



## **ENARO MISSION REPORT**



### **Report of an exchange programme in The Netherlands**

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02/10/2006-13/10/2006

FEDASIL/ENARO Fall Exchange programme to The Netherlands  
2/10/2006-13/10/2006  
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## **1. Introduction:**

From 02 October 2006 up to 13 October I –as a staff member of Fedasil<sup>1</sup>- participated in the ENARO mission to the Netherlands (cluster Limburg) together with my colleague from the Czech Republic.

We were guided through the reception facilities, the procedures, the legislation and the beautiful province of Limburg by our very skilful, experienced and dedicated host; Cor Van Loon (coordinator social services cluster Limburg).

We visited 6 reception facilities (some of which several times) and had meetings with some 12 different actors and teams working with COA<sup>2</sup> or in a partnership with the organisation.

In the following chapters I will concentrate on those aspects of the Dutch system, which differ in a striking way from the Belgian system in philosophy as well as in practical organisation.

I believe that one should keep in mind the following words when reading the report:

- Communication
- Linking reception and procedure
- Cooperation between government agencies (COA / IND<sup>3</sup> / Police)
- Responsibility of the asylum seekers<sup>4</sup>

## **2. Procedures and Reception:**

At this moment in time the Netherlands have two caseloads of asylum seekers depending on whether people applied for asylum before April 1<sup>st</sup> 2001 or after.

This differentiation was a consequence of the Aliens Act 2000. This law can be situated in the context of a quite typical evolution of Western European refugee legislation over the past 50 years.

The '51 Geneva Convention -being mainly created in and for a context in which politically and practically easily identifiable and present refugee caseloads needed to be managed and protected- got more and more often used and abused for purposes of migration. By the late 1980's and increasingly in the 1990's it became obvious for most Western European countries that the many new uses of the Geneva Convention were putting the asylum system as well as the institutions and last but not least the public opinion under great stress.

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<sup>1</sup> Belgian Federal Agency for the reception of asylum seekers.

<sup>2</sup> Centraal Orgaan opvang asiezoekers (Central Agency for the Reception of asylum seekers).

<sup>3</sup> Dutch Immigration services.

<sup>4</sup> Asylum seeker: further referred to as AS

From that point of view one can state that the Dutch way of dealing with the situation today is nothing more than the consequence of an evolution that in one way or another is taking place in most European countries.<sup>5</sup>

By the year 2001, asylum centres in the Netherlands were flooded with close to 85 000 AS's. The system for Unaccompanied Minor AS's –in place at that moment in time- attracted some 3806 UMA's on a yearly basis.

It is clear that as a response to this situation the Dutch government apparently decided to clearly set up a new framework in which it would use the reception system as a means for increased communication with the AS's at every stage of the procedure.

Wrapped up this message could sound as follows:

“Your presence in this country is only tolerated because you have applied for asylum. It was your decision to submit the asylum request to the Dutch authorities. It is therefore expected that you respect the outcome of this procedure. If the outcome of the procedure is negative, it is your responsibility to leave the country.”

In order to apply this policy different types of centres were created. Asylum seekers at different stages in the procedure, respectively, reside in different centres as the message and the information to be communicated differs according to the stage in the procedure they are in. Thus –in principle- a different centre means a different message. This policy can however not always be put into practice. Sometimes the dispatching has lack of adequate accommodation and/or old-and new-caseloads ‘overlap’ in the same centres.

**Temporary Reception Centre:** Temporary accommodation where the AS can wait for a place in an Application Centre.

**Application Centre:** Centre where the AS applies for asylum and where his asylum request is being analysed by the IND. The stay is limited to 48 hours (working hours) and the centre is a closed environment.

**Integration and Orientation Centre:** Centre where the person who received refugee status can wait for a home offered by a municipality. The AS receives intensive language and social orientation courses.

**Repatriation Centres:** Centre for rejected asylum seekers who submitted their first application for asylum before April 1<sup>st</sup> 2001. Asylum seekers can leave the centre but have the duty to report on a weekly basis. The AS receives no language and social orientation courses anymore but are subject to an intensive and scheduled follow up focusing on the preparation of their repatriation. This cycle of talks is being conducted by the case-managers.

**Departure Centre:** Centre where the rejected asylum seeker stays when the cycle of discussions with the case-managers is finalised. These centres are also open facilities. They exist merely for communication purposes. There is an active and permanent presence of IOM in order to promote voluntarily repatriation to the country of origin.

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<sup>5</sup> This evolution is far from over (re. Footnote 6).

**Return Centres:** Closed centres where an alien is detained for the purpose of expulsion. Not managed by COA.

**Dispatching:**

The AS's dispatched on the basis of the information gathered in the Temporary Reception Centres and the Application Centres. The information is transmitted to COA headquarters, HQ then replies by giving a place to stay. The AS is given transport tickets.

When registered the AS receives an "identity card". This document gives him the possibility to identify himself.

The AS is also given a health insurance with a private company.

Please note that AS's whose procedure has come to an end (regardless of an appeal before the Council of State) are to leave the centre they are in.

The legislation concerning reception explicitly foresees the possibility to put an end to the reception of the AS in the COA facilities, without the intervention of a court.

COA depends on IND for all official information concerning the procedure of the AS. Delays in the transmission of this information sometimes appear to occur and remain a practical problem.

Non of the different centres –except for the return centres- host people who are or who were trying to obtain residence in the country through other procedures than the asylum procedure. Asylum is about asylum and nothing else.

**3. Management principles of the COA Centres:**

The complete functioning of the daily operational reality of the centres managed by COA is described in detail in a procedures manual. This points out the central management approach.

Although centres were opened on a 'one by one' basis and local conditions and situations were often very different, gradually uniform practices were developed and imposed.

The procedures cover all possible management operations one can think of in a reception centre; human as well as logistical and administrative. This approach also contributes to clear and uniform communication with the AS's.

Definitely worth to mention is the common disciplinary procedure consisting out of 11 steps that can lead to an exclusion from the centre. The AS has the possibility to appeal to headquarters legal unit.

The responsibility of the AS is stressed throughout all activities:

All centres are self-catering. The AS's entitled to a weekly fee of 43 Euro / adult which is transferred to a bank account. With this money they are given the possibility

to cook. All social workers in the centres stated that the switch to self-catering created a much calmer atmosphere in the centres and decreased the incidents in some cases with over 90%.

It might appear strange but it is allowed to use alcohol in the rooms, this policy reportedly reduced alcohol related incidents.

People are responsible for the cleaning of the centre. When they do however not sufficiently clean their own quarters, these are cleaned by a private company on their own expenses.

#### **4. Repatriation:**

Asylum seekers who have exhausted all legal remedies and who submitted their first asylum application in the Netherlands before April 1<sup>st</sup> 2001 are offered intensive assistance and support in their voluntary return through the Repatriation Project.

This project concerns 26 000 people and was supposed to be finalised by June 2007<sup>6</sup>.

This does not mean that those who submitted a (first) asylum application after that date are not entitled to assistance and support in voluntary return. The support for the new caseload is however less intensive and more limited in time.

As soon as an AS has received a first negative decision from the IND he is expected and summoned to actively prepare for repatriation. The case manager manages the scheduling of the discussions with the AS and the preparation for repatriation. Each case manager deals with around 25 cases.

The case manager works closely together with the IND and the police force. This collaboration is organised and systematic. It can be both practical for the preparation of the repatriation as well as for the mental preparation of the AS. In the departure centres the case manager, IND and the police force all participate in a final discussion with the rejected AS.

If the AS does not actively participate in his repatriation he loses the right to remain in the centre as well as all other benefits.

Repatriation is on the other hand encouraged in a positive way by a number of possibilities given to the AS.

A repatriation grant is given (IOM + Dutch Government) as well as some other possibilities (training / professional equipment) offered by local NGO's for those who have time (old caseload).

I visited the Wereldwijd project and was very impressed by their experienced, realistic, professional and very human approach.

#### **5. Resettlement:**

The Netherlands is amongst the 18 states having an agreement on resettlement of refugees with UNHCR.

<sup>6</sup> Recently –following the change in the political power balance- it was decided that this caseload might be entitled to regularisation. What the conditions for such an operation might be has not yet been established. At this moment these cases have been frozen and no decisions are taken.

The agreement concerns 500 cases on a yearly basis. The Netherlands do not appear to have any other priorities than the traditional categories of vulnerable refugees identified by UNHCR (single women with children, sick, handicapped etc...). The Netherlands also does not give priority to specific countries. The needs of UNHCR and therefore –let's assume- the needs of the world refugee population are the sole priority.

When preparing a resettlement operation, IND, COA and a delegation of the Ministry of Foreign Affairs go to the refugees in the country of asylum and proceed with a status determination operation. The logistics (transport of the refugees) are taken care of by IOM.

The refugees all come to a specific centre in Amersfoort where the refugees receive a very intensive training in orientation and integration in Dutch society.

## **6. Refugee status:**

People who are granted refugee status are given the possibility to stay in an orientation and integration centre until a municipality offers them housing. They are allowed to live where they wish but as housing remains a difficult issue in the Netherlands they often wait until a house is offered to them.

## **7. Conclusions:**

At this moment around 24 700 people are residing in COA facilities and the outstream is about the double of the instream. With a figure of less than 6000 asylum applications expected this year, the Netherlands are coming close to only 10% of former figures of just a few years ago.

COA had decreased its capacity drastically in the past years but is expected to more or less keep a capacity of around 20 000 places with a 4000 back up capacity in case of emergencies.

It is obvious that there is a direct link between the decrease in the asylum applications and the way the asylum procedure and the benefits of the system are being managed.

Making the system less attractive for abuse and purposes not linked to the status of refugee has also in Belgium proven to be a factor that eliminates a large number of abuses.

This fact is combined with a new approach in which the AS is not considered as a person who is and will for ever be a victim of circumstances but on the contrary keeps his responsibility for his own life and actions. This approach does not only limit abuses of the system but also empowers people in a positive way and avoids making them lose precious time (often many years) based on false hope.

At the same time the system is discharged for a large part from the heavy burden of abuse that -in time- risks to compromise the right for asylum in Europe completely.

It is obvious that the current system will not solve all problems related to illegal immigration, human trafficking etc. But it is my opinion that the current efforts in the

Netherlands safeguard the right to apply for asylum and largely protect it from being continuously mingled with other issues related to illegal immigration.

Therefore I believe that this courageous policy can be an important contribution in order to maintain the implementation of the Geneva Convention in Western Europe.