

11. Country Profile: The Netherlands

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11.1. Introduction

The information gathered in this profile is based on three different sources of information:

- The answers delivered by the Dutch Ministry of Justice to a questionnaire prepared by PLS RAMBOLL Management
- Background documentation (mainly statistics)
- Information gathered during visits and interviews with key actors of the Dutch asylum and reception procedure.

The visits and interviews in the Netherlands were carried out from 13th-15th of June 2000.

The following persons and institutions were visited:

The Ministry of Justice:

- Head of Unit Peter Wagenmaker
- Daniëtte de Grott
- Ron Huÿkant

The Ministry of Education, Culture and Science

- Senior political advisor Drs Mariët N.M. Wellink

The Ministry of Public Health, Welfare and Sports

- Drs. S. van Doorn

The Ministry of Labour and Social Affairs

- Drs. P.A.M. van Dun

The UNHCR

- Head of Liaison Office Lucie de Lophem
- Legal Advisor Renet Gunning

The Dutch Refugee Council

- Policy officer Ariane den Uyl

The Central Agency for the Reception of Asylum Seekers (COA)

- Maarten Visser

The Asylum Seekers Centre Krailo

Political journalist at the Volkskrant

- Jan t'Hart

11.2. Background information on the Netherlands

11.2.1. Development in the number of applicants

During the 1990s the Netherlands has seen a steady increase in the number of persons seeking protection, from 21,210 in 1990 to 45,217 in 1998. There was a peak in 1994, with 52,570¹ applicants.

As at August 1st 2000 the Central Agency for the Reception of Asylum Seekers (COA) offered reception to 71,000 asylum seekers in total.

11.2.2. Number of asylum statuses granted

In the Netherlands persons seeking protection can be admitted into the country based on three statuses:

A status.

Refugee status granted on behalf of the 1951 Geneva Convention, 1967 Protocol.

Residence status for humanitarian reasons, C Status/vtv.

Residence status for humanitarian reasons may be granted where a person cannot reasonably be expected to return to his country of origin, given the living conditions there, if the person has suffered traumatic experiences in his country of origin, or purely because of personal circumstances.

Provisional residence status, Vvtv

This status may be granted if “enforced removal to the country of origin would confer unusual hardship to the alien with regard to the general situation in the country.” Provisional residence status is granted on a yearly basis and is renewable.

The provisional status replaces two former categories of temporary protection based on the following policy guidelines:

- The 1992 tolerance status, which was given to rejected asylum seekers who could not be expelled to their countries of origins because of possible exposure to a violation of Article 3 of the European Convention on Human Rights.
- The 1992 “Temporary Regulation on Reception of Displaced Persons”, primarily granted to persons from the former Yugoslavia.

Furthermore, a special policy has been established for 'unaccompanied minor asylum seekers' (AMAs). If they do not fulfil the requirements of statuses A, attempts are made to locate their parents or other adults acting as guardians. Failing that, they receive a residence permit which is valid for one year as a single minor asylum seeker, and which can be renewed twice.

The trends in the number of statuses granted are shown in the table below.

Table 11.1: Number of applicants and number of statuses granted

	Applications	Convention A status	Residence status for humanitarian reasons - C status	Provisional residence status – Vvtv
1999	No information available	No information available	No information available	No information available
1998	45,217	2,356	3,591	9,152
1997	34,443	8,806	7,384	(?) 7,400
1996	22,857	8,810	14,780	(?) 7,400
1995	29,260	7,980	6,203	4,310
1994	52,570	6,654	9,235	3,456
1993	35,400	10,330	4,673	-
1992	20,346	4,553	6,091	-

(Source: Danish Refugee Council, country report for the Netherlands; U.S. Committee on Refugees, “Country Conditions for the Netherlands”, 1998; UNHCR, “Country Profile the Netherlands, 1999)

(Note that applications are not necessarily filed and processed in the same year)

(Source: Danish Refugee Council, country report for the Netherlands; U.S. Committee on Refugees, “Country Conditions for the Netherlands”, 1998; UNHCR, “Country Profile the Netherlands, 1999)

(Note that applications are not necessarily filed and processed in the same year)

¹ (Source: UNHCR/Ministry of Justice).

11.2.3. Main countries of origin

The main countries of origin/nationality for persons seeking protection in the Netherlands in 1997, 1998 and 1999 were Iraq, Afghanistan, Federal Republic of Yugoslavia, Bosnia-Herzegovina and Somalia.

11.2.4. Costs

Table 11.2: Benefits & Costs

BENEFITS	COSTS
Accommodation	1.5 billion Dutch guilders/0.68 billion Euros
Means of subsistence	Void
Education (includes asylum seekers and aliens with a temporary permit.)	110 million Dutch guilders/50 MEuros (Reserved in the national budget 2000: 167.7 million Dutch guilders/76.23 MEuros)
Labour market related activities	Void
Health care	181 million Dutch guilders /82.27 MEuros
Total cost	Void

The Dutch figures are compiled in a way that prevents them being broken down into means of subsistence and labour market activities. It is only possible to break down the accommodation figures per head. The costs for accommodation are fl. 28,500 per asylum seeker per year. Excluded in this figure are investments.

There is a political and administrative tendency to reduce costs. In the budget for 2000, the COA must slash 10% from its spending. 5% will be saved through increased efficiency, and a further 5% will be saved using other kinds of reception, for example by using self-help arrangements or other kinds of housing.

As the numbers of persons seeking protection is increasing so is the total budget for the aliens policy. The cost per head has remained constant over the past few years.

11.3. Organisation of the asylum procedure

The Minister of Justice and the Ministry of the Interior have political and administrative responsibility for the aliens' policy, including the reception procedure.

Part of the policy is executed by the Central Agency for the Reception of Asylum Seekers (COA), which is 100% financed by the Ministry of Justice and is an autonomous executive agency established by public law. The COA independently handles the reception of asylum seekers under the normal procedure within the legal framework, and is accountable to the Ministry of Justice.

The Immigration and Naturalization Services (IND) is under the jurisdiction of the Ministry of Justice and has the role of administering the admissions and asylum procedures. They are also in charge of the four registration centres (AC), and process the asylum applications.

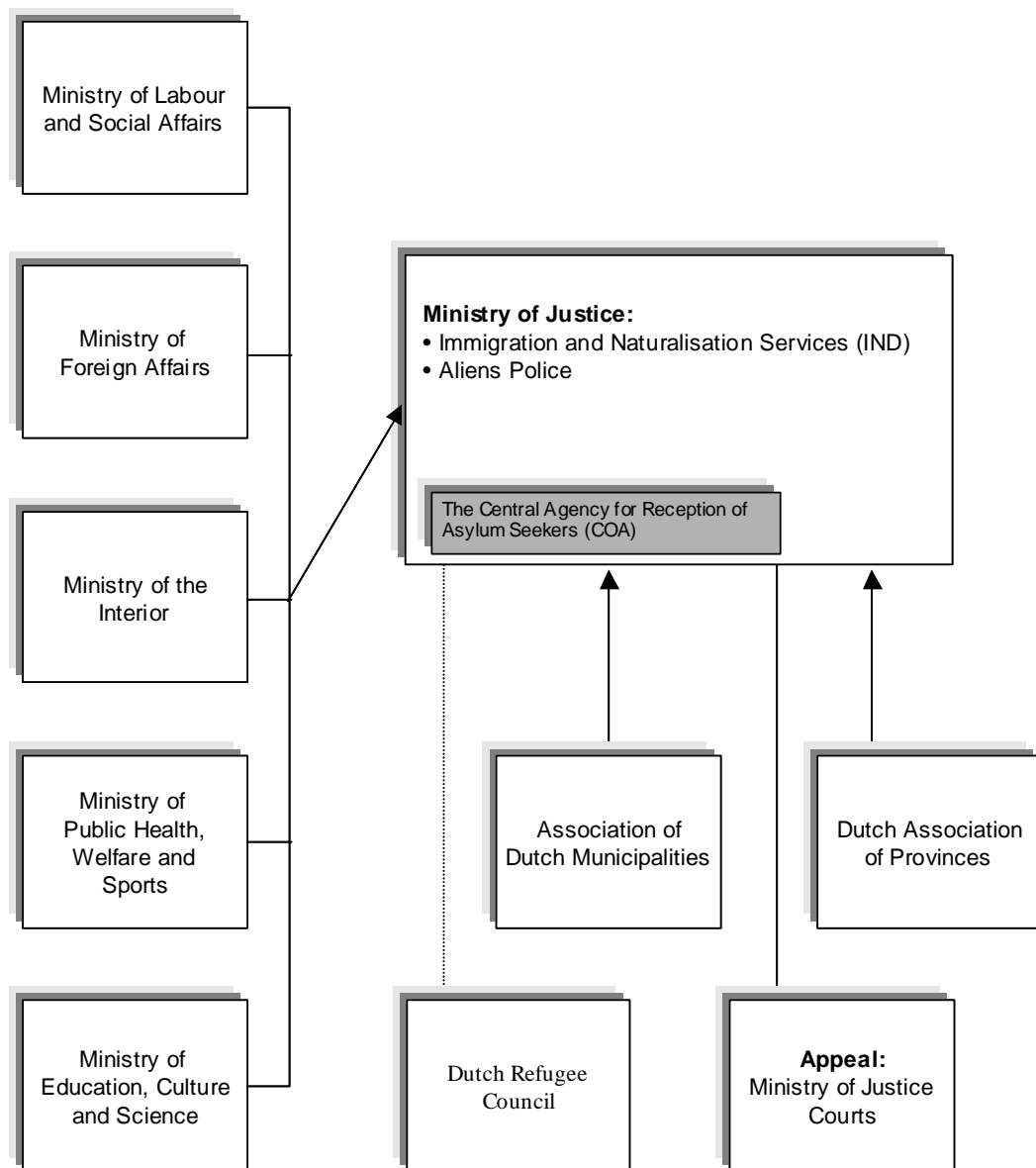
Furthermore, the central government has negotiated agreements with local governments about the division of responsibilities for the reception of asylum seekers and the housing of people with asylum status, whereby the Ministry of Justice/COA is responsible for reception of asylum seekers in the procedure and the Ministry of the Interior is responsible for housing people with asylum status, in conjunction with local governments.

There is administrative consultation between the Ministry of Justice, the Association of Dutch municipalities (De Vereniging van Nederlandse gemeenten) and the Dutch Association of Provinces (Het Interprovinciaal Overleg). As part of this consultation agreements are framed in the context of asylum policy, e.g. about how other parts of the government can play a role in providing the COA with enough capacity to accommodate all asylum seekers. The way asylum and reception policy is implemented is usually determined by local circumstances. All reception centres and additional relief facilities work closely with others in the municipality to improve the reception procedure.

No NGOs have formal coordinating functions in the reception procedure. The Dutch Refugee Council does, however, work closely with the COA on projects and activities for asylum seekers, to whom it offers information and assistance during the asylum procedure.

The agencies involved in the asylum and reception procedure are illustrated in the figure below.

Figure 11.1: Agencies in the asylum and reception procedure.



11.3.1. Co-ordination

There are two primary co-ordinating bodies with responsibility for aliens:

An interdepartmental steering committee co-ordinates the policies and practices regarding aliens in the Netherlands. The Director General of the Ministry of Justice presides the committee in which all matters affecting other ministries will be dealt with.

There is an additional co-ordinating body, the Coordinating group for the so-called 'Aliens Chain', consisting of the Director General of the Immigration Policy Department, IND, COA, the Aliens Police, The Ministry of Defence, The Ministry of Foreign Affairs and the Ministry of the Interior. The term 'Aliens Chain' refers to the group of organizations dealing with alien matters and whose actions interfere with each other. E.g. when the IND speeds up the procedure in order to reduce backlog, extra interpreters are needed. Hence the speed-up should be co-ordinated with the organizations in the chain. All practical matters are dealt with here and the impact of any changes to be implemented upon other organisations and institutions is clarified and co-ordinated.

11.4. Legal basis

The Dutch reception and asylum procedure is governed by the Dutch Aliens Act of 1965, which is elaborated further in subsidiary legislation:

- het Vreemdelingenbesluit (1966) – the Aliens decree;
- het Voorschrift Vreemdelingen (1966) – Regulations concerning aliens
- de Vreemdelingencirculaire (1994) – Aliens Act implementation guidelines.

The reception procedure in itself is not an actual part of the Dutch Aliens Act, but is treated as a guideline in the law regulating the COA. The lack of basis in national law makes it easier to change the reception procedure and the rights of persons undergoing the reception procedure.

11.4.1. Main changes

- The 1994 Aliens Act Implementation Guidelines had the streamlining of reception and asylum procedures as their main purpose. They also aimed to shorten the procedure for persons who it was obvious did not have the right to asylum.
- Since September 1998 asylum seekers are allowed to take on paid seasonal work during a period of maximum 12 weeks in a 12 months period. Asylum seekers wishing to take on work must obtain a certificate from the COA stating that they will remain at a COA reception site for a minimum of six months.
- Since October 1998, Parliament has approved a policy measure concerning asylum seekers making a second or more application or a Dublin-claim. Asylum seekers who submit a second or more application or who have a Dublin claim

have no right of reception, except those who can claim urgent humanitarian grounds.

- In December 1998, Parliament approved a bill concerning aliens without documentation. Such aliens will be rejected at the border unless they have a reasonable explanation as to why they are without the relevant documents.
- In January 2000, the new return policy was introduced.

At the present time a complete revision of the Aliens Act (Aliens Act 2000) is being scrutinised in the second chamber of the Dutch parliament. The Aliens Act is expected to come into force by January 1st 2001.

The overall purpose of the revision is to make the reception and asylum procedure more effective. The backlog of approximately 50,000 cases in the procedure is an area of priority to both the government and the opposition, and this measure is intended to make the asylum and reception procedure as efficient and quick as possible. The government hopes to reduce the average time for the asylum procedure from 22 months to 12 months.

There is both political and public pressure for a faster procedure. To this end, the measure's main purpose is to qualify the first instance decision made by the IND so that only persons with a legitimate asylum case progress to the normal procedure.

Some of the main changes in the Aliens Act 2000 are:

- Changes in access to appeal. Cancellation of administrative appeal. Introduction of a new juridical appeal to the highest court.
- Streamlining the process of making applications. Under the new law, asylum seekers will only need to make one application both to cover their appeal and their stay in a reception centre while the appeal is tried.
- All asylum seekers who are found eligible to stay in the Netherlands will receive the same residence status, which will be valid for a three-year period. Everybody with asylum status will have the same rights. The basis for granting the status will be recorded, so that when successful asylum seekers apply for permanent residences permit after three years, the basis for the original asylum decision is known.
- In certain cases the Ministry of Justice may decide to suspend/freeze the asylum procedure for up to a year. During this period of time the asylum seeker will have the same rights of access to various facilities as those whose procedure has not

been suspended. Failing an improvement in the situation in their country of origin, refugees will become eligible for ordinary status.

- Rejection of a request for asylum will automatically lead to cessation of relief. The person will no longer be able to initiate any procedures against these measures.
- Employment opportunities (see chapter on Access to the Labour Market)

11.5. Arrangements immediately upon arrival

The first step for everybody who applies for asylum in the Netherlands is the 'Accelerated Procedure'. In the accelerated procedure a first instance decision must be made by the Immigration and Naturalization Services (IND) within 48 working hours (approx 3-4 business days). The decision defines whether the asylum seekers have either an inadmissible or manifestly unfounded case, or if they have a probable case and can therefore progress to the normal procedure. The decision is based on an interview with a senior official from the IND and a variety of facts collected about the asylum seeker. During the accelerated procedure, asylum seekers stay at one of the four Registration Centres (AC).

Approximately 20% of the applications for asylum are found inadmissible or manifestly unfounded. A person whose case is found either inadmissible or manifestly unfounded can lodge an objection to this decision to the Ministry of Justice. If their objection is overruled they can appeal to the courts. During the objections and appeals period the person is not entitled to reception, and they must officially leave the country unless they have applied for, and received, permission to stay in the Netherlands while their appeal is being processed. In practice they will not be deported. There are no figures available as to how many applicants are promoted from the manifestly unfounded and inadmissible procedure into the normal procedure.

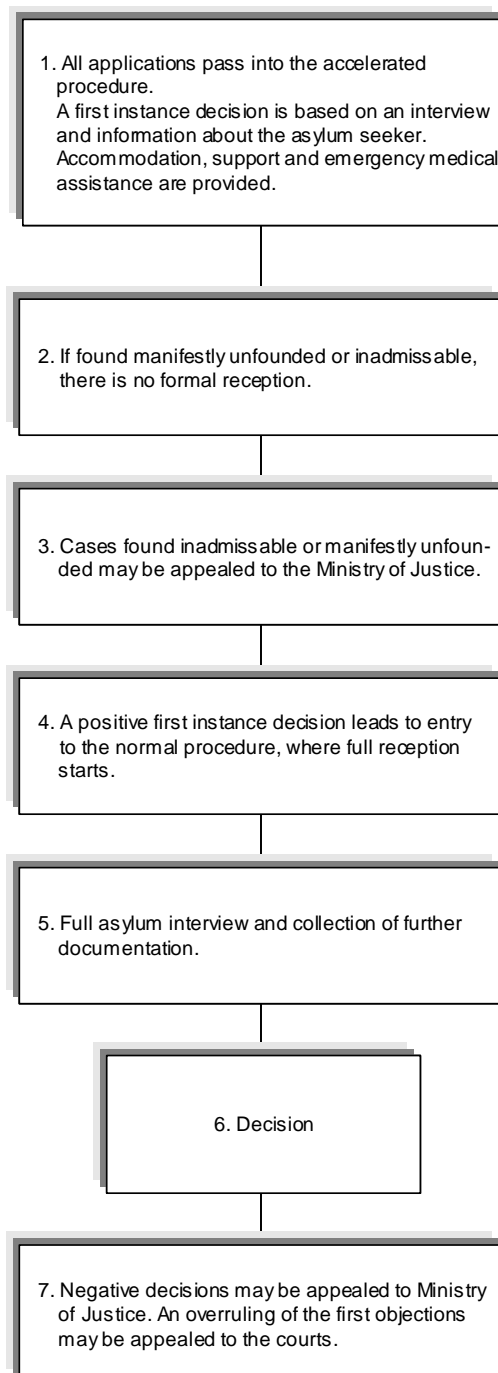
If both the objection and the appeal have been rejected, the end of the procedure has been reached and the person must leave the country.

Formal reception starts when the asylum seeker is admitted into the normal procedure. At this point the asylum seeker moves on to a reception centre (OC) run by the COA, where medical screening, information and a variety of activities are provided. The asylum seeker will have a further interview and additional information will be gathered to provide a basis for assessing the asylum application.

If the decision is negative, the asylum seeker can register an objection with the Ministry of Justice and the case will be renewed. If the objection is overruled, he can appeal to a judge, who will decide whether the decision was correct. Reception is provided during the objections and appeals period. If the appeal is rejected the asylum seeker has reached the end of the procedure. All reception facilities will be withdrawn after 4 weeks and the person will be deported.

The figure below illustrates the main points of the asylum and reception procedure:

Figure 11.2: The asylum and reception procedure



11.6. Accommodation

Upon arrival, persons seeking protection are accommodated in one of the four registration centres (ACs) run by the IND.

After the first instance decision they are either rejected and must leave the centres, or else they are moved into the one of the reception centres (OCs), also called Relief and Investigation Centres.

Within 2-3 months the asylum seekers are moved to one of the Asylum Seekers' Centres (AZCs). In the early 1990s only asylum seekers with a chance of asylum were accommodated in AZCs, while those with little chance were accommodated in OCs. Nowadays it is only a logistical question. In the AZCs the asylum seekers are prepared for their future either in the Netherlands or in their country of origin.

In addition there are two other forms of accommodation - ordinary housing (KCO), short term contracts with guest houses or hotels (AVO), and self help arrangements in which the asylum seeker can live with friends or relatives. For administrative purposes, they still fall under the care of the COA. Selfhelp arrangements are allowed after the first-instance decision; in practice, this is after approximately 6 months.

Table 11.3: Reception and accommodation centers in 1999

Number of Registration Centres (AC)	4
Capacity of Registration Centres (AC)	-
Number of Reception Centres (OC)	17
Capacity of Reception Centres (OC)	12,000
Number of Asylum Seekers' Centres (AZC)	80
Capacity of Asylum Seekers' Centres (AZC+KCO+AVO)	43,218
Total capacity of reception/accommodation centres	-
Number of persons accommodated in private housing	9,000-10,000 (COA)

As of August 1st 2000, the COA accommodated 71,000 persons under the reception procedure.

The three different kinds of accommodation centre are spread all over the country, and the government aims to spread out the new centres geographically. Some of the

centres are quite remote and far away from cities. The OCs and the AZCs are open institutions and the asylum seekers can come and go as they wish. They do, however, have to report on a regular basis. If an asylum seeker is absent for more than three days, his bed will be withdrawn and his application is considered void. The person will be reported as disappeared with an unknown fate. A lot of asylum seekers disappear in this way, not to be found again.

11.6.1. Names and addresses of reception and accommodation centres

Regarding the request for the exact name and address of the accommodation and reception centres the Netherlands has informed PLS Ramboll that they do not wish to provide such information. However the Netherlands has clarified that the Central Organisation for the reception of asylum seekers runs all the reception and accommodation centres in the Netherlands whereas the registration centres are run by the Immigration and Naturalisation Service. The Ministry of Justice pays for the accommodation in Registration centres, Reception centres, Accommodation centres and Accommodation outside centers.

11.6.2. Special treatment

Special treatment is offered to unaccompanied minors. Unaccompanied minors seeking asylum are called 'AMAs' (from the Dutch for 'unaccompanied minor asylum seekers'). The State Secretary of Justice has decided on the minimum possible initial reception period and the fewest possible transfers of AMAs. The COA has tailored its AMA policy accordingly.

Following registration and intake into one of the three registration centres, children under the age of 12 are placed in foster care or a reception home. 12-15-year-olds are housed at the Valentijn reception centre or the Eindhoven screening and reception centre (OC). 16- and 17-year-olds are received at the Eindhoven OC and other OCs. A reception methodology specially designed for this target group, with a focus on enhancing the development of the youngsters, has been used in the OCs since January 1998. Attention is paid to such things as self-reliance, associating with others, looking after themselves and their environment, schooling and language. During their stay at an OC, guardianship is arranged and basic details are ascertained (age, ancestry, abode and composition of the family of origin). The young people are also medically examined and the asylum procedure carries on. In January 1999 there were 2240 AMAs in central reception.

After a period of no more than three months the AMAs are transferred to follow-up reception under the responsibility of De Opbouw. This depends on the presence of close relatives and the age of the young person. It may be a form of accompanied living, accompanied lodging or reception in small residential units.

11.6.3. Standard and facilities of reception and accommodation centres

The four reception centres are all very basic, as they only accommodate people during the first part of the procedure, i.e. 3-4 days.

With regard to the accommodation organized by the COA there is a 'schedule of demands' (COA, 1996). According to this the following minimum standards are required:

- A single bedsitting room must be 5 square metres;
- A double bedsitting room must be 10 square metres;
- A bedsitting room for three persons must be 15 square metres;
- A bedsitting room for four persons must be 20 square metres.
- No more than 8 persons can share a toilet and/or bath.

The standard and facilities of the centres varies between the different kinds of centres. The OCs accommodate people for only a short period of time. The OCs usually house hundreds of asylum seekers in rooms, which do not offer a great deal of privacy. There are daytime programmes, which include sport, videogames and videos as well as different kinds of courses (see the paragraph on education).

At the ACs and the AZCs the standards is in general higher. The asylum seekers stay at the AZCs until the asylum procedure is exhausted and a final decision has been reached. The average number of residents in the AZCs is 325. At most AZCs the residents can cook their own meals, which according to COA is an advance.

There are no specific policies on special accommodation for women, religious or ethnic groups, families or victims of torture. In practice most centres has special accommodation and facilities available to women and other groups, such as sewing classes, purpose-designed buildings for pregnant women or special rules for using unisex toilets and bathrooms. These regulations are decentralised. At the Krailo AZC, there are rooms for silent contemplation where people can pray, but there are no religious buildings.

In general the standard of the reception and accommodation centres is considered reasonable, and the different institutions and organisations understand that COA has a difficult job in housing the rising number of asylum seekers, and that the need for housing exceeds the standard of the accommodation. This is further illustrated by an episode of some years ago, when the COA closed down some of the worst centres. They soon had to reopen the centres again because of the pressure the closures exerted on the asylum and reception procedure.

The main concern with regard to accommodation in the reception procedure is the length of time spent in the centres. According to several institutions and organisations, including COA and the government, the Dutch Refugee Council and the UNHCR, the reception system is not suitable for prolonged stays. Some people stay there for longer than five years. The problems are the large size of the centres, the limited privacy and the isolated location of some of the centres. This is one of the reasons why there is general pressure to shorten the asylum procedure.

11.6.4. Possible changes and developments

There is pressure for, but also a great deal of resistance against, the use of larger-scale accommodation. Furthermore, there is an increasing tendency to locate accommodation centres throughout the country. This has created some resistance from the local residents, although this resistance has diminished and faded once the locals have discovered that the centres contribute to the economic prosperity and a positive atmosphere in their localities rather than bringing trouble.

11.7. Means of subsistence

There is no distinction made between persons seeking protection under the 1951 Convention, temporary protection under national rules or de facto/B-status.

Asylum seekers whose application is manifestly unfounded or inadmissible are not entitled to receive financial assistance or reception, but they can lodge an objection against this decision.

The size of the subsistence allowances differs with the type of accommodation.

At centres where the asylum seekers look after themselves, the financial assistance given is as follows:

Table 11.4: Financial assistance for self-caring asylum seekers at centers

	Cash in Euros (per week)	Kind
Unaccompanied child	31.76	A once-only financial contribution for clothing (36.30 Euros)
Child aged 0-10 accompanied by family member	7.26	A once-only financial contribution for clothing (36.30 Euros)
Child aged 11-18 accompanied by family member	11.34	A once-only financial contribution for clothing (36.30 Euros)
Adult asylum seeker	39.02	A once-only financial contribution for clothing (36.30 Euros)
Supplement for a single parent family	26.32	

In centres where the asylum seekers receive breakfast and lunch, the financial assistance given is as follows:

Table 11.5: Financial assistance for asylum seekers in receipt of breakfast and lunch

	Cash in Euros (per week)	Kind
Unaccompanied child	22.96	A once-only financial contribution for clothing (36.30 Euros)
Child aged 0-10 accompanied by family member	4.98	A once-only financial contribution for clothing (36.30 Euros)
Child aged 11-18 accompanied by family member	7.26	A once-only financial contribution for clothing (36.30 Euros)
Adult asylum seeker	28.13	A once-only financial contribution for clothing (36.30 Euros)
Supplement for a single parent family	20.87	

In centres where the asylum seekers receive all meals, the financial assistance given is as follows:

Table 11.6: Financial assistance for asylum seekers in receipt of all meals

	Cash in Euros (per week)	Kind
Unaccompanied child	12.71	A once-only financial contribution for clothing (36.30 Euros)
Child aged 0-10 accompanied by family member	3.58	A once-only financial contribution for clothing (36.30 Euros)
Child aged 11-18 accompanied by family member to 18	5.45	A once-only financial contribution for clothing (36.30 Euros)
Adult asylum seeker	15.88	A once-only financial contribution for clothing (36.30 Euros)
Supplement for a single parent family	10.44	

By 1998, reception capacity had proved to be inadequate and incapable of expanding at the necessary rate. So other forms of reception were developed. The self-help arrangement allows asylum seekers the opportunity under certain conditions to find shelter themselves on a voluntary basis, with friends or family for example. In this case asylum seekers have to report to a reception centre once a week. The asylum-seekers' centres ensure that asylum seekers are available for the asylum procedure and receive information and allowances. Likewise, in the event of medical problems the centre coordinates the necessary care.

In a self-care arrangement the asylum seeker receives an allowance for meals (this is dependent on the age of the asylum seeker, see above) and fl. 433,- (196.94 Euros) for the accommodation. For a second family-member there is an allowance of fl. 216.50 (98.24 Euros) a month, for the next family-member there is an allowance of fl.108.25 (49.05 Euros) a month, up to a maximum of fl. 867,- (393.94 Euros) a month

On the basis of article 5 of the regulation concerning provisions for asylum seekers (Regeling verstrekking asielzoekers) an asylum seeker will receive the following:

- Accommodation;
- A once-only financial contribution for clothing (36,30 Euro)
- Recreational and educational activities;
- Medical insurance;
- Third-party insurance;
- Payments for exceptional expenses.

11.7.1. Possible changes

According to the Ministry of Justice there are no plans to change the rules and practices regarding means of subsistence.

11.8. Access to education

In the Netherlands all children regardless of status or nationality are obliged to go to school until the age of 16 or a total of 12 years. Even illegal immigrants or asylum seekers who have exhausted their asylum procedure are obliged to go to school and are admitted to schools if they apply. Other authorities cannot use the information in the school register to identify illegal immigrants.

Table 11.7. Access to education

	Children	Adults
Mother tongue tuition	Children are offered mother tongue tuition	-
Language tuition	Yes, under the normal procedure until first negative decision.	Yes, under the normal procedure until first negative decision. The COA offers the older asylum seekers in the centres the opportunity to take language classes (English and Dutch).
Access to primary school	Compulsory between the ages of 5-16	-
Access to secondary school	Compulsory between the ages of 5-16	-
Access to vocational training		Courses in social orientation and international occupational orientation are also available. The courses are designed to enhance the future prospects of asylum seekers step by step, whatever those might be. There are facilities for this at the centres. Education is given using the staff, volunteers and educational material tailored to the situation.
Access to further education		Yes, but no financial support

Activities for asylum seekers are primarily concerned with integrating into Dutch society. Those who have had a negative decision are allowed to follow courses relevant to their return to their home country. From this time they are no longer to follow integration courses.

11.8.1. Possible changes

There are no current plans to initiate changes in access to education for asylum seekers. The issue of education receives no special political or public attention. There have been no recent changes.

11.9. Access to the labour market

All asylum seekers are allowed to do voluntary work, which is defined as work which in the opinion of the Public Employment Service, is normally unpaid on a voluntarily basis, has a non-profit character and supports the general good of society. Until September 1998, only voluntary work was allowed.

At the moment access to paid work is only possible after 6 months from the beginning of the asylum procedure. Only seasonal work for a maximum of 12 weeks in a period of 12 months is allowed. The asylum seeker must be between 18 and 65, and will need a certificate from the COA, renewable after a month. The decision to change access to paid work was made because of the adverse consequences of the prolonged asylum procedure on the asylum seekers.

Access to vocational training is offered to all asylum seekers. Participation is a means of increasing the level of benefits

11.9.1. Possible changes

On April 28th 2000 the Minister presented a proposal to change the 12-week maximum to 39 weeks for a period of 12 months. The proposal also includes a lifting of the restriction, which states that asylum seekers may only perform seasonal work.

The asylum seekers' access to the labour market is being extensively discussed at a political level. The political right wing is opposed to further access to the labour market, arguing that improving it will attract more asylum seekers and make it harder to deport people who are denied asylum. The leftwing parties and most labour organisations and NGOs favour the proposal because of the general scarcity of labour and from concern for the asylum seekers. They argue that access to work will increase the standard of living of asylum seekers and help them to remain active and motivated, both for integration and/or a possible return to their countries of origin.

11.10. Access to health care

The main principle of access to medical care is that of integrating the asylum seekers into the normal health system as soon as possible. There is no special system for asylum seekers.

During the accelerated, the inadmissible and the manifestly unfounded procedures the asylum seekers are only entitled to emergency medical care. The definition of 'emergency medical care' is to be made by the local doctor. Funds are available with the purpose of ensuring that the local doctors are paid for treating persons outside the ordinary medical system – including illegal aliens.

Within the first week after admission into the asylum procedure, a compulsory chest X-ray is made for tuberculosis. During the first weeks all asylum seekers are offered a general health examination comprising a questionnaire to be completed (This exists in 19 different languages, with specific questionnaires for children under 12, for teenagers and for adults). The questionnaire covers past and present physical problems, past and present mental problems and has space to describe traumatic experiences and experiences of (organised) violence and repression. A nurse discusses the completed questionnaire with the asylum seeker and clarifies the main problems. A full medical examination is offered to all children, pregnant women and people with health problems after the session with the nurse. People who mention having been tortured are also offered a full medical examination. After the medical examination the doctor decides with the asylum seeker whether care is needed for any specific problem.

When asylum seekers embark on the normal procedure they obtain health insurance, which is identical to the one Dutch citizens are entitled to, with minor exceptions. The exclusions are certain expensive and long-term treatments for non-life threatening conditions, e.g. in vitro fertilisation and sex-change operations. Medication can be prescribed within the regulations applying in the Dutch 'ziekenfonds' (National Health Service).

The reception organisation COA has signed an administrative contract with an insurance company following a 1997 EU tender process. The contract is an administrative contract. The insurance company handles all financial transactions, and signs contracts with care-providers located throughout the country, and monitors the care provided. The insurance company does not bear the financial risk for the care provided. This stays with the reception organisation, which is indirectly the Ministry of Justice.

Two Municipal Health Services (GGDs) provide the country's first TB screening using mobile X-ray units.

As of January 2000, general preventive health care is provided through cooperation among the municipal health services in seven regions. The COA has signed special contracts with these organisations for the delivery of these services.

Table 11.8: Access to health care

	Children	Pregnant women	Adults	Victims of torture or rape
Health screening on arrival	Yes. Compulsory TB-screening. Full medical check is offered	Yes. Compulsory TB-screening. Full medical check is offered	Yes. Compulsory TB-screening. Full medical check is offered	Care is provided according to the needs of the person involved
Psychological assistance	If needed	If needed	If needed	Care is provided according to the need of the person involved
Enrolment in health care programme	Participation in full youth preventive health care scheme, including vaccinations. Catch-up vaccination scheme if incompletely vaccinated upon arrival.	Antenatal care conforming to the Dutch standard. Delivery on day-care basis in hospital. Part-time home care for mother and child after delivery. Checks by midwife.		Care is provided according to the need of the person involved

11.10.1. Possible changes

There are no plans to initiate changes in the access to health care for asylum seekers.

11.11. Rules on detention and other restrictions on free movement

Aliens who arrive at a Schengen border (i.e.: Schiphol airport or Rotterdam harbour) and who are refused entry into the Netherlands can be placed at the Border Hostel (Grenshospitium). If the alien asks for asylum, he can be detained pending the decision on his request. Any detention order is the result of balancing the interest of the individual in remaining at liberty on the one hand, and the interest of the state in detaining the alien and thus preventing illegal entry into the country on the other.

The fundamental rule of the Border Hostel is that a resident of the Border Hostel will not be subjected to any other restriction than the one that forbids him to leave it. Obviously, there are some rules to make the centre manageable.

In addition, detention is used when an asylum seeker has exhausted his/her options under the asylum procedure but refuses to leave the country. There are three detention centres, which are different from prisons. In the detention centres rejected asylum seekers are prepared for deportation. The detention centres are also used for illegal aliens.

There is no maximum time limit for detention, although there are a number of judicial safeguards. The alien has the right of appeal before a Court. If the alien has been in detention for a period of four weeks and he – or his legal representative – has not lodged an appeal, the Minister of Justice will notify the Court of the continuation of the detention. Within two weeks after the notification the Court will hear the alien.

The average detention lasts 48.67 days (March 1999, Ministry of Justice)

11.12. Differences in treatment according to the stage of the asylum procedure and the type of status sought.

The type of status sought does not affect the reception procedure.

There are some differences in the reception procedure, depending on the stage the asylum procedure has reached.

When asylum seekers are processed under the inadmissible or the manifestly unfounded procedure they have no right to reception in the Dutch meaning. This means that they cannot receive introductory courses to the Dutch society. According to the interviews these persons are however entitled to basic support, as well as accommodation in AC's, emergency health care, and access to primary education. The same applies to Dublin-claims.

Table 11.9: Differences in treatment

Differences in treatment according to:			
	Stage of asylum procedure	Type of status sought	Vulnerable groups
Accommodation	Yes. Only asylum seekers in the normal procedure are moved to OCs and AZCs.	No	Unaccompanied children live in specific centres according to age.
Means of subsistence	Yes. Only asylum seekers in the normal procedure are allowed financial assistance. In the manifestly unfounded and the inadmissible procedure asylum seekers receive basic support.	No	No.
Education	Yes. Only asylum seekers in the normal procedure are entitled to reception including introductory courses to Dutch society.	No	
Labour market related activities	Yes. Only asylum seekers in the normal procedure are entitled to reception including vocational training.	No	No.
Health care	Yes. Only asylum seekers in the normal procedure are entitled to reception including a full medical screening and full access to health care. All asylum seekers as well as illegal immigrants are, however, entitled to emergency health care.	No	A full medical examination is offered to all children, pregnant women and people with health problems after a session with a nurse. The same applies to people who have been tortured. Special mental health care is provided for the mentally ill, victims of torture and persons suffering from post-traumatic stress.

11.13. Political atmosphere around refugees and immigrants

11.13.1. The public debate

The impression from the interviews is that issues concerning refugees and immigrants are constantly on the public and political agenda. Recent figures indicate that asylum and immigration are the third most important issues to the public. Special questions of concern in the public debate are:

- The building of new reception and accommodation centres. The public are particularly concerned about the consequences when such centres are built close to small villages. The main concern is whether a small village can cope with the large

amount of asylum seekers in its area. Usually, the concern declines and disappears as the locals get used to the idea and meet the people. In the end, local people appreciate foreigners in their neighbourhood as they bring in both business and colour.

- There has been one incident of a young girl being murdered close to an asylum centre where the locals presumed that the killer had to be an asylum seeker. That indicates a degree of uncertainty and distrust.
- Another important theme in the public debate is the question of who is a genuine refugee. In the 1990s there was a change in attitudes. With the rising number of asylum seekers the public focused more on the distinction between genuine asylum seekers and people seeking asylum for economic reasons. Although most people believe that the Netherlands should take care of genuine asylum seekers, there is a clear tendency among the public to demand a more strict policy towards people trying to take advantage of the Dutch social services. The revision of the Aliens Act seems to comply with the public demand for a stricter and faster procedure. The revision of the Aliens Act has had some public attention, especially to how the law will work in practice.
- In general there is no discussion about the rights of the people in the asylum procedure. The focus is on illegal immigrants and persons trying to take advantage of the Dutch social system.

One gets the impression that there are hardly any organized groups opposing asylum seekers. Several organisations have the purpose of promoting and protecting the rights of asylum seekers, refugees and immigrants.

11.13.2. political debate

The political debate concerning asylum seekers has been fairly comprehensive during the past few years, mainly because of the revision of the Aliens Act. The coalition parties have mainly discussed the revision behind closed doors and therefore parliament has been less involved. Some of the main themes in the political debate have been the following:

- Asylum seekers coming from areas of conflict, and whether they should be sent straight back. The Social Democratic Party advocated for access to the normal asylum procedure. The Liberal Party managed to push through a special procedure for asylum seekers coming directly from areas of conflict.

- The left wing and the more progressive parties have pushed for more social rights for asylum seekers and refugees. The Liberal Party has been opposed to this, arguing that the Netherlands will become a magnet for asylum seekers.
- In general the main difference introduced with the new Aliens Act 2000 is that the asylum procedure will be faster and more consistent, and that it will be harder to obtain asylum in the Netherlands. On the other hand, those actually granted asylum would have a wider access to social rights.

11.13.3. International co-operation

The Netherlands is a member of the following intergovernmental organisations:

- ICMPD
- IGC
- Budapest group
- Council of Europe (working groups on asylum and migration)

The general political atmosphere is positive towards common EU asylum policies. The Netherlands especially emphasises burden sharing in Europe. In addition the Netherlands supports common EU standards regarding asylum and reception procedure.

Issues concerning international co-operation and common EU policies are hardly discussed in the public.

11.14. Other information

The Netherlands has a different conception of the reception of asylum seekers than most other EU countries. In the Netherlands reception only starts when the asylum seekers are admitted into the normal procedure, i.e. after the first-instance decision.

