

**COUNTRY  
CHAPTER**

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# **THE NETHERLANDS**

**BY THE GOVERNMENT OF  
THE NETHERLANDS**

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**(AS OF SEPTEMBER 2009)**



## **1. Resettlement Policy**

### **1.1 *A small outline of history***

For more than 30 years refugees have been resettled in the Netherlands. In 1986, following a request from UNHCR and discussions in the Dutch Lower House of Parliament, it was decided to handle an annual quota of 500 resettled refugees in 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 Headquarters, 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 1<sup>st</sup> 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.

### **1.2 *The principles of Dutch Resettlement Policy***

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. Resettlement should always be considered within the context of all three durable solutions. The Netherlands attaches importance to the strategic use of resettlement.

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.

## **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 on Human Rights;
- c) National protection for humanitarian reasons;
- d) National protection for special categories;
- e) Family reunion;
- f) Extended family reunion.

In a policy context, the above criteria are expanded upon as follows:

- a) This is applicable for individuals who have personal indications that they are persecuted because of one of the grounds of the 1951 Convention, including human rights advocates and pro-democracy campaigners who dared to stand up for human rights and whose role in society in their homeland has put them in danger. However, special attention is paid to the exclusion grounds laid down in article 1F.
- b) The “*non-refoulement*” principle of article 3 of the European Convention on Human Rights is especially respected.
- c) Special attention is paid to traumatic experiences (e.g. victims of violence and torture), women at risk and medical emergency cases.
- d) This is not applicable for resettlement.
- e) 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 in the Netherlands of the first member of the nuclear family. Upon 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.
- f) This is only applicable for the reunion of an adult member of the nuclear family of the same nationality within three months of arrival in the Netherlands.
- a), b), c), d) The assessment of whether return is possible according to Dutch law is always individual but in accordance with the Dutch country-based asylum criteria and the Dutch country of origin information. Because the country-based criteria and the Dutch country of origin information are actualised regularly, we are unable to provide details in this Country Chapter. For further details Resettlement Officers are referred to UNHCR Regional Office in Brussels and/or to the UNHCR Dutch Liaison Officer.

In medical cases the Netherlands uses the following criteria:

- The cases must fit in the medical category as laid out by UNHCR;
- The medical treatment is not available in country of asylum and non-treatment may eventually lead to serious physical or mental damage. The fact that medical treatment is not accessible in countries of asylum is not an argument for granting a permit, unless access is prohibited on grounds mentioned in the 1951 Convention (e.g. 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 willingness and ability to integrate into Dutch society also plays a role in selecting refugees for resettlement. A submission by UNHCR can be rejected if there are signs or behaviour that indicates that this person evidently will not integrate well into Dutch society.

There are no specific arrangements in law for people who are resettled in the Netherlands. Every asylum-seeker who meets one of the resettlement applicable 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.

If the situation in a country has improved significantly and the improvement is durable and the resettled refugee had a temporary asylum permit, the cessation clause of the 1951 Refugee Convention is applicable and according to European law must be used. A full reassessment will take place before it is decided whether a withdrawal of the status will be conducted or that another status will be considered on a different ground.

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 future family reunion;
- If they have a criminal background and/or pose a threat to public order in the Netherlands;
- If they can return according to an individual assessment based on the Dutch asylum criteria and country of origin information, or when there are prospects for local integration.

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 2008 until 2011 the Dutch quota is 2,000. To allow greater flexibility during this four-year period, the Netherlands is prepared to consider requests by UNHCR to accept more than 500 resettled refugees in a particular year, which will be compensated for in number accepted in the next fiscal year(s). The fiscal year runs from the 1<sup>st</sup> of January until the 31<sup>st</sup> of December. The quota is filled by date of referral.

For the years 2008 through 2011, there is a sub-quota of 30 cases per year for medical submissions of refugees who fulfil the criteria mentioned in paragraph 2. Medical cases are only to be submitted during selection missions. Furthermore, family reunification that takes place within three months after the moment of arrival or upon the date the residence permit is granted 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 of the 1<sup>st</sup> of January 2005 it has become standard practice to fill the main part of the quota by means of missions to countries of asylum. An average of four selection missions per year is foreseen. The destinations of the selection missions are determined in co-operation with UNHCR. The Netherlands are also willing to resettle from the UNHCR Emergency Transit Centre in Timisoara, Romania. For each selection mission, the delegation is composed of representatives of the Immigration and Naturalisation Service (IND), the Ministry of Foreign Affairs, a medical doctor from the IND, and the Netherlands Agency for the reception of asylum-seekers and refugees (COA) of the Ministry of Justice. The IND is authorised to decide on individual submissions; if need be the Ministry of Foreign Affairs advises the IND. The IND decides after having received the advice of the Ministry of Foreign Affairs, the BMA and COA, 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 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, to see whether measurements in regard to the flight conditions are necessary, and to determine if a Medical Case (a.k.a. TOM) is at hand.

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

The Netherlands urges UNHCR to include in the submissions, as much as is possible, high profile cases for each selection mission in order to reach a good balance in each selected group. The IND will ask for these cases in the pre-mission questionnaire. The Dutch government has placed human rights in the centre of its foreign policy. Protection via the 1951 Convention is a valuable instrument in protecting those who are outside their country because they dared to stand up for human rights and whose role in society in their homeland has put them in danger. Those among them who are under protection of UNHCR and

who meet the criteria for resettlement are very welcome in the Netherlands. It is foreseen that these resettlement candidates can play a key role among the more vulnerable members of a resettled group, helping them to find their way in the Netherlands. UNHCR is therefore encouraged to include as many refugees as possible with a higher profile for submission to the Netherlands. Strictly speaking, these may not always be high profile cases as defined by UNHCR. Submissions might for example include (besides journalists and leaders of political movements) persons with an academic background who have played an active role in the strengthening of democratic institutions and/or civil society in their country, resulting in their justified fear for return.

The Netherlands wishes to underline that vulnerable cases are still welcome for submission to the Netherlands. UNHCR is encouraged to submit a well balanced caseload consisting of both categories A and C of the Dutch Alien Act as referred to under section 2 'Criteria for Asylum and Resettlement' (see above).

## **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, with assessment and selection taking place in the Netherlands on the basis of the file. Field offices should refer cases for submission to the Netherlands through UNHCR Headquarters. Submissions can therefore only take place from UNHCR Headquarters.

UNHCR is invited to submit the following individual resettlement requests:

- Asylum cases from countries of asylum which are not visited by any mission;
- Emergency (medical) cases. Please keep in mind that the Netherlands prefers to assess medical cases only during missions, as these cases are very difficult to assess without conducting a medical examination in a face-to-face contact with the patient in question; however, urgent medical individual cases can be submitted on a dossier basis. Please keep in mind in these instances that a) the dossier information should preferably be clear, complete and undisputable so that a rapid decision can be made and b) acute life threatening medical emergencies are preferred to be treated in the region of the applicant, and not far away.
- Cases with a higher profile in the field of human rights and pro-democracy movements. Strictly speaking, these may not always be high profile cases as defined by UNHCR. Submissions might for example include people with an academic background who have played an active role in the strengthening of democratic institutions and/or civil society in their country.

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. In a situation where the IND contacts the Field Officer, the IND will keep UNHCR Headquarters informed.

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

## **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 the date the residence permit is granted. The family members must have the same nationality, 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).

In 2008 a number of fraudulent family reunification cases came up. Especially women, who have been resettled in the Netherlands because they had told UNHCR that they were alone and were classified as women-at-risk, applied soon after their arrival in the Netherlands for family reunification with a spouse they had never mentioned before. In other cases family reunification for children was asked for after arrival, with regard to children who had never been mentioned before. And in some cases older children, who were unmarried at the moment they were selected as dependent children with their parents to come to the Netherlands, applied soon after arrival in the Netherlands for family reunification with a husband or wife they had married after selection. In order to prevent misuse of the limited places in the quota, it was decided in 2008 that family reunification within the resettlement program was limited to family members who were known at the moment of selection. In the case of a so far unmentioned and for the IND unknown family member, family reunion might still be possible if all doubts about the identity and family life are taken away and no indication of fraud is involved. In this situation travel expenses will not be paid by the government of the Netherlands.

After three months, it is still possible to apply for family reunification but not within the resettlement program. In this situation, 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, i.e. hold a contract for at least a year and his/her 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 and Naturalisation Service in the Netherlands.

Sometimes instead of a late family reunification an individual submission for resettlement can be accepted; that is, in a situation where the person has a need for protection on his/her own merits.

## **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***

Soon after arrival in the Netherlands, the resettled refugees (further indicated as “refugees”) must fill in an application form for asylum. 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 offer 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 State Secretary of Justice) on the asylum applications, the police will hand out these decisions.

The municipality of Amersfoort also contacts the refugees. As they are new citizens in Amersfoort they have to register in the database of all municipalities in the Netherlands, in which the population of the Netherlands is registered.

## **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 temporarily in a central reception facility in Amersfoort for three to six months, sometimes longer. They have a right to be transferred to a house of their own as soon as possible. Moving to a house of their own, though, 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 housing, they are entitled to social security. Just like Dutch nationals, refugees have to use this monthly allowance to pay for rent of the housing, medical care, third party insurance, clothing, food, gas, electricity, water, etc.

## **9. Domestic Settlement and Community Services**

After a temporary period in a central reception centre, refugees are housed in private 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.

Dutch language and culture courses are 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.