

COUNTRY
CHAPTER

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THE NETHERLANDS

BY THE GOVERNMENT OF
THE NETHERLANDS



1. Resettlement Policy

1.1 A small outline of history

For more than 25 years refugees have been resettled in the Netherlands. In 1986, following a request from UNHCR and in response to a motion put before the Lower House of Parliament, it was decided to handle an annual quota of 500 resettled refugees with effect from 1 January 1987. To date, this figure has remained unchanged. In 1999, the government of the Netherlands decided to discontinue the standard practice of selecting groups of refugees in the country of asylum. Until 2004, the intention was to fill the quota of 500 resettled refugees per year with resettlement requests submitted in writing by UNHCR/Geneva, with assessment (and selection) taking place in the Netherlands (assessment on paper). However, it appeared to be difficult to fill the quota merely via dossier selection. In 2004 the government decided to introduce a new policy that entered into vigour on the 1st of January 2005. This new policy allows four selection missions per year to countries of asylum, as well as the submission of individual cases directly by UNHCR Headquarters in Geneva and the field (the latter according to the Devolution process).

1.2 The principles of Dutch Resettlement Policy

The quota applies to refugees individually submitted by UNHCR either in connection with selection missions or on a dossier basis.

The Netherlands reserves the right to assess all aspects of resettlement, including the determination of refugee status on the basis of its national policies.

According to Dutch resettlement policy, the preferred durable solution for refugees is to return to their country of origin on a voluntary basis. If return is not possible, local integration is the second durable solution. If both these durable solutions are not accessible or available in a reasonable timeframe, UNHCR can submit refugees for resettlement in the Netherlands. The Netherlands attaches particular importance to the strategic use of resettlement such as is laid down in the Convention Plus Framework of Understandings on the Strategic Use of Resettlement. Resettlement should always be considered within the context of all three durable solutions.

2. Criteria for Asylum and Resettlement

The basis for asylum is laid down in the Aliens Act 2000, article 29, which has six grounds for admittance:

- a) 1951 Convention;
- b) European Convention for Human Rights;
- c) National protection for humanitarian reasons;
- d) National protection for special categories;
- e) Family reunion
- f) Extended family reunion

In policy the above criteria are filled in as follows:

- Special attention is paid to the exclusion grounds laid down in article 1F.
- The non refoulement principle of article 3 of the European Convention on Human Rights is especially respected.
- Special attention is paid to traumatic experiences (e.g. victims of violence and torture), women at risk and medical emergency cases.
- This is not applicable for resettlement.
- This is only applicable for the reunion of a nuclear family member of the same nationality on the same moment or within three months upon arrival of the first member of the nuclear family in the Netherlands. On arrival in the Netherlands the family member is granted *derived asylum status*, as it is called, if he or she possesses the same nationality as the head of the family.

The granting of derived asylum status is based on the principle of family unity, as laid down in Recommendation IV of the UN Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons, which adopted the text of the 1951 Convention relating to the Status of Refugees.

- This is only applicable for the reunion of an adult member of the nuclear family of the same nationality within three months upon arrival in the Netherlands.

In medical cases the Netherlands use the following criteria:

- the cases must fit in the medical category as laid down by UNHCR;
- the medical treatment is not available and non-treatment will result in a medical emergency situation. Non-treatment that will in the short-term lead to death, invalidity or other serious physical or mental damage. The fact that medical treatment is not accessible in countries of origin is not an argument for granting a permit, unless access is prohibited on grounds mentioned in the 1951 Convention (f.e. because of religion, race or nationality);
- the condition of the submitted persons should be such that their coming to the Netherlands for treatment and supervision can effect a substantial improvement.

Furthermore, the Minister for Aliens Affairs and Integration has decided that “integration” must be a criterion for selecting refugees within the policy for resettlement. In cases in which there’s a need for international protection, the potential for integration will not be an issue. However, a submission by UNHCR will be rejected if there are signs or behaviour that indicate this person will not fit in Dutch society (f.e. showing non-conformist behaviour or ideas, intent to cause social unrest). In other cases one’s capacity for integration will be important. Capacity for integration can follow from having undertaken activities in the refugee-camp, the willingness to adjust to a new country, general knowledge, knowledge of a West-European language, family-ties with Dutch nationals or aliens who have a residence permit in the Netherlands, having an open mind towards Western/Dutch values and standards. These indications are not meant to be cumulative.

There are no specific arrangements in law for people who are resettled in the Netherlands. Every asylum seeker who meets one of the criteria of article 29 of the Aliens Act 2000, can receive a temporary residence permit for asylum. After five years, the holder of a temporary residence permit can apply for a permanent residence permit. If the circumstances in the country of origin and in the personal situation have not changed, a permanent residence permit can be granted.

Persons will not be considered for resettlement:

- if they meet the exclusion grounds laid down in article 1, notably 1F, of the Geneva Convention. If one member of a nuclear family meets the exclusion criteria of 1F, present or not, the other members of this nuclear family are also excluded, unless it is evident that the person involved is not present and will not seek in future for reunion.
- if they have a criminal background and/or pose a threat to public order in the Netherlands;
- if they can return or integrate in the local region.

On the basis of the Aliens Act 2000 an application for asylum can only be lodged in the Netherlands. Refugees must fill in an application form after arrival in the Netherlands before a positive decision can be given and a temporary permit can be granted. This is a mere formality.

3. Resettlement Allocations / Processing Priorities

From 2005 until 2007 the Dutch quota is 1.500. To allow greater flexibility during this three-year period, the Netherlands is prepared to consider requests by UNHCR to accept more than 500 resettled refugees in a particular year. The fiscal year runs from the 1st of January until the 31st of December. The quota is filled by date of selection.

For the years 2005, 2006 and 2007, there is a sub-quota of 30 cases per year for medical submissions of refugees who cannot receive medical treatment in their countries of asylum (medical cases only to be submitted during selection missions). Furthermore, family-reunification that takes place within three months after the moment of selection will also be accepted under the quota.

Refugees will mainly be selected for resettlement in the country of asylum via in-country selection. Furthermore, the quota includes those refugees that are individually referred by or through UNHCR

4. Submissions and Processing via In-Country Selection

As per the 1st of January 2005 it has become standard practice to fill the main part of the quota by means of missions to countries of asylum. A maximum of four selection missions per year is foreseen. The destinations of the selection mission are determined in co-operation with UNHCR. For each selection mission, the delegation is composed of representatives of the Immigration and Naturalisation Service (IND), the Netherlands Agency for the reception of asylum seekers and refugees (COA) of the Ministry of Justice, a medical doctor from the IND and of the Ministry of Foreign Affairs. The IND is authorised to decide on individual submissions; if need be the Ministry of Foreign Affairs advises the IND. The Netherlands decide on the submissions by UNHCR. The decision is not subject to appeal. At the end of a mission the head of the delegation reports the results to the local UNHCR representative. UNHCR will communicate the decisions to the refugees concerned. The Ministry of Foreign Affairs notifies UNHCR about the decision through its permanent mission in Geneva.

The medical doctor of the delegation checks every person interviewed during the mission. The results of the examination do not influence the decision on the selection, the examination is only for the benefit of the refugee, in order to receive adequate care upon arrival in the Netherlands.

The selection interviews are prepared in the office of the IND on the basis of the RRF's. In each case information about the family relations is welcome.

5. Submissions and Processing via Dossier Selection

Although the majority of cases are selected through the missions, the quota is also filled by individual resettlement requests submitted in writing (RRF) by UNHCR Headquarters or the field, with assessment (and selection) taking place in the Netherlands on the base of the file.

UNHCR is invited to submit the following individual resettlement requests:

- requests following a mission for family reunification;
- asylum cases from countries of asylum which are not visited by any mission;
- emergency (medical) cases (please keep in mind that the Netherlands prefer to assess medical cases only during missions, because these cases are very difficult to assess without a physical examination).

In order to make further inquiries the Netherlands will appreciate if the RRF is based on the latest information and is completed with the telephone number and/or email address of the handling resettlement officer of the UNHCR field office.

The decision regarding individual resettlement requests will be communicated to UNHCR Head Quarters.

6. Family Reunification

Family members of a person who has been granted asylum can apply for family reunification within three months upon arrival in the Netherlands or upon date the residence permit is granted. The family members must actually belong to the family unit and this applies only to spouses and minor children under 18, as long as they have the same nationality and the family ties already existed abroad. Family reunification with non-marital partners, parents or adult children is also possible, but only if they are dependants of the person who was granted asylum. It is vital to list these family members in the documentation/ files submitted to UNHCR. Relationships need to be proven either with documentary evidence or DNA-examination (children).

After three months, it is still possible to apply for family reunification but not within the resettlement program. After that period, the regular Dutch criteria for family reunification are applicable. This means that certain income criteria will have to be met; practice shows that these are difficult to meet for most newly arrived refugees. For example, to meet the criteria for income the person who was granted asylum must have sufficient and stable means of support; e.g. hold a contract for at least a year and his income must equal 100% of the standard allowance for social security for married people. Travel expenses will not be paid by the government of the Netherlands. An application for family reunification must be submitted with an embassy of the Netherlands or can be introduced by the sponsor with the Immigration Services in the Netherlands.

7. Travel

As soon as the refugees have been accepted for resettlement in the Netherlands, travel and reception arrangements are made in order to transfer them as soon as possible to the Netherlands (the aim is to have the transfer made within a couple of months after acceptance). Travel arrangements are made in co-operation with the Dutch representatives of IOM and include (if needed) a “fit to fly” examination. Travel expenses, the costs of visas and, where necessary, laissez-passers, are covered by the Netherlands government.

8. Status and Reception on Arrival

8.1 Procedures in reception on arrival

On arrival at the airport, the refugees must fill in an application form for asylum. If in a specific situation this is not possible, they will later be requested to do so by the police. After arriving in the Netherlands the refugees are taken to the central reception centre of the COA in Amersfoort. Families are accommodated together in one or more private rooms, refugees without family are accommodated in a room with other people of the same sex. Refugees are responsible for their own housekeeping, like cooking and washing. They receive a weekly allowance to cover their personal expenses. They receive all urgent medical treatment they might require. They register for health insurance and are entitled to the same medical facilities and treatment as Dutch citizens.

In principle, all refugees undergo a medical examination within two days after arrival in Amersfoort. The examination consists of a medical screening and a check for TB. During the follow-up phase at the reception centre and at the municipal level, refugees are provided with a comprehensive programme of preventive health care which includes health education, an extended immunisation programme and information about mother and child healthcare. Organised by public health officers, the programme is geared towards the needs of care providers who assume responsibility for healthcare once the refugees have finally settled in a municipality.

During their stay in the reception centre the COA will offer the refugees a short introduction programme which contains Dutch lesson, information and a course about participating in the Dutch society. The COA staff also offers all refugees tailor-made case management in order to obtain a good reception and integration in the Netherlands.

Soon after arrival, the local police of Leusden call the refugees to their office. The police collect the laissez-passers and register the refugees in their database. As soon as the police have received the positive decisions from the IND (in name of the Minister for Aliens affairs and Integration) on the asylum applications, the police will hand out these decisions.

The police will tell the concerned refugees that they can use this paper, if necessary, for identification purposes until they receive a residence permit. The police ask them to sign a photo-card, which is sent by the IND after they have been registered in the GBA (central database of inhabitants in a municipality). This photo-card states the identity of the refugee as he or she is registered in the BVV (database of all aliens in the Netherlands). A photographer takes a picture of each person. The police attach the picture to the card and send the signed card to the IND, "sector verleningen asiel" in Den Bosch. There they scan the signature and the picture and send (via the system DAS) automatically an order to the Staatsdrukkerij to print a residence permit for this particular person. The Staatsdrukkerij prints the resident permit and sends this to the local police. The police of Leusden call the refugee in order to hand over the permit.

Soon after arrival, the municipality of Amersfoort also calls the refugees, as they are new citizens in Amersfoort they have to register in the GBA (Gemeentelijke Basis Administratie, a database of all municipalities in the Netherlands in which the population of the Netherlands is registered). To register in the GBA is the responsibility of each citizen, the municipalities and COA facilitate the refugees. This registration, in addition to the residence permit, is needed to receive a civil service number in order to get actual access to municipality housing, social security and labour. Information about the identity, nationality and civil state is needed. If a refugee has no authentic documents of his country of origin to prove his or her identity, he can make a statement under oath ("verklaring onder ede"). If the refugee makes the same statements as he did before to the IND, there is no problem. The municipal officer in charge will find the person in the database, because the IND and the police have registered this person before in the connected system BVV (the national database for aliens). If the refugee uses other information, the officer in charge has to decide according to specific rules which identity will be registered. If the officer decides to register the other information in the GBA, the system will automatically change the registered information in the BVV in the night afterwards, so the police and the IND will have the new registration in their systems the day after. If a residence permit was already issued, the municipal officer will ask the IND to issue a new residence permit. In order to avoid the issuance of two different permits for one person, the municipality registers the refugees in the GBA and informs the IND when the photo-cards can be printed and sent to the police of Leusden.

8.2 Status and rights

Several weeks after arrival the refugees receive a temporary residence permit (credit card-size) for asylum, valid for five years. After five years, they can apply for a permanent residence permit, which is granted provided the circumstances in the country of origin and in the personal situation have not changed. Holders of a temporary residence permit for asylum in the Netherlands have the same access to social security and to the labour market as Dutch citizens.

Refugees are allowed to work from the day of arrival. In practice employment is difficult to be found without knowledge of the Dutch language. All refugees must follow an introduction course (see paragraph 9), consisting of Dutch language classes and basic knowledge about the Netherlands. There are no legal restrictions on freedom of movement within the country but the choice for domicile is not up to the asylum seeker: social housing will only be offered in one municipality. As is the case for all holders of a permit for asylum, refugees may apply for a Convention Travel Document, issued by the Minister of Foreign Affairs to travel outside the Netherlands. Education is compulsory for all children up to the age of 16. Children start school soon after arrival, which is outside the reception centre. The reception centre provides cultural orientation and language training for adults.

On arrival the refugees remain in a central reception facility in Amersfoort for three to six months, sometimes longer. Moving to a house of their own is subject to the availability of (social) housing in one of the Netherlands 500 municipalities. In the central reception they are entitled to:

- Shelter;
- A weekly allowance;
- A clothing allowance;
- Recreational and educational facilities;
- Access to primary and secondary education for minors (usually local schools in the vicinity of reception centres);
- Free medical care;
- Third party insurance;
- Compensation for extraordinary expenses if these expenses are acknowledged by the COA as necessary.

As soon as holders of a residence permit have their own house, they are entitled to social security. Just like the nationals, refugees have to use this monthly allowance to pay for the rent of the house, medical care, third party insurance, clothing, food, gas, electricity, water, etc.

9. Domestic Settlement and Community Services

After a period of 3 to 6 months at the reception centre, refugees are housed in accommodation provided by local authorities. Until they find employment, they receive a subsistence allowance. Children under 16 are enrolled in local schools. The local authorities offer an extended introduction programme generally lasting about one to two years. Dutch language lessons and information about Dutch society also form part of the introduction programme, which is tailored to individual needs. Local authorities are required to provide at least 500 hours of Dutch language lessons per refugee, and to guarantee a minimum level of proficiency in the Dutch language - the level needed for unskilled or semi-skilled jobs, followed by vocational courses or participating in mainstream education. In most cases, local language training institutes provide the linguistic training.

It is mainly funded by the central government, with the local authorities taking full responsibility for the organisation of the lessons. Refugees and members of ethnic minorities can also attend special vocational training in centres which demand only a minimum knowledge of Dutch. Educational qualifications obtained by the refugees in their country of origin are assessed in the light of the standards that apply in the Netherlands. Sometimes a refugee will have to take an additional course or gain some practical work experience in order to have his or her qualifications recognised. This applies not only to refugees but to all foreigners who settle in the Netherlands. The Dutch Refugee Council plays an important role in the reception of refugees in the Netherlands. It advises local authorities and institutions and, perhaps more importantly, recruits and supervises Dutch volunteers who assist resettled refugees with reception and integration in the Netherlands. The Dutch Refugee Council, which also provides the Dutch public with information about refugees, receives financial assistance from the central government. In addition, refugees from various countries have organised their own voluntary associations, which hold meetings, publish magazines and provide advice. These associations, some of which are subsidised by the central government, can intercede with the Dutch authorities on the refugees' behalf.