in mind, the former Minister of Migration decided to extend the pilot by six months. In 2016, however, this remained virtually unchanged. In

91 *Parliamentary Papers II*, 2016-2017, 27062, no. 106.

92 *Parliamentary Papers II*, 2016-2017, 28638, no. 159.

93 *Parliamentary Papers II*, 2016-2017, 28638, no. 159.

2016, protected reception was extended for only one unaccompanied minor after they had reached the age of 18. Likewise, the through-flow of vulnerable former unaccompanied minors to the specially equipped reception centre was very limited.⁹⁴ With that in mind, the Minister of Migration indicated that the pilot of protected reception for those aged 18+ would be discontinued. It can be offered by means of an individualised solution for unaccompanied minors where there is a need to complete the programme after having reached the age of 18.⁹⁵

5.2.2 *Other vulnerable groups*

January 2017 saw the launch of the app 'Rainbow Refugees NL', which collates any relevant information for LGBT refugees in the Netherlands.⁹⁶ The app provides information on the LGBT refugee's rights and where help can be sought on matters of health and safety. It also contains information about the Dutch asylum procedure and there are contact details of relevant organisations. LGBT refugees can use the app to contact LGBT organisations and 'buddy' projects. The app is available in Arabic, English, Farsi and French. The Ministry of Education, Culture and Science (OCW), the Dutch Association for the Integration of Homosexuality (COC)⁹⁷ and the Central Agency for the Reception of Asylum Seekers (COA) developed the app, for which they received assistance from ten refugees.⁹⁸

94 *Parliamentary Papers II*, 2016-2017, 28638, no. 159.

95 *Parliamentary Papers II*, 2016-2017, 28638, no. 159.

96 National government news, 22 January 2017, <https://www.rijksoverheid.nl/actueel/nieuws/2017/01/22/bussemaker-lanceert-app-voor-lhbt-vluchtelingen>.

97 National government news, 22 January 2017, <https://www.rijksoverheid.nl/actueel/nieuws/2017/01/22/bussemaker-lanceert-app-voor-lhbt-vluchtelingen>.

98 The Dutch Association for the Integration of Homosexuality (COC Netherlands) supports the interests of lesbian, gay, bisexual, transgender and intersex people (LGBTIs).

6 CIVIC INTEGRATION

6.1 Introduction

This chapter focuses on policy developments in terms of the Dutch integration policy.

In the Netherlands, the Ministry of Justice and Security is responsible for the migration policy, and the Ministry of Social Affairs and Employment is responsible for the integration policy.

The integration policy is generic and focuses on individual civic integration and socio-economic participation. The policy is based on the Agenda for Integration which was launched in May 2013. This agenda contains three primary focus areas which are objectives of the Dutch integration policy: participating and being self-reliant, setting limits and educating, and interaction with others and internalising values.

The State and municipalities were faced with a challenge due to the increased asylum influx in the period 2014 to 2016, which led to amendments to the Dutch integration policy. For policy purposes, it was investigated where beneficiaries of international protection needed assistance, so that this target group may be offered tailored assistance within the generic integration policy. This chapter deals with both the measures and policy changes aimed at all third-country nationals, as well as changes that are specifically aimed at beneficiaries of international protection.

This chapter describes measures that have been taken in the areas of education, language proficiency, housing, the labour market, participation and social counselling, and the anti-discrimination policy. Some of these measures focus specifically on the civic integration of beneficiaries of international protection.

6.2 Policy developments

In 2017, the State and municipalities additionally committed to promoting civic integration and participation of newcomers, in close cooperation with the organisations involved. In addition to strengthening the existing implementation, this has led to a number of concrete measures to tackle participation and civic integration more actively and at an earlier stage.

6.2.1 *Quality improvement of education for asylum seekers*

The number of asylum seekers decreased slightly in 2017. This decrease includes the number of family members of beneficiaries of international protection seeking asylum family reunification.⁹⁹ The number of family members of beneficiaries of international protection seeking asylum family reunification increased in 2017 due to the high influx at the end of 2015 and 2016.

⁹⁹ See Chapter 4 for more information.

In response to the reduced number of asylum seekers in 2017, attention has shifted from creating satisfactory education and adequate funding in basic education, to organising good quality education for children who came to the Netherlands as asylum seekers.¹⁰⁰ The State uses this, inter alia, to encourage regional cooperation for the reception of asylum seekers' children, to organise counselling in setting up language classes and international preparatory classes, to allow an extended intake and continued development of graduate profiles¹⁰¹ in secondary education and secondary vocational education, to make the teacher grant available to professionalise Dutch as Second Language education, and to match up beneficiaries of international protection specifically to labour market regions based on their professional abilities.¹⁰²

In February 2017, the Education Council¹⁰³ published an opinion on its own initiative, namely *Vluchtelingen en Onderwijs. Naar een efficiëntere organisatie, betere toegankelijkheid en hogere kwaliteit* [Refugees and Education. Aiming for a more efficient organisation, greater accessibility and higher quality].¹⁰⁴ The Education Council's opinion addresses the question: "how can education help refugees progress better?" Here, the opinion focuses on children and adults who do not have basic qualifications. In this opinion, the Council advocates more attention for and additional investment in education for asylum seekers and good basic facilities for this group.

The State sees the opinion as being supportive of the chosen course that it previously initiated.¹⁰⁵

6.2.2 Language proficiency

In 2017, the following measures were taken at national level in the Netherlands to improve the language skills of third-country nationals:

Monitoring the quality of civic integration education

Persons undertaking civic integration use their own discretion on how to prepare for the civic integration examination. Almost all persons undertaking civic integration follow a course and make use of a loan from the Executive Agency for Education (DUO) for funding. The offer of courses develops through open competition. To enable payment of the invoice for the course from the DUO loan (a loan from the Dutch government for which persons undertaking civic integration are eligible), the course provider must be in possession of *Blik op Werk* certification [a glance at work].¹⁰⁶ In July 2017, the Minister

¹⁰⁰ *Parliamentary Papers II*, 2016-2017, 34 334, no. 24.

¹⁰¹ After an extended intake interview, students are matched to a learning pathway. During the extended intake interview the envisaged final levels are established, in other words, the graduate profiles and what is needed to achieve the preferred final level.

¹⁰² *Parliamentary Papers II*, 2016-2017, 34 334, no. 25.

¹⁰³ The Education Council is an independent advisory council, advising the government and Dutch House of Representatives on general guidelines concerning policy and legislation in relation to education.

¹⁰⁴ For more information reference is made to: <https://www.onderwijsraad.nl/publicaties/2017/vluchtelingen-en-onderwijs-naar-een-efficiëntere-organisatie-betere-toegankelijkheid-en-hogere-kwaliteit/item7508>. Consulted on 5 January 2018.

¹⁰⁵ *Parliamentary Papers II*, 2016-2017, 34 334, no. 25.

¹⁰⁶ *Blik op Werk* is an independent centre of expertise and quality. The *Blik op Werk* certification indicates that a language or civic integration course is of good quality.

of Social Affairs and Employment indicated that - to secure the quality of the lessons - all providers of language courses accredited with *Blik op Werk* certification, would be visited by supervisory bodies before the end of 2018. They will also check in classes whether civic integration education complies with the conditions.¹⁰⁷

Box 4 Background information: Civic integration process

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

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

As soon as a person obliged to participate in a civic integration programme exceeds the initial term, DUO investigates whether this excess is attributable to this person. This process, including the right to object, takes approximately five months. If a person obliged to participate in a civic integration programme has imputably failed the civic integration examination without good reason after expiry of the time limit, a sanction will follow. This failure of the examination obstructs getting a more favourable residence permit or naturalisation. In addition, a fine of up to EUR 1,250 can be imposed. Then a new period of two years commences for compliance with the obligation to participate in a civic integration

programme. If the time limit is imputably exceeded once again, the fine will be imposed again. Finally, the municipality will reduce the any social assistance benefit for persons undergoing civic integration who do not make sufficient efforts to learn the Dutch language.

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

Information provided by DUO and market transparency of courses

Persons obliged to participate in a civic integration programme are personally responsible for their civic integration. This means that they must have information on their obligations and resources in respect of their civic integration. In 2017, the provision of information for persons undertaking civic integration was improved in consultation with the Executive Agency for Education (DUO) and *Blik op Werk*.¹⁰⁸ For instance, this included letters containing information and videos about the exam in several languages.¹⁰⁹ In 2017, the Dutch government additionally committed to reaching out to and bolstering support for groups that lag behind due to their failure rates.¹¹⁰

Measures to raise the language level

In 2017, access to professional language lessons improved for promising asylum-seeking migrants, even before they have a residence status.¹¹¹ From the very first day (before they receive a residence status), professional language courses are offered by COA to promising asylum-seeking migrants. This has been implemented as part of COA's programme *Vroege integratie en participatie* [Early Integration and Participation].

The programme implemented by COA called *Voorbereiding op Inburgering* [Preparation for civic integration] for beneficiaries of international protection was extended from 92 to 155 hours in January 2017.

Support for groups with a high failure rate (for example, women from Somalia and Eritrea)

In 2017 there were three courses of action aimed at providing an insight into obstructions encountered by groups with a high failure rate in their civic integration examination. In the first instance, information is gathered via migrant organisations about possible obstructions. Secondly, DUO conducts a pilot among those who have not shown any civic integration activity after one year. These people are summoned for an interview. This pilot also gives information about the underlying causes of "lagging behind". Thirdly, DUO's assessment of imputability of exceeding the time limit provides supplemental information about, for example, the percentage of illiterates among those lagging behind.¹¹²

¹⁰⁸ *Blik op Werk* is an independent centre of expertise and quality. The *Blik op Werk* certification indicates that a language or civic integration course is of good quality.

¹⁰⁹ *Parliamentary Papers II*, 2016-2017, 32824, no. 182.

¹¹⁰ *Parliamentary Papers II*, 2016-2017, 32824, no. 182.

¹¹¹ *Parliamentary Papers II*, 2016-2017, 32824, no. 182.

¹¹² As soon as a person obliged to participate in a civic integration programme exceeds the initial term, DUO investigates whether this excess is attributable to this person. This process, including the right to object, takes approximately 5 months. For more information see *Parliamentary Papers II*, 2016-2017, 32824 no. 182.

Coalition Agreement

The coalition agreement of 10 October 2017 also focuses attention on language development of newcomers. In principle, this means an active civic integration by the newcomers themselves. The language requirements will be raised from level A2 to B1. To this end, language lessons at level B1 will also be funded by National government.

In order to improve proficiency of the Dutch language, thereby increasing prospects for the future, the government wants municipalities to actively implement the existing obligation to learn the Dutch language. In this regard the government is planning to make non-voluntary administrative agreements with municipalities.

The coalition agreement also pays attention to how civic integration courses are given and how the examinations are validated. The government is planning to revise this, whereby quality, effectiveness and enforcement are important.

6.2.3 *Housing*

In 2017, the following measures were taken at national level in the Netherlands to improve the housing of beneficiaries of international protection:

Platform Opnieuw Thuis (home again platform) discontinued as agreed

Once asylum seekers obtain a residence permit they are matched to a municipality. The municipality is obliged to find regular housing within 12 weeks after matching up. As a result of the increased influx of asylum seekers in the period 2014-2016, this process was delayed.¹¹³

The *Platform Opnieuw Thuis* (home again platform), which was established in 2014, discontinued its activities as agreed on 17 July 2017. The *Platform Opnieuw Thuis* (home again platform) was a collaboration between the State, the Association of Netherlands Municipalities (VNG), Association of Provincial Authorities, COA and Aedes, assigned to support municipalities and corporations in housing refugees who are in possession of a residence permit (residence permit holders). According to the final report published in 2017, the municipalities complied at national level with the programme target (quota) for housing beneficiaries of international protection.¹¹⁴

Coalition Agreement

The coalition agreement of 10 October 2017 also focuses attention on housing. The intention formulated in the coalition agreement is to already place promising asylum seekers during the procedure in smaller reception centres in the vicinity of the municipality where they will be housed at a later stage. That is where they can start Dutch language lessons and during their stay at the reception centre, asylum seekers can already start to integrate at the municipality where they will be housed at a later stage. Furthermore, in the placement of promising asylum seekers, the new govern-

¹¹³ For more information see EMN's 2016 Annual Policy Report: EMN (2017) Migratie en asiel in Nederland [Migration and Asylum in the Netherlands]. The Hague.

¹¹⁴ For more information reference is made to: <https://www.opnieuwthuis.nl/>. Consulted on 15 January 2018.

ment intends to keep account of their qualifications for employment and local jobs on offer. Due to this comprehensive approach, the number of relocations is kept to a minimum.

6.2.4 *Labour market*

In 2017, the following measures were taken at national level in the Netherlands regarding the civic integration of newcomers in the labour market:

- Start of programme *Verdere Integratie Arbeidsmarkt* (VIA) [Further Integration in the Labour Market]

In 2017, preparations started for the *Verdere Integratie Arbeidsmarkt* (VIA) [Further Integration in the Labour Market] programme by the Ministry of Social Affairs and Employment.¹¹⁵ This programme - which started in the first half of 2018 - aims to improve the position in the labour market of Dutch nationals with a migration background. The programme focuses on different groups, such as beneficiaries of international protection and their family members, youths with a migration background, and long-term unemployed people with a migration background or elderly with a migration background.

For beneficiaries of international protection, for example, the focus lies on development of the intake interview which municipalities can use, the strengthening of screening, and stepping up language lessons from the very first day at COA. For youths, it concerns improvement in selection of study programmes, combinations of working and learning, and bridging the (traineeship) discrimination gap. Further, for long-term unemployed people, the focus lies on improving the intake interview and screening, combinations of working and learning, and bolstering craftsmanship for diversity.

- Early integration and participation (of asylum seeking migrants)

In 2017, COA's programme 'Vroege integratie en participatie' [Early integration and participation] was developed further.¹¹⁶ Early integration and participation includes all activities offered by COA that match up better and at an earlier stage to the opportunities and skills of asylum seekers, so that they can participate and integrate in the Netherlands as soon as possible.¹¹⁷

The activities related to this are based on three pillars:

- Promising match-up (screening and matching)
- Meaningful daily activities (participation from day 1)
- Cordial transfer (customer profile and transfer discussions)

Promising match-up: on placing residence permit holders in a reception centre and when matching up to their future municipality, COA takes the residence permit holder's profile into account where possible (screening and matching): employment or working

¹¹⁵ *Parliamentary Papers II*, 2017-2018, 34775-XV no. 2.

¹¹⁶ For more information see also the information on Measures to improve the language level in this chapter.

¹¹⁷ For more information see: <https://www.coa.nl/nl/voor-gemeenten/vroege-integratie-en-participatie>. Consulted on 31 January 2018.

experience, study programme or background, medical particulars, network and ambitions. In 2018 it will be examined whether promising asylum-seeking migrants (who do not have a residence status yet) can undergo screening and matching, so that, as soon as they obtain a residence permit, have already been placed in a reception centre in the region where they have a greater chance of finding work or a training course. This is consistent with the ambitions in the coalition agreement.

Meaningful daily activities: COA offers programmes such as Civic integration preparation (professional language classes, Knowledge of Dutch Society, individual counselling), Participation from day 1 (participation through activities both inside and outside the reception centre), and the project *Voorwerk*¹¹⁸ (development of personal 'soft skills' and cultural differences) to encourage asylum seekers to focus on their future as quickly as possible (in the Netherlands or elsewhere). Asylum seekers are given information and instruments to take the necessary steps they need towards a training programme, or voluntary work. Here the idea is to provide customized solutions that match up to the profile and ambitions of the asylum seeker.

Cordial transfer: To ensure an ongoing civic integration procedure, details of the residence permit holder are transferred (with their permission) to their future municipality. This is done via the customer profile and through transfer discussions. The customer profile is a document that contains all information (study and employment background; activities; participation in programmes; ambitions; etc.) collected on the residence permit holder during their stay in the reception. This information is shared digitally with the future municipality. In addition, the transfer meetings with municipalities include talking about (and in some cases with) residence permit holders. The purpose is to ensure that individual counselling is continued as much as possible. The transfer occasions should lead to municipalities getting involved sooner with residence permit holders, so that they can offer them programmes focused on employment or schooling. In this way, any uncertainties in the customer profile can also be explained.

'Case managers that are focused on participation' support reception facilities in realising this ongoing procedure. These case managers support reception facilities in their region by acting as a contact point for activities aimed at an early civic integration and participation. They bridge the gap between the residence permit holders and asylum seekers at COA facilities and municipalities, regional coordinators of Divosa¹¹⁹, employers, training institutions, organisations that offer volunteer work and other initiators in the region.

Coalition Agreement

The coalition agreement of 10 October 2017 pays attention to labour market participation of third-country nationals. The aim is to get newcomers to work as soon as possible. There are consequences to imputable non-participation in civic integration, such as loss of residence status for legal migrants and failure to obtain an enhanced residence status

¹¹⁸ For more information reference is made to: <http://www.iom-nederland.nl/nl/integratie/voorwerk>. Consulted on 21 February 2018.

¹¹⁹ Divosa is an association of municipal managers in the social domain.

for asylum permit holders. A deduction from benefits may also be at issue for people who do not participate in civic integration.

The coalition agreement pays extra attention to the labour market participation of beneficiaries of international protection. Possible measures are aimed at an early screening and matching up of residence permit holders to employment and training (see above) and also monitor for example, a mandatory learning and voluntary work programme for beneficiaries of international protection who are dependent on social assistance benefit.

6.2.5 *Participation and social counselling*

Amendment of the Civic Integration Act

The Civic Integration Act was changed with effect from 1 October 2017.¹²⁰ Along with the introduction of the participation statement, the change in law also provides for the social counselling of asylum seeking migrants.

a) Introduction of participation statement

With effect from 1 October 2017, the participation statement became a compulsory component of civic integration for newcomers. That means that all newcomers are required to complete a participation statement programme at the municipality before taking their civic integration examination. This not only concerns asylum seeking migrants, but also third-country nationals who arrive in the context of family formation or family reunification.

The participation statement programme consists of an introduction to the core values of Dutch society and signing of the participation statement. Via this programme municipalities get newcomers acquainted with their rights and obligations and the fundamental values of Dutch society. The programme is concluded with the signing of a participation statement. With this, the newcomer declares to have learnt the values and ground rules of Dutch society, to respect them, and to want to contribute actively to that society.¹²¹

Persons obliged to participate in a civic integration programme who refuse to sign the participation statement may be liable for a penalty of up to EUR 340. This penalty can be repeated. Besides, failure to comply with the entire civic integration examination could mean that no permanent residence permit can be issued and that Dutch citizenship cannot be obtained.¹²²

b) Social counselling of asylum seeking migrants

Due to the change in the Civic Integration Act, as part of the social counselling, municipalities are given the task to advise those eligible for asylum about the civic integration programme to be followed. This offers municipalities more latitude in helping persons obliged to participate in a civic integration programme, but who have difficulty with

¹²⁰ Bulletin of Acts and Decrees 2017, 285.

¹²¹ For more information see Bulletin of Acts and Decrees: 2017/285 and 2017/287 (entry into force).

¹²² It is possible to become eligible for an exemption from the civic integration examination. More information can be found at: <https://ind.nl/Paginas/Inburgering-in-Nederland.aspx>. Consulted on 20 February 2018.

civic integration, for example, by steering them in the direction of an appropriate course.

Municipalities have the latitude to provide social counselling at their own discretion, for example, by providing assistance at the start of the civic integration process or making acquaintance with local organisations. The budget for municipalities was increased for this purpose from EUR 1,000 to EUR 2,370 per asylum-seeking migrant.

The change in law means that social counselling of asylum-seeking migrants (residence permit holders and their family members who seek family reunification) in the municipality where they have established themselves, consists of the following components:

- Practical assistance in arranging basic facilities.
- Help at the start of the civic integration process.
- Encouragement of participation and civic integration.

Guide to support Eritrean newcomers in their civic integration

In August 2017, the Knowledge Platform Integration and Society published a guide to support Eritrean newcomers in their civic integration.¹²³ The guide was developed under the leadership of a supervisory committee from the Ministry of Social Affairs and Employment and the Support Team for Asylum Seekers and Residence Permit Holders.¹²⁴ The authors of the guide combined information from previously conducted studies among Eritrean beneficiaries of international protection and other reports.

The reason for this guide is the fact that a large portion of Eritrean beneficiaries of international protection who recently arrived in the Netherlands stand at a considerable distance from Dutch society and are faced with various problems. According to an analysis of the Association of Netherlands Municipalities (VNG) the civic integration and well-being of some of them, are obstructed by a wide range of mutually exacerbating problems both on a psychosocial and socio-societal level. At the same time, the guide states that many youths in particular are eager to learn, have an impressive resilience, and have strong perseverance. According to the guide, a creative, comprehensive and culture-sensitive approach is of crucial importance to start the civic integration and civic participation of Eritrean beneficiaries of international protection.

The aim of the guide is to improve the know-how and insights needed by local authorities, and social and medical service organisations.

Improving the provision of information - launched Facebook page 'Healthy Eritreans'

The existing Facebook pages *Syriërs Gezond* [Healthy Syrians] and *Opgroeien in Nederland* [Growing up in the Netherlands] aim to provide for a need of low-threshold, accessible and reliable information on health and care, growing up, and parenting in the Netherlands. This need also appears to be widespread among Eritrean newcomers. So,

¹²³ The guide can be found at: <https://www.kis.nl/sites/default/files/bestanden/Publicaties/handreiking-ondersteuning-eritrese-nieuwkomers-bij-integratie.pdf>. Consulted on 15 January 2018.

¹²⁴ The Support Team for Asylum Seekers and Residence Permit Holders provided support to municipalities until 1 July 2017 regarding various issues surrounding asylum policy and civic integration (housing of beneficiaries of international protection, education, emergency reception, civic participation, etc.).

in September 2017, the Facebook page '*Eritreeërs Gezond*' [Healthy Eritreans] was launched. On this page, Dutch professionals from the Municipal Health Services (GGD) in the regions of Utrecht, Amsterdam and Kennemerland, as well as Pharos, support Eritrean professionals in answering questions and providing them with reliable information. In this way, Eritrean team members are gaining working experience in the Netherlands.¹²⁵

Coalition Agreement

In the area of civic participation and social counselling, the coalition agreement of 10 October 2017 focuses attention on access to social security for newcomers. The starting point is that too many newcomers remain dependent on a social assistance benefit for too long. In order to avoid this, where possible, there must be a system of social security services which is motivational and makes life easier at the same time. A simpler and activating system of provisions for beneficiaries of international protection may involve:

- civic integration with citizenship values and a mandatory learning and voluntary work programme;
- counselled access to the welfare state: municipalities themselves would have to receive the healthcare allowance, housing benefit and social assistance benefit in the first two years, and the newcomer would receive these services and support in kind with a living allowance.

6.2.6 *Anti-discrimination policy*

In 2017, the following developments took place regarding the promotion, implementation and monitoring of anti-discrimination policy:

National Action Programme against discrimination

March 2017 saw the publication of the first progress report of the National Action Programme against discrimination. The progress and results of important measures in the action programme are explained based on four main pillars in the Action Programme (prevention and awareness, cooperation and infrastructure, local approach, and knowledge and research).

The progress report shows that the social debate on discrimination was apparently very intensive. More and more social organisations, institutions and social partners are showing their commitment to setting the agenda and tackling the problem. The second progress report is expected to be sent to the Dutch House of Representatives in the spring of 2018.

With the National Action Programme against discrimination, the government is aiming for a coherent approach to prevent and combat discrimination. The ministries involved in this are the Ministry of Social Affairs and Employment (SZW), Ministry of Justice and Security (JenV), Ministry of Education, Culture and Science (OCW), Ministry of Health, Welfare and Sport (VWS), under coordination of the Ministry of the Interior and Kingdom Relations (BZK). Jointly they implement this approach to discrimination in dialogue

¹²⁵ For more information reference is made to: <https://vng.nl/onderwerpenindex/asiel/asielbeleid-en-integratie/nieuws/facebookpagina-eritreeers-gezond-van-start>. Consulted on 6 January 2017.

with social parties involved. An example - which also manifests itself at local level - is the voluntary agreement on discrimination between the police force, Public Prosecution Service, and Anti-Discrimination Facilities (organisations where victims of discrimination receive free advice and support) containing renewed arrangements, aiming to improve cooperation and the approach to discrimination by cooperating organisations. In forthcoming years, within the context of the National Action Programme against discrimination, further investments will be made in cooperation between all partners involved in the fight against discrimination, both inside and outside the government.¹²⁶

In the Netherlands there is a system of anti-discrimination schemes which is unique in Europe. Every municipality has set up such a scheme or is affiliated to one. They operate at a local or regional level. In the context of the National Action Programme it must be established whether all schemes are able to provide equally qualitatively satisfactory assistance. Two studies in this respect were conducted in 2017. March 2017 saw the completion of a study into the functioning of anti-discrimination schemes in practice.¹²⁷ Research has shown that discrimination can best be combated where it takes place: at local level. At the end of 2017, a study was carried out into the vision of municipalities on anti-discrimination schemes. This research will be published at the beginning of 2018.

A practical guide is also being developed for municipalities to implement local anti-discrimination policy. This guide is a follow-up to a survey among municipalities on their policy against discrimination. The guide offers municipalities tips, good examples and background information about discrimination and legislation. The guide will be ready at the beginning of 2018.

Coalition Agreement

The Rutte III cabinet is aiming for a firm approach to labour market discrimination. All forms of labour market discrimination are unacceptable. With that in mind, the government intends to continue the Labour Market Discrimination Action Plan that was launched in 2014. The renewed Action Plan will, among other things, pay more attention to combating discrimination in job application procedures and during pregnancy, as well as have an enforcement role for the SZW Inspectorate.

The new cabinet wants the government, as an employer, to lead by good example, by implementing an active diversity and anti-discrimination policy.

¹²⁶ More information about progress and results within the National Action Programme against discrimination can be found here: *Parliamentary Papers II*, 2016-2017, 30 950, no. 107.

¹²⁷ The report is available at https://www.regioplan.nl/publicaties/rapporten/onderzoek_werking_van_de_adv_s_in_de_praktijk_1. Consulted on 31 January 2018.

7 IRREGULAR MIGRATION

7.1 Introduction

The following chapter addresses the most important policy amendments in the area of illegal migration and border control.

In the Netherlands, the police force and Royal Netherlands Marechaussee conduct monitoring tasks within the context of combating illegality. This concerns mobile monitoring near internal borders and at ports and internal supervision of foreign nationals to establish illegality or legality of stay. In addition, the Minister of Migration and the Minister of Foreign Trade and Development Cooperation have focused on prevention of irregular migration in the past year.

This chapter describes changes in policy implemented by the State in 2017. The changes include tackling abuse of legal migration channels and the prevention of irregular migration. Further, attention is also paid to monitoring and identification of irregular migration routes.

7.2 Policy developments

In 2017, the State implemented various policy changes in the area of irregular migration and border control. The most important changes are briefly explained below.

7.2.1 *Abuse of legal migration channels*

Change in Schengen Borders Code

Since the change in the Schengen Borders Code in April 2017, all EU citizens are systematically checked in the registers (100% check) when crossing external borders.¹²⁸ Prior to this it was already mandatory for EU Member States to systematically check nationals from third countries (non-EU countries) on entry, based on any databases. This change means that this systematic check is carried out both on entry and exit and both for citizens of third countries and persons exercising their right of free movement.

Visa deregulation

With effect from 1 January 2017 there have been changes in return support, inter alia, to discourage irregular migration from visa-free countries. These changes form part of a wider review of the departure and reintegration support (see chapter 8 on Return).

As of 1 January 2017, third-country nationals from visa-free countries and countries encircling Europe no longer qualify for participation in the Return and Emigration Assistance from the Netherlands (REAN) programme through the International Organisation for Migration (IOM) and additional financial support (see chapter 8 on Return and box

6). The Repatriation and Departure Service (DT&V) may make an exception for vulnerable third-country nationals.¹²⁹

Tightening monitoring and enforcement

The Immigration and Naturalisation Service (IND) will further tighten its monitoring and enforcement tasks. This was stated in a letter of 21 December 2017 by the Minister of Migration, in response to the report *'Tussen handhaven en dienstverlenen'* ['Between enforcement and providing service'] of the Justice and Security Inspectorate.¹³⁰ In it, the Justice and Security Inspectorate presents its study into the IND's monitoring of employers who are designated as recognised sponsors.

Since the introduction of the Modern Migration Policy Act in June 2013, the IND has a duty to monitor recognised sponsors.

Box 5 What is a recognised sponsor?

A recognised sponsor is an organisation, such as an employer, an educational institution or an au pair agency, which has an interest in the transfer of an employee, a student or an au pair from outside the European Union to the Netherlands.

The monitoring of a recognised sponsor is a new duty which is also substantially different from the IND's other duties. The inspectorate's study reveals that monitoring in various areas is not sufficiently effective yet. Although the IND has taken steps in the implementation of this new duty, monitoring should be tightened even further. The Inspectorate has made a number of recommendations in the report:

- Ensure there are safeguards so that services and monitoring and enforcement tasks do not conflict with each other in practice;
- Improve the provision of information regarding alerts, ensure a sustained cooperation with other government organisations, and an optimum use of possibilities for automated information exchange;
- Examine whether sufficient capacity is available for monitoring and enforcement tasks;
- Ensure that the efforts, results and, where possible, the effects of monitoring and enforcement are transparent both for internal management and for external enforcement communications;
- Ensure in enforcement of the fines policy that staff have adequate means to act consistently in giving warnings and any subsequent fine to recognized sponsors.¹³¹

¹²⁹ *Parliamentary Papers II*, 2016-2017, 19637, no. 2257.

¹³⁰ 'Report *"Tussen handhaven en dienstverlenen. Over het toezicht van de IND op de werkgever als erkend referent"* [Report "Between enforcement and providing service. On IND's monitoring of employers as recognised sponsors"]', National Government 21 November 2017, rijksoverheid.nl.

¹³¹ Since the introduction of the Modern Migration Policy (MoMi) on 1 June 2013, the IND has been authorised to give warnings and to impose administrative fines if recognised sponsors or third-country nationals do not comply with relevant regulations regarding their obligation to provide information, to keep records, or their duty of due care.

The Minister of Migration endorses the conclusions of the study and has indicated an intent to implement all the study's recommendations.

New plans

Aside from existing cooperation at a national and international level, in light of the Dutch seat in the UN Security Council, a sanction initiative with regard to Libya was prepared at the end of 2017 for sentencing traffickers in human beings.¹³²

On 10 January 2017, the Royal Netherlands Marechaussee (KMar) also announced that the number of dogs deployed for border patrol duties will be increased by ten.¹³³ According to the planning, KMar would then have a total of 14 so-called 'migration dogs' in 2019. The dogs are used to detect persons trying to enter the Netherlands illegally as stowaways on trucks. This is done to discourage the practice of smuggling of human beings.

On 1 June 2017, the Minister of Finance announced in the 2017 Spring Memorandum that the Royal Netherlands Marechaussee (KMar) would structurally have EUR 20 million available for expansion of border control capacity, following the EUR 20 million that had previously been promised in the 2017 National government budget.¹³⁴ The purpose of this measure is to continue the already raised capacity of deployed border guards by 135 fte and to expand by 65 fte at other places including airports.¹³⁵

On 19 September 2017, the Ministry of Defence announced in the 2018 National government budget that more than EUR 2.2 million would be made available in 2018 and more than EUR 23.4 million would be made available in 2019 for capacity shortages at the Royal Netherlands Marechaussee (KMar) for its border control duties at airports and maritime border-crossing points.¹³⁶ These amounts are over and above the EUR 20 million already promised in the Spring Memorandum.

7.2.2 Prevention of irregular migration

Information campaigns

In their response of 22 March 2017 to a report by the Research and Documentation Centre (WODC) of the Ministry of Justice and Security, the Minister of Migration and the Minister for Foreign Trade and Development Cooperation define the government's support for information campaigns in countries of origin and transit countries. The study report *Raising awareness, Changing behaviour? Combating irregular migration through information campaigns* describes and reviews 33 international information campaigns

132 'Koenders wil VN-sancties tegen mensensmokkelaars in Libië' [Koenders wants UN sanctions against traffickers in human being in Libya], National Government 6 July 2017, rijksoverheid.nl.

133 'Marechaussee zet vaker honden in tegen mensensmokkel' [KMar uses dogs more often to combat the smuggling of persons], De Gelderlander [newspaper] 3 September 2017, gelderlander.nl; 'Marechaussee wil minimaal tien migratiehonden' [KMar want at least ten 'migration dogs'], De Gelderlander [newspaper] 11 January 2017, gelderlander.nl.

134 Ministry of Finance, Proposal Letter of 2017 Spring Memorandum, 1 June 2017.

135 *Parliamentary Papers II*, 2017-2018, 34775 X, no. 2.

136 *Parliamentary Papers II*, 2017-2018, 34775 X, no. 2.

on underlying basic assumptions.¹³⁷ Based on the results of the report, the Minister of Migration and the Minister of Foreign Trade and Development Cooperation assert that the government's actions are focused on three points:

- 1) Making information campaigns more effective;
- 2) Information campaigns to have more coordination at European level;
- 3) Tackling the root causes of migration so that the need for irregular migration decreases.

In 2017, the Dutch government started an information campaign aimed at Albanians who are considering emigrating to the Netherlands.¹³⁸ The campaign is a collaborative project of the International Organisation for Migration (IOM) and the Repatriation and Departure Service (DT&V) of the Ministry of Justice and Security and costs EUR 72,000.¹³⁹ The purpose of the campaign is to inform Albanians that there is no point in travelling to the Netherlands for illegal work or asylum; the Netherlands considers Albania as a safe country of origin. In 2016 the Netherlands experienced a high influx of Albanian asylum seekers. The Dutch government wants to use the information campaign to reach Albanians directly, for example, by way of workshops at secondary schools in Albania and on social media. This is done to correct the image that traffickers in human beings are portraying.

At the end of 2017, two programmes were launched to provide information to the inhabitants of important countries of origin (Gambia, Guinea, Iraq, Nigeria, Senegal) about irregular migration to the EU: (1) The 'social enterprise' Seefar¹⁴⁰ does this by means of one-on-one interviews with confidential counsellors, and discussion meetings supported by telephone conversations and interventions through other media. This project involves an amount of EUR 2,000,000. (2) The IOM uses migrants returning from Libya to share their experiences among their own social network. The cost of this programme is EUR 1,250,000. Both programmes have been set up using the latest views on effective information campaigns, in accordance with the government's support (see also the aforementioned government response as a result of the WODC report). Both programmes are funded by the Ministry of Foreign Affairs.

At the end of 2017, DT&V started preparations for an awareness campaign in Sierra Leone in cooperation with Caritas.¹⁴¹ This programme was started in February 2018 and is funded by DT&V.¹⁴² The programme portrays the consequences of illegal travel, but also shows the possibility of travelling with valid legal documents. On implementation, the message will often be disseminated via social media, but also by way of theatre shows, television broadcasts, municipal and church gatherings, distribution of pamphlets, etc.

137 Schans, D. & C. Optekamp, Raising awareness, Changing behaviour? Combating irregular migration through information campaigns, Research and Documentation Centre (WODC): The Hague, 2016.

138 'Start informatiecampagne asielzoekers Albanë' [Start of information campaign for Albanian asylum seekers], National Government 20 July 2017, www.rijksoverheid.nl.

139 'Nederlandse workshops moeten Albanezen in eigen land houden' [Dutch workshops must keep Albanians in their own country], NOS [news broadcaster] 27 July 2017, www.nos.nl.

140 See Seefar website: <https://seefar.org/>.

141 Caritas operates worldwide, which includes a division in Sierra Leone.

142 This information was provided by the DT&V on 23 February 2018.

Cooperation with safe countries of origin

In 2017, the Netherlands cooperated with the following countries in the prevention of irregular migration;

- a) In 2017, in conjunction with Libya, Morocco, and Algeria, activities were developed, inter alia in the areas of return, protection of refugees and third-country nationals, and effective border control.
- b) In a follow-up to 2016 and with the help of 'twinning projects', the Netherlands agreed to cooperate with Serbia and Kosovo in 2017. These Twinning projects were partly focused on asylum procedures and are multi-annual projects set up in EU terms with involvement from other Member States.¹⁴³
- c) An information campaign for Albanians was set up in cooperation with Albania (see 7.2.3).
- d) In 2017, activities were started and continued in the Sahel region within the framework of the regional 'Sahel programme' with UNDOC. This programme will run from 2014-2019.¹⁴⁴
- e) In Nigeria a project was started in 2017 that focuses on capacity build-up of the Nigerian immigration service and the human trafficking agency.
- f) An information campaign was started in Mali in cooperation with the Malian authorities in support of the Malian migration policy.¹⁴⁵
- g) Also in 2017, the DT&V and Custodial Institutions Agency (DJI) started offering support to Sierra Leone in order to strengthen ties with the immigration services in that country. This was done in the form of delivering equipment and vehicles that could be deployed by the immigration services.¹⁴⁶

7.2.3 Monitoring and identifying irregular migration routes

In 2017, using funds provided by the Ministry of Foreign Affairs, the IOM collected and analysed information on irregular migration towards Europe from a number of countries of origin (Ethiopia, Iraq, Nigeria and Somalia, supplemented with existing data regarding Afghanistan and Pakistan). The study includes surveys entailing a large number of respondents at various points along the route, and covers, among other things, socio-demographic profiles of migrants, motives for migration, vulnerabilities and portrayals, and choices of routes and destination countries. The results of the study are expected in 2018.

In 2017, the Netherlands voluntarily donated EUR 165,000 to the EU operation Sophia, to support and train the Libyan coast guard in an effort to combat irregular migration across the central Mediterranean Sea Route. The Netherlands also supported an IOM project with EUR 1.5 million, which was partly meant to support the Libyan coast guard.¹⁴⁷

¹⁴³ Twinning is an EU instrument in which Member States share knowledge with candidate countries, new Member States and neighbouring EU countries. For more information, reference is made to the National government website: www.rijksoverheid.nl.

¹⁴⁴ For more information, reference is made to the UNDOC website: <https://www.unodc.org/westandcentralafrica/en/newrosenwebsite/sahel-programme/sahel-programme.html>.

¹⁴⁵ Information provided by the Ministry of Foreign Affairs on 16 February 2018.

¹⁴⁶ Information provided by DT&V on 23 February 2018.

¹⁴⁷ Letter to Parliament of 20 December 2017 on Supporting Libyan coast guard.

8 RETURN

8.1 Introduction

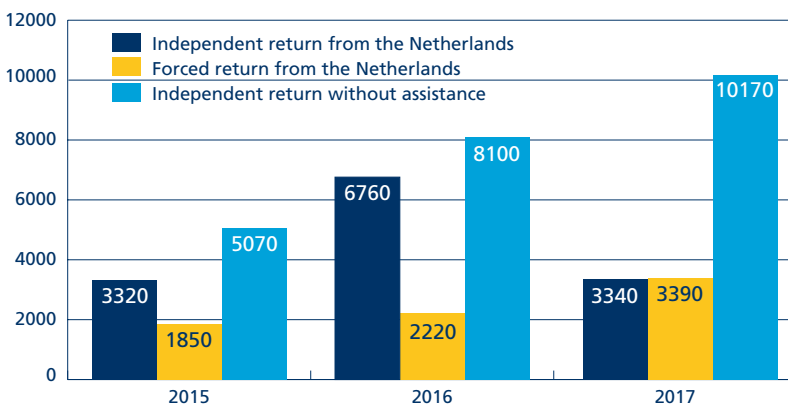
This chapter addresses policy developments in the area of return of third-country nationals from third countries. The chapter first sets out key statistics regarding return of migrant third-country nationals. The subsequent paragraph discusses the most important policy developments concerning proving the risk of absconson from supervision, entry bans, assisted voluntary return, reintegration support, the Repatriation and Detention of Aliens Act, return of seriously ill third-country nationals, and cooperation with third countries of origin and transit countries in the area of return.

In 2017, the Repatriation and Departure Service (DT&V) registered 16,900 third-country nationals of third countries who have departed from the Netherlands.¹⁴⁸

In comparison to 2016, this is a negligible decrease (approximately 1%); in that year, the DT&V registered 17,080 third-country nationals of third countries who departed from the Netherlands. Although the number is nearly the same as a year earlier, the composition was clearly different. In 2016, the group of third-country nationals who departed voluntarily from the Netherlands was considerably bigger. In that year, this group represented almost 40% of the total, whereas it represented a mere 20% in 2017.

In 2017, the group of 'assisted voluntary returns from the Netherlands' was even smaller than the group 'enforceable returns from the Netherlands'; this was not the case in the period 2015-2016.¹⁴⁹ For the group 'independent voluntary return', there is a clear upward trend in comparison to 2016.

Figure 7: Number of returned persons registered by DT&V in 2015, 2016 and 2017



¹⁴⁸ Repatriation and Departure Service (DT&V). (2017). Statistics and infographics. <https://www.dienstterugkeerenvertrek.nl/Mediatheek/Vertrekcijfers/index.aspx> Please note: third-country nationals who were sent back at the border, are not included in the figures.

¹⁴⁹ Repatriation and Departure Service (DT&V). (2017). Statistics and infographics. <https://www.dienstterugkeerenvertrek.nl/Mediatheek/Vertrekcijfers/index.aspx> Please note: third-country nationals who were sent back at the border, are not included in the figures.

8.2 Policy developments

Various policy changes in the area of return were implemented in 2017. This concerned aspects including entry bans in the context of return, adaptations of return programmes, returns of seriously ill third-country nationals, and cooperation with third countries of origin and transit countries.

Higher threshold for risk of withdrawal from supervision

In 2017, the highest Dutch administrative court pronounced a number of judgments¹⁵⁰ which, in some cases, makes it more difficult to:

- a. deprive a third-country national who has had a return decision of a departure period imposed. A return decision is an order or judgment which stipulates that a third-country national no longer stays legally in the Netherlands and must therefore leave.
- b. detain the particular third-country national pending departure ('remand in custody')
- c. impose a travel ban directly or indirectly. Third-country nationals with a travel ban may not travel to the Netherlands, other EU countries, Liechtenstein, Norway, Iceland and Switzerland.

If there is a risk that a third-country national will withdraw from authoritative supervision to avoid return (risk of absconding), in certain cases the government may place this third-country national in custody. By way of these judgments, the court made it clear that in a number of cases, it should have been better motivated and substantiated for individuals as to why there is a risk that certain third-country nationals would withdraw themselves from authoritative supervision and it would therefore be necessary to place them in custody.

Explanatory note: In the assessment whether a risk exists that the third-country national will withdraw from supervision, distinction is made between light and significant grounds. Heavy grounds (e.g. providing incorrect particulars, destruction of identity documents) as such, are considered as sufficient to believe that there is a risk that the third-country national would abscond and do not need to be motivated further by the authorities. In a judgment of 24 March, however, the judge indicated that some heavy grounds would still have to be substantiated in more detail. This means a change of policy on this point. This was incorporated in legislation on 1 October 2017.¹⁵¹

Entry bans

As described above, in some cases it has become more difficult to impose an entry ban.

Since 1 April 2017 the possibility has been expanded to impose an entry ban on third-country nationals who have been given a departure period. This is now the case, *inter alia*, for third-country nationals who stay in the Netherlands based on a visa who, through their own fault, no longer comply with the conditions of stay, and for whom there is simultaneously no risk that they will withdraw themselves from supervision.

¹⁵⁰ Administrative Jurisdiction Division of the Council of State (ABRvS) 24 March 2017, ECLI:NL:RVS:2017:793; ABRvS 4 July 2017, ECLI:NL:RVS:2017:1725 (201604476/1).

¹⁵¹ Decree by the Minister of Migration of 15 September 2017, Aliens Act Implementation Guidelines (Amendment) Decree (WBV) no. 2017/9, comprising changes to the Aliens Act Implementation Guidelines 2000, Government Gazette 2017, 53847.

Since April 2017, an entry ban may also be imposed on third-country nationals who withdraw their application for a temporary asylum residence permit without any legitimate/logical reason before a decision is taken, while there are indications that the application is not deemed to be promising.¹⁵² This measure is particularly applicable to applicants from safe countries. In future, a return decision and entry ban may follow immediately on withdrawal of this type of application.

Assisted voluntary return

As from 1 January 2017, third-country nationals from visa-free countries and from countries encircling Europe no longer qualify for participation in the REAN scheme via IOM. The REAN scheme supports third-country nationals in their voluntary return to the country of origin or another country where permanent stay is possible and is financed by the Dutch government.¹⁵³ These changes form part of a wider review of the departure and reintegration support. The purpose of this is to limit and/or to prevent third-country nationals from coming to the Netherlands for this financial support and to bring the amounts in the Netherlands more in line with the non-binding EU standards. Finally, the aim of the changes is to gear the focus more on priorities in implementation of policy on third-country nationals.¹⁵⁴

Box 6 What is a return programme?

Third-country nationals who want to return to their country of origin may be eligible, under certain conditions, for departure and reintegration support. Basic departure and reintegration support is provided via the REAN scheme implemented by IOM. The support offered consists of information on voluntary return, assistance in obtaining a travel document, a plane ticket, a limited financial relief contribution, and if necessary, medical support. The relief contribution is intended for any travel costs in the country of origin and for primary cost of living expenses, such as food and shelter. In addition, there is supplemental departure and reintegration support intended for reintegration in the country of origin. Reintegration support includes support in kind; this not only includes providing courses or training, or support in setting up a business or finding a job, but could also be the providing of shelter or reception. The reintegration support also consists of a limited financial contribution.

As administrator of the return policy, the Repatriation and Departure Service (DT&V) tries to encourage voluntary and sustaining returns. For this purpose, the DT&V maintains subsidy relationships with intergovernmental and non-governmental organisations who implement return projects.¹⁵⁵ In the Netherlands, various organisations organise return projects and provide departure and reintegration support, including the International

¹⁵² Decree by the Minister of Migration of 28 March 2017, Aliens Act Implementation Guidelines (Amendment) Decree (WBV) no. 2017/3, comprising changes to the Aliens Act Implementation Guidelines 2000, Government Gazette 2017, 17943.

¹⁵³ 'Terugkeer naar uw land van herkomst' [Return to your country of origin] (REAN), IOM Netherlands, 28 December 2017, www.iom-nederland.nl

¹⁵⁴ For more information reference is made to: <http://www.iom-nederland.nl/nl/nieuws-1-1-2017>. Consulted on 16 February 2018.

¹⁵⁵ Repatriation and Departure Service. (n.d.). Subsidies. Consulted on 14 July 2016. <https://www.dienstterugkeerenvertrek.nl/projectsubsidies/>

Organisation for Migration (IOM), Dutch Council for Refugees and various other civil society organisations such as *Stichting WereldWijd* [Worldwide foundation], *Stichting ROS* [foundation assisting undocumented migrants], and Bridge to Better.

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

Discontinuation of reintegration support

The financial reintegration support for former asylum seekers of EUR 1,750 - formerly the Return and Reintegration Regulation (HRT)¹⁵⁶ - was discontinued and replaced on 1 July 2017 by:

- A standard reintegration support worth up to EUR 1,800 of which a maximum of EUR 300 in money and the rest in kind.
- Additional reintegration support is possible for prioritized groups, worth up to EUR 1,500. The extent of the support and the target group depends on the specific need.

Contrary to the former HRT, this general reintegration support is available to former asylum seekers as well as third-country nationals who do not have an asylum background.

Suspension of Repatriation and Detention of Aliens Act

In April 2017, the debates of the bill on the 'Repatriation and Detention of Aliens Act'¹⁵⁷ by the Dutch House of Representatives was suspended because of the outgoing status of the government at that time.¹⁵⁸ After formation of the new government the debates on this bill were resumed.¹⁵⁹ This bill allows the detention of foreign nationals to have an own and administrative regime that will apply to all types of detention of foreign nationals (also border custody). Formerly, the regime of detention of foreign nationals was under criminal law. The law must, inter alia, lead to circumstances in the detention of foreign nationals being more in line with the personal situation of foreign nationals who, after all, are not placed in custody as a punishment.¹⁶⁰ The law also gives more authority to the director of the detention facility and to DT&V to accomplish returns. If the new law is adopted, then a disciplinary measure can be imposed in future if the third-country national does not cooperate with the return.¹⁶¹

Return of seriously ill third-country nationals

As a result of a ruling by the European Court of Human Rights in the case Paposhvili against Belgium¹⁶² of 13 December 2016, policy in respect of the return of seriously ill

156 This was a regulation carried out by the IOM, to support former asylum seekers in their voluntary return to their country of origin.

157 Bill on the return and detention of foreign nationals *Parliamentary Papers II*, 2015-16/2017-2018, 34 309, nos. 1-10.

158 *Parliamentary Papers II*, 2016-2017, 34707, no. 1.

159 See: <https://www.rijksoverheid.nl/documenten/kamerstukken/2018/04/26/tk-wijziging-wetsvoorstel-wet-terugkeer-en-vreemdelingenbewaring>.

160 National government (2018) *Vreemdelingenbewaring* [Detention of foreign nationals]. Consulted on 17 January 2018 at <https://www.rijksoverheid.nl/onderwerpen/terugkeer-vreemdelingen/vreemdelingenbewaring>.

161 Bill on the return and detention of foreign nationals *Parliamentary Papers II*, 2015-16/2017-2018, 34 309, nos. 1-10.

162 European Court of Human Rights, 13 December 2016, ECLI:CE:ECHR:2016:1213JUD004173810.

third-country nationals changed on 1 September 2017. Prior to the ruling, removal of a seriously ill third-country national was only prohibited if the necessary medical care was not available in the country of origin. Due to the Paposhvili ruling, in future the government must also take into account whether the necessary medical care is actually accessible to the third-country national. The changed policy arising from the ruling states that it is up to third-country nationals themselves to make it plausible that care is not accessible to them. Only then may departure be postponed.

Enhancing cooperation with third countries of origin and transit countries in the area of return and reintegration management

- *Role of third countries in return measures*

In 2017, the Netherlands increased its efforts in the voluntary return of third-country nationals from transit countries (these are countries that third-country nationals travel through on their way to their final destination) to their countries of origin. At the AU-EU Summit at the end of 2017, a major factor was the willingness of African countries of origin to facilitate returns of their citizens from North Africa/Libya. North African countries also urged priority for support in this area. The Netherlands has therefore contributed EUR 10 million via the EU Emergency Trust Fund for Africa (EUTF) to the International Organisation for Migration (IOM) to support vulnerable third-country nationals who are stranded in Libya or other North African countries. In total, the contribution to IOM's return programmes last year amounted to EUR 11.3 million.¹⁶³

- *EU readmission agreements*

In 2017, the Netherlands was involved in a number of implementation protocols by the Benelux countries in the EU readmission agreements.

Box 7 What are EU readmission agreements?

A readmission agreement is an international agreement for the purpose of easing the readmission of nationals from affiliated countries.¹⁶⁴ This refers to the readmission of third-country nationals who do not (or no longer) have a right of stay within the territory of countries who have mutually concluded an agreement.¹⁶⁵ The EU readmission agreements are often concluded with third countries on behalf of the EU Member States; those are the so-called 'EU readmission agreements'. Details of these EU readmission agreements are often elaborated by the individual Member States in implementation protocols together with the relevant third country.¹⁶⁶ The Netherlands always concludes such protocols together with the Benelux countries.

163 Information provided by the Ministry of Foreign Affairs on 16 February 2018.

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

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

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

The coalition agreement makes it clear that in terms of returns, the Rutte III cabinet is aiming for an international approach. European cooperation must be intensified and cooperation with countries outside the EU ('third countries') must be better to have a more efficient return policy in place. In its international cooperation, the new government intends to apply both positive and negative incentives to urge countries of origin to take back its nationals. Incentives mentioned in the coalition agreement are to provide or deny development cooperation, but also to provide or refuse visas for inhabitants, particularly for government and high ranking officials of the relevant country, or to provide or withdraw landing rights of flights from the country.

The government wants the return procedure to form a clear part of the entire asylum procedure. In order to achieve a demonstrable departure, the government wants more resources for the organisation who is responsible for implementation of the return policy, the DT&V. Finally, according to the government, there must be other alternatives to placing third-country nationals in detention in the context of forced return.

The coalition agreement pays special attention to the importance of returning rejected asylum seekers. The government's efforts aim for an integrated approach, where one can use local facilities that are set up for third-country nationals (LVV), as an example. The purpose of these local facilities is to seek a sustainable solution for third-country nationals who have no right to stay, in order to prevent illegal stay in the Netherlands. In this way, the consequences of illegal stay are also limited for the local environment.

9 ACTIONS ADDRESSING TRAFFICKING IN HUMAN BEINGS

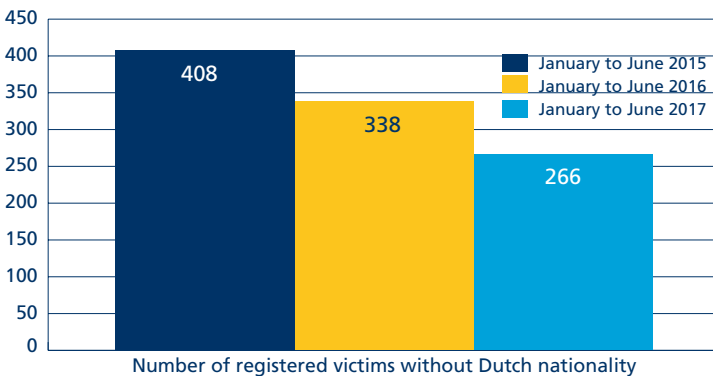
9.1 Introduction

This chapter deals with Dutch policy developments in respect of actions addressing trafficking in human beings. This section of the report primarily deals with trafficking in human beings in which third-country nationals are victims. However, in practice, a substantial proportion of the victims of trafficking in human beings has the Dutch nationality or nationality of another EU Member State. Dutch policy against trafficking in human beings is a generic policy; it is not specifically geared towards human trafficking of migrant third-country nationals, but is geared towards all trafficking in human beings.

First of all, the figures presented below show how many victims of trafficking in human beings have been registered in recent years. They also show the most common nationalities among victims. The following section discusses the most important policy developments in the area of countering trafficking in human beings. This consecutively deals with the identification of victims, cooperation with third countries to counter trafficking in human beings, and the new government's plans contained in the coalition agreement regarding trafficking in human beings.

The number of reports from potential victims of trafficking in human beings who do not have the Dutch nationality has already decreased over several years. This was also clearly the trend in the first half of 2017. The number dropped slightly in the first half of 2017 in comparison to the first half of 2016¹⁶⁷. Figures for the whole of 2017 are not known as yet.

Figure 8: Number of new registrations in the period 1 January to 30 June 2015, 2016, and 2017 of victims who do not have the Dutch nationality



Source: CoMensha (2017). Report dated January to June 2017.

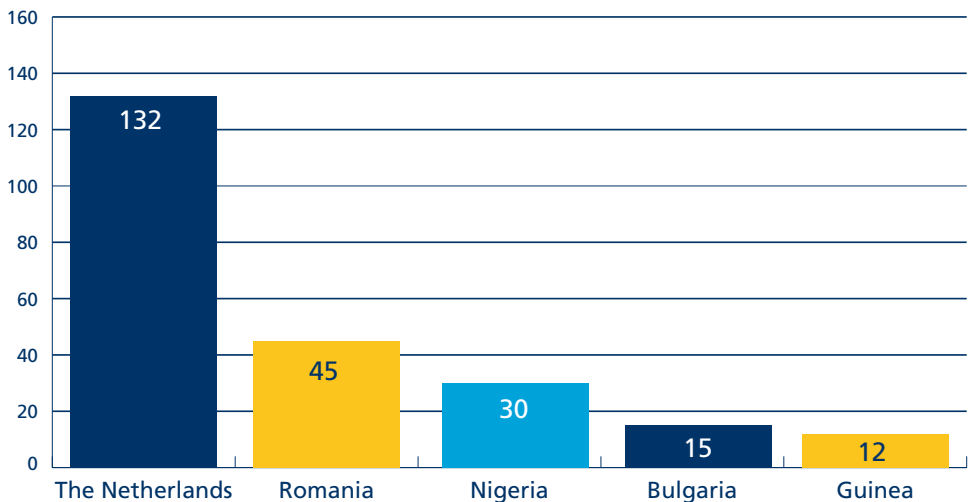
¹⁶⁷ Figures on the number of possible victims of trafficking in human beings are collected in the Netherlands by the Coordination Centre for Human Trafficking (CoMensha foundation) for the Dutch National Rapporteur on Trafficking in Human Beings. CoMensha receives this data from investigation services such as the police, the Royal Netherlands Marechaussee (KMar), reception centres and other partners. When CoMensha receives details of suspected victims, those people are documented/registered. However, the figures published by CoMensha are incomplete, because not all victims are registered or identified.

In the first six months of 2017, a total of 266 new reports of trafficking in human beings were received regarding individuals who do not have the Dutch nationality. In comparison to the number of reports of trafficking in human beings in the first six months of 2016, there was a decrease of about 21%.

As in previous years, the police do most registrations (43% of all reports in January to June 2017), followed by coordinators in the care sector (28%), youth and juvenile institutions (10%) and the Royal Netherlands Marechaussee (KMar) (10%).¹⁶⁸ This data includes all registrations of victims of trafficking in human beings, including the victims with a Dutch nationality.

In respect of the nationality of victims, as was the case in 2016, the largest group by far have the Dutch nationality. This is followed, at quite some distance, by victims that respectively have the Romanian, Nigerian, Bulgarian and Guinean nationality.¹⁶⁹ The majority of all registered victims of trafficking in human beings (including Dutch nationals) was exploited in the sexual services sector (70%). Although this image corresponds with previous years, this sector has grown considerably (from 60% in the same period of 2016, to 70% in 2017). The sexual services sector is followed by regulated employment or services (9%)¹⁷⁰ and forced criminality (6%).

Figure 9: Top 5 nationalities of victims registered in the period January to June 2017



Source: CoMensha (2017). Report dated January to June 2017.

CoMensha gives a number of possible reasons for the general decline in the total number of registrations of victims of trafficking in human beings, which has been a trend

¹⁶⁸ CoMensha. (2017). Report dated January to June 2017.

¹⁶⁹ CoMensha. (2017). Report dated January to June 2017.

¹⁷⁰ 19% in the same period in 2016

since 2014.¹⁷¹ The foremost of these is the fact that the criminal investigation services and other cooperating organisations have experienced capacity problems for some time, which makes the approach to human trafficking more difficult. Another issue mentioned, for example, is more active compliance with regulations regarding privacy.

9.2 Policy developments

In order to counteract trafficking in human beings, a number of new measures were taken in 2017. The most important general developments and measures are explained below. It should be noted that these general measures concern countering the smuggling of persons and trafficking in human beings; they are therefore not measures that relate to asylum and migration.

Identification of victims

• *Training and increasing awareness*

The European Asylum Support Office (EASO) has set up a training course on identifying trafficking in human beings and on hearing and deciding on this in asylum cases. The IND, who was involved in setting up the training course, started giving this course in the autumn of 2017. The training courses will continue in 2018. Also, in June 2017, the Future Agenda on Subversive Crime was presented, which is a product of combined efforts by the police, Public Prosecution Service, the Tax and Customs Administration, regional mayors, the Ministry of the Interior and Kingdom Relations, Ministry of Finance, and the Ministry of Justice and Security.¹⁷² This Agenda was set up for a more integrated approach towards organised and subversive crime. The Agenda also states that an additional two million euro has been provided for tackling trafficking in human beings in the form of training courses for first line police officers to identify signs of trafficking in human beings.

Finally, the information position of the Expertise Centre for Human Trafficking and Human Smuggling (EMM) is improving as more analysts and digital specialists have been employed. This was announced via a letter to Parliament from the Minister of Justice and Security in June 2017.¹⁷³ Aside from employing more analysts and digital specialists, investments are also being made in the continued development of a webcrawler to detect signs of trafficking in human beings online. This is a digital detective application that enables efficient searches of internet sources.¹⁷⁴

• *Measures to encourage cooperation between national actors*

In response to Parliamentary questions, on 28 November 2017 the minister informed that the pilot 'Multi-disciplinary advisory for victims of trafficking in human beings' would be started on 1 January 2018.¹⁷⁵ Victims for whom the criminal procedure has ended and for whom the Public Prosecution Service (OM) has decided not to prosecute

171 CoMensha. (2017). Report dated January to June 2017.

172 See: <https://www.rijksoverheid.nl/documenten/rapporten/2017/07/14/tk-bijlage-toekomstagenda-ondermijning>

173 *Parliamentary Papers II*, 2016-2017, 28638 no. 158. <https://zoek.officielebekendmakingen.nl/kst-28638-158.html>

174 *Parliamentary Papers II*, 2016-2017, 28638 no. 158. <https://zoek.officielebekendmakingen.nl/kst-28638-158.html>

175 Appendix to *Parliamentary Papers II*, 2017-2018, no. 521. <https://zoek.officielebekendmakingen.nl/ah-tk-20172018-521.html>

the punishable offence (dismissal), or who have been acquitted, can report to an independent multidisciplinary 'committee on trafficking in human beings' for assistance. At the request of the alleged victim, the committee will report on the plausibility of victimhood of trafficking in human beings. The victim then has the option to use this report for various procedures. For example, this report may also be brought into evidence in proceedings under immigration law at the IND, who will include this in the decision-making process. This pilot was set up partly as a result of a recommendation by GRETA¹⁷⁶ and the Dutch National Rapporteur on trafficking in human beings, to separate the identification of victims of trafficking in human beings from the investigation and prosecution of perpetrators.¹⁷⁷

In 2017, the Public Prosecution Service also appointed a national coordinator, who has been deployed, inter alia, to improve ties with the Expertise Centre for Human Trafficking and Human Smuggling (EMM) and to enhance a comprehensive provision of information. This ensures that well-considered choices can be made to achieve a more effective approach. In the letter to Parliament dated 1 June 2017, the minister announced that as from 2018, an additional public prosecutor with assistance has been appointed - based on investments made at the National Police - to be able to process the increased number of detections and cases.¹⁷⁸

Cooperation with third countries

• *Training and capacity-building measures*

In 2017, through the International Organisation for Migration (IOM), the Netherlands provided support to Tunisia, Egypt and Nigeria to increase capacity at immigration services, anti-trafficking agencies, and the legal sector. All of this has been done in aiming to combat trafficking in human beings. Contributions were also made to build up capacity of important African transit countries (in the Sahel and West Africa) to enable them to better detect the smuggling of persons and to prosecute trafficking networks.¹⁷⁹

• *Joint investigation teams*

In 2017, no new specific Joint Investigation Teams were set up with the Netherlands in the fight against trafficking in human beings. However, as part of improving the approach towards trafficking in human beings, and as mentioned in the coalition agreement and discussed above, the new government plans to station a police liaison officer in countries where a great deal of trafficking in human beings originates. These liaison officers must be operative in an important bridging function between the countries involved in these investigations into trafficking in human beings.¹⁸⁰

176 GRETA is an abbreviation for Group of Experts on Action against Trafficking in Human Beings. GRETA is a European body responsible for supervising implementation of the Council of Europe Convention on combating trafficking in human beings, see: <http://wetten.overheid.nl/BWBO004138/2010-08-01>

177 Appendix to *Parliamentary Papers II*, 2017-2018, no. 521. <https://zoek.officielebekendmakingen.nl/ah-tk-20172018-521.html>.

178 *Parliamentary Papers II*, 2016-17, 28638 no. 158. <https://zoek.officielebekendmakingen.nl/kst-28638-158.html>

179 This information was provided by the Ministry of Foreign Affairs on 16 February 2018.

180 Response by the Dutch National Rapporteur to the coalition agreement (10 October 2017). Consulted on 4 January 2018, <https://www.nationaalrapporteur.nl/actueel/2017/reactie-nationaal-rapporteur-op-regeerakkoord.aspx>.

New measures for the prevention of and fight against trafficking in human beings

The approach to trafficking in human beings has the current government's full attention and various measures were also announced in the coalition agreement to intensify that approach. The government wants to address the problems of trafficking in human beings in a comprehensive manner.

• *Enhanced approach to trafficking in human beings*

The coalition agreement contains several measures to further intensify the approach to trafficking in human beings. The government wants to strengthen the fight against trafficking in human beings, and stresses that people in prostitution must be protected from abuses. The government will invest in international search and detect investigations. In addition, police liaison officers (*liaisons*)¹⁸¹ will be stationed in countries where trafficking in human beings takes place. People who want to break away from prostitution, must be helped in trying to achieve this. The government therefore makes funds available on a structural basis for so-called 'exit programmes' to help these people. This structural investment should enable assistance to be offered throughout the Netherlands. The procedure of the private member's bill Penalization for abuse of prostitutes who are victims of trafficking in human beings continues. Investments are made in regional Prostitution Monitoring Teams, which are regional teams of police officers who, among other things, visit clubs and individuals to check for illegal, forced and under-aged prostitution. Funds will also be provided for victims of trafficking in human beings.¹⁸² In the coalition agreement, an additional EUR 50 million has been made available to the SZW Inspectorate (Social Affairs and Employment). Some of this money is earmarked for intensification of the approach to labour exploitation.

In any event, the plan of action includes all measures mentioned above that are embodied in the new coalition agreement of October 2017. In addition, the plan of action contains measures that will ensure that under-aged victims of trafficking in human beings are always supported. At the Ministry of Health, Welfare and Sport, resources have been made available for improvement of reception and support for victims of trafficking in human beings. The Minister of Health, Welfare and Sport and the Minister of Migration will consult with relevant parties to determine how these resources can best be deployed. The outcomes of these discussions will also be included in the plan of action.¹⁸³ In an initial letter (April 2018), the Dutch House of Representatives will be informed about a number of issues that have already been put in place. In turn, workshops are organised with relevant partners, where various bottlenecks and intensifying measures are investigated and developed further. This should lead to a plan of action with various concrete measures. The Dutch House of Representatives will receive this plan of action after the summer of 2018. It is also important that stakeholders jointly establish which objectives and ambitions should be achieved with the measures in the plan of action and how this will be monitored and evaluated.

181 These liaisons of the Royal Netherlands Marechaussee, the national police, and the BeNeLux, form a central network spread across the world, that helps the Netherlands in tracking and pursuing services relating to requests for mutual assistance.

182 Coalition Agreement 'Vertrouwen in de toekomst' [Confidence in the future] (2017). VVD, CDA, D66 and ChristenUnie. <https://www.kabinetsformatie2017.nl/documenten/publicaties/2017/10/10/regeerakkoord-vertrouwen-in-de-toekomst>.

183 *Parliamentary Papers II*, 2017–2018, 28638 no. 160. <https://zoek.officielebekendmakingen.nl/kst-28638-160.html>.

- *Reports by the Dutch National Rapporteur on Trafficking in Human Beings*¹⁸⁴

In October and November 2017, the Dutch National Rapporteur on Trafficking in human beings published two reports: Tenth Report on Trafficking in Human Beings and Victim Monitor on Trafficking in Human Beings 2012-2016. These reports, and mainly the recommendations arising from them, are an important source in the formulation of a plan of action that will be presented by the Minister of Migration to the Dutch House of Representatives in the first quarter of 2018.¹⁸⁵

- *Improvement measures of protected reception for victims of trafficking in human beings*

All allegedly under-aged victims of trafficking in human beings are taken care of, counselled and supported in the so-called 'Protected Reception'. In 2017, a lot of attention was paid in the Dutch House of Representatives to disappearances of unaccompanied minors from Protected Reception facilities, and to reports by the Youth Care Inspectorate and Justice and Security Inspectorate on the quality of this Protected Reception. For a more detailed description of new measures that have been put in place and being planned, see chapter 5 on unaccompanied minors.

184 Dettmeijer-Vermeulen, C. E. (2017). Tenth Report by the National Rapporteur on Trafficking in Human Beings, 9 November 2017 and Victim Monitor on Trafficking in Human Beings 2012-2016, 30 October 2017 [https://www.nationaalrapporteur.nl/binaries/Nationaal%20Rapporteur%20\(2017\)%20Tiende%20rapportage%20mensenhandel_interactief_tcm23-288257.pdf](https://www.nationaalrapporteur.nl/binaries/Nationaal%20Rapporteur%20(2017)%20Tiende%20rapportage%20mensenhandel_interactief_tcm23-288257.pdf)

185 *Parliamentary Papers II*, 2017-2018, 28638 no. 160. <https://zoek.officielebekendmakingen.nl/kst-28638-160.html>.

10 MIGRATION AND DEVELOPMENT POLICY

10.1 Introduction

This chapter describes Dutch policy developments in respect of migration and development. In particular, attention is paid to developments relating to cooperation with countries of origin and support for reception in the region, in which the Netherlands is involved in the form of development projects. In this, the Dutch contribution to the International Organisation for Migration (IOM) is mentioned separately. The chapter concludes with a brief description of developments in the area of cooperation with diaspora.

10.2 Policy developments

10.2.1 *General*

In the area of migration and development in 2017, further efforts were made in programmes that are geared towards removing root causes of irregular migration. For example, more funds were provided for employment in African countries, for investments in growth markets in developing countries, and for addressing root causes of armed conflicts, instability and irregular migration. The Rutte III coalition agreement of 10 October 2017 also mentions development cooperation as an important element of the migration policy, in which the emphasis lies on reception of refugees in their own region.¹⁸⁶

The Netherlands heads the Regional Development and Protection Programme (RDPP) on behalf of the EU, to improve reception of refugees in the Horn of Africa. In 2017, the Netherlands (just like the European and international partners) put a great deal of effort into tackling root causes of irregular migration. In so doing, the focus particularly lay on cooperation with the private sector to improve employment opportunities for both refugees as well as host communities in countries of origin. Here, the Netherlands placed priority on the promotion of youth employment (in close cooperation with secondary education). 2017 also saw the roll-out of innovative information campaigns, mostly in the EU context, to discourage irregular migration and to inform third-country nationals about the risks of travelling via traffickers in human beings (see also chapter on Irregular Migration).¹⁸⁷

The brief explanation below covers a few specific policy developments regarding cooperation with countries of origin (including support of development projects) and diaspora in 2017.

186 VVD, CDA, D66 and ChristenUnie, *Vertrouwen in de toekomst: Regeerakkoord 2017-2021* [Confidence in the future: Coalition Agreement 2017-2021], October 2017; <https://www.kabinetformatie2017.nl/documenten/publicaties/2017/10/10/regeerakkoord-vertrouwen-in-de-toekomst>.

187 See 2017 National government budget; http://www.rijksbegroting.nl/2017/voorbereiding/begroting_kst225874_10.html.

10.2.2 *Reception centres in the region*

In May 2016, in addition to emergency aid, the government made an extra amount of EUR 260 million available for the structural reception of refugees in the region of Syria. The purpose of committing these additional funds is to ensure that refugees are given the opportunity to build up a new life in host countries, until it is possible to return home. Programmes supported by the Netherlands are particularly focused on education, employment, and public services and amenities such as water, electricity and waste processing. This benefits both the refugees themselves and the countries and communities that shelter the refugees. The breakdown of this amount is as follows: Lebanon EUR 86 million, Jordan EUR 60 million, Turkey EUR 94 million and Iraq EUR 20 million. In 2016, approximately EUR 180 million of this amount was spent, and approximately EUR 80 million was spent in 2017.¹⁸⁸

In Lebanon and Jordan, the Dutch contribution is geared towards education. In Jordan, it mainly focuses on education for children (both Syrian as well as Jordanian) who have an educational disadvantage. This contribution is allocated through UNICEF and UNRWA (the UN Relief and Works Agency for Palestine refugees in the Near East). In Lebanon, the emphasis lies on vocational education of youths aged 15 to 24 years, e.g. in agriculture. In the case of Turkey, the contribution from the Netherlands is allocated via the EU Facility for Refugees in Turkey (FRIT). In Iraq, the contribution is allocated via the United Nations Development Programme (UNDP) for a rapid stabilisation of areas liberated from ISIS, so that displaced people can return to their original housing areas.¹⁸⁹

In the spring of 2017 an additional EUR 30 million was made available for reception in the region, focused on the Horn of Africa. This additional funding was allocated inter alia to projects in Ethiopia, Uganda, Kenya and Sudan in the area of protection, services and employment. Part of this money will only be allocated in 2018.¹⁹⁰

*International Organisation for Migration (IOM)*¹⁹¹

Aside from the coastal surveillance project, in 2017 the Netherlands supported and worked in conjunction with IOM in a number of other areas relating to development in countries of origin. The IOM plays an important role in the area of voluntary return and reintegration of former asylum seekers from the Netherlands, and of third-country nationals stranded in transit countries in North Africa (in particular, Libya and Morocco). The IOM forms part of a consortium in Southern Africa that uses contributions from the Netherlands to fight the causes of HIV/aids and to improve sexual and reproductive health and rights. The Netherlands also supports IOM in collecting data on migration flows and making regional analyses in the Horn of Africa and Northern Africa. The Netherlands allows the IOM to make this data available to the Global Humanitarian Data Exchange Centre of the United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA) that started in The Hague in 2017. Moreover, the Netherlands

¹⁸⁸ *Parliamentary Papers II*, 2016–2017, 19637, no. 2253, 8 November 2016.

¹⁸⁹ *Parliamentary Papers II*, 2016–2017, 19637, no. 2253, 8 November 2016.

¹⁹⁰ Information provided by the Ministry of Foreign Affairs on 18 April 2018.

¹⁹¹ Since 19 September 2016, the IOM has been part of the United Nations and has since also called itself the UN Migration Agency.

supports IOM via the CD4D programme, which seeks to get diaspora to make a constructive contribution in the development of countries of origin (see 10.2.2).¹⁹²

Development funds

Further in 2017, the Netherlands has also provided a contribution to the root causes of migration via the funds Local Employment in Africa for Development (LEAD), the Dutch Good Growth Fund (DGGF), and Addressing Root Causes (ARC). Below is a brief description of these funds.

The LEAD fund aims to combat the causes of irregular migration and to reduce the vulnerability of youths for trafficking in human beings and radicalisation. This fund wants to offer prospects to youths in African countries, by creating jobs and encouraging local entrepreneurship. To achieve this, the Ministry of Foreign Affairs established a subsidy scheme amounting to a total of EUR 25 million. Until 28 September 2015, civil society organisations and entrepreneurs were able to submit project proposals. The proposals selected were from civil society organisations SPARK, Hivos, Oxfam Novib, and SOS Children's Villages. In 2016, the organisations started implementing their programmes in seven African countries: Algeria, Egypt, Libya, Somalia, Mali, Liberia and Tunisia. A number of African entrepreneurs also got support from the fund.¹⁹³ In 2017, projects continued to be implemented based on the LEAD fund.

The DGGF tries to create more employment in countries of origin by providing support to young start-ups and developing entrepreneurs. This aims to undermine any driving force for irregular migration by offering prospects in the countries of origin.¹⁹⁴ In 2017, the government made a total of EUR 300 million available for the DGGF.¹⁹⁵

The Addressing Root Causes (ARC) Fund of the Ministry of Foreign Affairs made a total amount of EUR 125 million available for the period 2016-2021, for which 125 project proposals were submitted by the Netherlands and international and local NGOs in March 2016 for schemes in the following countries: Afghanistan, Pakistan, Jordan, Lebanon, Syria, Ethiopia, Somalia, Sudan, South Sudan, Mali, Burundi and the Democratic Republic of the Congo.¹⁹⁶ In 2017, the consortiums Building Bridges in Burundi (BBB)¹⁹⁷ and ACORD International¹⁹⁸ implemented projects using financing from this fund. The ARC

¹⁹² Score Card International Organisation for Migration, see National government website: <https://www.rijksoverheid.nl/binaries/.../2017/09/21/.../Scorecard+IOM+2017.pdf>

¹⁹³ See also the National government website: <https://www.rijksoverheid.nl/onderwerpen/subsidies-voor-ontwikkelingssamenwerking-en-europa/subsidies-maatschappelijke-organisaties/local-employment-in-africa-for-development-lead>.

¹⁹⁴ For an overview of the countries, see: <http://www.dggf.nl/landenlijst>. Consulted on 16 March 2018.

¹⁹⁵ See also the National government website: <https://www.rijksoverheid.nl/onderwerpen/ontwikkelingssamenwerking/handel-en-ontwikkelingssamenwerking/dutch-good-growth-fund-dggf>.

¹⁹⁶ Website of the National government: Addressing Root Causes Fund 2016-2021; <https://www.rijksoverheid.nl/onderwerpen/subsidies-voor-ontwikkelingssamenwerking-en-europa/subsidies-maatschappelijke-organisaties/addressing-root-causes-fund-arc-fund-2016-2021>.

¹⁹⁷ Consisting of the organisations *Red een Kind* [Save a Child], *Cord, Mensen met een Missie* [People with a Mission] and the American Friends Service Committee.

¹⁹⁸ A consortium consisting of the organisations Agency for Cooperation and Research in Development (ACORD), DanChurchAid (DCA) and the Centre for Conflict Resolution (CCR). They conducted a study into the root causes of political and socio-economic instability in South Sudan.

fund is particularly focused on safety, a functioning legal system, and socio-economic reconstruction.

10.2.3 Cooperation with diaspora

In the context of remittances by diaspora to the country of origin, the Netherlands is currently working on implementation of the European Parliament and Council Directive (EU) 2015/2366 of 25 November 2015, relating to payment services in the internal market, which should also contribute to the reduction of costs for remittances sent by migrants. The Netherlands additionally contributes to the Financial Inclusion Support Framework of the World Bank, which, inter alia, is geared towards tackling the remittances problem.¹⁹⁹

The IOM programme Connecting Diaspora for Development (CD4D), which was launched in 2016 as a successor to the *Temporary Return of Qualified Nationals* (TRQN) programme, was continued in 2017. This scheme envisages allowing diaspora groups from the Netherlands to contribute to the development of specific sectors in their countries of origin. Here, knowledge and experience within diaspora groups in the Netherlands are coupled to needs of institutions in six countries: Ethiopia, Somalia, Afghanistan, Sierra Leone, Ghana, and Morocco.²⁰⁰ The Ministry of Foreign Affairs has budgeted a total of EUR 4.7 million for the CD4D programme. The scheme runs until the beginning of 2019.²⁰¹

199 *Parliamentary Papers II*, 2017-2018, 33 625, no. 250.

200 The schemes in Ghana and Morocco have been phased out in the meanwhile. Information provided by the Ministry of Foreign Affairs on 18 April 2018.

201 See IOM website: <http://www.iom-nederland.nl/nl/migratie-en-ontwikkeling/temporary-return>. Consulted on 13 March 2018.

ANNEX A: METHODOLOGY AND DEFINITIONS

Methodology

This Annual Review is mainly the result of desk research. The report has been drawn up on behalf of the national contact point for EMN in the Netherlands by Stijn Bleichrodt, Nico van der Laan, Hanna van der Linden, Amber Mulder and Henrika Wörmann. In so doing, thankful use has been made of expertise at the Strategy and Implementation Advisory department of the IND and the Migration Policy Department of the Ministry of Justice and Security. The following parties have also provided a contribution to the coming about of this report: the Integration and Community Department and the Labour Relations Department of the Ministry of Social Affairs and Employment, the Ministry of Education Culture and Science, the Repatriation and Departure Service and the Central Agency for the Reception of Asylum Seekers of the Ministry of Justice and Security, the Royal Netherlands Marechaussee of the Ministry of Defence, the National Rapporteur on Trafficking in Human Beings, the Law Enforcement and Crime Prevention Branch of the Ministry of Justice and Security, and the Consular Affairs and Migration Policy Department of the Ministry of Foreign Affairs, the Public Prosecution Service, the National Police, the Executive Agency for Education, and Nuffic.

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

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

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

The websites of these organisations were mainly consulted to obtain information on organisations and their points of view. Also, publications by various organisations on asylum and migration were mostly obtained at their websites.

Use was mainly made of the internet to gain an insight into public debate. By making use of internet sites of major national newspapers, and the news and actuality programmes on national television (both by public and commercial broadcasters), research was conducted into which asylum and migration-related topics got much attention in the media. An important source of information on the social debates was the weekly news items published on Migratierecht.nl, an online publication by Sdu Publishers.²⁰² Aside

from a general analysis of asylum and migration-related topics, research included media attention for specific topics which were dealt with in the parliamentary debate.

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

Criteria for the importance of amendments in laws and regulations

The report aspires to provide as complete an overview as possible of the made or intended amendments in laws and regulations for the various policies that are dealt with. Any made or intended amendments which mean an actual adaptation of these laws and regulations, are incorporated in the report. Only minor changes have not been included (for example, the annual increase of certain income requirements).

Criteria for the importance of political and social debates

The report does not aim for completeness with respect to the political and social debates and developments. The purpose of the Annual Review is to give an impression of the most important discussion topics relating to asylum and migration in the Netherlands. The following criteria were used in the selection process. To be included in the report, a political and social debate must at least comply with the following cumulative preconditions:

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

Implementation of European laws and regulations

The Annual Review envisages providing a complete picture of the implementation of European laws and regulations relating to asylum and migration. Hence all developments in this area have been included in the report.

Terms and definitions

This report assumes the definition of relevant terms in the EMN Asylum and Migration Glossary 3.0.²⁰³ The terms and definitions in this explanatory glossary developed by the EMN aim to increase comparability of the information exchanged between EU Member States.

²⁰³ Asylum and Migration Glossary 3.0 - a tool for better comparability produced by the European Migration Network October 2014 (EC – EMN 2014). Available at http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/glossary/index_a_en.htm

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

In the Netherlands various ministries and other organisations play a role in the development and implementation of policy in the area of asylum and migration.²⁰⁴ The task of every organisation in the area of asylum and migration is briefly explained below (see also the illustration below):

- The **Minister of Migration** is responsible for policy in the area of admissions, stay and return of third-country nationals. In addition, the Minister of Migration develops policies for the organisations cooperating in the immigration process.
- The **Minister of Social Affairs and Employment** 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** is responsible for the visa policy. The Minister of Foreign Affairs is also responsible for creating country reports which describe the situation of asylum seekers in key countries of origin, and individual reports with which the facts or documents presented by an asylum seeker are assessed on accuracy and authenticity.
- The **Minister of Defence** is responsible for the policy on admission and control at the border.
- The **municipalities** are responsible for the accommodation of holders of an asylum residence permit and also have a role in handling naturalisation applications. Municipalities also have a duty to care for the civic integration and participation of immigrant population groups and local implementation of the asylum policy.
- The **Immigration and Naturalisation Service (IND)**, an agency of the Ministry of Justice and Security, is responsible for the execution of the Aliens Act and the Netherlands Nationality Act. This agency assesses all applications from third-country nationals who stay or want to stay in the Netherlands or who want to become Dutch nationals. The IND also plays a role on behalf of the Minister of Foreign Affairs in the assessment of applications for a short-stay visa. In addition, the IND assesses all applications for a regular provisional residence permit (MVV) on behalf of the Minister of Foreign Affairs.
- The **Repatriation and Departure Service (DT&V)**, as an agency of the Ministry of Justice and Security, is responsible for organising the departure of third-country nationals who have to leave the Netherlands, in a humane and professional manner.
- The **Central Agency for the Reception of Asylum Seekers (COA)**, an independent administrative authority, is responsible for the reception of asylum seekers. Commissioned by the Minister of Migration, the COA offers people safe housing and supports

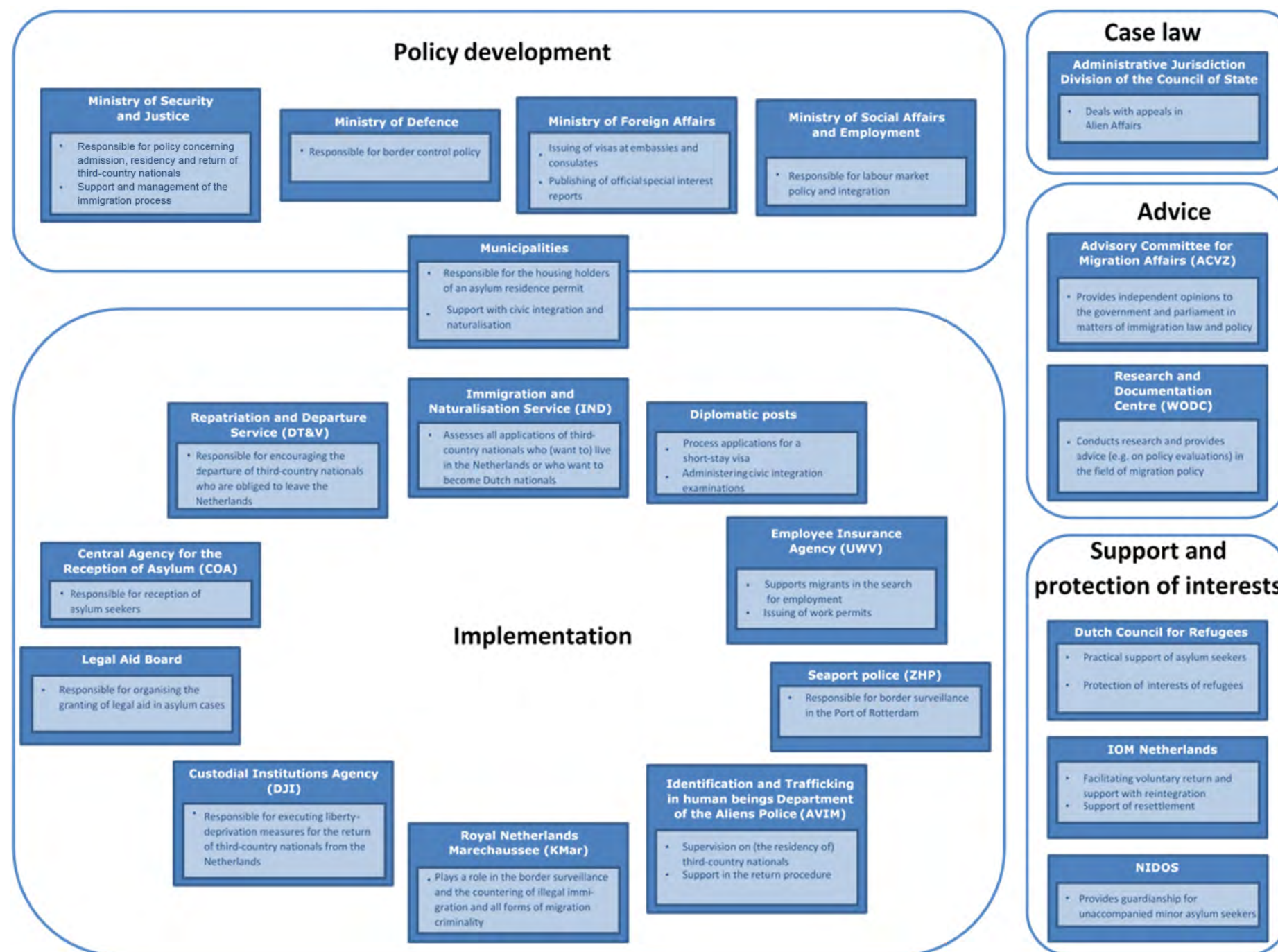
²⁰⁴ A comprehensive description of the organisation of the Asylum and Migration Policy in the Netherlands is available in the EMN report *De organisatie van het asiel- en migratiebeleid in Nederland* [The Organisation of the Asylum and Migration Policy in the Netherlands]. Rijswijk: INDIAAC-NL EMN NCP 2012. http://www.emnnetherlands.nl/EMN_publicaties/2012/Organisatie_van_het_Asiel_en_Migratiebeleid_in_Nederland.

them in preparing for their future in the Netherlands or elsewhere. It is mainly concerned with asylum seekers and refugees, and specific groups such as unaccompanied minors. The COA is an implementing body with reception centres throughout the Netherlands.

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

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

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





Immigration and Naturalisation
Service
Ministry of Justice and Security



Funded by the European Union's
Asylum, Migration and Integration Fund

The European Migration Network

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

www.emnnetherlands.nl