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Federal Office for Migration FOM**

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DESCRIPTION OF THE RECEPTION POLICY IN THE NETHERLANDS

**REPORT OF THE ENARO STAFF EXCHANGE PROGRAMME IN
THE NETHERLANDS
Spring Exchange, 07-19 May 2006**

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1. INTRODUCTION

1.1 Goal of the report

This report is based on the information collected during the staff exchange programme of ENARO in the Netherlands, from the 7th to the 19th of May 2006.

During those two weeks, I had the opportunity to visit the different authorities and organisations that are in charge to bear on the asylum seekers reception policy in the Netherlands.

After having taken part of this two weeks exchange, I am now asked to draw up a final report. The aim of this writing is connected to the goal of the ENARO's programme itself, which is to connect offices and staff-members in charge of the asylum reception in order to promote an exchange of experiences and knowledge. This report won't be a deep description of the asylum seekers reception policy in the Netherlands, but it will introduce the reader to the principles and the procedures of the Dutch policy. I will then try to compare the Dutch with the Swiss systems of asylum reception organisation, pointing out the main differences between the two Countries and giving my personal opinions on what I have seen.

To sum up, my writing will follow the ENARO's main purpose, focused on operations or, in other words, having a look to the field of who encounters the problems associated with asylum reception and dealing with specific issues and problems. This means that this report won't be an instrument for policymakers but rather a document highlighting some good practices and Dutch experience on the level of the asylum seekers reception and accommodation.

1.2 Structure of the report

The report starts with a short description of the conditions of the exchange, which allows the reader to better understand the organisation of the programme. The next chapters focus on the asylum policy in the Netherlands and the reception organisation, with some comparisons between the Swiss and the Dutch organisations. The main chapter focuses on the type of Reception Centres for asylum seekers and the main tasks and procedures of these centres are highlighted. The conclusions recall the main aspects and personal opinion about this two weeks experience.



2. CONDITIONS OF THE EXCHANGE

2.1 Before leaving for the Netherlands

At the beginning of March 2006 I was asked from my Office whether I was interested to participate in an exchanging programme in the Netherlands.

On the 23rd of Mars 2006, during a meeting of the Reception and Procedure Centres Division¹ of the Federal Office for Migrations (FOM), I was chosen to participate to the ENARO's staff exchange programme.

Till that date, I didn't know much about the meaning of ENARO, except for some information I had learned from a personal research. It has to be said that my Country has just become a member of the European Network of Asylum Reception Organisation, since 2005. I am therefore the first Swiss participant of this two weeks staff exchange. Due to this situation, my expectations about my trip to the Netherlands were not really focused on a particular point, but rather in trying to understand better what exactly ENARO meant. Therefore, before my departure to the Netherlands I didn't prepare a specific field of research or observation and I didn't know precisely what my tasks during and after the exchange would be.

About this point, I would like to make a first observation. Considering the fact that twice a year a different collaborator of the Office will be sent in one of the European Country member of ENARO, it is important that this person, before going abroad, has the most of information as possible about what is going to do, what is expected from him and what is interesting to analyze.

In my opinion, in order to create these premises, especially for the new entry Countries², it should be chosen a reference person for each Country, someone who is responsible for ENARO in his own Country.

Thanks to this person, the information can be given in a better and faster way and are easily reachable to everyone.

Having a reference person in each Country member of ENARO can also be seen as an advantage for the network itself and not only for the different collaborators that are going to participate to the exchange. In fact, information and communications among the members can be transmitted following a determinate plan, easier to check, adjust or implement if necessary.

2.2 Period of the exchange

During my period of exchange, from the 7th to the 19th of May 2006, the programme has been planned by the Central Agency for the reception of asylum seekers (COA).

Besides me, they also participate to this exchange two other persons, respectively from Spain and from Norway³.

¹ Translation of "*Divisione Centri di registrazione e di procedura*".

² For instance; France, Germany or Italy have already shown their interest to be a member of ENARO.



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During the two weeks we spent in the Netherlands, we had the opportunity to meet the most important authorities and organisations that are involved in the Dutch asylum system. In order to allow us to have a better view and grasp of the different tasks of each organisation, we have been taken directly to the different locations⁴. I really appreciate this effort of planning our work schedule, because being personally on the field it has made things easier to understand and evaluate.

The first contact with COA was in its headquarter in Rijswijk, where we were introduced to the organisation and the Dutch asylum system in general. Afterwards, we went to Deventer, where we were lodged for the rest of our stay. We visited many organisations, locations and centres based in the Overijssel, one of the twelve provinces in the Netherlands. We finished the exchange with the visit of the centre in Ter Apel.

³ Mrs Carmen Martagón Moreno, collaborator of the “*Ministerio de Trabajo y Asuntos Sociales*”, from Spain (www.mtas.es) and Mrs Lisbeth Hagen, collaborator of the “*Hero Mottak og Kompetanse AS*” from Norway (www.hero.no).

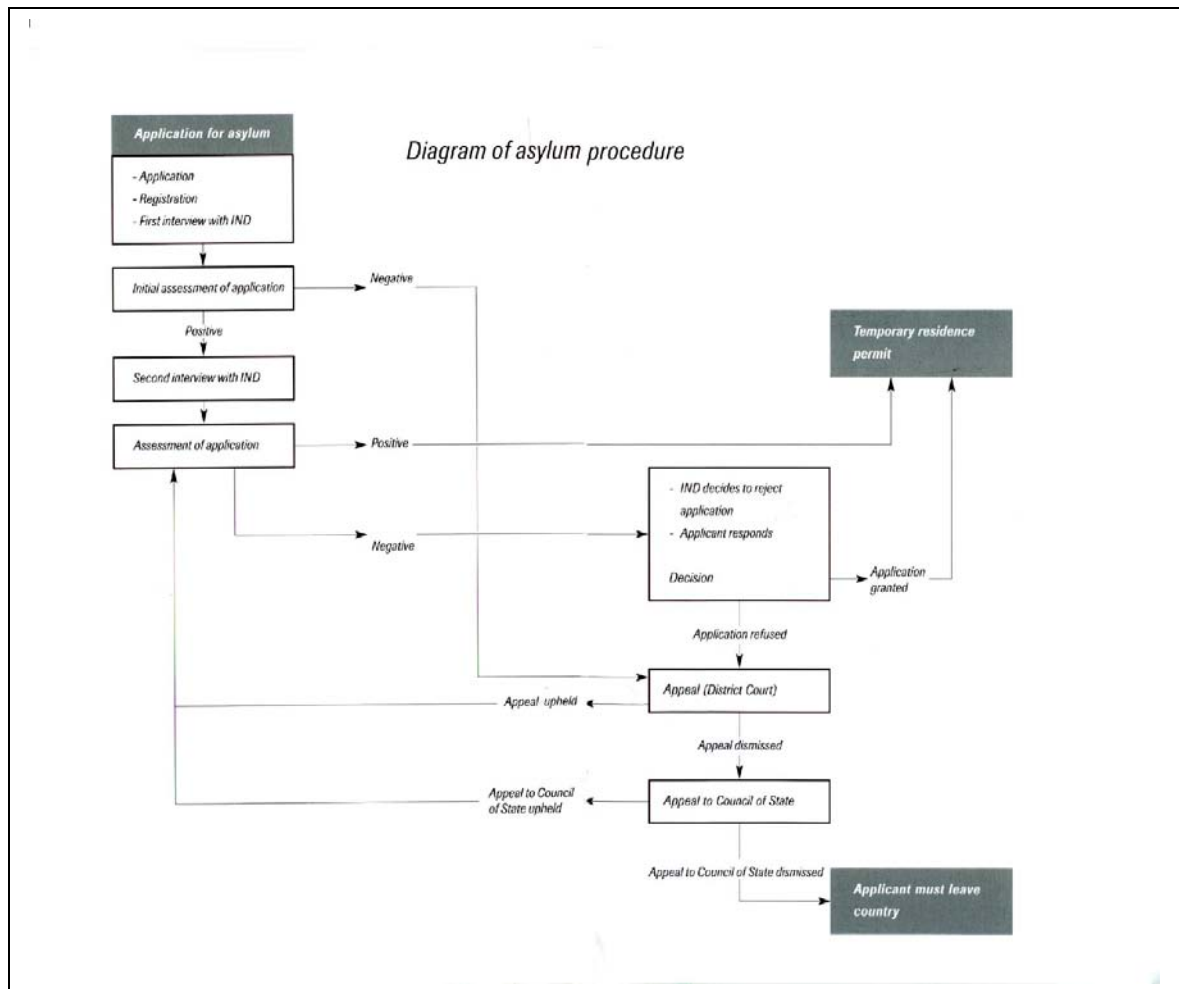
⁴ See also the enclosed daily programme (Appendix 1 / p. 18).



3. ASYLUM POLICY IN THE NETHERLANDS

3.1 IND and the Alien Act 2000

In this chapter the main steps of the Dutch's asylum procedure are highlighted in order to have a better overview of the asylum policy in general. It has to be said that nowadays the situations of asylum seekers in the Netherlands can be different depending on when the application was submitted. In fact, asylum applications that were submitted before the new Alien Act 2000 were under a different procedure, especially concerning the possibilities of appeal and the length of the procedure itself. After 01.04.2001 the Dutch government has started a new asylum policy, concerning in particular some important aspects as the return project⁵ for those that have submitted their application before 01.04.2001 and that have exhausted all legal remedies to succeed in getting the resident status.



Source: "The Alien Act 2000" Ministry of Justice, New edition, March 2004.

The Ministry of Justice manages the Dutch asylum procedure, in particular by the Agency of Immigration and Naturalization Service (IND).

⁵ See also § 4.1.6 – p. 15.



In the diagram above are highlighted the main steps of the asylum procedure.

The main tasks of IND can be resumed with:

- Visa (entry),
- Asylum and regular procedures (admission),
- Supervision on aliens,
- Naturalizations,
- Return⁶.

After the new Alien Act 2000 the asylum procedure has been shortened to a maximum of 6 months.

Aliens can apply for asylum at one of the two IND's Application Centres⁷ (AC). The IND procedure starts with a first interview and within 48 working hours (5 working days) the applicant will know if further investigation is required for his case or if his application has no chance of success.

In the case that a deeper investigation is required, the asylum seeker is accommodated in one of the COA's Centres. On the other hand, when the first IND's assessment is negative, the asylum seeker has to leave the Netherlands and can appeal against the decision.

It is important to underline that in this case, according with the new policy, the person who get a first negative decision is no longer considerate as an asylum seeker. Even if his right to appeal against the decision is granted, the rejected asylum seeker is not allowed to stay in the Netherlands. According with the latest information, about 20% of asylum seekers receives a permit to stay, the rest 80% has to leave the Netherlands.

3.2 Relation between procedure and reception, the COA's roll.

In the Dutch asylum policy, COA is responsible for the reception of asylum seekers. It takes care of the accommodation during the entire asylum procedure and prepares asylum seekers for their stay in the Netherlands and for their return to their country of origin. People who get a refugee status or a permit to stay are finally housed in the municipalities (after their stay in one of the COA's facilities). COA is an independent administrative body funded by the Ministry of Justice. It assumes the realisation of the reception of asylum seekers and carries out other government tasks independently.

⁶ Return: according with a project in course, after 01.01.2007 the organisation of return for rejected asylum seekers or other aliens will be competence of a future specific administrative body in cooperation with Aliens Police, IND, and others authorities.

⁷ AC Schiphol (airport) → for aliens coming by air.

AC Ter Apel → for aliens coming by land and sea.

See also § 4.1.1 – p. 10.



To resume, the main COA's tasks are:

- Accommodation of asylum seekers
- Acquiring, managing and closing reception centres
- Negotiations with municipalities about establishing reception centres
- Giving guidance and information
- Arranging access to health care
- Providing goods and weekly allowances
- Maintaining safety in the reception centres
- Increasing social for asylum seekers.

Nowadays, to carry out these tasks correctly, COA employs roughly 2'000 people and 3'000 volunteers⁸.

3.3 Differences between COA (NL) and ORS (CH)

Comparing to the Swiss asylum reception organisation, COA could correspond to the *Organisation für Regie- und Spezialaufträge* (ORS).

The main difference between the Dutch and the Swiss organisation in this field is that in the Netherlands the system is more centralized. In the Netherlands, COA carries out the responsibility for almost all the centres where the asylum seekers are lodged. COA accommodates the asylum seekers until a decision has been taken on their asylum application. In Switzerland, ORS's tasks are more limited and it operates only within the 4 Reception and Procedure Centres (5 including the Transit and Procedure Centre), for a maximum of 60 days. In fact, it is possible that an asylum seeker will be transferred to a Canton's accommodation structure before the end of his asylum procedure (decentralisation). In this case, the asylum seeker is lodged in structures that can be different and that are carried out by different organisations, as the Swiss Red Cross. The difference is due to the Swiss political system itself. Switzerland is a Confederation, where many federal responsibilities are delegated to the Cantons or even to the Municipalities. In the case of the asylum policy, the responsibility is carried out by the Federal government (FOM), but the accommodation of asylum seekers can be delegated to a Canton before the end of the procedure.

⁸ State in May 2006. Source: COA presentation in Rijswijk, 8th May 2006.



4. THE DUTCH ASYLUM RECEPTION ORGANISATION

4.1 The Reception Centres

Following what has been said in the previous chapters, the different steps of the accommodation in the Dutch asylum procedure can now be better explained⁹. The accommodation for asylum seekers is organised through different kind of Reception Centres.

4.1.1 The Application Centre

Nowadays there are 2 Application Centres: the AC Ter Apel, for the aliens coming by land and sea and the AC Schiphol, for aliens coming by air.¹⁰ This kind of Centres are the only that are not conducted by COA, but by the IND. In these locations the asylum seekers can start their asylum procedure.

In the AC Ter Apel there are 130 IND employees, divided into 4 units for interviews and decisions and 1 unit for planning, logistics and administration. In addition to IND there are many different other employees of the Alien Police, the Royal Military Police, the legal aid association (SRA), the International Organization for Migration (IOM), the interpreters or other contracting parties as for the catering, the child day care, the cleaning services, the medical services and the security.

In the AC Ter Apel there are 220 beds for asylum seekers, for an average of 210 asylum seekers a week, what means around 175 interviews every week.

The 48 working hours procedure starts in the AC. At their arrival, asylum seekers have the first intake at the application desk, where they apply for asylum. Afterwards, the Aliens Police provide to take some pictures and the fingerprints of the asylum seeker, as well as a search and body search for documents.

The 48 working hours procedure starts at the moment of the security search by the Aliens Police. Fingerprints are checked with the EURODAC system. IND makes a first hearing and takes a decision.

- In case of a negative decision the asylum seeker is taken away from the AC with the obligation to leave the Netherlands within 24 hours.
- If deeper investigation is required by IND in order to give a final decision, the asylum seeker is transferred to another Centre (COA)
- In case of Dublin claim (EURODAC), then asylum seeker is temporary sheltered by COA.

4.1.2 The Temporary Centre

⁹ See also "Asylum's path after 01.04.2001" (Appendix 2 / p. 19).

¹⁰ During our stay in the Netherlands we visited the AC in Ter Apel.



This kind of centre is carried out by COA. Normally asylum seekers stay in this centre while waiting for their 48 working hours procedure to start. The Temporary Centre is located close to the Application Centre.

During the stay in the Temporary Centre, also called TNV, the asylum seekers are informed about the rules and regulations of the centre and the procedure there are going through.

If urgent medical assistance is required, the asylum seeker can report to the medical station and, if needed, an appointment is made to see a doctor. It is important to underline that every asylum seeker who arrives in the Netherlands will pass a tuberculosis control (radiography).

Radiography controls to detect asylum seekers with TBC are no longer done in Switzerland. Therefore, I asked the other two ENARO's participants if in their Countries (Spain and Norway) TBC check up is systematically done as in the Netherlands. The answer was positive. TBC controls with radiography are done for every alien.

4.1.3 The Integration and Orientation Centre

If after the first IND interview there is a great probability that an asylum seeker will get a positive decision, the person is transferred in the Integration and Orientation Centre. In this kind of centre are also lodged asylum seekers that have already received a positive decision, in other words, that have a residence permit.

Nowadays there are 5 Integration and Orientation Centres in the Netherlands. It is possible that these centres are full, obliging some asylum seekers with positive decision have to accommodate in one of the Return Centres.

The purpose of the Integration and Orientation Centre is to prepare the asylum seeker for integration in the Netherlands. The Law on Integration of Newcomers also requires this.

The procedure starts in the centre (pre-integration) and then continues outside the COA's reception facilities.

COA's pre-integration procedure involves:

- Courses and tests
The courses are about language learning, societal orientation and careers orientation. After every course there is a test to assess how much knowledge is acquired by the person. The results are forwarded to the municipality where the person is going to move.

- Educational programme for the career, whereby a portfolio is built up



The portfolio is a dossier that gives information about the pre-education of the person, competencies and skills. This methodology is useful to join the portfolio workshops and the further assistance (individual consultations).

- Creation of a personal transfer file for the municipality where the asylum seeker will be residing

For a successful transfer from the Integration and Orientation Centre to the future town a proper transfer of information is paramount. For this purpose a transfer dossier is created by COA where are passed to the municipality the information about the person. This will also facilitate the continuation of the integration.

- International credential evaluation

The certificates and skills that the asylum seekers have acquired before going to the Netherlands may give to the person more possibilities in the Dutch society and labour market.

Asylum seekers who get a positive answer to their application are obliged to participate to the integration courses. If they refuse, they will no more become any financial aid.

4.1.4 The AMOG Centre

This Centre is thought to accommodate asylum seekers with unacceptable behaviour.

Asylum seekers are transferred in the AMOG Centre if they have:

- aggressive behaviour towards people,
- behaviour, which disturbs the living climate (vandalism, sexual intimidations, neglect of surrounding, etc.),
- behaviour, which causes serious nuisance at the Reception Centre repeatedly or once only very radical.

There are two main preconditions for the transfer to AMOG Centre:

- the applying Centre has done all within its power to influence the behaviour in a positive way,
- the external authorities (police, mental health services) have been asked for intervention, but cannot or will not solve the problem.

Asylum seekers are not transferred to the AMOG Centre if they are:

- younger than 16 years,
- with exclusively criminal behaviour,
- with acute psychiatric illness (crisis which needs immediately mental health assistance and medication).

Nowadays there is only 1 AMOG Centre left (once 4) and it is located in Geeuwenbrug. His capacity is for 10 up to 15 asylum seekers.



In the centre staff is composed by COA staff and other professionals, as psychologists and Social Team workers.

There is at least one staff member in the centre 24 hours per day.

Normally, the stay in the AMOG Centre last for a maximum of 8 weeks, plus other 4 weeks if necessary. After that period, the refugees return to their previous centre.

The daily programme in the AMOG Centre consist in:

- Wake up call (different that in the other centres)
- Chores (household, cleaning)
- Work on the centre (not obligatory)
- Sport
- Education

During the stay in the AMOG Centre there is a constant follow-up of the situation, with weekly personal conversations and internal reports made by the staff composed by experts. Even after leaving the AMOG Centre, there is a continuous support to the centre where the asylum seeker is accommodated and feedbacks are given about the feasibility of the guidelines. At the same time, this procedure brings knowledge to the reception centre, through consultation, organisation of meetings with COA and the medical staff, periods of practical training and a support of file keeping.

4.1.5 The Return Centre

This kind of centre represents the majority of the COA's Receptions Centres, for a total of about 40 centres. Nowadays, COA is closing different Return Centres in every province. This situation is primarily due to the drop of asylum applications.



Return Centre - Schalkhaar

In the Return Centre are lodged asylum seekers who applied for asylum before the first April 2001 and have exhausted all legal remedies in their asylum proced-



ure. That means that they will not receive a resident status and they may be transferred to a Departure Centre.

For asylum seekers that are under the new alien policy (application after 01.04.2001), they can wait for the answer of the authorities in the Return Centre, but when the procedure takes end they have to leave the Return Centre within 28 days.

In the Return Centre COA staff has different tasks. For example, it has to inform the asylum seeker about the new steps of his asylum procedure, which is carried out by IND or ordered by the Court (in case of an appeal). COA has also the responsibility to speak to the asylum seeker about the existing eventuality concerning the return to his Country of origin.

It is possible that in some Return Centres are lodged asylum seekers who received a positive decision. This situation can happen when it is difficult to find others accommodations available and when the Integration and Orientation Centres are full.



Return Centre - Markelo

The average capacity of a Return Centre is about 400 asylum seekers. The weekly allowance is € 40.- per adult and € 9.- per child. It is distributed by COA.

The asylum seekers are quite independent while living in the Return Centre. They are responsible for their own meals (kitchens are at their disposal). They have the possibility to leave the centre and to welcome visitors. Children activities are organized and they can join kindergarten classes.

4.1.6 The Departure Centre



During our stay in the Netherlands, we visited the Departure Centre located in Ter Apel.

This Centre is part of the Return project of the Dutch Government. Nowadays about 20% of asylum seekers receives a permit to stay and the rest 80% has to leave the Netherlands.

With the new return policy, as described in the previous chapters, there is a different asylum procedure for the asylum seekers who applied before or after the first April 2001. The target group for the Return project is the one, which applied before that date.

The aim of the project is the return to the Country of origin of 26.000 failed asylum seekers within 3 years. The idea of the project is that asylum seekers are responsible for their own return. The government provides intensive measures of guidance and support, but if it's necessary the return to the Country of origin is made through repatriation.

The return process consists of a number of phases:

Phase 0: (4 weeks).
Preparing the asylum seeker file by IND.

Phase 1: (4 o 8 weeks).
Asylum seekers are still housed in the reception locations.
Intensive guidance when arranging their return by COA, IND and Alien Police.
The International Organization for Migration (IOM) provides help to asylum seekers wishing to return to their Country of origin (airline ticket, shipping of households, and additional financial contribution for reintegration in their country¹¹).

Phase 2: (8 or 12 weeks).
Asylum seekers who have not returned to their Country of origin in phase 1 are taken to a Departure Centre.

In this Centre the asylum seeker has to:

- report daily and remain available for his return¹²,
- make some identity and national checks in order to facilitate his return,
- if requested, the asylum seeker has a last chance to apply for an additional financial contribution,
- Make regular personal meetings with COA and IND staff concerning their return.

If failed asylum seekers have not returned voluntarily after these 8 or 12 weeks (phase 2), the Alien Police will investigate whether it is still possible to repatriate them within a reasonable period of time. If

¹¹ IOM financial contribution is about € 2'300.- for a single person and from € 4'000.- up to 6'000.- for a family.

At the Departure Centre a financial aid is also distributed by COA and it consists in a weekly allowance of € 40.- (adults), € 12,35 (children from 12 to 18) and € 8,26 (children under 12).

¹² Asylum seekers have to report daily through biometrics data (taking of fingerprints).



there is a chance, the asylum seeker may be detained for the purpose of repatriation.

In the other hand, if the repatriation will need a long time, their stay in the Departure Centre is terminated. From that moment on, the failed asylum seeker is obliged to leave the Netherlands immediately without assistance from the Dutch Government, what means that the alien is now residing illegally in the Netherlands (see phase 3).

Phase 3: This phase is a responsibility of the Ministry of Justice. COA does not participate in phase 3.

If repatriation is expected to take place within a short period of time, the failed asylum seeker is transferred to a Repatriation Centre. This may be the case when all travel documents are present but there is not yet a flight available.

Failed asylum seekers are placed in detention if repatriation is possible, but not in the short term. If there is no chance of repatriation, the detention will be terminated. The alien is now residing illegally in the Netherlands and must leave the Country immediately without any help from the Dutch government.

During this process, from phase 0 to phase 3, the Ministry for Aliens Affairs and Immigration may, at any point, decide 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 for humanitarian reasons.

During the procedure, at any time, voluntary return or repatriation is possible.

The COA is responsible of the organization of the Departure, with the support of IOM, the Medical Reception Asylum Seekers (MOA), the Refugee Organization Netherlands (VVN) and security staff that is present 24 hours a day.



5. CONCLUSIONS

In my report I tried to sum up what I saw and learned during my two weeks exchange in the Netherlands. This short experience has allowed me to discover the main aspects of the Dutch asylum reception organization.

Among the many differences and similarities, which exist between the Dutch and the Swiss systems, I identified the following main interesting aspects:

Similarities:

Both the Swiss and the Dutch asylum laws are already, or are becoming, stricter. This development is similar in most of West European Countries and can be interpreted as a political answer to the increasing immigration problem. On the other hand, at the same time, both Countries are reorganising their asylum policy and infrastructures as a consequence of a decreasing number of asylum applications.

Differences:

The Swiss system tends to decentralize the responsibilities and tasks of the accommodation, whereas the Dutch system is mainly centralized. This centralization is translated into a great number of Reception Centres under the responsibility of the national authority, which is carried out by COA.

Personally, I consider this exchange experience a chance to learn about the asylum policy in another country, to broad my knowledge in this field and to look at my own Country's policy with a different and critical eye.



APPENDIX 1

Program ENARO Overijssel May 8 until 18 2006

Week 19

Monday May 8

- Introduction in Rijswijk
- Afternoon: departure Deventer (escort **Luit Molenhuis**)
- Check in hotel De Leeuw, Deventer (Nieuwstraat 25. Phone: 0570-610290)

Tuesday May 9

- 08.30 hours: departure hotel (**Karla Twigt**)
- 09.00 hours: acquaintance at head office Overijssel with Dingeman Bakker
- Morning: visit team Administration and Residence service, asylum seekers center Schalkhaar: basic reception and inflow/outflow
- Afternoon: visit self employment and asylum television broadcasting
- 16.00 hours: end of the day, return to hotel (**Karla Twigt**)
-

Wednesday May 10

- 08.30 hours: departure hotel (**Karla Twigt**)
- Morning: visit asylum seekers center Azelo: guided tour, PLEXA
- Afternoon: visit asylum seekers center Markelo guided tour, project repatriation
- 16.00 hours: end of the day, return to hotel (**Karla Twigt**)

Thursday May 11

- 09.30 hours: departure hotel (**Karla Twigt**)
- Morning: visit asylum seekers center Schalkhaar: Integration, repatriation, educational facilities
- Afternoon: visit of the International Organization for Migration (IOM) Zwolle
- 16.00 hours: end of the day, return to hotel (**Jeroen Jansen**)

Friday May 12

- 09.45 hours: departure hotel (**Karla Twigt**)
- 10.00 hours: visit Dutch Refugee Council (VWN) Deventer
- Afternoon: visit of the asylum seekers center Almelo
- 16.00 hours: end of the day, return to hotel (**Maria Beekhuis**)

Week 20

Monday May 15

- 09.00 hours: departure (**Luit Molenhuis**)
- 10.00 hours: visit to the Aliens Police (VD) Zwolle
- Afternoon: visit to the immigration and naturalization service (IND) Zwolle
- 16.00 hours: end of the day, return to hotel (**Luit Molenhuis**)

Tuesday May 16

- 08.30 hours: departure (**Karla Twigt**)
- 10.00 hours: visit to special reception service (AMOG) Geeuwenbrug
- Afternoon: Lunch, visit Temporary asylum seekers center (TNV), asylum seekers Arrival center (AC) and asylum seekers Repatriation center (VC) Vlagtwedde
- 16.00 hours: end of the day, return to hotel (**Karla Twigt**)

Wednesday May 17

- 08.30 hours: departure (**Theo Kok**)
- Visit museum etc.



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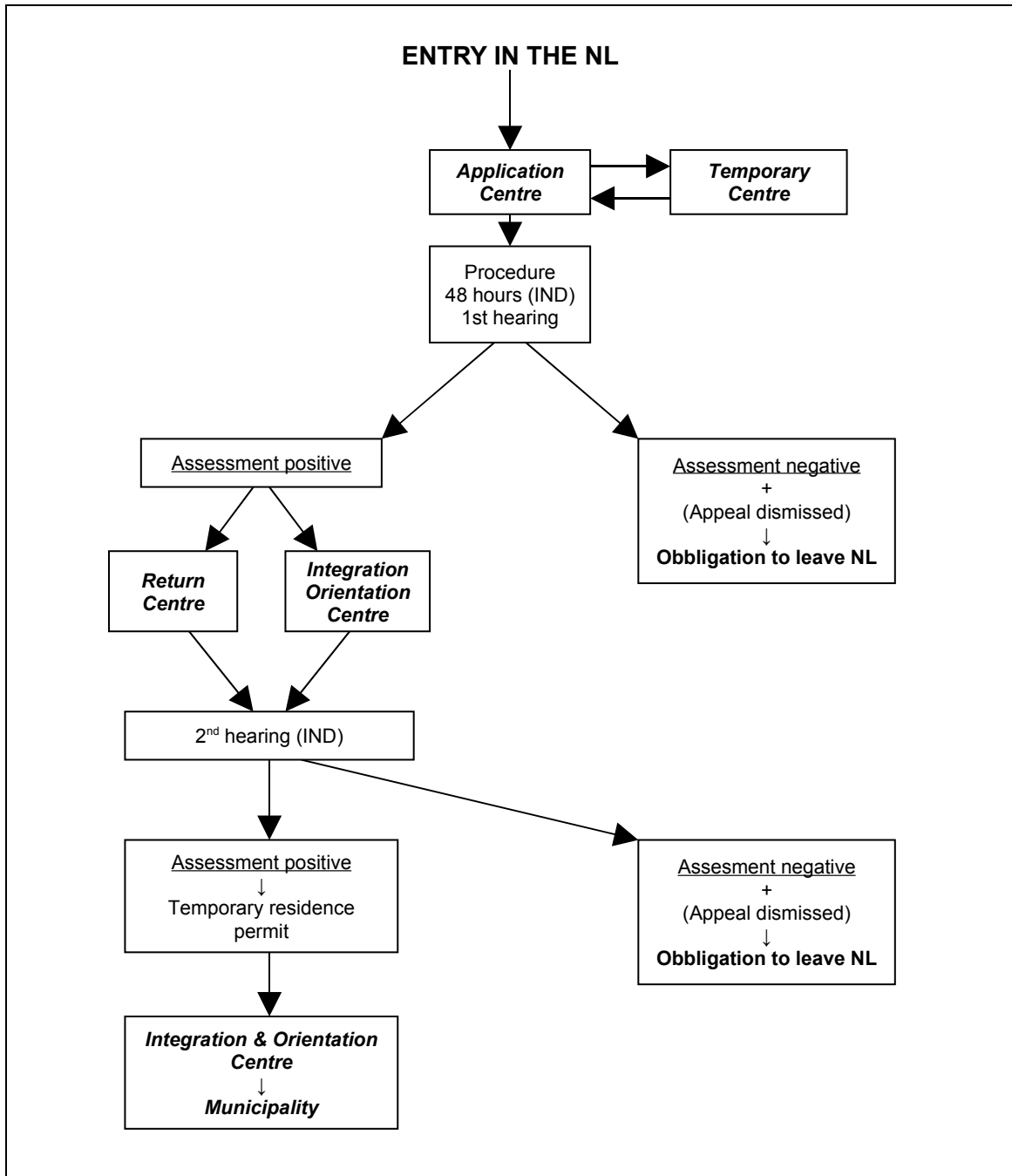
- 19.00 hours: diner at restaurant FJ Deventer (**Theo Kok**)

Thursday May 18

- 08.30 hours: departure (**Luit Molenhuis**)
- Amsterdam

APPENDIX 2

Asylum's path after 01.04.2001



Source: personal note L. Fauth