

Annual Report 2023

# Migration and Asylum in the Netherlands

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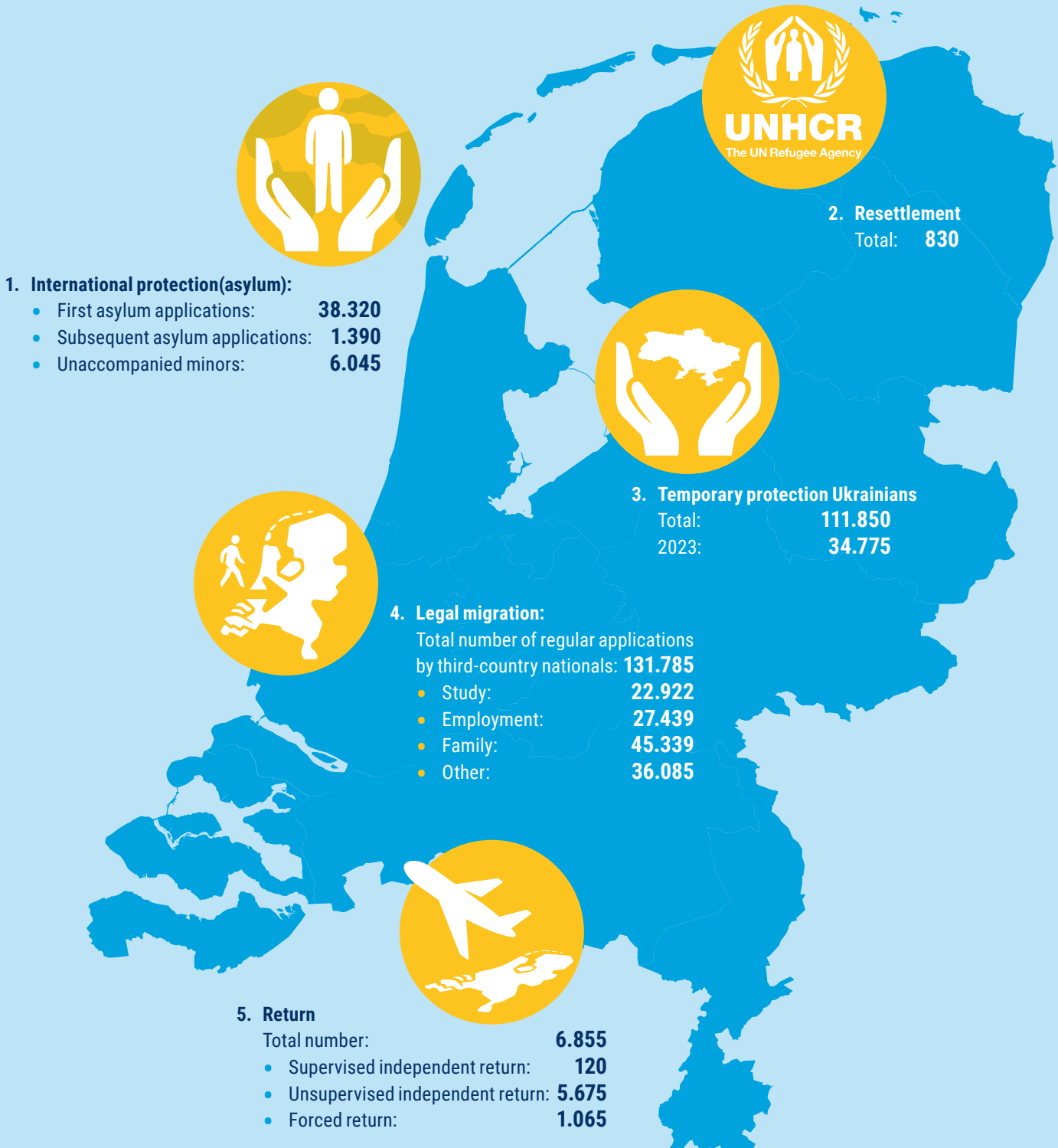
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# Migration figures of the Netherlands in 2023



# Foreword

Dear reader,

In an era of increasing globalisation and geopolitical instability, migration is high on the agenda, both globally and especially in Europe. The past year was also marked by significant events and developments in the field of migration and asylum, both within the Netherlands and beyond.

The ongoing war in Ukraine and the increased number of applications in 2023 put additional pressure on the reception system in the Netherlands. Migration and asylum policy was also one of the most discussed and controversial topics in both public and political debates. Disagreement over asylum policy led to the resignation of the government in November 2023, and migration was a key issue in the subsequent elections for the House of Representatives. Adjustments to European directives, new judicial rulings, and political desires led to several policy changes over the past year, but structural changes were largely absent due to the caretaker status of the government in the second half of the year.

As in previous editions, the EMN Annual Report on Dutch migration and asylum policy provides a detailed insight into policy developments, challenges, and new accents and focal points in legislation and guidelines from the past year, as well as the underlying legal, geopolitical, and practical considerations. We aim to offer an understanding of the complex world of Dutch migration and asylum policy, both for professionals and other interested parties.

As the Dutch contact point for the European Migration Network, we are committed to providing objective and relevant information on migration and asylum, with the aim of fostering a better understanding and constructive dialogue. We hope this Annual Report contributes to a broader and more nuanced awareness of migration and asylum issues.

Hans Lemmens  
Coordinator EMN Netherlands

# Summary

**Overarching Developments and Socio-Political Debates** The resignation of the Rutte IV cabinet in 2023, partly due to disagreements over asylum policy, highlighted the politically and socially sensitive debate surrounding Dutch migration policy over the past year. Additionally, concrete measures such as the Dispersion Act (*Spreidingswet*) raised both political and practical questions, while pressure on the asylum reception system continued to increase. The integration debate, with discussions about the 24-week requirement (asylum seekers may not work for more than 24 weeks per year), further underscored the ongoing search for a balance between judicial, economic, and social interests. International agreements, such as the Tunisia deal, illustrated the complexity of cross-border migration issues.

**Legal Migration** In 2023, there were numerous policy changes to align legal migration policy with European directives and court rulings. Additionally, there was a move towards more flexibility and efficiency in application procedures, such as the simplification of applications for family members of EU citizens and the expansion of the number of central service points for talent.

**International Protection (Asylum)** Key factors contributing to asylum policy developments in the Netherlands over the past year included the large numbers of applications, a shortage of reception places, and a combination of legal and practical considerations and developments in countries of origin. Examples include the suspension of the 24-week requirement due to court rulings and the opening of new reception locations for asylum seekers and beneficiaries of international protection in order to cope with increased pressure on reception capacity. The Immigration and Naturalisation Service (IND) was unable to process many applications on time due to a lack of capacity.

**Temporary Protection** For non-Ukrainians with temporary residence rights in Ukraine (third-country nationals displaced from Ukraine), much changed over the past year. This group initially faced the termination of temporary protection under the Temporary Protection Directive, followed by a freeze on that termination pending a decision by the Council of State. Additionally, more support was provided for displaced persons from Ukraine, such as expanded social benefits including housing allowances and medical care. Finally, there was also increased attention to integration.

**Unaccompanied Minors and Vulnerable Groups** There were few policy developments in 2023 in this area. However, the pressure on the reception of unaccompanied minors (UAMs) remained high. One consequence of this was that Parliament would be informed quarterly about the situation regarding the reception and housing of this group.

**Integration** The policy changes the Netherlands implemented in 2023 in the area of integration focused mainly on promoting access to work and education for beneficiaries of international protection. Many measures stemmed from the action plan '*statushouders aan het werk*,' presented in March last year. This included new legislation and a revision of the conditions for the integration exam.

**Dutch Citizenship and Statelessness** Court rulings by the Council of State led to adjustments in the Dutch rules for naturalisation over the past year. Additionally, after years of political debate, the Senate approved the new Statelessness Determination Procedure Act in the summer to ensure more conformity with international standards.

**Borders, Visas, and Schengen** Since last year, the updated Schengen Information System (SIS) has been in effect in all Schengen states. This led to amendments in the Aliens Act Implementation Guidelines 2000 (Vc), the working instructions for the IND, and the national Implementation Act EU regulations borders and security. Furthermore, measures were taken to prevent ethnic profiling by the Royal Netherlands Marechaussee (KMar), and a transit visa is no longer required for Turkish seafarers at airports.

**Irregular Migration and the Smuggling of Migrants** The Netherlands established a comprehensive policy framework against the smuggling of migrants last year. This framework followed an European action plan against the smuggling of migrants and cross-border crime. Additionally, legal developments led to changes such as the IND stopping simultaneous hearings of migrants.

**Trafficking in Human Beings** The launch of the renewed program ‘Together Against Human Trafficking’ in 2023 emphasized combating the trafficking in human beings both nationally and internationally. The Netherlands aimed for better cooperation between different agencies and better protection for victims. There were also developments in cooperation with countries outside the EU.

**Return** Policy changes in 2023 in the area of return combined adjustments to promote the efficiency of (voluntary) return with policies in response to case law. These changes related to forced return, support for voluntary return and reintegration, and detention. Concerning forced return, the policy framework for the sustainability and proportionality test was adjusted. Additionally, the Aliens Act Implementation Guidelines 2000 (Vc), which includes the policy rules and implementation instructions for return, was amended in three areas last year. Finally, this chapter discusses the expansion of Dutch support for voluntary return and reintegration.

**Migration and International Cooperation** Strengthening international cooperation was a priority for the Dutch government in 2023. The Netherlands joined the International Centre for Migration Policy Development (ICMPD), and in May, the Minister of Foreign Affairs and the Minister for Foreign Trade and Development Cooperation presented the Dutch Africa Strategy 2023-2032, with central goals of reducing irregular migration and establishing migration partnerships.



# 1 Demarcation and Accountability

**The asylum and migration domain is extremely dynamic.** Each year, numerous adjustments are made to the migration policies of various European Union (EU) member states. Policy changes in the area of migration can have diverse reasons, such as policy evaluations, changes in the political landscape, changes in EU legislation, jurisprudence, as well as (inter)national events and societal necessity.

**The European Migration Network (EMN) is a research network of the European Union** in the field of migration and asylum and plays a significant role in informing policymakers, researchers, and the broader public about relevant policy developments. The research reports of the EMN provide objective, reliable, and comparable information about asylum and migration in the various member states. This helps the EU and its member states to better respond to challenges in this domain. The European Commission (Directorate-General for Migration and Home Affairs) coordinates the EMN, which consists of National Contact Points (EMN NCPs) in the various member states, as well as in Norway, Armenia, Georgia, Moldova, Montenegro, Ukraine, and Serbia.

**EMN Netherlands has been publishing an Annual Report on Asylum and Migration every year since 2005.**<sup>1</sup> This EMN Annual Report provides an overview of the main policy developments in various migration areas in the Netherlands in 2023. It covers migrants from outside the EU to the Netherlands and not migration from other EU member states. The latter group is part of the free movement of persons within the European Union and thus falls outside the mandate of the EMN. Topics covered in this annual report include: legal migration (**Chapter 3**), asylum (international protection, **Chapter 4**), Ukraine (**Chapter 5**), unaccompanied minors and other vulnerable groups (**Chapter 6**), integration (**Chapter 7**), Dutch citizenship and statelessness (**Chapter 8**), border control, visa policy and Schengen (**Chapter 9**), irregular migration and the smuggling of migrants (**Chapter 10**), trafficking in human beings (**Chapter 11**), return (**Chapter 12**), and migration and international cooperation (**Chapter 13**). Before these topics are addressed in the annual report, **Chapter 2** discusses the general political developments and societal debates that took place in 2023 in the field of asylum and migration in the Netherlands.

**This report was made** using desk research and contributions from experts from the Dutch migration authorities. For the figures, Eurostat data was mainly used. Eurostat uses definitions and categories that are in line with European agreements, which may differ from those at the national level. Therefore, the statistics may differ from national data. More information on the methodology and an overview of the various experts who contributed can be found in **Appendix A**. **Appendix B** provides an overview of the general structure of Dutch migration and asylum policy and the tasks of the involved organizations. No rights can be derived from the information in this annual report.

Based on this report and the reports of other member states, the EMN has compiled the European EMN Annual Report on Migration and Asylum 2023. This internationally comparative annual report and the annual reports of the other member states are available on the European EMN website.<sup>2</sup>

<sup>1</sup> Previous annual reports can be found at: <https://www.emnnetherlands.nl/beleidsoverzichten>

<sup>2</sup> For more information, see [https://ec.europa.eu/home-affairs/what-we-do/networks/european\\_migration\\_network\\_en](https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network_en)

# 2 Overarching Developments and Socio-Political Debates

Migration and asylum were among the most discussed and often contentious topics in Dutch society in 2023. The media extensively covered the ongoing pressure on asylum reception facilities (as well as the challenges surrounding the implementation of the Dispersion Act - *spreidingswet*), the provision of temporary protection to displaced persons from Ukraine, the growing internationalisation of Dutch universities, the controversial Tunisia deal, and the abolition of the so-called 24-week requirement for asylum seekers to access the labour market. The unrest in political and public debates over Dutch migration and asylum policy led to the resignation of the Rutte IV Cabinet and the calling of early general elections on 22 November 2023.

## 2.1 Overarching Developments

### Resignation of the Rutte IV Cabinet

A significant development affecting migration and asylum policy was the resignation of the Rutte IV Cabinet on 7 July 2023.<sup>3</sup> After several days of crisis talks, the coalition parties VVD, CDA, D66, and ChristenUnie concluded that they could not agree on measures to limit asylum inflows and labour migration.<sup>4</sup> The discussion focused on family reunification for refugees. The VVD advocated for stricter conditions, proposing a distinction between two categories of asylum applicants: individuals fearing persecution in their country of origin (refugees in the sense of the Refugee Convention) would receive an A-status, while those fleeing general danger (subsidiary protection) would receive a B-status. Refugees with B-status would be allowed to stay in the Netherlands for a shorter period, and their right to family reunification would be restricted.<sup>5</sup> However, the VVD's ideas faced resistance from the other coalition parties. Although a 'safety valve procedure' for family reunification was discussed, ultimately no compromise could be reached.<sup>6</sup>

The fall of the cabinet had several consequences for migration and asylum policy. The Rutte IV Cabinet aimed to strengthen legal migration and reduce irregular migration. Some of the proposed policy changes were not implemented due to the cabinet's fall. There was still debate about the Act on Common Tasks for Asylum Reception Facilities, also known as the Dispersion Act (*spreidingswet*).<sup>7</sup>

### General Elections

The early general elections for the House of Representatives took place on 22 November 2023. During the election campaign, migration and asylum were major themes. PVV leader Geert Wilders linked other current issues such as security and the housing crisis to his highly critical views on migration policy.<sup>8</sup> This partly contributed to the PVV's victory, securing 20 seats. With 37 seats, the PVV is now the largest party in the Netherlands, followed by GroenLinks/PvdA with 25 seats and the VVD with 24 seats.

## 2.2 Key Political and Societal Debates on Asylum and Migration

### Labour Migration

In 2023, much discussion centred on 'control over migration'. During the crisis talks leading up to the resignation of the government, asylum policy emerged as a particularly divisive issue.<sup>9</sup> However, the debates on 'control over migration' extended beyond asylum policy. Political discussions focused on

3 NOS, 'Dit is wat we nu weten over de val van kabinet-Rutte IV'

4 Ibid.

5 Ibid.

6 Volkskrant, 'Kabinet-Rutte IV struikelt over gezinshereniging: coalitiepartijen weten elkaar niet te vinden'

7 Volkskrant, 'Eerste Kamer gaat door met Spreidingswet en wacht niet op nieuw kabinet'

8 NOS, 'Verval bij links-progressieve partijen: 'Verkiezingsthema's geclaimd door PVV'

9 NOS, 'Kabinet gevallen, geen akkoord over asielaatregelen'

measures aimed at exerting more control over labour migration, such as limiting the number of labour migrants and workers from other EU member states or promoting targeted labour migration.<sup>10</sup> While many political parties wanted to reduce labour migration, others emphasised the need to address the living and working conditions of labour migrants.<sup>11</sup> There was a division of opinion on whether stimulating labour migration could address staff shortages or exacerbate issues, such as housing shortages.<sup>12</sup> Businesses were concerned about the desire of many parties to reduce labour migration.<sup>13</sup>

### Temporary Protection for Displaced Persons from Ukraine

On 4 March 2022, the EU Temporary Protection Directive (TPD) was enacted to manage the reception of displaced persons from Ukraine. The decision covered all displaced persons from Ukraine, including those without Ukrainian nationality (who had permanent residence rights in Ukraine). Additionally, non-Ukrainian displaced persons with temporary residence rights in Ukraine could also claim TPD in the Netherlands. The Netherlands was the only member state to take advantage of this option. In 2023, the expiration of this protection right for this group of displaced persons increasingly came under scrutiny.

On 18 July 2022, Minister for Migration Eric van der Burg (VVD) decided to end temporary protection for this latter group of displaced persons from Ukraine, consisting of about 4,500 individuals, as of 4 March 2023. After that date, they were required to return to their country of origin or apply for asylum and relocate to an asylum reception facility of the Central Agency for the Reception of Asylum Seekers (COA). On 3 February 2023, the Association of Dutch Municipalities (VNG) expressed concerns in a letter about the legal sustainability and practical implementation of this decision.<sup>14</sup> On 9 February, Minister for Migration van der Burg announced a six-month extension of the expiration date to 4 September 2023.<sup>15</sup> To assist non-Ukrainian displaced persons from Ukraine in returning to their country of origin, they could avail themselves of a repatriation scheme. This meant they could receive a repatriation contribution of up to 5,000 euros, provided they registered for departure from the Netherlands in a timely manner. At that time, most did not wish to take advantage of this repatriation scheme.<sup>16</sup>

Several displaced persons from this group challenged the decision to terminate temporary protection in court. The court in Rotterdam ruled against them, but the court in The Hague stated that the cabinet should not decide on this issue.<sup>17</sup> The Immigration and Naturalisation Service (IND) appealed several court rulings. Following a granted interim measure, pending the appellate review by the Administrative Jurisdiction Division of the Council of State in early September 2023, Minister for Migration van der Burg (VVD) decided to suspend the termination of temporary protection for this group of displaced persons until the Council of State's ruling. Consequently, the group retained their right to accommodation and the right to work until the ruling.<sup>18</sup>

Government agencies, interest groups, and the displaced persons themselves reacted variably to the intention to terminate temporary protection. Some protested at the IND office in The Hague under the banner 'Same war, same protection'.<sup>19</sup> Many of the affected displaced persons had been in Ukraine for study or work and saw no way to continue their studies or find suitable employment in their country of origin.<sup>20</sup>

10 Parliamentary Papers II, 2022-2023, 29861, nr. 120, <https://zoek.officielebekendmakingen.nl/kst-29861-120.html>

11 NOS, 'Wooncomplexen voor arbeidsmigranten een uitkomst, maar ook bron van zorg'; Parliamentary Papers II, 2023-2024, 29861, nr. 122, <https://zoek.officielebekendmakingen.nl/kst-29861-122.html>

12 NOS, 'Fractieleden Marijnissen (SP) en Paternotte (D66) in debat over arbeidsmigratie'

13 NOS, 'Zorgen bij bedrijven over plannen arbeidsmigratie: 'Het draagt bij aan welvaart''

14 Association of Dutch Municipalities (VNG), 'Plan van aanpak derdelanders'

15 NOS, 'Vluchtelingen zonder Oekraïens paspoort mogen zeker half jaar langer blijven'

16 NOS, 'Vertrekpremie voor derdelanders uit Oekraïne: 'Ze proberen ons om te kopen''

17 NOS, 'Rechtbank verbiedt stopzetten van opvang van drie derdelanders'

18 SVMA, 'Informatie Oekraïne'

19 Trouw, 'Derdelanders uit Oekraïne demonstreren: 'Bommen vragen niet naar je paspoort''

20 NOS, 'Tussen wal en schip: Afrikaanse studenten uit Oekraïne kunnen nergens terecht'

Legal experts also criticised the decision to end temporary protection for this group. They deemed it unlawful to initially grant protection rights and then subsequently revoke them.<sup>21</sup> The Dutch Council for Refugees (VWN) was initially critical of the decision to terminate the temporary protection scheme. However, after the Minister for Migration's extension decision (and the decision to extend the right to accommodation), the refugee organisation expressed understanding for the decision to return this group to their country of origin, provided it was safe.<sup>22</sup> Nonetheless, the refugee organisation stated that the shortage of accommodation places was not a valid argument to exclude displaced persons from temporary protection.

The VNG repeatedly urged the cabinet to provide clarity and questioned the feasibility of the decision to exclude this group of displaced persons from temporary protection. Municipalities feared, for example, that those losing their right to accommodation might end up roaming and going underground.<sup>23</sup> Although they could go through the regular asylum procedure after losing their temporary protection, this would increase the pressure on the already limited asylum reception capacity. On the other hand, the VNG also found it undesirable to have the affected group of displaced persons, after being excluded from the TPD, stay in municipal asylum reception. This was partly because there was no legal basis for municipal asylum reception and because the different rights of TPD beneficiaries and asylum seekers could lead to tensions. This call contributed to the decision to extend<sup>24</sup> the TPD for the affected displaced persons until the Council of State's ruling.<sup>25</sup>

### Ongoing Pressure in Asylum Reception

Similar to 2022, the pressure on reception centres, particularly the registration centre in Ter Apel, remained high. In January 2023, the COA expected to expand from 52,500 to 75,000 reception places. This was not only due to the anticipated arrival of new asylum seekers but also because asylum seekers and beneficiaries of international protection were staying longer in reception due to waiting times with the IND and a shortage of social (rental) housing for beneficiaries.<sup>26</sup> After hundreds of asylum seekers had to sleep outside in Ter Apel in August 2022 due to a lack of reception capacity, the COA established thousands of new (emergency) reception places. In February and March 2023, several contracts for temporary reception locations expired, resulting in a total loss of 5,000 reception places.<sup>27</sup> Some of the emergency reception places created by municipalities remained available.<sup>28</sup> The COA's plan to take over and convert municipal emergency reception locations into permanent reception centres proved unfeasible, as more than three-quarters of the emergency reception locations were unsuitable for such conversion.<sup>29</sup>

To still create sufficient reception places, the COA expanded reception in hotels and used atypical reception locations such as cruise ships and small-scale facilities.<sup>30</sup> Creating new reception places requires cooperation with provinces and municipalities, but there is often local resistance to opening asylum reception centres.<sup>31</sup> The COA repeatedly emphasised the importance of the new Dispersion Act to address the shortage of reception places structurally.<sup>32,33</sup> In October, the COA stated that it needed 6,500 to 11,000 additional places by the end of 2023.<sup>34</sup> At that time, nearly half of all asylum seekers were staying in temporary emergency reception locations, such as gymnasiums and event halls. According to the COA, the liveability and safety of residents and staff were under pressure.<sup>35</sup>

21 NOS, 'Vertrekpremie voor derdelanders uit Oekraïne: 'Ze proberen ons om te kopen''

22 De Volkskrant, 'Vluchtelingenwerk begrijpt het als 'derdelanders' uiteindelijk niet in Nederland mogen blijven'

23 Association of Dutch Municipalities (VNG), 'Plan van aanpak derdelanders'

24 Minister for Migration, 'Afschrift Brief aan gemeenten naar aanleiding van uitspraak Raad van State', 2 September 2023.

25 In 2024, further developments occurred in this area.

26 Central Agency for the Reception of Asylum Seekers, 'Het COA pakt complexe opgave samen met partners op'

27 NRC, 'Nederland stevent af op een maatschappelijk ontwrichtende asielcrisis'

28 NOS, 'Slechts kwart van de crisisnoodopvang voor asielzoekers wordt permanent'

29 Ibid.

30 Central Agency for the Reception of Asylum Seekers, 'Maatregelen om het tekort aan opvangplekken komend jaar aan te pakken'

31 Ibid.

32 Central Agency for the Reception of Asylum Seekers, 'COA in gesprek met Tweede Kamer over de Spreidingswet'

33 Central Agency for the Reception of Asylum Seekers, 'COA roept Tweede Kamer op Spreidingswet snel te behandelen'

34 NRC, 'COA stuurt wanhopige brief naar ministerie van Justitie, wil afspraken met gemeenten kunnen schenden'

35 Ibid.

Various agencies reported on the pressure and conditions in asylum seeker centres. The Inspectorate of Justice and Security described the situation in Ter Apel in a letter to the Minister for Migration as “unsafe and untenable”.<sup>36</sup> According to the Inspectorate, the maximum capacity of the reception location was exceeded by hundreds of people. For these individuals, the reception did not meet basic requirements: they were sleeping in COA recreational rooms and IND waiting areas. The Inspectorate also stated that order and safety in the centre were barely maintainable due to the pressure and that the number of (serious) incidents on COA grounds was increasing.<sup>37</sup> The Inspectorate concluded that the COA in Ter Apel needed more support from the central government and also called on municipalities and provinces outside Groningen to contribute to asylum reception.<sup>38</sup>

### A man spends the night in the waiting room of the IND.

Source: Still from the documentary series ‘The World in Ter Apel’ by Hans Hermans and Martin Maat, broadcast by BNN/Vara



### Dispersion Act (*spreidingswet*)

In response to the structural shortage of asylum reception places, Minister for Migration Eric van der Burg (VVD) brought forward the Dispersion Act (*spreidingswet*) for consultation in November 2022. The Dispersion Act, formally known as the Act on Facilitating Common Responsibilities for Asylum Reception Facilities, aims to distribute asylum seekers more evenly across municipalities to ensure adequate reception places. After criticism from the VVD faction, the VNG, the COA, provinces, and the Safety Board, it became clear that the law could not be implemented on January 1, 2023.

In 2023, the implementation of the Dispersion Act faced further delays due to political and practical objections. The VVD expressed concern about the possibility of municipalities being forced to open asylum centres regardless of local support. The SP criticized the financial incentive for receiving asylum seekers, arguing it would allow wealthier municipalities to refuse reception while poorer municipalities would be compelled to provide it. The COA and VNG supported the law’s goals but highlighted issues with its feasibility.<sup>39</sup> The COA suggested simplifying the distribution system, extending the term of a structural reception facility from 5 to 15 years, and prohibiting target group limitations for reception locations. The VNG was also critical of the distribution system and requested attention for small-scale reception and underlying regulations.<sup>40</sup>

36 The Inspectorate of Justice and Security, ‘Situatie asielzoekerscentrum Ter Apel onveilig en onhoudbaar’

37 Ibid.

38 Ibid.

39 Central Agency for the Reception of Asylum Seekers, ‘Brief aan de staatssecretaris over de uitvoeringstoets lagere regelgeving taak mogelijk maken asielopvangvoorzieningen’

40 Association of Dutch Municipalities (VNG), ‘VNG inbreng voor debat over Spreidingswet’

41 NOS, ‘Spreidingswet asielopvang nog niet van de baan’

After the resignation of the Rutte IV cabinet, the Dispersion Act seemed to be off the table, with the Minister for Migration indicating that the law would no longer be pursued.<sup>41</sup> Several parties, including BBB, PVV, and JA21, were highly critical of the Dispersion Act and advocated declaring it controversial and postponing its consideration until after the elections. The VVD also withdrew its support for the bill following the cabinet's collapse. Nonetheless, a majority in the House of Representatives wanted to proceed with the law. On the initiative of the SP, the bill was amended to consider municipalities' financial capacity in the distribution. Additionally, the CDA proposed an amendment on September 28, 2023, clarifying the distribution of reception places for provinces and municipalities. Municipalities were given more time and flexibility to enter into voluntary agreements for reception facilities.<sup>42</sup> On October 10, a narrow majority of the House of Representatives voted in favour of the Dispersion Act, supported by SP, GroenLinks-PvdA, D66, PvdD, Volt, CDA, and ChristenUnie.<sup>43</sup>

The Dutch Senate then had to vote on the law. At the initiative of the PVV and SGP, the Dutch Senate first voted on October 31 to declare the Dispersion Act controversial. With 21 votes in favour and 54 against, the bill was not declared controversial.<sup>44</sup> On December 14, VVD leader Dilan Yesilgöz, also the outgoing Minister of Justice and Security, introduced a motion in the House of Representatives, supported by PVV, NSC, and BBB, calling for the postponement of the Dispersion Act's consideration until after the formation of the new cabinet.<sup>45</sup> Both opposition parties and coalition partners in the outgoing cabinet responded critically to the motion. Henri Bontenbal (CDA) feared a split in the outgoing cabinet, while Rob Jetten (D66) emphasized that the Senate sets its own agenda.<sup>46</sup> The VNG, IPO, and the commissioners of the King were also critical, urging the House of Representatives to continue the Dispersion Act's consideration in the Senate.<sup>47</sup> The motion by Yesilgöz was adopted: besides VVD, BBB, NSC, and PVV, JA21, SGP, and FVD also voted in favour.<sup>48</sup> The Senate did not need to act on the motion, as it has an independent role within the parliamentary system. According to Yesilgöz, the motion signalled a clear shift in the new majority in the House of Representatives.<sup>49</sup> The cabinet maintained its support for the bill and believed the Senate should decide on the handling of the bills submitted to them.<sup>50</sup>

### International Students

De Volkskrant reported that the internationalization of universities and the increasing use of English in education have long been concerns for the House of Representatives. The high number of international students has led to overcrowded lecture halls and high housing demand in many student cities.<sup>51</sup> The Advisory Division of the Council of State concluded that the influx of foreign students puts pressure on the quality of education in popular programs due to a lack of capacity and high workload for teachers.<sup>52</sup> Many international students also leave after their studies.<sup>53</sup>

The number of international students has continued to grow in recent years.<sup>54</sup> In the academic year 2022-2023, nearly 123,000 international students were enrolled in higher education or university studies in the Netherlands, an increase of 8,000 from the previous year.<sup>55</sup> In 2023, 13% of bachelor's students and 27% of master's students in the Netherlands had both a foreign nationality and a foreign

42 Parliamentary Papers II, 36 333 nr.72.

43 NOS, 'Omstreden spreidingswet krijgt toch een meerderheid in Tweede Kamer'

44 The Dutch Senate, 'Senaat verklaart spreidingswet niet controversieel'

45 The Dutch House of Representatives, 'Gewijzigde motie van het lid Yesilgöz-Zegerius c.s. over de wens uitspreken dat voor de duur van de formatie een pas op de plaats wordt gemaakt met de spreidingswet'

46 NRC, 'VVD dient onverwachts motie in om behandeling spreidingswet uit te stellen'

47 NOS, 'Gemeenten en provincies: laat spreidingswet behandelen door Eerste Kamer'

48 The Dutch House of Representatives, 'Gewijzigde motie van het lid Yesilgöz-Zegerius c.s. over de wens uitspreken dat voor de duur van de formatie een pas op de plaats wordt gemaakt met de spreidingswet'

49 The Senate debated the Dispersion Act on January 15 and 16, 2024. During the debate, the Senate faction of the VVD announced it would vote in favour of the law, which still secured a majority. According to Marjon Kaljouw, VVD group chairman, the law would not solve all problems, but was necessary to distribute the reception of asylum seekers more fairly. In a letter to VVD members, Senator Edith Schippers wrote that the appeal by local administrators, provinces and COA to support the law also factored into the group's choice. The Dispersion Act took effect on Feb. 1, 2024. Source: 'Spreidingswet 'niet ideaal' maar wel 'nodig', schrijft Schippers aan VVD-leden'

50 Parliamentary Papers II, 36471, nr.17.

51 De Volkskrant, 'Rem op groei aantal buitenlandse studenten: maximaal eenderde van de vakken in het Engels'

52 Council of State, 'Wet internationalisering in balans'.

53 De Volkskrant, 'Rem op groei aantal buitenlandse studenten: maximaal eenderde van de vakken in het Engels'

54 Rathenau Instituut, 'Internationalisering in perspectief: aantallen studenten, studiekeuzes en arbeidsmarkt'; NOS, 'Toename internationale studenten in Nederland: stijging van 8000'

55 NOS, 'Toename internationale studenten in Nederland: stijging van 8000'

prior education.<sup>56</sup> The Immigration and Naturalisation Service (IND) is responsible for processing applications from students outside the EU. On average, 98% of applications from outside the EU are approved.<sup>57</sup> However, most international students come from the EU (77% of the total), followed by students from Asia (17%).<sup>58</sup>

Positive voices have also emerged regarding how international students contribute to the Dutch economy and innovation capacity and possibly offer a (partial) solution to the tight labour market. According to NRC, this tightness is already causing problems in sectors such as technology, ICT, healthcare, and education. In the coming decades, hundreds of thousands of highly educated professionals will be needed in the Netherlands, and without adequate measures, labour market shortages will only increase.<sup>59</sup> The Council of State also stated that internationalization is important for the Netherlands. By contributing to sectors with shortages such as technology and ICT, international talent can strengthen the labour market in a context of cross-border competition for scarce talent.<sup>60</sup> Additionally, internationalization partially addresses issues of depopulation and aging, ensures the quality of higher education, and is crucial for maintaining a position at the top of international sciences. The influx of foreign students also generates additional income for higher education.<sup>61</sup> Despite the high departure rate of international students, CBS figures in September 2023 showed that they are increasingly staying in the Netherlands to work after graduation. "Of the international graduates from the academic year 2018/2019, 32 percent were working in the Netherlands one year after graduation. This share is higher than in previous years. Previously, the share of international students staying in the Netherlands to work was relatively stable at just over 20 percent."<sup>62</sup> This was especially true for students of electronics and chemistry.<sup>63</sup>

Although existing legislation stipulates that education should be given in Dutch, the law allows programs to be offered in English. Universities and, to a lesser extent, universities of applied sciences, make extensive use of this.<sup>64</sup> To set necessary limits on the internationalization of higher education in the Netherlands, Minister Robbert Dijkgraaf (Education, Culture, and Science, D66) worked on a legislative proposal to promote the Dutch language and manage international student flows in higher education.

At the request of the House of Representatives, Minister Dijkgraaf called on universities and universities of applied sciences at the end of 2022 to stop actively recruiting international students. However, exceptions were made for (regional) sectors experiencing shortages and regions experiencing demographic and economic shrinking.<sup>65</sup> Additionally, universities asked international students not to come to the Netherlands if they could not find housing before the start of the academic year.

Ultimately, in the summer of 2023, Minister Dijkgraaf launched an internet consultation<sup>66</sup> for a legislative proposal aimed at sustainably balancing the internationalization of higher education: the Act on Balancing Internationalization (*Wet internationalisering in balans* - WIB).<sup>67</sup> This proposal, which had not been submitted at the time of writing, includes language and regulatory measures to strengthen the position of Dutch as a language of education and science, and *numerus fixus* measures to manage and manage international student flows. According to the proposed law, starting from the 2025-2026 academic year, no more than one-third of the study load during an associate degree or bachelor's program

56 Rathenau Instituut, 'Internationalisering in perspectief: aantallen studenten, studiekeuzes en arbeidsmarkt'.

57 IND, Annual figures – 2022, 'Legal residence'.

58 Rathenau Instituut, 'Internationalisering in perspectief: aantallen studenten, studiekeuzes en arbeidsmarkt'.

59 NRC, 'De Tweede Kamer gaat te ruw om met internationale studenten'

60 Council of State, 'Wet internationalisering in balans'.

61 Ibid.

62 CBS, 'Derde van internationale afgestudeerden blijft in Nederland om te werken'.

63 De Volkskrant, 'Internationale studenten blijven steeds vaker plakken in Nederland, vooral na elektronica en scheikunde'

64 De Volkskrant, 'Rem op groei aantal buitenlandse studenten: maximaal eenderde van de vakken in het Engels'

65 Parliamentary Papers II, 2023-2025, 22 452 nr. 85.

66 Internet consultation allows citizens, businesses and civil society organizations to learn about legislative proposals and express their ideas about them. The goal is to improve the transparency of the legislative process and contribute to the quality of legislation.

67 Overheid.nl, 'Wet internationalisering in balans'.

may be given in a language other than Dutch.<sup>68</sup> Exceptions are only allowed if the utility and efficiency are demonstrated. The announced legislation aims to create a sustainable balance for the internationalization of higher education, increasing societal benefits while minimizing disadvantages. The legislation allows for customization, where permission for non-Dutch programs can be granted for sectors experiencing shortage or if the program is important for the (border) region.

Pending the implementation of the Act on Balancing Internationalization, Minister Dijkgraaf has appealed to universities and universities of applied sciences to take responsibility. He formally requested the Association of Universities of Applied Sciences (VH) and Universities of the Netherlands (UNL) to develop an approach for self-regulation. The request included several components: Dutch and foreign-language offerings, language proficiency of students and teachers, administrative language, fixus measures, recruitment, governance, and societal effects such as housing and the so-called stay rate.<sup>69</sup>

**International students during the central document distribution session at the Jaarbeurs Utrecht, organized by the IND, September 2 2023.**

Photo: Rob ter Bekke



According to Gijs Kooistra, spokesperson for the interest group Universities of the Netherlands (UNL), reducing the number of English-language programs seems obvious, but most universities are reluctant to do so. He states: "English-language education is crucial for the quality of education."<sup>70</sup> According to Kooistra, students benefit from an international classroom where they encounter various cultures and practice their English. Universities can also attract the best scientific staff from abroad thanks to the use of this language of instruction.

The University of Amsterdam (UvA), which has long advocated for more measures, also does not view the reduction of English-language programs favourably. The university is not against internationalization but against its uncontrolled growth, says UvA President Geert ten Dam. "Internationalization is part of the international character of contemporary science. The UvA offers bilingual education. This keeps Dutch talent here and attracts foreign talent, which we need as a knowledge country."

### **The smuggling of migrants in the Mediterranean & the Tunisia Deal**

In 2023, the situation in the Mediterranean drew significant media attention, with Hans Leijten, the new director of the European border agency Frontex, describing it as "unmanageable." To reduce the number of migrants undertaking the perilous crossing, some argued that tackling human traffickers

68 Council of State, 'Wet internationalisering in balans', under 3; the modernization of language policy, (footnote 12).

69 Parliamentary Papers II 2022/23, 22452, nr. 87; In March 2024, umbrella organizations published their approach to self-direction.

70 De Volkskrant, 'De politiek wil minder buitenlandse studenten, maar bij veel universiteiten zijn ze van harte welkom'



was key.<sup>71</sup> The Dutch government indicated that it was examining the model of the smuggling of migrants model “in full breadth.”<sup>72</sup> This approach drew criticism from NGOs that rescue people in distress in the Mediterranean. According to Dutch Prime Minister Mark Rutte, some of these organizations were part of “a very cynical business model of human traffickers.”<sup>73</sup> NGOs such as Save the Children accused Rutte of criminalizing humanitarian aid in the eyes of the Dutch public.<sup>74</sup>

On July 16, 2023, the EU and Tunisia signed an agreement aimed at reducing the number of migrants crossing the Mediterranean. In exchange for EU investments, Tunisia committed to improving border security and combating the trafficking of human beings. Tunisia received over €100 million from Europe for border security, countering the trafficking of human beings, migrant return, and enhanced coordination of rescue operations.<sup>75</sup> Rutte described the agreement as “essential for gaining more control over irregular migration” and claimed it would contribute to “economic growth, jobs, and future prospects for the Tunisian economy.”

However, the deal was controversial from the start, as Tunisia’s President Saied is viewed as an autocratic leader who might not use the funds for their intended purposes. Critics argued that the deal legitimized Tunisia’s government, which, according to Amnesty International among others, violates human rights.<sup>76</sup>

A few months after the deal was signed, criticism intensified both in the Netherlands and at the European level. EU foreign affairs chief Josep Borrell, several member states, and legal experts from the Council of the European Union objected to the deal.<sup>77</sup> They contended that the deal did not achieve its intended effect, as the number of migrants arriving via Tunisia actually increased dramatically.<sup>78</sup> Additionally, the situation for migrants in Tunisia worsened, with 27 migrants found dead in the desert near the Tunisian border shortly after the deal was signed.<sup>79</sup>

There was also discontent over the actions of the self-styled Team Europe (Ursula von der Leyen, Mark Rutte, Giorgia Meloni), which was criticized for not following proper procedures in finalizing the agreement.<sup>80</sup> The lack of legal legitimacy of the agreement led to unclear democratic oversight. This concern was also expressed in the Netherlands.

Both the European Parliament and the Dutch House of Representatives expressed dissatisfaction with the deal. Tunisia was also unhappy and refunded €60 million to the EU.<sup>81</sup> EU Ombudsman Emily O’Reilly investigated whether the migration deal between the EU and Tunisia violated human rights.<sup>82</sup>

### Integration Debate and the 24-Week Requirement

In 2023, there was limited public and political debate on integration. However, the so-called 24-week requirement—limiting asylum seekers in the Netherlands to working no more than 24 weeks per year—was debated. Legal experts argued that this requirement was inconsistent with European law. According to the European Reception Directive, asylum seekers should have access to the labour market no later than nine months after filing an asylum application. In April 2023, the Arnhem court ruled that the Employee Insurance Agency (UWV) could not deny a work permit if an asylum seeker wanted to work longer.<sup>83</sup> The court found that the 24-week limit unnecessarily restricted access to the labour market

71 NOS, ‘Grensbewaker EU: situatie Middellandse Zee ‘niet beheersbaar’

72 NOS-Nieuwsuur, ‘Hulporganisaties boos op Rutte, die ze onterecht linkt aan mensensmokkel’

73 Ibid.

74 Ibid.

75 NOS, ‘Europese Unie sluit migratiedeal met Tunesië’

76 Amnesty International, ‘Sluiten Tunesiëdeal schandelijk: zoveelste voorbeeld van onverantwoord Europees migratiebeleid’

77 Trouw, ‘EU-lidstaten en EU-juristen hekelen totstandkoming Tunesiëdeal’

78 NOS, ‘Tunesiëdeal vooral gebaseerd op wensdenken, zeggen ingewijden’

79 NOS, ‘Libië: zeker 27 migranten dood gevonden in woestijn bij Tunesische grens’

80 Financieel Dagblad, ‘Europarlementariërs maken gehakt van Tunesiëdeal’

81 Algemeen Dagblad, ‘Tunesië stort miljoenen aan coronasteun terug naar EU uit onvrede over migratiedeal’

82 Trouw, ‘EU-Ombudsman heeft twijfels bij Tunesiëdeal om mensenrechten’

83 NRC, ‘Asielzoekers willen echt aan het werk, niet slechts 24 weken’

and was thus in conflict with the Reception Directive. “Allowing asylum seekers to work during the asylum procedure will enhance their integration in the Netherlands,” the court stated.<sup>84</sup> The UWV appealed the ruling.<sup>85</sup>

The UWV argued that extending the number of work weeks for asylum seekers might give the impression that they could stay permanently in the Netherlands. Additionally, asylum seekers could potentially qualify for unemployment benefits.<sup>86</sup> Partners such as the Dutch Council for Refugees and the COA viewed abolishing the 24-week requirement as a crucial step toward the active participation of asylum seekers in society. Working during the asylum procedure is currently a challenge, as shown in the report ‘Barriers for Asylum Seekers in Accessing the Labor Market’ commissioned by the Ministry of Social Affairs and Employment (SZW).<sup>87</sup> According to this study, conducted at the request of Minister Karien van Gennip (Social Affairs and Employment, CDA), allowing asylum seekers to work for a longer period has several benefits. Lowering the barrier for employers to hire asylum seekers improves their access to the labour market. Furthermore, removing the 24-week limit would enhance the labour market position of status holders and increase asylum seekers’ contributions to social insurance funding.<sup>88</sup> However, coalition parties in the interim cabinet had differing views. D66 wanted to allow asylum seekers to work more than 24 weeks a year, while VVD and CDA were more cautious.<sup>89</sup>

On November 29, 2023, the Council of State ruled on the appeal filed by the UWV against the earlier Arnhem court ruling.<sup>90</sup> The Council of State determined that the UWV could no longer impose the 24-week requirement. The 24-week rule made asylum seekers less attractive as employees, as employers generally seek personnel for longer periods. This restriction limited asylum seekers’ access to the labour market and was thus inconsistent with the European Reception Directive. This ruling confirmed earlier decisions by the Arnhem and Utrecht courts.

The Minister of Social Affairs and Employment announced that the Council of State’s ruling would be applied immediately, leading to a change in the duration of work permits. For several thousand asylum seekers, this meant they could work longer in the Netherlands as long as they remained there.<sup>91</sup> Various social organizations and government agencies reacted positively to the ruling. According to the Dutch Council for Refugees, abolishing the 24-week requirement was “not only a win for asylum seekers and employers but for society as a whole.”<sup>92</sup> The COA noted that work is a crucial part of integration, provides meaning to life, and contributes to stability and liveability at COA locations.<sup>93</sup> The VNG also believed that the ruling promoted the integration and self-reliance of asylum seekers. However, the VNG noted that asylum seekers also face other obstacles in finding work, such as applying for a BSN number (personal identity number) and a certificate of good conduct, or having their diplomas recognized.<sup>94</sup>

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84 NRC, ‘[Asielzoeker mag van de rechter meer dan 24 weken per jaar werken](#)’, ECLI:NL:RVS:2023:4341.

85 NOS, ‘[Asielzoeker mag voorlopig toch niet langer dan 24 weken werken](#)’

86 Council of State, ‘[Asielzoeker mag meer dan 24 weken per jaar werken](#)’

87 Central Agency for the Reception of Asylum Seekers, ‘[Afschaffen 24-weeken eis belangrijke stap voor actieve deelname asielzoekers](#)’

88 Regioplan, ‘Belemmeringen Asielzoekers bij het toetreden van de arbeidsmarkt’, [Belemmeringen asielzoekers bij het toetreden tot de arbeidsmarkt | Kamerstuk | Rijksoverheid.nl](#)

89 Raad van State, ‘[Asielzoeker mag meer dan 24 weken per jaar werken](#)’

90 Ibid.

91 NOS, ‘[Nieuwe regels na uitspraak Raad van State: asielzoeker mag meer dan 24 weken werken](#)’

92 Dutch Council for Refugees, ‘[Opgetogen dat asielzoekers meer dan 24 weken per jaar mogen werken](#)’

93 Central Agency for the Reception of Asylum Seekers, ‘[Vervallen 24-weeken-eis goed voor asielzoekers en werkgevers](#)’

94 Association of Dutch Municipalities (VNG), ‘[Met vervallen 24-weeken-eis zijn nog niet alle zorgen weg](#)’

## 3

## Legal Migration

In 2023, Dutch policy on family, study, and labour migration emphasised several key aspects. Steps were taken to make residence applications for family and labour migrants more affordable and accessible while striving for increased flexibility and efficiency in certain application procedures. There was also a focus on clarifying policy and aligning it with national and European legal rulings.

### Legal Migration

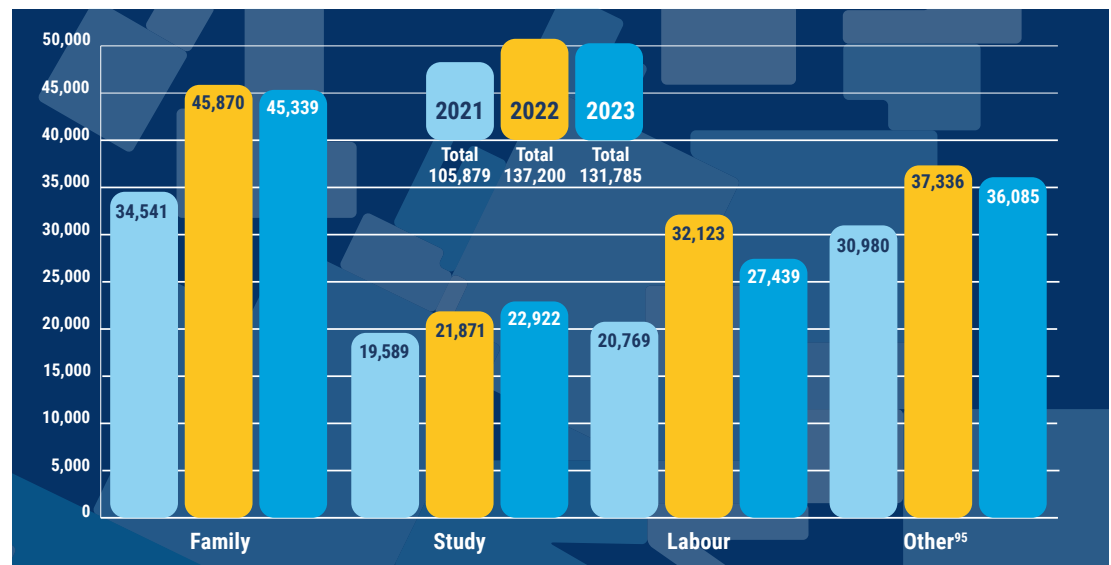
The term legal migration is broad and encompasses various groups of migrants. The migration categories used are study, labour, and family. These categories are derived from those used by Eurostat.

#### Legal Migration: The Figures

The number of granted legal residence permits in 2023 was largely comparable to 2022. The largest share of these permits was in the family category, including regular family migration and marriages. The share of labour migrants was also high in 2023. Legal migration continued to constitute the largest portion of migrant inflows to the Netherlands in 2023, compared to asylum migration (see [Section 4](#)).

**Figure 1:**  
Number of first permits for legal residence for non-EU citizens for family, labour, and study reasons 2021-2023.

Source: Eurostat.



### 3.1 Overarching Developments

#### New Fees for Residency Applications in the Netherlands

As of January 1 2023, new fees have been introduced for residency applications in the Netherlands. These fees are adjusted annually based on price increases and wage developments (indexation). Although this is not a new development per se, the fees for all legal residency purposes have been standardised and significantly reduced for applicants this year.<sup>96</sup>

In 2019, following a ruling by the European Court and instructions from the European Commission, several fees were lowered. This only affected residence permits issued based on EU directives. Other fees remained unchanged, making it difficult to justify the differences that had arisen. The adjustment in fees has addressed this issue and eliminated the need for complex justifications of fee discrepancies.

<sup>95</sup> The category 'Other'; includes all residence permits that do not fall under the other three categories. This includes several legal permits granted on grounds other than family, labour, or study. This category also encompasses asylum permits granted under the family reunification procedure and legal permits granted in the context of assessing asylum-related applications.

<sup>96</sup> Immigration and Naturalisation Service (IND), 'IND adjusting fees as of the new year', 30 December 2022. <https://ind.nl/en/news/ind-adjusting-fees-as-of-the-new-year>

## 3.2 Economic Migration

### Economic Migration

Economic migrants are individuals from countries outside the EU/EEA who come to the EU for work. This includes highly skilled professionals, company employees, entrepreneurs, and seasonal workers.

### Recognised Sponsor System and Protection of the National Labour Market

Dutch policy facilitates highly skilled migrants. There are schemes for knowledge migrants and graduates from Dutch institutions seeking employment. To expedite the application process, the recognised sponsor system is in place.<sup>97</sup> This means that a recognised sponsor (such as an employer recognised by the IND) is given responsibilities regarding the admission procedure. The recognised sponsor system does not apply to residence applications for entrepreneurs and employees of startups. For other migrants coming to the Netherlands for economic reasons, protecting the national labour market is the policy's guiding principle. This means that priority is given to filling vacancies with Dutch nationals, EU citizens, or migrants who are already legally residing in the Netherlands and available on the labour market. If none are available, migrants from non-EU/EEA countries can apply for a work permit and, if necessary, a residence permit.

In 2023, there were no major policy changes in the field of economic migration. However, legislation was adjusted for certain groups of personnel and their family members to facilitate working in the Netherlands.

#### Amendment to the Dutch Foreign Nationals Employment Act Implementation Decree (BuWav): Personnel on Cruise Ships

Due to the severe shortage of reception places for asylum seekers in the Netherlands (see [Section 4](#)), cruise ships have been used for asylum accommodation in recent years. Given the crisis situation, it is crucial that employers can swiftly deploy not only EU personnel but also staff from outside the EU on these cruise ships. On March 21 2023, an amendment was therefore made to the Dutch Foreign Nationals Employment Act Implementation Decree (BuWav). Retroactively to the date their work on board the ships commenced, personnel from non-EU/EEA countries are exempt from requiring a work permit. This exemption applies to a specific category of work.<sup>98</sup>

#### Family Members of Staff at the Headquarters Allied Joint Force Command Brunssum (JFC HQ Brunssum)

The NATO headquarters for Central Europe is located in Brunssum, where troops and other staff from within and outside the EU work. Since August 1 2023, family members of employees at the Allied Joint Force Command Brunssum (JFC HQ Brunssum) and the Joint Logistics Support Group Brunssum (JLGBS HQ) are permitted to work in the Netherlands without a work permit. This change was agreed upon in January 2023 between the Netherlands and the Supreme Headquarters Allied Powers Europe (SHAPE).<sup>99</sup>

97 Immigration and Naturalisation Service (IND), 'Werkgever: Erkenning als referent', 12 February 2024. <https://ind.nl/nl/verblijfsvergunningen/werken/erkenning-als-referent>

98 Parliamentary Papers II 2022-2023, 30573 nr. 201.

99 Ministry of Foreign Affairs, Treaty Bulletin 2023, 6. <https://zoek.officielebekendmakingen.nl/trb-2023-6.html>

### 3.3 Family Migration

#### Family Migration

Family migration encompasses applications for family formation and family reunification. This might involve, for example, a Dutch national who has met a partner abroad and wishes to bring them to the Netherlands, or a migrant who is settling in the Netherlands and wishes for their family abroad to join them.<sup>100</sup> The Family Reunification Directive (2003/86/EC) provides the legal basis at the EU level.<sup>101</sup>

#### Policy Adjustment for Family Reunification Applications in Non-Marital Partnerships

On April 26 2023, the Immigration and Naturalisation Service (IND) revised its policy regarding family reunification applications.<sup>102</sup> The amendment stipulates that an application for family reunification of a non-EU partner cannot be denied solely on the grounds that the family relationship, as defined in Article 3.14, b, of the Aliens Decree (Vb) 2000, is not exclusive. However, this non-exclusive relationship must be durable; that is, it must be comparable to the state of a marriage. The question of what constitutes a durable relationship will be addressed by case law in the future. The concept of 'durable relationship' will be further defined based on specific cases. For now, involved partners are required to sign a relationship declaration and complete a partner questionnaire. Additionally, an unmarried declaration must be provided with the application. If multiple relationships are maintained, this could lead to further scrutiny by the IND regarding the durability of the relationship that would justify residence in the Netherlands.

It remains crucial that a residence permit for family reunification is granted to only one spouse or (registered) partner at a time. It is not possible to issue multiple residence permits to different migrants based on a durable relationship with one person. The policy change also means that previously granted residence permits cannot be revoked if the migrant maintains multiple durable relationships during their stay.

This adjustment was implemented to align practice with the 2021 case law. A ruling by the Administrative Jurisdiction Division of the Council of State (AbRvS) on November 24 2021<sup>103</sup>, clarified the conditions of exclusivity in non-marital partnerships.

#### Policy Adjustment for the Residence of Non-EU Family Members of EU Citizens Under Article 20 TFEU

On June 22 2023, the Court of Justice of the European Union (CJEU) ruled in Case C-459/20, which addressed the conditions for residence under Article 20 of the Treaty on the Functioning of the European Union (TFEU), also known as the Chavez residence right.<sup>104</sup> The case involved a minor EU citizen living with their grandmother and aunt in Thailand, who had never resided in the EU, while their mother resided in the Netherlands and wished to obtain residence rights there. The question was whether the parent had a derived right of residence under Article 20 TFEU and, if so, under what circumstances and how. The Court answered affirmatively, provided that the minor EU citizen intended to join the parent in the Netherlands promptly. Whether or not it is in the best interest of the minor EU citizen to come to the EU is not a factor that the member state may consider. The fact that the parent of this minor EU citizen had not performed caregiving duties for a period should not be deemed decisive, as they could undertake such duties from the date of the decision.<sup>105</sup>

100 Central Bureau of Statistics Netherlands (CBS), 'Gezinsmigratie'.

101 EMN Glossary 8.0, 'family reunification'. [https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn- asylum-and-migration-glossary/glossary/family-reunification\\_en](https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn- asylum-and-migration-glossary/glossary/family-reunification_en)

102 Immigration and Naturalisation Service (IND), 'IB 2023/36 Afdelingsuitspraak exclusiviteitseis bij ongehuwde partnerrelaties', 26 April 2023.

103 ECLI:NL:RVS:2021:2550.

104 CJEU, C-459/20, 22 June 2023.

105 Immigration and Naturalisation Service (IND), 'IB 2023/49 Gevolgen van de uitspraak van het Hof van Justitie van de Europese Unie in zaak C-459/20', 7 July 2023.

Although the IND's practice was already aligned with most aspects of the Court's ruling, three changes were made in decisions concerning residence under Article 20 TFEU:

- 1) Article 20 TFEU can now also be the basis for the residence of a non-EU parent in the Netherlands if the Dutch child resides outside the EU, and even if the child has never resided in the EU, but only if the intention is for the child to join the parent in the Netherlands promptly.
- 2) An application for residence based on Article 20 TFEU can no longer be refused on the grounds that relocating the child to the Netherlands is not in the child's best interest. Only the parent or the authority with legal responsibility for the child may make this decision.
- 3) It is no longer decisive in the application process that the non-EU parent has not performed caregiving duties for the child for a specific period.

### Revision of the application procedure for the 'EU Law Assessment Procedure for Family Members of EU Citizens'

To improve efficiency in application procedures, on July 1 2023, a change was made to the 'EU Law Assessment Procedure for Persons from Outside the EU who are Family Members of EU Citizens'.<sup>106</sup> Previously, there were two separate application procedures: one for the non-EU family member and one for the EU citizen who is the sponsor. The EU citizen had to provide a document (EU registration card) proving lawful residence in the Netherlands. The separate procedure for the EU citizen has been abolished; the requirement for the EU citizen's lawful EU residence remains, but this is assessed during the application process for the non-EU family member. The EU citizen no longer needs to register with the Immigration and Naturalisation Service (IND). A side effect of this policy change is that the EU citizen is not required to personally visit an IND counter. Thus, the application procedure for residence permits for family members of EU citizens has been simplified.

During the Covid pandemic, it became clear that a simplified assessment method allowed the IND to process applications more quickly.

## 3.4 Study Migration

### Study Migration

The EMN Glossary defines a student in the context of EU migration as a national of a non-EU country who is accepted by an establishment of higher education and admitted to the territory of an EU Member State to pursue as their main activity a full-time course of study leading to a higher education qualification recognised by the EU Member State, including diplomas, certificates or doctoral degrees in a higher education institution, which may cover a preparatory course prior to such education, in accordance with national law, or compulsory training.<sup>107</sup>

In 2023, there were no policy developments regarding study migration. Therefore, this category is not further discussed beyond the data analysis in the table in this chapter. However, preparations were made for future adjustments, such as the proposal for the Internationalisation Balance Act (WIB), aimed at balancing the internationalisation of higher professional education and research (see [Section 2](#)).

<sup>106</sup> Government Gazette, 2023, nr. 17810.

<sup>107</sup> EMN Glossary 8.0, 'student'. [https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/student\\_en](https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/student_en)

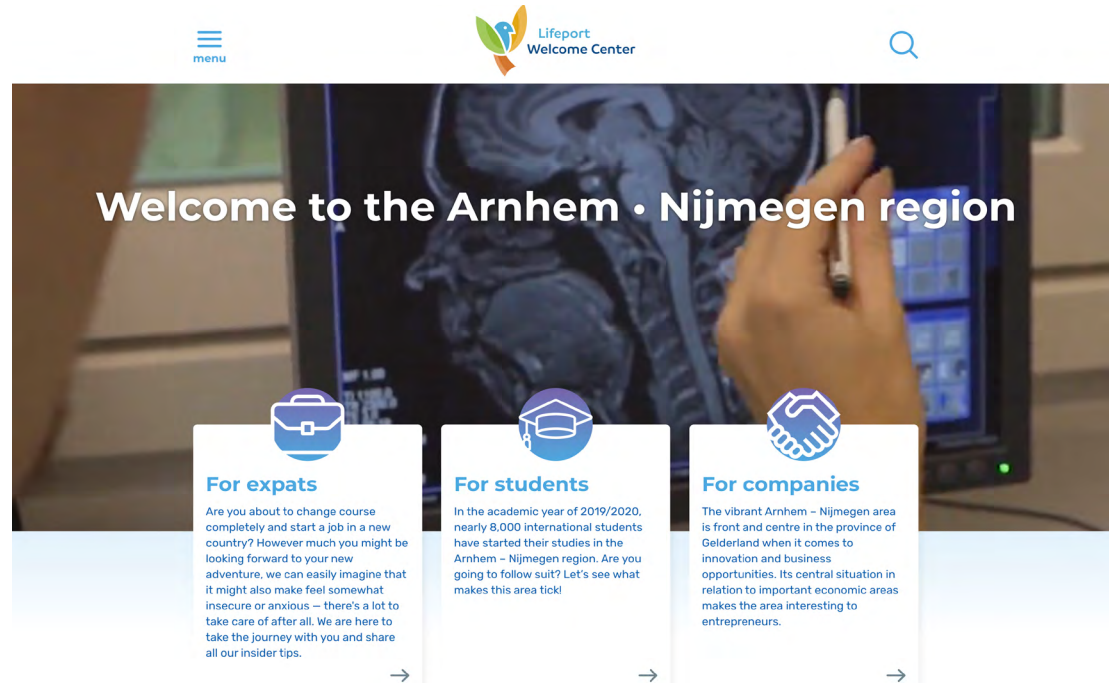
### 3.5 Other Developments

These developments do not specifically relate to family, study, or labour migration, nor are they overarching policy developments, as they impact only a limited aspect of regular migration.

#### Efficient Residence Permit Processing at the Central Service Point for International Talent in Nijmegen

From 5 January 2023, international high-skilled migrants, scientific researchers, students, startups, and investors in the Nijmegen region have been able to handle all their residence formalities at one central location: the Lifeport Welcome Center (LWC) on the Radboud University campus. The LWC, the municipality of Nijmegen, and the Immigration and Naturalisation Service (IND) collaborated on this two-year pilot programme, allowing all formal steps for residence to be completed in one day and at one place, from registration in the Personal Records Database (BRP) to collecting a residence document.

Website of the Lifeport WelcomeCenter (LWC) on the campus of the Radboud University



The primary aim of this innovation was to create an accessible public portal for foreign talent and students involved in new developments, innovation, and education in the fields of food, health, and energy. In addition to international high-skilled employees, their families, and students, the service point is also accessible to other migrants wishing to live and work in the region. The IND specifically aimed to professionalise its services by collaborating with local authorities and providing a central point for this group of migrants.

This innovative approach stemmed from a shared desire among Radboud University, the province of Gelderland, the Economic Board of the Arnhem-Nijmegen Region, the municipality of Nijmegen, and the IND to develop a regional marketing infrastructure for talented personnel and students. The idea was to create a single central portal where all relevant organisations, including immigration authorities, were concentrated, with the goal of enhancing mobility for students and expats and stimulating the local economy.<sup>108</sup> Similar collaborative initiatives exist in other regions of the Netherlands, such as the Brabant Migration Information Point, which commenced on 1 January 2024.<sup>109</sup>

<sup>108</sup> Immigration and Naturalisation Service (IND), 'Local council and IND receive highly skilled migrants at Radboud campus in Nijmegen', 5 January 2023. <https://ind.nl/en/news/local-council-and-ind-receive-highly-skilled-migrants-at-radboud-campus-in-nijmegen>

<sup>109</sup> Brabant.nl, 'Arbeidsmigranten in Brabant krijgen advies en ondersteuning voor praktische zaken', 9 November 2023. <https://www.brabant.nl/actueel/nieuws/economie/2023/arbeidsmigranten-in-brabant-krijgen-advies-en-ondersteuning-voor-praktische-zaken>

### **Amendments to Implementation Guidelines of the Aliens Act Concerning Proper Enforcement of the EU-UK Withdrawal Agreement**

On 31 March 2023, the Minister for Migration made changes to the Aliens Act Implementation Guidelines 2000 (Vc). This amendment followed a clarification request by the Dutch government to the European Commission regarding Article 15(2) of the EU-UK Withdrawal Agreement. The Commission's response clarified that British nationals with a non-permanent Brexit residence permit may be absent from the Netherlands for a maximum of 6 months per year, or, in case of compelling reasons, a total of 12 uninterrupted months. Exceeding this maximum permitted absence period results in the loss of residence rights under the EU-UK Withdrawal Agreement.

The amendment of 31 March 2023 formalised this residence-related consequence in policy, but the Dutch government decided not to enforce it immediately due to its sudden and significant impact. British nationals were thus given time to become aware of the policy clarification and to anticipate accordingly. Enforcement of the provision that British nationals (and their family members) may only remain outside the Netherlands for a maximum of 6 months per year started on 1 October 2023.<sup>110</sup>

The primary goal of this policy adjustment was to ensure correct enforcement of Article 15(2) of the EU-UK Withdrawal Agreement. To avoid adverse effects on the involved British nationals, this approach was chosen.<sup>111</sup>

### **Policy Change Regarding the Interpretation of 'Relocation of Main Residence' in Immigration Policy**

Dutch immigration law permits the revocation of a residence permit when the permit holder relocates their main residence outside the Netherlands ('relocation of main residence', Article 18 of the Aliens Act). Judgements from the Administrative Jurisdiction Division of the Council of State (AbRvS) on 18 October 2022<sup>112</sup> and 23 November 2022<sup>113</sup> ruled that the interpretation of the term 'relocation of main residence' in paragraph B1/6.2.1 of the Aliens Act Implementation Guidelines 2000 (Vc) was incomplete. In response, the Minister for Migration made a significant amendment on 29 September 2023.

Due to these rulings, this ground for revocation cannot be used in all such family migration cases. Relocation of the main residence alone does not provide sufficient grounds to revoke the residence permit; other relevant facts must be considered.

The policy change thus included an additional provision to paragraph B1/6.2.1 of the Vc 2000. Specifically, this addition stipulates that when relocating the main residence, not only the duration of the stay outside the Netherlands must be considered, but also other relevant facts and the intention of the person (as defined in Article 22(2)(a) of the Aliens Act 2000). This policy change aligns national policy with the mentioned AbRvS rulings. The aim is to prevent incomplete interpretations and ensure consistent application of the term 'relocation of main residence' as intended by law.<sup>114</sup>

110 The enforcement of the provision that British nationals may be absent from the Netherlands for a maximum of 12 consecutive months for important reasons has been in effect since 1 April 2024.

111 Government Gazette, 2023, nr. 9373.

112 ECLI:NL:RVS:2022:2984.

113 ECLI:NL:RVS:2022:3367.

114 Government Gazette, 2023, nr. 26470.



## 4

## Asylum (international protection)

Evaluating and processing asylum applications and granting international protection are integral parts of Dutch migration policy. Developments in reception capacities, decision-making times, and other policy changes in the field of migration and asylum naturally also have a significant impact on the lives of applicants for international protection. The main drivers behind asylum policy developments over the past year include higher inflows, the shortage of reception places and a combination of legal and practical considerations and developments in countries of origin.

This chapter provides a detailed overview of the main developments in Dutch asylum policy in 2023, including statistical data on the number of asylum applications received and the various policy changes in response to geopolitical circumstances. Additionally, this chapter discusses changes in reception policy and information provision, as well as measures taken concerning disruptive asylum seekers and national security.

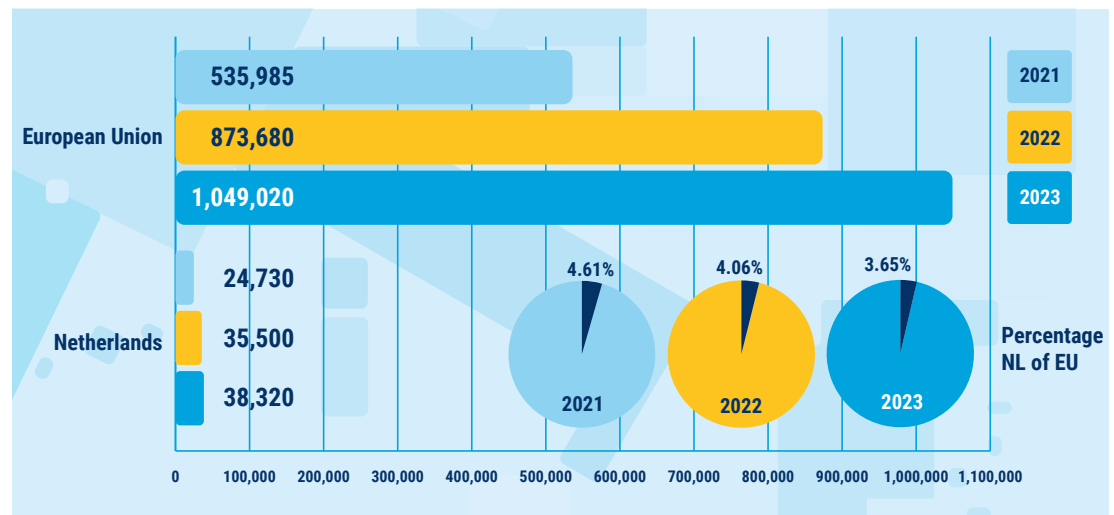
### Asylum

The EMN glossary defines asylum as a form of protection given by a State on its territory, based on the principle of non-refoulement 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.

### Asylum in the Netherlands: The Figures

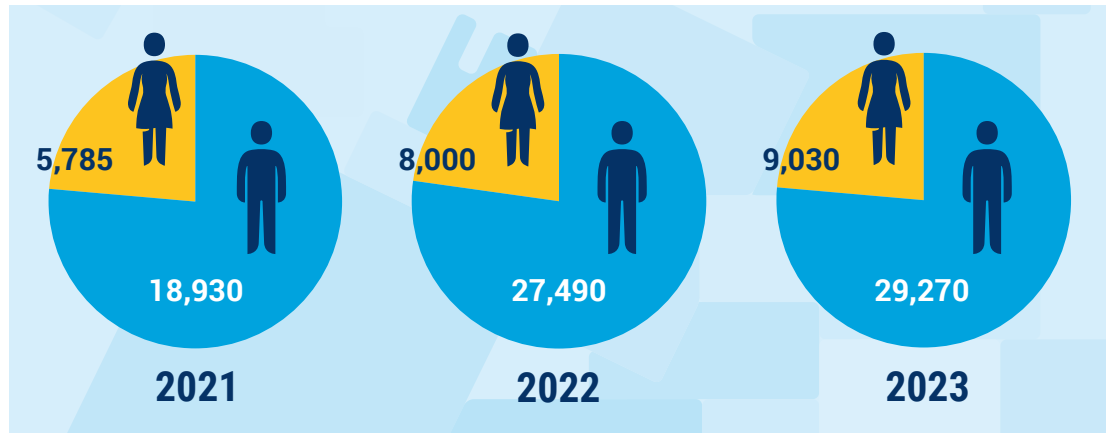
**Figure 2:**  
Number of first-time asylum applications in the Netherlands and Europe.

Source: Eurostat



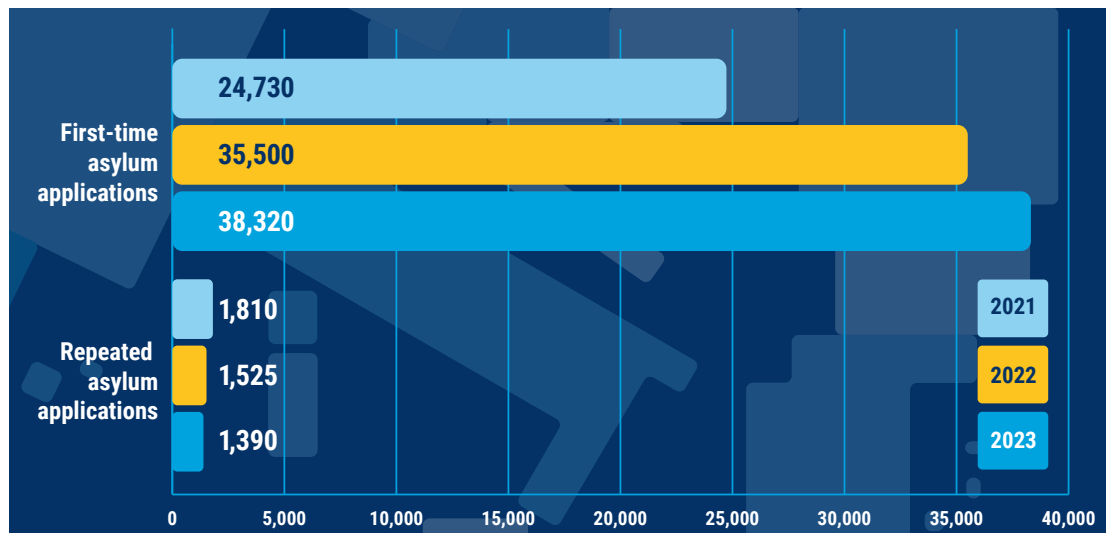
**Figure 3:**  
Share of men and women applying for asylum in the Netherlands.

Source: Eurostat



**Figure 4:**  
Number of first-time asylum applications and repeated asylum applications in the Netherlands.

Source: Eurostat

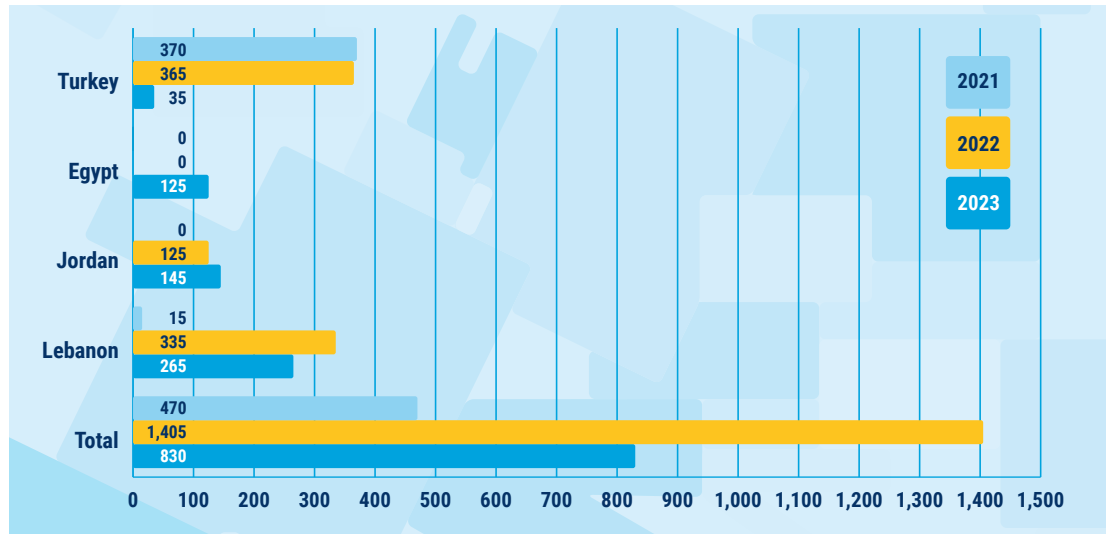


## Resettlement

In the EU context, resettlement involves the transfer of a third-country national, asylum seeker, or stateless person who is eligible for international protection, from a country outside the EU/EEA to an EU Member State that has agreed to admit them, based on a referral by the United Nations High Commissioner for Refugees (UNHCR). This transfer is the result of a request from the UNHCR and is based on the need for international protection of these asylum seekers. The Member State will admit them by granting refugee status or a status that under national and EU legislation provides the same rights and benefits as refugee status.

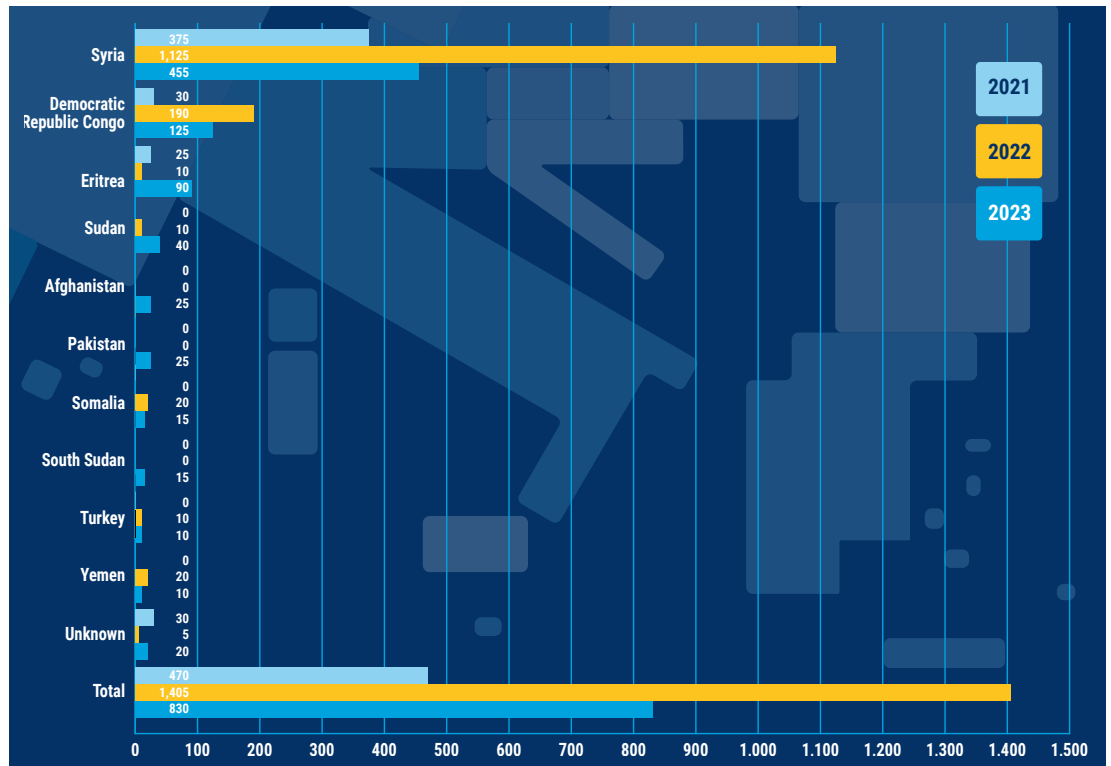
**Figure 5:**  
Resettlement to the Netherlands by country of residence in 2021, 2022, and 2023.

Source: Eurostat



**Figure 6:**  
Resettlement to the Netherlands by country of citizenship in 2021, 2022, and 2023.

Source: Eurostat



## 4.1 General Developments

### Abolishment of Written Hearings for Likely Successful Asylum Applications

In written hearings, the asylum seeker receives a questionnaire from the Immigration and Naturalisation Service (IND) in which he or she must explain in writing the reasons for the asylum application in the Netherlands. The written hearing, which replaces the physical, oral interview, was applied in the Netherlands for asylum seekers who were highly likely to qualify for a residence permit.

The Netherlands was the only country in the European Union that applied written hearings for asylum seekers who were highly likely to qualify for asylum. Some Members of Parliament believed that this made the Netherlands more attractive to this group of migrants. Additionally, these Members of Parliament argued that the asylum procedure was less thorough because the IND was unable to ask follow-up questions during a written hearing.

On September 27, 2023, two Members of Parliament submitted a motion<sup>115</sup> to abolish the written hearings for the relevant group of asylum seekers. On October 10, the House of Representatives adopted<sup>116</sup> the motion. Since then, the IND has ceased conducting written hearings.

### Broadening the definition of 'Political Opinion'

Under the Refugee Convention, a person may qualify for asylum status if they are persecuted because of their political opinion. On November 13, 2023, the IND changed the definition of the term 'political opinion'<sup>117</sup> in its work instructions, following a ruling by the Court of Justice of the European Union (CJEU)<sup>118</sup>. Since then, the IND has applied a broader definition of the term.

When an asylum seeker states that they hold or express an opinion or belief, this can already be considered a political opinion. Additionally, 'political opinion' no longer needs to be a fundamental or essential part of the asylum seeker's personal identity to be defined as such.

The assessment of the fear of persecution must take into account the strength of the stated political opinion and the activities the asylum seeker may have already undertaken to express that opinion.

### Withdrawal of Temporary Measure for Postponing Family Reunification

Since August 2022, the Netherlands, at the initiative of the Minister for Migration, applied a temporary postponement of the issuance of entry visas for family members of beneficiaries of international protection<sup>119</sup>. The postponement remained in effect until the beneficiary of international protection had suitable accommodation in the Netherlands to house all family members. If a total of 15 months had passed between the submission and processing of the MVV (authorisation for temporary stay) application, the postponement no longer applied. The government introduced this measure to alleviate the pressure on asylum reception facilities. For other measures regarding reception, see [paragraph 4.4](#) of this chapter.

The Council of State (RvS) ruled<sup>120</sup> on February 8, 2023, that this measure was in violation of both Dutch and European law. Since then, the Secretary of State must ensure that the family members of a status holder eligible for family reunification may once again travel to the Netherlands immediately after approval of the application, as before the measure. The measure was definitively abolished on February 9<sup>121</sup>.

### Change in Assessment of Withdrawal Due to Providing Incorrect Information

On January 25, 2023, the Council of State (RvS) ruled that the IND must always assess in the withdrawal procedure whether the incorrect information provided during an application was decisive for granting the status of international protection.

If it turns out that the applicant provided incorrect information, the IND may not withdraw a permit without considering whether a temporary residence permit for asylum would have been granted if the correct information had been known at the time of the application. This change<sup>122</sup> in the IND's work instructions meets the ruling of the RvS.

115 Dutch House of Representatives, 'Motie van de leden Brekelmans en Van den Brink over het afschaffen van schriftelijk horen voor kansrijke asielzoekers', 27 september 2023.

116 Parliamentary Papers II, 2023-2024, 19637, nr. 3173.

117 Ministry of Justice and Security, 'IB 2023/77 Werkwijze politieke overtuiging n.a.v. Hofuitspraak – Immigration and Naturalisation Service', 13 november, 2023. [https://ind.pucoverheid.nl/doc/PUC\\_1320197\\_1/1/](https://ind.pucoverheid.nl/doc/PUC_1320197_1/1/)

118 C-151/22, 21 september 2023.; ECLI:EU:C:2023:688.

119 Parliamentary Papers II, 2021-2022, 19 636 nr. 2922.

120 Council of State, 'Staatssecretaris J&V mag de nareismaatregel niet toepassen', 8 februari 2023. <https://www.raadvanstate.nl/actueel/nieuws/februari/nareismaatregel-mag-niet-toegepast/>

121 Government of the Netherlands, 'Beslisnota bij Kamerbrief over uitspraak RvS over de nareismaatregel', 9 februari 2023, <https://www.rijksoverheid.nl/documenten/rapporten/2023/02/09/tk-beslisnota-bij-kamerbrief-inzake-de-nareismaatregel>

122 Government Gazette, 2023, 9373. <https://zoek.officielebekendmakingen.nl/stcrt-2023-9373.html>

### Additional Expenditures for Asylum, Surveillance and Security, and Child Protection

Higher interest rates, the increased influx of asylum seekers, and the war in Ukraine led to budgetary setbacks in 2023. Therefore, on April 28th<sup>123</sup>, the government announced additional expenditures to cover the extra costs for the asylum chain until 2026 and investments in child protection, supervision, and security.

## 4.2 Developments in Response to the Increase in Applications for International Protection

The number of first applications for international protection has significantly increased over the past few years (see Figure 1). In 2022, this number was nearly 60% higher than in 2019. During the same period, the number of decisions on first applications for international protection also increased, but not sufficiently to keep pace with the rise in applications. The Minister for Migration decided as early as 2022 to extend the decision period for all applications for international protection from 6 to 9 months.

### Continuation of the Extension of the Statutory Decision Period for Applications for International Protection

In 2023, the number of applications for international protection continued to increase. The Immigration and Naturalisation Service (IND) was unable to process all applications for international protection within the statutory period of 6 months. Therefore, the Minister for Migration continued<sup>124</sup> the extension of the decision period to 9 months for applications for international protection submitted in 2023. This extension aimed to enable the IND to decide on applications for international protection within the statutory time limits.

### Launch of the 'Accelerated International Protection Decision' (BAA) Project

Due to the ongoing rise in the number of applications for international protection and the growing backlog, the IND launched the 'Accelerated International Protection Decision' (Bespoediging Afdoening Asiel, BAA) project on May 1, 2023<sup>125</sup>. This project focuses on the targeted processing of applicants for international protection who have a high likelihood of approval due to the situation in their country of origin. Through the BAA project, these applications can be processed more quickly by, for example, conducting more targeted and shorter interviews and planning interviews on-site to enhance efficiency. Additionally, the IND employed more external staff to administratively support authorized IND employees.

The goal of the BAA project is to handle an additional 13,000 cases by August 1, 2024. After evaluation, it will be assessed how the successful experiences can be structurally implemented in the organization of the IND.

## 4.3 Dublin Procedures

### Dublin Regulation

The EMN glossary defines the Dublin Regulation as a regulation establishing objective criteria to determine which Member State is responsible for examining an application for international protection. Often, it is the country where the migrant from outside the EU/EEA first entered the Schengen Area, or the country where their family members or relatives with a residence permit are already residing. The principle is that once a Member State is designated as responsible, this country is also responsible for any subsequent asylum applications submitted by the same applicant. If it is established that another Member State is responsible, a Dublin transfer takes place. The applicant (also known as a Dublin claimant) is then transferred to the Member State responsible for the substantive examination of the application for international protection.

123 Government of the Netherlands, 'Extra uitgaven asiel, bewaken en beveiligen en jeugdbescherming', 28 april 2023

124 Ministry of Justice and Security, 'Verlengen wettelijke beslistermijn asielaanvragen', 3 februari 2023. pdf ([overheid.nl](https://overheid.nl)).

125 Ministry of Justice and Security, 'Kamerbrief van de Staatssecretaris van Justitie en Veiligheid over stand van zaken IND en rapport over migratieketen van 13 juli 2023', 4646958.

### Resumption of Dublin Transfers to Croatia

On January 20, 2023, the Minister for Migration informed<sup>126</sup> the House of Representatives about the resumption of transfers of Dublin claimants. Previously, on April 13, 2022, the Council of State (RvS) ruled that migrants could not be transferred from the Netherlands to Croatia under the Dublin Regulation until the situation for Dublin claimants in Croatia was investigated by the Dutch government.

On September 13, 2023, the RvS confirmed that the investigation showed that the Croatian authorities adhered to the European Dublin Regulation and that Dublin claimants in Croatia received reception and access to the national asylum procedure. According to the RvS, the Secretary of State could rely on the principle of interstate trust regarding Croatia based on the findings of his investigation. This meant that the Netherlands could assume that the treatment of Dublin claimants in Croatia complied with the provisions of international treaties.

### Suspension of Dublin Transfers to Italy

On April 26, 2023, the Council of State (RvS) ruled<sup>127</sup> that the Netherlands could not rely on the principle of interstate trust regarding Italy. The RvS inferred from reports by the Italian authorities that there were no reception facilities available for Dublin claimants in Italy. This created the risk that they would end up in a situation not meeting international standards for basic needs such as shelter, food, and running water.

In response to this ruling, the IND stopped making transfer decisions in Italian Dublin cases and processed these asylum applications itself. Further investigation into the reception situation in Italy by the Minister for Migration was deemed unnecessary by the RvS, as the Italian authorities themselves indicated that transfers were no longer possible due to the lack of reception facilities.

### Council of State Ruling on Time Limits for Dublin Transfers

The Council of State (RvS) ruled<sup>128</sup> on July 5, 2023, that the Minister for Migration could not suspend the implementation of a transfer decision as long as an objection or appeal against the denial of residence on grounds of human trafficking was still pending.

The Dublin Regulation stipulates that the transfer of Dublin claimants should, in principle, take place within 6 months after the acceptance of the responsibility by the designated Member State. The expiry of the transfer period results in the transfer obligation becoming void, and the Member State seeking to transfer the migrant becomes responsible for the substantive examination of the asylum application. In the mentioned ruling, the RvS determined that suspending the transfer period was against the European Dublin Regulation.

The RvS ruling resulted from a court case brought against the IND. An asylum seeker who submitted applications in both Italy and the Netherlands simultaneously reported having become a victim of human trafficking in the Netherlands. The IND classified this as an application for a regular residence permit for a victim of human trafficking and has rejected the application. Since the applicant was allowed to await the appeal in the Netherlands, he could not be transferred to Italy in the meantime. The RvS had to determine whether the appeal of a victim of human trafficking in the regular procedure suspended the transfer period to Italy for up to 18 months. The IND incorporated the ruling in calculating the maximum transfer period for Dublin claimants and adjusted its policy accordingly.

### Council of State Ruling on Suspending the Transfer Period Pending Provisional Measures

## Provisional Measure

A provisional measure is a legal action taken by a judge to temporarily regulate or maintain a certain situation pending a final decision in a case. In the context of migration, a provisional measure is a legal step taken to suspend or modify a certain migration decision until a final decision has been made on the case.

<sup>126</sup> Parliamentary Papers II, 19637 nr. 3061. <https://zoek.officielebekendmakingen.nl/kst-19637-3061.html>

<sup>127</sup> Ministry of Justice and Security, 'Kamerbrief van de Staatssecretaris van Justitie en Veiligheid over Italiaanse Dublinzaken van 23 mei 2023', 4639784.

<sup>128</sup> Council of State, 'Staatssecretaris moet beleid aanpassen over opschorten van overdrachtstermijn in Dublinzaken', 5 juli 2023.

If an asylum seeker appeals against the decision of a Member State to reject the application based on the Dublin Regulation (i.e., because another EU Member State is responsible for processing the asylum application), the judge can impose a provisional measure. This suspends the six-month period within which the asylum seeker must be transferred to the Member State responsible for processing the asylum application.

On November 22, 2023, the Council of State (RvS) ruled<sup>129</sup> that the maximum transfer period of six months in Dublin cases on appeal could only be suspended by a provisional measure of the RvS if the court of first instance had already imposed such a provisional measure pending the appeal in the first instance. This applies to all provisional measures, regardless of whether they are requested by the foreign national or the IND.

#### 4.4 Changes in Response to Developments in Countries of Origin

##### Safe Countries of Origin

To expedite the processing of applications for international protection, the Dutch government has established a list of safe countries of origin. Applicants from these countries are almost never eligible for protection. The list includes exceptions for certain groups, such as journalists critical of the regime in these countries, as well as religious minorities or LGBTI individuals. The list is dynamic; countries can be added or removed.

##### Biennial (Re)Assessment of Safe Countries of Origin

Since 2021, based on a ruling by the Council of State (RvS), the designation of a safe country of origin in the Aliens Circular 2000 must be reassessed every two years.

In 2023, the following countries were reassessed<sup>130</sup> as safe countries of origin: Georgia, Morocco, Tunisia, Albania, North Macedonia, Montenegro, Ghana, and Senegal. Exceptions are made for Morocco, Tunisia, and Senegal for individuals facing potential criminal prosecution, particularly those who can demonstrate that their rights and freedoms cannot be guaranteed by the state.

For Ghana and Senegal, based on consulted sources, there was no reason to continue the previously made exception for individuals facing discrimination. However, this exception still applies to journalists and LGBTI individuals in Ghana.

The temporary suspension of Ukraine as a safe country of origin continued throughout 2023.

##### Suspension of Decisions on Applications for International Protection from Ukrainians

##### Decision Moratorium

A decision moratorium is a decision made by the Minister for Migration to extend the deadline for making a decision on applications for international protection for a certain category of applicants (e.g., from a specific country or region). This decision can be made if there is expected to be a short period of uncertainty regarding the situation in that country or region. A decision moratorium can be extended for up to 21 months.

On March 16, 2023, the Minister for Migration decided to extend the suspension of the processing of applications for international protection from Ukrainians who do not fall under the Temporary Protection Directive by another 6 months, until August 28, 2023, due to the unclear situation in Ukraine. This decision moratorium was initially implemented on February 28, 2022, for 6 months and was extended once in August 2022. On September 4, 2023, the Secretary of State extended the decision moratorium again by 3 months, until November 28, 2023.

129 Council of State, 'Voorlopige voorziening in hoger beroep leidt niet altijd tot opschorting overdrachtstermijn Dublinzaken', 22 september 2023.

130 Government Gazette, 2023, 24054. <https://cmr.jur.ru.nl/cmr/tbv/tbv13/23/wbv.2023.21.pdf>

A new extension of the decision moratorium for returning to Ukraine was not possible. However, until the House of Representatives is further informed about the procedures concerning this group, no forced returns to Ukraine will take place.

Before the outbreak of the war in Ukraine, the country was also considered a safe country of origin. When there is uncertainty about the situation in a country of origin, the government can temporarily postpone decisions on applications for international protection. Due to the ongoing uncertainty in Ukraine, the Secretary of State also suspended the designation of Ukraine as a safe country of origin in 2022.

**Chapter 5** of this Annual Report delves deeper into the impact of the war in Ukraine on asylum and migration policy.

### Suspension of Decisions and Returns of Sudanese Nationals

The fighting that erupted in April 2023 between the Sudanese army and the paramilitary Rapid Support Forces (RSF) led to great uncertainty regarding the security situation in Sudan. Despite several announced ceasefires, the conflict persisted and spread throughout Sudan. There is little information available about the impact of the fighting on civilians and whether it will escalate into a prolonged conflict.

**Around 4000 people have fled to South-Sudan since the outbreak of violence in Sudan in April.**

Photo: IOM 2023



The uncertainty prompted the Minister for Migration to announce<sup>131</sup> on June 26, 2023, a 6-month suspension of decisions on applications for international protection and the execution of return decisions for Sudanese nationals. This meant that the IND would no longer make decisions on applications for international protection from Sudanese nationals, and the Return and Departure Service (Dienst Terugkeer en Vertrek, DT&V) would temporarily not deport Sudanese nationals to Sudan. During this period, they retained their right to reception.

On December 19, the Secretary of State decided<sup>132</sup> to again suspend decisions on applications for international protection and return decisions for Sudanese nationals for another 6 months.

131 Ministry of Justice and Security, 'Kamerbrief van de Staatssecretaris van Justitie en Veiligheid over besluit en vertrekmortorium Sudan van 26 juni 2023', 4652677.

132 Ministry of Justice and Security, 'Kamerbrief van de Staatssecretaris van Justitie en Veiligheid over besluit en vertrekmortorium Sudan', 26 juni 2023, 4652677.



### Suspension of Decisions and Returns of Russian Nationals Discontinued

The Ministry of Foreign Affairs published an official report<sup>133</sup> on March 31, 2023, regarding developments within the Russian Federation. This report led to a decision by the Minister for Migration on June 29, 2023<sup>134</sup>, to no longer suspend decisions and return decisions for Russian conscripts. In practice, this meant that the IND could again make decisions on applications for international protection based on evasion and desertion from Russian military service. Since then, the IND has been assessing these applications on an individual basis, based on the general policy framework and taking into account the information in the official report.

### Suspension of Decisions and Returns of Palestinians

Due to the ongoing conflict in the Gaza Strip, the general security situation in Gaza is poor. To a lesser extent, this also applies to the security situation in the West Bank, where sources have indicated an increase in violence by Israeli settlers against Palestinians living there and raids by the Israeli army. The future developments of these regions remain uncertain.

On December 19, 2023, the Minister for Migration announced<sup>135</sup> a suspension of decisions on applications for international protection and return decisions for applicants from the Palestinian territories. Since then, the IND has not made decisions on Palestinian applications for international protection, and the DT&V has not deported Palestinians following a (previous) rejection by the IND. The individuals concerned retained their right to reception.

## 4.5 Measures in Response to Shortages in Asylum Reception

### Extension of the COA Multi-Year Strategy

The effects of the war in Ukraine, the increased number of refugees, the housing crisis, and the energy crisis led to an adjustment of the 2020-2025 Multi-Year Strategy of the Central Agency for the Reception of Asylum Seekers (Centraal Orgaan Opvang Asielzoekers, COA)<sup>136</sup>. COA opted for a clear prioritization of objectives based on global developments. The main priorities for 2023 were:

- Stable housing through the use of smaller reception locations;
- Promotion of the outflow of status holders to regular housing;
- Enhancing the flexibility and operational capacity of the COA;
- Operationalizing public affairs and stakeholder management.

Given current political and social developments, it is no longer realistic to assume that COA will achieve all its goals by 2025. Therefore, the achievement of the multi-year strategy objectives has been extended by one year, to 2026.

### Opening of New Reception Facilities

To prevent shortages in reception facilities, the Minister for Migration announced<sup>137</sup> a package of measures on February 10 for COA to create 19,000 additional reception facilities by July 1, 2023. These measures included keeping some existing reception locations open, opening new locations, expanding hotel accommodations, using flexible accommodations in asylum seekers centers, and creating atypical reception places.

### Declaration of Intent for Sustainable Cooperation between the COA and the Red Cross

In 2023, it remained a challenge to provide enough reception locations for refugees. Therefore, COA actively sought cooperation with other parties and explored how new forms of reception and guidance could contribute to a sustainable and flexible reception landscape. Smaller reception locations were part of this initiative.

133 Government of the Netherlands, 'Algemeen Ambtsbericht Russische Federatie (maart 2023)', 31 maart 2023.

134 Government Gazette, 2023, 17940, 'Besluit van de Staatssecretaris van Justitie en Veiligheid van 28 juni 2023, nummer WBV 2023/17, houdende wijziging van de Vreemdelingencirculaire 2000'.

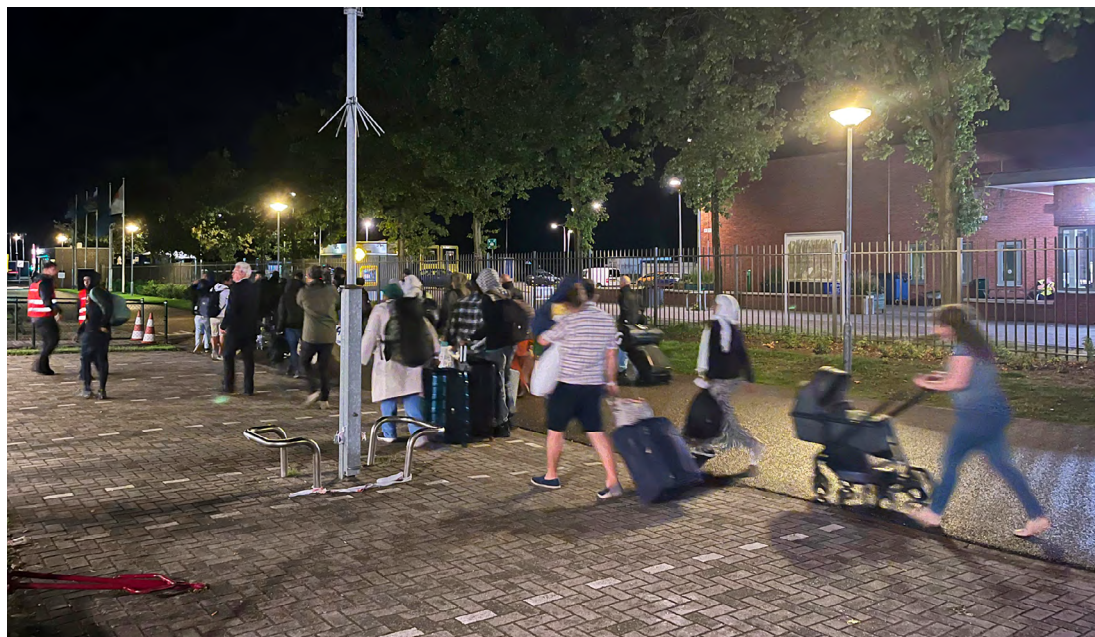
135 Ministry of Justice and Security, 'Kamerbrief van de Staatssecretaris van Justitie en Veiligheid over Besluit en vertrekmoratorium Palestijnse Gebieden van 19 december 2023', 5004236.

136 COA, 'Meerjarenstrategie 2020 – 2025 bijgesteld naar wereldwijde ontwikkelingen', 2 januari 2023.

137 Ministry of Justice and Security, 'Uitwerking maatregelen opvangopgave', 10 februari 2023.

Recently arrived asylum seekers are walking from the registration centre to the reception centre of COA in Ter Apel.

Photo: Immigration- and Naturalisation Service (IND)



On June 7, 2023, the COA and the Red Cross signed<sup>138</sup> a declaration of intent for sustainable cooperation. In collaboration with COA, the Red Cross continues to provide daily reception for applicants for international protection at certain, often smaller, reception locations, but on a more structural basis. Where possible and necessary, the Red Cross will expand its involvement. COA remains responsible for resident administration and retains final responsibility.

Previously, COA was only temporarily supported by the Red Cross during shortages. By staying continuously active on a small scale, more assistance can now be more easily provided when needed. Additionally, Red Cross employees gain more experience working in reception centers this way.

## 4.6 Measures Regarding the Integration of Asylum Seekers

In [Chapter 7](#), all policy changes relating integration that took place in 2023 are discussed. This section addresses the changes specifically related to international protection (asylum).

### Abolition of the 24-Week Work Limit for Asylum Seekers

Until recently, the law stipulated that asylum seekers could only perform paid work for 24 weeks per year. The Dutch government set this 24-week limit to avoid raising false expectations about the outcome of their asylum applications and to prevent potential dilemmas regarding the rights and obligations associated with paid work (such as contributing to and qualifying for social benefits)<sup>139</sup>.

On November 29, the Council of State (RvS) ruled<sup>140</sup> that the 24-week limit for access to the labor market for applicants for international protection was contrary to European law. This ruling meant that the Employee Insurance Agency (UWV) could no longer limit the access of applicants to the Dutch labor market to 24 weeks per year. According to the RvS, the 24-week limit hindered the access of applicants to the Dutch labor market, which was in violation of the EU Directive on Reception Conditions (2013/33/EU).

Due to the 24-week limit, applicants for international protection were not attractive potential employees for employers. Some employers, facing labor shortages, were keen to employ asylum seekers on a more permanent basis. For some applicants, this restriction had significant consequences for their personal well-being.

<sup>138</sup> COA, 'Langdurige samenwerking tussen het COA en Rode Kruis', 7 juni 2023.

<sup>139</sup> Kabinetsreactie onderzoek Regioplan 'Belemmeringen asielzoekers bij het toetreden tot de arbeidsmarkt', file ([overheid.nl](https://overheid.nl)).

<sup>140</sup> Council of State, 'Asielzoeker mag meer dan 24 weken per jaar werken', 29 november 2023.

This ruling has major implications for both employers and asylum seekers willing to perform paid work for more than 24 weeks. Since the abolition of the 24-week limit, asylum seekers who have been in the procedure for more than 6 months can work without restrictions. However, the employer does need a work permit.

### Structural Funding for Participation Desks and NT2 Language Classes

The Participation Desk is an initiative started by COA in 2021 that contributes to meaningful daytime activities for asylum seekers with the aim of engaging asylum seekers in society. It is important that residents of asylum seekers' centers (AZCs) become active in society as soon as possible. Asylum seekers can register at Participation Desks for activities such as volunteer work, sports, recreation, and sometimes paid work.

Due to the lack of structural funding for the Participation Desks and NT2 language classes (Dutch language lessons for non-native speakers), there was a risk that COA would have to stop these initiatives. On March 11, 2023, COA announced<sup>141</sup> that it would receive structural funding from the Ministry of Social Affairs and Employment (SZW) for the Participation Desks and NT2 language classes.

The NT2 language classes enable asylum seekers residing in a reception location and having a good chance of obtaining a residence permit to begin language lessons.

## 4.7 Improvements in Information Provision to Asylum Seekers

### Indication of Waiting Times on the Website

The increasing number of asylum applications led to longer waiting times over the past year. This resulted in more uncertainty and anxiety among asylum seekers. The Immigration and Naturalisation Service (IND) posted an overview<sup>142</sup> on its website to inform asylum seekers about the average waiting times for hearings. In this way, the IND hoped to provide more clarity to the parties involved.

### IND Utilizes COA's Digital Environment

In 2023, the IND began approaching residents of COA locations (asylum seekers and beneficiaries of international protection) through the online service MyCOA. The service is designed to inform residents about various matters, such as information on family reunification and return visas, and to invite them to participate in pilots. MyCOA expands the possibilities for contact between the IND and the asylum seeker.

### Expansion of the 'RefugeeHelp' Project

Refugees arriving in the Netherlands enter a complex asylum process. Due to this complexity and the language barrier, support during the asylum process is desirable for many refugees. With 'RefugeeHelp', the Dutch council for Refugees (Vluchtelingenwerk Nederland, VWN) ensures that information is always available and that refugees can retain as much control over their procedure as possible.

In 2022, VWN launched<sup>143</sup> 'RefugeeHelp' for Ukrainian refugees in the Netherlands. Refugees from Ukraine fell outside the regular asylum process, making it more difficult for VWN to reach these refugees, especially in the first weeks after arrival. On March 21, 2023, VWN expanded the 'RefugeeHelp' platform to include not only Ukrainian refugees but all refugees in the Netherlands.

On this platform, refugees can find practical and up-to-date information. As part of the expansion of the 'RefugeeHelp' platform, VWN also launched 'Goods4Refugees'. 'Goods4Refugees' connects the supply and demand of free goods to help refugees.

141 COA, 'Toekomst voor de Meedoenbalies en NT2-taalles bij het COA verzekerd', 11 mei 2023.

142 IND, 'Asylum: latest developments', 18 maart 2024.

143 VluchtelingenWerkNederland, 'RefugeeHelp nu voor alle vluchtelingen', 21 maart 2023.

## 4.8 Approaches to Addressing Disruptive Behavior by Asylum Seekers

### Addressing Disruptive Behavior by Asylum Seekers

In 2022, the Dutch government allocated a structural budget of 45 million euros per year to tackle the disruptive behavior of asylum seekers. This approach encompassed various initiatives under four pillars: quick decision-making in the asylum procedure, providing tailored solutions in accommodation, implementing an immediate response policy in public spaces, and focusing on return.

In 2023, the National Coordinator for Tackling Disruptive Behavior by Asylum Seekers enhanced the approach to dealing with disruptive behavior<sup>144</sup>. This approach aimed to improve the connection between the migration system and the criminal justice system, to promote the pilot for process optimization, and to deploy mobile surveillance teams in municipalities.

Strengthening the connection between the migration system and the criminal justice system led to shorter coordination lines between the Public Prosecution Service and the involved partners over the past year. Additionally, the sharing of knowledge and experience led to insights and mutual understanding of the issues, enabling partners to address potential improvements in procedures.

To address disturbances in public transport, the Ministry of Infrastructure and Water Management, the Central Agency for the Reception of Asylum Seekers (COA), and public transport operators developed an integrated approach. This approach primarily focused on payment issues and improving the compilation of case files.

With the pilot for process optimization, the IND identified disruptive behavior at the start of the asylum procedure. Applications from disruptive asylum seekers were processed more quickly within the framework of existing laws and regulations. Following rejection, efforts could be made earlier to facilitate their return to their country of origin or transfer to the responsible member state.

In 2023, COA implemented various pilots to prevent disturbances and maintain the safety of reception facilities for both asylum seekers and COA staff. When asylum seekers caused (serious) disturbances, COA took measures such as relocating them to a special enforcement and supervision location.

### Financial Contribution to Municipalities to Prevent Disturbances by Asylum Seekers

Municipalities in the Netherlands can use the 'Special Grant' (SPUK). This financial arrangement enables municipalities to support initiatives for sports and physical activities, health promotion, cultural participation, and the social foundation.

On September 26, 2023, the government made 2 million euros available<sup>145</sup> for municipalities to implement local and small-scale measures to address disturbances caused by asylum seekers in public spaces via the SPUK. This grant allows municipalities the flexibility to determine the most suitable approach to addressing these issues.

## 4.9 National Security

### Strengthening Open Source Research for National Security

In 2023, the various agencies responsible for the migration chain, under the leadership of the National Coordinator for Counterterrorism and Security (NCTV), examined whether asylum and family reunification procedures were adequately designed to detect signals indicating potential involvement of an asylum seeker in terrorist activities.

144 Government of the Netherlands, 'Voortgangsbrief aanpak overlast en crimineel gedrag door asielzoekers', pdf (overheid.nl)

145 Government of the Netherlands, 'Lokale maatregelen overlast asielzoekers', 26 september 2023,

At the beginning of 2023, a case involving an asylum seeker who was arrested on suspicion of participating in a terrorist organization was reviewed. This evaluation revealed the need for further enhancement of the procedure in the long term and in response to potential changes in the threat landscape.

On June 6, 2023, the Immigration and Naturalisation Service (IND) announced<sup>146</sup> the intensification of open-source research conducted during the asylum procedure's screening phase. Open-source research involves consulting publicly available sources on the internet, such as social media channels. Going forward, an IND staff member with specialized knowledge will carry out a comprehensive open-source investigation if there are signals of a potential threat to national security. The IND also established clearer procedural guidelines for these investigations. Upon completion of the detailed investigation, the IND may report a case to the General Intelligence and Security Service (AIVD) if necessary. This approach ensures that both the AIVD and the IND have the most complete picture of the situation.

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<sup>146</sup> Immigration and Naturalisation Service, 'IND versterkt open bronnenonderzoek voor nationale veiligheid', 6 juni 2023.

# 5 Ukraine

In the wake of Russia's invasion of Ukraine on 24 February 2022, millions fled the war, finding refuge in EU countries. In response, on 4 March 2022, the European Union activated the Temporary Protection Directive (TPD), an emergency mechanism that provides protection to displaced persons and alleviates pressure on national asylum systems. In the past year, Europe reached a political agreement to extend temporary protection until 4 March 2025. With over 4 million Ukrainian refugees registered for temporary protection in the EU, the challenge of accommodating and supporting these displaced persons in their participation and self-reliance in the Netherlands remained central in 2023.

Dutch policy concerning displaced persons from Ukraine underwent significant changes in 2023. These changes included expanding various social provisions, such as housing allowance and medical care. In 2022, the government decided that temporary protection for non-Ukrainian displaced persons with a temporary residence status in Ukraine would be terminated. The government implemented this decision in March 2023. The execution of this decision was challenged in court and thus postponed several times throughout 2023.

## Temporary Protection Directive

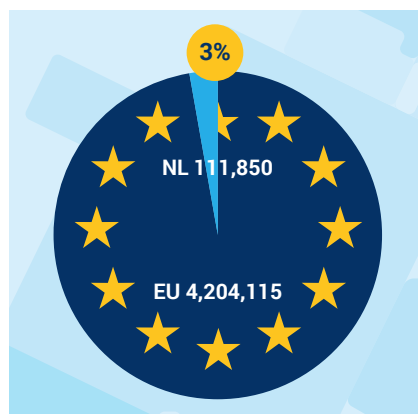
The EMN Glossary defines the Temporary Protection Directive (2001/55) as a directive that requires EU member states to provide temporary protection to displaced persons and facilitate their arrival. It applies to those who cannot return to their country of origin, such as due to war. The directive aims to assist people fleeing while preventing the overburdening of EU member states' asylum systems. The European Council of Ministers, on the proposal of the European Commission, determines when the Temporary Protection Directive is activated. Those covered by the directive are entitled to accommodation, medical care, education, and work.

## Displaced Persons from Ukraine

Following Russia's invasion of Ukraine, a large migration flow of refugees to Europe began. On 4 March 2022, the European Council of Ministers decided to activate the Temporary Protection Directive. The EMN Year Review 2022 provides a detailed description of the implementation of the Directive in the Netherlands.

### Statistics on Displaced Persons from Ukraine

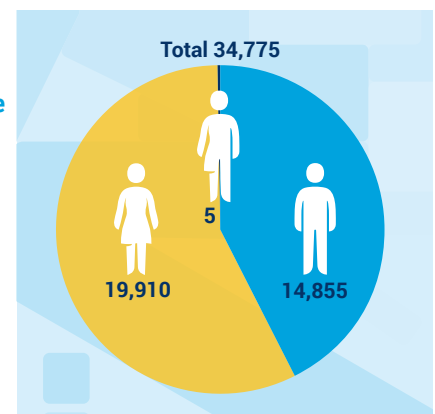
**Figure 7:** total\* number of displaced persons from Ukraine in the Netherlands compared to the total number in the EU in December 2023.



Source: Eurostat

\*These figures do not take into account displaced persons from Ukraine who have left the Netherlands or the EU in the meantime.

**Figure 8:** Number of Displaced Persons from Ukraine Registered in the Netherlands under the Temporary Protection Directive in 2023, by Gender.



Source: Eurostat

## 5.1 Termination of Temporary Protection for Non-Ukrainians with Temporary Residence Permits in Ukraine

Migrants who were in Ukraine at the time of the Russian invasion are also eligible for temporary protection. The Netherlands decided, when implementing the Temporary Protection Directive, as the only EU member state, to extend this protection to migrants with a temporary residence permit in Ukraine. This section explains the government's decision to terminate the temporary protection for migrants from non-EU countries with a temporary residence permit in Ukraine, who registered in the Personal Records Database (Basisregistratie personen, BRP) before 19 July 2022. This group no longer fell under the Temporary Protection Directive (TPD) and had to return to their country of origin. The government provided financial support for this return. Some migrants could still qualify for a regular residence permit in the Netherlands. A small part of the migrants, working or studying in the Netherlands, met the substantive requirements for a regular residence permit. The government arranged a special scheme for them, exempting them from the requirement of an Authorisation for Temporary Stay (Machtiging tot voorlopig verblijf, MVV) for six months after the Temporary Protection Directive expired. Finally, these migrants could apply for asylum again in the Netherlands if they could not safely return to their country of origin.

### Application of the Directive for Non-Ukrainians

On 18 July 2022, the Minister for Migration informed the House of Representatives about the decision to exclude non-Ukrainians who were not registered in the Personal Records Database (BRP) before 19 July 2022, from the Temporary Protection Directive<sup>147</sup>. Initially, the Dutch government offered this group protection under the Directive, just like other displaced persons from Ukraine. However, the Directive does not obligate the reception of non-Ukrainians. Due to signals from safety regions<sup>148</sup>, municipalities, and the IND about a growing number of non-Ukrainians from other (European) countries, signals of abuse of the Temporary Protection Directive, and because migrants from non-EU countries with a temporary residence permit could mostly safely return to their country of origin, the Dutch government decided to adjust the scope of the Temporary Protection Directive application.

The Minister for Migration also decided that non-Ukrainians already registered in the Personal Records Database (BRP) would no longer fall under the Temporary Protection Directive from 4 March 2023. This date was postponed on 10 February 2023 to 4 September 2023. In the run-up to this date, several legal proceedings were ongoing. This resulted in the decision to freeze the termination of the Temporary Protection Directive for non-Ukrainians until the Council of State's ruling in the appeal was made.

### Extension of Remigration Policy for Non-Ukrainians with Temporary Residence in Ukraine

Due to the legal proceedings over the termination of the Temporary Protection Directive for migrants from outside the EU with a temporary residence permit in Ukraine, the Minister for Migration decided<sup>149</sup> on 2 September 2023 to extend the remigration policy for this group pending the Council of State's ruling.

The remigration policy means that this group receives support and financial assistance under strict conditions for voluntary remigration to their country of origin or a non-EU country where their stay is guaranteed. This was intended to prevent additional pressure and scarcity for organisations responsible for the asylum process and reception.

### Easing of MVV Requirement for Non-Ukrainians with Temporary Residence in Ukraine

Some non-Ukrainians with temporary residence in Ukraine met the requirements for a regular residence permit (Verblijfsvergunning Regulier, VVR). Due to the intention to exclude this group from the Temporary Protection Directive, they could apply for a VVR if they wished to continue their stay in the Netherlands. Normally, VVR applicants must first apply for an Authorisation for Temporary Stay (MVV), also known as an entry visa, and await the decision in their country of origin.

147 Parliamentary Papers II, 2022-2023, 19637, nr. 3070.

148 A 'Safety region' is a public body whose task is to facilitate regional cooperation in dealing with crises, disasters and disruptions of public order.

149 European Migration Network, Jaaroverzicht 2022: migratie en asiel in Nederland, (2023).

In the changed circumstances, requiring an Authorisation for Temporary Stay (MVV) was deemed unreasonable for this specific group of non-Ukrainians and their family members, as they were already on Dutch territory. Therefore, on 19 December 2023, the Minister for Migration decided to grant an exemption from the Authorisation for Temporary Stay (MVV) requirement to these displaced persons from Ukraine who met the substantive requirements for a Regular Residence Permit (VVR)<sup>150</sup>. The substantive assessment criteria for the VVR did not change. The exemption from the Authorisation for Temporary Stay (MVV) requirement could be granted for six months after the Temporary Protection Directive expired, provided the involved non-Ukrainian had legal (procedural) residence in the Netherlands.

**Amsterdam. A third country national coming from Ukraine collects a 'residence sticker', which is used to show that he is allowed to stay and work in the Netherlands.**

Photo: ANP/ Ramon van Flymen



## 5.2 Social Provisions

Under the Temporary Protection Directive (TPD), displaced persons from Ukraine are entitled to accommodation, medical care, and education (for minor children). Additionally, displaced persons from Ukraine can engage in paid employment. This section discusses developments in access to social provisions such as housing allowance, healthcare, and education.

### Access to Housing Allowance for Displaced Persons from Ukraine

Displaced persons from Ukraine are permitted to work in the Netherlands. Despite this, it is likely that some of them do not have sufficient financial means to independently secure housing. Consequently, in 2023, the caretaker government deemed it desirable for them to be eligible for housing allowance under the same conditions as low-income tenants in the Netherlands.

Displaced persons from Ukraine were accommodated in municipal reception centres and with host families. Given the uncertainty about their ability to return to Ukraine, it was considered desirable to enable them to settle outside reception centres. Therefore, on 14 November 2023, the Senate approved an amendment to the Housing Allowance Act<sup>151</sup>. This amendment made the right to housing allowance accessible to individuals residing in the Netherlands under the TPD. Since then, displaced persons from Ukraine have been able to apply for housing allowance during their temporary protection in the Netherlands, subject to the regular conditions for housing allowance.

<sup>150</sup> Parliamentary Papers II, 2022-2023, 19637, nr. 3180.

<sup>151</sup> The Dutch Senate, 'Steun voor huurtoeslag Oekraïense ontheemden', 14 november 2023.



### Access to Healthcare: Employment of Ukrainian Psychologists

Displaced persons from Ukraine who fled to the Netherlands due to the conflict and are uncertain about their future, may experience psychological or psychosocial problems. Consequently, on 12 May 2023, the Dutch government announced the availability of support from Ukrainian psychologists who had also fled their country. The government appointed two organisations for this purpose: Empatia (a collaboration between VluchtelingenWerk Nederland, OPORA Foundation, and PsyGlobal) and the Loket Ontheemden Oekraïne Psychosociale Hulpverlening (LOOP)<sup>152</sup>.

As expectations grew that the conflict in Ukraine would persist, the government increasingly focused on the participation and self-reliance of displaced persons from Ukraine in the Netherlands. An example of this was creating the possibility for them to find work suitable to their level of education.

The employment of Ukrainian psychologists is intended to improve access to mental healthcare for displaced persons and to alleviate pressure on the Dutch labour market.

### Amendments to the Reception of Displaced Persons from Ukraine Regulation

Since February 2023, mayors have had the authority to terminate monthly financial allowances for an entire family if an adult family member receives income from work or a benefit, such as unemployment or disability benefits. Additionally, the housing component for displaced persons from Ukraine in private accommodation was adjusted to €93 per person per month for both adults and minors.

Furthermore, since 1 February 2023, the size of the family has been considered when assessing the food allowance component. The larger the family, the lower the monthly food allowance per person. These changes brought the scheme more in line with existing arrangements for asylum seekers, status holders, and social assistance beneficiaries.

Due to high inflation in 2023, the Dutch government decided to index the financial allowances for displaced persons from Ukraine as of 1 October 2023<sup>153</sup>. The indexation was incorporated into the Reception of Displaced Persons from Ukraine Regulation (Regeling Opvang Ontheemden Oekraïne, RooO). This measure was intended to ensure sufficient financial support to cover the costs of food, clothing, and other personal expenses.

### Implementation of the Emergency act on Temporary Provisions for Newcomers in Education

## Newcomer Schools and International Transition Classes

Children of migrants, like Dutch children, are subject to compulsory education. However, these children often do not speak Dutch well enough to follow the Dutch education system. Sometimes these children attend a regular school where they receive additional support, but there are also schools and separate classes in the Netherlands specifically for teaching newcomers. In primary education, these schools are called 'Newcomer Schools'. In secondary education, they are often referred to as 'International Transition Classes (Internationale Schakelklassen, ISK)'. Newcomers can then transfer to a regular class.

The significant increase in displaced persons from Ukraine since 2022 led to the placement of more than 21,000 children and young people in the Dutch education system in 2023. Simultaneously, the number of minor asylum seekers, labour migrants, highly skilled migrants, undocumented migrants, and other newcomers also increased.

Newcomer schools in secondary education and international transition classes estimated at the beginning of 2023 that they lacked the capacity (staff, buildings, and logistics) for approximately 2,000 newly arrived school-age minors. The number of asylum seekers and displaced persons from Ukraine, children of labour and highly skilled migrants, and other newcomers is expected to continue growing in

<sup>152</sup> Parliamentary Papers II, 2022-2023, 19637, nr. 3106.

<sup>153</sup> Parliamentary Papers II, 2022-2023, 19637, nr. 3169.

the coming period. This increase puts additional pressure on newcomer facilities and raises the risk of limited access to education.

The legislation specifically aimed at Ukrainian students for temporary educational provisions did not adequately address these issues. Therefore, in 2023, the Minister of Primary and Secondary Education proposed the Temporary Newcomer Facilities Act to Parliament. The Senate approved this act on 3 October 2023<sup>154</sup>.

The act enables school boards to provide sufficient educational places, even with a significant increase in the number of school-age children and young people newly arriving in the Netherlands. The act is designed to ensure that all newcomers can immediately enter the education system.

The act includes an obligation for school boards and municipalities to jointly organise the education offer for newcomers under the leadership of the municipal government. It also comprises rules allowing for the establishment of temporary educational facilities for newcomers in emergency situations. With this act, the Dutch government aims to provide sufficient educational places for all young people subject to compulsory education in the Netherlands.

### 5.3 Changes Regarding Municipal Authority and Funding

The Temporary Protection Directive originates from European legislation. The policy implementation of the directive is formulated at the national level by the Ministry of Justice and Security. Municipalities are responsible for implementing and executing these national policy measures. This makes them responsible for providing shelter, food, medical care, education, and other essential services that TPD beneficiaries are entitled to. They receive financial resources from the central government for this purpose. This section discusses policy developments in municipal authority and funding for the implementation of the Temporary Protection Directive.

#### Financial Support for Dutch Language Lessons for Displaced Persons from Ukraine

Speaking the Dutch language is crucial for participating in Dutch society. Moreover, the government aims to provide more suitable and sustainable work for displaced persons from Ukraine, where speaking Dutch is also essential.

To support displaced persons from Ukraine in learning the Dutch language, the Minister of Social Affairs and Employment announced on 22 February 2023 that municipalities would receive a total of €15 million to make Dutch language lessons accessible to displaced persons from Ukraine<sup>155</sup>. This was an incidental additional funding to enable municipalities to provide language training.

#### Continuation of the Population Relocation Act

Due to the high number of displaced persons from Ukraine after the outbreak of the war, the Netherlands could not provide them with (emergency) accommodation within the existing structures. Additionally, the Netherlands generally has a large number of asylum seekers combined with a housing shortage. Due to these extraordinary circumstances, the government activated articles 2c and 4 of the Population Relocation Act by Royal Decree on 31 March 2022.

On 4 April 2023, the Senate approved<sup>156</sup> the continuation of the Population Relocation Act, as the government believed that in the short term, there was no other way to provide accommodation<sup>157</sup>. This act gives mayors the legal duty to ensure the accommodation of displaced persons from Ukraine.

154 The Dutch Senate, 'Senaat steunt tijdelijke onderwijsvoorzieningen nieuwkomers', 3 oktober 2023.

155 Parliamentary Papers II, 2022-2023, 19637, nr. 3169.

156 The Dutch Senate, 'Kamer steunt voortduring huisvesting Oekraïne', 4 april 2023. [Kamer steunt voortduring huisvesting Oekraïners - Eerste Kamer der Staten-Generaal](#).

157 Dutch Bulletin of Acts and Decrees, 2022, 133. [Staatsblad 2022, 133 | Overheid.nl > Officiële bekendmakingen \(officielebekendmakingen.nl\)](#)

### **Amendments to the Reception of Displaced Persons from Ukraine Regulation (RooO) to Strengthen Municipal Action Against Nuisance**

Some municipalities received reports of recurring disruptive behaviour by displaced persons from Ukraine in municipal reception centres. On 1 October 2023, the Reception of Displaced Persons from Ukraine Regulation (RooO) was amended to give mayors the authority to act in cases of severe violence or serious breaches of house rules in reception centres<sup>158</sup>. This amendment aimed to support municipalities and assist them in addressing nuisances.

### **Extension of the Financial Scheme for the Reception of Displaced Persons from Ukraine Until the End of 2023**

On 17 February 2023, the Minister for Migration announced an extension of the financial scheme for the reception of displaced persons from Ukraine until 31 December 2023<sup>159</sup>. Municipalities incurred costs for the reception of displaced persons from Ukraine. The central government reimbursed these costs based on the ministerial regulation Financing Scheme for the Reception of Displaced Persons from Ukraine (BooO). This measure ensured the continuity of funding for municipalities.

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158 Parliamentary Papers II, 2022-2023, 19637, nr. 3169.

159 Parliamentary Papers II, 2022-2023, 19637, nr. 3071.

## 6

## Unaccompanied Minors and Vulnerable Groups

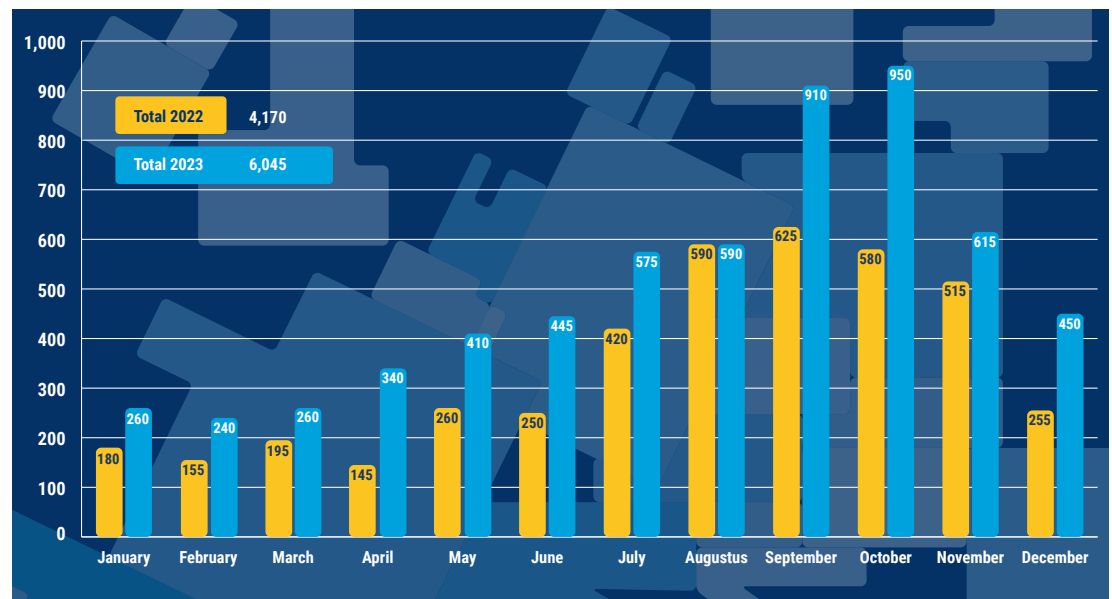
The increased total number of asylum applications, the rise in asylum applications from unaccompanied minors, and the housing crisis have put additional pressure on the reception system in the Netherlands. This impacts unaccompanied minors and other vulnerable groups who apply for asylum in the Netherlands. A general shortage of reception places also means a lack of specialised accommodation for these groups. To better protect them, temporary measures were continued over the past year, and the House of Representatives called for new measures.

### Unaccompanied Minors and Vulnerable Groups: The Figures

The total number of first-time asylum applications by unaccompanied minors in the Netherlands increased by nearly 45% in 2023 compared to 2022. The highest number of first-time asylum applications by unaccompanied minors were recorded in September and October 2023. This peak may be partially attributed to a seasonal effect: more asylum applications are typically submitted at the end of the summer.<sup>160</sup>

**Figure 9:**  
First asylum applications by unaccompanied minors per month in the Netherlands in 2022 and 2023<sup>161</sup>.

Source: Eurostat

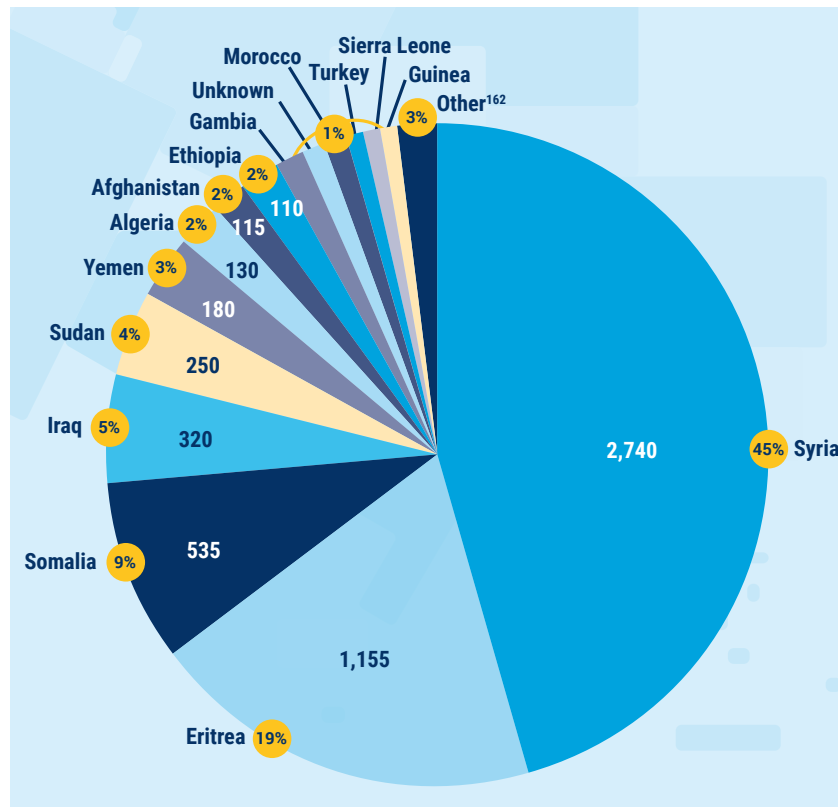


<sup>160</sup> Immigration and Naturalisation Service (IND), Migratieradar 2023. <https://ind.nl/en/about-us/facts-and-publications/migration-radar>

<sup>161</sup> Figures for 2021 were not available at the time of publication.

**Figure 10:**  
**Top 10 Nationalities of Unaccompanied Minors in the Netherlands in 2023.**

Source: Eurostat.



The top three nationalities of unaccompanied minors who submitted their first asylum applications in the Netherlands in 2023 were Syrians (45%), Eritreans (19%), and Somalis (9%). Although the share of Syrians has slightly decreased, the top three nationalities have remained unchanged compared to 2022: Syrians (60%), Eritreans (15%), and Somalis (8%).

## Unaccompanied Minors

The EMN Glossary defines a minor as 'a person who, in a legal context and in contrast to a child, is considered a minor according to the law of the respective country, meaning they are not yet entitled to exercise specific civil and political rights.'<sup>163</sup> According to the EMN Glossary, an unaccompanied minor (UAM) is a minor who either 'arrives on the territory of an EU Member State unaccompanied by the adult responsible for them by law or custom of the Member State concerned, for as long as they are not effectively taken into the care of such a person,' or 'is left unaccompanied after they have entered the territory of an EU Member State.'<sup>164</sup>

## Vulnerable Persons

The EMN Glossary defines vulnerable persons as 'minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with mental disorders, and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation.'<sup>165</sup>

<sup>162</sup> Nationalities of unaccompanied minors in the "Other" category did not exceed 1% of the applications per nationality and are therefore not listed separately in this table.

<sup>163</sup> EMN Glossary 8.0, 'Minor'. [https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/minor\\_en](https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/minor_en)

<sup>164</sup> EMN Glossary 8.0, 'Unaccompanied minor'. [https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/unaccompanied-minor\\_en](https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/unaccompanied-minor_en)

<sup>165</sup> EMN Glossary 8.0, 'Vulnerable person'. [https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/vulnerable-person\\_en](https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/vulnerable-person_en)

Arnhem, 09-08-2023. Volunteer Stefan gives boxing lessons during an event organized by COA and the People for People foundation for 30 unaccompanied minors (UAMs) from nearby reception locations.

Photo: ANP / Hollandse Heights / Roger Dohmen



## 6.1 Reception of Unaccompanied Minors (UAMs)

In 2023, there were only policy changes concerning unaccompanied minors (UAMs). The Central Agency for the Reception of Asylum Seekers (COA) continued temporary measures for this group over the past year, such as placing UAMs in emergency reception locations like hotels. The limited personnel capacity at COA locations resulted in the quality of the guidance and facilities that these young people need for their development potentially not being at the desired level in some cases. Efforts in 2023 were focused on bringing about improvements in this area as quickly as possible.<sup>166</sup>

### Call for Quarterly Reporting on UAMs in the Netherlands

In 2023, the temporary measure implemented by the government in 2022 for the reception of unaccompanied minors remained in effect (see EMN Netherlands Annual Report 2022<sup>167</sup>). The measure involved the early transfer of UAMs (from 17 years and 9 months) to regular adult reception locations. This was due to the increased pressure on the asylum and reception system and the very limited availability of housing for minor beneficiaries of international protection. This temporary measure aimed to provide more reception places for UAMs and to prevent them from ending up in overcrowded UAM reception locations.

The measure was supposed to be in effect until early 2023, but it was not withdrawn. To prevent children from becoming victims of the pressure on the asylum and reception system, the Dutch House of Representatives urged the government to return to normal reception conditions as soon as possible. On 6 April 2023, the Dutch House of Representatives passed a motion calling on the Dutch government to report quarterly on the situation regarding the reception and housing of UAMs.<sup>168</sup> Through this quarterly report, the Dutch government has since been informing the House about the steps being taken to return to normal reception conditions for all UAMs.

<sup>166</sup> Parliamentary Papers II, 2022-2023, 19 637, nr. 3174.

<sup>167</sup> EMN, Jaaroverzicht 2022: migratie en asiel in Nederland, (2023). [https://www.emnetherlands.nl/sites/default/files/2023-10/EMN\\_jaaroverzicht2022\\_NL.pdf](https://www.emnetherlands.nl/sites/default/files/2023-10/EMN_jaaroverzicht2022_NL.pdf)

<sup>168</sup> Parliamentary Papers II 2022-2023, 19 637, nr. 3089.

# 7 Integration

**Integration goes beyond learning the language and finding a job; it includes participating in the community in a broader sense. Civic integration plays a crucial role in this by guiding newcomers, informing them about their rights and responsibilities, and helping them establish an independent life in the Netherlands. The fastest route to full participation in Dutch society usually involves education and/or paid work. This chapter provides an overview of the measures that the Netherlands has taken over the past year in the field of integration, particularly aimed at improving access to work and education for beneficiaries of international protection.**

Many measures stemmed from the action plan *'statushouders aan het werk'* ('Beneficiaries of International Protection at Work') presented in March 2023. This plan aimed to improve beneficiaries of international protection's access to the Dutch labour market. Additionally, the structural funding for support services that became available in 2023 demonstrated a commitment to the effectiveness of integration policy. The flexibilization of support under the Civic Integration Act 2021 provided municipalities with greater freedom to tailor support to newcomers.

## Integration

Integration involves helping migrants participate in Dutch society, including learning Dutch, attending education, seeking employment, and receiving social support.

## Integration Policy

In the Netherlands, municipalities are responsible for the integration of newcomers. The Ministry of Social Affairs and Employment (SZW) is responsible for integration policy. In this Annual Report, integration encompasses aspects that facilitate migrants' quicker integration into and participation in Dutch society. This includes learning the language and entering the labour market.

Integration is crucial for migrants who wish to settle in the Netherlands for an extended period or permanently. Integration measures focus on language, education, the labour market, and social support for newcomers. Some migrants from outside the European Union (EU) are required to integrate first. This obligation applies to most residence permits. Integration means learning the Dutch language and becoming acquainted with Dutch society.

### Integration in the Netherlands: The Figures

Figures for the integration status of newcomers who were required to integrate in 2021 and 2022 are shown below for comparison. For integration-required newcomers, a breakdown into three categories is possible: 1) asylum beneficiaries, 2) family migrants, and 3) other. Newcomers in the 'Other' category include children under the Definitive Regulation for Long-term Resident Children<sup>169</sup> and religious ministers.<sup>170</sup>

<sup>169</sup> The Definitive Regulation for Long-Term Resident Children is a Dutch scheme that grants residency permits to certain asylum-seeking children and their families who have resided in the Netherlands for an extended period but cannot obtain a regular residence permit.

<sup>170</sup> The Admission Scheme for Religious Ministers is a specific programme in the Netherlands that allows clergy from non-EU countries to work temporarily in the country. This scheme is intended for religious leaders or ministers who wish to serve a particular religious community.

**Figure 11:**  
Number of individuals required to take the integration exam and their integration status in 2021 and 2022.<sup>171</sup>

	Asylum Beneficiaries		Family Migrants		Other	
	2021	2022	2021	2022	2021	2022
Met Requirements	589	9	1,125	40	105	*
Exempt	25	0	20	*	21	0
Still Required	16,599	1,332	6,624	735	532	21

\*Numbers are too small to be displayed due to privacy considerations

Source: DUO (2023)

## 7.1 Overarching Developments

### Beneficiary of International Protection

A beneficiary of international protection is an asylum seeker whose application has been granted and who has received a (legal) residence status.<sup>172</sup>

#### Action Plan 'statushouders aan het werk'

For various reasons, the labour market participation of beneficiaries of international protection lags behind that of the rest of the working population. The Dutch government considers it crucial for beneficiaries of international protection to integrate into Dutch society as quickly as possible, primarily through work. The same applies to asylum seekers with a high chance of a successful application. On March 9, 2023, the Minister of Social Affairs and Employment presented the action plan 'statushouders aan het werk'.<sup>173</sup> This action plan aims to strengthen integration and civic integration projects within the available legal framework and is based on four pillars:

- 1) Early participation from the reception centre;
- 2) Targeted support and collaboration with employers and industries;
- 3) Regional cooperation through municipalities and 'labour market regions', including starter jobs;
- 4) Work at the appropriate level.

The action plan specifically targeted beneficiaries of international protection with the goal of improving their chances on the labour market and increasing labour market participation. It also responded to two motions from the House of Representatives calling for action to create jobs for beneficiaries of international protection and provide starter jobs for this group. Following the action plan 'statushouders aan het werk', several policy developments occurred in 2023, including:

- Structural funding for participation desks and NT2 (Dutch as a Second Language) lessons in asylum reception centres;
- Additional financial incentives for the labour market integration of beneficiaries of international protection.

## 7.2 Civic Integration

### Changes in Integration Regulations: Adjustments to the Number of Exam Attempts per Component

Civic integration is a requirement for newcomers. Under certain conditions, exemptions can be granted for specific components, such as when a candidate fails the exam multiple times. In the summer of 2022, an external study by Significant Public concluded that the fourth attempt per exam component in the civic integration exam had little added value.<sup>174</sup> In response, the Integration Regulation 2021 (Article 12.2a) was amended to adjust the number of exam attempts per component.<sup>175</sup> The Nationality Test

<sup>171</sup> The figures for 2023 were not available at the time of this publication.

<sup>172</sup> CBS, 'statushouder'.

<sup>173</sup> Government of the Netherlands, 'Plan van aanpak 'statushouders aan het werk'', 9 March 2023.

<sup>174</sup> Government of the Netherlands, 'Onderzoek ontheffing aantoonbaar geleverde inspanningen voor inburgeraars', 31 Oktober 2022.

<sup>175</sup> Article 2.4b, part a, of the Integration Regulation applicable until January 1, 2022.



Regulation was also modified for this reason.<sup>176</sup> The Minister of Social Affairs and Employment reduced the number of exam attempts per failed exam component from 4 to 3. Since this change, participants can request an exemption after at least 3 attempts (demonstrable efforts) per exam component. The additional requirement that participants must have completed at least 600 hours of course at an accredited educational institution with the *Blik op Werk* quality mark<sup>177</sup> remains unchanged.

The aim of the policy change is to reduce pressure and stress on participants. Additionally, it aims to save costs and time and alleviate the available (exam) capacity at the Education Implementation Service (DUO) and language education providers. Moreover, most integration-required individuals are intrinsically motivated to pass the exam. Reducing the number of exam attempts has little impact on the efforts a participant must make to pass the civic integration exam.

### Structural Funding for Participation Desks and NT2 Lessons in Asylum Reception

Following the aforementioned action plan '*statushouders aan het werk*', several measures were introduced to encourage newcomers to learn the language and find employment. Through the Participation Desks and NT2 (Dutch as a Second Language) lessons and the Pre-Integration program, there is a commitment to providing structural services to promote the integration of beneficiaries of international protection. For this reason, the Minister of Social Affairs and Employment committed to structural funding for these projects on July 11.<sup>178</sup>

Beneficiaries of international protection follow the program Preparation for Integration at COA.

Photo: COA / Inge van Mill



The Participation Desks, located at the Central Agency for the Reception of Asylum Seekers (COA), are intended for asylum seekers and beneficiaries of international protection still residing in asylum reception centres. Participation Desks connect asylum seekers and beneficiaries of international protection to volunteer work in their municipality and offer them (sports) activities. Asylum seekers with a high chance of a positive decision receive Dutch language courses (NT2 lessons, up to a maximum of 24 hours) through the Participation Desks. Beneficiaries of international protection follow NT2 lessons in the Pre-Integration program. The goal is to provide integration activities to beneficiaries of international protection and asylum seekers with a high chance of a successful application as soon as possible.

<sup>176</sup> Dutch Government Gazette 2023, 13543.

<sup>177</sup> As an independent Quality Institute, Blik op Werk directs individuals to qualified service providers, proven methodologies, and knowledge related to sustainable employment participation.

<sup>178</sup> Ministry of Social Affairs and Employment, '*Uitwerking Plan van aanpak Statushouders aan het werk*', 11 July 2023.

### Flexibilization of Support for Beneficiaries of International Protection under the Civic Integration Act 2021

Since January 1, 2022, the Civic Integration Act 2021 has been in effect. This law stipulates, among other things, that asylum beneficiaries can receive social assistance for 6 months. The 6 months start when the right to assistance begins. During this period, beneficiaries of international protection do not have to pay their fixed costs themselves; the municipality takes care of it. The goal is to prevent financial uncertainty from distracting from integration efforts and to avoid financial problems. In practice, financial relief did not always add value for asylum beneficiaries and sometimes even had adverse effects.

On April 6, 2023, the Minister of Social Affairs and Employment announced via a parliamentary letter that he intends to amend the law in this regard. Municipalities were to be given more room to address the individual situation of the asylum beneficiary.<sup>179</sup> Pending a legislative amendment, municipalities were granted permission to temporarily provide a broader interpretation of the legal provision.<sup>180</sup> Municipalities remain obligated to support asylum beneficiaries with social assistance to prevent financial problems, but they may tailor the manner in which they do so to the beneficiary's situation. Payments from the allowance remain the standard.

The legislative amendment aims to better address the individual situation of asylum beneficiaries.

## 7.3 Education

### Emergency Act on Temporary Provisions for Newcomers in Dutch Education

This development is also mentioned in [Chapter 5](#).

Education is a fundamental right for all children residing in the Netherlands. The combination of a high influx of Ukrainian children and large numbers of asylum seekers and other newcomers created a short-term shortage of capacity (staff, buildings, logistics) to continue providing education to this group over the past year. Consequently, on 3 October 2023, the Senate passed the Emergency Act on Temporary Provisions for Newcomers in Education (*spoedwet tijdelijke nieuwkomersvoorzieningen in het onderwijs*).<sup>181</sup>

Essentially, this law provides schools and local authorities, as well as teachers, with greater flexibility in finding solutions to offer education to all compulsory school-age newcomers in the Netherlands. The temporary educational provisions are linked to existing schools. A provision may be a single classroom within an existing school building or multiple groups at a temporary location. These temporary provisions differ from regular classes: less education may be provided (with a minimum of 12.5 hours per week spread over 3 or more days). Education within this framework focuses on the Dutch language (at least 10 hours per week), but other subjects can also be taught, with an emphasis on core subjects such as mathematics where possible.

In principle, a newcomer may not receive education under this law for more than 2 years. Furthermore, once the student has sufficiently mastered the Dutch language, they should transition to regular or special education as soon as possible. The law also mandates that municipal and school authorities hold annual discussions on providing education to students from non-EU countries.

### Financial Support for the Education Route under the Civic Integration Act 2021

The Civic Integration Act 2021 aims to enable newcomers to fully participate in Dutch society as quickly as possible. For most, this involves finding employment and learning the Dutch language. For some (particularly young) newcomers, a Dutch diploma from a vocational or higher education pro-

179 Ministry of Social Affairs and Employment, 'Verzamelbrief inburgering', 6 April 2023.

180 Ministry of Social Affairs and Employment, 'Uitvoeringsbrief inburgering', 20 December 2023.

181 Government of the Netherlands, 'Spoedwet maakt onderwijs voor nieuwkomers sneller mogelijk', 3 Oktober 2023.

gramme offers the best opportunities for sustainable participation in the Dutch labour market. The so-called Education Route (*onderwijsroute*) within the Civic Integration Act is designed for young people who are required to integrate into society but have not had sufficient prior education to follow regular training programmes at an appropriate level. Through the Education Route, newcomers receive instruction not only in the Dutch language but also in subjects like mathematics and physics. To ensure that the Education Route functions effectively, long-term financial support was provided over the past year. Municipalities are responsible for the social integration of newcomers and must procure courses for this purpose, but often lack the necessary budget. On 19 September 2023, the government therefore established financial support for the period 2026-2029, amounting to €88.9 million.<sup>182</sup>

## 7.4 Labour Market and Skills

### Additional Financial Incentives for the Labour Market Integration of Beneficiaries of International Protection

Following the aforementioned action plan '*statushouders aan het werk*', several measures were introduced to encourage newcomers to learn Dutch and enter the workforce. To improve the labour market position of beneficiaries of international protection, the Minister of Social Affairs and Employment announced on 11 July 2023 the allocation of an additional €37.75 million over the next 3 years.<sup>183</sup> This investment aims to remove barriers for beneficiaries of international protection, employers, and municipalities, and help beneficiaries secure employment more quickly.

Municipalities are required to assist beneficiaries of international protection in finding paid work, but in practice, they often lack the financial resources to do so effectively. With these subsidies, the government intends to enhance the labour market position of beneficiaries of international protection and promote their overall integration into Dutch society. The subsidies are allocated as follows:

- Starter jobs (€15 million);
- Specific regional programmes aimed at beneficiaries of international protection (€12.25 million);
- Subsidies for employers (€10.5 million).

<sup>182</sup> Ministry of Social Affairs and Employment, '[Borging van de onderwijsroute binnen het inburgeringsstelsel](#)', 19 September 2023.

<sup>183</sup> Parliamentary Papers II, 2022-2023, 32824, nr. 389.

## 8

## Dutch Citizenship and Statelessness

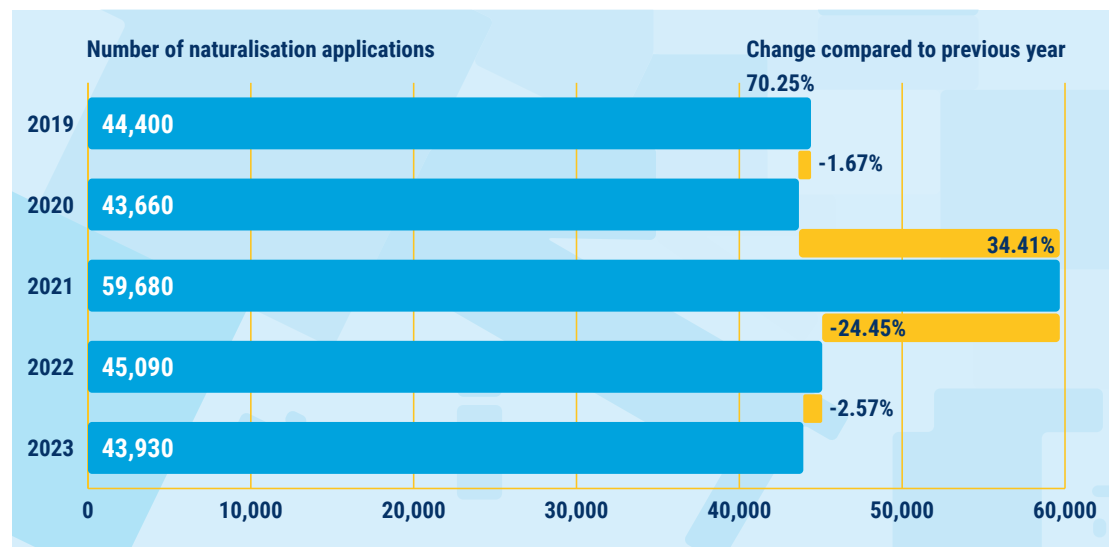
Both acquiring Dutch citizenship and formally establishing statelessness can be of great importance to migrants. Stateless individuals have no legal ties to any country and therefore cannot claim the rights and services associated with nationality. Additionally, the lack of nationality can make naturalisation impossible in some cases. Prior to 2023, the Netherlands lacked a proper procedure for establishing statelessness. With the introduction of the new Statelessness Determination Procedure Act (Wvs) in 2023, following long preparations, the Netherlands adopted the recommendations of the UNHCR and the Migration Advisory Council. Court rulings by the Council of State led to an adjustment of the naturalisation rules.

### Naturalisation in the Netherlands: The Figures

In 2023, the Immigration and Naturalisation Service (IND) received 43,930 naturalisation applications, compared to 45,090 in 2022. The IND approved 97% of these applications.<sup>184</sup> The figure below shows that the average number of applications over the years has been around 45,000 per year, with a peak in 2021.

**Figure 12:**  
Number of naturalisation applications per year in the Netherlands.

Source: IND Annual Figures 2023.



### Registered Stateless Persons in the Netherlands: The Numbers

In the Netherlands, approximately 5,000 individuals are currently registered as stateless in the Personal Records Database (BRP). This is a relatively small portion of the approximately 23,000 individuals in the BRP whose nationality is unknown. Among the registered stateless persons are individuals from regions such as the Moluccas, Syria, Lebanon, the United Arab Emirates, and Saudi Arabia. Stateless Moluccans are legally equated with Dutch citizens and hold a special status under the Facilities Act.<sup>185</sup>

The figure below shows the exact numbers of stateless persons and individuals with unknown nationality in the Netherlands for the period 2021-2023. Over the past three years, the average number of stateless individuals has remained relatively stable around 5,450. The number of individuals with unknown nationality has decreased over the past three years, rounding to approximately 23,000 individuals in 2023.

<sup>184</sup> Immigration and Naturalisation Service (IND), 'IND Annual Figures 2023'.

<sup>185</sup> Government of the Netherlands, 'Staatloosheid'.

Figure 13: Number of Stateless Persons and individuals with Unknown Nationality in the Netherlands 2021-2023.

	2021	2022	2023
Stateless	5,927	5,283	5,149
Nationality unknown	31,585	26,234	22,488

Source: Eurostat

## 8.1 Dutch Citizenship

### Becoming Dutch

#### Acquisition of Citizenship

The EMN Glossary defines the **acquisition of citizenship** as “any mode of becoming a national, i.e. by birth or at any time after birth, automatic or non-automatic, based on attribution, declaration, option or application.”<sup>186</sup>

#### Naturalisation

The EMN Glossary defines **naturalisation** as “any mode of acquisition after birth of a nationality not previously held by the target person that requires an application by this person or their legal agent as well as an act of granting nationality by a public authority.”<sup>187</sup> There are two ways to apply for Dutch nationality: through **naturalisation** and via the **option procedure**. You can submit a naturalisation request if you have lived in the Netherlands for five consecutive years with a valid residence permit and have obtained a civic integration diploma.<sup>188</sup> The second option, becoming Dutch through the option procedure, is a cheaper and faster process with less stringent requirements, but not everyone who wishes to become Dutch is eligible for this procedure.<sup>189</sup>

#### Restarting the Admission Period After Changing Identity

In the Netherlands, a conditional five-year period applies for naturalisation. Previously, this period would restart if a migrant changed their identity or nationality during that period due to previously providing incorrect personal data. Following two rulings by the Administrative Jurisdiction Division of the Council of State of the Netherlands<sup>190</sup>, the IND revised this policy. Since February 22, 2023, the conditional period is no longer reset for changes in personal data in the BRP. The IND has updated the “*Handleiding Rijkswet op het Nederlanderschap 2003*” (HRWN) accordingly.<sup>191</sup>

## 8.2 Statelessness

### Statelessness

The EMN Glossary defines a **stateless person** as “a person who is not considered a national by any state under the operation of its law.”<sup>192</sup> A migrant can become stateless due to state succession (the establishment of a new state from a previously recognized state), unclear or discriminatory nationality laws, displacement/forced migration, or having stateless parents.<sup>193</sup>

186 EMN Glossary 8.0, ‘Acquisition of Citizenship’.

187 EMN Glossary 6.0, ‘Naturalization’.

188 Immigration and Naturalisation Service (IND), ‘Nederlander worden door naturalisatie’.

189 Immigration and Naturalisation Service (IND), ‘Nederlander worden via optie’, <>

190 ECLI:NL:RVS:2023:378; ECLI:NL:RVS:2023:604.

191 Immigration and Naturalisation Service (IND), ‘IB 2023/15 gevolgen Afdelingsuitspraken mbt opnieuw starten termijn van toelating na wijziging identiteit’, 23 february 2023.

192 EMN Glossary 8.0, ‘Stateless person’.

193 Government of the Netherlands, ‘Staatloosheid’.

### New Statelessness Determination Procedure Act

The UNHCR and the Migration Advisory Council (AM) identified a lack of a proper procedure for determining statelessness in the Netherlands.<sup>194</sup> In 2011, the UNHCR published a report calling for changes to the procedure.<sup>195</sup> In 2013, the AM published a report advising on practical issues for protecting stateless persons and the international obligations of the Netherlands concerning statelessness.<sup>196</sup> Following these reports, both institutions called for reform in 2013. In December 2020, a bill was submitted to the House of Representatives to establish a statelessness determination procedure.<sup>197</sup>

On May 22, the proposal was approved by the House of Representatives.<sup>198</sup> On June 6, 2023, the Senate of the Netherlands approved the new Statelessness Determination Procedure Act. This law introduced a clear procedure for determining statelessness for individuals residing in the Netherlands with insufficient documentation.

Previously, stateless individuals were sometimes registered as “nationality unknown” in the alien administration or the Personal Records Databases (BRP) due to a lack of documentation. The new procedure allows statelessness to be determined by a civil judge, or in cases of ‘clear statelessness,’ by the IND or the municipality. The fact that municipalities could not previously officially determine statelessness was inconsistent with the UN Convention on the Status of Stateless Persons (1954) and the UN Convention on the Reduction of Statelessness (1961).<sup>199</sup>

The amendment aligns Dutch policy with international standards and provides migrants residing illegally in the Netherlands with the opportunity to formally establish their statelessness. However, it must be noted that a court determination of statelessness alone does not lead to a residence permit.<sup>200</sup>

### Amendment to the Nationality Act (RWN) Concerning the Naturalisation of Stateless Children

On June 6, 2023, concurrently with the new law on the determination of statelessness, the Senate of the Netherlands approved an amendment to the Nationality Act (RWN) concerning the naturalisation of stateless children.<sup>201</sup> The amendment to the RWN and the Passport Act provides minors under 21 years of age who are born stateless in the Kingdom of the Netherlands and have no legal residence, with the possibility of acquiring Dutch nationality via the option procedure after 5 years of uninterrupted residence. This is under the condition that it is reasonably impossible to obtain another nationality.

194 The Dutch Senate, ‘Eerste Kamer stemt in met procedure voor vaststelling staatloosheid: debat samengevat’, 6 juni 2023.

195 United Nations High Commissioner for Refugees, ‘Mapping Statelessness in the Netherlands’ (2011). [Mapping Statelessness in the Netherlands | Refworld](#).

196 Migration Advisory Council, [Advies: Geen land te bekennen \(04-12-2013\)](#)

197 Parliamentary Papers II, 2020-2021, 35 687, nr. 3.

198 Parliamentary Papers II, 2020-2021, 35 687, nr. 3.

199 UN, Convention relating to the Status of Stateless Persons 1954; UN, Convention on the Reduction of Statelessness 1961.

200 Immigration and Naturalisation Service (IND), ‘Vaststelling staatloosheid wettelijk geregeld’, 2 oktober 2023.

201 The Dutch Senate, ‘Eerste Kamer stemt in met procedure voor vaststelling staatloosheid: debat samengevat’, 6 juni 2023.

# 9 Borders, Visas, Schengen

The Schengen Area is a passport-free travel zone within the European Union excluding Ireland but including Iceland, Liechtenstein, Switzerland and that relies on extensive information exchange between countries. This is facilitated by the Schengen Information System (SIS), which supports border controls and cooperation in law enforcement. Since 7 March 2023, a renewed version of the SIS has been active in all Schengen states, containing information on wanted or missing persons, and individuals who are not permitted entry or residence in the Schengen Area. It also includes data on lost, stolen, or criminally used firearms, vehicles, and identity documents.

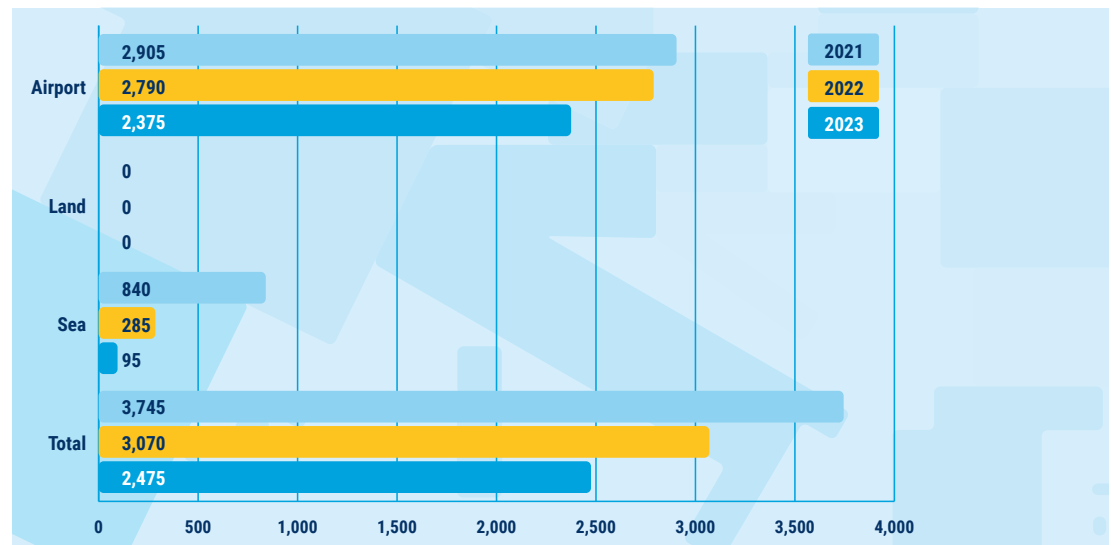
The introduction of the updated SIS on 7 March 2023 affected legislation and regulations in the Netherlands, leading to amendments in the Aliens Act Implementation Guidelines (Vc), the work instructions for the Immigration and Naturalisation Service (IND), and the national Implementation Act for EU Regulations on Borders and Security. Additionally, measures were introduced in 2023 to prevent ethnic profiling by the Royal Netherlands Marechaussee (KMar), and as of 16 October 2023, the airport transit visa requirement (ATV) no longer applies to Turkish seafarers.

## Borders and Visas: The Figures

### Borders

**Figure 14:** Number of times entry was refused at Dutch external borders (air, land, and sea) 2021-2023.

Source: Eurostat



### Visa

**Figure 15:** Number of visa applications in the Netherlands in 2023.

Source: IND and Ministry of Foreign Affairs

Short-stay visa	Long-stay visa	Total
544.610	77.760	622.370

## 9.1 Borders and Visa

### Exemption from Transit Visa Requirement for Turkish Seafarers

In December 2022, the Netherlands introduced an airport transit visa requirement (ATV) for Turkish nationals due to the increasing number of asylum applications from Turkish travellers transiting through Schiphol Airport<sup>202</sup>. This ATV posed a barrier for Turkish seafarers travelling to the Caribbean

parts of the Kingdom of the Netherlands. Seafarers, regardless of nationality, are exempt from the visa requirement for the Dutch overseas territories. To align the Dutch Schengen visa policy with the visa policy for the Caribbean parts of the Kingdom of the Netherlands, the Netherlands implemented an ATV exemption for Turkish seafarers on 16 October 2023. To qualify for this exemption, the crew must hold a valid seafarer identity document issued in accordance with the Seafarers' Identity Documents Convention No. 108 (1958) or No. 185 (2003) of the International Labour Organisation (ILO), the Convention on Facilitation of International Maritime Traffic (FAL Convention), and relevant Dutch legislation.

Adjustment of Royal Netherlands Marechaussee (KMar) Working Methods to Prevent Ethnic Profiling On 14 February 2023, the Court of Appeal in The Hague ruled that the Royal Netherlands Marechaussee (KMar) cannot select individuals (partly) based on their ethnicity during Mobile Security Monitoring (Mobiel Toezicht Veiligheid, MTV)<sup>203</sup> checks, as this constitutes racial discrimination<sup>204</sup>. The court ruled that ethnicity must not play any role in decisions to conduct checks. The State failed to demonstrate that skin colour or ethnic features indicate origin or nationality. The court overturned the lower court's decision that allowed ethnic profiling. Following this ruling, the State Secretary for Justice and Security announced changes to the KMar work instructions on 20 February 2023. According to the court's ruling, KMar is no longer allowed to use ethnic profiling, even in exceptional cases<sup>205</sup>. During MTV checks, ethnicity and race can no longer be used as selection criteria.

## 9.2 Schengen

### Schengen

There are 27 European countries that are part of the Schengen Area. The Schengen acquis, or Schengen Agreement, pertains to EU regulations that abolish internal border controls between participating countries within the Schengen Area. Border checks occur at the external borders of the Schengen Area.

#### Amendments Due to the Updated Schengen Information System (SIS)

The Schengen Information System (SIS) has been updated and came into effect on 7 March 2023 in all Schengen states. The SIS is an information exchange system for security and border management in Europe, designed to compensate for the absence of internal border checks between Schengen countries<sup>206</sup>. An SIS alert contains information about a specific person or object and instructions for authorities on what to do when the person or object is found<sup>207</sup>.

The main new elements in the updated system are<sup>208</sup>:

- Alerts for third-country nationals (migrants/travellers) with a return decision (known as return alerts);
- Alerts due to entry bans are issued only after departure from the member states;
- The consultation procedures between member states cover more situations, and the conditions and process for consultation are more thoroughly detailed;
- Member states exchange information on SIS alerts for a third-country national (migrant/traveller) with a return decision at the external border;
- Alerts for third-country nationals (migrants/travellers) due to a Decision to Issue an Alert (Bts).

The update led to amendments in the Aliens Act Implementation Guidelines (Vc) and impacted the work processes of the Immigration and Naturalisation Service (IND). The announced changes in the Vc to meet the SIS requirements were made public on 27 March 2023<sup>209</sup>. A new section was added regarding

203 Mobile Security Monitoring (MTV) concerns the monitoring of persons entering the Netherlands coming from another Schengen country. These checks can take place on roads, trains, waterways and air travel.

204 ECLI:NL:GHDHA:2023:173.

205 Ministry of Justice and Security, 'Kamerbrief van de staatssecretaris van Justitie en Veiligheid van 20 februari 2023', 4492367.

206 Migration and Home Affairs, 'Schengeninformatiesysteem'.

207 Migration and Home Affairs, 'Wat is het SIS en hoe werkt het?'.

208 Immigration and Naturalisation Service (IND), 'IB 2023/26 Belangrijkste wijzigingen met SIS III en gevolgen voor het werkproces', 27 maart 2023.

209 Government Gazette, 2023, 9373. [https://ind.pucoverheid.nl/doc/PUC\\_1302690\\_1/](https://ind.pucoverheid.nl/doc/PUC_1302690_1/)



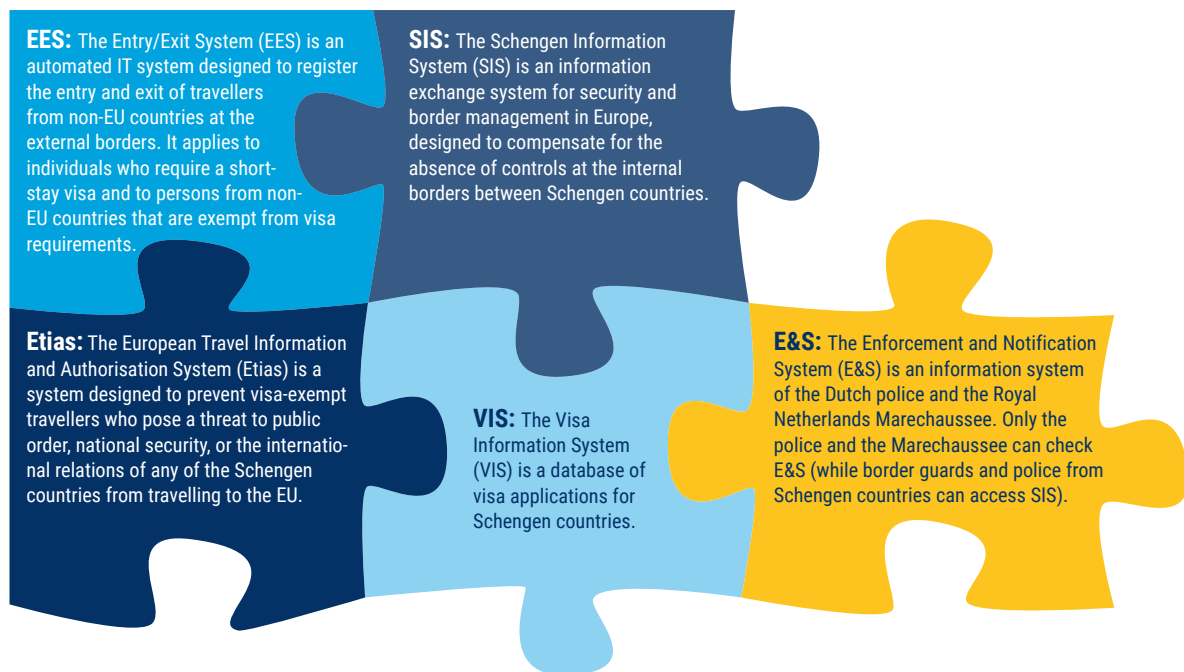
the conditions for a Decision to Issue an Alert (BtS) by the IND. The new policy outlines when a BtS starts and how it must be demonstrated. There is a distinction between a BtS signalled only in the so-called Execution & Alerting System (E&S)<sup>210</sup> and a decision first signalled in E&S and then in SIS. If the third-country national (migrant/traveller) is first signalled in E&S and then in SIS, the BtS automatically expires. If they are identified only in E&S, this does not apply<sup>211</sup>.

#### Announcement of National Implementation Act for EU Regulations on Borders and Security

Following the updated SIS, the government announced<sup>212</sup> the national Implementation Act for EU Regulations on Borders and Security on 29 March 2023. The Act includes rules for the implementation of:

- The EES Regulation (Entry/Exit System);
- The ETIAS Regulation (European Travel Information and Authorisation System);
- The SIS Regulation on border controls;
- The SIS Regulation on police and judicial cooperation in criminal matters;
- The SIS Regulation on returns;
- The Regulation on interoperability for borders and visas;
- The Regulation on interoperability for police and judicial cooperation, asylum, and migration;
- The amendment to the VIS Regulation (Visa Information System) in light of the VIS revision.

**Figure 16:**  
Explanation of  
European (left) and  
National (right) visa  
and border systems



<sup>210</sup> See also the infographic for an explanation of the various systems.

<sup>211</sup> Government Gazette, 2023, 9373. [https://ind.pucverheid.nl/doc/PUC\\_1302690\\_1/](https://ind.pucverheid.nl/doc/PUC_1302690_1/)

<sup>212</sup> Dutch Bulletin of Acts and Decrees, 2023, 115, <https://zoek.officielebekendmakingen.nl/stb-2023-115.html>

# 10 Irregular Migration and Human Smuggling

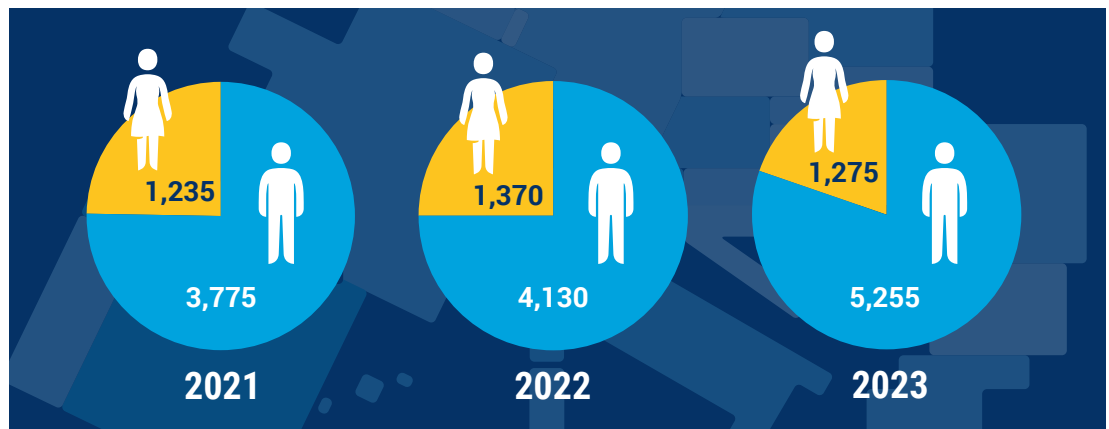
The fight against irregular migration and human smuggling is central to the policies of both the Netherlands and the European Union. In recent years, various initiatives and measures have been developed to address this challenge, with an emphasis on both internal and external cooperation and policy development. This chapter also outlines policy changes aimed at preventing the misuse of admission schemes.

In 2023, the Netherlands established an overarching policy framework, following a European action plan against human smuggling. Additionally, there were plans to prevent irregular migration, and developments in jurisprudence led the Immigration and Naturalisation Service (IND) to cease simultaneous interviews of migrants.

## Irregular Migration in the Netherlands: The Figures

**Figure 17:**  
Detected migrants from non-EU countries with illegal residence in the Netherlands.

Source: Eurostat



## 10.1 Human Smuggling

### Enhanced Cooperation in Tackling Human Smuggling

On 19 October 2023, the Netherlands established the policy framework<sup>213</sup> for tackling human smuggling for 2023-2026, following the European Action Plan on Human Smuggling 2021-2025, adopted at the European level in 2021. This plan focuses on closer European cooperation and information exchange, combating smuggling practices, and intensified collaboration with origin and transit countries. It forms a European response to human smuggling and is part of the broader migration approach outlined in the New Pact on Migration and Asylum.

The Dutch policy framework aligns with the EU's ambitions and provides an overview of the Dutch priorities in the fight against human smuggling. It focuses on strengthening the fight against human smuggling as outlined in the Coalition Agreement of the outgoing cabinet.

The main objectives of the policy framework are to combat criminal networks, promote an integrated approach by all involved parties, enhance investigation and prosecution, prevention, international cooperation, and data collection. It provides an overarching framework for the activities of the involved organisations and directs their objectives.

## 10.2 Irregular Migration

### Announcement and Withdrawal of the Migration Partnership with Niger

On 1 February 2023, the Minister for Foreign Trade and Development Cooperation and the Minister for Migration announced an intensified cooperation with Niger<sup>214</sup>. This was intended to contribute to combating illegal migration from Niger and to help the country improve border control and combat human trafficking.

Following the coup in Niger on 26 July 2023, the Dutch government decided<sup>215</sup> to suspend cooperation with Niger immediately. The government stated it did not wish to cooperate with the coup leaders in Niger.

## 10.3 Preventing Irregular Stay in the Netherlands

### IND Ceases Simultaneous Interviews to Determine Sham Marriages

Due to developments in jurisprudence<sup>216</sup>, the Immigration and Naturalisation Service (IND) has not been allowed to conduct simultaneous (parallel) interviews since 19 June 2023 in cases of suspected fraud or a sham marriage<sup>217</sup>. The court ruled that there is no legal basis for this type of investigation by the IND.

Although the jurisprudence only addresses sham marriages, the IND has also ceased simultaneous interviews of non-EU nationals suspected of abusing rights associated with registered partnerships, adoption, or recognition. The ruling does not apply to simultaneous interviews for other reasons, such as investigating whether the conditions for a residence permit are met.

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<sup>214</sup> Government of the Netherlands, '[Nederland en Niger versterken samenwerking op migratie](#)', 1 februari 2023.

<sup>215</sup> Government of the Netherlands, '[Nederland schort directe samenwerking met overheid Niger op](#)', 4 augustus 2023.

<sup>216</sup> ECLI:NL:RVS:2023:2357; ECLI:NL:RVS:2023:3567.

<sup>217</sup> Immigration and Naturalisation Service (IND), '[IB 2023/72 Simultaan gehoor bij schijnhuwelijk/schijnrelatie niet langer toegestaan door afdelingsuitspraak \(EU versie\)](#)', 18 oktober 2023.

## 11

# Trafficking of Human Beings

Through legislation and cooperation between government agencies and civil society organisations, the Netherlands aims to combat trafficking of human beings and to support victims. The launch of the renewed programme 'Together Against Human Trafficking' in the past year has placed greater emphasis on combating trafficking of human beings, both nationally and internationally. These and other initiatives aim for better cooperation between different agencies and improved protection of victims. Additionally, there have been developments in collaboration with non-EU countries.

The previous chapter already mentioned the announcement and withdrawal of cooperation with Niger. This chapter discusses trafficking of human beings where migrants from outside the EU may be potential victims, but the mentioned measures and policy developments are not limited to this group, as EU citizens can also be victims of trafficking of human beings.

## Trafficking of Human Beings

Trafficking of human beings involves the recruitment, transportation, transfer, harbouring, or receipt of persons, including the exchange or transfer of control over those persons, through means of threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or a position of vulnerability, or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation<sup>218</sup>.

### Trafficking of human beings in the Netherlands: The Figures

Figure 18: Number of individuals who were victims of trafficking of human beings in the Netherlands from 2020-2022<sup>219</sup>, broken down by purpose.

	2020	2021	2022
Sexual exploitation	391	391	408
Labour exploitation	348	326	432
Other purposes	106	95	97

Source: Eurostat

## 11.1 National Policy Developments

### Renewed Programme 'Together Against Trafficking of Human Beings'

The coalition agreement of the outgoing Rutte IV cabinet expressed the desire to continue the programme 'Together Against Trafficking of Human Beings'<sup>220</sup>. On 18 October 2023, the outgoing cabinet presented the renewed action plan 'Together Against Trafficking of Human Beings', which established a shared ambition and three strategic goals. The efforts are consolidated in five targeted approaches, where stakeholders and involved organisations carry out actions:

- Increasing societal awareness
- Enhancing the willingness to report
- Improving care for victims
- Promoting cooperation between the involved organisations
- Improving data exchange between the involved organisations

<sup>218</sup> EMN Glossary 8.0, 'Mensenhandel'.

<sup>219</sup> Numbers of 2023 were not available at the moment of publication.

<sup>220</sup> Government of the Netherlands, 'Actieplan Samen tegen Menschenhandel', 18 oktober 2023. .

Reconstructed room of a sex worker, meant to create awareness of trafficking of human beings. In the room clues of extortion can be found.

Photo: ANP / Hollandse Hoogte / Joyce van Belkom



The action plan supplements existing anti-trafficking policies and serves as an umbrella under which new actions can be linked to existing policies. 'Together Against Trafficking of Human Beings' aims to develop a joint approach of the involved organisations. The programme addresses the general fight against trafficking of human beings and is not specifically targeted at migrants from outside the EU.

## 11.2 Protection of Victims of Trafficking of Human Beings

### Extended reflection period for Victims of Trafficking of Human Beings

Following a ruling<sup>221</sup> by the Court of Justice of the European Union, the State Secretary for Justice and Security implemented a policy change<sup>222</sup> on 18 May 2023 regarding the provision of a reflection period to potential victims of human trafficking. The Court's ruling addressed equalising the reflection period for both irregular and regular migrants from outside the EU.

As a result of the change, all migrants from non-EU countries who are suspected victims of human trafficking are now granted a reflection period, including those with lawful residence. The reflection period is intended to allow the potential victim of human trafficking to recover and decide in a safe environment whether or not to report the crime. In principle, the reflection period is 90 days, but for Dublin claimants (see [Chapter 4](#) for an explanation of the term 'Dublin claimant'), the reflection period is now 30 days.

221 European Court of Justice, Case C-66/21.

222 Government of the Netherlands, [Beleidswijziging bedenktijd mensenhandel](#), 27 mei 2023.

# 12 Return

The Dutch return policy emphasises the importance of voluntary return. Migrants can receive support from the Dutch government, where the Repatriation and Departure Service (Dienst Terugkeer en Vertrek, DT&V) is working in cooperation with the International Organization for Migration (IOM). Policy changes in 2023 aimed at improving the efficiency of (voluntary) return combined these adjustments with jurisprudence.

The Aliens Circular 2000 (Vc), which contains policy rules and implementation instructions for return, was amended in 2023 in three areas:

- Adjustment of the sustainability and proportionality test when lifting a declaration of undesirability or an entry ban due to an Article 3 ECHR impediment to return;
- Abolition of the requirement for personal delivery of a declaration of undesirability or entry ban;
- Changing the period for deciding on temporary postponement of deportation on medical grounds from 3 to 3-6 months.

In addition, the Dutch government expanded support for Assisted Voluntary Return and Reintegration (AVRR) and changed the policy for informing aliens placed in detention. As previously mentioned in Chapter 4, the uncertainties of the situation in Sudan and Gaza have led to postponing decisions on the return of people from these areas.

## Return

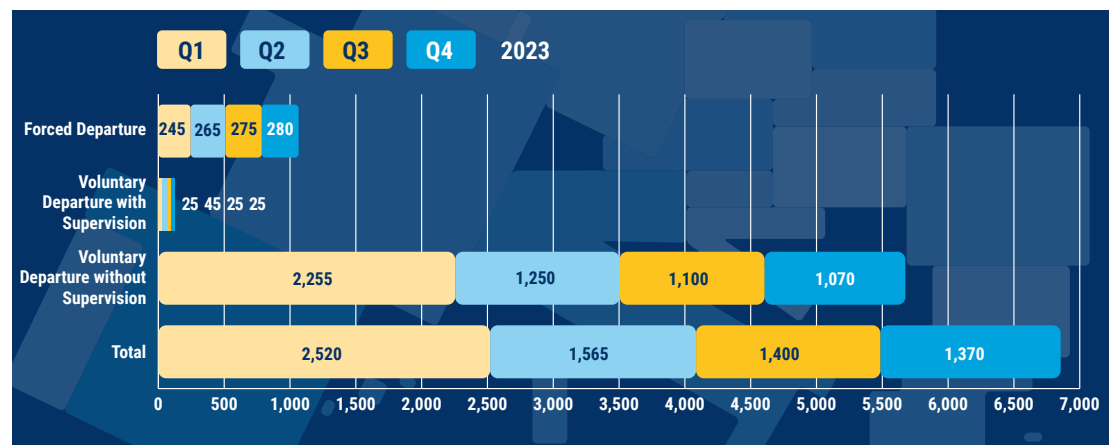
The EU Return Directive defines return as the process by which a third-country national, whether in voluntary or forced compliance with an obligation to return, goes back to:

- The country of origin;
- A country of transit, in accordance with Community or bilateral readmission agreements or other arrangements;
- Another third country to which the third-country national concerned voluntarily decides to return and is accepted<sup>223</sup>.

## Return in the Netherlands: The Figures

**Figure 19:**  
Return of third-country nationals per quarter and type of return in 2023

Source: Eurostat



## 12.1 Forced Return

### Policy Framework Adapted for the Sustainability and Proportionality Test when Lifting Entry Ban

In 2023, the Immigration Circular 2000 (Vreemdelingen-circulaire, Vc) was amended regarding the sustainability and proportionality test (S&P test) to distinguish between third-country nationals with an exclusion order or entry ban and third-country nationals subjected to measures due to serious crimes abroad (Article 1F of the Refugee Convention)<sup>224</sup>. During the S&P test, the Immigration and Naturalisation Service (IND) assesses whether Article 3 of the ECHR (European Convention on Human Rights) sustainably opposes deportation to the country of origin and whether denying a residence permit to that migrant would be disproportionate<sup>225</sup>.

An exclusion order is issued when the IND decides that a person poses a danger to the Netherlands, typically involving individuals who have committed a serious criminal offense. An exclusion order requires the individual to leave the Netherlands immediately and bars re-entry<sup>226</sup>. An entry ban prevents a person from traveling to or residing in the Netherlands and other EU countries (excluding Ireland), as well as Norway, Iceland, Liechtenstein, and Switzerland, for a specified period. The duration of the entry ban starts from the date of departure from the Union<sup>227</sup>.

The amendment in the Vc adjusted the policy framework for the S&P test. If the migrant submits a request to lift the exclusion order or entry ban and it is plausible that their return to the country of origin would violate Article 3 of the ECHR, the IND conducts the S&P test. This test determines whether maintaining the exclusion order or entry ban would have disproportionate consequences.

The existing sustainability and proportionality test for third-country nationals subjected to measures due to serious crimes abroad (1F) was not appropriate in practice. A person with an exclusion order or entry ban due to a conviction for a crime in the Netherlands is in a different situation than a person subjected to the 1F measure due to serious crimes abroad. Consequently, the following adjustments were made to the policy framework:

- The time that a person with an exclusion order or entry ban spent in detention no longer counts towards the sustainability of the impediment.
- The duration of the Article 3 ECHR impediment of 10 years starts only when the IND has determined in a decision that there is an Article 3 ECHR impediment to return.
- The previous condition from the 1F policy, which required no prospect of change within the foreseeable future, has been abandoned.

### Amendment of the Immigration Circular 2000 (Vc): Exclusion Orders or Entry Bans No Longer Personally Delivered

The risk of delays due to the personal delivery of an exclusion order or entry ban led to an amendment in the Immigration Circular 2000 (Vc) on 30 June 2023<sup>228</sup>. To maintain public order, an exclusion order or entry ban should not be delayed. The legal effects of an exclusion order and entry ban are immediately active; violation can lead to criminal prosecution. The amendment allows the IND to send an entry ban or exclusion order directly to the authorised/legal representative of the person concerned. The entry ban or exclusion order is also published in the Government Gazette. If there is no authorised/legal representative, the IND sends the entry ban or exclusion order to the last known address of the person concerned. If no address is known, publication in the Government Gazette suffices.

224 Government Gazette, 2023, 7. <https://zoek.officielebekendmakingen.nl/stcrt-2023-9373.html>

225 Position Paper Immigratie en Naturalisatie Dienst (IND), De toepassing van artikel 1F van het Vluchtelingenverdrag, 9 juni 2022

226 Immigration and Naturalisation Service, 'Ongewenstverklaring'.

227 Immigration and Naturalisation Service, 'Inreisverbod'.

228 Government Gazette, 2023, 16. [https://ind.pucoverheid.nl/doc/PUC\\_1309435\\_1/](https://ind.pucoverheid.nl/doc/PUC_1309435_1/)

### Amendment of the Immigration Circular 2000 (Vc): Indicative Period of 3 to 6 Months for Decisions on Temporary Suspension of Deportation

Following a ruling by the European Court of Justice (ECJ) in case C-69/21 on 22 November 2022, the Immigration Circular 2000 (Vc) was amended on 1 July 2023<sup>229</sup>. The case involved a third-country national who appealed against their deportation on medical grounds.

Under Dutch migration policy, deportation can be suspended based on Article 64 of the Aliens Act 2000 (Vreemdelingenwet 2000) if there is a real risk of violating Article 3 of the ECHR for medical reasons. This applies when the Medical Advisory Bureau (Bureau Medische Advisering, BMA) determines that the absence of medical treatment will likely lead to a medical emergency, and the necessary medical treatment is not available or accessible in the country of origin or habitual residence.

The previously strict 3-month period may no longer be strictly applied according to the European Court. An indicative period can be established, but the immigration service must take into account the condition of the migrant concerned. Since the amendment in the Immigration Circular 2000 (Vc) on 1 July 2023, the Netherlands applies this indicative period when deciding on the suspension of deportation. Within the indicative period of 3 to 6 months, an accurate assessment of the disease progression and the availability of necessary care in the country of origin can be made. After 6 months, making assessments is speculative. For certain diseases (such as cancer and HIV), the BMA can look further ahead than 6 months.

This threshold for a medical emergency is met when current scientific insights show that the absence of treatment within 3 to 6 months will lead to death, disability, or another form of severe mental or physical harm.

## 12.2 Voluntary Return and Reintegration Assistance

### Expansion of Dutch Support for Voluntary Return and Reintegration (AVRR)

On 1 July 2023, the Dutch government expanded support for Voluntary Return and Reintegration (AVRR). The AVRR (Assisted Voluntary Return and Reintegration) is a program of the IOM (International Organization for Migration), aimed at the humane return and reintegration of migrants who cannot or do not wish to stay in the Netherlands, a host country, or a transit country, and who voluntarily wish to return to their country of origin<sup>230</sup>. Migrants from Algeria, Belarus, Egypt, Lebanon, Mongolia, Morocco, Turkey, and Tunisia were temporarily excluded from this program. With the expansion, migrants from these countries can once again apply for assistance with voluntary return and reintegration<sup>231</sup>.

Two factors influenced this decision to expand<sup>232</sup>. Firstly, the government aims for migration partnerships with key countries of origin and transit. Improved cooperation on return is an important diplomatic aspect of these partnerships. Secondly, Frontex introduced the EU Reintegration Programme (EURP)<sup>233</sup> in 2022, a European program that member states can use based on uniform grounds and conditions. The above-mentioned nationalities generally qualify for the Frontex EURP.

Since 1 July 2023, migrants from Algeria, Belarus, Egypt, Lebanon, Mongolia, Morocco, Turkey, and Tunisia can again apply for assistance with voluntary return and reintegration due to this development. In addition to logistical support for applying for new travel documents and booking a flight, vulnerable migrants from these countries can also receive reintegration assistance after return. This promotes discussions about migration partnerships with countries of origin and transit. The amendment aligns the Dutch return and reintegration practice more closely with the EURP of Frontex.

229 Government Gazette, 2023, 16. [https://ind.pucoverheid.nl/doc/PUC\\_1309435\\_1/](https://ind.pucoverheid.nl/doc/PUC_1309435_1/)

230 IOM Netherlands, 'Assisted Voluntary Return and Reintegration'. [Assisted Voluntary Return and Reintegration \(AVRR\) | IOM | IOM Belgium and Luxembourg](#)

231 IOM Netherlands, 'AVRR-assistentie uitgebreid', 10 juli 2023. [AVRR-assistentie uitgebreid - IOM Nederland \(iom-nederland.nl\)](#)

232 Parliamentary Papers II, 2022–2023, 30573 nr. 68. [Kamerstuk 30573, nr. 201 | Overheid.nl > Officiële bekendmakingen \(officielebekendmakingen.nl\)](#)

233 Formerly called 'Joint Reintegration Service' (JRS).



## 12.3 Detention

### Amendment in Procedures Regarding the Duty to Inform for Detained Foreign Nationals

In the Netherlands, a foreign national who resides illegally or does not leave voluntarily can be detained until their departure to the country of origin<sup>234</sup>. Following a ruling by the Administrative Jurisdiction Division of the Council of State (AbRvS) on 15 November 2023<sup>235</sup>, the procedure for detaining foreign nationals was amended<sup>236</sup>. The AbRvS ruled that the current procedures for informing foreign nationals about their detention were inadequate.

The State Secretary for Justice and Security has a duty to inform, which means that the foreign nationals concerned have the right to know why they are being detained, how they can challenge the detention, and how they can obtain legal assistance. To fulfill this duty to inform, the State Secretary must henceforth inform them in writing in a language they understand. Previously, this was done orally. The duty to inform does not require a full translation of the detention measure; a written notification with the legal and factual grounds for detention and an explanation of the possibilities for free legal assistance suffices.

This amendment brought the policy of the State Secretary for Justice and Security regarding the duty to inform in the imposition of immigration detention in line with the Aliens Decree (Vb) 2000<sup>237</sup>.

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234 Government of the Netherlands, 'Vreemdelingenbewaring', [Vreemdelingenbewaring | Terugkeer vreemdelingen | Rijksoverheid.nl](#)

235 ECLI:NL:RVS:2023:4180.

236 Council of State, '[Staatssecretaris schendt informatieplicht bij vreemdelingenbewaring](#)', 15 november 2023.

237 Article 5.3, sub 1, of the Aliens Decree (Vb) 2000.

## 13

## Migration and Development

**The Netherlands actively collaborates with other countries and international organisations to promote an effective migration policy. Participation in various EU initiatives and programmes related to migration enables the Dutch government to discuss migration issues and develop policy.**

### Accession to the International Centre for Migration Policy Development (ICMPD)

Due to the need for up-to-date knowledge and data on migration policy and development, and the importance of international cooperation as emphasised by the Minister for Migration, the Netherlands joined the International Centre for Migration Policy Development (ICMPD) on 5 April 2023<sup>238</sup>. The ICMPD supports its member states in developing and implementing innovative, integrated, and sustainable migration policies. Joining the ICMPD strengthens the Netherlands' involvement in international cooperation on migration.

### The Dutch Africa Strategy 2023-2032

The Netherlands maintains diplomatic, economic, and historical relations with most African countries. New geopolitical challenges and changing realities prompted a revised and specific strategy in 2023. Consequently, the Minister of Foreign Affairs and the Minister for Foreign Trade and Development Cooperation presented the Dutch Africa Strategy 2023-2032 to the House of Representatives on 30 May<sup>239</sup>. This followed the Dutch government's request for a strategy for cooperation with African countries.

One of the goals of this strategy is to reduce irregular migration. The Netherlands continues to invest in bilateral relations with key countries of origin and transit. Other goals of the strategy include equal economic development, poverty reduction, and adherence to human rights.

The Netherlands aims, together with its EU partners, to offer African countries an alternative in addressing cross-border challenges in the areas of stability, migration, trade, the energy transition, raw materials, and food security. Establishing migration partnerships is a policy priority within the so-called Africa Strategy. This is the first comprehensive strategy outlining the Dutch vision for cooperation with Africa, including a section on migration.

<sup>238</sup> Dutch Bulletin of Acts and Decrees, 2023, 110. <https://zoek.officielebekendmakingen.nl/stb-2023-110.html>

<sup>239</sup> Ministry of Internal Affairs, Rapport van het ministerie van Buitenlandse Zaken, 'De Nederlandse Afrikastrategie 2023-2032'.

## 14

## Appendix A – Methodology and definitions

### Methodology

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

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

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

All these documents are available in the database of official publications on the website [www.overheid.nl](http://www.overheid.nl). This website is maintained by the Ministry of the Interior and Kingdom Relations (*Ministerie van Binnenlandse Zaken en Koninkrijksrelaties*, BZK).

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

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

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

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

### Criteria for the importance of changes in law and regulations

The report strives to provide a complete overview of the main changes and intended changes in law and regulations in the different policy domains addressed. All developments that entail an actual substantive change to these laws and regulations have been included in the report. Minimal changes have not been included (for example the annual increase of certain income requirements).

### Criteria for the importance of political and social debates

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

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

### Implementation of European legislation and regulations

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

### Terms and definitions

This review has adopted the definitions of relevant terms in the *EMN Asylum and Migration Glossary 8.0*.<sup>240</sup> The terms and definitions in this Glossary, developed by the EMN, aim, inter alia, at improving comparability of information exchanged between EU Member States.

## 15

## Appendix B – Structure of the Dutch asylum and migration policy

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

- The **Minister for Migration (*Justitie en Veiligheid, JenV*)** is responsible for policies in the field of admissions, residence and return of third-country nationals. In addition, the Minister leads the organisations cooperating in the immigration process.
- The **Minister of Social Affairs and Employment (*Sociale Zaken en Werkgelegenheid, SZW*)** is responsible for the admission of third-country nationals to the Dutch labour market. In addition, the Minister of Social Affairs and Employment is responsible for civic integration.
- The **Minister of Foreign Affairs (*Buitenlandse Zaken, BZ*)** is responsible for the visa policy. The Minister of Foreign Affairs is also responsible for the compilation of official reports that describe the situation in important countries of origin of asylum seekers, and individual official reports, used for the assessment of facts or documents presented by an asylum seeker for correctness and authenticity.
- The **Minister of Defence** is responsible for the policy on admission and control at the border.
- The **Dutch municipalities** are responsible for the accommodation of beneficiaries of international protection and also have a role in handling naturalisation applications. Municipalities also have a duty to care for the civic integration and participation of immigrant population groups and local implementation of the asylum policy.
- The **Immigration and Naturalisation Service (*Immigratie- en Naturalisatiedienst, IND*)**, an agency of the Ministry of Justice and Security (*Justitie en Veiligheid, JenV*), is responsible for the implementation of the Aliens Act and the Netherlands Nationality Act. This agency assesses all applications of third-country nationals who wish to reside in the Netherlands or who want to become a Dutch national by naturalisation. The IND also plays a role on behalf of the Minister of Foreign Affairs in the procedure of objection and appeal for applications for a short-stay visa. In addition, the IND assesses all applications for a regular provisional residence permit (MVV) on behalf of the Minister of Foreign Affairs.
- The **Repatriation and Departure Service (*Dienst Terugkeer & Vertrek, DT&V*)**, an agency of the Ministry of Justice and Security (*Justitie en Veiligheid, JenV*), is responsible for organising a humane departure of third-country nationals who are obliged to leave the Netherlands.
- The **Central Agency for the Reception of Asylum Seekers (*Centraal Orgaan opvang asielzoekers, COA*)**, an independent administrative body, is responsible for the reception of asylum seekers. Commissioned by the Minister for Migration, the COA offers migrants safe housing and supports them in preparing for their future in the Netherlands or elsewhere. This mainly concerns asylum seekers and refugees, and specific groups such as unaccompanied minors. The COA is an implementing body with reception centres throughout the Netherlands.
- The **Council for Legal Aid (*Raad voor de Rechtsbijstand, RvR*)** is an independent administrative body that is responsible for subsidised legal aid in the Netherlands on behalf of the Ministry of Justice and Security (*Justitie en Veiligheid, JenV*). The responsibilities of this organisation include arranging the provision of legal aid in asylum cases.
- The **Custodial Institutions Agency (*Dienst Justitiële Inrichtingen, DJI*)**, an agency of the Ministry of Justice and Security (*Justitie en Veiligheid, JenV*), is responsible for implementing freedom-restricting measures for the removal of third-country nationals from the Netherlands, including detention (the so-called aliens detention).
- The **Royal Netherlands Marechaussee (*Koninklijke Marechaussee, KMar*)**, part of the Ministry of Defence, has the important task of enforcing the Aliens Act. The KMar is responsible for border monitoring, border control and border surveillance. By way of this task, the KMar also contributes, inter alia, to the combating of illegal immigration. In the maritime domain, the Seaport Police fulfils

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

- The **Aliens Police, Identification and Human Trafficking Department (Afdeling Vreemdelingenpolitie, Identificatie en Mensenhandel, AVIM)** is part of the National Police. It supervises the lawful residence of third-country nationals.
- The **General Intelligence and Security Service (Algemene Inlichtingen- en Veiligheidsdienst, AIVD)** provides the IND with information when subjects of investigation are concerned against whom the IND can take action in the interest of national security.
- The **Seaport Police (Zeehavenpolitie, ZHP)**, also part of the National Police, is responsible for border surveillance in the Port of Rotterdam.
- The **Employee Insurance Agency (Uitvoeringsinstituut Werknemersverzekeringen, UWV)** is an independent administrative body that is commissioned by the Ministry of Social Affairs and Employment (*Sociale Zaken en Werkgelegenheid*, SZW). Among other things, it is entrusted by the ministry with the task of providing binding advice on applications for a combined residence and work permit (single permit) for third-country nationals who want to work in the Netherlands and for the issuing of work permits.
- The **Education Executive Agency (Dienst uitvoering onderwijs, DUO)** is the implementing organisation for education of the Central Government. DUO finances (student financing for students and teachers) and informs participants in education and educational institutions and organises exams. In addition, it is commissioned by the Ministry of the Interior and Kingdom Relations (*Binnenlandse Zaken en Koninkrijksrelaties*, BZK) to support the municipalities in implementing the Civic Integration Act.
- The **Netherlands Enterprise Agency (Rijksdienst voor Ondernemend Nederland, RVO)**, is part of the Ministry of Economic Affairs and Climate Policy (*Economische Zaken en Klimaat*, EZK), but also performs assigned tasks on behalf of other ministries, including the Ministry of Foreign Affairs (*Buitenlandse Zaken*, BZ) and the Ministry of the Interior and Kingdom Relations (*Binnenlandse Zaken en Koninkrijksrelaties*, BZK). Additionally, the RVO is commissioned by the European Union. For a number of residence permits, the Immigration and Naturalisation Service (IND) calls for advice from the RVO.
- **Diplomatic missions** are Dutch embassies, consulates, consulates general and permanent representations at international organisations. The diplomatic missions process applications for short-stay visas. Moreover, third-country nationals who want to become Dutch nationals abroad can file their applications for naturalisation with diplomatic missions. This is also where they can sit their mandatory civic integration examination and attend the mandatory naturalisation ceremony.
- The **Council of State (Raad van State, RvS)** is an independent adviser to the government on legislation and orders in council (AMvBs), and it is the highest general administrative court of the Netherlands. The Administrative Jurisdiction Division also assesses issues in which third-country nationals do not agree with decisions by the government.
- The **Advisory Committee for Migration Affairs (Adviescommissie voor Vreemdelingenzaken, ACVZ)** is an independent advisory committee that provides solicited and unsolicited policy and legislative advice to the government and parliament in matters of immigration law and policy on foreign nationals.
- The **Research and Documentation Centre (WODC)** is part of the Ministry of Justice and Security (*Justitie en Veiligheid*, JenV). The WODC is entrusted with the task of conducting research, including the evaluation of policy and policy programmes, providing advice on proposed policy and policy programmes, and the development, maintenance and accessibility of data.
- The **International Organisation for Migration (IOM)**, an intergovernmental organisation, plays an important role in the Netherlands in the voluntary return and reintegration of third-country nationals.
- The **Dutch Council for Refugees (Vluchtelingenwerk Nederland, VWN)** provides practical assistance to asylum seekers and promotes their interests in the political debate.
- **CoMensha** is an independent expertise and coordination centre against trafficking in human beings. Together with partners, they combat trafficking in human beings in the Netherlands. When doing so, CoMensha focuses primarily on the registration, reception and aid to victims. The organisation also invests in raising more awareness of human trafficking by training and informing professionals.

- The **National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children** reports on the nature and extent of human trafficking and sexual violence against children in the Netherlands. The National Rapporteur monitors the effects of the government policies pursued in this area and issues recommendations to improve the strategy against trafficking in human beings and sexual violence against children.
- **NIDOS Foundation** focuses on unaccompanied minors (UAMs). For children who apply for asylum in the Netherlands without their parents, Nidos will assure authority by means of temporary guardianship. Nidos will also carry out the family supervision order imposed as a child protection measure when it concerns migrant families who are in the asylum procedure and stay at a COA location.

# Organisational chart

..... Cooperation  
 ——— Coordination

## Institutional framework for asylum and migration policies (2023)\*

