

## Report on the exchange stay in the Dutch asylum centres 4<sup>th</sup> – 15<sup>th</sup> October 2004

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I consider the whole exchange stay as very useful the event was very well organised. Maybe it would be more useful if the group of participants in one state spend the exchange together but it could be because our group was formed by people of various professions. When we visited asylum centres and the COA's headquarters together there was clear that one question can be motivating for another person's question.

### 1. Operation of asylum centres

Basically there are 3 types of asylum centres in the Netherlands:

AC (application centre) – is operated by the IND (Migration office) and intended for the first 5 days of asylum seeker's stay. In this centre a decision on whether an application will be accepted or not is taken (Dublin convention, safe country, EU country, etc). According to the last year data 50% of asylum seekers were denied right in this centre and did not enter the procedure.

OC – is operated by the COA, the average stay is 3 months. An initiation of the procedure, admission interviews and medical examinations (mostly X-ray) are carried out in this centre.

AZC (asylum seeker centre) – is operated by the COA and it is intended for the rest of asylum seeker's stay in the country. Denied asylum seekers are expected to leave the country within the period of 28 days after the final negative decision and all this time they are considered as asylum seekers and are provided with services.

There also are special centres as e.g. AMA Campus (for unaccompanied minors) and DC (deportation centres) for accommodation of asylum seekers to be repatriated. Clients can be also put up at apartments rented from a municipality. It is interesting the data on asylum seekers are shared with municipalities because each person has to have a residence permit after 6 month of staying in the Netherlands, which is also regarding asylum seekers.

All the centres operated by the COA (except AMA Campus) give the same living conditions, then there are open centres where clients cook by themselves and are given EUR 39 a week for food and other necessary materials. This money is paid them on a bank account. Asylum seekers wherever they are accommodated (except those in the DC) are obliged to report themselves once a week (Thursday) at the Foreigner's Police office in the centre.

Centres are either owned by the COA (25%) or are rented from private entities (75%). This proportion is to be changed to a final proportion of 95% of COA's and 5% of rented ones because of decreasing number of centres.

The COA concludes a contract with a municipality to operate a centre mostly for 5 – 10 years (some of them are contracted for an indeterminate period) and if the COA does not conclude a new contract after its expiration it must close the centre.

The AZC centre consist of:

- bungalows or caravans which are placed at a big area and they are similar to houses including greenery and adjacency.
- 2-floor buildings with flats on each floor and with separated entrances.

All these buildings include flats with 3 or 4 double-bed bedrooms, one living room, a kitchen and a lavatory. The flats are furnished with 2 refrigerators, a cooker, a kitchen unit, appliances, a washing machine and a dryer. All the buildings have an individual gas heating systems.

Asylum seekers borrow bed-cloths and other necessities are sold them in a centre.

Social work is only provided on requirement of a client (except in the AMA Campus) and social workers are available in a specially designated room 4 times a week. Other office rooms are locked and inaccessible for clients.

Clients are provided with education (Dutch and English languages, PC skills) in centres as much as possible. They have to pay a half-price of schoolbooks. After first negative decision the Dutch language courses are cancelled but the rest of education is still carried out because it is considered as a preparation for living in clients' countries of origin.

There are accommodation rules governing a stay in centres, which must be signed by each asylum seeker. When the rules are breached clients are penalised according to their offences. A sanction also is a dismissing from a centre for 14 days.

#### Notes:

- a) The mentioned kind of accommodation and provision of services is resulting from the fact that the most of clients stay in centres a long time, they have their own „houses or flats“ and do not move very often. In my opinion, after upcoming legal amendments, the COA will have to choose a different approach to clients because changing of asylum seekers in centres is much quicker. The same is concerning the clients' education. Nowadays they spend years in centres and it is „beautiful“ to learn them. But if the first instance must be finished during 6 months it will impact all educational activities.
- b) 3 new centres (DC) with a capacity of 1,000 beds are being opened for 26,000 asylum seekers to be repatriated subsequently. Asylum seekers will be brought down to the centres from all over the Netherlands (one of the centre is very far from an airport or a port). In doing so there is much simpler to establish one such a centre in each cluster. I asked about the problem and was answered the IND and the Foreigners' Police must be present there and it is impossible to carry out the related service in 16 centres. But currently it looks that the capacity, which is to be built up during 3 years, will be completely insufficient.
- c) The persons to be repatriated are transferred subsequently to these centres by buses either voluntary or in handcuffs and then they meet the same conditions as those in the AZC centres. I didn't see any indication the centre should force asylum seekers to obtain their travel documents and leave the country. For instance the fencing is 1 meter high.

d) The registration system (once a week) seems to me being very good. The Foreigners' Police in a centre always has information if an asylum seeker should report at the IND office to receive a letter or a decision and send him/her there. If an asylum seeker does not report himself/herself 3 times asylum grant proceedings are immediately concluded.

## 2. Closing of asylum centres

The basic factor having caused a closing of asylum centres is a rapidly decreasing number of asylum seekers. The Asylum Act amendment, which came into effect in 2000 and disallowed a permanent appealing against decisions and re-applying, has influenced significantly on the current situation. There currently is 26,000 persons who applied for asylum before the mentioned year and who have been living in the country for 6 – 10 years. These persons live in the same buildings all the time, many of them has got children born in the Netherlands speaking only Dutch. It can be said the former legislation excessively prolonged the stay of asylum seekers in the Netherlands and demanded for accommodation capacities, especially for these clients. In that government has decided to repatriate all the persons during 3 years, it also has decided to decrease significantly accommodation capacities in asylum centres up to approx. 15% of the highest capacity in 2002.

2002	capacity of 80,000 beds	4,800 employees
2004	capacity of 40,000 beds	3,000 employees
Plan for 2008	capacity of 12,000 beds	1,100 employees

The capacity decreasing is being carried out in the way that a preliminary plan is made up 2 years in advance, the plan is specified 1 year in advance (a list of centres to be closed) and a final decision on closing of a centre is taken 5 months in advance.

The COA is followed the IND's demands (or the Ministry of Justice) which determine (or order) the accommodation capacities for particular years.

Because the rate of closing of asylum centres is very fast, it at the same time is very expensive. The COA has to withdraw from a contract on rent before its expiration in some cases and has to pay for breaking the contract and for restoration of rented buildings. As regards the centres owned by the COA there is an essential difference between the former and the current value of properties, which is far less. Aside from that there is a problem with municipalities, which also are contract holders.

As regards reduction of staff the situation is not as bad as it would be in the Czech Republic owing to the lower number of employees in asylum centres (most of services is provided by volunteers). On the other hand the conditions on staff reduction are much stricter and the COA must pay not only for a compensation (3 month salary) but for employees' re-qualifications (EUR 12,000 per capita), for a severance and must help to find a job. Thus when a centre is closing employees of the whole cluster are taken into account and those are laid off who has worked for the COA the shortest time.

## 3. Finance, budget and control

Unlike our way of budgeting, the COA has an advantage that the Ministry of Justice is the entity which must determine (set out an expectation) a number of asylum

seekers for the next calendar year. On grounds of the „order“ the COA concludes a contract with the Ministry of Justice to have fixed costs on one asylum seeker and the budget is a simple calculation of costs per capita and a number of ordered beds. Another important difference (the COA's advantage) is that their budgetary regulations do not divide money into so many categories as it is in the Czech R., which enables to compensate incomes and expenses. It is possible to decide which part of budget will be given on wages, on investments or on current expenses. If the COA shows a cost saving it can be used the next year. If the Ministry of Justice mistakes in determination of the number of asylum seekers then the Ministry has to pay the COA for the money effectively expended.

I was told the budgetary system will be used even after the legal amendment comes into effect because it is set up well. It means the budgetary structure counts with a property restoration after a certain period and nobody inquires into a factual state retroactively. Hence if a budget is being set up the costs within the previous periods are not important (not in all spheres) as it is in the Czech R. but a budgetary calculation is considered.

Within the previous years, when numbers of asylum seekers were growing, the Ministry of Justice paid generously for the COA's centres and for reconstruction of municipalities' buildings to conclude or prolong contracts. Economics, contract conclusion and invoice approvals were especially done at clusters and centres.

Currently when the COA reduces its capacities several restraining steps were taken. Almost complete financial agenda has been taken from centres. Certain financial operations (irregular or emergency costs) are done at clusters other operations are done at the COA's headquarters. There is an effort to centralise conclusion of contracts on services, which should be unified for all asylum centres (e.g. cleaning, maintenance, repair, etc.) Centres and clusters usually verify a factual validity of invoices (if a service has been performed) and invoices are cleared at the headquarters. Even asylum seekers' transfer fees are paid by the headquarters as the part of weekly food allowance.

The property management was taken from particular asylum centres and clusters and handed over to the headquarters. It is concerning buildings and , for instance, computers. I was told that if now a computer is broken down a cluster or a centre has to call the headquarters to send a serviceman (it can take a week). Building reconstruction and outside maintenance is in the charge of the COA headquarters and a cluster or a centre is only responsible for inside maintenance (e.g. wall painting).

Since 2004 the COA fundamentally changed an evaluation of costs (they count residential days as we do) when they came from the cash flow counting (our way of cost counting) to the current business counting (cost accountancy). Larger costs, investments, etc. are evaluated within a depreciation period and not in the year of acquisition. It certainly enables them to make savings for the future period to carry out large alterations of investments.

Control in the COA is based on independence of a controlling body, which only is liable to a director and the Ministry of Justice. This controlling system is in effect less than 3 years. 1 controller is appointed for 1 cluster. His work can be divided to two categories:

- standard financial control – budget, suppliers, etc.
- quality control and anti-corruption control

As I understood there is nothing more in the system as compared to our system except the higher number of employees for whose the control is their only one job.

Within the anti-corruption control they check up the same things as we do within the financial control.

As regards the quality control goals are set up at the beginning of calendar year and a comparison of setup goals and real outcome is carried out and it is evaluated if the goals have been achieved by reasonable costs. Respective activities aiming at achievement of goals are divided to two fields, a necessary quality and a needed quality. If some processes came through in the necessary quality at least it is not considered negatively but remedial steps to achieve the needed quality are recommended for the next period.

I was told that when the system had been implementing many disaccords between a controller and a cluster manager happened but currently the situation has been stabilised and these persons communicate regularly to improve conditions or get across problems.

#### Notes:

- a) I can't conceive how the centralised system working nowadays will be functioning after leaving of current 26,000 asylum seekers when newcomers alternate more often. Demands for operational flexibility will grow and the part of competency must be handed over to clusters at least.
- b) I don't know how many people work at the COA's headquarters and if their superiors think of reduction of managers. But it is necessary to realise that the accommodation capacity is planned to be reduced up to 15% of the 2002 capacity and the staff should be reduced up to 23% of the 2002 numbers. Hence the costs on one asylum seeker will grow because wage ratio grows.

#### 4. Dealing with asylum seekers

Asylum seekers can work 12 weeks a year but the work must be arranged by the COA under the IND's approval. An employer is obliged to register and insure an asylum seeker at the Labour Office and send asylum seeker's salary to the COA. There is a special department in each AZC that arranges job and related administration for asylum seekers. If an asylum seeker works his/her allowance is reduced accordingly or he/she has to pay for services provided in the centre. It is similar when we finding out financial circumstances of asylum seekers.

#### 5. Medical care

I got information the medical care is provided by medical institutions and doctors under the health insurance. The government has selected one insurance company. After further discussion being held at the COA's headquarters the fact came out that there is no insurance because the COA has to pay the insurance company for not only insurance rate but also all costs incurred. It's very interesting the all agenda related is being done by the contracted insurance company.

As regards the medical care in asylum centres it was provided by medical staff hired by the COA until 2001. In 2001 a new organisation, the MOA, was established to provide the care. The organisation does not provide its services just in asylum centres but also for the Dutch public and its activities are paid for by the regional budgets. The MOA's services and staff are determined by regulations of the Ministry of Health. It only provides preventive care, vaccination and similar activities. Other services are provided by doctors who are paid out of the medical insurance. Only the COA can send a client to be examined by a doctor. There are a few exceptions if client's health or life is immediately endangered. A range of the medical care provided is the same as that in the Czech asylum system.

## 6. NGOs

The Vluchtelingen Werk NGO is active in all asylum centres operated by the COA. It is a national organisation of which activities are paid by the state. Its services are provided by regular personnel, volunteers, unemployed people as a half-part job (likely a condition to be entitled to a benefit). Each asylum seeker is given a lawyer at the beginning of his/her proceedings and the lawyer acts as a proxy for him/her and is entitled to take part in all interviews concerned. The above NGO has the same right and gets all interview records from the IND, provides clients with a legal advice and prepare them for a next interview. The NGO also provides services for illegal foreigners in asylum centres' rooms, which indeed is against the rules but everybody tolerates it. Everybody also takes into account that persons who are not registered in asylum centres live there occasionally.

### Note:

It makes me terrified that all data collected from interviews with clients are shared with NGO's employees (with consideration of our co-operation with the Czech NGOs).