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**CENTRO DE ACOGIDA A
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Reception and Integration of Asylum Seekers in the Netherlands

enaro
EUROPEAN NETWORK OF ASYLUM RECEPTION
ORGANISATIONS

Report of an exchange programme in The Netherlands

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1 INTRODUCTION

The European Network of Asylum Reception begins in 2001 and is developing itself into a knowledge platform on European asylum sector, through the exchange of staff and expertise. Nowadays there are ten European Organisations taking part in the project.

I could participate in the exchange with two other colleges from Switzerland and Norway, and during our stay from the 8th to the 19th of may we visited different kinds of Asylum seeker's Centres and several Organisation involved in the work made with them.

We also had the opportunity to talk to the staff members of the centres and organisation who gave us very useful information about the asylum procedure and the reception programme. I would like to thank all them for the effort they made to organise every thing and to turn our stay as comfortable as it was.

The current report try to show the main points of the Dutch system in order to make a final comparation between the two ways of working.



2. ASYLUM

2.1 ASYLUM POLICY

The Immigration and Naturalisation Service (IND) is an agency of the Ministry of Justice. The IND decides on behalf of the Minister for Immigration and Integration who will be admitted to the Netherlands, and is responsible for the legal procedures.

On April 2001 a new Aliens Act entered into force, this new law provides clearer rules and shorter procedures. At the first time of the arrival, a 48 hours procedure will start with the following steps:

- first intake.
- search for documents, taking of pictures and fingerprints by Aliens Police.
- Eurodac.
- Identity and nationality check by Aliens Police and Royal Military Police.
- First interview about identity, nationality, voyage and checking place of origin.
- Hand out copy of first interview to asylum seeker and to SRA.
- Preparation of second interview by legal aid.
- Second interview to express the asylum applicant reasons.
- In case of negative, communication of the intentional decision to the Asylum seeker and legal Aid.
- Asylum seeker has opportunity to give his/her opinion before final decision.
- In case of negative decision there would be an obligation to leave the Netherlands within 24 hours. At this point the applicant has the right of appealing to the District Court firstly and secondly to the Council Court of the State.
- In case of positive or needs of more research, the person would be place in an Orientation Centre.



What is also remarkable about the new Aliens Act is that with a rejected application there is no need of order of expulsion because this is granted by act in these cases.

2.2 ASYLUM FACT AND FIGURES

The number of request for Asylum has been showing a decline from the past few years not only in the Netherlands but also in other European countries. In Netherlands' case, in the 90's there was a big increase of refugees, which was partly caused by the Balkan war, this became the opposite from 2000 on. To have an idea about this fact we show the number of the Asylum applications made from 2002 till 2004 in the Netherlands and also in Spain.

YEAR	NETHERLANDS	SPAIN
2002	18.700	6.309
2003	15.600	5.918
2004	9.800	5.553

Because of this decline some of the Asylum staff lost their job and some centres were close. Only in 2004 the number of locations were reduced from 137 at the beginning of the year to 85 at the end and this decrease has been going on until nowadays.

Besides, the nationalities of asylum seekers in the Netherlands are mostly the following:

- 1- Irak
- 2- Afganistán
- 3- Azerbaijan
- 4- Angola
- 5- Iran
- 6- Yugoslavia
- 7- Somalia
- 8- Armenia
- 9- Sudan
- 10- Syria



3. RECEPTION ORGANISATION

The Central Agency for the reception of asylum seekers (COA) is an independent entity under by the Ministry of Justice and is responsible for the reception of asylum seekers in the Netherlands. It is authorized to negotiate with municipalities about establishing, acquiring, managing and closing reception centres, and as long as an asylum seeker is in the legal procedures he or she can live in a COA facility.

COA also carries out the following tasks in the Netherlands:

- Accommodation of asylum seekers
- Giving guidance and information
- Providing goods and weekly allowances
- Arranging access to health care
- Maintaining the safety in reception centres
- Increasing social support for asylum seekers

The Netherlands also has a quota of 500 invited refugees per year and COA is responsible of their integration and resettlement. The program they follow up with them start with integration courses in the country of origin and continues once the refugees have arrived in the Netherlands. The selection of refugees is on recommendation of the UNHCR. Once the final selection is made a group of COA staff travels to the country of departure for a first cultural orientation for the newcomers to make sure that expectations and reality after arrival are close to each other.

Changes in the number of asylum seekers had also influenced in the internal organisation of COA and an important reorganisation took place in 2003, as a result of these changes a new reception model was developed to adapt the work to the new law.



4. ASYLUM PROCEDURE IN RELATION TO RECEPTION

From January 2005, as soon as the IND takes a decision COA starts working with the asylum seekers in one of the three main lines through which they carry out their job: orientation, integration and repatriation. So depending on the person status he or she will be placed into an orientation and integration or into a repatriation centre.

The asylum application can be made in one of the four IND's application centres, Ter Apel is one of them and we could visited and have a more clear idea of how is developed the new legal and reception procedure.

Once the person arrives to this centre and after an interview with and IND official, the asylum seeker is told within 48 working hours that further investigation is required or that his application stands no chance of success.

If further investigation is required, the asylum seeker is allowed to remain in the Netherlands at one of the six orientation and integration centres run by COA. There, only in case the person granted the asylum application, will be allowed to start with the integration process and meanwhile the family or person gets a house from the municipality, which is a time estimated of three months. During this period, the person is expected to start with the languages courses of Dutch, and the social and career orientation to work in advantage for getting ready to find a job and integrating into Dutch society. The main guide for this is the **Portafolio**, which gives a detailed description of the general experience, education and training the person has followed in the country of origin. Through this the permit holder has a clear idea of his/her personal possibilities in the Netherlands and can designed a plan with the actions to be taken in order to achieve the desired objectives.

In the other hand and in case of rejection, the asylum seeker may appeal to the district Court against the rejection. If he /she does so, the person is allowed to remain in the country while waiting the outcome of the appeal, and to be housed at COA reception Centre. If the Court rejects the appeal, the asylum seeker may appeal to the council of



State but won't be allowed to remain in the Netherlands while waiting the Court's judgment.

After the final rejection of an asylum seeker's application, he must leave the Netherlands within four weeks. COA will no longer provide housing and reception facilities once these four weeks have passed. In order to have enough time to prepare for this possibility, he/she will be informed during the application procedure the consequences of a rejection. The International Organisation for Migration (IOM) will help the asylum seeker to return, if he/she wishes, if not the Aliens Police and the Royal Military Constabulary can expel him from the country.

4.1 RETURN POLICY

In 2004 repatriation also received greater attention and in order to this also the Return Project did it, which's target group is failed asylum seekers who applied for asylum before first of April 2001, under the old Aliens Act. Under this Act, there were many different options available for challenging a negative decision through legal procedure This generally concerns asylum seekers who have resided in the Netherlands for a long time due to lengthy proceedings.

One of the main points of the project is the return of 26.000 failed asylum seekers within three years, in order to approach this objective specific intensive measures have been taken to stimulate failed asylum seekers to return to their country. These measures consist of help and support for voluntary return.

The return procedure has several stages. Theses are as follows:

- o Phase I (8 weeks)

Is carried out while the asylum seekers are still housed in reception locations. These can be asylum centres, independent accommodation or emergency facilities. Asylum seekers are provided with intensive guidance when arranging their return. Staff the IND and the COA informs the asylum seeker about the steps they have to take for their return. The OIM provides help to asylum seekers who wish to return to their country and is responsible for the airline ticket, a financial contribution to help them get through the first period after their return



and also an additional financial compensation for shipping their household effects. At this phase, asylum seekers who have collaborated in their return also received a reintegration support of 1,750 € per adult and 875 € for a minor.

At the same time, the identity and nationality of the alien is being checked to facilitate possible forcible removal. As soon as these are known and the failed asylum seekers themselves have no travel documents, they are guided to make the arrangements in the embassy of the country of origin to obtain alternative travel documents. When the travel documents have arrived in case the failed asylum seeker refuses to return voluntarily, he/she can be forcibly removed. If failed asylum seekers have not returned voluntarily at the end of phase I, they are required to leave the reception location. The failed asylum seekers are then placed in a departure centre.

- o Phase II (8 weeks)

In the departure centre, asylum seekers are required to report daily and remain available for their return. Identity and nationality checks are intensified to facilitate their return. In this phase, asylum seekers also have regular personal meetings with IND and COA personnel concerning their return. At this point, asylum seekers are no longer entitled to the contribution for reintegration from the OIM. If failed asylum seekers have not returned voluntarily after these eight weeks, investigations will be carried out as to whether it is possible to repatriate them within a reasonable period of time. If this is impossible, their stay in the departure centre is finished. From that moment on, the failed asylum seeker is obliged to leave the Netherlands immediately without any assistance from the Dutch government. If there is a chance of repatriation, the failed asylum seeker may be detained for the purpose of repatriation.

- o Phase III

If repatriation is expected to take place within a short period of time, the failed asylum seeker is transferred to a departure centre. This may be the case when all travel documents are present but there is no flight



available. If there is no chance of repatriation, the detention will be terminated, the failed asylum seeker is then residing illegally in the Netherlands and must leave the country immediately.

It is important to remark that, at any point during this process the Minister for Integration and Immigration may decide in individual cases to grant a residence permit to failed asylum seekers who are unable to return to their country of origin without any fault of their own. The Minister may also decide to grant residence permits on humanitarian grounds in individual cases.

4.2. FAILED ASYLUM SEEKERS CENTRES.

There are two types of reception locations for failed asylum seekers and illegal aliens that are aimed specifically at repatriation:

- o **Departure centre**; it is a temporary facility for failed asylum seekers who made their first application before 1 April 2001, the failed asylum seekers are not detained in this centre. They may leave the centre but they have an obligation to report daily and remain available for nationality checks. COA manages this centre and an example of this type of centre is Vlagtwedde, which we could visit. It has possible reception for 400 failed asylum seekers, at the moment the exchange took place, 130 asylum seekers stood in the centre. About the way people live in the facility, the asylum seekers live in apartments for 8 persons, there are kitchens to cook their own meals and for children there are primary and secondary school as well as day care for children between 2 and 4 years old.

About the objectives reached till that moment the staff informed us that:

- 18.700 files have been treated.
- 6.500 left with unknown destination.
- 8,300 got a residence permit.
- 3.900 returned to country of origin.



- **Repatriation centre;** it is intended to facilitate the imminent repatriation of failed asylum seekers and illegal aliens to their country of origin. Persons in this type of centre are detained and that means that they are locked up and cannot leave the centre. There are two in the Netherlands, one at Schipol Airport and the other in Rotterdam Airport, the Ministry of Justice is responsible for these centres.



5. DIFERENCES BETWEEN THE SPANISH AND DUTCH SYSTEM AND PERSONAL IMPRESSIONS.

I found a lot of differences between both systems, in the Spanish reception facilities asylum seekers has short period of time that can go from six month to a year maximum. In the Dutch one, we could find people who have been living in the centre for years, though this is going to be changed as we had seen with the new law.

In the other hand and about the integration programme, in Spain asylum seekers don't need a positive answer to start with it, in fact it's compulsory to follow the programme carry out in the centre, that means learn the language and the possibility of vocational training as well as employment search, because asylum seekers are allowed to work after six month since they applied for status and as long as they got the answered. This is completely different in the Netherlands as they cannot start with the languages courses till they get the answer and only in case this is positive.

About the AMAS as a specific group, in Spain they are under the Child law whose competence is the community government so they don't go to the special facilities for asylum seekers but to the ones for children in vulnerable situation. In the Netherlands they are assisted as a special group but still under the coverage for asylum seekers.

Perhaps what I found really different about the Dutch and Spanish systems it's the return policy as in Spain this matter is aborded just when the asylum seeker wants voluntary came back, but not as a part of the work that is made with the person from the beginning.

Finally I would like to express the big opportunity that suppose to know the European reception systems as we are walking to a common one, and it should be the best to keep a balance between the possibilities of reception and integration in the European countries and personal dignity and right to work and improve a way of life. This seems to be quite difficult but it's our main target and I'm sure this kind of exchanges can help to get it.