



RESETTLEMENT AND HUMANITARIAN ADMISSION IN THE NETHERLANDS

Policy and practices



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RESETTLEMENT AND HUMANITARIAN ADMISSION IN THE NETHERLANDS: POLICY AND PRACTICES

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ABBREVIATIONS

BMA	Medical advisory service of the IND
BRP	Persons Database
CSN	Citizen Service Number
COA	Central Agency for the Reception of Asylum Seekers
EMN	European Migration Network
ETC	Emergency Transit Centre
EU	European Union
GGD	Municipal Health Services
ICEM	Intergovernmental Committee for European Migration
IND	Immigration and Naturalisation Service
IOM	International Organisation for Migration
MPI	Migration Policy Institute
NGO	Non-Governmental Organisation
NIDOS	Institution for family guardianship of unaccompanied minors
PbEU	Official Journal of the European Union
PMQ	Pre Mission Questionnaire
RRF	Resettlement Registration Form
UAF	University Assistance Fund
UNHCR	United Nations High Commissioner for Refugees
UN	United Nations
WODC	Research and Documentation Centre

1 INTRODUCTION

1.1 Background

For the first time since the Second World War, in 2015 the number of refugees, asylum seekers and displaced persons worldwide reached more than 60 million people, according to the *United Nations High Commissioner for Refugees* (UNHCR).¹ Direct causes are conflicts and crises in Syria and elsewhere. Other underlying trends that also contributed to this were demography, climate change, poverty and globalisation. Although the majority of refugees are sheltered in the region, the number of persons that arrived in Europe and submitted an application for asylum, increased significantly.

The European Union (EU) and its Member States are trying to find a solution to the challenges that this major increase in migration pressure entails. Aside from numerous measures of a more restrictive nature, attention is also paid to opening up or expanding existing 'legal routes' that could provide protection, such as resettlement and humanitarian admission programmes.

Various initiatives in the area of resettlement and humanitarian admission are already in progress in the EU. For example, the European Commission stressed the importance of resettlement in the European Agenda on Migration of 13 May 2015.² This European Agenda includes an EU-wide Relocation Scheme and an EU-wide Resettlement Scheme. During the EU-Africa Summit in Valetta in November 2015, the participating countries also stated that 'access to protection through legal migration routes such as resettlement, must be enhanced'.³ These new initiatives are in line with existing efforts relating to resettlement by a number of Member States. A number of Member States provide a contribution to UNHCR's resettlement programme.

Attention in the EU has not only been paid to resettlement, but also to humanitarian admission, for example, in relation to the EU–Turkey Statement of 18 March 2016. This Statement embroiders on the EU–Turkey Joint Action Plan which entered into force on 29 November 2015 in light of the influx of refugees who wanted to get to the EU via Turkey.⁴ The crux of the EU–Turkey Statement is a mechanism on the basis of which irregular migrants are returned if they dare to attempt the crossing from Turkey to Greece. For every Syrian refugee returned to Turkey in this way, the EU Member States will resettle a Syrian refugee who stays in Turkey. In addition to this so-called one-on-one mechanism, another part of the EU–Turkey Statement provides for introducing an arrangement with Turkey for a humanitarian admission programme.⁵ If illegal border crossings from Turkey to the EU cease or reduce sustainably, then a humanitarian admission pro-

1 <http://www.unhcr.org/558193896.html>

2 http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf

3 http://eeas.europa.eu/top_stories/2015/121115_valletta-summit-2015_en.htm

4 http://europa.eu/rapid/press-release_MEMO-15-5860_en.htm

5 COM(2016) 85 final, Notification from the Commission to the European Parliament and the Council on progress made in implementation of the Priority Actions under the European Agenda on Migration, 10.2.2016.

gramme can be activated on a voluntary basis which enables refugees from Turkey to be taken up by EU Member States.

In light of the developments mentioned above and the quest for 'legal routes', in 2015 the European Migration Network (EMN) decided to conduct a study into resettlement programmes, humanitarian admission programmes and privately sponsored programmes. The EMN is a research network of EU Member States and Norway that is financed by the European Commission and the Member States, and its objective is to collect current, reliable and possibly comparable information in the field of migration and asylum. This report culminates the results of the Dutch contribution to the EMN focused study on resettlement programmes and humanitarian admission programmes, and thus makes the Dutch contribution accessible to Dutch readers. Aside from this report, the Dutch contribution is combined with those from other EU Member States plus Norway, into an English Synthesis Report.

1.2 Objective

The objective of this national study is to identify what programmes the Netherlands has that provide for a legal route for refugees from third countries to the Netherlands. The context of this study discusses resettlement programmes, humanitarian admission programmes and private sponsored programmes. In this report, the following definitions are maintained:

Resettlement

Generally, resettlement is the selection and transfer of refugees⁶ from a country where they have sought protection to a third country that has agreed to admit them as refugees with a permanent residence status. The granted status ensures protection against refoulement and provides a resettlement refugee and their family or dependants with access to rights similar to those enjoyed by the citizens.

Humanitarian admission

In the context of this study, humanitarian admission relates to arrangements that are similar to resettlement, but for various reasons, do not correspond entirely with the definition of resettlement, for instance, because it does not offer a permanent but merely a temporary solution.

Private sponsorship

Although there is no generally accepted definition of private sponsorship, in essence it concerns a person, group or organisation that takes responsibility for the financial, social and spiritual support of a resettled person or family for a predetermined period of time, or until this person or family has become self-reliant.

The underlying idea of the analysis in this study is the formulation of points for improvement and good practices. In this way, the study contributes to the further development and elaboration of both national programmes and joint European initiatives.

1.3 Research question

The study tries to find an answer to the following research questions:

Policy

- What programmes does the Netherlands have in the area of resettlement and humanitarian admission (resettlement programmes, humanitarian admission programmes and privately sponsored programmes)?
- What is the policy framework for these programmes?
- What is the legal framework for these programmes?

In practice

- How are the existing programmes scheduled practically and how are they carried out?
- Which players are involved in the various stages of the programme (selection, travel, arrival, stay)?
- What methods and criteria are used to select the refugees?
- Are there cultural orientation programmes? If so, how do those programmes work in practice?
- How many people are admitted to the Netherlands based on existing programmes, and what are their nationalities?
- What integration measures are taken after arrival in the Netherlands?

Evaluation

- Are the existing programmes for resettlement and humanitarian admission analysed and evaluated?
- What points for improvement and good practices can be identified in respect of the existing programmes?

1.4 Scope

The Netherlands has a long-standing tradition in the area of resettlement, but it does not have any humanitarian admission programme or privately sponsored programme as yet. It is for this reason that this study focuses on the resettlement policy. However, it also points out what the Dutch position is in respect of a humanitarian admission programme and privately sponsored programme. Research was delimited to the period 2011-2015. In order to provide a complete outline of the resettlement policy in the period 2011-2015, its history is mapped and, in response to recent initiatives on an EU level, current developments on the resettlement dossier have also been charted.

1.5 Research methods

The research questions in paragraph 1.3 are based on the so-called common template that was developed for EMN studies. To find an answer to the research questions, use was made of desk research, qualitative research methods, and quantitative data.

Common template

This study is carried out at the request of EMN. To this end, use was made of a common template predetermined on a European level.⁷ This common template was designed as a questionnaire and was developed by EMN to enhance comparability of results between the different Member States plus Norway. On a European level, a Synthesis Report is compiled on the basis of the study reports from all participating Member States and Norway.

Desk research

Policy documents, underlying documents, web sites and evaluation reports were researched. These documents provide an insight into policy, law and regulations, and the practical implementation of the Dutch resettlement programme. For a large part, the documents researched for this study are all in the public domain.

Interviews

In May 2016, interviews were held with the most important organisations involved in the preparation and implementation of the resettlement policy:

- The Ministry of Security and Justice, Directorate for Migration Policy (Min V&J, DMB);
- The Immigration and Naturalisation Service (IND);
- The Central Agency for the Reception of Asylum Seekers (COA);
- The International Organization for Migration (IOM);
- UNHCR Netherlands;
- Dutch Council for Refugees;
- Amnesty International.

A total of twelve people were interviewed. Annex I provides a list of the people interviewed.

When conducting these interviews, use was made of a questionnaire which is based on the common template (see Annex IV).

Expert meeting

On 20 June 2016, an expert meeting was organised and the people interviewed were given the opportunity to respond to the draft version of the completed common template. This meeting was also used to elaborate the points for improvement and good practices, as put in place by the various experts. The people invited to the expert mee-

ting were the very same as the members of the expert group (see paragraph 1.6). A total of seven experts were present at the expert meeting.

Quantitative data

Data on the numbers and nationalities of resettled refugees in the Netherlands was obtained from the IND. Data from Eurostat and Statistics Netherlands on resettled refugees was also consulted.

1.6 Expert group

An expert group was set up in the context of this study. This expert group comprises experts from the most important organisations involved in drafting and implementing the resettlement policy (see Annex IV). The people who made up the expert group were the very same as those invited to the expert meeting (see paragraph 1.5).

1.7 Report structure

Chapter 2 addresses the resettlement policy in the period 2011-2015. In chapter 3, the resettlement policy is placed in a perspective of past and future. Chapter 4 describes the practical implementation of the resettlement policy. Chapter 5 provides an insight into the numbers and nationalities of resettlement refugees. Chapter 6 presents an evaluation of the resettlement policy and practices. Here, good practices and points for improvement have been formulated. Chapter 7 contains the summary and conclusions.

2 RESETTLEMENT POLICY: 2011-2015

The key question in the focused study relates to programmes in the Netherlands providing for a legal route for refugees from third countries to the Netherlands. In more specific terms these are resettlement programmes, humanitarian admission programmes and privately sponsored programmes. In the period of this study, being 2011-2015, the Netherlands only had a resettlement programme. This chapter describes the resettlement programme from a policy-related perspective. Practical implementation is discussed in [chapter 4](#). In this chapter, attention is paid to the UNHCR resettlement programme with contributions by way of the Dutch resettlement policy, the national policy frameworks in the period 2011-2015, the legal framework of the resettlement policy, and the public debate at national level in respect of the resettlement policy.

2.1 The UNHCR resettlement programme

The Dutch resettlement policy provides a contribution to UNHCR's resettlement programme. Refugees who are eligible for resettlement in the Netherlands are selected by the UNHCR and are therefore recognised as such by the UNHCR. This chapter briefly discusses three sections of the UNHCR resettlement programme: the role of resettlement as a durable solution to the global refugee problem, the global resettlement need, and the criteria applied by the UNHCR to assess the situation of a refugee.⁸

Resettlement as a durable solution

The UNHCR has defined resettlement as one of the three durable solutions for the global refugee problem, in addition to voluntary return to the country of origin, and local civic integration in the country of refuge. Voluntary return entails a safe and dignified return of refugees to the country of origin and, on return, ensuring protection by national authorities.⁹ Local civic integration means that refugees should be able to achieve legal, economic and social integration in the country of refuge and are protected by the national authorities.¹⁰

In addition to voluntary return and local civic integration, resettlement is the third durable solution for the global refugee problem. The UNHCR defines resettlement as follows:

'Resettlement includes the selection and transfer of refugees from a country where they have sought protection to a third country that has agreed to admit them as refugees with a permanent residence status. The granted status ensures protection against refoulement and provides a resettlement refugee and their family or dependants with access to rights similar to those enjoyed by the citizens. Resettlement also implies ultimately becoming a naturalised citizen in the country of resettlement'.¹¹

⁸ For a complete description of the UNHCR resettlement programme, see UNHCR Resettlement Handbook, 2011.

⁹ UNHCR Resettlement Handbook, p. 28.

¹⁰ Ibid.

¹¹ UNHCR Resettlement Handbook, p. 9.

This definition makes it clear that resettlement is a permanent solution to the refugees' situation, so that they can lead a normal life in a new country. In the elaboration of the legal framework of the Dutch resettlement policy we will see that the Netherlands deviates from this. The legal framework of the Dutch resettlement policy, primarily provides for a temporary residence status of the resettlement refugee, which, at present, can be converted after five years into a residence status for an indefinite period of time.

The UNHCR stresses that the three durable solutions (voluntary return, local civic integration, and resettlement), jointly comprise a 'comprehensive approach' for refugees; the three durable solutions are 'complementary' to each other.¹² Furthermore, the UNHCR stresses that resettlement is the final element for the global refugee problem. This means that resettlement only becomes an option if voluntary return and local civic integration do not provide a solution to the refugees' situation.

Resettlement need

The UNHCR uses various reports (Global Needs, Trends and Fact Sheet) to accurately reflect what the annual global resettlement need is, what the trends are, and what the resettlement efforts have actually brought about. For 2016, the UNHCR has estimated the global resettlement need at 1,150,300 refugees.¹³ According to the UNHCR, the last 5 years have shown a direct correlation between the number of refugees worldwide and the global resettlement need. This resettlement need is approximately 8% of the global refugee population.¹⁴ There are very few countries in the world that structurally make resettlement places available. At present there are 25 countries worldwide that have a resettlement programme.¹⁵ Aside from traditional resettlement countries such as the Netherlands, in recent years there has been growth in the number of countries that have implemented a resettlement programme. Despite this, the number of resettlement places is still not adequate for the resettlement need. In 2015, 134,000 refugees were selected for resettlement while 943,900 refugees became eligible for resettlement, which is a total of approximately 14% of the global resettlement need.¹⁶

Resettlement categories

The UNHCR identifies which refugees are eligible for resettlement and for whom the other two durable solutions (voluntary return and local civic integration) are not an option. This identification process assumes that the refugee is already recognised as such by the UNHCR. The legal framework for the UNHCR status is explained in [paragraph 2.3](#). People who are not defined by the UNHCR as refugees also have a chance of resettlement. In the case of stateless persons and dependent family members, the UNHCR does not consider the refugee status as being a precondition to become eligible for resettlement.¹⁷

12 UNHCR Resettlement Handbook, p. 28.

13 UNHCR, UNHCR Refugee Resettlement Trends 2015, p. 7.

14 Ibid.

15 Ibid., p. 66.

16 UNHCR, Resettlement Fact Sheet 2015.

17 UNHCR Resettlement Handbook, p. 9.

In order to assess whether a refugee is eligible for resettlement, the UNHCR maintains seven categories:¹⁸

(a) Legal and/or physical protection

This category concerns the threatening of the refugee in respect of his rights (asylum, persecution or fundamental rights) or physical safety;

(b) Survivors of violence and/or torture

The refugee is a victim of violence or torture in the country of origin or country of refuge, and requires medical or psychological care that is not available in the country of refuge;

(c) Medical requirements

There are compelling reasons in view of the diagnosis, treatment and/or prognosis that medical care is provided in the country of resettlement. However, the refugee must explicitly grant permission for the medical treatment and the concomitant resettlement;

(d) Women and girls in danger

These refugees have problems with protection because of their gender and they lack the usual protection from male family members;

(e) Family reunification

The refugee must be eligible for protection by the UNHCR and fall under the UNHCR's definition of family, which is broader than the Dutch definition.¹⁹ Reunification must be with a family member who has already been resettled and there are no other options to achieve family reunification;

(f) Children and adolescents in danger

The refugee needs protection because of e.g. political or social conviction or sexual orientation, he/she is under the age of 18, and is possibly unaccompanied;

(g) Lack of a foreseeable durable alternative solution

Refugees in this category do not necessarily have specific needs, but they have no prospect of a permanent solution to the situation in which they find themselves.

There are extensive conditions for each category which the refugees must meet.

In addition to substantive criteria of each category on which the refugee is assessed, there are three levels of priority: emergencies, urgent cases and normal cases.²⁰ An emergency concerns a life-threatening situation due to medical or safety reasons. Resettlement in these cases must preferably take place within a few days or hours. The maximum

¹⁸ Ibid., p. 247 et seq.

¹⁹ For UNHCR's definition of family, see UNHCR Resettlement Handbook, p. 178.

²⁰ UNHCR Resettlement Handbook, pp. 246-247.

time limit for the decision by the envisaged country of resettlement is seven days. For an urgent case the need is slightly less imminent so there is a little more time. These cases are presented for assessment to the envisaged country of resettlement within two weeks. Then a subsequent time limit of 6 weeks applies for the entire resettlement process. In normal cases the time limit for departure is 12 months after submission of the selection to the country of resettlement.

2.2 National policy frameworks

The Netherlands has been enacting policy on resettlement since 1977. This paragraph discusses policy frameworks in the period 2011-2015, the period to which this report pertains. The period 2011-2015 spans two national policy frameworks, the Policy Frameworks of 2008-2011 and 2012-2015. As the year 2011 falls within Policy Framework 2008-2011, the policy framework that was drawn up in 2008 is taken as the starting point of our review.

*Policy Framework 2008-2011*²¹

The resettlement policy falls under the responsibility of the Minister for Migration. The objective of resettlement is threefold: resettlement is a protection instrument for individual refugees, it contributes to resolving the global refugee problem, and it contributes to relieving pressure in the countries of refuge in the region.²² In order to achieve this objective, the Netherlands has developed a specific policy programme for resettlement since 1977. Policy Framework 2008-2011 is therefore part of a long-standing tradition and is based on previous policy frameworks. In [chapter 3](#) the policy frameworks between 1977 and 2011 will be reviewed as a background to the policy frameworks in the period 2011-2015.

For Policy Framework 2008-2011, the choice was made for a four-year period, a time frame which coincides with a government term. As was the case in previous policy frameworks, the policy of quotas is maintained. The quota for the four-year period was established at 2000 refugees. This corresponds with approximately 500 persons per year, as anchored in the policy since 1987. A subquota of 30 resettlement places has also been established for so-called medical cases. The criterion for a medical case is that 'the necessary medical treatment is not available in the country of current stay, and treatment in the Netherlands will lead to a fundamental improvement in the health of the person concerned'.²³ There are two methods to select refugees. The first method uses selection missions, the second method is by way of dossier selections by the UNHCR.

The reception model that was developed in the 1980s based on the 'in-house' model, changed as from 2011. The transitional step of a short stay in a central reception centre was cancelled. After arrival in the Netherlands, refugees stay in the vicinity of Schiphol Airport for 48 hours to complete the arrival procedures (issuing of documents, TB screening and suchlike). Then the refugees are transferred directly to the recipient

21 *Parliamentary Papers II*, 2007-2008, 19637, no. 1182.

22 *Parliamentary Papers II*, 2011-2012, 19637, no. 1493; *Parliamentary Papers II*, 2015-2016, 19637, no. 2087.

23 *Parliamentary Papers II*, 2005-2006, 19 637, no. 1071, p. 2.

municipality.²⁴ This applies both to refugees selected during missions, as well as refugees who come to the Netherlands on the basis of dossier selections. Direct placement in the recipient municipality is now current practice. [Chapter 4](#) of this study extensively discusses the practical implementation.

*Policy Framework 2012-2015*²⁵

In a broad sense, Policy Framework 2012-2015 is the same as Policy Framework 2008-2011. The policy memorandum explicitly states that the incumbent cabinet 'more emphatically than before, adheres to taking integration aspects in the resettlement process into account'.²⁶ This means renewed attention for a principle that had previously been introduced²⁷ in 2005, but which had already played a role since the 1990s.²⁸ Since 2005, the assessment of refugees who are selected for resettlement also includes looking into their civic integration potential.²⁹ The IND is responsible for testing the asylum status of selected refugees. The COA assesses the civic integration profile by reviewing contra-indications, in other words, indications that civic integration in the Netherlands of the person concerned is very difficult or undesirable.³⁰ Contra-indications that are mentioned include 'not being prepared to learn the Dutch language and to integrate into Dutch society, showing inappropriate behaviour, having the intention of causing social unrest or having militant/fundamentalist viewpoints which could lead to undesirable behaviour'.³¹

Furthermore, in Policy Framework 2012-2015 the annual implementation of the quota is clarified in detail. It is expected that approximately 400 persons are selected via selection missions, and a further 100 persons are selected by UNHCR on an individual basis. These figures include family members seeking asylum family reunification. For the category of selections on an individual basis it should be noted, that aside from medical cases for which the quota of the Policy Framework 2008-2011 is maintained, the Netherlands requested the UNHCR to select more refugees with a high or higher profile, such as 'journalists, human rights activists or people with an academic education who fulfil an active role in society'.³²

During the course of Policy Framework 2012-2015 a large part of the quota was used specifically for Syrian refugees since 2014. Attention will be focused on this aspect in Policy Framework 2016-2019 due to EU-wide arrangements. In 2014 and 2015, the UNHCR asked the Netherlands to partially fill the resettlement quota per annum with 250 Syrian refugees.³³ Implementation of the quotas for these years can therefore be divided as follows: 100 dossier selections, 250 Syrian refugees and 150 refugees from the

24 *Parliamentary Papers II*, 2010-2011, 19 637, no. 1390.

25 *Parliamentary Papers II*, 2011-2012, 19 637, no. 1493.

26 *Ibid.*, p. 3.

27 *Parliamentary Papers II*, Year of Session 2005-2006, 19 637 and 29 237, no. 1071.

28 Research and Documentation Centre (WODC), *Uitgenodigde vluchtelingen [Resettled refugees]*, 2008, p. 34.

29 *Parliamentary Papers II*, 2005-2006, 19 637 and 29 237, no. 1071.

30 *Parliamentary Papers II*, 2011-2012, 19 637, no. 1493.

31 *Parliamentary Papers II*, 2005-2006, 19 637, no. 1071.

32 *Parliamentary Papers II*, 2011-2012, 19 637, no. 1493, p. 4.

33 *Parliamentary Papers II*, 2014-2015, 19 637, no. 1812 and no. 1935.

rest of the world.³⁴ In 2015, for example, selection missions were scheduled to Kenya and Thailand to fill this quota of 150 refugees.³⁵ In 2014, a total of 243 Syrian refugees were resettled (see table in chapter 5).³⁶ These refugees were selected on the basis of individual dossier selections by the UNHCR and two selection missions, one mission to Jordan and another to Lebanon.³⁷ For 2015, the Minister for Migration yet again promised the UNHCR to partially fill the quota with 250 Syrian refugees. Of this number, 103 already arrived in 2015 (see table in chapter 5).³⁸ The remaining selected Syrian refugees came to the Netherlands in 2016.

2.3 Legal framework

The legal framework for resettlement has two levels, an international level and a national level. The national legal basis for the Dutch resettlement policy is Section 29 of the Aliens Act. However, prior to UNHCR's selection of refugees for the Netherlands, as such the refugee should already be recognised as a refugee by UNHCR.

UNHCR status

Refugees who are selected by the UNHCR for resettlement in a country, must have UNHCR's so-called mandate status. This mandate status is separate from the status granted to refugees by the countries that are party to the Geneva Convention relating to the status of refugees in 1951 and the Protocol in 1967. On the basis of the international Geneva Convention, host countries bear the primary responsibility for determining the refugee status. However, in the case of 'protection gaps' the UNHCR can determine the refugee status, for example, if countries are not party to the Geneva Convention, or if they are party to this Convention but have not instituted any asylum procedures yet.³⁹

The UNHCR mandate status has a wider scope than the refugee status which can be granted on the basis of the Geneva Convention. There are two grounds on the basis of which a refugee can obtain the UNHCR mandate status. The first ground is Article 1.A (2) of the Geneva Convention: a person who

'(...) owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable,

34 *Parliamentary Papers II*, 2014-2015, 19 637, no. 1935.

35 *Ibid.*

36 The letter to the Dutch House of Representatives, Year of Session 2015-2016, 19637 no. 2087 states other figures. The letter states 278 persons for 2014 instead of 243 persons, as recorded in the table in chapter 5. This difference is caused by the fact that the Ministry of Security and Justice registers the number of selected persons (including the number of family members for asylum family reunification) and not the number of persons that have entered the country.

37 *Parliamentary Papers II*, 2014-2015, 19 637, no. 1812.

38 Also in 2015, the letter to the Dutch House of Representatives, Year of Session 2015-2016, 19637 no. 2087 states different figures to that in the table in chapter 5. The letter states 267 persons for 2015 instead of 103 persons, as recorded in the table. This difference is caused by the fact that the Ministry of Security and Justice registers the number of selected persons (including the number of family members for asylum family reunification) and not the number of persons that have entered the country.

39 UNHCR Resettlement Handbook, p. 76.

or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it’.

The second ground on which the UNHCR can grant a refugee a mandate status is based on the UNHCR mandate, that also covers persons who suffer from indiscriminate consequences of armed conflict, or other man-made disasters such as a foreign intervention or occupation. Supplemental to Article 1.A (2) of the Geneva Convention, the UNHCR recognises refugees if they stay ‘outside their country of origin or habitual residence and are not able to return as a result of serious and indiscriminate threats to their life, physical integrity or freedom that results from generalised violence or events that seriously disturb public order’.⁴⁰

Dutch asylum assessment

In the national context, the Aliens Act is the legal framework for assessment of refugees. Refugees who are selected and therefore have a UNHCR status are assessed by the Netherlands on the basis of Section 29 of the Aliens Act. In this respect there is no difference between resettlement candidates and asylum seekers. Refugees that are selected for the Netherlands as resettlement candidates are assessed on the basis of the same statutory criteria laid down for ‘spontaneous’⁴¹ refugees. An asylum status gives the refugee the ability to move freely in the Netherlands, and if the refugee has a passport and a residence document, he/she is also able to move freely in the Schengen Area.

Section 29 of the Aliens Act states three criteria on the basis of which an asylum residence permit can be granted to a third-country national for a period of five years in the Netherlands. As already noted, this differs from the UNHCR definition of resettlement which states that the country that recognises the refugee shall grant him/her a permanent residence status. There are three criteria on the basis of which a third-country national can obtain an asylum residence permit. In the first instance, a person can obtain an asylum residence permit in the Netherlands in the context of international protection based on the Geneva Convention of 1951. Then the asylum status is granted based on the fact that the refugee is a convention refugee as set out in Section 29(1)(a) of the Aliens Act. In the second instance, third-country nationals can obtain an asylum status based on subsidiary protection as set out in Section 29(1)(b) of the Aliens Act. A third-country national may be granted a temporary residence permit, if

‘(...) he/she has made it plausible that he/she has well-founded reasons to assume that, on refoulement, he/she effectively runs the risk of suffering serious harm, consisting of:

1. Death penalty or execution;
2. Torture, inhuman or degrading treatment or punishment; or

40 UNHCR Resettlement Handbook, p. 81.

41 This term is used in a report by the Minister of Justice of a written consultation with the Dutch House of Representatives in January 2007, in order to emphasize distinction of the resettlement/resettled refugees (Parliamentary Papers II, 2006-2007, 19637, no. 1126).

3. Serious and individual threats to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict.'

The third criterion on which an asylum residence permit may be granted to a person, is based on family reunification with beneficiaries of international protection. Section 29(2) stipulates which family members are eligible for this:

- 'a. The spouse or minor-aged child of the third-country national as meant in the first paragraph;
- b. The third-country national who, in such a way is dependent as a partner or adult-aged child of the third-country national as meant in the first paragraph, that, for this reason, he/she belongs to their family;
- c. The parents of a third-country national as meant in the first paragraph, if that third-country national is an unaccompanied minor within the meaning of Article 2(f) Council Directive 2003/86/EC of 22 September 2003 in respect of entitlement to family reunification (PbEU 2003, L 251).'⁴²

The regime for family reunification of asylum residence permit holders is different in respect of regular family reunification if the application is submitted within 3 months after obtaining asylum status in the Netherlands.⁴³ For regular family migration, additional conditions apply such as an income requirement, administrative charges, and civic integration examination. These terms and conditions shall not apply to refugees with a temporary asylum residence permit if they submit their application for family reunification within 3 months after obtaining the residence permit. If the application for family reunification is submitted after the 3 month period, then the regular regime for family reunification applies.

It is important to note that the Dutch migration policy is a so-called one-status system, which means that third-country nationals who have an asylum residence permit get the same residence status, irrespective of whether they are convention refugees, receive protection on subsidiary grounds or on the basis of family reunification. Uniformity of the legal framework also applies for naturalisation. For resettlement refugees it is possible to acquire Dutch citizenship. Also in this respect, there is no difference between resettlement refugees and asylum seekers who arrive spontaneously in the Netherlands. Different conditions apply for naturalisation. Perhaps the most important condition is that the third-country national must have lived in the Netherlands for an uninterrupted period of five years,⁴⁴ with the exception of stateless persons who may already submit their application for naturalisation after three years.⁴⁵ This means, that on condition

42 Council Directive 2003/86/EC, Article 2.f: 'unaccompanied minor: a third-country national from a third country or a stateless person below the age of 18, who arrives on the territory of a Member State unaccompanied by an adult responsible by law or custom, and for as long as they are not effectively taken into the care of such adult, or a minor who is left behind unaccompanied after having entered the territory of the Member State'.

43 *Parliamentary Papers I*, 2012-2013, 31549, M.

44 At present there is a legislative proposal to extend this term from five to seven years. This legislative proposal was adopted on 28 June 2016 by the Dutch House of Representatives and is awaiting adoption by the Dutch Senate.

45 Netherlands Nationality Act, Section 8(4).

that the resettlement refugee is not stateless, he/she is only able to apply for naturalisation after a period of five years of legal stay.

2.4 Public debate

The topic of resettlement barely gives rise to a social debate. However, discussions in parliament regularly take place on this topic, for example, in relation to the number of rejections of UNHCR selections and the size of the quota. In 2007, there was amazement in the Dutch House of Representatives about the number of UNHCR selections that were rejected. In response to this, the minister informed that the Netherlands has an own jurisdiction in terms of determining the status and the decision whether a residence permit is granted. Just like other countries who participate in the UNHCR resettlement programme, the Netherlands maintains its own criteria for selection of resettlement candidates which are supplemental to the UNHCR criteria. An example of this for the Netherlands, is an assessment of the actual situation, as described in the official country-related special interest report that is drawn up by the Ministry of Foreign Affairs. In respect of certain countries of origin, this could mean that Dutch policy deviates from UNHCR's point of view.⁴⁶

An ongoing point of debate is the size of the quota, both in the Dutch House of Representatives and at NGOs, such as the Dutch Council for Refugees (VWN)⁴⁷ and Amnesty International.⁴⁸ As a result of the war in Syria, discussions were conducted in parliament about the set quota in 2013. In that year, for example, a motion was adopted in the Dutch House of Representatives in which the government was requested to resettle an additional 250 Syrian refugees over and above the existing quota.⁴⁹ In the autumn of 2014, however, the government decided not to implement the motion. The most significant argument was - in the opinion of the government - that there was already a 'major influx of asylum seekers, a substantial number of which were Syrians'. Admitting a further 250 refugees was considered as not justified. In the government's opinion it would have placed excessive pressure on the reception capacity.⁵⁰

Of course the refugee crisis in 2015-2016 was of influence on the debate about resettlement. The government called for attention, for example, to jointly put an EU resettlement programme in place. For this purpose, the government pointed out that 'a joint EU resettlement programme (...) be put in place in which, after registration, the UNHCR makes selections. The resettlement programme can assume a fixed quota per year for the whole of the EU, where each Member State is allocated a binding number of resettlement places on the basis of a proper apportionment.'⁵¹ This government's opinion was an elaboration of what had previously been included in the European Agenda on Migration of 13 May 2015 (see also paragraph 3.2.2).

46 *Parliamentary Papers II*, Year of Session 2006-2007, 19 637 no. 1126.

47 Dutch Council for Refugees, Administrative consultations letter of 4 February 2016, Parliamentary Standing Committee for Security and Justice, 29 January 2016.

48 Interview Christian Mommsers, Senior Political Affairs Officer, Amnesty International, 24 May 2016.

49 *Parliamentary Papers II*, 2012-2013, 19 637, no. 1715.

50 *Parliamentary Papers II*, 2014-2015, 19 637, no. 1932.

51 Letter to the Dutch House of Representatives, reference 682347, 8 September 2015.

On 28 January 2016, an interview with politician Samsom, former leader of the Labour Party, published in the *Volkskrant* (newspaper) caused quite a stir. In that interview the politician launched the plan which has subsequently been designated as the 'Samsom plan'. In short, the plan entailed that all asylum seekers who arrive in Greece illegally, will be returned to Turkey by ferry. Because Turkey can be considered to be a safe country, returns in accordance with UN agreements would be possible. In exchange for that, every year a specific number of refugees would be resettled in the EU in a legal manner⁵². The plan met with a great deal of criticism. NRC (newspaper) headlined this as 'Unrealistic and Unacceptable'. That newspaper quoted the Dutch Council for Refugees and an immigration expert, among others. A couple of months later, however, the starting points of this plan also appeared to correspond with agreements made between the EU and Turkey in view of the EU–Turkey Statement.

52 *Volkskrant* (newspaper), 'Nederland wil vluchtelingen "per kerende veerboot" terugsturen naar Turkije' ['The Netherlands wants to return refugees "by return ferry" to Turkey'], 28 January 2016.

3 RESETTLEMENT POLICY: PAST AND FUTURE

In this chapter the resettlement policy is placed in a perspective of past and future. On the one hand, the past is examined. This is an attempt to clarify that Policy Frameworks 2008-2011 and 2012-2015 are products of a long-standing tradition. On the other hand, we are looking ahead in time. In 2015, there were various developments wagered on an EU level which (could) have an impact on the resettlement policy as laid down in the current Policy Framework 2016-2019. The following analysis particularly reflects on developments in respect of policy. As an aside, the practical implementation will sometimes also be pointed out.

3.1 The resettlement policy 1977-2011⁵³

3.1.1 *The 1977 regulation*

The Netherlands has a long-standing tradition in the resettlement of refugees. Until 1977, the resettlement of refugees from Hungary (after the invasion of Russia in 1956), Chile (after the military coup in 1973), and Vietnam (around the end of the Vietnam War in 1973), for example, were ad hoc matters for the Netherlands. When a selection arrived from the UNHCR for the resettlement of a group of refugees, each time the cabinet had to take a decision on the matter.⁵⁴ Between September 1973 and July 1976 this had been the case so often – 12 times – that the government instituted a scheme which provided for a ‘mechanism (...) to transfer refugees in batches, without the cabinet needing to make an ad hoc decision each time’, the so-called ‘1977 regulation’.⁵⁵ In principle, the resettlement policy was assigned to an Interdepartmental Committee for Refugee Affairs involving five ministries (the Ministry of Foreign Affairs, Ministry of Justice, Home Affairs, Ministry of Social Affairs and the former Ministry of Culture, Recreation, and Social Work). At present the Minister for Migration is responsible for the resettlement policy.

The 1977 regulation was characterised by two elements. The first element concerned the size of the group of resettled refugees. In addition to the expected arrival of 200 individual asylum seekers, it was estimated that there was still space for 550 resettled refugees per year. As it was difficult to estimate in advance how many individual refugees would submit an application for asylum, the number of 550 resettled refugees was dependent on the number of arrivals of individual refugees. In other words, if the number of arrivals of individual refugees would exceed 750 persons per year, then this meant that no refugees would be invited for resettlement.⁵⁶ The number of 750 correlated with financial provisions that were made available to the then Ministry of Culture, Recreation

⁵³ For a similar exercise, see the Research and Documentation Centre (WODC) report *Uitgenodigde vluchtelingen* [Resettled refugees], 2008. The WODC report provides a detailed discussion of policy practice until 2008. To that end, the resettlement policy is divided into four periods.

⁵⁴ *Parliamentary Papers II*, 1984-1985, 18 389, no.13, p. 3.

⁵⁵ *Ibid.*

⁵⁶ *Ibid.*

and Social Work that was responsible for the reception, assistance and special provisions of the resettled refugees.⁵⁷ In this regard the Minister of Foreign Affairs stated that the 1977 regulation was based on a 'budgetary quota' of 750 refugees.⁵⁸

The second element concerns the selection of resettlement candidates. The Interdepartmental Committee for Refugee Affairs thought research into the refugees was necessitated and instituted selection missions for this purpose. In addition to grounds for rejection as laid down in migration policy and legislation, the missions also maintained other criteria for the selection of refugees. In the first instance, in the selection of Vietnamese refugees an attempt was made to select 'where possible, homogeneous groups with an ability to integrate'.⁵⁹ Due to the increased number of Vietnamese refugees fleeing by boat, other selection criteria were added. Priority was given to reunification of family and friends.⁶⁰ The composition of the group of refugees was also considered. The aim was to resettle a group comprising a mixture of gender, age, profession, families and singles.⁶¹

3.1.2 *The 'in-house' reception model (1981)*

The reception of resettled refugees was the responsibility of the Ministry of Culture, Recreation and Social Work, which later changed to the Ministry of Welfare, Public Health and Culture. Until 1979, reception was provided by various organisations. Since 1979, a budget was made available for refugees for counselling and reception, set for a period of three years. In principle, refugees were taken care of at a central reception centre for a period of 6 to 9 months to get some rest, to learn the language, and to get acquainted with the Netherlands. Then the refugees were transferred to a municipality. In 1981, the reception model was adapted. This new reception model, the so-called 'in-house model', was geared to place refugees in municipalities as fast as possible.⁶² The stay at the central reception centre was reduced to a maximum of 3 months. This change not only contributed to managing the costs of reception, but also envisaged to prevent 'hospitalisation symptoms'.⁶³ In order to accelerate placement in municipalities, suitable housing was already sought before arrival in the Netherlands. The adaptation of the reception model also meant that the largest part of the reception programme took place in the municipality where the refugee was housed.

3.1.3 *Introduction of a policy of quotas (1984)*

In 1984, the 1977 regulation was reviewed. Since 1979, the budgetary quota came under pressure because of the increased number of individual refugees, the obligation that the Netherlands committed to in respect of taking up shipwrecked Vietnamese, and the family reunification of Vietnamese refugees already staying in the Netherlands. These developments meant that, in principle, there was no more room for manoeuvre in the budgeted quota to respond to requests from the UNHCR for the resettlement of refu-

⁵⁷ Ibid., p. 4.

⁵⁸ Ibid.

⁵⁹ Research and Documentation Centre (WODC), *Uitgenodigde vluchtelingen* [Resettled refugees], 2008, p. 31.

⁶⁰ Research and Documentation Centre (WODC), *Uitgenodigde vluchtelingen* [Resettled refugees], 2008, p. 31.

⁶¹ Ibid.

⁶² *Parliamentary Papers II*, 1985-1986, 19 637, nos. 1-2.

⁶³ Ibid.

gees. To be able to respond to UNHCR requests anyway, responsibility for the decision-making was placed with the cabinet yet again. Between 1980 and 1983 the cabinet took five decisions regarding 'the quota-related admission' of refugees over and above the budgetary quota.⁶⁴

In order to resolve the problems with the 1977 regulation, a quota was introduced for resettled refugees in 1984. This 1984 regulation was known as the policy of quotas. This meant the arrival of resettled asylum seekers was detached from the arrival of individual asylum seekers, as was the case in the 1977 regulation. The quota was fixed at a maximum of 250 refugees per year. This quota was subdivided into three categories, each having its own sub-quota. The first category was the 'quota refugees' that was set at a maximum number of 200 persons.⁶⁵ This number could be filled '(...) on the basis of requests from the UNHCR for taking up a quota; by groups of refugees who had certain ties with the Netherlands; and/or by inclusion of groups of refugees when, for example, due to unexpected changes in the political situation, a new refugee problem arises'.⁶⁶ These groups were selected during selection missions.

The second category is that of 'individuals in emergency situations', that means, individuals '(...) who are in immediate need, because they may not or cannot stay any longer in the place where they are located, and therefore run the risk of being sent to a country where - for good reason - they fear persecution within the meaning of the Geneva Convention of 1951'.⁶⁷ This sub-quota was fixed at 10 persons, on the understanding that family members of these needy individuals would come at the expense of the first category of 'quota refugees'.

The third category concerns 'people with disabilities', in particular, refugees '(...) who are disabled and who cannot be treated further in the country in which they are located or elsewhere in the relevant region'.⁶⁸ This category was part of UNHCR's so-called 'Ten or More' programme; a programme specifically geared towards the resettlement of disabled refugees and the precursor of the current 'Twenty or More' programme.⁶⁹ A sub-quota of up to 40 persons applied to this third category. Relatives and family members accompanying the care-requiring refugee, came at the expense of the sub-quota of the category 'people with disabilities'.

3.1.4 *The doubling of the quota (1987)*

Due to the scarcity of resettlement places worldwide, the Dutch government decided to increase the quota of 250 refugees as laid down in the 1984 regulation at the request of the UNHCR, up to 500 per year with effect from 1 January 1987.⁷⁰ This increase in the quota meant a doubling of the three sub-quotas, 400 refugees for the category 'quota refugees', 20 for the category 'individuals in emergency situations' and 80 for the cate-

64 *Parliamentary Papers II*, 1984-1985, 18 389, no. 13, p. 5.

65 *Ibid.*, p. 6.

66 *Ibid.*, p. 7.

67 *Parliamentary Papers II*, 1984-1985, 18 389, no. 13, p. 7.

68 *Ibid.*

69 *Ibid.*

70 *Parliamentary Papers II*, 1985-1986, 19 637, no. 1-2, p. 17.

gory 'people with disabilities'. However, the government expressed its expectation that due to a doubling of the quota, 'it would have a positive influence on the attempts of the international community - within the UNHCR framework - to manage the uncoordinated migration of refugees and asylum seekers in an orderly manner, and to counter as much as possible the negative consequences hereof for the international system for protection of and material benefit to refugees'.⁷¹

3.1.5 *The tightening of a selection criterion: the ability to integrate*

In the early 1990s a change took place regarding the selection criteria during selection missions. Aside from the fact that the selection mandates for the missions became more uniform due to acquired expertise and experience, among other things, an already applied selection criterion in respect of the ability to integrate was tightened.⁷² This tightening was mainly done in view of the labour market. Although the Interdepartmental Committee for Refugee Affairs still prioritises the humanitarian aspect of resettlement, since that time the criterion of an ability to integrate is also considered in the selection of refugees.⁷³ An estimate was made on the basis of the selection interview in respect of the ability to learn the language, to adapt to Dutch society, and possible inhibition or stimulation of civic integration by accompanying family or family that remains behind.⁷⁴

3.1.6 *Policy Framework 1999-2001*

After the amendment in 1987, the resettlement policy remained unchanged for many years until 1999. Two amendments took place in that year. The first amendment was that the policy of quotas was set for three years with effect from 1999. Although the quota of 500 per year was maintained, a multi-annual programme offered the flexibility to deviate from the 500 refugees in one year. Nevertheless, for the three-year period there was an overall maximum of 1500 refugees.⁷⁵

The second amendment concerned implementation of the quota of resettled refugees. Having regard to the fact that 'large numbers of asylum seekers find their way directly to the Netherlands without involvement by the UNHCR', the quota is only made available for individually selected refugees.⁷⁶ This means that the former category of 'quota refugees' was cancelled, and so too the selection of refugees in batches on the basis of selection missions.⁷⁷ The resettlement places that became available through cancellation of the category 'quota refugees', were made available to the other two remaining categories; 'individuals in emergency situations' and 'people with disabilities', as these categories, by definition, concern individual selections by the UNHCR. The sub-quota for refugees with a disability was adjusted slightly downwards to 100 persons during the course of the three-year policy framework.

⁷¹ Ibid.

⁷² Research and Documentation Centre (WODC), *Uitgenodigde vluchtelingen* [Resettled refugees], 2008, p. 34.

⁷³ Ibid., p. 34.

⁷⁴ Ibid., p. 35.

⁷⁵ *Parliamentary Papers II*, 1999-2000, 19 637, no. 486, p. 2.

⁷⁶ *Parliamentary Papers II*, 1999-2000, 19 637, no. 486, p. 1.

⁷⁷ Ibid., p. 2.

3.1.7 *Policy Framework 2005-2007*

Although provision was made for an evaluation of the resettlement policy as laid down for the period 1999 and 2001, this evaluation was delayed and was only shared with the Dutch House of Representatives in 2004. In the period 2001 and 2004, the resettlement policy 'continued as usual', i.e. in line with Policy Framework 1999-2001.⁷⁸ The new policy programme was re-established for a period of three years, from 1 January 2005 to 31 December 2007, although amendments in respect of the former Policy Framework were already implemented in the current year 2004. The new resettlement programme entailed a major amendment. The choice made in 1999 not to schedule further selection missions and only to admit resettled refugees on individual selection by the UNHCR and on a dossier selection basis, resulted in a 'chronic underutilisation' of the quota for the period from 1999 up to and including 2003.⁷⁹ On the one hand the acceptance rate was low because information in the dossier was lacking. On the other hand, resettlement on the basis of dossier selection utilised a large part of the capacity at the UNHCR. In order to utilise the quota to the full again, the Dutch government decided on 'a more active approach' and organised selection missions again in addition to dossier selections by the UNHCR.⁸⁰ The quota of 500 per year was retained, and so too the sub-quota of 100 persons with a disability.

3.1.8 *Renewed focus on the integration criterion (2005)*

During the term of Policy Framework 2005-2007, attention was again paid to the integration criterion in the selection of refugees. This made it possible to get the resettlement policy to 'serve' the cabinet's 'strategic policy priorities'.⁸¹ Since 2005, refugees have been assessed for eligibility of resettlement on their 'potential to integrate'.⁸² Although the criterion of integration potential, in itself, is not taken as a ground for admission, it is the case however, that a contra-indication could lead to a rejection. Contra-indications that are mentioned include 'not being prepared to learn the Dutch language and to integrate into Dutch society, showing inappropriate behaviour, having the intention of causing social unrest or having militant/fundamentalist viewpoints which could lead to undesirable behaviour'.⁸³ Assessment of the ability to integrate - according to the government - is in line with policy in other resettlement countries such as Australia, Canada, Denmark, Finland, New Zealand, Norway and Sweden.⁸⁴

3.2 *The resettlement policy after 2015*

3.2.1 *Policy Framework 2016-2019*

In a letter to the Dutch House of Representatives of 30 November 2015, the Minister for Migration set out the new Policy Framework for resettlement for the period 2016-2019. For the new Policy Framework, the Minister for Migration decided to 'maintain as usual' the preceding multi-annual policy framework that was adopted for the period 2012-

⁷⁸ *Parliamentary Papers II*, 2003-2004, 19 637, no. 841, p. 1.

⁷⁹ *Ibid.*, p. 3.

⁸⁰ *Ibid.*

⁸¹ *Parliamentary Papers II*, 2005-2006, 19 637, no. 1071, p. 5.

⁸² *Ibid.*, p. 2.

⁸³ *Ibid.*, p. 3.

⁸⁴ *Ibid.*, p. 2.

2015.⁸⁵ This actually meant that the new Policy Framework would be a one-on-one continuation of its predecessor as regards its basic assumptions, such as objectives, quota, selection of refugees, reception and civic integration.

At the same time, the Minister for Migration stated that the resettlement policy forms part of the Dutch contribution to resolving the migration problem facing the European Union because of the situation in Syria. Here, the Minister for Migration refers to the EU-wide Resettlement and Relocation Schemes, which form part of the European Agenda on Migration of 13 May 2015. On 18 March 2016, however, these arrangements in the European Agenda on Migration were given a new significance in the context of the EU–Turkey Statement, relating to filling the quota of resettlement places.

3.2.2 *The European Agenda on Migration*

In the European Agenda on Migration of 13 May 2015, a number of measures were proposed to prevent human tragedies at the external EU borders on the one hand, and to tackle migration pressure on the other. One of the proposed measures has a direct impact on the Dutch resettlement policy: the EU-wide Resettlement Scheme. Another measure which has an indirect impact on the resettlement policy – in view of the EU–Turkey Statement – is the EU-wide Relocation Scheme.

EU-wide Resettlement Scheme

The EU-wide Resettlement Scheme relates to eventually providing 22,504 resettlement places for refugees.⁸⁶ These resettlement places are to be filled with refugees from three regions: North Africa, the Middle East and the Horn of Africa. Here it is noted that ‘(...) the focus lies on countries where regional development and protection programmes are implemented. The scheme ties in closely with these programmes’.⁸⁷ This corresponds with the Global Needs as defined by the UNHCR.⁸⁸ To enable an allocation of the 22,504 resettlement places among Member States, an apportionment was drawn up. The apportionment comprises four elements: (a) The size of the population (40%), (b) The total GDP (40%), (c) The average number of spontaneous asylum applications and the number of resettlement refugees per million inhabitants in the period 2010–2014 (10%), and (d) The unemployment rate (10%).⁸⁹ For the Netherlands, the apportionment means 3.66%, or 732 persons.⁹⁰ During a meeting convened by the Justice and Home Affairs Council on 20 July 2015, the Netherlands confirmed this resettlement pledge. The Netherlands pledged to resettle ‘1,000 persons during the applicable two year period’ in the context of the EU-wide Resettlement Scheme.⁹¹ In this respect, the Dutch pledge is in line with the basic assumptions of the Dutch resettlement policy, which maintains an annual quota of 500 persons.

⁸⁵ *Parliamentary Papers II*, 2015–2016, 19 637, no. 2087.

⁸⁶ *Parliamentary Papers II*, 2014–2015, 32 317, no. 320.

⁸⁷ COM(2015) 240 final, *Een Europese Migratieagenda* [A European Agenda on Migration], 13.5.2015.

⁸⁸ <http://www.unhcr.org/en-us/protection/resettlement/543408c4fda/unhcr-projected-global-resettlement-needs-2015.html>.

⁸⁹ COM(2015) 240 final, *Een Europese Migratieagenda* [A European Agenda on Migration], 13.5.2015.

⁹⁰ COM(2015) 240 final, *Een Europese Migratieagenda* [A European Agenda on Migration], 13.5.2015, annex.

⁹¹ *Parliamentary Papers II*, 2014–2015, 32 317, no. 320.

EU-wide Relocation Scheme

In addition to the EU-wide Resettlement Scheme, the European Agenda on Migration also discusses the EU-wide Relocation Scheme. In the first instance, these two schemes are independent of each other and it seems that the relocation scheme has no implications for the Dutch resettlement policy. In fact, where resettlement is the final element to resolving the global refugee problem, relocation is the moving of refugees from the one EU Member State to the other, and is therefore an internal EU process. The EU-wide Relocation Scheme, however, became relevant for the EU-wide Resettlement Scheme, and in that respect also for the Dutch resettlement policy in connection with the so-called one-on-one mechanism between the EU and Turkey, based on the EU–Turkey Statement of 18 March 2016. As a result of the Statement, resettlement and relocation are being intertwined with one another. The relocation reserve, provided for under the EU-wide Relocation Scheme, can be used in the one-on-one arrangement for the resettlement of Syrian refugees from Turkey.

In contrast to the EU-wide Resettlement Scheme, participation by Member States in the EU-wide Relocation Scheme is voluntary. The EU is based on the principles of ‘solidarity and fair sharing of responsibility’ between EU Member States.⁹² The EU-wide Relocation Scheme provides for a temporary mechanism to spread asylum seekers who are being taken care of in Italy and Greece among EU Member States. At the time of relocation, the asylum seeker has no asylum status as yet and must submit an asylum application to the Member State where he/she is to be relocated. The Netherlands participates in this relocation scheme.

A total of 120,000 relocation places are made available which can be subdivided into three parts.⁹³ A portion of these places, being 15,600, is made available for relocation from Italy. A second portion of 50,400 places can be used for relocation from Greece. A third portion totalling 54,000 makes up a relocation reserve. In principle, the calculation of apportionment for the EU Resettlement Scheme can also be applied to the EU-wide Relocation Scheme. However, since Greece and Italy do not participate in the EU Relocation Scheme, the apportionment is slightly higher for the Netherlands, namely 5.9%.⁹⁴ In numbers, this means that the Netherlands makes 922 places available for relocating asylum seekers from Italy and 2,978 places for those from Greece.⁹⁵ On the basis of this apportionment, the Netherlands was further assigned another 3,190 places from the relocation reserve. In total (Italy, Greece and reserve), more than 7,000 asylum seekers have therefore been assigned to the Netherlands in the context of the EU-wide Relocation Scheme.

3.2.3 EU–Turkey Statement

The EU-wide Resettlement and Relocation Schemes which form part of the EU-wide Agenda on Migration, are placed in a new light by the EU–Turkey Statement of 18 March

92 Council of the European Union, 12098/15, 22 September 2015.

93 Council of the European Union, 12098/15, 22 September 2015, Article 4.

94 This percentage is obviously not mentioned explicitly. We base this percentage on the assigned numbers of refugees (922/15,600 and 2,978/50,400).

95 Council of the European Union, 12098/15, 22 September 2015, ANNEX I and ANNEX II.

2016.⁹⁶ The Statement sanctions an arrangement between the EU and Turkey which regulates that all irregular migrants attempting the crossing from Turkey to Greece will be returned to Turkey. One of the things that the EU offers in return for this is the resettlement of Syrian refugees from Turkey based on the so-called one-on-one mechanism. 'For every Syrian returned from the Greek islands back to Turkey, another Syrian from Turkey will be resettled in the EU'.⁹⁷ Resettlement places are primarily assigned from places that are still available at that point in time in the EU-wide Resettlement Scheme. At the time that the EU–Turkey Statement was concluded, this was still approximately 18,000 on a total 22,504 places.⁹⁸ This means that the EU-wide Resettlement Scheme is almost exclusively used for Syrian refugees in Turkey, and to a lesser degree for refugees from other countries of the regions covered by the original EU-wide Resettlement Schemes (North Africa, the Middle East and the Horn of Africa).

Moreover, the EU–Turkey Statement provides for more resettlement places than the 18,000 that were still available at that point in time under the EU-wide Resettlement Scheme. For the resettlement of Syrian refugees from Turkey to the EU, these can be assigned from the relocation reserve of 54,000 persons provided for under the EU-wide Relocation Scheme. At this time, the stacking of arrangements in the European Agenda on Migration and the resettlement pledge in the EU–Turkey Statement, initially have very little impact on the total number of refugees to be resettled by the Netherlands. In the space of two years, the 1,000 places that were available in the quota of the Dutch resettlement policy will almost exclusively be utilised for the relocation of Syrians from Turkey to the Netherlands. But due to the stacking of arrangements in the European Agenda on Migration and the EU–Turkey Statement, resettlement and relocation are being intertwined with one another. If the number of resettlement Syrians from Turkey - which is 18,000 - exceed the number of places available under the EU-wide Resettlement Scheme, then it is possible that these refugees will be relocated to the Netherlands on the basis of the EU-wide Relocation Scheme. In that case, the Netherlands would still have to resettle up to approximately 3,190 additional Syrians from Turkey.

In the context of this research, it is also important to mention that a paragraph in the EU–Turkey Statement provides for the possibility of instituting a humanitarian admission programme in order to provide reception facilities in the EU for Syrian refugees in Turkey. 'As soon as the irregular border crossings between Turkey and the EU come to an end or are at least significantly and sustainably reduced, a voluntary scheme for admission on humanitarian grounds will be put into operation. The Member States will contribute to this scheme on a voluntary basis.'⁹⁹ Moreover, the European Commission had already provided a recommendation on this point regarding a voluntary scheme for the admission on humanitarian grounds of Syrian refugees from Turkey dating back to 11 January 2016.¹⁰⁰ The Netherlands has committed to putting this programme in place in

96 <http://www.consilium.europa.eu/nl/press/press-releases/2016/03/18-eu-turkey-statement/>

97 <http://www.consilium.europa.eu/nl/press/press-releases/2016/03/18-eu-turkey-statement/>

98 <http://www.consilium.europa.eu/nl/press/press-releases/2016/03/18-eu-turkey-statement/>

99 <http://www.consilium.europa.eu/nl/press/press-releases/2016/03/18-eu-turkey-statement/>

100 COM (2015) 9490 final, Aanbeveling van de Commissie inzake een vrijwillige regeling voor toelating op humanitaire gronden met Turkije [Recommendation by the Commission on a voluntary scheme with Turkey for admission on humanitarian grounds], 11.1.2016. See also *Parliamentary Papers II*, 2015–2016, 34370, no. 2.

a manner which is comparable to resettlement. It is for this reason that the programme for admission on humanitarian grounds, as provided for in the EU–Turkey Statement will not be described as a humanitarian admission programme in the Netherlands, but will be slotted under the resettlement programme.¹⁰¹

What applies for a humanitarian admission programme also applies for privately sponsored programmes. In the short term, the Netherlands does not envisage setting up a privately sponsored programme. Though the Netherlands, in principle, takes an open stance on this for initiatives from the European Commission.¹⁰²

101 Correspondence Afke Siezen, Policy Consultant, Ministry of Security and Justice, dated 20 June 2016.

102 Correspondence Afke Siezen, Policy Consultant, Ministry of Security and Justice, dated 20 June 2016. To survey privately sponsored programmes within the EU, see the study by the Migration Policy Institute Europe: J. Kumin, Welcoming engagement: How private sponsorship can strengthen refugee resettlement in the European Union, Brussels, 2015.

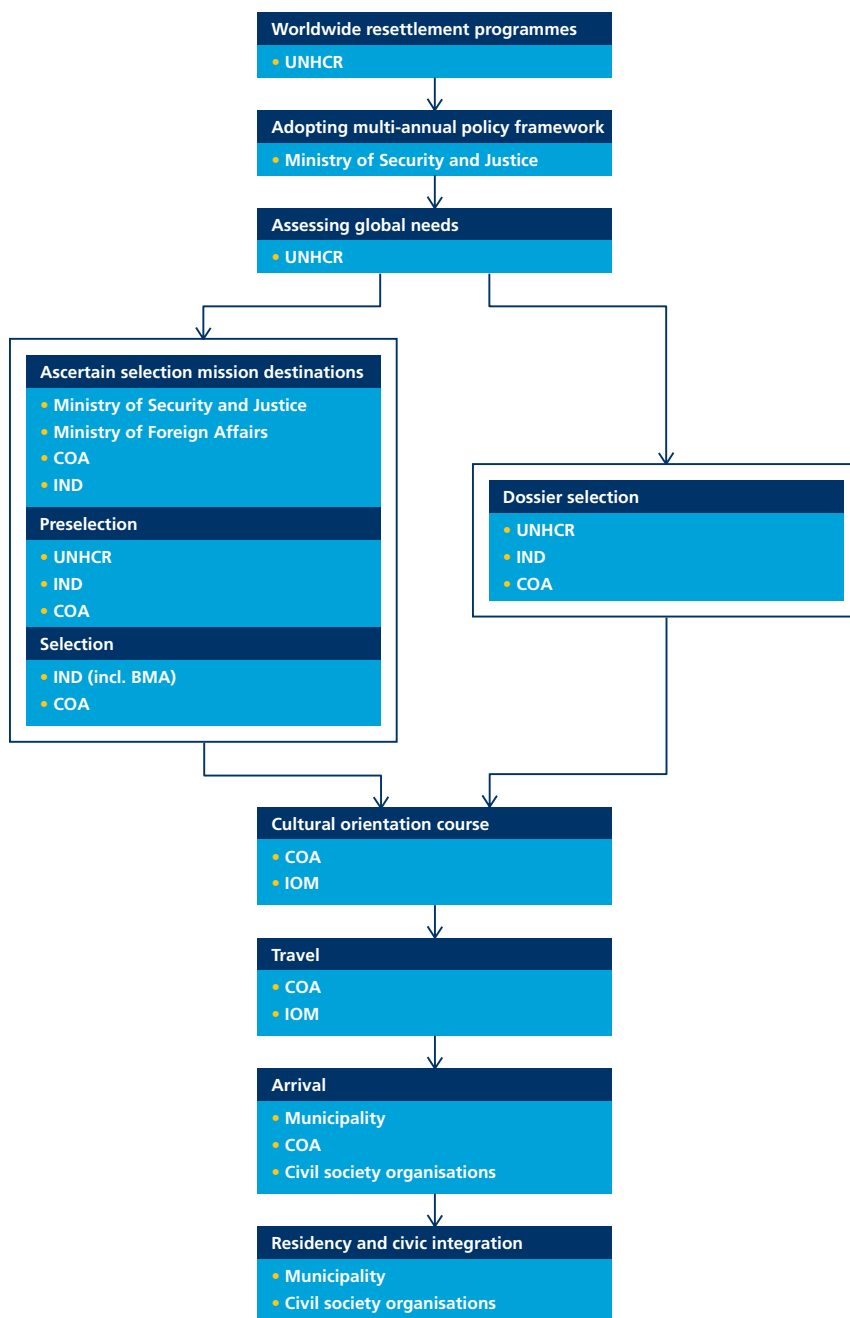
4 RESETTLEMENT POLICY IN PRACTICE

In the preceding chapters the resettlement policy was reviewed. This chapter transitions to the practical implementation. Implementation of the migration policy in the Netherlands is characterised by close cooperation between various organisations, each taking part of the responsibilities for the policy area of their own expertise. Such cooperation can also be seen in implementation of the resettlement policy. Needless to say, this cooperation also forms an important international component of the UNHCR. The purpose of this chapter is to provide a description on how resettlement policy is put in practice.¹⁰³ There are various organisations involved at various stages of resettlement. Reference is made to Annex II for a description of the most important organisations.

4.1. Cooperating organisations

The figure below is a chart of the entire organisation of resettlement programmes. This organisation is largely structured on the basis of the two methods of selection: selection missions and dossier selections. [Paragraph 4.2](#) then provides a description of the various steps in the resettlement process.

¹⁰³ For a similar description, see the Research and Documentation Centre (WODC) report *Directe plaatsing in gemeenten van hervestigde vluchtelingen. Een onderzoek naar de impact van het gewijzigde beleid* [Direct placement of resettlement refugees in municipalities. A study into the impact of the amended policy], 2013.

Figure 1: Chart of resettlement cooperating organisations

4.2 Practical implementation

This chapter provides a step-by-step description of the relocation process, as shown in the chart in paragraph 4.1.

UNHCR resettlement programme

The UNHCR wants to guarantee the rights and welfare of refugees, ultimately aiming to find durable solutions. The final element of durable solutions for refugees is resettlement. To this end, the UNHCR has drawn up a resettlement programme in which countries can participate.

Adopting a multi-annual policy plan

Every 4 years a multi-annual policy framework for resettlement is adopted by the responsible member of government, currently the Minister for Migration. Subsequently, on the basis of Global Needs determined by the UNHCR, the selection mission destinations are ascertained by the Ministry of Security and Justice in conjunction with the Ministry of Foreign Affairs, IND and COA.

Assessing Global Needs by UNHCR

Every year the UNHCR assesses the annual global resettlement needs using the publication UNHCR Projected Global Resettlement Needs.¹⁰⁴ This UNHCR publication is the starting point in ascertaining the selection mission destinations.

Selection

There are two methods for selecting resettlement refugees. The largest group of approximately 400 refugees per year, is selected via selection missions. Approximately 100 refugees are selected individually, on a dossier selection basis. Below is a description of these two methods of selection.

Selection missions

Based on the Global Needs Assessment presented by the UNHCR, every year the destinations of the selection missions are ascertained in mutual consultation between the Ministry of Security and Justice and the Ministry of Foreign Affairs, IND, and COA.

Selection missions are prepared thoroughly in the Netherlands so that selections during the mission run as efficiently as possible. In this respect, as regards the method of selection missions, two important moments are distinguished; preparation prior to the mission (preselection) and actual selection during the mission.

The selection mission is prepared by the IND in the Netherlands. For that purpose a so-called Pre Mission Questionnaire (PMQ) is drawn up.¹⁰⁵ On the basis of this questionnaire the UNHCR presents selections of refugees who are eligible for resettlement. The questionnaire acts as a guide in the planning and coordination of interviews during the

¹⁰⁴ UNHCR's Global Projected Resettlement Needs 2016 is available via <http://unhcr.org/558019729.html>

¹⁰⁵ UNHCR Country Chapter Netherlands, revised version July 2014, in: UNHCR Handbook Resettlement, 2011.

selection mission. In the PMQ for example, the IND points out that the caseload should be drawn up in a well-balanced manner. In so doing, the Dutch migration policy is also utilised as an assessment framework. That means for example, that certain vulnerable minority groups such as those mentioned in that policy are also reconsidered in the caseload. Conversely, national policy may also lead to a case selected by the UNHCR being returned by the IND because national policy obstructs approval, for example, because of a postponed decision, or in connection with a flight and/or settlement alternative in the refugee's country of origin. Such alternatives can be assumed if public sources - including official reports from the Ministry of Foreign Affairs - show that certain parts in a country of origin can be regarded as safe. The IND always requests more cases than the envisaged number of resettlement persons per mission, because experience has shown that some persons are almost always disqualified.

On the basis of all available information, the IND prepares interviews which the IND employees will conduct with resettlement candidates during the selection mission. On the basis of the UNHCR dossier selections, the IND assesses in broad terms whether a refugee would be able to pass an asylum assessment.

In the context of integration aspects, shortly before the selection mission the list of proposed resettlement candidates is also sent to the COA. The COA also receives the UNHCR dossiers of resettlement candidates. The COA assumes the strength and civic integration capabilities of resettlement refugees. The focus lies on self-responsibility, support, assistance where necessary, motivation, and orientation on the future.¹⁰⁶

A refugee who has been selected by UNHCR and forms part of the group preselected by the IND, basically undergoes four interviews during a selection mission with members from the mission team on day one, the interview day: two interviews with the IND (one being an interview concerning the asylum seeker's motives, the other geared towards establishing personal particulars), one interview with a COA employee and one discussion with a physician from BMA. UNHCR arranges the logistics and organisational support of the mission team's activities: UNHCR takes care of interpreters, rooms to hold interviews, and provides information to the mission team about the refugee camp and surroundings. UNHCR maintains contact with the authorities in the country of refuge. In some countries the IOM provides interpreters and rooms for interviews.

As the implementing body of the admission policy, the IND is legally responsible for carrying out an asylum assessment for (resettlement) refugees. During a selection mission, IND employees conduct interviews with refugees supplemental to the dossier obtained from the UNHCR, to collect information that could be of value to establish whether the refugee meets the conditions for admission to the Netherlands, in accordance with the Aliens Act 2000.

¹⁰⁶ COA, Meedoen. Een onderzoek naar participatie, welbevinden en begeleiding hervestigde vluchtelingen [Participation. A study into participation, well-being and counselling of resettlement refugees], 2015.

In addition to the provisions of the Aliens Act 2000, the extent to which a refugee can prospectively integrate into Dutch society plays a role in the decision about admission to the Netherlands. After the IND has assessed whether the grounds of Section 29 of the Aliens Act 2000 have been met, in all cases it is assessed whether there would be any reason, from a civic integration point of view, not to implement resettlement.¹⁰⁷

The interview conducted by the COA employee with the resettlement candidate aims to build up a social profile and a recommendation on the expected integration. This recommendation is included in the evaluation and assessment of the resettlement candidate.

At the end of the interview day, there is liaison between the IND employees, the IND Medical Adviser and the COA staff in which they jointly reach a decision whether a candidate is selected for resettlement. In the final analysis the IND mission leader takes the decision whether to select the refugee or not for resettlement in the Netherlands.

After completion of all interviews, a debriefing takes place where all interested parties are present (IND, COA, IOM, UNHCR and the embassy). The IND mission leader reports to the UNHCR Field Office regarding which refugees have been selected to resettle in the Netherlands. The UNHCR Field Office then informs the refugee whether he or she will be resettled.

After the selection mission, the social dossier is also completed by the COA. In future, the social dossier will play a role in the cultural orientation training and is also transferred to the municipality where the refugee will ultimately be housed. Within 5 days after the selection mission, the IND Medical Adviser completes a Medical Request Form for the IOM. This form is an attestation whether the refugee is in a position to travel (fit-to-fly). As noted previously in [paragraph 2.2](#), the Netherlands has a sub-quota of 30 resettlement places for medical cases. This sub-quota is filled as far as possible via selection missions.

Dossier selections

Every year the UNHCR presents about 100 ‘dossier selections’ to the IND. In its selection, the UNHCR is invited to give preference to the following cases:

- Asylum cases from countries not visited by a mission;
- Medical emergencies;¹⁰⁸
- Cases with a ‘higher profile’ in the area of human rights and democratisation movements.¹⁰⁹

Selection of these cases takes place by the IND in the Netherlands, but here too the COA draws up an integration profile which is taken into consideration. The IND communicates the selection decision to the UNHCR and, in the event of acceptance, also notifies

¹⁰⁷ *Parliamentary Papers II*, 2011-2012, 19 637, no. 1496 and *Parliamentary Papers II*, 2011-2012, 19 637, no. 1567.

¹⁰⁸ The Netherlands prefers to conduct the assessment of medical cases only during selection missions, because these cases are very difficult to assess without a face-to-face medical examination with the relevant patient. Only in the case of urgent individual medical cases can they be submitted for dossier selection. Source: UNHCR Country Chapter Netherlands, revised version July 2014, in: UNHCR Handbook Resettlement, 2011.

¹⁰⁹ UNHCR Country Chapter Netherlands, revised version July 2014, in: UNHCR Handbook Resettlement, 2011.

the Dutch embassy. The embassy takes care of the necessary travel documents. The UNHCR informs the selected refugee about the selection. COA is informed by the IND and informs the IOM about the selected refugees so that they can organise transportation for the refugee, as well as provide the refugee with information about the Netherlands. Basically, dossier selection refugees are informed by means of being issued written information. Although the majority of medical cases are selected on the basis of selection missions, a medical case can also be selected incidentally via a dossier selection. Sometimes the refugee is then first sheltered temporarily in the *Emergency Transit Centre* (ETC) in Romania before being transferred to the Netherlands.

Cultural orientation training

The period after the selection decision until departure to the Netherlands lasts approximately 6 months. This period is used by the COA to prepare the selected refugees by means of cultural orientation courses for their arrival in the Netherlands. The information comprises various courses conducted by Dutch COA employees in the country where the refugee is situated at that moment.

The initial course takes place about twenty weeks before departure for the Netherlands and covers the Netherlands in general. The second course takes place about twelve weeks before departure and contains information, among other things, about the municipality where the refugee is going to live. The third and last course takes place about three weeks before departure to the Netherlands and focuses on the housing where the refugee is going to live.¹¹⁰

For those refugees who were not selected on the basis of selection missions but on the basis of dossier selections, in the research period 2011-2015 the IOM took care of a short course on a project basis (information about the Netherlands), which was given by IOM employees who were established in the region where the refugee was situated. This project has subsequently ended.

Nowadays, the COA also makes use of technical resources such as Skype to prepare so-called 'dossier refugees' who are still staying in the country of refuge, for their arrival in the Netherlands. In this, use is made of refugees who had previously been resettled in the Netherlands. Also, expats who live in the countries of refuge, are engaged to take care of language courses.

Trip

The COA takes the lead in the resettlement process, from selection to transfer to the municipality, and has engaged the IOM as a contract partner for implementation of logistical matters, like facilitating courses and organising and possibly supervising the trip. The journey of resettlement refugees from the country where they are staying to the Netherlands is organised by the IOM. In connection with this responsibility, the IOM facilitates the transfer of resettlement refugees to the Netherlands, and the IOM also

110 WODC, (Research and Documentation Centre) *Directe plaatsing in gemeenten van hervestigde vluchtelingen. Een onderzoek naar de impact van het gewijzigde beleid* [Direct placement of resettlement refugees in municipalities. A study into the impact of the amended policy], 2013, p. 33.

maintains contact with the IND and COA. As soon as it is clear in which municipality the resettlement refugee is to be placed, COA submits an application to IOM to organise the flight to the Netherlands. The IOM carries out a fit-to-fly check just before transfer to the Netherlands.

The IOM also provides special supervision during the trip, if that is required. In medical cases, the IOM takes care of a medical escort (physician or nurse) who will supervise the refugee from the time of departure to the moment of handover to the COA at Schiphol. If required, the IOM organises medical transportation in the country of departure, and it ensures that all required medical facilities are available on board (oxygen, wheelchair or stretcher). For large groups or for refugees who require special supervision (e.g. an unaccompanied minor) the IOM takes care of an operational escort. That is an IOM staff member who speaks the refugee's language and is trained to supervise refugees during the trip.¹¹¹

Arrival

The COA organises many practical, administrative and logistical matters in respect of the arrival and handover procedure to the accommodating municipality. The COA organises the reception at Schiphol Airport with an interpreter. Accommodation for the first 48 hours in the Netherlands (possibly in a hotel), is organised by the COA. After arrival at Schiphol, matters such as registration in the Persons Database, TB screening and a possible guardianship of unaccompanied minors must be organised. For that purpose the COA organises the coordination and transport by taxi to the municipality of Haarlemmermeer in connection with registration in the Persons Database, and also coordination and transport by taxi to the Municipal Health Services (GGD) Amsterdam for TB screening. Contact with NIDOS in the case of an unaccompanied minor, and coordination between the BMA physician and the general practitioner in the accommodating municipality of the refugee, fall under the responsibility of the COA. Finally, the COA organises the bus ride to the accommodating municipality.

Residency and civic integration

Municipalities are responsible for providing and furnishing suitable housing for resettlement refugees. After arrival in the Netherlands, municipalities take over the leading role from the COA. In this, municipalities have a duty to inform these refugees about the education system and offering education to refugees who must attend school.¹¹² Municipalities are financially and legally responsible for implementation of the Participation Act income support. They have a large number of instruments to ensure that people find a place in the labour market. In this, the law acts as a safety net for people who cannot provide sufficiently for their own subsistence.¹¹³ Integration is covered by the overall

111 Interview Tanja Pacifico & Mia McKenzie, respectively Coordinator 'Migrant Training and Integration' and Project Assistant 'Migrant Training, Resettlement & Integration', International Organization for Migration, 10 May 2016.

112 The municipality used to be responsible for civic integration of resettlement refugees for whom it was mandatory to commence with a civic integration course prior to 1 January 2013. Since 1 January 2013 an amended Civic Integration Act applies. Since then, refugees themselves are responsible for their own civic integration.

113 EMN, Arbeidsmarktintegratie van personen die internationale of humanitaire bescherming genieten in Nederland. Beleid en goede werkwijzen [Labour market integration of beneficiaries of international or humanitarian protection in the Netherlands. Policy and good working methods], 2016.

responsibility of the Ministry of Social Affairs and Employment. Implementation is carried out by the municipality.

Social counselling of refugees on arrival in the Netherlands is the responsibility of municipalities, who, by means of a predetermined subsidy, can purchase counselling from civil society organisations such as the Dutch Council for Refugees. Here, volunteers living in the region are usually deployed allowing reciprocal contact to be made between refugees and the local community. Coordination of volunteers takes place using a paid workforce.

5 RESETTLEMENT REFUGEES: NUMBERS AND NATIONALITIES

The table below shows the number of persons that were resettled in the Netherlands between 2011-2015, broken down by nationality.¹¹⁴

Table 1: Resettlement refugees 2011-2015

Nationality	Year	2011	2012	2013	2014	2015
Afghan		-	≤ 5	≤ 5	-	18
Azerbaijani		-	≤ 5	-	≤ 5	-
Bhutanese		53	-	-	-	≤ 5
Burundian		-	-	-	≤ 5	-
Cambodian		-	-	-	13	≤ 5
Chinese (incl. Hong Kong)		≤ 5	≤ 5	≤ 5	19	-
Colombian		-	10	≤ 5	-	-
Congolese (Republic of Congo)		19	19	84	13	≤ 5
Congolese (DR Congo)		13	23	-	27	37
Cuban		≤ 5	≤ 5	-	9	≤ 5
Egyptian		≤ 5	-	-	-	-
Eritrees		73	38	63	189	72
Ethiopian		85	45	≤ 5	66	21
Guinean		-	-	-	-	≤ 5
Iraqi		78	99	39	44	13
Iranian		19	7	-	7	7
Ivorian		≤ 5	-	-	-	≤ 5
Kenyan		-	-	-	≤ 5	-
Kyrgyz		-	≤ 5	-	-	-
Laotian		-	-	≤ 5	-	-
Libyan		-	-	-	-	9
Myanma		80	94	30	≤ 5	≤ 5
Pakistani		-	31	34	35	11
Palestinian		6	-	-	≤ 5	-
Russian		≤ 5	-	≤ 5	≤ 5	-
Rwandan		≤ 5	≤ 5	-	≤ 5	-
Senegalese		≤ 5	≤ 5	≤ 5	-	≤ 5
Sierre Leonean		-	≤ 5	-	-	-
Sudanese		≤ 5	9	11	-	7
South Sudanese		-	-	-	8	-
Somali		≤ 5	≤ 5	≤ 5	≤ 5	12
Sri Lankan		42	23	14	15	-
Syrian		≤ 5	-	14	243	103
Ugandan		≤ 5	≤ 5	≤ 5	6	≤ 5
Uzbek		-	-	≤ 5	-	-
Venezuelan		-	≤ 5	-	-	-
Vietnamese		-	-	-	8	43
Belarusian		≤ 5	-	-	-	-
Stateless		≤ 5	≤ 5	-	9	-
Unknown		45	≤ 5	-	68	72
Total		538	429	311	791	450

Source: IND

¹¹⁴ This relates to the number of entered persons.

The table spans two policy frameworks. The year 2011 belongs to Policy Framework 2008-2011. The years 2012-2015 belong to Policy Framework 2012-2015. The overview shows that there were 538 resettlement refugees in 2011. This means that the annual number of approximately 500 refugees was exceeded by 38 persons in 2011.¹¹⁵ In the period 2012-2015, there were 1,981 resettlement refugees. This meant 19 persons fewer were resettled than the total quota of 2,000 persons for Policy Framework 2012-2015.

Explanatory note

If, in one year, fewer than 5 persons of a certain nationality are resettled in the Netherlands, the exact number is not listed for privacy reasons. These unmentioned persons are, for that matter, included in the totals. The nationality of resettlement refugees is registered as 'unknown' if no nationality can be established, because the refugee is undocumented and cannot prove being stateless.

Accountability

The data in the table derived from the IND and deviates from the data as stated by Eurostat¹¹⁶ and Statistics Netherlands.¹¹⁷ An explanation for this deviation is that Eurostat and Statistics Netherlands round off the numbers. The table above shows the numbers as not being rounded off. Moreover, Statistics Netherlands does not mention all nationalities. Nationalities are only listed by Statistics Netherlands if the number of refugees of a certain nationality is greater than 25 in one year.

¹¹⁵ For Policy Framework 2008-2011, a total of 2,035 persons were resettled in the Netherlands. This is an excess of 35 persons in respect of the total quota of 2,000 persons for the four-year period of this Policy Framework (source: Statistics Netherlands/IND).

¹¹⁶ <http://ec.europa.eu/eurostat/web/products-datasets/-/tps00195>

¹¹⁷ <http://statline.cbs.nl/Statweb/publication/?DM=SLNL&PA=82025ned&D1=0&D2=0&D3=0&D4=a&D5=a&VW=T>

6 EVALUATION OF POLICY AND PRACTICES

This chapter evaluates the Dutch resettlement policy which aims to define challenges, points for improvement and good practices. We have limited ourselves to the period 2011-2015, the period to which this report pertains. Consideration in this chapter is based on four evaluation studies carried out between 2011 and 2015 by Regioplan on assignment for the Dutch Council for Refugees (VWN), Research and Documentation Centre (WODC), COA and UAF; interviews with relevant organisations; and the expert meeting organised in the context of this report. Annex VI contains a summary on the main outlines of the evaluation reports.

6.1 Challenges and points for improvement

In the context of this research various challenges and points for improvement were identified. The overview below reflects these challenges and points for improvement, clustered by topic: residence document, civic integration, stay and medical. In this, no strict distinction is made between practical and more fundamental points.

6.1.1 *Residence document*

Getting residence documents in good time is of vital importance. Those documents are required for various administrative actions, as is explained in more detail below, because this does not always proceed well. After arrival in the Netherlands refugees must be offered a residence document as fast as possible. Since the residence document must also contain a biometric feature (fingerprint), mobile scanning equipment is available to be used during selection missions. The equipment can take a photograph, record a fingerprint digitally, and register a signature digitally. It was apparent that the equipment did not always function properly during the selection mission.¹¹⁸ The participating mission staff acknowledge that these problems occurred. Mission participants - while travelling to the country where the mission takes place - also seem to get questions from airport authorities about the equipment during transportation of this equipment.¹¹⁹

There are also problems with the process of obtaining residence status documents after arrival. For resettlement refugees who have been selected by means of selection missions, the residence documents should be readily available on arrival. After all, the necessary data required for preparing a residence document is collected during the selection mission. This does not always proceed well.¹²⁰ For example, the recording of biometric data often fails. For dossier selection refugees, the residence documents are only arranged on arrival in the Netherlands. In both cases, the fact that the residence documents

118 WODC, (Research and Documentation Centre) *Directe plaatsing in gemeenten van hervestigde vluchtelingen. Een onderzoek naar de impact van het gewijzigde beleid*. [Direct placement of resettlement refugees in municipalities. A study into the impact of the amended policy], 2013.

119 Interview, Richard Smith and Martin Dijkhuizen, IND Resettlement cases, 9 May 2016.

120 WODC (Research and Documentation Centre), *Directe plaatsing in gemeenten van hervestigde vluchtelingen. Een onderzoek naar de impact van het gewijzigde beleid*. [Direct placement of resettlement refugees in municipalities. A study into the impact of the amended policy], 2013.

are not readily available on arrival, causes delays. In addition, the delayed issuance of residence documents means that problems arise on arrival in the recipient municipality, for example, on opening a bank account and getting healthcare insurance cover.¹²¹

6.1.2 *Civic integration*

Civic integration plays an important role for the policy and practices of resettlement. Three discussion points emerged in this study which correlate to civic integration. The first point concerns the cultural orientation course for dossier selection refugees. Owing to a termination of funding, the cultural orientation courses provided by the IOM have been discontinued for dossier selection refugees. IOM emphasizes that preparation for arrival in the Netherlands is also essential for this category of refugees.¹²² In the meanwhile, this has been overcome by deploying new technological possibilities to bring refugees 'up to speed' before their arrival in the Netherlands.¹²³ By making use of Skype sessions, refugees already living in the Netherlands can prepare their fellow countrymen, who are still in the country of refuge, for their arrival in the Netherlands. These fellow-refugees who are already living in the Netherlands are also present at Schiphol Airport on arrival. The UNHCR welcomes a greater deployment of refugees who already live in the Netherlands in the cultural orientation courses (fellow-refugee contact).¹²⁴

The second point concerns the refugees' waiting time in the country of refuge after selection by the Netherlands. Both the UNHCR and the Dutch Council for Refugees question the present structure of the procedure, in which refugees must wait an average of six months after selection to travel to the Netherlands. According to UNHCR and the Dutch Council for Refugees a quicker transfer to the Netherlands could provide more benefits than a longer stay in the country of refuge, for example, due to civic integration aspects.¹²⁵ In spite of this, the UNHCR thinks that the cultural orientation course given during the 6-month waiting time, is invaluable for preparation of the arrival and stay in the Netherlands.¹²⁶ Moreover, in its own Resettlement Handbook, the UNHCR advises a period of twelve months from the time of submission of the selection to departure of the refugee, for cases that fall under normal priority.¹²⁷

The third point in respect of civic integration is linguistic knowledge. Certain contacts of supervising organisations experience that resettlement refugees have less of an educational background than refugees who come to the Netherlands independently.¹²⁸ Resettlement refugees often have high expectations and are therefore easily disappointed

121 Regioplan, *Opvang van uitgenodigde vluchtelingen. Onderzoek naar de ervaringen met het huidige opvangmodel* [Reception of resettled refugees. Study into experiences with the current reception model], 2012.

122 Interview Tanja Pacifico & Mia McKenzie, respectively Coordinator 'Migrant Training' and Project Assistant 'Migrant Training and Integration, Resettlement and Integration', International Organization for Migration.

123 Interview Nicolien Rengers, Coordinator for Resettlement and Relocation, Central Agency for the Reception of Asylum Seekers (COA), 12 May 2016.

124 Interview Luke Korlaar, Protection Associate, UNHCR, 20 May 2016.

125 Interview Ariane den Uyl, Policy Consultant, Dutch Council for Refugees, 18 May 2016 and Luke Korlaar, Protection Associate, UNHCR, 20 May 2016.

126 Interview Luke Korlaar, Protection Associate, UNHCR, 20 May 2016.

127 UNHCR Resettlement Handbook, p. 247

128 COA, *Meedoen. Een onderzoek naar participatie, welbevinden en begeleiding hervestigde vluchtelingen* [Participation. A study into participation, well-being and counselling of resettlement refugees], 2015.

when trying to realise their chances and possibilities. This is also expressed in dissatisfaction of the language courses attended.¹²⁹ It is not always possible to start a language course immediately and it takes a while before the resettlement refugee has a fair command of the Dutch language.¹³⁰ Poor linguistic skills frustrate the integration process. Especially in the initial period in the recipient municipality, an interpreter would be very helpful in case of a refugee with medical problems. An interpreter, however, is mostly not available because the municipality has no budget available for this.¹³¹

6.1.3 Stay

The availability of appropriate housing for beneficiaries of international protection is generally mentioned by the IOM as the greatest challenge of the Dutch resettlement policy.¹³² This would correlate with the differentiation in the Dutch housing market between social and private housing. The COA, however, is of the opinion that the acquisition of housing for resettlement refugees is progressing well.¹³³ Another minor factor relevant to housing is home furnishing. It is mandatory for the recipient municipality to provide the residence with basic furnishings and fittings. The financing of this, however, is for the account of the resettlement refugee, for example, in the form of a loan which must be repaid or the repayment of which will be waived. In the case where financing of the basic furnishings and fittings is for the account of the resettlement refugee, perhaps it is better to let him/her decide on the furnishings themselves. In this regard, the needs of the refugee are not always in line with what is prepared for them.¹³⁴ This is anticipated nowadays by presenting the options to the refugee during the cultural orientation course, about what the accommodating municipality has to offer in this respect.¹³⁵ The housing issue also shows what is experienced in other areas, such as social counselling of the resettlement refugee. Municipalities have a considerable amount of freedom in providing facilities for these refugees, which causes major differences between municipalities.

6.1.4 Medical

Medical cases are an important point of attention in resettlement. For example, the Netherlands has a sub-quota for medical cases. But in the practical implementation, there is also special attention for the supervision of refugees with a need for medical assistance, both before and after the trip to the Netherlands. A disadvantage of the working method with an average waiting period of six months, after which the refugees

129 Fund for Refugee Students (UAF), External Evaluation report. Project Study and Meeting, 2015.

130 Regioplan, *Opvang van uitgenodigde vluchtelingen. Onderzoek naar de ervaringen met het huidige opvangmodel* [Reception of resettled refugees. Study into experiences with the current reception model], 2012.

131 Regioplan, *Opvang van uitgenodigde vluchtelingen. Onderzoek naar de ervaringen met het huidige opvangmodel* [Reception of resettled refugees. Study into experiences with the current reception model], 2012.

132 Interview Tanja Pacifico & Mia McKenzie, respectively Coordinator 'Migrant Training and Integration' and Project Assistant 'Migrant Training, Resettlement & Integration', International Organization for Migration, 10 May 2016.

133 Interview Nicolien Rengers, Coordinator for Resettlement and Relocation, Central Agency for the Reception of Asylum Seekers (COA), 12 May 2016.

134 WODC (Research and Documentation Centre), *Directe plaatsing in gemeenten van hervestigde vluchtelingen. Een onderzoek naar de impact van het gewijzigde beleid*. [Direct placement of resettlement refugees in municipalities. A study into the impact of the amended policy], 2013.

135 Interview Nicolien Rengers, Coordinator for Resettlement and Relocation, Central Agency for the Reception of Asylum Seekers (COA), 12 May 2016.

can be placed directly in a municipality in the Netherlands, is that flexibility pertaining to medical emergency cases, is confined. This is partially overcome by the existing emergency facility in Romania. Pending their arrival in the Netherlands, refugees can temporarily be accommodated in Romania if a stay in the country of refuge is no longer justified. The placement of medical emergency cases at that location, however, has appeared to be problematic in practice.¹³⁶ Sometimes Romania does not allow the temporary stay of a medical emergency case, because the conditions in the emergency facility are inadequate.

More attention should also be paid to medical cases on arrival in the recipient municipality. Generally, the overall coordination of healthcare in the municipality is a matter of concern.¹³⁷ This particularly concerns the handover of the medical dossier between the Medical Advisory Service of the IND (BMA) and the general practitioner's practice in the recipient municipality.¹³⁸ Another matter of a general nature, is that certain contacts of supervising organisations experience that resettlement refugees have less of an educational background and more medical problems than refugees who come to the Netherlands independently.¹³⁹ A problem relating to healthcare insurance cover also initially threatened the implementation of policy in respect of direct placement in municipalities. In the first instance, the resettlement refugee is given healthcare insurance cover by the COA. Then, in the accommodating municipality a normal healthcare insurance policy is requested. Hence, a healthcare insurance hiatus threatens. This is resolved by allowing the COA insurance to continue until the time that the normal healthcare insurance cover has been taken out.

Another point of interest in the medical care of resettlement refugees, is the deployment of interpreters. Since 2012, the deployment of interpreters for a medical intake of the resettlement refugee at a general practitioner's practice is only reimbursed if this is done within two weeks after arrival in the accommodating municipality.¹⁴⁰ But this is not the case for other, following contacts with healthcare providers, which is indeed desirable.¹⁴¹

136 Interview Ariane den Uyl, Policy Consultant, Dutch Council for Refugees, 18 May 2016.

137 Interview Ariane den Uyl, Policy Consultant, Dutch Council for Refugees, 18 May 2016.

138 Regioplan, *Opvang van uitgenodigde vluchtelingen. Onderzoek naar de ervaringen met het huidige opvangmodel* [Reception of resettled refugees. Study into experiences with the current reception model], 2012; Interview Ariane den Uyl, Policy Consultant, Dutch Council for Refugees, 18 May 2016; WODC (Research and Documentation Centre), *Directe plaatsing in gemeenten van hervestigde vluchtelingen. Een onderzoek naar de impact van het gewijzigde beleid*. [Direct placement of resettlement refugees in municipalities. A study into the impact of the amended policy], 2013.

139 COA, *Meedoen. Een onderzoek naar participatie, welbevinden en begeleiding hervestigde vluchtelingen* [Participation. A study into participation, well-being and counselling of resettlement refugees], 2015.

140 Interview Nicolien Rengers, Coordinator for Resettlement and Relocation, Central Agency for the Reception of Asylum Seekers (COA), 12 May 2016.

141 Interview Ariane den Uyl, Policy Consultant, Dutch Council for Refugees, 18 May 2016. See also the report by Nivel, *Noodzaak en omvang van de inzet van professionele tolken in de zorg. Een inventarisatie onder zorgverleners* [Necessity and extent of deployment of professional interpreters in the care sector. A survey among care providers], 2016.

6.2 Good practices

The following good practices could be identified on the basis of consulted sources:

- The IOM thinks that the Netherlands' long-term tradition of resettlement programmes provides a positive structural contribution to offering possibilities for legal migration.¹⁴² Various stakeholders praise the good collaborations between the different parties.¹⁴³ It is a complicated chain, but partly as a result of good long-term collaborations, the exchange of information between the different parties has improved.¹⁴⁴
- In the WODC report 'Directe plaatsing in gemeenten van hervestigde vluchtelingen' ['Direct placement of resettlement refugees in municipalities'] - a conclusion is drawn that implementation of policy differs significantly per municipality. It is for this reason, according to the authors, that no good practices can be formulated. This conclusion, for that matter, relates to policy that apportions a large number of tasks in the context of resettlement refugees to municipalities.¹⁴⁵
- A concentrated placement of resettlement refugees in a smaller group of municipalities, preferably in medium-sized municipalities,¹⁴⁶ is preferential. This creates beneficial economies of scale.¹⁴⁷
- UNHCR and the IOM think that the buddy system, in which fellow-refugees already present in the Netherlands are engaged in the preparation of their countrymen, could be designated as a good practice. These buddies, for example, can contact the selected refugee using a Skype link. The COA thinks it is important that new technological possibilities are deployed to bring refugees 'up to speed' for their arrival in the Netherlands.¹⁴⁸ The buddy system concept also entails engaging expats living in countries of refuge giving language courses.¹⁴⁹
- The COA thinks that a quick registration of refugees via the municipality in the Persons Database (BRP) and a simultaneous issuing of a Citizen Service Number (BSN), is

142 Interview Tanja Pacifico & Mia McKenzie, respectively Coordinator 'Migrant Training and Integration' and Project Assistant 'Migrant Training, Resettlement & Integration', International Organization for Migration, 10 May 2016.

143 Interview, Richard Smith and Martin Dijkhuizen, IND Resettlement cases, 9 May 2016.

144 Interview Nicolien Rengers, Coordinator for Resettlement and Relocation, Central Agency for the Reception of Asylum Seekers (COA), 12 May 2016.

145 WODC (Research and Documentation Centre), *Directe plaatsing in gemeenten van hervestigde vluchtelingen. Een onderzoek naar de impact van het gewijzigde beleid. [Direct placement of resettlement refugees in municipalities. A study into the impact of the amended policy]*, 2013.

146 Interview Nicolien Rengers, Coordinator for Resettlement and Relocation, Central Agency for the Reception of Asylum Seekers (COA), 12 May 2016; Interview Ariane den Uyl, Policy Consultant, Dutch Council for Refugees, 18 May 2016.

147 Regioplan, *Opvang van uitgenodigde vluchtelingen. Onderzoek naar de ervaringen met het huidige opvangmodel [Reception of resettled refugees. Study into experiences with the current reception model]*, 2012.

148 Interview Nicolien Rengers, Coordinator for Resettlement and Relocation, Central Agency for the Reception of Asylum Seekers (COA), 12 May 2016.

149 Interview Tanja Pacifico & Mia McKenzie, respectively Coordinator 'Migrant Training and Integration' and Project Assistant 'Migrant Training, Resettlement & Integration', International Organization for Migration, 10 May 2016; Interview Luke Korlaar, Protection Associate, UNHCR, 20 May 2016.

a plus point. Being in possession of a Citizen Service Number (BSN) is of importance, because all kinds of administrative matters are dependent on it (for example, taking out insurance and social assistance benefits).

- The COA also emphasizes that the social involvement of volunteers and the country-wide coverage realised in the Netherlands - where it concerns the presence of volunteers - can be designated as a good practice.
- Due to the presence of a nationwide-operating NGO (Dutch Council for Refugees) with locally organised volunteers, in nearly every municipality the local population can be involved in the reception of resettled refugees and, at the same time, adequate counselling can be offered. Generally there is wide support in all municipalities to accommodate resettled refugees. As a result of the statutory housing target programme and since municipalities gladly provide shelter to resettled refugees, it has been successful thus far to find housing in good time.
- Finally, the fact that resettlement refugees can immediately occupy a residence, can also be regarded as a good practice.

7 SUMMARY AND CONCLUSIONS

Since 1977, the Netherlands has been drawing up policy on resettlement. The Dutch resettlement policy provides a contribution to UNHCR's resettlement programme. The Netherlands has no humanitarian admission programmes. If the clause in the current EU–Turkey Statement pertaining to the humanitarian admission programme becomes topical, then the Netherlands will implement this as resettlement and for policy purposes it will also qualify this as resettlement. The Netherlands neither has plans in the area of privately sponsored programmes, though the Netherlands is open to initiatives from the European Commission in this regard. The theme of this report is therefore the Dutch resettlement policy.

The legal framework for the resettlement policy is twofold. Before a refugee is selected for resettlement in the Netherlands, the refugee must have a so-called UNHCR mandate status. The refugee must be recognised as such by the UNHCR. In addition, the UNHCR must have established that resettlement is the only sustainable solution left for the particular refugee. The national legal framework of the resettlement policy is Section 29 of the Aliens Act. This describes the legal criteria for the asylum assessment. The legal framework for resettlement refugees and asylum seekers is the same as in terms of the asylum assessment for family reunification and naturalisation. The Dutch resettlement policy deviates from the UNHCR basic assumption, in the sense that the Netherlands does not immediately grant the third-country national a permanent residence status, but a temporary residence status which can be converted after five years into a residence status for an indefinite period.

The resettlement policy is characterised by a high degree of continuity over the years. 1984 saw the introduction of the policy of quotas and it has been maintained ever since. In 1987, a quota was increased from 250 to 500 resettlement places per year. The level of the quota especially seems to be a historic achievement, as it is not based on a calculation method, nor on a defined criterion. Since 1999 there has been a multi-annual quota to increase flexibility in organising resettlement places. For policy frameworks that pertain to the period of this study, being 2011-2015, the quota was achieved either with a slight excess or a slight underutilisation.

Another characteristic point for the Dutch situation is an assessment of the resettlement refugee's civic integration. The potential for civic integration has already been a point for attention since the beginning of the 1990s, and assessments have actually been carried out on contra-indications since 2005. Having regard to the fact that the potential for civic integration is only given in rare cases as a ground not to resettle, questions may be raised about the prominent role that this criterion has received in the resettlement policy. To a certain extent the civic integration criterion is illustrative for a more general tendency. Where the resettlement policy mainly served a humanitarian purpose, primarily policy is being used nowadays for the government's strategic priorities.

There is relatively little public debate on the subject of resettlement, except for some dialogue in the Dutch House of Representatives on the level of the quota and the differences between UNHCR selections and returns thereof by the IND. For the near future, the European Agenda on Migration is becoming increasingly important for the Dutch resettlement programme. At present this development particularly applies to filling the quota. The most important nationality within the quota concerns Syrians.

Practical implementation of the resettlement policy is characterised by close cooperation between the various organisations, including the UNHCR, the Ministry of Security and Justice, the IND, the COA, the IOM, municipalities and civil society organisations. How cooperation actually takes place in practice depends on the selection method: selection missions or dossier selections. Every organisation fulfils a specific role in the practical implementation based on the specific expertise and responsibilities of the relevant organisation. The most important recent change in the practical implementation of the resettlement policy is direct placement in the recipient municipalities. Where resettlement refugees were initially sheltered in a central reception in Amersfoort, since 2011 they have been placed directly in a house in the accommodating municipality. This not only means cost savings for the Dutch government, but also that the resettlement refugee can immediately start on civic integration in the Netherlands. In the country of refuge the resettlement candidate prepares by means of a cultural orientation course.

After an analysis of four evaluation reports over the period 2011-2015, the interviews, and an expert meeting in the context of this study, it has come to the fore that the resettlement policy is progressing well. Stakeholders praise the good collaborations between the various parties. As a result of immediate accommodation in a municipality, integration of the refugee starts immediately on arrival in the Netherlands. This is proving to be successful because of the fast issuance of the refugee's Citizen Service Number. Residence documents that are necessary for access to facilities are also issued quicker when biometric data has already been received prior to entry. This is not always possible as there is a great deal of communal involvement. There are many volunteers who, generally under the guidance of a countrywide organisation (Dutch Council for Refugees), take care of social counselling. Points for improvement that have come to the fore in this study mainly relate to streamlining the process of direct placement. Since accommodation is organised on a municipal level, there could be major differences between municipalities on how reception and counselling is to be organised. Refugees themselves have pointed out that learning the Dutch language quickly is often very difficult. It is not always possible to start a language course right away and use of interpreters is limited. Especially access to medical care is made more difficult, because no reimbursement of interpreter costs is possible to ease contact with healthcare providers, with the exception of the first contact with the general practitioner.

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ANNEX I: LIST OF INTERVIEWED PERSONS

Mr A. Baas	COA
Mr M. Dijkhuizen	IND
Ms M. de Haan	Amnesty International
Mr L. Korlaar	UNHCR
Ms M. McKenzie	IOM
Mr C. Mommers	Amnesty International
Ms T. Pacifico	IOM
Ms N. Rengers	COA
Ms A. Siezen	Ministry of Security and Justice
Mr R. Smith	IND
Ms A. den Uyl	Dutch Council for Refugees
Mr G. van Zadelhoff	IND

ANNEX II: LIST OF ORGANISATIONS

UNHCR

The UNHCR was established in 1950 by the United Nations. The organisation supports and protects refugees throughout the world. Based on the Geneva Convention of 1951, the UNHCR operates worldwide in helping people who are threatened with persecution, to find asylum. On a worldwide scale, this organisation maps out what requirements are needed to resettle refugees. The UNHCR is responsible for the selection of potential resettlement refugees. This organisation plays an important role during selection missions.

Ministry of Security and Justice

The Ministry of Security and Justice, inter alia, is responsible for the migration policy, which includes the resettlement policy.

Ministry of Foreign Affairs

The Ministry of Foreign Affairs is responsible for incorporating the Dutch migration policy in the context of Dutch foreign relations. In so doing, the Ministry of Foreign Affairs is responsible for coordinating contacts between the Dutch government and UNHCR.¹⁵⁰ As far as possible, this ministry also draws up the official reports on the countries of origin of (resettlement) refugees. These official reports contain information about those countries, which the IND uses in their assessment of reasons for requesting asylum.

COA

The Central Agency for the Reception of Asylum Seekers (COA) is an independent administrative body that is accountable to the Minister for Migration. The COA takes the lead in the resettlement process, from the selection to transfer to the accommodating municipality. The COA is responsible for the reception, cultural orientation course, counseling and placement (from the reception centre) of asylum seekers in the Netherlands. The organisation is responsible for the supply of information to resettlement refugees about the Netherlands, compiling a social profile of the refugee, and mediation for accommodation in municipalities. COA fulfils a coordinating role within the process of placing resettlement refugees.

IND

The Immigration and Naturalisation Service (IND) is an agency of the Ministry of Security and Justice. The IND is the admissions organisation of the Netherlands. The IND assesses all applications from third-country nationals who want to live in the Netherlands or who want to become Dutch nationals. IND employees are involved in determining the destination for selection missions. They are also involved in handling the so-called dossier selection cases. The IND is also present locally at selection missions to countries of refuge.

¹⁵⁰ WODC (Research and Documentation Centre), Directe plaatsing in gemeenten van hervestigde vluchtelingen. Een onderzoek naar de impact van het gewijzigde beleid. [Direct placement of resettlement refugees in municipalities. A study into the impact of the amended policy], 2013, p. 21.

The Medical Advisory Service (BMA) is part of the IND. Physicians employed at BMA evaluate the medical condition of resettlement refugees during a selection mission and compile a medical file. The BMA also observes at dossier selections, in case of medical conditions.

IOM

The International Organization for Migration (IOM) is an intergovernmental organisation that has its headquarters in Geneva. The organisation was established in 1951 as the *Intergovernmental Committee for European Migration* (ICEM), to escort displaced persons in Europe in the post-war years back home. The basic assumption for the IOM is that humane and orderly migration benefits both migrants and society at large.¹⁵¹ The IOM organises the transfer of resettlement refugees who may establish themselves in the Netherlands, and of family members who arrive in the context of family reunification. In the period 2011-2015, the IOM also provided cultural orientation courses to refugees who would be resettled on the basis of dossier selections. In addition, on a project basis the IOM offers information on the Netherlands to these 'dossier selection refugees'.

Municipalities

Municipalities are responsible for providing and furnishing suitable housing for resettlement refugees. After arrival in the Netherlands, municipalities take over the leading role from the COA. Municipalities are financially and legally responsible for implementation of the Participation Act income support. Resettlement refugees may, insofar as they cannot provide for their own subsistence, turn to the municipality for income support. The social counselling of beneficiaries of international protection is the responsibility of municipalities, who, by means of a predetermined subsidy, can purchase counselling from civil society organisations such as the Dutch Council for Refugees or have this carried out by welfare organisations.

Civil society organisations

Civil society organisations provide social counselling to refugees and show them the ropes in Dutch society after their arrival in the Netherlands. In this, the Dutch Council for Refugees plays a prominent role. This organisation manages the interests of refugees and asylum seekers in the Netherlands, from the moment of entry until their civic integration in Dutch society. The Dutch Refugee Council uses many thousands of volunteers to provide for social counselling of refugees, including resettled refugees. It involves providing practical support in gaining access to services, education and employment, showing them the ropes at the municipality, and building up a social network.

UAF

The University Assistance Fund (UAF) is an organisation that counsels refugees regarding their study in higher education, and in finding employment that suits their capabilities.

¹⁵¹ <http://www.iom-nederland.nl/nl/>

NIDOS

As an independent family guardianship agency, Stichting NIDOS (foundation) carries out its guardianship duty - on grounds of the law - for unaccompanied minor third-country nationals.

ANNEX III: DEFINITIONS

The following main definitions are used in the common template. The definitions have been taken over from the EMN Glossary version 3.0,¹⁵² unless otherwise stated in footnotes.

Applicant for international protection: A third-country national or a stateless person who has made an application for international protection in respect of which a final decision has not yet been taken.

Asylum: A form of protection given by a State on its territory, based on the principle of nonrefoulement and internationally or nationally recognised refugee rights and which is granted to a person who is unable to seek protection in their country of citizenship and/or residence, in particular for fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.

Application for asylum: An application made by a foreigner or a stateless person which can be understood as a request for protection under the Geneva Convention of 1951 or national refugee law.

Asylum seeker: In the global context, a person who seeks safety from persecution or serious harm in a country other than their own and awaits a decision on the application for refugee status under relevant international and national instruments. In the EU context, a person who has made an application for protection under the Geneva Convention in respect of which a final decision has not yet been taken.

Protection on humanitarian grounds: A person who is the subject of a decision for being granted residency on humanitarian grounds in accordance with national legislation on international protection by administrative or judicial authorities. It also concerns persons who are not eligible for international protection as currently defined in the Qualification Directive (Directive 2011/95/EU) but nevertheless are protected against refoulement based on grounds of obligations incumbent on all Member States under international legal instruments in the field of refugees and human rights or on the basis of principles deriving from such instruments. [...] persons to whom a residence permit is granted on humanitarian grounds, but have not previously applied for international protection are not covered by this concept.

Third-country national: means any person who is not a citizen of the European Union (including stateless persons) within the meaning of Article 17(1) of the Treaty on the Functioning of the European Union (TFEU) and who is not a person enjoying the European Union right to free movement, as defined in Article 2(5) of the Schengen Borders Code.

¹⁵² Available at http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf

Dossier selections: in the context of this study, the selection of third-country nationals or stateless persons for the resettlement/humanitarian admission programme based on a written document instead of selection in a country. In the case of resettlement, such documents are normally issued by the UNHCR.

Durable solutions: Any means by which the situation of refugees can be satisfactorily and permanently resolved to enable them to live normal lives.

United Nations High Commissioner for Refugees: The refugee agency of the United Nations (UN) mandated to lead and coordinate international action to protect refugees and resolve refugee problems worldwide, and to safeguard the rights and well-being of refugees.

Integration: In the EU context, a dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States.

International protection: In the global context, the actions by the international community on the basis of international law, aimed at protecting the fundamental rights of a specific category of persons outside their countries of origin, who lack the national protection of their own countries. In the EU context, protection that encompasses refugee status and subsidiary protection status.

Orientation courses: Orientation courses typically provide factual information about the destination country, but can also be aimed at promoting a positive attitude for eventual successful adaptation. This may also include opportunities for migrants to acquire (and use) the necessary skills for their civic integration and to develop a useful attitude, including proactivity, self-reliance, and ingenuity (knowing how the sought information can be found); the skills include knowing how to behave in certain situations, time management, and setting objectives, as well as being able to use complicated systems such as banking, social, health, and emergency services, transport etc. (Source: IOM Best Practices. IOM's migrant training and orientation programmes before departure).

Person eligible for subsidiary protection: a third-country national or a stateless person who is not eligible for a refugee status, but where there are substantive grounds to assume that if he/she returns to his/her country of origin or, in the case of a stateless person, returns to his/her country of former habitual residence, would run a real risk of serious harm and who cannot, or is unwilling to make use of the protection of that country because of that risk.

Person enjoying international protection: means a person to whom the refugee status or subsidiary protection has been granted.

Subsidiary protection status: recognition by a Member State of a third-country national or a stateless person as a person who is eligible for subsidiary protection.

Residence permit: Any authorisation issued by the authorities of an EU Member State allowing a non-EU national to stay legally on its territory.

Application for international protection: A request made by a third-country national or a stateless person for protection from a Member State, who can be understood to seek refugee status or subsidiary protection status, and who does not explicitly request another kind of protection, outside the scope of Directive 2011/95/EU, that can be applied for separately.

Refugee: In the global context, either a person who, owing to a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail themselves of the protection of that country, or a stateless person, who, being outside the country of former habitual residence for the same reasons as mentioned before, is unable or, owing to such fear, unwilling to return to it. In the EU context, either a third-country national who, owing to a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail themselves of the protection of that country, or a stateless person, who, being outside the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it, and to whom Article 12 (Exclusion) of Directive 2011/95/EU does not apply.

Refugee status: The recognition by a Member State of a third-country national or stateless person as a refugee.

Geneva Convention: means the Convention relating to the status of refugees, held in Geneva on 28 July 1951, as amended in the New York Protocol of 31 January 1967.

In addition, this study also uses the following concepts and definitions:

Resettled person: in the context of this study, a third-country national or stateless person arriving from a third country to a Member State in the context of a resettlement scheme. *Resettlement:* In the global context, the selection and transfer of refugees from a state in which they have sought protection to a third state which has agreed to admit them as refugees with permanent residence status. The granted status ensures protection against refoulement and provides a resettlement refugee and their family or dependants with access to rights similar to those enjoyed by the citizens. Resettlement also carries with it the opportunity to eventually become a naturalised citizen of the resettlement country.¹⁵³

¹⁵³ UNHCR Resettlement Handbook: <http://www.unhcr.org/46f7c0ee2.pdf>. Although resettlement is legally anchored within the international context, application of the legal instrument is interpreted in different ways. See H. Nakashiba, *Claryfing UNHCR Resettlement. A few considerations from a legal perspective*, 2013, p.15. Therefore a clear definition of the term remains subject to interpretation by the country of resettlement (i.e. the selection process on resettlement may differ between the one country and the other).

In the EU context and specifically in the context of this study, the transfer from a third country to a Member State of a third-country national or stateless person, at the request of the UNHCR and on the basis of the necessity for international protection, where stay has been granted based on one of the following statuses:

- (i) refugee status within the meaning of Article 2(d) of Directive 2011/95/EU; or
- (ii) a status which provides the same rights and benefits as the refugee status under national and EU law.

Humanitarian admission: The term “admission” is defined as “the rightful access of a third-country national to the territory of a State after inspection and approval by an immigration officer”. The term “humanitarian admission”, however, is not defined. In the context of this study, humanitarian admission concerns arrangements that are similar to resettlement, but which, for various reasons, do not correspond entirely with the definition of resettlement. Resettlement, for example, could be a permanent solution for those people who are benefiting from it, while humanitarian admission could be temporary. Additionally, humanitarian admission could be available to a wide range of potential beneficiaries, while qualifying for international protection (determined by the UNHCR) is a condition for resettlement. Humanitarian admission is therefore meant as the transfer for humanitarian reasons of a third-country national from a third country to a Member State under national law regarding international protection by the administrative or judicial authorities.

Private sponsorship: There is no generally accepted definition of private sponsorship. An important element of private sponsorship is that a person, group or organisation takes responsibility for the financing, social and spiritual support of a resettled person or family for a predetermined period of time (usually one year or even longer), or until this person or family has become self-reliant. Moreover, sponsors have the option to indicate the person or family that they want to support in their resettlement, although some sponsors do not have any specific persons in mind, but rather people matching a certain profile.¹⁵⁴

Selection Mission: In the context of this study, a visit paid to the country to select third-country nationals or stateless persons for the resettlement/humanitarian admission programme, organised as a mission of representatives from the Member State to the third country. In case of resettlement, such missions are normally prepared in conjunction with the UNHCR.

154 J. Kumin, Welcoming engagement: How private sponsorship can strengthen refugee resettlement in the European Union, Brussels, 2015.

ANNEX IV: INTERVIEW FORMAT

1) Background

In what capacity are you involved with the resettlement policy?

2) Policy framework for resettlement

How is the resettlement policy drawn up? Who are the people involved in this?

What are the most important aims of the resettlement policy?

What are the most important basic assumptions for the Dutch resettlement policy?

Is there geographical prioritisation for resettlement (period 2011-2016)? (For example, regions or nationalities)

How is the quota ascertained? And how is it applied?

How is the resettlement policy funded? Can a distinction be made here between costs before and after arrival of the resettled refugees?

Aside from the resettlement policy, are there other resettlement programmes for example, humanitarian admission programmes? Is there a Dutch perspective on privately funded resettlement programmes? If so, what is that perspective?

3) Selection of refugees

Should the resettled refugee be recognised as a refugee by UNHCR or a third country?

Can the prospective resettled refugee also be admitted on grounds of subsidiary protection? Does the UNHCR actually make such a distinction?

Does the Netherlands reassess the status of the refugee as granted by UNHCR?

Does the Netherlands use additional criteria to prioritise in the selection of refugees? If so, which criteria? Who determines these criteria?

Does the Netherlands use additional criteria to reduce the level of priority in the selection of refugees? If so, which criteria? Who determines these criteria?

4) Status of resettled refugee

Is a formal agreement signed between the resettled refugee and the Dutch State? If so, what is the purpose of this agreement?

May the resettled refugee move freely within the Netherlands?

Is the resettled refugee free to travel to other Member States?

Is the status of a resettled refugee different to that of an asylum seeker?

Do resettled asylum seekers have a right to family reunification? Is this different from that for asylum seekers?

Can resettled refugees naturalise? Is this different from that for asylum seekers?

Are the laws and regulations for integration of resettled refugees different from those for asylum seekers?

5) Practical implementation

Selection procedure

How is contact organised with UNHCR with regard to the refugees preselected by them? Describe the process. Is this process always done in the same way or are there relevant differences between them? Who is responsible for this on the part of the Netherlands? How often are selection missions organised? How is it determined that a selection mission must be organised? Who takes the initiative for this purpose? Which parties make up selection missions? What are their tasks during this mission? What is the procedure in making decisions for dossier selections? Does it ever happen that the decision in respect of the resettled refugee is reversed? If so, on what grounds? Aside from selection missions and decisions for dossier selections, are any other methods used for the selection of refugees? Is EASO contacted?

Departure and travel

What administrative actions should take place after the decision has been made and before the refugee's departure to the Netherlands? Who carries out these actions? How is the refugee transported to the Netherlands? Are any special facilities provided for refugees who are vulnerable or in need of assistance during transportation to the Netherlands? What resources/requirements are made available to refugees immediately after arrival (stay, food, medical care, etc.)?

Housing

Is a geographical dispersion maintained for resettled refugees? Who determines where resettled refugees are housed? How does this work in practice? What kind of housing is made available to the resettled refugee? Who makes this housing available? For what period is this housing made available?

Civic integration

Which parties are involved in the civic integration process of the refugee after arrival in the Netherlands? What are their responsibilities? Are any matters different for refugees who arrive in the Netherlands of their own accord? How is the civic integration process of the refugee funded? Who bears which costs? What civic integration services are made available to resettled refugees (benefits, medical care, etc.)? Who provides these civic integration services? Does this differ from refugees who arrive of their own accord? Is information and cultural orientation made available to refugees after arrival in the Netherlands? In what respect does this differ from refugees who arrive of their own accord?

How is the recipient municipality prepared for the arrival of the resettled refugee?
How are parties (municipality, NGOs, citizens, etc.) trained at a local level to deal with the resettled refugees? Who provides this training?

6) Evaluation

Are you aware of evaluations of the resettlement programme, nationally, locally, or otherwise?

Are there any challenges or issues in drawing up, implementing, and putting into operation of the resettlement programme?

Which 'good practices' or lessons for the future does the Dutch resettlement policy offer?

ANNEX V: MEMBERS OF THE EXPERT GROUP

Mr A. Baas	COA
Mr M. Dijkhuizen	IND
Mr S. Bresola	IOM
Mr L. Korlaar	UNHCR
Ms N. Rengers	COA
Ms A. Siezen	Ministry of Security and Justice
Mr R. Smith	IND
Ms A. den Uyl	Dutch Council for Refugees
Mr G. van Zadelhoff	IND

ANNEX VI: SUMMARY OF EVALUATION STUDIES

In the period 2011-2015, four evaluation reports were carried out: Regioplan (on assignment for the Dutch Council for Refugees), Research and Documentation Centre (WODC), COA and UAF. These reports were especially aimed at certain parts of practical implementation, namely the reception and civic integration phase. Three of the four reports were compiled by or on assignment for organisations who have an executive role in the resettlement process.

Regioplan, Opvang van uitgenodigde vluchtelingen. Onderzoek naar de ervaringen met het huidige opvangmodel
[Reception of resettled refugees. Study into experiences with the current reception model], 2012.

This survey was carried out by consultants Regioplan on assignment for the Dutch Council for Refugees, the organisation who is responsible for social counselling in most municipalities. The survey examines the experiences of resettled refugees and coordinators and volunteers with regard to social counselling, in light of the reception and care arrangements as introduced in 2011. Since 2011, resettled refugees are placed directly in the accommodating municipality and they do not stay in a central reception centre for the first couple of months.

The survey combines two research questions. The first question concerns the resettled refugee's need for support, and experiences with social counselling provided by the Dutch Council for Refugees. The second question concerns the experiences of coordinators and volunteers with the reception of resettled refugees. In the search for answers, group discussions were organised with resettled refugees and interviews were held with coordinators and volunteers of local departments of the Dutch Council for Refugees.

The essence of the resettled refugees' need for support is knowing the Dutch language. This need, to a certain extent, is also seen in other problems that resettled refugees have to contend with: completion of administrative matters, finding a job, making social contacts, incurring debts, solving practical problems in daily life and making contact with organisations and institutions.

According to the report all resettled refugees 'are generally very satisfied with the kinds of support that they (have) received from the Dutch Council for Refugees' (p. 62). The report also states that coordinators and volunteers from the Dutch Council for Refugees experienced the reception of resettled refugees as 'largely positive'. Here, four aspects are mentioned relating to experiences with current reception and care arrangements: (1) The Dutch Council for Refugees has a restricted mandate in respect of social counsel-

ling, (2) civic integration is a persistent problem, (3) volunteers appear to have knowledge gaps in respect of resettled refugees, and (4) in its support of resettled refugees the Dutch Council for Refugees is dependent on other organisations.

On the basis of responses to the two research questions, the report formulates nine points for improvement of current social counselling of resettled refugees by the Dutch Council for Refugees. In the first place, reception can be improved through a better supply of information by COA to local departments of the Dutch Council for Refugees. More can be done in the area of what resettled refugees can expect (expectation management). On placement of resettled refugees in a municipality, more account should be kept of cities where other resettled refugees from the same country of origin are already living. The resettled refugee must be offered language courses as soon as possible after arrival. Remuneration for interpreter and translation services must be reintroduced, especially for care from general practitioners and psychological assistance. A temporary residence permit could be introduced to circumvent issues with residence status documents on arrival. In order to promote the expertise of social counselling, it is preferable to have concentrated placements in a smaller number of municipalities. The last point of improvement is that efforts must be made for additional funding for the reception of resettled refugees.

WODC (Research and Documentation Centre), *Directe plaatsing in gemeenten van hervestigde vluchtelingen. Een onderzoek naar de impact van het gewijzigde beleid* [Direct placement in municipalities of resettlement refugees. A study into the impact of the amended policy], 2013.

At the request of WODC (Research and Documentation Centre), the scientific centre of the Ministry of Security and Justice, research agency Pro Facto carried out an Impact Assessment of the policy amendment relevant to the direct placement of resettlement refugees in municipalities. Since 2011, resettlement refugees are placed directly in the recipient municipality. Prior to then, resettlement refugees were first placed in a central reception centre for a couple of months.

The key research question of the review in respect of placement in municipalities, is whether practice progresses in conformity with the implementation plan as drawn up. To find an answer to this research question, municipalities were interviewed by telephone on the basis of a standardised questionnaire, and a case study was also carried out in ten municipalities. The conclusion of the review is that 'policy as it is formulated and carried out at present, proceeds well and in conformity with the implementation plan' (p. 4). As stated in the review, 'it can be concluded that the direct placement and counselling of resettled refugees in municipalities, generally proceeds well in practice, and is generally experienced by the parties involved as being positive' (p. 3).

The review offers a comprehensive description of practical implementation carried out since 2011. On the basis of this description a number of points have been identified where practice does not run in line with the implementation plan, and where implementation plan must be adapted to the practice. For this first category, three points are mentioned where practice does not run in line with the implementation plan. There are problems in obtaining the residence permit. This should be organised within 48 hours after arrival in the Netherlands, but that is certainly not always the case. Due to delays in obtaining the residence permit, there are problems relating to registration in the Persons Database at the municipality, the opening of a bank account, transferring health insurance, and applications for rental and child support benefits. Another problem relates to health insurance. On arrival, the resettlement refugee initially gets health insurance via COA. Because the residence permit is often delayed, transfer to a regular insurance usually cannot take place without a health insurance hiatus. A practical solution is to routinely have the COA health insurance continue until this has been transferred. The third point concerns finding a general practitioner. In certain municipalities no general practitioner was arranged for resettled refugees, so medical problems could not be addressed.

For the second category, two points are mentioned where the implementation plan must be adapted to practice. The first point is that the handover file which the municipality gets from COA is of a very general nature, particularly regarding the medical information. The second point concerns the communication between the general practitioner and the resettlement refugee. Communication is generally rather troublesome, because interpreters are no longer reimbursed.

The review also refers to best practices. To this end, the review states the following: 'Because implementation of policy differs a great deal per municipality, and the degree in which this corresponds to the wishes of the refugee differs per refugee, it is not easy to formulate best practices' (p. 96). That which works in a certain municipality and in specific circumstances for a certain group of refugees, does not necessarily work for a different group of refugees in another municipality.

COA, Meedoen. *Een onderzoek naar participatie, welbevinden en begeleiding hervestigde vluchtelingen* [Participation. A study into participation, well-being, and counselling of resettlement refugees], 2015.

In 2014, COA surveyed how resettled refugees fared in the Netherlands. COA is responsible for the reception, orientation, counselling and departure (from the reception centre) of asylum seekers in the Netherlands. The organisation is responsible for the supply of information to resettlement refugees about the Netherlands, compiling a social profile of the refugee, and mediation for accommodation in municipalities. COA fulfils a coordinating role within the process of placing resettlement refugees. The Central

Agency for the Reception of Asylum Seekers (COA) is an independent administrative body that is accountable to the Minister for Migration.

The review focused on the following question: How do resettlement refugees participate in the Netherlands and what can COA, in light of its tasks regarding resettlement, learn from them?

Hence, 154 adult resettlement refugees and 30 contacts from counselling organisations were interviewed.

The report not only paid attention to social participation and counselling, but also to the well-being of resettlement refugees. Of the respondents who have an obligation to participate, 23.4% are employed. The longer that one is in the Netherlands, the greater the chance of employment. Of the respondents who stay the longest (7 to 9 years) in the Netherlands, 47% have a paid job.

Of the respondents, 78% have had counselling from COA prior to their departure to the Netherlands. Most of the respondents indicated that counselling helps in gaining knowledge of Dutch society. As an important point for improvement, 66 participants (63%) indicated that they would have liked to have more training courses from COA. Where it concerns counselling by the municipality, then especially the financial and administrative support is appreciated. Also, where it concerns support by the Dutch Council for Refugees, administrative support is appreciated the most.

Almost three-quarters of the respondents indicated that they are happy being in the Netherlands. A longer stay in the Netherlands leads to a lesser sense of well-being. It seems that in the long-term the largest groups of refugees experience more discrimination and less acceptance in the Netherlands.

Fund for Refugee Students (UAF), *External Evaluation Report. Project Study and Meeting, 2015.*

In April 2015, the UAF had an evaluation carried out of the project “Study and Meeting”. This project was the last in a series of three consecutive projects since 2009. The purpose of the project was to provide 90 resettlement refugees with advice and counselling in the field of education and employment and to encourage their participation in higher education.

One of the project objectives was to have the refugees come for an intake interview within one month after arrival in the Netherlands. Also, managing the expectations of refugees in respect of study and job possibilities was an important aspect in the project. From previous experiences it was apparent that the expectations of many refugees were far too high.

According to the evaluation, the projects had 'a positive effect on the expectations of resettled refugees in respect of UAF assistance and study options'. According to the evaluation, the projects would also have led to access to UAF assistance at an early stage. The report states that the objective of having the refugee undertake an intake interview with UAF, has largely been realised.

The interviewed staff members of the UAF project have mentioned that the expectations of refugees are more realistic when compared with the pilot phase of the project. Yet a small minority of the refugees in question still have unrealistic expectations, especially in relation to learning the Dutch language, acknowledgement of their previous education qualifications, and the prospects in the labour market.

The evaluation also entailed a comparison between the surveyed population and normal UAF clients. The report concludes that 'resettled refugees who start a study programme in higher education, do so sooner than normal UAF clients'. Participants in the project started 33 months after arrival in the Netherlands, whereas the normal UAF clients only started after 55 months.

Participants in the project take four months longer in preparation. The compilers of the evaluation incidentally think this difference is 'relatively short' when considering the fact that the project participants already started their civic integration process with preparatory courses at an early stage. The normal UAF clients have already lived in the Netherlands for a long time (55 months) prior to starting their study.



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