

Temporary Protection Netherlands

This annex on temporary protection complements and should be read together with the [AIDA Country Report on the Netherlands](#).

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Temporary Protection Procedure

A. General

In the Netherlands, the Temporary Protection Directive (TPD) was introduced in national law in 2004/2005, through Articles 3, 43a and 45 (6) of the Aliens Act and Article 3.1a Aliens Decree and Article 3.9a Aliens Regulation. Displaced persons who fall under the scope of the TPD are considered as asylum seekers under a specific asylum regime. People falling under the scope of the TPD have right of residence in the Netherlands as asylum seekers having been granted temporary protection. As such, they can claim the rights laid down in the TPD. They do not obtain a regular or asylum residence permit.

As a result of the Implementing Decision (EU) 2022/382), detailed national measures have been introduced.

Scope of temporary protection in the national context

1. Ukrainian nationals who resided in Ukraine on 23 February 2022;
2. Ukrainians who left Ukraine on or after 27 November 2021;
3. Ukrainians who can prove that they were already in the Netherlands before 27 November 2021 and not in another EU country;
4. Non-UA nationals who, on 23 February 2022, had been recognised as refugees by Ukraine;
5. Non-UA nationals who held a valid, permanent Ukrainian residence permit on 23 February 2022 and who had not left Ukraine before 27 November 2021 or had not returned to their country of origin by 23 February 2022;
6. Minor children, the spouse or partner with a long-term relationship of a person falling under the scope of the TPD, who lived together in Ukraine before the start of the war;
7. Other family members (largely) dependent on a person who is part of the above-mentioned groups.¹

National procedure for temporary protection

The Dutch government introduced a specific national procedure for displaced people from Ukraine. After an initial assessment conducted by a municipality (local council), whether or not the person concerned falls under the scope of the TPD, displaced persons from Ukraine are registered by the municipality in the Personal Records Database (in Dutch: *Basisregistratie Personen* or BRP). Thereafter, the beneficiary has to obtain proof of residency from the immigration authorities (IND). At that moment, the IND also assesses whether or not the person concerned falls under the scope of the TPD. The beneficiary also has to submit an asylum application with the IND.

On 24 March 2023, 91,540 displaced persons from Ukraine (nationals and non-nationals from UA) have been registered in the BRP in the Netherlands.²

UA nationals beyond the scope of TPD

Ukrainian nationals who had left Ukraine prior to 27 November 2021 do not fall within the scope of the TPD, unless they were staying in the Netherlands. They can submit an asylum application at the application center in Ter Apel. No information is available on the numbers of this group of displaced persons.

1 Dutch Parliament, *Aanpak opvang ontheemden Oekraïne*, 30 March 2022, available in Dutch at: <https://bit.ly/36BbUwN>.

2 Dutch government, only available in Dutch at: <https://bit.ly/3kww3KZ>.

Third Country nationals from Ukraine (non-UA nationals)

Initially, non-UA nationals who were displaced and had a valid Ukrainian residence permit on 23 February 2022 – regardless of whether this was a temporary or a permanent residence permit – were entitled to temporary protection. However, the scope of the TPD concerning non-UA nationals has changed. As of 19 July 2022, non-UA nationals who merely held a temporary residence permit in Ukraine no longer fall under the scope of the TPD in the Netherlands.³ Non-UA nationals who had already been registered by a municipality in the BRP before the policy change on 19 July 2022 benefit from temporary protection initially until 4 March 2023, but the Secretary of State announced on 10 February 2023 that this will be extended until 4 September 2023. This is due to logistic problems and a shortage of places in reception facilities in the regular asylum procedure, and to the work load for the IND assessing asylum applications.⁴ Without the extension, on 4 March 2023 all persons belonging to this group would have lost their right to benefit from the temporary protection regime. After the end of the extension, on 4 September 2023, they will be considered as regular asylum seekers, under the COA responsibility. It should be noted that, as extensively described in the [AIDA country report](#) there is a significant shortage of reception places for asylum seekers. Until September, however, reception for this group will remain the municipalities' responsibility.

According to information provided by the Dutch Parliament, it can be estimated that this policy applies to around 4,660 third country nationals who fled from Ukraine.⁵

Russian nationals

Russian nationals who have a valid permanent Ukrainian residence permit on 23 February 2022 or who are family members of a beneficiary of temporary protection are entitled to temporary protection in the Netherlands.

Russian nationals who do not fall within the scope of the TPD and are fleeing from Russia can submit an asylum application at the application center in Ter Apel. Since October 2022, 440 651 people with Russian nationality have applied for asylum.⁶

B. Qualification for temporary protection

As previously indicated, different groups qualify for temporary protection in the Netherlands:

- 1) Ukrainian nationals who:
 - Resided in Ukraine on 23 February 2022;
 - Fled Ukraine on or after 27 November 2021 because of rising tensions or who travelled to the territory of the European Union for another reason (e.g., for vacation or work) in the period from 27 November 2021 to 23 February 2022;
 - Can prove that they already resided in the Netherlands in the period before 27 November 2021, for example because of a previously submitted asylum application, on the basis of a regular residence permit or a residence permit that has been terminated.

- 2) Stateless or non-UA nationals who:
 - On 23 February 2022 enjoyed international protection or equivalent national protection in Ukraine;

3 Dutch Parliament, Aanpassing Doelgroep Beschermingsrichtlijn, 18 July 2022, available in Dutch at: <https://bit.ly/3zuFUVF>; see also Staatscourant 2022, 22623, amendment of Article 3.9a of the Aliens Decree, information only available in Dutch at: <https://bit.ly/3nIKVr2>.

4 Dutch Parliament, 10 February 2023, number 44 75144, information only available in the Dutch language at: <https://bit.ly/3Je4Kii> and IND, specific webpage 'War in Ukraine, available in English at: <https://bit.ly/3ZAYIDu>.

5 Dutch Parliament, 10 February 2023, number 44 75144, information available in the Dutch at: <https://bit.ly/3Je4Kii>.

6 IND Asylum Trends, information only available in the Dutch language at: <https://bit.ly/3KqEEJH>.

- Had a valid Ukrainian permanent residence permit on 23 February 2022, and;
 - a. with respect to whom there is no evidence that they left Ukraine before 27 November 2021, and;
 - b. with respect to whom there is no evidence that they returned to their country of origin after 23 February 2022.
- 3) Family members of beneficiaries of temporary protection:
- Spouse or partner with whom a long-term relationship is maintained.
 - Minor (unmarried) children (born within or outside marriage or adopted).
 - Other family members who lived with the beneficiary and are (largely) dependent on them.

Please note that family members must prove that they lived together in Ukraine prior to the outbreak of war on 24 February 2022. The DCR understands, from exchanges with the IND, that family members have to prove that they lived together in Ukraine for at least six months prior to the outbreak of war, or from 27 November 2021 until their departure from Ukraine. This applies to partners with a long-term relationship and to persons who are married.

As can be observed from the above, the scope of the TPD in the Dutch context is broader compared to the Council Implementing Decision 2022/382 as Ukrainian nationals who already fled Ukraine before 24 February 2022 may be granted temporary protection.

Similarly, the scope of the TPD regarding stateless and non-UA nationals is broader in the Dutch context compared to the Council Implementing Decision 2022/382. Non-Ukrainian nationals who held a valid Ukrainian permanent residence permit on 23 February 2022 are entitled to temporary protection without it being assessed whether they can return safely and durably to their country or region of origin.

Moreover, prior to 19 July 2022, non-UA nationals with a temporary Ukrainian residence permit fell under the scope of the TPD. Since 19 July 2022 however, non-Ukrainian nationals who held a temporary Ukrainian residence permit on 23 February 2022, are no longer regarded to fall under the scope of the TPD. Third-country nationals who held a temporary Ukrainian residence permit on 23 February 2022 and who had been registered in the BRP before 19 July 2022, were granted temporary protection initially until 4 March 2023. This is extended until 4 September 2023. From 4 September 2023, they will no longer fall under the scope of the TPD.⁷

Ukrainian nationals, third-country nationals and stateless persons fall under the scope of the TPD, as long as they meet the criteria mentioned above.

In the Dutch context, displaced persons who do not fall under the scope of the temporary protection regime can apply for asylum at the application centre in Ter Apel. Their applications will be assessed in one of the asylum procedures ('tracks'). However, as a result of Dutch policy, decisions on asylum applications of Ukrainian nationals, as well as forced returns to Ukraine, were suspended.⁸ The measure regarding the suspension on asylum application has been extended for another six months, until 28 August 2023. Exceptions apply, such as for Dublin cases, beneficiaries of protection in another EU Member State, and cases involving people suspected of having committed war crimes or who are considered as a threat to public order or national security. Nevertheless, the measure regarding the suspension on forced returns has not been extended, as the maximum duration of this suspension is one year.

Following the announcement of the European Commission at the Justice & Home Affairs Council on 14 October 2022 that it would extend the Temporary Protection Directive (TPD) for one-year, national authorities extended the applicability of the TPD in the Netherlands (at least) until 4 March 2024.

⁷ Dutch Parliament, 18 July 2022, 2021 - 2022, 19 637, nr. 36045, available in the Dutch language at: <https://bit.ly/3Cywr1v>.

⁸ The Secretary of State of Justice & Security, Staatscourant 2023, number 9340, only available in the Dutch language at: <https://bit.ly/3lYeODh>; IND, specific webpage 'War in Ukraine' War in Ukraine', available in English at: <https://bit.ly/3WrmRVh>.

C. Access to temporary protection and registration

1. Admission to territory

There has been no report of people having fled from Ukraine being refused entry at the Dutch border.

However, the DCR received various reports indicating that displaced persons who had been granted temporary protection in the Netherlands, after a short return to Ukraine, were refused to enter the Schengen area at the Polish border.

Ukrainian nationals fleeing Ukraine can enter the Netherlands freely if they are in possession of a biometric passport. They can stay in the Netherlands without a Schengen visa for 90 days during the visa-exempt term. This is also not necessary if the visa-exempt term has already expired.⁹ Ukrainian nationals fleeing from Ukraine who do not hold a biometric passport and non-Ukrainian nationals - as a rule - have to apply for a short stay visa (Schengen visa). The Schengen visa applies for 90 days. When these 90 days (nearly) have expired the validation of the visa will be extended for another 90 days.

2. Freedom of movement

Beneficiaries of temporary protection are free to move within the Netherlands. Ukrainian nationals without a biometric passport and Third country nationals from Ukraine, who have been granted temporary protection in the Netherlands, are not allowed to travel to other European Member States. Travelling outside of the EU is also at their own risk. they face a risk not being readmitted in the Schengen area.¹⁰ Displaced persons from Ukraine who fall under the scope of the TPD merely receive proof of residency in the Netherlands. This is not a residence permit. Displaced persons from Ukraine who fall under the scope of the TPD and want to benefit from its provisions must apply for asylum. Consequently, they are considered as asylum seekers falling under a specific asylum regime. In order to travel inside and outside the European Union these individuals need a valid biometric travel document and a short stay (Schengen) visa.

Displaced Ukrainian nationals who do have a biometric passport and have proof of residency in the Netherlands are only allowed to travel to other European Union Member States and back and forth to Ukraine.¹¹ In practice, these individuals face the risk of not being readmitted in case of travel outside Union, despite them having proof of residency.

As mentioned before, DCR received information that some individuals were refused re-entry into the Schengen area via Poland.

3. Registration under temporary protection

Upon entry in the Netherlands, displaced persons from Ukraine are referred to support centres at the Amsterdam and Utrecht Central Stations for the initial reception (also called 'hubs'). At central stations, the Red Cross is available for questions. From there, the displaced person will be accommodated in a municipality in the Netherlands. At central stations the Red Cross is available for questions in the Ukrainian, Russian or English language or a message to the Red Cross could be sent via WhatsApp +31 6 48 15 80 53.¹² In support centres, displaced people are also made aware of the existence of www.refugeehelp.nl, a website with all necessary information for displaced people from Ukraine. Nevertheless, people can also go directly to municipalities/ local councils for registration and reception.

9 IND, specific webpage 'War in Ukraine', available in the English language at: <https://bit.ly/3QOjB5f>; Dutch government, information available in English: <http://bit.ly/3K5sJj8>.

10 Ibid.

11 Ibid.

12 IND, specific webpage 'War in Ukraine', available in English at: <https://bit.ly/3XshlDk>.

Please see also information below under the section on [Housing](#).

Displaced persons from Ukraine who fall under the scope of the TPD must be registered by a municipality. After an initial assessment of whether the person concerned falls under the scope of the TPD, the person is registered by the municipality in the Personal Records Database (*Basisregistratie Personen* or *BRP*). Once displaced persons from Ukraine are registered in the BRP, they are entitled to rights as laid down in the Temporary Protection Directive.

Thereafter, the beneficiary obtains proof of residency from immigration authorities (IND). The beneficiary must then also submit an asylum application with the IND. At the moment for collecting the proof of residency, the IND also assesses whether the person concerned falls under the scope of the TPD:

1. Whether the person concerned falls under the TPD implemented in Dutch legislation;
2. Whether the person concerned committed criminal offences as mentioned in Article 28 of the Temporary Protection Directive (2001/55/EG);
3. The person concerned has temporary protection in another EU Member State and has not renounced it.

No time limits for individuals to make their application are set in Dutch policy.

Displaced people from Ukraine are required to provide documentation proving they are either:¹³

A Ukrainian national who resided in Ukraine on 23 February 2022;

- A Ukrainian national who left Ukraine on or after 27 November 2021;
- A Ukrainian national who can prove that they were already in the Netherlands before 27 November 2021 and not in another EU country;
- A third-country national who, on 23 February 2022, had refugee status in Ukraine;
- A third-country national who held a valid, permanent Ukrainian residence permit on 23 February 2022 and who did not:
 1. Leave Ukraine by 27 November 2021; or
 2. Returned to their country of origin by 23 February 2022
- The partner, under-aged child or dependent relative of persons covered by the regulation.

Documents

Foreign documents must, as a rule, be apostilled or legalized. In the case of people coming from Ukraine, exemption from this rule may be granted due to the war. The translation of source documents, such as birth and marriage certificates, by a sworn interpreter/translator is almost impossible in the country, as demand is often greater than supply. At the moment, it is recommended that a Declaration under Oath or Promise (*Verklaring Onder Ede* or *VOE*) at the municipality be used to record marital status information. In case the document is translated, the procedure of "Update when source document is stronger" can be followed. If the document shows different data than the previously issued *VOE*, a correction procedure must follow.¹⁴ If the municipality official doubts whether the nationality and/or identity of the person concerned is correct, or that the person falls under the scope of the TPD, they can perform a so-called triage by asking advice from a special team at the IND. The municipality is not obliged to follow the advice of the IND, as it alone is fully responsible for registration in the BRP.

Upon registration by a municipality, no specific documentation is provided. Proof of residency can be obtained at a later stage from the IND. Proof of residency could take the form of a 'sticker' in a passport

13 Rijkdienst voor Identiteitsgegevens, instructions for municipal officials to register displaced persons from Ukraine in the *Basisregistratie Personen*, available in Dutch at: <https://bit.ly/3IXPJIE> On this specific webpage, a Q&A section for municipal officials is available, and it provides information on how to register displaced persons from Ukraine.

14 Rijkdienst voor Identiteitsgegevens, information on the *VOE*, available in Dutch at: <https://bit.ly/3K1207f>.

or a sticker on a separate piece of paper or card (a so called 'O-document'). Which (initial) proof of residency is provided depends on several aspects. The IND explains this on their website:¹⁵

- "Displaced people will receive a sticker in their passport if:
They are a Ukrainian woman; or
They are a Ukrainian man, aged 60 or over (on 24 February 2022).
- Displaced people will receive a sticker on a separate piece of paper if:
They are a Ukrainian man younger than 60 years old (on 24 February 2022)
They have an identity card or statement by the Ukrainian embassy (no passport)
They only have a domestic passport
- Displaced people will receive a card if:
They fall under the directive, even though they do not have a passport, identity card or statement by the Ukrainian embassy;
They are a Ukrainian child aged 14 or over without proof of identity (passport);
They have a passport that expired before 4 March 2023".

Whether a sticker, a sticker on a separate piece of paper or a card is provided: the rights are the same except as regards the right of freedom of movement (see section of [Freedom of movement](#)). The right to freedom of movement depends on whether the displaced person is a TCN, a stateless person from Ukraine or a Ukrainian national who does not have a biometric passport.

The process of providing proof of residency did not start until 1 July 2022. Right from the start, there were not enough time slots to provide all beneficiaries with a sticker or a card. This was caused by the large number of beneficiaries of temporary protection wanting to collect proof of residency. Another problem was caused by shortages of IND staff. On 4 September 2022, the IND announced they would not be handing out proof of residency anymore; the measure was effective from 5 September 2022. The reason for this decision was that the IND ran out of stickers to hand out a proof of residency. The process of providing proof of residency was resumed on 12 October 2022.

Proof of residency (proof of having been granted temporary protection) is important for Ukrainian nationals who have a biometric passport, so that they can travel within the European Union. Proof of residency is also required by employers before employment.¹⁶

Refusal of registration in the BRP by the municipality

The municipality officer can refuse registration in the BRP (under BRP code 46) in case they find the person concerned does not fall within the scope of the TPD. Depending on the municipality, this refusal could be given orally or in writing. It is not specified whether a possibility of appeal exists or how to object to this refusal. In most cases, third-country nationals face issues in proving being entitled to temporary protection.

It is possible to report to the municipality again after registration in the BRP was initially refused, for example, when new evidence has emerged.

Refusal issuance proof of residency from the IND

Once a displaced person has been registered in the BRP, they have to obtain proof of residency from the IND. At that moment, the IND reassesses whether the person concerned should be granted temporary protection. Grounds for refusing temporary protection are:

1. the person concerned does not fall under the scope of the TPD;

15 IND, specific webpage 'War in Ukraine', available in the English language at: <https://bit.ly/3ZP4vR8>.

16 IND, specific webpage 'War in Ukraine', available in the English language at: <https://bit.ly/3ZSFzll>.

2. the person concerned has committed a criminal offence as in Article 28 of the Temporary Protection Directive (2001/55/EG);¹⁷
3. the person concerned has been granted temporary protection in another EU Member State and has not renounced it.

The IND on behalf of the Secretary of State of Justice & Security issues a written notice (decision) in which the reasons for refusing proof of residency are briefly mentioned. In this written notice, the IND (in most of the cases) also provides information on how to object the refusal. The person concerned has four weeks to make the written objection with the IND.

The DCR is familiar with cases in which a written objection has been made. In several cases, Ukrainian nationals were refused temporary protection in the Netherlands due to the fact that, according to the IND, they had already left Ukraine prior to 27 November 2021 to work or study in another EU Member State.

In case of a refusal from the IND, the entitlement to rights arising from the TPD, such as the right to housing and to work, cease immediately, and the complaint has no suspensive effect.

In some cases, in which the persons concerned all left Ukraine prior to 27 November 2021 and used to stay in another (Member) State, the lawyer made a written objection against the refusal (decision) of the IND and requested a provisional measure with the regional court to continue the entitlement to rights under the TPD. Concerning the provisional measure, regional courts ruled that the persons concerned were still entitled to housing/reception. The regional courts ruled thus in particular due to the fact that the persons concerned had not been given the opportunity to explain fully their personal circumstances (they had only had a very brief conversation of 2 up to 5 minutes with an IND official), which meant the refusal had not been taken with due diligence. The requests for a provisional measure were granted.¹⁸ In the judgment of the regional court Den Bosch, the court specifically takes into account that the person concerned has an employment contract that allows her to be self-sufficient and not depend on general resources.

However, in one known case, the Regional Court Middelburg refused to grant the provisional measure as, *inter alia*, the reception facility for displaced persons from Ukraine in the municipality was fully occupied and the persons concerned who already applied for asylum, will be entitled to reception from COA. As such, the reception by the municipality concerned could be ended.¹⁹

The Regional Court Utrecht also refused to grant the requested provisional measure as the persons concerned left Ukraine before 27 November 2022, and worked in Poland prior to their arrival in the Netherlands. This means that they do not fall under the TPD in the Netherlands. The court also ruled that the persons concerned should apply for (temporary) protection in Poland.²⁰

As far as known, the IND has not issued any new decision on the written objections for the moment.

4. Legal assistance

DCR provides (individually or in groups) information on the regulation and policies regarding temporary protection in the Netherlands. To this end, DCR organises consultation hours at various locations in the

17 See also IND, Informatiebericht 2022/73 'Oekraïne en inreisverboden of ongewenstverklaringen', only available in Dutch at: <https://bit.ly/3W0NpN9>.

18 Regional Court Den Haag, NL22.22311, NL22.22312, NL22.22313, 6 December 2022, ECLI:NL:RBDHA:2022; Regional Court Amsterdam, NL22.22330, 20 January 2023; Regional Court Amsterdam, NL23.646, 28 February 2023, ECLI:NL:RBDHA:2023:3815; Regional Court Den Bosch, NL22.22846, 2 February 2023, ECLI:NL:RBDHA:2023:1008.

19 Regional Court Den Haag Middelburg, AWB 23/1704, AWB 23/1696, AWB 23/1700, AWB 23/1702, AWB 23/1697, 24 February 2023, ECLI:NL:RBDHA:2023:2526. In each judgment similar reasoning is provided by the Regional Court Middelburg.

20 Regional Court Utrecht, NL22.22224 and NL22.22246, 30 January 2023, ECLI:NL:RBDHA:2023:871.

Netherlands. DCR also offers online consultations. Furthermore, DCR provides information on the website [Refugeehelp.nl](https://refugeehelp.nl) in collaboration with the IND and other organizations.²¹ Specialized organizations, such as Nidos, also provide information to displaced persons from Ukraine.²² Nidos is the national guardianship institution for unaccompanied minors and separated children in the Netherlands. Unaccompanied children in the Netherlands should be under either parental authority or guardianship. Nidos provides free (legal) assistance to unaccompanied minors from the Ukraine in the Netherlands. Nidos is mainly funded by the Ministry of Justice.

An organization called *Juridisch Loket* provides free legal advice to people who do not have sufficient income to consult a lawyer. For displaced persons who do not have sufficient income the organization provides information or advice on legal issues regarding employment, social security and possibilities to obtain a residence permit in order to work or study in the Netherlands. The *Juridisch Loket* is in the position to refer a case to a lawyer. The *Juridisch Loket* is a foundation and is funded by the Ministry of Justice.

If subsidized legal aid is necessary, (specialized) lawyers will give legal assistance to displaced persons from Ukraine, for which in general a contribution of 156 EURO is required. When the person concerned can show that they cannot pay this contribution, (s)he is exempted from this. During the asylum procedure, legal assistance from a lawyer is free. Free legal aid/assistance from a lawyer is subsidized via the Ministry of Justice and Security and the Legal Aid Board.-The Legal Aid Board is an independent governing body with a public task to subsidize legal aid.²³

Legal assistance third country nationals fleeing from Ukraine

As a result of a policy change made on 18 July 2022,²⁴ regarding the scope of temporary protection in the Netherlands, lawful residence of a group of third country nationals would have initially ended on 4 March 2023. In November and December 2022, the third country nationals concerned received a letter from the Secretary of State of Justice & Security (IND) explaining that their lawful residence under the TPD will end on 4 March 2023. Third country nationals can respond and provide information to the IND from which should follow that the person concerned falls under the TPD, also after 4 March 2023. The IND-also indicated that information is also provided on a specific return arrangement which was introduced for this group of third country nationals. Until 4 March 2023, they could apply for support and financial assistance from the Dutch Repatriation & Departure Service.²⁵

As previously explained the Third country nationals of this group are allowed to stay in the Netherlands under the TPD until 4 September 2023. Recently, the Third country nationals received a new letter from the IND informing that the lawful residence under the TPD has been extended until 4 September 2023. The Third country nationals concerned have to collect a card at the IND, which serves as proof that their residency permit was extended until 4 September 2023.²⁶

As the DCR has the public task, according to the Aliens Circular,²⁷ to provide general information to asylum seekers (*'voorlichting'*), information was given to Third country nationals on the options for obtaining legal residence in the Netherlands after 4 September 2023.

As agreed with the Legal Aid Board, DCR has the possibility to refer cases of third country nationals to lawyers with whom they can freely seek legal advice, for example, on the options for obtaining legal residence in the Netherlands after 4 September 2023. The possibility to give free legal advice by a lawyer is subsidized via Legal Aid Board. The Third country nationals concerned will receive a final letter

21 [Refugeehelp.nl](https://refugeehelp.nl) is created by Dutch Council for Refugees in collaboration with several organizations: <https://bit.ly/3XrZMDp>.

22 Nidos, information available in the English language at: <https://bit.ly/3wIJJaa>.

23 Legal Aid Board, information available in the English language at: <https://bit.ly/3QT7owh>.

24 IND, specific webpage 'War in Ukraine', available in the English language at: <https://bit.ly/3GYHtie>.

25 IND, specific webpage 'War in Ukraine', available in English at: <https://bit.ly/40H79Zn>.

26 IND, specific webpage 'War in Ukraine', available in English at: <https://bit.ly/3KqlouF>.

27 The Dutch Council for Refugees has a public task in providing information on the asylum procedure as laid down in Paragraph C1/2.2 Aliens Circular.

(decision) from the Secretary of State (IND) in stating that their lawful stay under the TPD will end on 4 September 2023. As far as known, legal remedies are in place against the decision.

As far as known, the obstacles most displaced persons face difficulties, for example due to language barriers, or not knowing which organisations to contact for support.

5. Information provision and access to NGOs

No explicit provisions on providing information to beneficiaries of temporary protection have been laid down in Dutch law.

Information is provided on [Refugeehelp.nl](https://www.refugeehelp.nl), a website created by DCR in collaboration with several other (governmental and non-governmental) organizations, amongst which the IND.²⁸ [Refugeehelp.nl](https://www.refugeehelp.nl) contains information on the legal position of persons entitled to temporary protection as well as practical information on various topics. The content on [Refugeehelp.nl](https://www.refugeehelp.nl) is available in English, Ukrainian, Russian and Dutch.

To provide information for third country nationals whose lawful residence ends on 4 September 2023, DCR distributed brochures in Dutch, Ukrainian, Russian and English.

Information is also available on the IND website, with a specific webpage initially called 'Ukraine: effects of Russian invasion' and currently 'War in Ukraine'. The information is available in Dutch and English, but some specific information (instructions) is also available in Russian and Ukrainian.²⁹

Municipalities, governmental organizations, and several other organizations also provide information to displaced people from Ukraine on their specific websites.

Beneficiaries of temporary protection receive a brochure from the IND when they collect their proof of residency. This brochure is available in Ukrainian, Russian, English, Arabic and Dutch.³⁰

The information provided is written in a simple manner. This information is not tailored to, for example, persons who are (nearly) illiterate or are (nearly) blind. As far as known, no tailored information is available for unaccompanied minors from Ukraine.

Difficulties with providing information

During the first months after the start of the war, many elements regarding TPD implementation were still unclear, such as the legal position of beneficiaries of temporary protection in the Netherlands. Regulations and policies had to be made and published by the Dutch government.

In addition to this, the municipalities, which are responsible for the reception/ housing of displaced people from Ukraine, comply with this obligation in various way. Every municipality may decide for itself how to provide reception/housing to beneficiaries of temporary protection and determine what kind of information should be shared.³¹ As a result, information provided by municipalities may differ, which may cause uncertainty.

28 Please, see for more organizations DCR collaborates with in order to provide information on [Refugeehelp.nl](https://www.refugeehelp.nl) the website: <https://www.refugeehelp.nl/en/about-us>.

29 For example, see the instruction manual on how to collect proof of residency the IND specific webpage 'War in Ukraine', available in the English language at: <https://bit.ly/3GXvyBg>.

30 IND, specific webpage 'War in Ukraine', available in the English language at: <https://bit.ly/3QVG0xv>.

31 Specific rules exist regarding reception of displaced persons from Ukraine. The rules are laid down in the Regulation for the Reception of Displaced Persons from Ukraine In the Dutch language it is called '*Regeling Opvang Ontheemden uit Oekraïne*', available in the Dutch language at: <https://bit.ly/3H9HmSi>.

DCR is present in most but not every municipality. Because of this, displaced persons may be fully reliant on information they find online or receive from the municipality. There is a lack of case-oriented information.

For third country nationals from Ukraine whose lawful residence under the TPD will be granted only until 4 September 2023, various developments have been registered, making their position unclear. Some have received letters from the IND concerning their lawful residence in the Netherlands, an invitation to continue their asylum procedure and to collect a new proof of residency which is valid until 4 September 2023.³² Due to technical reasons, in some cases, the IND sent a letter to the wrong person.

The Dutch Royal Military Police (KMAR) can provide information at border-crossing points on how to apply for temporary protection. The KMAR can refer people to the locations where the first reception takes place.³³ At the Amsterdam and Utrecht Central Stations, workers from the Red Cross inform displaced people from Ukraine where they can go to obtain initial shelter.³⁴

D. Guarantees for vulnerable groups

As far as known, a specific identification mechanism to systematically identify individuals entitled to temporary protection who can be categorised as vulnerable has not been introduced by the Dutch government for the moment.

Unaccompanied minors are usually placed in host families and, as a rule, not accommodated in municipal reception centres. It is up to the municipal reception centres to identify these unaccompanied children and report them as soon as possible to Nidos, the national guardianship institution for unaccompanied minors and separated children. Nidos provides (legal) assistance to unaccompanied minors from Ukraine in the Netherlands.³⁵

After the referral from the municipality, Nidos has an initial interview with the minor, and if possible a remote one with the parents. It is assessed whether applying for temporary guardianship is appropriate. If the minor stays with adult supervisors in a host family, Nidos reports this to the Child Protection Council ('*Raad voor de Kinderbescherming*'), for them to conduct a judicial screening of the host family.

Dutch organisations such as *Arq Nationaal Psychotrauma Centrum* specialize in helping people traumatised by war or victims of torture.³⁶ This particular organisation also treats regular asylum seekers who are traumatised.

The Dutch organization *Wereldpsychologen* (World Psychologists), which is a foundation, offers free mental health care through (video) calling.³⁷ The website of the organization also contains information in Ukrainian.

For professionals working with displaced persons from Ukraine, the *Loket Ontheemden Oekraïne Psychosociale hulpverlening (LOOP)*, an advice centre, has been set up by several governmental and non-governmental organizations, such as DCR. At LOOP, professionals can get information, ask questions and find appropriate psychological assistance for displaced persons from Ukraine.³⁸

32 IND, specific webpage 'War in Ukraine', information available in English at: <https://bit.ly/40zF9qq>.

33 Dutch government, available in the Dutch language at: <https://bit.ly/3k9KLXS>.

34 Dutch government, Handreiking Gemeentelijke Opvang Ontheemden uit Oekraïne (GOO), pages 8 and 9, information available in the Dutch language at: <https://bit.ly/3CBIE5I>; Nidos, information available in Dutch at: <https://bit.ly/3J6Yp8P>.

35 Nidos, information available in the Dutch language at: <https://bit.ly/3HidB0v>.

36 Arq Nationaal Psychotrauma Centrum, information available in the Dutch language at: <https://bit.ly/3wfd22f>.

37 Wereldpsychologen, information available in the English language at: <https://bit.ly/3Kks5Q2>.

38 Loket Ontheemden Oekraïne PSH (LOOP), information available in Dutch at: <https://bit.ly/3U8JX3v>.

Content of Temporary Protection

A. Status and residence

1. Residence permit

Indicators: Residence permit

- | | |
|--|----------------|
| 1. What is the duration of residence permits granted to beneficiaries of temporary protection? | Not applicable |
| 2. How many residence permits were issued to beneficiaries from the activation of the Temporary Protection Directive until 31 December 2022? | Not applicable |

General information

Displaced persons from Ukraine who fall under the scope of the TPD do not obtain a residence permit. They remain in the Netherlands as asylum seekers having been granted temporary protection and are as such entitled to rights laid down in the TPD. Beneficiaries of temporary protection are issued proof of residency, which is not a residence permit.

People entitled to temporary protection may remain in the Netherlands at least until 4 March 2024.³⁹ The proof of residency, valid until 4 March 2023 will be extended automatically. TP beneficiaries have received a letter from the IND informing them of the fact that the proof of residency is extended.⁴⁰ The obtained proof of residency together with the letter of the IND show that person concerned falls under the TPD (at least) until 4 March 2024.

Third-country nationals from Ukraine who held a temporary Ukrainian residence permit on 23 February 2022 and had been registered in the BRP before 19 July 2022, are granted temporary protection until 4 September 2023. They also received a letter from the IND informing that their temporary protection will end on 4 September 2023. They will have to collect a card ('O-document') as to proof that their residency has been extended until 4 September 2023.⁴¹

Procedure

The procedure starts with registration by a municipality in the Basic Registration of Persons or BRP. To register the person concerned must provide personal details and an (temporary) address to the municipality. For this, the municipality needs a passport or other proof of identity. People who do not have the Ukrainian nationality may also be registered using a Ukrainian permanent residence permit that was valid on 23 February 2022.

If a municipal official doubts whether the correct documents have been submitted, they may contact the IND to perform a triage. This means the IND investigates further to establish the person's identity and nationality and to determine whether the person concerned falls under the scope of the TPD. A triage may entail a meeting the person concerned in person. The triage results in an advice to the municipality to register the person concerned in the BRP (BRP code 46), to refuse registration or to defer registration pending additional documentation.

After registration, the person concerned has an appointment with the IND. The IND does a background check regarding criminal offences. Furthermore, the IND assesses whether the person concerned is entitled to temporary protection. If that is the case a proof of residency is issued by the IND, also called a 'sticker' or an 'O document'. This is not a residence permit.⁴² The person concerned also makes an official

39 Dutch government, information only available in the Dutch language at: <https://bit.ly/3ZUnHNe>.

40 IND, specific webpage 'War in Ukraine', available in the English language at: <https://bit.ly/40J2PrQ>.

41 IND, specific webpage 'War in Ukraine', available in the English language at: <https://bit.ly/40IkGzw>.

42 IND, specific webpage 'War in Ukraine', available in the English language at: <https://bit.ly/3ZUtImH>.

asylum application. The IND merely registers the asylum application and does not decide on the application as long as the Temporary Protection Directive applies.

If the IND decides temporary protection is denied, the person concerned may object this decision within 4 weeks, in front of the IND itself.

In September and October 2022, the issuance of proof of residency was temporarily stopped due to a shortage of resources. This caused difficulties in practice. This lasted from 2 September 2022, until 12 October 2022. After that, the IND restarted issuance of proof of residency.⁴³

For as long as the TPD applies the proof of residency is valid; for the moment, that will be the case until 4 March 2024.⁴⁴ Until now, Ukrainian nationals do not receive a new proof of residency (sticker or card), but instead a letter informing that the obtained proof of residency, together with the letter itself, will be proof they are allowed to live and work in the Netherlands. As previously explained, the group third country nationals who had a temporary Ukrainian residence permit and were registered in the BRP before 19 July 2022, were initially expected to be able to benefit from temporary protection only until 4 March 2023. The right to benefit from temporary protection for individuals pertaining to this group was however extended until 4 September 2023.

Various rights are connected to the temporary protection beneficiary status. Once displaced persons from Ukraine have been registered in the BRP by a municipal official, they are entitled to the rights as laid down in the TPD.

Right to reception/housing

A person who has been granted temporary protection has the right to reception/ housing by the municipality, as established in the Regulation for the Reception of Displaced Persons from Ukraine.⁴⁵ Municipalities are responsible for reception/ housing of beneficiaries of temporary protection. They are housed in facilities created specifically for them or may be placed with a hosting family.

Allowances

Beneficiaries of temporary protection are entitled to a monthly allowance provided by the municipality. Until 1 February 2023, a beneficiary received 205 € monthly for food. For clothing and other expenses, they receive 55 € per person. This is regardless of whether it concerns adults, (unaccompanied) minors, or the size of the family.⁴⁶

In addition to the aforementioned allowance, beneficiaries who have been placed with a host family also receive a so called 'residential component' of 215 € per adult per month and 55 € per child. This will enable the beneficiary to pay, for example, for public transport, additional activities (such as visiting family/friends, sports etc.), but also to voluntarily contribute to the household of the host family. Arrangements for such a contribution can be made by the beneficiary and the host family together. No direct reimbursement is provided from the government to host families or other individuals who provide shelter.⁴⁷

The amount of the monthly allowance decreased from 1 February 2023.⁴⁸ For food, an adult currently receives 215,06 € monthly. For clothing and other expenses, the allowance will be 56.12 € per adult. As

43 IND, specific webpage 'War in Ukraine', available in the English language at: <https://bit.ly/3WsjMUX>.

44 Dutch government, information only available in the Dutch language at: <https://bit.ly/3ZUnHNe>.

45 In Dutch, it is called '*Regeling Opvang Ontheemden uit Oekraïne*', available in Dutch at: <https://bit.ly/3H9HmSi>.

46 Dutch government, Factsheet 'Changes living allowance for refugees from Ukraine', available in English at: <https://bit.ly/3zyZd0f>.

47 Ibid.

48 The amount of the living allowance has changed from the start of 1 February. Until then, persons from Ukraine received an allowance of 205 EUR for food and 55 EUR clothes and other expenses per person on a monthly basis.

for families, the amount per person decreases depending on the size of the family and whether the family consists of minor children (a gradual scale).

Monthly allowances from 1 February 2023 are distributed as follows:

Allowance for living expenses	Family size					
	1-2 persons		3 persons		4+ persons	
	Adult/ unaccompanied minor	Minor	Adults	Minor	Adults	Minor
Food	215,06 EUR	178,36 EUR	171,99 EUR	142,57 EUR	150,45 EUR	124,97 EUR
Clothes & personal expenses	56,12 EUR	56,12 EUR	56,12 EUR	56,12 EUR	56,12 EUR	56,12 EUR
Residential component (only for persons living with a host family)	93 EUR	93 EUR	93 EUR	93 EUR	93 EUR	93 EUR

According to the national government, the amount of the monthly allowance had to be decreased due to the fact that displaced persons (particularly families) received a considerably higher monthly allowance than asylum seekers and social welfare recipients in the Netherlands.⁴⁹

Already, adult beneficiaries who have an income from work are no longer entitled to an allowance. Before 1 February 2023, their family members were still entitled to an allowance and housing. Starting from 1 February 2023, this changed as well, as from this date the allowance can be reduced or withdrawn completely, depending on the income from work. If a minor has a part-time job, then the financial benefits will be discontinued only for them, but not for all other members of the family.

Access to the labour market and education

A beneficiary of temporary protection is allowed to work in the Netherlands without a work permit as paid employee. For self employment a work permit is required. Beneficiaries also have access to education. Please see sections on [Access to the labour market](#) and [Access to education](#).

Access to health care

Beneficiaries of temporary protection are entitled to health care. On 1 July 2022, a specific Medical Care Regulation for beneficiaries of temporary protection was introduced.⁵⁰ TP beneficiaries do not have to pay for health care insurance fees (premium). Please see section on [Health care](#).

Transferring temporary protection to another Member State

TP holders who wish to transfer their (permanent) residence to another EUMS have to end their lawful residence under the Temporary Protection Directive in the Netherlands. It is important to note that for

49 Secretary of State of Justice and Security, Staatscourant 2022, number 31970, Amendment of the Regulation for the Reception of Displaced Persons from Ukraine only available in Dutch at: <https://bit.ly/3GYocxd>.

50 Dutch Government, information (flyer) is available in the English language at: <https://bit.ly/3QJApdy>.

displaced persons from Ukraine, Ukrainian nationals without a biometric passport and Third country nationals from Ukraine, who are granted temporary protection it is a risk to travel to other EU Member States. Travelling outside of the EU is at their own risk for not being readmitted to the Schengen area.⁵¹ Displaced persons from Ukraine who fall under the scope of temporary protection merely receive a proof of residency in the Netherlands. The proof of residency is not a residence permit.

Ukrainian nationals holding biometric passports and who collected their proof of residency are able to travel to other EU Member States and back and forth to Ukraine. Ukrainian nationals holding a biometric passport are anyway exempted from visa requirements for a short stay to enter the Schengen area. They may, after having had access to the Schengen area, move freely within the Schengen area for a period of 90 days within a period of 180 days.⁵²

Ukrainian nationals holding a biometric passport with or without a proof of residency can therefore easily travel to the Member State where they wish to exercise the rights that are attached to the temporary protection.

Once a temporary protection beneficiary transfers to another MS, it is important that the displaced person must deregister from the BRP, after which benefits that are linked to the registration can be stopped. In order to ensure that deregistration from the BRP proceeds promptly, the municipality or reception location hands the displaced person a departure form. To ensure that the IND can also easily terminate the asylum procedure, the municipality or reception location will issue a withdrawal statement of the asylum application to the displaced person, which has to be signed.⁵³

When a beneficiary of temporary protection leaves the Netherlands permanently after having announced their decision,⁵⁴ or in the case they made an unannounced departure, they are not anymore entitled to the rights attached to the TPD. Furthermore, the beneficiary can leave the Netherlands (announced) for a maximum of 28 days without losing their status as TP holders. When the departure exceeds the 28 days, then the rights attached to the TPD can be ended. Once the displaced person returns to the Netherlands, they have to register at a municipality again. At that moment, it will be assessed whether the person falls under the scope of the TPD according to the present rules.⁵⁵

2. Access to asylum

When a displaced person from Ukraine applies for lawful residency under the TPD by collecting proof of residency from the IND, they also apply for asylum. This application is submitted by completing the M35H form. The assessment of the asylum application however, remains 'on hold' as long as the TPD applies. The issuance of decisions on these asylum applications has been suspended. After the end of the TP regime, the Secretary of State (IND) will have six months to decide on the asylum applications.⁵⁶

Displaced persons from Ukraine who fall under the scope of the TPD and who go to the application centre in Ter Apel to start a regular asylum procedure are told to report to a municipality instead. Should temporary protection end, while a return to Ukraine or to the country of origin (in the case of third-country nationals) is still not considered possible for security reasons, the asylum application will be assessed.⁵⁷

However, in the case of a Ukrainian national who applied for asylum in the Netherlands in February 2020 and would fall under the scope of temporary protection, the Regional Court of Amsterdam ruled that the

51 IND, specific webpage 'War in Ukraine', available in English at: <https://bit.ly/3HmJc1Y>.

52 IND, specific webpage 'War in Ukraine', available in English at: <https://bit.ly/3HmJc1Y>.

53 Dutch government, Circular 'Departure and effects facilities Scheme for Reception of Displaced Persons' from Ukraine', information only available in the Dutch language at: <https://bit.ly/3ks0ORb>.

54 The permanent departure is announced when the municipality has been informed by the beneficiary and they deregister themselves from the BRP.

55 Dutch government, Circular 'Departure and effects facilities Scheme for Reception of Displaced Persons' from Ukraine', information only available in the Dutch language at: <https://bit.ly/3ks0ORb>.

56 Article 43a Aliens Act.

57 IND Work Instruction 2022/17 (page 5), information available in the Dutch language at: <https://bit.ly/3wbJdiU>.

asylum application should be examined. In this case, the Secretary of State issued two decisions rejecting the application, but subsequently withdrew them. The court ruled that the time limit of 21 months (as laid down in Article 31 (5) APD) was exceeded. The court ruled that the Secretary of State had to issue a (new) decision on the application, regardless of the fact that the person concerned falls under the scope of the TPD. The mere existence of the TPD regime does not, in any case, prevent national authorities from issuing a decision on the asylum application.⁵⁸

Processing asylum applications of non-Ukrainian nationals

Regarding the group non-Ukrainian nationals who will fall under the scope of the Temporary Protection Directive just until 4 September 2023, the IND started to process their asylum applications. The first applications processed are the ones from non-Ukrainian nationals from Yemen and Syria, which are considered, as a group, eligible for international protection. The second group whose asylum applications will be assessed are the persons from 'safe countries of origin'. The last group whose asylum application will be assessed are those holding other nationalities.

DCR provides targeted information ('*Voorlichting*') on the asylum procedure to non-Ukrainian nationals. See section on [Information provision and access to NGOs](#). Additionally, the persons concerned will have a specialized lawyer appointed during the asylum procedure.

The IND is contacting individuals who fall under these categories via letter, requesting them to state whether they wish to proceed with their asylum application.⁵⁹

As DCR understands from exchanges with the IND, in case their asylum application was to be refused before 4 September 2023, non-Ukrainian nationals would still remain lawfully in the Netherlands as beneficiaries of TPD until this date.

Suspension on decisions on Ukrainian asylum applications

Ukrainian nationals who do not fall under the scope of the Temporary Protection Directive in the Netherlands and who have submitted an asylum application at the application centre in Ter Apel the following applies. From 28 February 2022, the Secretary of State (IND) does not have to take a decision on Ukrainians' asylum applications on the grounds that a suspension on decisions on Ukrainian asylum applications applies. This means that, as a rule, the IND has 18 months (and a maximum of 21 months) for taking a decision on new and pending asylum applications of Ukrainian nationals. This is based on Article 43 of the Aliens Act. Recently, this measure was prolonged – for the moment - until 28 August 2023. Rejected asylum seekers from Ukraine initially were not forced to return to Ukraine, but the measure regarding the suspension on forced returns has not been extended, as the maximum duration of this suspension is one year. This is based on Article 45 (4) of the Aliens Act.⁶⁰ It is assumed that they will be able to present a subsequent asylum application.

B. Family reunification

As previously explained, beneficiaries of temporary protection have legal stay in the Netherlands as asylum seekers having been granted temporary protection. They are not issued a residence permit. Because in the existing framework a (regular or asylum) residence permit is required to apply for family reunification, it is not possible for beneficiaries of temporary protection to do so.

Family reunification is allowed if it concerns a beneficiary of temporary protection who wants to reunite with a family member they lived with in Ukraine. Family members are also entitled to temporary protection

58 Regional Court Amsterdam, NL22.5058, 30 June 2022, ECLI:NL:RBDHA:2022:9130.

59 IND, specific webpage 'War in Ukraine', information available in English at: <https://bit.ly/40PcZlg>

60 The Secretary of State of Justice & Security, Staatscourant 2023, number 9340, only available in the Dutch language at: <https://bit.ly/3lYeODh>; IND, specific webpage 'War in Ukraine' War in Ukraine', available in English at: <https://bit.ly/3WrmRVh>.

if there was a durable relationship and they lived with the beneficiary in Ukraine at the time of the start of the war, or from 27 November 2021 until their departure from Ukraine.⁶¹

Family members are considered:

1. Spouse or unmarried partner with whom a durable relationship has been maintained;
2. Minor unmarried children (born or adopted within or outside marriage);
3. Other close relatives who lived with the beneficiary and who are totally or mostly dependent on them.

As could be inferred from communications between DRC and the IND, the married and unmarried partners must show that they have lived together for at least 6 months before being displaced from Ukraine due to the war. As far as known, both partners have to be in the Netherlands to be eligible for temporary protection as an (un)married partner from a temporary protection beneficiary.

No (formal) framework or procedure for reuniting family members has been introduced. In practice, DCR has submitted specific cases to the IND who would assess whether a family member residing outside the EU would fall under the scope of the TPD as implemented in the Netherlands.

The status given to family members is the same as any other who falls under the scope of TPD in the Netherlands. They have the same rights and obligations, but, their TP-status depends on the family member who initially is granted temporary protection.

C. Movement and mobility

Persons covered by the Temporary Protection Directive may move freely within the Netherlands. There are no restrictions.

Ukrainian nationals who hold a biometric passport and have a proof of residency can travel to other EU countries and back and forth from Ukraine.

Ukrainian nationals who hold a biometric passport can also travel to other EU countries if the person is in his or her free period. This means that a person may travel visa-free for up to 90 days within a 180 -day period.⁶²

For TP beneficiaries who hold a biometric passport and who have a proof of residency it is a risk to travel outside of the European Union (with the exception of Ukraine).

Displaced persons from Ukraine, Ukrainian nationals without a biometric passport and Third country nationals from Ukraine, who are granted temporary protection are not able to travel to other European Member States. Also travelling outside of the EU is at their own risk for readmittance in the Schengen area.⁶³ Displaced persons from Ukraine who fall under the scope of temporary protection merely receive a proof of residency in the Netherlands. The proof of residency is not a residence permit. Displaced persons from Ukraine who fall under the scope of temporary protection and want to benefit from its provisions do have to apply for asylum; they are considered as asylum seekers falling under a specific asylum regime. In order to travel inside and outside the European Union these individuals do need a valid (biometric) travel document and a short stay (Schengen) visa.

Also displaced Ukrainian nationals who hold a biometric passport are, when they hold a proof of residency in the Netherlands, only able to travel to other European Union Member States and to travel back and forth to Ukraine.⁶⁴ So these individuals are not able to travel outside of the European Union while holding their proof of residency.

61 IND Work Instruction 2022/17 (page 3), information available in the Dutch language at: <https://bit.ly/3wbJdiU>.

62 IND, specific webpage "War in Ukraine", available in the English language at: <https://bit.ly/3CXcKRa>.

63 Ibid.

64 Ibid.

Important to note that all TP-beneficiaries receive a flyer whilst collecting the proof of residency. In the flyer it is explained what the proof of residency under the TPD entails in the Netherlands.⁶⁵ The flyer is available in Dutch, English, Ukrainian, Russian and Arabic.

As described above, TP-beneficiaries who hold a biometric passport and a proof of residency have experienced problems re-entering the Schengen area via Poland.

For Ukrainian nationals without a biometric passport and Third country nationals who hold a proof of residency it is anyway a risk to travel to Ukraine and try to re-enter the Schengen area.

To note: in the Netherlands TP-beneficiaries do not receive a residence permit. They remain lawfully in the Netherlands as asylum seekers and merely receive a proof of residency that they remain lawfully in the Netherlands under the Temporary Protection Directive. Due to the extension of temporary protection until 4 March 2024, TP-beneficiaries need to show their proof of residency together with the IND-extension letter as an identification document.⁶⁶

D. Housing

Indicators: Housing

- | | |
|---|---------------|
| 1. For how long are temporary protection beneficiaries entitled to stay in reception centres? | Not available |
| 2. Number of beneficiaries staying in reception centres as of 31 December 2022 | Not available |
| 3. Number of beneficiaries staying in private accommodation as of 31 December 2022 | Not available |

Municipalities are responsible for the reception/ housing of Ukrainian displaced persons and not COA. For reception, they can register at a municipality. Municipalities provide various reception facilities for displaced persons from Ukraine. Reception in host families is also possible. Municipalities are also responsible for this kind of reception. TakeCareBnB,⁶⁷ in collaboration with the Dutch Red Cross,⁶⁸ the Dutch Salvation Army⁶⁹ and DCR are the organizations that coordinate this.

Displaced persons from Ukraine who fall under the scope of the Temporary Protection Directive in the Netherlands are entitled to access dedicated reception facilities organised by municipalities as long as they are under temporary protection. This entitles them to housing, work, social care and education.⁷⁰

Displaced persons from Ukraine who are covered by the Temporary Protection Directive are entitled to reception as long as they are covered by the Directive. However, DCR received information – directly from TP beneficiaries assisted - that a beneficiary of temporary protection who causes tension or any form of nuisance could be expelled from the municipal shelter. The persons concerned would then have to find another municipality to obtain shelter.

The Dutch government provided the following statistics on 24 March 2023:⁷¹

- Number of BRP registered displaced persons from Ukraine: 91,540
- Number of available reception places ('available beds'): 73,980

65 IND, specific webpage 'War in Ukraine', available in the English language at: <https://bit.ly/3XJdCRu>.

66 IND, specific webpage 'War in Ukraine', information available in English at: <https://bit.ly/3K7Xjse>.

67 TakeCareBnB, specific webpage dedicated to displaced persons from Ukraine: <https://bit.ly/3K4QFDc>.

68 Dutch Red Cross, information available in Dutch at: <https://bit.ly/43drDdZ>.

69 Dutch Salvation Army (*Leger des Heils*), information available in Dutch at: <https://bit.ly/2mkGkID>.

70 Regulation for the Reception of Displaced Persons from Ukraine; in Dutch 'Regeling Opvang Ontheemden uit Oekraïne', available in Dutch at: <https://bit.ly/3H9HmSi>; Dutch government, Guide 'Handreiking Gemeentelijke Opvang Oekraïners (GOO)', available in Dutch at: <https://bit.ly/3QQE5dP>.

71 Dutch government, information only available in Dutch at: <https://bit.ly/3ZUAU8M>.

- Number of occupied reception places ('occupied beds'): 72,440

The kind of accommodation which is used for Ukrainian displaced persons varies depending on the individual municipality. Displaced persons could, for example, be accommodated in hotels, in emergency shelters, or on boats. Sometimes empty office buildings have been transformed to apartments where displaced persons could be accommodated. Displaced person could also be placed in host families. The municipalities are responsible for the housing or reception of displaced persons from Ukraine.

Due to the arrival of many displaced persons from Ukraine to the Netherlands and the need to realize many reception places in a short term, on 7 March 2022, the Dutch government requested the Security Council and the security regions⁷² to coordinate the realization of reception of displaced persons from Ukraine in the municipalities. At the moment, security regions still have the task to coordinate the reception of displaced persons from Ukraine.⁷³

Due to extraordinary circumstances, the Dutch government was (and is) unable to provide (emergency) accommodation to the displaced persons within the existing structure. This is the reason that the Dutch government activated, on 1 April 2022, the Relocation Population Act (*Wet verplaatsing bevolking*), which is state emergency law. As a result, the municipalities (mayors) are given the statutory duty (task) to provide for the reception of displaced persons from Ukraine. Furthermore, this task has been implemented in the Regulation for the Reception of Displaced Persons from Ukraine. Under this scheme, municipalities (mayors) must provide shelter, a monthly financial allowance for food, clothing and other personal expenses, recreational and educational activities, insurance against financial consequences of legal liability and the possible payment of extraordinary costs.

A concept proposal was drafted to create a Temporary Act on the Reception of Displaced Persons from Ukraine to de-activate the Relocation and Population Act. The responsibility for the municipalities to provide for the reception of displaced persons from Ukraine will be transferred from the Relocation and Population Act to the Temporary Act. For the moment, no further developments were registered for what concerns the draft proposal.⁷⁴

The Dutch government (several ministries), in collaboration with NGO's (including DCR) and the Association of Dutch Municipalities (*Vereniging van Nederlandse Gemeenten, VNG*), issued two guides regarding accommodating TP-beneficiaries. One guide concerns the accommodation of displaced persons in host families (*Handreiking Particuliere Opvang Oekraïners, POO*)⁷⁵ and the other guide concerns the accommodation of displaced persons in reception facilities in municipalities (*Handreiking Gemeentelijke Opvang Oekraïners, GOO*).⁷⁶

It should be noted that the Ukraine Coordination Information Exchange (*Knooppunt Coördinatie Informatie Oekraïne, KCIO*) provides an information platform between the national government, the 25 security regions and involved partners such as, inter alia, the Dutch Red Cross, Association of Dutch Municipalities and COA. Professionals can contact the platform when they have questions about available reception places. Part of the hub is the National Coordination Point Refugee Distribution (LCVS). From this collection point, the overview of available municipal reception places on a supra-regional/rural scale is monitored and coordinated.

72 The Netherlands is divided into 25 security regions. Each safety region is committed to the safety of the residents and visitors of that area. The safety region also makes arrangements for dealing with disasters and crises. Please see: Dutch government, information only available in Dutch: <https://bit.ly/3GXxTfm>.

73 Dutch government, Guide 'Handreiking Gemeentelijke Opvang Oekraïners (GOO)', available in the Dutch language at: <https://bit.ly/3QQE5dP>.

74 Draft proposal Temporary Act on the Reception of Displaced Persons from Ukraine (Internet consultation), only available in Dutch at: <https://bit.ly/3WljHSZ>.

75 Dutch government, Guide 'Handreiking Particuliere Opvang Oekraïners (POO)', available in Dutch at: <https://bit.ly/3iOD2yu>.

76 Dutch government, Guide 'Handreiking Gemeentelijke Opvang Oekraïners (GOO)', available in Dutch at: <https://bit.ly/3QQE5dP>.

TP beneficiaries are entitled to living allowance. This is a monthly allowance from the municipality. Until 31 January 2023, it corresponded to 205€ per person for food, and 55 € per person for clothing and other expenses. An employed TP holder would be no longer entitled to the living allowance, while their family members would. For displaced persons in private shelters, the living allowance was of 215€. The latter group also receives monthly residence allowance.⁷⁷ From 1 February 2023, the amount and scope of the financial allowance changed, as detailed above.

In the Netherlands, it is possible for TP-beneficiaries to be accommodated with hosting families for three months. Takecarebnb is a voluntary organization who primarily coordinates the assignment of temporary protection beneficiaries to host families. Normally, Takecarebnb connects, ‘matches’, refugees with Dutch families. Refugees who are eligible for this type of accommodation are granted asylum residence permit and are allowed to stay in the Netherlands, but would still live in a reception centre (AZC) until they have been provided permanent accommodation within a municipality.⁷⁸ Currently, Takecarebnb also matches TP beneficiaries from Ukraine with Dutch families. TP-beneficiaries were never hosted in an AZC. Municipalities are responsible for the reception of TP-beneficiaries instead of COA. Only after reception was provided by the competent municipality, Takecarebnb can proceed to the “matching”.

Reception in private accommodation – in host families - is not directly organized by the government, but primarily organized by Takecarebnb. Regarding the accommodation of TP beneficiaries with host families Takecarebnb collaborates with DCR, Red Cross and Salvation Army. The collaboration between these organizations is called Refugeehome. Nevertheless, municipalities are (also) responsible for sheltering TP-beneficiaries in host families.

The Dutch government, in collaboration with Refugeehome and the Association of Dutch Municipalities, issued a guide regarding accommodating TP-beneficiaries with host families. In this guide, host families can find information on how to offer shelter, to detect signs of abuse or exploitation and which services are available for TP beneficiaries from Ukraine, such as health care and education.⁷⁹

In the Dutch context, there are organizations that provide support to displaced persons from Ukraine when they become victims of (sexual) exploitation, abuse, or other forms of violence. If the TP-beneficiary is living with a host family, the host family can report the risk to a support worker from the Dutch Salvation Army (*Leger des Heils*). This person is trained to support host family with these kinds of issues.

When there are signs of abuse or other problems, the support worker discusses this with the host household coordinator at the Leger des Heils. The coordinator is in the position to refer the victim to relevant organizations (such as CoMensHa) when there is a situation of exploitation.⁸⁰

Information for host families is provided in the guide *Handreiking Particuliere Opvang Ontheemden uit Oekraïne*.⁸¹

In municipal reception facilities, procedures are also in place to face situations of exploitation, (child) abuse or any other forms of violence. In cases in which there is suspicion of (sexual) exploitation, CoMensHa can be contacted. It is also advised to supervisors of reception facilities to be in contact with local police officer on a regular basis. Information for municipalities is provided in the guide *Handreiking Opvang Ontheemden uit Oekraïne*.⁸²

77 Dutch government, information (factsheet) only available in Dutch at: <https://bit.ly/3XPzZEK>.

78 Takecarebnb, information available in English at: <https://bit.ly/3Xs7OMt>.

79 Dutch government, *Handreiking Particuliere Opvang Oekraïners (POO)*, information is only available in Dutch at: <https://bit.ly/3wc05pY>.

80 CoMensHa is the National Coordination Centre against Human Trafficking, information available in English at: <https://bit.ly/3QYOXpZ>.

81 Dutch government, *Handreiking Particuliere Opvang Oekraïners (POO)*, information only available in Dutch at: <https://bit.ly/3wc05pY>.

82 Dutch government, Guide ‘Handreiking Gemeentelijke Opvang Oekraïners (GOO)’, pages 24-26, only available in Dutch at: <https://bit.ly/3QQE5dP>.

When workers from DCR identify abuse or other kind of insecure situation affecting a displaced person from Ukraine they can contact *Veilig Thuis*,⁸³ an organization that provides advice to victims of (domestic) violence or to anyone who suspects that there might be a situation of (domestic) violence.

On [Refugeehelp.nl](https://www.refugeehelp.nl) information is provided for displaced persons from Ukraine how to reach out for help when there is (a suspicion of) a dangerous, an insecure or a violent situation.⁸⁴ This information is available in Dutch, English, Ukrainian and Russian. However, it is difficult for municipalities and organizations to inform and to reach displaced persons who live in private – non-municipal – accommodation.

E. Employment and education

1. Access to the labour market

A beneficiary of temporary protection is allowed to work in the Netherlands without a work permit⁸⁵ as a paid employee. For self-employment, a work permit is instead needed. The employer has the obligation to report to the UWV. The UWV is the Dutch provider of employee insurance schemes. The UWV provides employee benefits and helps job seekers find work. In order to work, the beneficiary needs a citizen's service number (BSN). Furthermore, a TP-beneficiary needs proof of nationality (passport or id card) and a proof of residency in the Netherlands. A non-Ukrainian also needs ID-card/passport and a Ukrainian residence permit or recognition as a refugee valid on 23 February, 2022 and a proof of residency. The proof of residency is necessary because the employer can see that the person concerned has temporary protection in the Netherlands which means that he does not apply for a work permit with the IND.

Adult beneficiaries who work and who earn their own income are not entitled to living allowance. From 1 February 2023 onwards, also the living allowance of their family members could be reduced or withdrawn when one family member has paid employment. The decision regarding the reduction is left to the discretion of each municipality.

Measures have been taken to facilitate access to the labour market for TP beneficiaries; for example, they do not need a work permit to be employed. Instead, they only have to be registered in the BRP, having obtained a BSN number and a proof of residency.

The UWV and municipalities can also assist displaced persons from Ukraine in finding a job. To make this possible, the SUWI Decree had to be amended.⁸⁶

Furthermore, there are several initiatives - such as *RefugeeWork* - that support beneficiaries of international protection in their job search, that can also be accessed by TP-beneficiaries, that can also obtain information about work and internship opportunities on [Refugeehelp.nl](https://www.refugeehelp.nl).⁸⁷ TP-beneficiaries from Ukraine who work have the same rights as national employees.

Latest available data on the number of TP-beneficiaries who had access to the labour market refers to 1 July 2022 and was published on 30 November 2022: 35% of the BRP registered displaced persons from Ukraine.⁸⁸

83 *Veilig thuis*, information is available in English at: <https://bit.ly/3GXl3hk>.

84 [Refugeehelp.nl](https://www.refugeehelp.nl), information available in English at: <https://www.refugeehelp.nl/en/get-help/safety/general>.

85 If an employer wants to employ a person from outside of the European Economic Area, a work permit is required. Amongst other things, a work permit entails the assessment whether an EU citizen could do the same work as the person who is aspiring for the work permit.

86 Amendment of the SUWI Decree, *Staatsblad* 2022, 256, only available in Dutch at: <https://bit.ly/3QVpuO4>.

87 [Refugeehelp.nl](https://www.refugeehelp.nl): <https://www.refugeehelp.nl/nl/get-help/work-income/workplaces-internships>.

88 Dutch Parliament, TK 2022-2023, KST 19637, number 3004 ç, only available in Dutch at: <https://bit.ly/3iXFMtl>.

2. Access to education

According to the Compulsory Education Act, all children in the Netherlands from the 5 to 16 years of age should have access to school and education is compulsory. This means that all children between the ages of 5 and 16 from Ukraine are subject to compulsory education and must attend school. Municipalities are responsible for education programmes and paths. Due to a lack of (specialized) staff in primary schools, it is sometimes difficult to register a child at a school.

If a municipality registers too many new inscription requests from children from Ukraine, or in case the children have special educational needs, school boards may decide to establish a temporary educational facility. In doing so, schools may deviate from laws and regulations to provide an appropriate educational offer to displaced children. This should be reported to the Dutch authorities.⁸⁹

From the age of 16, children have the obligation to obtain a certificate in order to acquire access (a start qualification) to the Dutch labour market. Therefore, they need to obtain a diploma in secondary or vocational education. The conditions for displaced children of this age are the same as those for Dutch nationals or beneficiaries who hold a residence permit.

Displaced persons from Ukraine with prior foreign education must have their previous diploma validated in order to study at a college or university. The valuation can be carried out by the Dutch organisation for internationalisation in education (Nuffic)⁹⁰ or by the college or university where the refugee wants to study. After the diploma is valued, the college or university decides whether the student meets the requirements. These are requirements specific to a study and/or language requirement necessary for a study. To be admitted, the student may have to take entrance exams or a language test.⁹¹

The amount of institutional tuition fees is determined by the college or university. The minimum tuition fee for the 2022-2023 academic year is 2,209 €. Most colleges and universities apply the minimum fee to TP beneficiaries from Ukraine.

In general, TP-beneficiaries are entitled to education under the same conditions as nationals. The only difference is that beneficiaries who are adults between the age of 18 and 30 years are not entitled to student grants, because TP-beneficiaries are not holders of a residence permit. Only Dutch nationals and migrants who hold a residence permit are entitled to student grants up to the age of 30.

On 27 March 2023, 11,100 child beneficiaries of temporary protection had been registered in primary schools and 7,300 in secondary education; however, these numbers do not match with the BRP-registrations in municipalities. According to numbers of the BRP-registration, 13,200 child beneficiaries of TP should be registered in primary schools and 7,700 should be registered in secondary education.⁹²

Due to a lack of (specialized) staff in primary schools, it is sometimes difficult to register a child.

Schools facing many registrations from children who fled the war in Ukraine can turn to LOWAN, an organization supporting schools in providing education for migrant children who have just arrived in the Netherlands in primary and secondary education.⁹³ Schools and special new arrivals facilities provide a specific curriculum (lessons) for child beneficiaries from Ukraine. Dutch language lessons are an integral part of this.⁹⁴

89 Regulation on temporary educational facilities in case of mass influx of displaced persons, available in Dutch at: <https://bit.ly/3XFW9tn>.

90 Nuffic is the Dutch organisation for internationalisation in education, information available in English at: <https://bit.ly/3XxO6P2>.

91 Nuffic, Dutch organisation for internationalisation in education, information available in the English language at: <https://bit.ly/3XxO6P2>.

92 Ministry of Education (Education Executive Agency, DUO), information available in Dutch at: <https://bit.ly/3nHKH3v>.

93 Dutch government, information only available in the Dutch language at: <https://bit.ly/3ZLUDaG>.

94 Dutch government, information only available in the Dutch language at: <https://bit.ly/3HdeQyZ>.

F. Social welfare

Displaced people from Ukraine receive a monthly allowance for food and other minor expenses. See section on [Residence permit](#).

Beneficiaries of temporary protection in the Netherlands have access to the labour market. Should a beneficiary of temporary protection lose their job and become unemployed, they are entitled to employee insurances. There are four types of employee insurance schemes:

- Unemployment Act
- Occupational Disability Insurance Act
- Work and Income according to Labour Capacity Act
- Sickness Benefits Act

In order to benefit from an employee insurance scheme, the beneficiary of temporary protection needs to comply with the specific requirements laid down in the different employee insurance schemes.

Beneficiaries of temporary protection who are paid for their work and thus earn their own income in the Netherlands are entitled to child benefits and child budget for children under the age of 18 years. This is a contribution towards the costs of children up to the age of 18. The amount of child budget depends on the income of the beneficiary, on how many children (s)he has and the age of the children.

Beneficiaries of temporary protection who do paid work may be entitled to childcare allowance (*'Kinderopvangtoeslag'*), but as in many cases their (un)married partner is still in Ukraine they often are not eligible for this. The Childcare Act stipulates that people whose (un)married partner is outside the EU do not qualify for childcare allowance. This is a problem for Ukrainians whose (un)married partners cannot leave Ukraine because of the war. Because of this, it has been proposed to change the Childcare Allowance Act to make it possible for beneficiaries of temporary protection from Ukraine in the Netherlands and whose (un)married partner is still in Ukraine to benefit from childcare allowance.⁹⁵ This proposal has been sent to Parliament.

Beneficiaries of temporary protection may also be eligible for other benefits such as rent allowance and health care allowance. See section on [Health care](#).

As far as known, social welfare is provided to beneficiaries of temporary protection under the same conditions and on the same level as to nationals or legally residing Third country nationals. One exception applies: beneficiaries of temporary protection whose (un)married partner is still in Ukraine are formally not eligible for childcare allowance. To make this possible, the Childcare Allowance Act will be amended.⁹⁶ Nevertheless, other groups such as holders of asylum residence permits deal with the same issue, but the Act will not be amended for the purpose of these groups.

The Tax authority (*'Belastingdienst'*) is the organisation responsible for granting rent allowances. Employee insurances are granted by the UWV.⁹⁷ The Tax Authority provides specific information for beneficiaries of temporary protection from Ukraine.⁹⁸

Municipalities and refugee work provide social counselling to Ukrainian refugees.

95 Dutch Parliament, proposal amendment Childcare Act, TK 2022-2023, 36241, information only available in Dutch at: <https://bit.ly/3QNpla0>.

96 Dutch Parliament, proposal amendment Childcare Act, TK 2022-2023, 36241, information only available in the Dutch language at: <https://bit.ly/3QNpla0>.

97 UWV, information only available in Dutch at: <https://bit.ly/3kxKwq9>.

98 Dutch Tax Authority (*Belastingdienst*), information on rent benefits only available in Dutch at: <https://bit.ly/3ZNa6Ya>.

G. Health care

Health care insurance before 1 July 2022

Prior to 1 July 2022, when a specific Medical Care Regulation for beneficiaries of temporary protection from Ukraine ('*Regeling Medische zorg Ontheemden uit Oekraïne*', 'RMO') was introduced, the following applied.

TP holders from Ukraine who did not have paid work and who did not earn their own income had access to health care. The health care costs were reimbursed by the healthcare providers through the Central Administration Office (*Centraal Administratie Kantoor, CAK*). The CAK is the organization that implements financial arrangements in the healthcare sector and informs citizens. The CAK does this on behalf of the Ministry of Health, Welfare and Sport. The medical care is the same as nationals and beneficiaries of residence permits are entitled to according to the basic health insurance. It covers, for example, care from the general practitioner, hospital, psychiatrist or pharmacy.

TP holders from Ukraine who had paid work and earned their own income had to take out a healthcare insurance (a basic healthcare insurance) themselves. This is similar to Dutch nationals and beneficiaries of a residence permit. Like every national and beneficiaries of a residence permit, TP holders have to pay health insurance fees. In order to compensate the paid fees, TP holders were entitled to health care benefits. With the effect of 1 August 2022, the RMO also applies to TP holders in employment.

Health care insurance from 1 July 2022 onwards

From 1 July 2022, a specific Medical Care Regulation for beneficiaries of temporary protection from Ukraine ('*Regeling Medische zorg Ontheemden uit Oekraïne*', 'RMO') was introduced.⁹⁹ To fall under the RMO scheme, the person displaced from Ukraine has to be registered by a municipality in the *Basisregistratie Personen (BRP)* as a person who is entitled to temporary protection (BRP code 46) and receives a citizen's service number (BSN). When a displaced person from Ukraine fulfils these criteria, regardless whether the person concerned is in employment or not, they fall under the RMO scheme. With the effect of 1 August 2022, the RMO also applies to TP holders in persons in employment.

By the RMO scheme, health care providers will be reimbursed for the costs specifically for this group. The TP-beneficiaries do not have to pay health care insurance fees (premium). The health care covered by the RMO is not limited to emergency care, but general medical care is covered. The RMO covers at least the same medical care as nationals and beneficiaries of residence permits are entitled to according to the basic health care insurance. It covers, for example, care from the general practitioner, hospital, psychiatrist or pharmacy. Certain medical care is even outside the basic health care insurance package. This concerns, for example, the compensation of dental care for acute pain up to 250 euro, contraception, abortion care, glasses and hearing aids, and certain medication.¹⁰⁰ The RMO is similar to the health care arrangements for asylum seekers in the Netherlands. Nationals and beneficiaries of a residence permit have to pay fees for their health care insurance.

When a person from Ukraine is refused by a municipality to be registered in the BRP as a person who is entitled to temporary protection (BRP code 46) and does not receive a citizen's service number (BSN) the person concerned does not fall under the RMO scheme. The health care costs can be reimbursed by the health care providers via the CAK.¹⁰¹

All TP holders have effective access to health care as long as the medical treatment falls under the basic health care insurance. As far as known, there are no practical obstacles in accessing it. Problems might

99 Dutch Government, information (leaflet) is available in the English language at: <https://bit.ly/3QJApdy>.

100 Dutch government, Q&A for municipalities regarding medical care for displaced persons from Ukraine, information only available in the Dutch language at: <https://bit.ly/3Wkm0G0>.

101 Dutch government, information on healthcare and displaced persons from Ukraine, information is only available in the Dutch language at: <https://bit.ly/3Y23p2X>.

arise when TP holders wish to be treated by a health care provider whose costs are not covered by the RMO.