



# COUNTRY FACTSHEET: NETHERLANDS 2012

## EUROPEAN MIGRATION NETWORK

### 1. Introduction

This EMN Country Factsheet provides a factual overview of the main policy developments in migration and international protection in the Netherlands during 2012, including latest statistics. It has been prepared in conjunction with the European Commission's 4th Annual Report on Migration and Asylum (2012).

### 2. Legal Migration and Mobility

#### 2.1. PROMOTING LEGAL MIGRATION CHANNELS

Throughout 2012, the Immigration and Naturalisation Service (IND) carried out a number of pilot projects in the context of a legislative proposal on a **Modern Migration Policy** (enforceable from 1<sup>st</sup> June 2013 onwards). The main aim of this policy is to make admission procedures quicker and more efficient. Four pilot projects were carried out to test implementation measures for the **Programme for Streamlining Admission Procedures**. The Programme should be fully implemented mid-2013. Some of the changes include an enhanced role for **sponsors** (e.g. businesses, citizens) in admission procedures as well as greater responsibilities and obligations under the system of supervision. A precondition for the implementation of the Modern Migration Policy is the replacement of IND's computer system; the new system INDiGO is now IND's primary information system, and has permitted the digitisation of a high proportion of IND's records.

#### 2.2. ECONOMIC MIGRATION

A legislative proposal to amend **the Labour Act for Aliens** was introduced in November 2012 with the aim to make labour policy towards some categories of third-country nationals more **restrictive**. For example, a work permit can only be granted if Dutch or EU nationals cannot fulfil the position and more restrictive criteria apply for the issuance of a work permit, e.g. duration will be limited to a maximum of one year (three years for occupations that are not subject to a labour market test) with no possibility to extend – a

new work permit must be applied for. On the other hand, however, the amendments also serve to protect third-country national employees from poor labour conditions, underpayment etc. which are detrimental to migrants and create unfair competition in relation to Dutch employees. For this purpose, the **Enforcement and Sanctions Policy of Social Affairs and Employment Legislation** was made more restrictive. Changes are enforceable from 1 January 2013 onwards. Other amendments serve to stimulate the knowledge economy by attracting high quality teachers and students. Furthermore, whilst **highly skilled migrants** were already exempted from the requirements of a work permit for stays longer than three months, a pilot project was started in January 2012 under which highly skilled migrants can also enjoy a simplified procedure for a stay of less than three months. Finally, the prohibition for foreign nationals without a residence permit to follow a course of education but not to undertake an (unpaid) traineeship was abolished.

#### 2.3. FAMILY REUNIFICATION

From October 2012 onwards, the government applies **stricter obligations to newcomers** to ensure that those who do come are better prepared to integrate into Dutch society. Most importantly, **family reunification and family formation** are now only possible for partners who are married or who have a registered partnership and for minor children. Other changes include the cessation of the elderly person's policy and family visit; more restrictive rules with regard to sponsors; an extension from three to five years for eligibility for an independent residence permit on grounds of continued residence; and the period after which it is assumed that the main residence has moved abroad has been reduced from nine to six months. However, the government has announced that from 2013 onwards, the policy that a long-term and exclusive relationship suffices for family reunification will be re-introduced. Finally, following a

court ruling, the government plans to reduce the high fees to be paid by applicants for family reunification.

#### 2.4. INTEGRATION

In September 2012, **amendments to the Civic Integration Act** were adopted, which increase third-country nationals' responsibility for civic integration. As of 2013, immigrant residence holders must arrange and pay for their own obligatory civic integration programme, and those who do not pass may be imposed fines and risk losing their permit. The government drafted an **Action Plan for the prevention of forced marriages in 2012**. **Integration** in the Netherlands is primarily a **local matter** as responsibility for the development and implementation of integration policy is carried by municipalities and local implementing bodies. Local and national integration policy is streamlined through the new "**Shared Integral Approach**" which constitutes a collaborative platform that facilitates coordination and exchange of information between different authorities involved in integration. The **European Integration Fund (EIF)** is primarily used to improve integration by providing subsidies for projects that are carried out by local parties, such as municipalities or local foundations and neighbourhood associations.

#### 2.5 MANAGING MIGRATION AND MOBILITY<sup>1</sup>

After the initial roll-out of the EU Visa Information System (**VIS**) in North-Africa, the system was further rolled-out in the Middle East countries in May 2012. From June 2012, visas issued at airports and seaports in the Netherlands are also registered digitally in the EU-VIS. At national level, changes have been introduced to the **Aliens Act** in relation to **national type D visas** (the so-called Regular Provisional Residence Permit). One of the main changes is that a third-country national is no longer required to submit the application in person if he/she has a sponsor in the Netherlands. The government further aims to **intensify border control** through the use of new technologies, such as the use of passenger details of certain groups of passengers as well as the use of biometrics in the border security process. This will be realised by two programmes, including the Reform of Border Management programme (consisting of four projects; Passenger Related Data Exchange (PARDEX), Advance Passenger Information (API), No-Q and Registered Travellers) as well as the Biometrics and the Foreign Nationals chain. Under the latter, a legislative proposal was introduced in March 2012 following which fingerprints and digital passport photographs are to be filed centrally.

<sup>1</sup> "Managing migration and mobility" refers to the following themes: visa policy, Schengen governance and border monitoring.

### 3. International Protection and Asylum

With regard to developments in the context of the **Common European Asylum System (CEAS)**, the Netherlands took **preparatory measures for the implementation of** the recast **Qualification Directive and the Long-term Residence Directive**. During 2012 the Netherlands also **contributed to the activities of the European Asylum Support Office (EASO)** by secondment of two national experts and participation in various EASO expert meetings. Within the context of **intra-EU solidarity**, the Netherlands contributed to the EASO Intervention Pool as well as the **European Asylum Curriculum (EAC)** Expert pool. As to the **external dimension**, the Netherlands resettled 500 refugees in 2012 under the UNHCR Resettlement Programme and further carried out five resettlement mission to Lebanon, Kenya, Ecuador, Sudan and Thailand. **Capacity-building** support and funding is provided in specific **third countries** that produce high numbers of applicants for international protection (e.g. Somalia, Afghanistan, Syria and Iraq). In particular, support is provided for the accommodation of refugees in these countries of origin. Furthermore, the Netherlands also participates in pilot projects that aim to increase asylum capacity in Eastern Partnership countries. At national level, changes were introduced in the national asylum procedure following the Programme for Streamlining Admission Procedures, including for example, adjustments to the admission procedures, measures to speed up processing time, introduction of the no-cure, no-fee principle in relation to legal aid as well as a rearrangement of the grounds for asylum.

### 4. Unaccompanied Minors and other Vulnerable Groups

During 2012, preparatory measures were taken for the **review on the unaccompanied minor policy** as proposed in 2011 which is to be implemented in 2013. The aim of the review is to provide unaccompanied minors with more clarity at an early stage on whether they can reside in the Netherlands or are to be returned. The government also proposed a **long-term residence regulation** in December 2012 that aims to strengthen the position of minor third-country nationals who are rooted in the Netherlands. Following this regulation, third-country nationals (and their family members) who submitted an application for international protection can be eligible for a residence permit. Also, the policy introduced in 2011 concerning **limitations of detention of unaccompanied minors** was monitored in 2012. Results indicate that there has been a noticeable reduction of the number of unaccompanied minors placed in detention.

## 5. Actions against Trafficking in Human Beings

In February 2012 the government announced that the pilot project which had offered **special categorical accommodation** for victims of trafficking in human beings will become permanent with the number of available places increasing from 50 to 70 from July 2012. Within such specialised shelters, **psycho-social diagnostics** will be introduced in order to ensure the provision of **tailor-made care**. In addition, measures were undertaken to improve the **provision of information** to victims e.g. a leaflet and a website were developed and are available in five languages, aiming to better inform victims on their rights, including information on accommodation, help and supervision. The leaflets will be distributed to all police stations and counselling centres. With regard to the **prosecution of trafficking in human beings**, a legislative proposal was submitted to the House of Representatives to increase the sentences for trafficking in human beings. Also, all staff members of the Royal Netherlands Marechaussee have been provided with a new checklist of indicators to facilitate the **identification of victims**. Under the Programme the Wall, various different enforcement measures were carried out in 2012 to combat in particular Chinese trafficking cases. For these actions, different authorities combined forces including, for example, the public prosecution service, the police, the Marechaussee, the labour inspectorate, the IND, the Tax and Customs Administrations and the Expertise Centre for Human Trafficking and Human Smuggling. Finally, in relation to the issuance of B9 residence permits, a pilot project started in September 2012 aiming to process applications with little chance of success more quickly, whilst still bearing in mind the necessary level of care.

## 6. External Dimension of EU Migration Policy

In spring 2012, the Dutch policy on migration and development was evaluated by an external contractor. The aim was to formulate recommendations for the further development of migration and development (these are not yet publicly available). The Netherlands aims to improve transparency of the Dutch market for **remittances**. For this purpose, a website has been developed and in 2012 it was agreed that a targeted promotional campaign to increase awareness would be undertaken. It was also agreed that the website would be extended to include new providers. In relation to **diasporas**, the government financed the "Participation of Diaspora in the Joint Africa-EU Strategic Partnership" carried out by the African Diaspora Policy Centre (ADPC). One important outcome of the project is the agreement made by diaspora organisations to set up a European diaspora network.

## 7. Irregular Migration

In February 2012, the government reached a series of agreements in order **to intensify the fight against irregular migration including return policy**. Most importantly, the government announced that **illegal residence** will become an **offence, punishable under law**. A legislative proposal was submitted for this purpose in December 2012. Illegal residence will be penalised with a fine, and if not paid, imprisonment will follow. It was also announced that the police will **increase supervision of third-country nationals**, targeting, in particular, irregular migrants who have been found guilty of crimes/nuisance as well as rejected applicants for international protection who have exhausted all legal means. With regard to **return**, the Subsidy Framework for Voluntary Return came into force under which projects can be financed that support failed international protection applicants who want to be repatriated. Moreover, the Netherlands actively participates in European return projects such as European Initiative on Integrated Return (EURINT), the European Reintegration Instrument, European Return Platform for Unaccompanied Minors (ERPUM) and joint return operation under Frontex. In relation to **detention**, four different pilot projects were started in 2012 to test alternatives to detention. These included: 1) the introduction of the obligation to report to the Aliens Police; 2) measures to restrict movement of ex-unaccompanied minor third-country nationals; 3) testing the obligation for third country nationals required to leave, to pay a deposit which will be given back once they have left EU territory, and; 4) financing return projects run by NGOs in cooperation with municipalities and church bodies.

## 8. Provision and Exchange of Information to support Policy Development

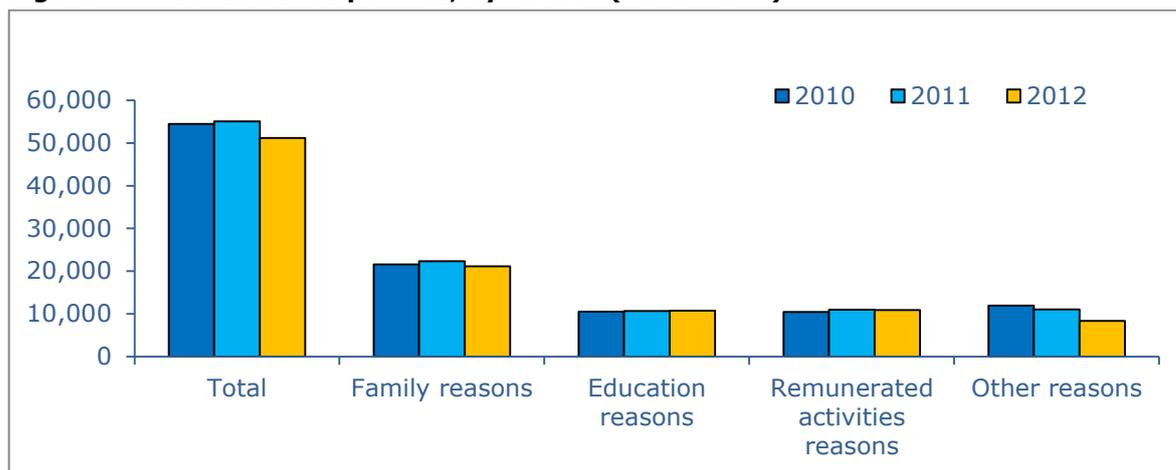
At EU level, the Netherlands makes great use of the mutual information mechanism for the exchange of information. It also actively takes part in expert group meetings on, e.g. family reunification, free movement of persons etc. At national level, the EMN Dutch National Contact Point maintains a national network with relevant stakeholders.

### STATISTICAL ANNEX

The Statistical Annex provides an overview of the latest available statistics for the Netherlands on aspects of migration and asylum (2010-2012), including residence, asylum, unaccompanied minors, irregular migration, return and visas. Where statistics are not yet available, this is indicated in the Annex as "N/A".

## Statistical Annex: Immigration and Asylum in the Netherlands (2010-2012)

**Figure 1: First residence permits, by reason (2010-2012)**



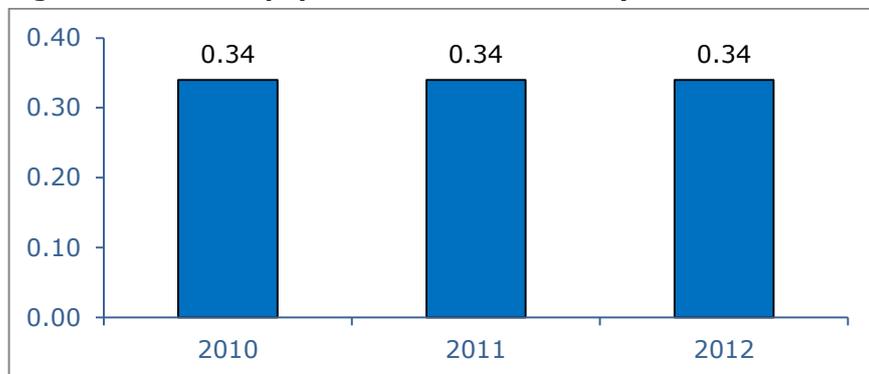
Source: Eurostat (migr\_resfirst)

**Table 1: First residence permits: Top 5 nationalities (2010 – 2012)**

2010	2011	2012
<b>1. China</b> – 4,980	<b>1. China</b> – 5,712	<b>1. China</b> – 5,996
<b>2. Turkey</b> – 4,347	<b>2. United States</b> – 4,373	<b>2. United States</b> – 4,470
<b>3. United States</b> – 4,160	<b>3. India</b> – 4,309	<b>3. India</b> – 4,285
<b>4. India</b> – 3,870	<b>4. Turkey</b> – 3,776	<b>4. Turkey</b> – 3,672
<b>5. Somalia</b> – 3,633	<b>5. Somalia</b> – 2,404	<b>5. Unknown</b> – 2,020

Source: Eurostat migration statistics (migr\_resfirst)

**Figure 2: Resident population of third-country nationals in millions (2010-2012)**



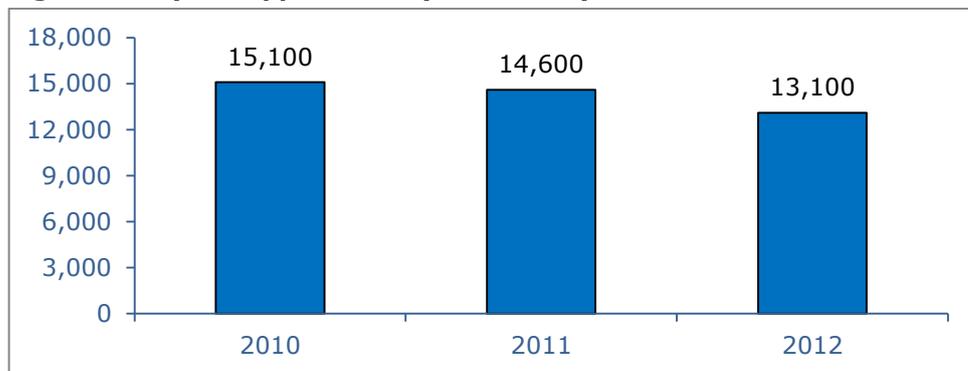
Source: Eurostat migration statistics (migr\_pop1ctz)

**Table 2: Resident population: Top 5 nationalities (2010 – 2012)**

2010	2011	2012
<b>1. Turkey</b> – 90,837	<b>1. Turkey</b> – 88,028	<b>1. Turkey</b> – 84,830
<b>2. Morocco</b> – 66,568	<b>2. Morocco</b> – 61,896	<b>2. Morocco</b> – 56,595
<b>3. China</b> – 19,758	<b>3. China</b> – 21,371	<b>3. China</b> – 23,900
<b>4. Indonesia</b> – 11,645	<b>4. United States</b> – 14,846	<b>4. United States</b> – 15,348
<b>5. India</b> – 8,744	<b>5. Indonesia</b> – 11,701	<b>5. Indonesia</b> – 11,766

Source: Eurostat migration statistics (migr\_pop1ctz)

**Figure 3: Asylum applications (2010-2012)**



Source: Eurostat migration statistics (migr\_asyappctza)

**Table 3: Asylum applications: Top 5 nationalities (2010 – 2012)**

2010	2011	2012
1. Somalia – 3,670	1. Afghanistan – 2,395	1. Iraq – 1,885
2. Iraq – 1,905	2. Iraq – 2,005	2. Afghanistan – 1,620
3. Afghanistan – 1,585	3. Somalia – 1,985	3. Somalia – 1,425
4. Iran – 865	4. Iran – 1,180	4. Iran – 1,195
5. Armenia – 650	5. Armenia – 580	5. Russia – 825

Source: Eurostat migration statistics (migr\_asyappctza)

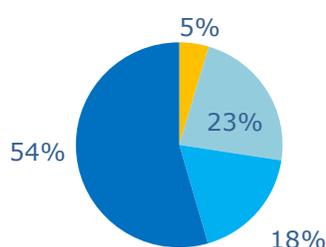
**Table 4: Asylum applications - First instance decisions by outcome (2010-2011)**

	Total decisions	Positive decisions	Of which:			Negative decisions
			Refugee status	Subsidiary protection	Humanitarian reasons	
2010	17,580	8,005	810	4,010	3,180	9,575
2011	15,790	6,830	710	4,065	2,050	8,965
2012	N/A	N/A	N/A	N/A	N/A	N/A

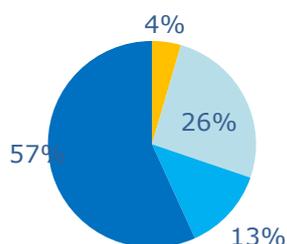
Source: Eurostat migration statistics (migr\_asydcfsta)

**Figures 4-6: Asylum applications - First instance decisions by outcome (2010-2011)**

**2010**



**2011**



- Granted refugee status
- Granted subsidiary status
- Granted humanitarian protection
- Negative decisions

Source: Eurostat migration statistics (migr\_asydcfsta); Data for 2012 (yet) not available

**Table 5: Third-country nationals relocated and resettled (2010 – 2012)**

	2010	2011	2012
Third-country nationals relocated	0	0	0
Third-country nationals resettled	430	540	N/A

Source: Eurostat migration statistics (migr\_asyresa) and National contributions to EMN Annual Policy Report

**Table 6: Unaccompanied minors (2010-2011)**

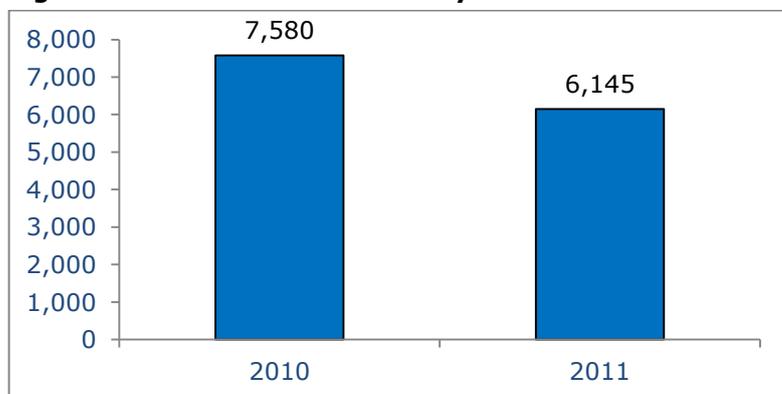
	2010	2011	2012
<b>Unaccompanied minors (total)</b>	N/A	N/A	N/A
<b>Unaccompanied minors not applying for asylum</b>	N/A	N/A	N/A
<b>Unaccompanied minor asylum applicants</b>	700	485	N/A

Source: National contributions to EMN Annual Policy Report

**Table 7: Number of third-country nationals refused entry at external borders (2010 – 2012)**

	2010	2011	2012
<b>Third-country nationals refused entry at external borders</b>	2,935	3,500	2,560

Source: Eurostat migration statistics (migr\_eirfs)

**Figure 7: Number of third-country nationals found to be illegally present (2010 – 2011)**

Source: Eurostat migration statistics (migr\_eipre); Data for 2012 (yet) not available

**Table 8: Third-country nationals returned (2010 – 2012)**

	Third-country nationals ordered to leave	Returned as part of forced return measures	Returned voluntarily	Returned through an Assisted Voluntary Return Programme
<b>2010</b>	29,870	N/A	N/A	N/A
<b>2011</b>	29,500	N/A	N/A	N/A
<b>2012</b>	27,265	N/A	N/A	N/A

Source: Eurostat migration statistics (migr\_eiord) and National contributions to EMN Annual Policy Report

**Table 9: Number of visas issued by type (2010 – 2012)**

	2010	2011	2012
<b>Total visas*</b>	N/A	N/A	468,435
<b>Schengen visa (short-stay visa)**</b>	359,083	391,498	406,582
<b>National visa*</b>	N/A	N/A	34,909

Source: \*EMN Annual Policy Report 2012; \*\*DG HOME Statistics on Visa Policy website: [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/visa-policy/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/visa-policy/index_en.htm)