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Asylum Information Database

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European Council on Refugees and Exiles

UPDATE ON 2025

NETHERLANDS

COUNTRY REPORT

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Acknowledgements & Methodology

This report was written by Laurence Verkooijen, Matty Verburg, Anna Chatelion Counet, Marlotte van Dael, Ariane den Uyl, Arno Pinxter, Barbara Bierhuizen, Chiara Vrije, Eglantine Weijmans, Gayle Campbell, Helen Rollbühler, Shane van Galen, Pouya Fard, Rosa Koopmans, and Barbara Safradin, edited by Barbara Safradin and Matty Verburg at the Dutch Council for Refugees, and finally edited by ECRE. The temporary protection annex to the report was drafted by Angelina van Kampen, Tess Sanders, Charlotte Liem and Merlijn Bothof and edited by ECRE.

The 2025 update to the AIDA country report on the Netherlands was shared with the Immigration and Naturalisation Service to provide an opportunity for comments.

The information in this report is up-to-date as of 31 December 2025, unless otherwise stated.

The Asylum Information Database (AIDA)

The Asylum Information Database (AIDA) is managed by the European Council on Refugees and Exiles (ECRE). It aims to provide up-to date information which is accessible to researchers, advocates, legal practitioners and the general public through the dedicated website www.asylumineurope.org It covers 27 countries, including 21 EU Member States (AT, BE, BG, CY, CZ, DE, ES, FR, GR, HR, HU, IE, IT, MT, NL, PL, PT, RO, SE, SI, and SK) and 6 non-EU countries (Egypt, Serbia, Switzerland, Türkiye, Ukraine and the United Kingdom). The database also seeks to promote the implementation and transposition of EU asylum legislation reflecting the highest possible standards of protection in line with international refugee and human rights law and based on best practice.

This report is part of the Asylum Information Database (AIDA) funded by the European Union's Asylum, Migration and Integration Fund (AMIF) and ECRE. The contents of this report are the sole responsibility of ECRE and can in no way be taken to reflect the views of the European Commission.

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Glossary & List of Abbreviations

Age inspection	Process by which officials of the Immigration and Naturalisation Service or the Royal Police assess whether the asylum seeker is evidently over or under the age of 18 based on appearance and discussion with them | Leeftijdsschouw
Extended asylum procedure	Procedure applicable where the Immigration and Naturalisation Service deems it impossible to take a decision within the deadlines of the short asylum procedure. The extended procedure lasts 6 months as a rule I Verlengde asielprocedure
Nova	New elements or circumstances in the examination of subsequent applications
Rest and preparation period (RVT)	Lasting six days, the period allows the asylum seeker to rest and the authorities to start preliminary investigations I Rust- en Voorbereidingstijd
Short asylum procedure	The regular procedure applicable to asylum applicants, which lasts 6 working days as a rule I Algemene Asielprocedure
Tracks	Procedural modalities applied to different caseloads. 5 such tracks exist
Written intention	Written notification of the Immigration and Naturalisation Service stating its intention to reject the asylum application. The intention provides the ground for rejection | Voornemen
Written submission	Written submission of the lawyer in response to the written intention (*Voornemen*) of the Immigration and Naturalisation Service | Zienswijze
State Secretary/Minister	The terms 'State Secretary' and 'Minister' will be used interchangeably, depending on the time period: Eric van der Burg served as the Secretary of State for Asylum and Migration in the Rutte IV cabinet from 10 January 2022, to 2 July 2024. From 2 July 2024 until 3 June 2025, Marjolein Faber held the position of Minister for Asylum and Migration in the Schoof cabinet. Since 3 June 2025 ad interim, and since 19 June formally the position is held by David van Weel
AC	Application Centre I Aanmeldcentrum
ACVZ	Advisory Council on Migration I Adviesraad Migratie
ALO	The ALO is a regulation of the Tax Authorities for single parents, which can lead to certain additional allocations or entitlements I Alleenstaande Ouderkop
APD	Asylum Procedures Directive 2013/32
AVIM	Aliens Police I Afdeling Vreemdelingenpolitie, Identificatie en Mensenhandel, in 2025 replaced by DISA
AZC	Centre for Asylum Applicants I Asielzoekerscentrum
BMA	Medical Advisors Office | Bureau Medisch Advisering
BRP	Persons' Database | Basisregistratie Personen
BSN	Citizen Service Number | Burgerservicenummer
CBS	Central Office of Statistics | Centraal Bureau voor de Statistiek
CNO	Crisis Emergency Location | Crisisnoodopvang
COA	Central Agency for the Reception of Asylum Applicants I Centraal Orgaan opvang Asielzoekers
COL	Central Reception Centre I Centrale Ontvangstlocatie
CJEU	Court of Justice of the European Union

DA-AAR	Dutch Association of Age Assessment Researchers
DCR	See VWN
DISA	Department for Identification and Screening of Asylum Seekers | Dienst Identificatie en Screening Asielzoekers, replaces AVIM
DJI	Custodial Institutions Service | Dienst Justitiële Inrichtingen
DT&V	Repatriation and Departure Service of the Ministry of Security and Justice I Dienst Terugkeer en Vertrek
DUO	Education Executive Agency | Dienst Uitvoering Onderwijs
EASO	European Asylum Support Office
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EDT	One day review I de eendagstoets
EMN	European Migration Network
EUAA	European Union Agency for Asylum
FMMU	Forensic Medical Society Utrecht | Forensisch Medische Maatschappij Utrecht
GALA	General Administrative Law Act
GL	Family housing I Gezinslocatie
HTL	Enforcement and Surveillance Location | Handhaving en toezichtlocatie
iMMO	Institute for Human Rights and Medical Assessment | instituut voor Mensenrechten en Medisch Onderzoek, iMMO
Inspection of Justice and Security	Dutch government agency based in The Hague that carries out supervision for the Ministry of Justice and Security. Migration is one of its monitoring areas. The aim of the supervision is to improve the quality of implementation of government tasks.
IND	Immigration and Naturalisation Service I Immigratie- en Naturalisatiedienst
JCS	Border Detention centre I Justitieel Complex Schipol
KMar	Royal Military Police I Koninklijke Marechaussee
KST	Kamerstuk | Parliamentary document
LGBTQI+	Lesbian, gay, bisexual, transgender, queer and intersex community
LOS	National Support Point for Undocumented Migrants I Landelijk Ongedocumenteerden Steunpunt
medTadvies	Independent Medical Agency providing the medical examination, replaces MediFirst
MTV	Mobile Security Supervision Unit of KMar | Mobiel Toezicht Vreemdelingen
NFI	Dutch Forensic Institute | Nederlands Forensisch Instituut
Nidos	Independent guardianship and (family) supervision agency for refugee children
NO	Emergency Location | Noodopvang
NVVB	Dutch Association for Civil Affairs | Nederlandse Vereniging voor Burgerzaken
POL	Process Reception Centre | Proces Opvanglocatie

QD, Qualification Directive	Qualification Directive 2011/95
ROV	Regulation of Internal Order | Reglement Onthoudingen Verstrekkingen
SBB	Cooperation Organisation for Vocational Education, Training and the Labour Market | Stichting Samenwerking Beroepsonderwijs Bedrijfsleven
TCN	Third Country National
TGO	Temporary Municipality Reception | Tijdelijke Gemeentelijke Opvang
TP	Temporary Protection
TPD	Temporary Protection Directive
(non-)UA	(non-)Ukrainian
UWV	Employee Insurance Agency I Uitvoeringsinstituut Werknemersverzekeringen
VBL	Freedom restricted location I Vrijheidsbeperkende locatie
VNG	Association of Dutch Municipalities | Vereniging Nederlandse Gemeenten
VOE	Declaration under oath or promise I Verklaring Onder Ede
VWN	Dutch Council for Refugees | VluchtelingenWerk Nederland
VIS	Visa Information System
WRR	Scientific Council for Government Policy | Wetenschappelijke Raad voor het Regeringsbeleid
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Statistics

Overview of statistical practice

The Immigration and Naturalisation Service (IND) publishes Asylum Trends with statistics on asylum and family reunification applications on a monthly basis.[1] These do not indicate decisions on asylum applications, however. While this report provides some statistical information on the year 2025, various data was not made publicly available by the time of writing of this report.

Applications in 2025

Statistics on applicants concern people, including children and dependents. These numbers do not encompass family reunification.

	Total applicants in 2025	First time applicants in 2025	Subsequent applicants in 2025
Total**	25,839	24,073	1,766
Breakdown by top 10 countries of origin			
Syria	3,373	3,280	93
Eritrea	3,178	3,129	49
Turkey	1,.530	1,468	62
Somalia	1,384	1,289	95
Algeria	1,454	1,205	249
Nigeria	986	813	173
Sudan	796*	796	5*
Afghanistan	803	758	45
Pakistan	689*	689	25*
Unknown[2]*	1,504*	1,504	30*
Total others	10,908	9,142	1,766

Source: IND Asylum Trends and Eurostat

1 IND, *Asylum trends*, available at: http://bit.ly/3YJwEXS.

2 Unknown nationality refers to applicants who cannot prove their nationality. They either have a nationality or they are stateless, but they are not able to prove this or the IND does not believe the nationality they claim to have. See the website of the Government, available in Dutch at: https://bit.ly/3PKWrNY and Workinstruction 2018/12 IND as identifying partner: changing identification registration by the IND, available in Dutch at: https://bit.ly/3vFpc80.

** Please note that the totals shown in all tables reflect all nationalities, not only the 10 nationalities with the highest number of applications.
* Numbers marked with an asterisk are numbers from Eurostat, and rounded to the nearest 5. In the column Totals, the Eurostat numbers added to the IND numbers have also been marked with an asterisk for the same reason.

Granting of protection status at first instance: figures for 2025

Pending applications at the end of 2025: 54,920[3]

Based on Eurostat explanatory texts, this data refers to the number of persons covered by rejection/protection decisions, rather than the number of decisions (which may cover more than one person).[4]

	Total decisions in 2025 (1)	Total rejections (2)	Refugee status	Subsidiary protection	Humanitarian protection (3)
Total**	**15,540**	**8,120**	**3,445**	**2,925**	**1,055**
Breakdown by top 10 countries of origin of applicants					
Eritrea	2,030	210	15	1,735	65
Türkiye	1,560	685	570	10	300
Somalia	1,445	725	250	410	60
Iran	955	450	400	20	85
Iraq	780	680	60	15	25
Afghanistan	610	190	235	50	130
Unknown[5]	575	145	245	145	45
Yemen	540	385	90	50	20
Colombia	535	465	15	35	20
Nigeria	515	425	65	10	15
Total others[6]	5,995	3,760	1,500	445	765

Source: Eurostat

** Please note that the totals shown in the table reflect all nationalities, not only the 10 nationalities with the highest number of decisions. However, disaggregated data per nationality is only available for these 10 nationalities.

3 IND, Jaarcijfers 2025, pending at the end of 2025 in Track 1: 3,030; Track 2: 100; Track 4 (first time applicants, repeated applicants, applicants whose applications had to be reassessed after a court decision, applicants who changed Track and Resettled applicants): 51,790, available in Dutch at: https://bit.ly/48boRKj.

4 The numbers are taken from Eurostat. Please note that the sum of rounded numbers for (a) total rejections and (b) the sum of all types of positive decisions, do not add up to the same number as the number for total decisions.

5 Unknown nationality refers to applicants who cannot prove their nationality. They either have a nationality or they are stateless, but they are not able to prove this or the IND does not believe the nationality they claim to have. See the website of the Government, available in Dutch at: https://bit.ly/3PKWrNY and Workinstruction 2018/12 IND as identifying partner: changing identification registration by the IND, available in Dutch at: https://bit.ly/3vFpc80.

6 In previous years, the number of decisions in Syrian cases was in the top 10. In 2025 only 390 decisions were made in Syrian cases, since decisions were halted following the fall of the Assad regime in late 2024 (see https://bit.ly/4sJGmbW).

Note 1: Statistics on decisions cover the decisions taken throughout the year, regardless of whether they concern applications lodged that year or in previous years.
Note 2: Due to lack of disaggregated data, rejections include both rejections on the merits and inadmissibility, etc.
Note 3: Humanitarian protection in the Dutch context refers to the 'derived asylum status' for family members. Some family members who were not eligible for international protection themselves, but who came to the Netherlands together with a family member who was eligible for international protection, might receive a 'derived asylum status' upon their asylum request that was originally declined. This includes spouses, partners, children and parents of minor children.[7]

[7] Based on information received by the IND in March 2024.

Applications and granting of protection status at first instance: rates for 2025

	Overall rejection rate	Overall protection rate	Refugee rate	Subsidiary protection rate	Humanitarian protection rate
Total*	52%	48%	22%	19%	7%

Breakdown by countries of origin of the total numbers by top 10 countries of origin of applicants

Eritrea	10%	89%	1%	85%	3%
Türkiye	44%	56%	37%	1%	19%
Somalia	50%	49%	17%	28%	4%
Iran	47%	53%	42%	2%	9%
Iraq	87%	13%	8%	2%	3%
Afghanistan	31%	68%	39%	8%	21%
Unknown[8]	25%	76%	43%	25%	8%
Yemen	71%	30%	17%	9%	4%
Colombia	87%	13%	3%	7%	4%
Nigeria	83%	17%	13%	2%	3%

Source of the percentages: Percentages calculated by the Dutch Refugee Council, on the basis of the raw data from Eurostat provided in the table above.

* Please note that the totals shown in the table reflect all nationalities, not only the 10 nationalities with the highest number of decisions. However, disaggregated data per nationality is only available for these 10 nationalities.

Notes:

- Due to lack of disaggregated data, these rates are calculated based on total decisions, including inadmissibility decisions, which do not always imply that the persons did not have a -potentially recognised- protection need.
- These rates are calculated including humanitarian protection among positive and total decisions.

[8] Unknown nationality refers to applicants who cannot prove their nationality. They either have a nationality or they are Stateless, but they are not able to prove this or the IND does not believe the nationality they claim to have. See the website of the Government, available in Dutch at https://bit.ly/3PKWrNY and Workinstruction 2018/12 IND as identifying partner: changing identification registration by the IND, available in Dutch at https://bit.ly/3vFpc80.

Gender/age breakdown of the total number of applicants: 2025

	Men	Women	Unknown
Number	18.840	6.885	20
Percentage	73,18%	26,74%	0,29%

	Adults	Children	
		Accompanied	Unaccompanied
Number	12,530	11,386	3,514
Percentage	48,67%	44,23%	13,65%

Source: Eurostat, data on unaccompanied children IND Asylum Trends, available here. The total of accompanied children is calculated by the Dutch Council for Refugees by deducting the number of Unaccompanied Children from IND from the number of Children from Eurostat.

Note: The gender breakdown (Men/Women) applies to *all* applicants, not only adults.

First instance and appeal decision rates: 2025

	First instance		Appeal	
	Number	Percentage	Number	Percentage
Total number of decisions	15,540		3,120	
Positive decisions	7,420	47.8%	1,435	46%
• *Refugee status*	3,445	22.2%	735	23,6%
• *Subsidiary protection*	2,925	18,8%	430	13.8%
• *Other*[9]	1,055	6.8%	270	8.7%
Negative decisions	8,120	52.3%	1,685	54%

Source: Eurostat

[9] The category “Other” applies to the number of humanitarian statuses granted. Humanitarian protection in the Dutch context refers to the ‘derived asylum status’ for family members. Some family members who were not eligible for international protection themselves, but who came to the Netherlands together with a family member who was eligible for international protection, might receive a ‘derived asylum status’ upon their asylum request that was originally declined. This includes spouses, partners, children and parents of minor children. Based on information received by the IND in March 2024.

Overview of the legal framework

Main legislative acts relevant to asylum procedures, reception conditions, detention and content of protection

Title in English	Original Title (NL)	Abbreviation	Web Link
General Administrative Law Act	Algemene Wet Bestuursrecht (AWB)	GALA	https://bit.ly/2MsylJS (NL)
Aliens Act 2000	Vreemdelingenwet 2000 (Vw 2000)	Aliens Act	https://bit.ly/3qUN0MS (NL) https://bit.ly/3uzy7XV (EN)
Act of the Central Agency of Reception	Wet Centraal Opvang Orgaan (Wet COA)	Reception Act	https://bit.ly/36cQane (NL)
Aliens Labour Act	Wet Arbeid Vreemdelingen (Wav)	Aliens Labour Act	https://bit.ly/3a8zONB (NL)
Asylum Reception Facilities in Municipalities (Enablement) Act	Wet gemeentelijke taak mogelijk maken asielopvangvoorzieningen (Spreidingswet)	Dispersal Act	https://bit.ly/40xxmMa (NL)

Main implementing decrees and administrative guidelines and regulations relevant to asylum procedures, reception conditions, detention and content of protection

Title in English	Original Title (NL)	Abbreviation	Web Link
Aliens Decree 2000	Vreemdelingenbesluit 2000 (Vb 2000)	Aliens Decree	https://bit.ly/3ccPTEJ (NL)
Aliens Circular 2000	Vreemdelingencirculaire 2000 (Vc 2000)	Aliens Circular	A: https://bit.ly/3sXEJtu B: https://bit.ly/3a5qFWi C: https://bit.ly/3pkVUCZ (NL)
Aliens Regulation 2000	Voorschrift Vreemdelingen 2000 (Vv 2000)	Aliens Regulation	https://bit.ly/3qUDYzz (NL)
Regulation on benefits for asylum applicants and other categories of foreigners 2005	Regeling verstrekkingen asielzoekers en andere categorieën vreemdelingen 2005 (Rva 2005)	RVA	https://bit.ly/2Ma6hLw (NL)
Border Accommodation Regime Regulation	Reglement Regime Grenslogies (Rrg)	Border Regime Regulation	https://bit.ly/3ceEyE4 (NL)
Measures Policy COA	Maatregelenbeleid COA	Measures Policy	https://bit.ly/3PC5eBc (NL)

Overview of the main changes since the previous report update

The report was previously updated in **May 2025**.

Note: This overview aims to briefly highlight the key developments from the previous year. As such, no sources are provided here, as they can be found later in the main text.

International protection

Asylum procedure

- **Key asylum statistics**: In 2025, a total of 25,839 asylum applications were lodged in the Netherlands. 24,073 first applications for international protection were lodged, mainly by Syrian (3,280), Eritrean (3,129) and Turkish (1,468) nationals. A total of 1,766 subsequent asylum applications were lodged in 2025. 15,540 decisions on asylum applications were taken during 2025. The overall recognition rate at first instance stood at 48% (down from 75.3% in 2024): 22% refugee status (24.9% in 2024), 19% subsidiary protection (46.8% in 2024), and 7% humanitarian protection (3.7% in 2024). 46% of judicial appeals regarding decisions in the international protection process were positive in 2025.

- **General extension of the time-limit for deciding on asylum applications:** One of the main developments is the ruling of the CJEU in *Zimir* was its conclusion that there are strict requirements under which the time-limit for deciding can be extended to 15 months. The Dutch decision to extend this time-limit for four years in a row for all asylum seekers was thus deemed unlawful. As a result, the Minister already withdrew the last two extensions for the years 2024 and 2025. The Council of State ruled on 25 March 2026 that the first general extension was also deemed unlawful because of the gradual increase in the amount of asylum applications as opposed to a sharp increase almost simultaneously.[10] Only the second general extension still stands, as the Council of State did not specifically address this extension, but on the basis of *Zimir* and the Council of State's judgments, it is highly unlikely this extension can be deemed lawful (see Regular Procedure).

- **Backlog and waiting times:** The backlog of cases and the waiting times continue to grow. The backlog of cases was 52,360 at the end of October 2025 in Track 4, the General Procedure and Extended Procedure, with an average waiting time of 17 weeks before the Registration Interview, and a further 86 weeks before the Detailed Interview, for an average waiting time of nearly two years, without considering the waiting time for a decision after the Detailed Interview (see Regular Procedure).

- **Article 15c Qualification Directive**: The designation of different regions and countries as areas in which a certain degree of indiscriminate violence exists has once again changed. Currently, the Minister will first designate whether there is an armed conflict in an area, and thereafter consider the extent of the violence, with level A being a 'pure' Article 15c QD-situation existing, level B meaning an area with a 'relatively higher degree of indiscriminate violence', and level C meaning a 'relatively lower degree of indiscriminate violence'. In addition, there is a debate as to exactly when humanitarian circumstances need to be included in the Article 15c QD-assessment, which has led to the Regional Court of Roermond posing preliminary questions to the CJEU (see Differential treatment of specific nationalities in the procedure).

- **Suspension of transfers to Belgium for single men**: Since the ruling by the Council of State of 23 July 2025, Dublin transfers to Belgium for single men have been suspended, as the accommodation conditions there have worsened and the Belgian authorities have not increased the number of

[10] Council of State, ECLI:NL:RVS:2026:1749, 25 march 2026, available in Dutch at: https://bit.ly/4mV8zLs

accommodation places, meaning single men will be placed on a waiting list, as priority is given to families, women and children. This means that Belgian authorities are indifferent to the situation of single men, reaching the threshold of the *Jawo* judgment (see Suspension of transfers).

The Regional Court of Rotterdam ruled that the situation in Greece for beneficiaries of international protection is still very bad. A new internal information message regarding **beneficiaries of international protection from Greece** has been published by the IND, in which the conditions for the 'self-reliance' criterium are anonymised.[11] After the publication of this internal message, the **'self-reliance' criterium** has been invoked more frequently by the immigration office. As of yet, only two courts have ruled on this subject.[12] Both Courts ruled that the IND should be open about the conditions for the 'self-reliance' criterium. One of these courts (Rotterdam) also ruled that the situation in Greece for beneficiaries of international protection is still very bad, so the immigration office could not change the self-reliance criterium without further explanation (See First country of asylum – EU Member States and Return procedure).

- South Korea is no longer considered a **safe third country** because its asylum procedure lacks procedural safeguards and good infrastructure.

- As of September 2025, the **safe country of origin** concept is no longer applied in the Netherlands due to the CJEU rulings on the safe country of origin concept stating that the Asylum Procedures Directive does not allow to designate a country of origin as safe with territorial or personal exemptions. Therefore, the Minister decided to suspend the application of the safe country of origin concept altogether awaiting the new rules from the Asylum Procedures Regulation (See Safe Country concepts).

Reception conditions

- Less than half of the people entitled to reception conditions (i.e., asylum seekers), as well as beneficiaries of international protection who have not been offered housing yet, were staying in (crisis) emergency centers over the course of 2025 (32,842 out of 79,984 people). All other residents stayed in regular asylum centres and/or temporary reception locations managed by municipalities. Different reports highlight how the majority of the (crisis) emergency locations still largely fail to meet the State's obligations under EU law.[13] While some (crisis) emergency locations have adequate facilities, these are exceptions, and conditions elsewhere are equally distressing. The inadequate reception conditions at (crisis) emergency locations are especially alarming due to the long period of stay for up to one and a half years.[14] People suffer severely from a lack of privacy, tranquillity, and suitable nutrition. Sanitary facilities are inadequate and particularly unhygienic at too many locations. Problems with healthcare accessibility exist in almost half of the (crisis) shelters. Additionally, the majority of the (crisis) shelters are detrimental to children, who experience a decline in health and weight loss due to a lack of activities, safe play areas, and healthy food. Large differences between (crisis) shelters reveal that whether asylum seekers are able to experience decent reception in the Netherlands is subject to arbitrariness (see Reception conditions).

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11 Internal information message IND 2025/20 *Griekse statushouders*, available in Dutch at: https://bit.ly/49vNS2x.

12 Regional Court Roermond, ECLI:NL:RBDHA:2025:20337, 3 November 2025, available in Dutch at: https://bit.ly/3YtXgPg; Regional Court Rotterdam, ECLI:NL:RBDHA:2025:22749, available in Dutch at: https://bit.ly/3YpB8Wd.

13 Inspectie Justitie en Veiligheid, Brief Toezicht Inspectie Justitie en Veiligheid Ter Apel, 15 January 2024, available in Dutch at: https://bit.ly/3WmsWoR; VWN, *Onderzoek naar ervaringen en behoeften van vluchtelingen in de opvang*, December 2024, available in Dutch at: https://bit.ly/40jjZ0F; VWN, *Gevlucht en Vergeten? No. 2*, January 2024, available in Dutch at: https://bit.ly/4hfWkVP.

14 VWN, *Gevlucht en Vergeten? No. 2*, January 2024, available in Dutch at: https://bit.ly/4hfWkVP.

Detention of asylum applicants

- In 2025, 4,190 persons have been detained in immigration detention in the Netherlands (see Immigration detention).

- In September 2025, the CJEU ruled in response to a preliminary reference lodged by a Dutch Court, concluding that Courts deciding on detention cases may also assess whether there is a risk of refoulement (*Adrar*, C-313/25) (see Judicial review of the detention order).

- In September 2025, the Regional Court of Amsterdam lodged a preliminary ruling to the CJEU, asking in essence whether the facilities in the Detention Centre of Schiphol qualified it as 'a specialized detention facility' for border detention as provided in the Reception Conditions Directive (see Grounds for detention – Border detention).

Content of international protection

- **Legislative reform**: The Dutch legislative proposal to abolish the permanent asylum permit and to lower the duration of the asylum permit from 5 to 3 years is still under consideration. The government added these proposals also to the legislative proposal implementing the EU Pact on Migration and Asylum. Therefore, two legislative processes with partly overlapping proposals are currently being developed (see Residence Permit).

- **Family Reunification**: On 7 November 2025, the Council of State ruled that the right to family reunification remains intact if the sponsor obtains the Dutch nationality during the family reunification procedure. The Council of State ruled that the relevant reference point for the sponsor's residence status for the purpose of the right to family reunification is the date of the (subsequent) application. Furthermore, new legislation entered into force on 28 March 2025, that extends the maximum time for taking a decision on a family reunification request from 6 to 9 months and establishes a legislative basis to determine a late submission of an application as objectively excusable (See Family reunification).

Temporary protection

The information given hereafter constitutes a short summary of the annex on Temporary Protection in the Netherlands, for further information, see Temporary Protection Netherlands.

- **Shortage of reception places**: In 2025, the shortage of available reception places for Temporary Protection (TP) beneficiaries in the Netherlands remained a major problem. In the opinion of the authors of this report, the situation worsened when at the end of 2024 the final HUB closed. This meant that coordination of available municipal reception places on a supra-regional/rural level was further restricted. Displaced persons were even called upon to find a place to live themselves in the very tight Dutch housing market.[15] The shortage of available accommodation also meant that displaced persons were placed in emergency shelters or hotels, even ended up without a roof over their heads or left for other countries, seeking protection. As a result, the pressure on municipalities to provide accommodation to TP beneficiaries increased. If a municipality refuses shelter, registration in the Municipal Personal Records Database (BRP) will also not take place. As a result, a displaced person is prevented from effectively exercising their rights under the TPD. Without registration, there is no access to the labour market and no insurance, making it very difficult to arrange housing. Under Dutch law, municipalities have an obligation to provide reception to beneficiaries of temporary protection.

[15] Kamervragen over het bericht dat Oekraïense mannen zelf huisvesting moeten regelen, 22 september 2025, available in Dutch at: https://bit.ly/4bqZkiv.

Developments in case law further clarified the scope of this obligation.[16] Regional courts confirmed that municipalities must provide accommodation when a displaced person reports to them. If no reception places are available, municipalities can choose to provide alternative accommodation. Placing beneficiaries on waiting lists or referring them to other municipalities, without having made sure accommodation will be available for them there, is not sufficient. According to the Association of Dutch Municipalities (VNG), municipal reception facilities for displaced persons from Ukraine have been almost fully occupied throughout 2025, leaving limited scope to accommodate newly arriving beneficiaries.[17] The VNG repeatedly emphasized that municipalities need additional support from the government, in the form of increased funding, clearer policy guidance and stronger coordination.[18]

- **End of temporary protection for non-Ukrainian nationals**: As of 19 July 2022, non-Ukrainian nationals who had a temporary residence permit in Ukraine no longer fall within the scope of the TPD in the Netherlands. Temporary protection for non-Ukrainian nationals holding a temporary Ukrainian residence permit who had registered before that date ended automatically on 4 March 2024. This was the result of the Council of State ruling of 17 January 2024.[19] However, divergent case law led to two preliminary references by Dutch courts to the CJEU: (a) by the Regional Court of Amsterdam on 29 March 2024, and (b) by the Council of State on 25 April 2024. On 19 December 2024, the CJEU ruled in *Kaduna and Abkez* (C-244/24 and C-290/24) that Member States are allowed to end temporary protection they have voluntary granted at any moment, even before the maximum duration of the temporary protection mechanism established at EU level has been reached.[20] The final rulings of the Regional Court Amsterdam and the Council of State are in line with this CJEU judgment.[21] Pending the rulings of the CJEU and the abovementioned national courts, beneficiaries belonging to this specific group of non-UA nationals were allowed to legally remain in the Netherlands under the effect of a suspension order (*bevriezingsmaatregel*). Non-UA nationals retained their rights connected to the TPD for as long as this measure was in effect. This suspension order ended on 4 September 2025 and, as far as the authors of this report are aware of, no major issues have been raised since then by this specific group.[22] There is no clear view of what happened to this group of non-UA nationals after September 2025.

- **Decision on asylum requests after the refusal of temporary protection**: The following applies to Ukrainian nationals who do not fall within the scope of the Temporary Protection Directive in the Netherlands and who had their asylum application processed. The policy that suspended the processing of asylum applications of Ukrainian nationals expired on 28 November 2023.[23] Since then, the IND decided on asylum requests of Ukrainian nationals in cases where the 21-month decision period had expired. It can be inferred from some asylum decisions that, according to the IND, an internal flight or relocation alternative is available in Ukraine (i.e., Ukrainian nationals originating from

16 District Court Groningen, ECLI:RBNNE:2025:4074, 6 October 2025, available in Dutch at: bit.ly/3LqykFj; District Court Den Bosch, SHE/2480 (not yet published), 24 October 2025; District Court Rotterdam, ECLI:NL:RBROT:2025:15050, 22 December 2025, available in Dutch at: https://bit.ly/4qG7zf8.

17 Figures on the reception of displaced persons from Ukraine in the Netherlands, available in Dutch at: https://bit.ly/49xdgFj.

18 VNG, Escalatie van sociale onrust en vastlopende opvangketen, 22 September 2025, available in Dutch at: https://bit.ly/4pwrsnR.

19 Council of State, 202305663/1/V2, 17 January 2024, ECLI:NL:RVS:2024:32Council of State, 202305663/1/V2, 17 January 2024, ECLI:NL:RVS:2024:32 https://bit.ly/4526G8l.

20 CJEU, judgment in case C/2025/1519, *Kaduna and Abkez*, of 19 December 2024 via https://bit.ly/4pzcr4C.

21 Council of State, 202402020/3/V3, 23 April 2025, ECLI:NL:RVS:2025:1827, available at: https://bit.ly/4qFSXfx; Regional Court Den Haag (Amsterdam), NL24.5401, ECLI:NL:RBDHA:2025:12445, 1o July 2025, available at: https://bit.ly/4qJJNPa.

22 Dutch Parliament, 'Vervolg derdelanders met tijdelijk verblijfsrecht in Oekraïne', 3 June 2025, ref.no 6413309, information only available in Dutch at: Kamerbrief over vervolg derdelanders met tijdelijk verblijfsrecht in Oekraïne | Kamerstuk | Rijksoverheid.nl; IND, War in Ukraine: Residency non-Ukrainians with temporary Ukrainian residence permit, available in English at: Residency non-Ukrainians with temporary Ukrainian residence permit | IND.

23 KST 19637, nr. 3163, 6 September 2023, available in Dutch at: https://bit.ly/4stbjSZ.

the eastern part of Ukraine can relocate in the western part of Ukraine). No country policy has been published yet.

- **Processing asylum applications of TP beneficiaries**: To obtain temporary protection in the Netherlands, displaced persons from Ukraine must file an asylum request. These asylum applications will only be processed after temporary protection has ended. In general, regional courts justified this suspension, although in 2024 some courts ruled that, in accordance with Article 31(5) of the Asylum Procedures Directive (APD), these asylum applications should be assessed within 21 months after the application was lodged. In two cases an appeal was lodged with the Council of State. On 2 April 2025 the Council of State lodged a preliminary reference to the CJEU regarding the time limits laid down in Article 31 of the APD (C-249/25, *Jilin*).[24]

- **Increase of the individual financial contribution for accommodation**: In 2025, the individual financial contribution required from TP beneficiaries with sufficient resources residing in municipal accommodation was significantly increased.[25] The monthly contribution for beneficiaries with sufficient income was raised from €105 to €244.22 per adult, with a maximum of €488.44 per family. According to the government, the increase intends to better reflect the actual costs associated with accommodation and to align the reception framework for TP beneficiaries more closely with that applicable to asylum seekers with sufficient income accommodated via the COA system. A minimum income of 115% was also set to ensure that taking up employment remains financially beneficial. A hardship clause was introduced, allowing municipalities to fully or partially waive financial contribution in individual cases where its application would result in disproportionate disadvantages. The government presented these amendments to the existing regulation as a step towards “normalization” and sustainability of reception arrangements for TP beneficiaries.[26] However, the Association of Dutch Municipalities reported implementation challenges, including an increased administrative burden and difficulties related to income assessment and collection of contributions.[27]

- **Dutch long-term policy for displaced persons from Ukraine**: As temporary protection for displaced persons from Ukraine under the TPD is set to expire in March 2027, the government outlined the contours of a long-term policy for after that date.[28] This policy consists of two parts, (1) the introduction of a transition document as a post-TPD residence right and (2) a voluntary return program. The transition document will be a three-year temporary regular residence permit. This means that, unlike the current situation in the Netherlands, TP beneficiaries will then be granted a residence permit. The transition document is intended to provide TP beneficiaries with a lawful and stable residence status after the end of temporary protection, while allowing them to prepare for return to Ukraine. This document will be granted *ex officio*, provided that the beneficiary has been granted temporary protection in the Netherlands before a certain date, passes a public order check and withdraws the pending asylum application.[29] The second part of the long-term policy concerns voluntary return to Ukraine. In addition to practical arrangements for return, such as documentation, the return program will include a form of financial support. Whether the long-term policy will be (thus) implemented is possibly still in question, as the government raised several major questions about the feasibility of this plan. At the same time, the government emphasized that processing the asylum requests of all 130,000 TP beneficiaries in the Netherlands is not possible. Further information on costs, feasibility

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24 Council of State, 202402732/1/V2, ECLI:NL:RVS:2025:1473, 2 April 2025, preliminary questions, C-249/25, *Jilin, available in Dutch at:* https://bit.ly/453nFHi

25 KST, Verzamelbrief opvang Oekraïne, 4 July 2025, available in Dutch at: https://bit.ly/4qKD0Vw

26 Ministerie van Asiel en Migratie, Handreiking: Verhoging eigen bijdrage voor Ontheemden uit Oekraïne, published in July 2025, available in Dutch at: https://bit.ly/4jnPsIt.

27 VNG, Uitvoeringstoets verhoging eigen bijdrage Regeling opvang ontheemden Oekraïne, published on 20 May 2025, available in Dutch at: https://bit.ly/4bj3LMd.

28 Verzamelbrief opvang Oekraïne, 28 november 2025, available in Dutch at: https://bit.ly/3NgILf5.

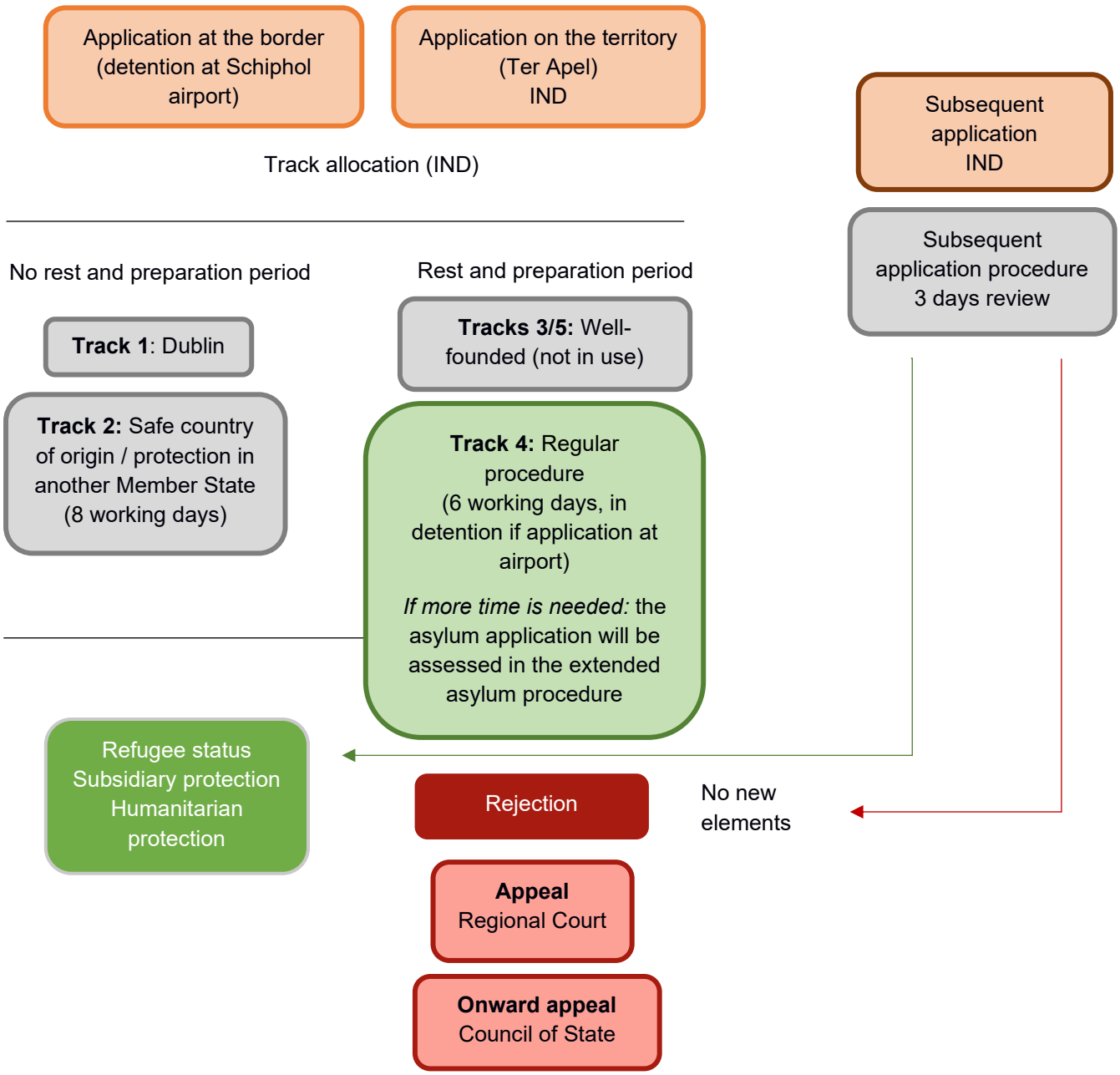
29 Instead of opting for the transition document, TP beneficiaries can choose to continue the processing of their asylum request; moreover, an asylum application can be submitted again at a later time.

and implementation of the long-term policy is expected in April 2026, in the context of the annual Spring Memorandum.

Asylum Procedure

A. General

1. Flow chart



2. Types of procedures

Indicators: Types of Procedures

1. Which types of procedures exist in your country?
   - ❖ Regular procedure: ☒ Yes ☐ No
     - ▪ Prioritised examination:[30] ☐ Yes ☒ No
     - ▪ Fast-track processing:[31] ☐ Yes ☒ No
   - ❖ Dublin procedure: ☒ Yes ☐ No
   - ❖ Admissibility procedure: ☐ Yes ☒ No
   - ❖ Border procedure: ☒ Yes ☐ No
   - ❖ Accelerated procedure:[32] ☒ Yes ☐ No
   - ❖ Other:[33] ☒ Yes ☐ No

2. Are any of the procedures that are foreseen in the law, not being applied in practice? ☐ Yes ☒ No

3. List of authorities intervening in each stage of the procedure

Stage of the procedure	Competent authority (EN)	Competent authority (NL)
Registration at the border	Royal Netherlands Marechausse (KMar)	Koninklijke Marechaussee (KMar)
Registration on the territory	Department for Identification and Screening of Asylum Seekers	Dienst Identificatie en Screening Asielzoekers (DISA)
Application at the border	Immigration and Naturalisation Service (IND)	Immigratie- en Naturalisatiedienst (IND)
Application on the territory	Immigration and Naturalisation Service (IND)	Immigratie- en Naturalisatiedienst (IND)
Dublin (responsibility assessment)	Immigration and Naturalisation Service (IND)	Immigratie- en Naturalisatiedienst (IND)
Refugee status determination	Immigration and Naturalisation Service (IND)	Immigratie- en Naturalisatiedienst (IND)
Appeal	Regional Court	Rechtbank
Onward appeal	Council of State	Afdeling Bestuursrechtspraak van de Raad van State (ABRvS)
Subsequent application (admissibility)	Immigration and Naturalisation Service (IND)	Immigratie- en Naturalisatiedienst (IND)
Revocation / withdrawal of international protection	Immigration and Naturalisation Service (IND)	Immigratie- en Naturalisatiedienst (IND)
Repatriation and return (voluntary and forced)	Service Repatriation and Departure	Dienst Terugkeer en Vertrek (DT&V)

30 For applications likely to be well founded or made by vulnerable applicants. See Article 31(7) APD.
31 Accelerating the processing of specific caseloads as part of the regular procedure.
32 Labelled as 'accelerated procedure' in national law. See Article 31(8) APD.
33 Asylum applicants can be referred to the 'Extended Procedure' if more time and/or information is needed to take a decision.

4. Number of staff and nature of the determining authority

Name in English	Number of staff	Ministry responsible	Is there any political interference possible by the responsible Minister with the decision making in individual cases by the determining authority?
Immigration and Naturalisation Service (IND)	6,477 FTE[34]	Ministry of Asylum and Migration	☒ Yes ☐ No

The Immigration and Naturalisation Service (IND) is responsible for examining applications for international protection and taking decisions at first instance. The work instructions applied by caseworkers are published in Dutch on the IND's website.[35] This includes procedural instructions on, *inter alia*, interviews, subsequent applications, age assessments, border procedures, and the use of country of origin information. Additionally, it provides information on how to work with an interpreter, how to handle medical advice, how to decide in cases in which sexual orientation and gender identity issues are brought up as grounds for asylum, or how to conduct child-friendly interviews.

To keep up with the yearly increase in the number of asylum requests, the IND has gradually been raising its capacity. The number of IND personnel has increased from 4,302 FTE in 2019, 4,762 FTE in 2020, 4,969 FTE in 2021, 5,393 in 2022, 6,039 in 2023, to 6,438 in 2024 (FTE being a 'fulltime-equivalent', where one FTE corresponds to a full workweek for one person).[36] This number increased to 6,477 in 2025. In addition, the IND has experimented with different methods to make the asylum procedure more efficient, for example by implementing a written interview or outsourcing positive decisions to external partners. However, the backlog of cases continues to grow, increasing to 51,860 as of December 2025 (excluding family reunification and Tracks 1 and 2, see Procedures).[37]

In addition to the staff of the IND, there was also European Union Agency for Asylum (EUAA) personnel present on Dutch territory in 2025.

In May 2022, the EUAA signed its first operational plan with the Netherlands, to address temporary reception needs, as well as to provide operational support in the field of reception.[38] In December 2022, the EUAA and the Netherlands signed an amendment and extension of the plan for continued operational support..[39] The plan was subsequently amended and extended twice: for continued support in 2024 extending to both asylum and reception,[40] and for continuation of support until June 2026, with a focus on reception support.[41]

Throughout 2025, the EUAA deployed 52 experts to the Netherlands, mainly external experts (45).[42] These included 26 protection experts and 17 Junior Reception Child Protection Experts.[43]

34 IND, *Tertaalcijfers 2025*, available in Dutch at: https://bit.ly/3YVbYPk.
35 IND, 'Cijfers en Publicaties', available in Dutch at: https://bit.ly/4iFFFMk.
36 IND, *Annual reports 2017 – 2025*, available at: https://bit.ly/3LmkQKK.
37 IND, *De IND in cijfers*, 25 March 2026, available in Dutch at: https://bit.ly/4kDCars.
38 EUAA, *Operational Plan 2022 agreed with the European Union Agency for Asylum and the Netherlands*, 6 May 2022, available at: https://bit.ly/3ypVNMJ, Annex 1.
39 EUAA, *Operational Plan 2022-2023 agreed with the European Union Agency for Asylum and the Netherlands*, December 2022, available at: https://bit.ly/3FenQ5x, Annex 1.
40 EUAA, *Operational Plan 2024 agreed with the European Union Agency for Asylum and the Netherlands*, December 2023, available here.
41 EUAA, *Operational Plan 2022-2026 agreed with the European Union Agency for Asylum and the Netherlands – Amendment 3*, December 2024, available here.
42 EUAA personnel numbers do not include deployed interpreters by the EUAA in support of asylum and reception activities.
43 Information provided by the EUAA, 05 March 2026. In the course of 2025, 11 persons were deployed in the Netherlands under two different profiles. These cases are reported separately under each category.

As of 15 December 2025, a total of 23 EUAA experts were deployed in the Netherlands, out of which 17 were protection experts.[44]

In the Netherlands, new workflows were set up and launched in April 2025 for the identification and referral of special needs and vulnerabilities in the night shelter and the initial central reception (COL) area of Ter Apel. In this context, some 129 persons were screened by the EUAA, presented vulnerability indicators and were referred to the Dutch reception Authority (COA), while additionally the EUAA conducted special needs and vulnerability interviews with 34 vulnerable persons residing in the Night Shelter, between May and September 2025, when the relevant activities took place.[45]

In 2025, the EUAA delivered 3 training sessions to a total of 44 local staff members.[46]

5. Short overview of the asylum procedure

Registration phase

Expressing the wish to apply for asylum does not mean that the request for asylum has officially been lodged. Asylum applications can be lodged at the border or on Dutch territory. Any person arriving in the Netherlands and wishing to apply for asylum must report to the IND. Asylum seekers from a non-Schengen country, arriving in the Netherlands by plane or boat, are refused entry to the Netherlands and are detained. In this case, the asylum seeker needs to apply for asylum immediately before crossing the Dutch (Schengen) external border, at the Application Centre at **Amsterdam Airport Schiphol** (*Aanmeldcentrum Schiphol*, AC).

When an asylum seeker enters the Netherlands by land, or is already present on the territory, they must report immediately to the Central Reception Centre (*Centrale Ontvangstlocatie*, COL) in **Ter Apel** (nearby **Groningen**, north-east of the Netherlands), where registration takes place (fingerprints, travel- and identity documents are examined). After registration activities in the COL have been concluded the asylum applicant is transferred to a Process Reception Centre (*Proces Opvanglocatie*, POL).

Third country nationals detained in an aliens' detention centre can apply for asylum at the detention centre.

The application/registration procedure in the COL takes three days. During this procedure the asylum applicant has to complete an extensive application form. Fingerprints are taken and the asylum applicant is interviewed regarding their identity, family members, travel route and profession. This is called the registration interview (*aanmeldgehoor*). Data from Eurodac and the Visa Information System (VIS) are consulted. From all this information the IND may conclude that, according to the Dublin Regulation, another Member State is responsible for examining the asylum application. In case of a ‘hit’ in Eurodac the IND can already submit a request to another Member State to assume responsibility for the asylum application under the Dublin Regulation.

However, due to the high number of asylum applications and the ongoing capacity problems at the IND, said procedure has not always been followed in recent years. Instead, an alternative procedure was introduced: depending on both the capacity of the Aliens Police or DISA and the available accommodation at the COL in Ter Apel, either the regular registration phase as outlined above is followed, or temporary ‘waiting areas’ are installed for a period of time. This was notably the case between September 2022 and March 2023. During 2024, the use of the pre-registration locations continued. A new development was that some of the applicants staying at these locations had already undergone the registration process. Their stay was thus no longer due to backlogs in the registration

44 Information provided by the EUAA, 05 March 2026.
45 Information provided by the EUAA, 05 March 2026. Vulnerability assessments in Greece are performed under reception measures for residents of reception facilities and therefore figures may also reflect non asylum applicants residing is such facilities.
46 Information provided by the EUAA, 05 March 2026.

process but due to a lack of reception capacity in regular Centre for Asylum Applicants (AZC) (for detailed information see Making and registering the application). During 2025, this pre-registration procedure was not used, as there were no noticeable capacity problems with the registering authorities.

Procedural tracks

The IND applies a 'Five Tracks' policy, whereby asylum applicants are channelled into a specific procedure track (*spoor*) depending on the circumstances of their case.[47] Track 1 and 4 have always been part of the IND's practice. Track 2 has been applied since 1 March 2016 and tracks 3 and 5 have not been applied (yet). The tracks are only applicable when the asylum application has been lodged on the territory, not when it was lodged at the border.

Track 1 Dublin Procedure. The asylum applicant is not entitled to a rest and preparation period or a medical examination executed by medTadvies.[48]

Track 2 Procedure for applicants from a 'safe country of origin' and applicants who have already received international protection in another Member State. The IND considers it unlikely that these applications will result in a positive decision. The assessment takes place in a fast-track procedure, which in principle takes place within a maximum of 8 working days. The asylum applicant is not entitled to a rest and preparation period or a medical examination executed by medTadvies.[49]

Track 3 Fast-track procedure for applications which are considered likely to be granted. The procedure is linked to Track 5, but neither track has ever been applied yet.

Track 4 Regular Procedure *(Algemene asielprocedure)* of 6 working days, with the possibility to extend this time limit by 6, 8 or 14 days.[50] In case the application cannot be thoroughly assessed within the Regular Procedure, there is a possibility of assessing the application in the Extended Procedure *(Verlengde Asielprocedure)* within a time limit of 6 months.

Track 5 Procedure for applications starting in Track 3 and likely to be granted, but where additional research must take place regarding identity and/or nationality. Like Track 3, Track 5 has never been applied yet.

Amendments Aliens Decree regarding Regular Procedure ('Track 4')

The Aliens Decree was amended on 25 June 2021.[51] This amendment entails the following:

(1) the registration procedure is formally laid down in the Aliens Decree;
(2) during the registration interview the asylum applicant is briefly questioned about their reasons for fleeing their country of origin;
(3) cancellation of the first (verification) interview on day 1 of the Regular Procedure, which results in a shortening of the Regular Procedure from 8 to 6 working days;
(4) more grounds for extending the Regular Procedure.

47 Decree WBV 2016/4 of 26 February 2016 amending the Aliens Circular 2000, available in Dutch here. See paragraphs C1/2.1 to C1/2.7.
48 Article 3.109c Aliens Decree.
49 Article 3.109ca Aliens Decree.
50 Article 3.115 (3) Aliens Decree.
51 Amendment to the Aliens Decree, *In verband met het regelen van de aanmeldfase en het vervallen van het eerste gehoor in de algemene asielprocedure*, Staatsblad 2021, 250, 25 June 2021, available in Dutch at http://bit.ly/3yxsSpU.

Rest and preparation period

With the exception of Tracks 1 and 2, the asylum applicant is granted a rest and preparation period which starts once the registration phase has ended.[52] The rest and preparation period grants first time asylum applicants some days to cope with the stress of fleeing their country of origin and the journey to the Netherlands.[53]

The rest and preparation period lasts at least 6 days. It is intended to offer the asylum applicant time to rest and to provide the different organisations involved with the time needed to undertake several preparatory actions and investigations. The main activities during the rest and preparation period are:

- Investigation of documents conducted by the Royal Military Police (*Koninklijke Marechaussee*, KMar);
- Medical examination by an independent medical agency (medTadvies[54]) which provides medical advice on whether the asylum applicant is physically and psychologically capable to be interviewed by the IND;
- Counselling by the Dutch Council for Refugees (*VluchtelingenWerk Nederland*); and
- Appointment of a lawyer and substantive preparation for the asylum procedure.

After the rest and preparation period, the actual asylum procedure starts.

Regular Procedure

At first instance, asylum applicants are channelled into the so-called Regular Procedure (*Algemene Asielprocedure*) which is, as a rule, designed to last 6 working days. The Regular Procedure can be extended if more time is needed.

If it becomes clear on the fourth day of the Regular Procedure that the IND will not be able to take a well-founded decision on the asylum application within these 8 days, the application is further assessed in the Extended Procedure (*Verlengde Asielprocedure*). In this extended asylum procedure the IND has to take a decision on the application within 6 months. This time limit can, in certain cases, be extended by 9 months, and another 3 months if in a specific case more time is necessary to form a well-founded decision.[55]

There is only one asylum status (*éénstatusstelsel*) in the Netherlands, meaning that asylum permits issued on grounds of refugee status and subsidiary protection give the same rights regarding, for example, validity of the permit, family reunification, and accommodation. However, there are still two different grounds on which this asylum status may be granted (besides family reunification):[56] refugee status (A-status); and subsidiary protection (B-status). In addition to the grounds of Article 15 of the recast Qualification Directive, trauma suffered in the country of origin, as a result of which it is not reasonable to require the asylum applicant to return to their country of origin, falls within the scope of Article 29(1)(b) of the Aliens Act (B-status).[57]

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52 When it is assumed that the asylum application will be rejected in accordance with the Dublin Regulation (Article 3.109c Aliens Decree), due to the fact that the safe country of origin concept applies, or if the asylum applicant already received international protection in a Member State of the European Union (Article 3.109ca Aliens Decree), the asylum applicant will not be granted a rest and preparation period, including the medical examination by MediFirst.

53 Article 3.109 Aliens Decree.

54 In 2021, MediFirst substituted the Forensic Medical Society Utrecht (FMMU).

55 See Article 42(4)(5) Aliens Act, which derives from Article 31 (3) APD.

56 Article 29 Aliens Act.

57 The trauma policy used to have its own ground: Article 29(1)(c) Aliens Act (C-status) before 1 January 2014. Nowadays the policy is set out in: Previous confrontation with atrocities ('*Eerdere confrontatie met wandaden*'). Former specific groups which qualified for a residence permit under the 'c-ground' (e.g. Unaccompanied Afghan women) are now eligible for international protection under Article 29(1)(b) of the Aliens Act. Other groups, like Westernised Afghan school girls, can attain a regular residence permit instead of a permit under Article 29(1)(c) as was the case before.

However, in the last week of 2024, the Minister officially submitted a proposal for the amendment of the current legislation to change the current system to a two-status system (*tweestatusstelsel).*[58] The Advisory Department of the Council of State responded to the proposed amendments by stating that in the current form, the proposed law should not be submitted to the Parliament. However, contrary to this advice, the Minister decided to proceed with the proposal. On 3 July 2025, the Dutch Parliament officially passed the proposal. Currently, the 'First Chamber' or Senate, (*Eerste Kamer)* is considering the proposal. On 13 January 2026 they discussed the proposal.[59] It was adopted by the First Chamber on 21 April 2026.[60] This means the A-status and B-status will offer different rights and obligations. It also means that beneficiaries can appeal the positive decision to obtain a stronger status, which might further congest the Dutch judiciary system.

The IND must first examine whether an asylum applicant qualifies for refugee status, before examining whether they should be granted subsidiary protection.[61] This means that an asylum applicant may only qualify for subsidiary protection in case they do not qualify as a refugee under Article 1A of the Refugee Convention. In case an asylum applicant is granted subsidiary protection, they cannot appeal in order to obtain refugee status.[62] Due to the adoption of the *tweestatusstelsel,* beneficiaries of subsidiary protection can appeal this decision to obtain refugee status, as the latter gives the permit holder stronger rights and obligations.

Return decision

In the Netherlands, a negative asylum decision is in general automatically accompanied by a return decision.[63] A (new) return decision is not issued if, for example:

(1) A return decision had already been issued and the applicant has not yet fulfilled the obligation following from that return decision;
(2) The asylum applicant has already received international protection in another EU Member State.[64]

If an (onward) appeal has automatic suspensive effect, the obligations following from a return decision are suspended.[65] As outlined below, this is not the case for Dublin cases or asylum applicants from 'a safe country of origin'. For most cases processed in a Track 4, the appeals have automatic suspensive effect.

Appeal

Asylum applicants whose application is rejected may appeal this decision before a Regional Court (*Rechtbank*). In the procedures of Track 4, as well as Tracks 1 and 2, this appeal should be submitted within one week of the negative decision. If the application was rejected on substantial grounds and was assessed within the Extended Procedure, the appeal should be submitted within four weeks of the negative decision. The appeal has automatic suspensive effect, except for cases in Tracks 1 and 2 or cases in Track 4 in which the IND discontinues to examine the asylum application because, for example, the asylum applicant fails to provide (sufficient) relevant information according to the IND.[66] This means that the asylum applicant can be expelled before the court's decision. To prevent expulsion the asylum applicant (or in practice the legal representative) should request that the Regional Court or the Council of State (depending on the procedure) issue a provisional measure to suspend removal pending the

58 Wijziging van de Vreemdelingenwet 2000 in verband met de introductie van een tweestatusstelsel en het aanscherpen van de vereisten bij nareis, available in Dutch at: .
59 Eerste Kamer Der Staten Generaal, *Wet Invoering Tweestatusstelsel,* 6 January 2025*,* available in Dutch at: https://bit.ly/3N71HNy.
60 First Chamber, 21 April 2026, available in Dutch at: https://bit.ly/4mYJn6N.
61 Paragraph C2/2 Aliens Circular.
62 Council of State, Decision No 200105914/1, ECLI:NL:RVS:2002:AE1168, 28 March 2002, available in Dutch at: https://bit.ly/4ijmHLA.
63 Article 45(1) (2) Aliens Act.
64 Article 62a(1) Aliens Act.
65 Article 45(3) Aliens Act.
66 Article 30c Aliens Act.

appeal. This must be done immediately after the rejection in order to prevent possible expulsion from the Netherlands.

After a rejection of the asylum request in the Regular Procedure the asylum applicant is, as a rule, entitled to accommodation for a period of four weeks regardless of whether they lodge an appeal and whether this appeal has suspensive effect due to a granted provisional measure.[67] Depending on the grounds for refusal, an appeal against a negative decision in the 'Extended Procedure' can have automatic suspensive effect. Also depending on the grounds, the appeal must be submitted within one or four weeks.[68] The asylum applicant is entitled to accommodation during this appeal.

Following the decision of the CJEU answering the questions of the Council of State and the *Gnandi* judgment of the CJEU in 2018,[69] the Council of State concluded that an asylum applicant has the right to remain legally in the Netherlands during the period of the appeal regarding a case in which the asylum application was rejected as manifestly unfounded. The Minister also stated that Dutch national law is in general in accordance with EU law.[70]

Both the asylum applicant and the IND may lodge an appeal against the decision of the Regional Court to the Council of State (*Afdeling Bestuursrechtspraak van de Raad van State*, ABRvS). This procedure does not have suspensive effect, unless the Council of State issues a provisional measure if requested by (one of) the parties. In case the Council of State denies this provisional measure, the person is no longer entitled to accommodation. In September 2018, the CJEU ruled that an onward appeal does not have a suspensive effect in itself.[71] Following this judgment the Council of State ruled on 20 February 2019 that an onward appeal does not have automatic suspensive effect.[72]

B. Access to the procedure and registration

1. Access to the territory and push backs

Indicators: Access to the Territory

1. Are there any reports (NGO reports, media, testimonies, etc.) of people refused entry at the border and returned without examination of their protection needs? ☐ Yes ☒ No
2. Is there a border monitoring system in place? ☒ Yes ☐ No
3. If so, who is responsible for border monitoring? ☒ National authorities ☐ NGOs ☐ Other
4. If so, how often is border monitoring carried out? ☒ Frequently ☐ Rarely ☐ Never

1.1 Border monitoring

There is border control at the external borders of the Netherlands at the European external border at airports, in seaports and along the coast. Mobile Security Supervision (MTV) is the supervision unit of the Royal Netherlands Marechaussee (KMar), monitoring persons travelling to the Netherlands from another Schengen country at the Belgian and German borders. The checks take place on roads, in trains, on water and in air traffic. In the area immediately behind the border, the KMar checks travel documents on a random basis. As part of a governmental measure to counter 'irregular migration',

67 Article 82(2) Aliens Act.
68 Article 69(1) (2) Aliens Act.
69 CJEU, Case C-269/18, *Staatssecretaris van Veiligheid en Justitie v C and J and S v Staatssecretaris van Veiligheid en Justitie*, 5 July 2018, available here; CJEU, Case C-181/16, *Sadikou Gnandi vs Belgium*, 19 June 2018, available here.
70 Council of State, Decision No 201808649/1 and 201808786/1, ECLI:NL:RVS:2019:4358, 18 December 2019, available in Dutch at: https://bit.ly/4iImOQC.
71 CJEU, Case C-175/17, *X v Belastingdienst/ Toeslagen*, 26 September 2018, available at: https://bit.ly/497dyRv.
72 Council of State, Decision No 201609659/1/V2 and 201609659/4/V2, 20 February 2019, available in Dutch at: https://bit.ly/49sYwFH.

starting on 9 December 2024, the KMar has started to increase the number of border checks.[73] This measure was last extended in November 2025, and will run until at least 8 June 2026.[74]

Migration control dogs help the KMar detect hidden persons (stowaways) in - for example - trucks, coaches and buses that cross the borders. In the ports of IJmuiden and Hoek van Holland, dogs are also used to search ships, containers, and vehicles traveling to and from the United Kingdom via ferry.

For asylum seekers requesting asylum at the border, KMar is the organisation responsible for the initial care.[75]

There have not been any reports of pushbacks at the Dutch borders.

1.2 Legal access to the territory

Resettled refugees

The Netherlands takes part in the UNHCR resettlement programme. Prior to 2021, it aimed at resettling 500 refugees per year. The Dutch government announced in its Coalition Agreement for 2021 until 2025 the will to increase the number of resettled refugees from 500 to 900 per year.[76] In 2022, 717 refugees were resettled to the Netherlands, 437 of which came from Syria. In 2023, 801 refugees were resettled to the Netherlands, 428 of which are Syrian.[77] In 2024, the Netherlands pledged to resettle 2,000 refugees over a two-year period, of which 1,000 are part of the EU-Türkiye agreement.[78] During 2024, 569 refugees were resettled, of which 59% were Syrian.[79] Up until November 2025, 346 refugees were resettled to the Netherlands, of which 27% were from the Democratic Republic Congo.[80] In addition, 183 persons were resettled as part of the EU-Türkiye agreement.[81]

UNHCR identifies vulnerable asylum seekers as candidates for resettlement. The Dutch government will then embark on 'selection missions' to certain countries (usually in the Middle East or Africa) to interview these candidates and establish whether they are eligible for resettlement to the Netherlands.[82] This usually occurs four or five times per year.[83] The specific details of this selection process are unclear. Asylum seekers selected to resettle to the Netherlands arrive at International Airport Schiphol.[84] Following the mandatory health and identity checks at Schiphol, they are immediately granted an asylum permit, and can directly move into their allocated house in the responsible Dutch municipality.[85] At this point, their rights and obligations are the same as permit holders that have undergone the Regular Procedure.

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73 NU.nl, 'Vanaf vandaag meer grenscontroles, marechaussee probeert files te voorkomen', 9 December 2023, available in Dutch at: https://bit.ly/4j1IZ5b.

74 *Koninklijke Marechaussee, Tijdelijke Herinvoering van Grenscontroles,* 11 November 2025, available in Dutch at: https://bit.ly/3Yt8fs9.

75 Ministry of Defence, Grenstoezicht, available in Dutch at: https://bit.ly/2kMGU1b.

76 Coalition Agreement (*Regeerakkoord*) 2021 – 2025: *Omzien naar elkaar, vooruitkijken naar de toekomst,* available in Dutch at: http://bit.ly/3mPnSdX.

77 IND, *Asylum Trends, Appendix 1: Relocation and Resettlement*, December 2023, available here.

78 European Commission, Pledges Submitted by the Member States for 2024-2025, available at: https://bit.ly/3PrdLH4 and Ministry of Justice and Security, *De Staat van Migratie 2024*, 76, available in Dutch at: https://bit.ly/4fmZwh1.

79 IND, *Asylum Trends, Appendix 1: Relocation and Resettlement*, December 2024, available here.

80 IND, *Asylum Trends, Appendix 1: Relocation and Resettlement,* November 2025, available in Dutch at: https://bit.ly/4stvPCS.

81 IND, *Asylum Trends, Appendix 1: Relocation and Resettlement,* November 2025, available in Dutch at: https://bit.ly/4stvPCS.

82 UNHCR, Frequently asked questions regarding resettlement, accessed on 23 February 2024, available in Dutch at: https://bit.ly/3uJlKsk.

83 COA, Hervestiging Vluchtelingen, accessed on 23 February 2024, available in Dutch at: https://bit.ly/48Iyfm9.

84 Ministry of Justice and Security, *Staat van Migratie 2023*, available in Dutch at: https://bit.ly/3RUo0FO, 66.

85 Ministry of Justice and Security, *Hervestiging van vluchtelingen naar Nederland*, 26 May 2020, available in Dutch at: https://bit.ly/3vzNHDb.

No asylum applicants were relocated from other EU Member States during 2022,2023 and 2024.[86] During 2021, 50 asylum applicants were relocated to the Netherlands.[87] Information on relocations during 2025 was not available at the time of writing this report.

Short stay visa

As a rule, people coming from non-EU countries who want to stay in the Netherlands for a maximum of 90 days need a visa. A short stay visa can be issued on the grounds of family visits, touristic or business reasons. A short stay visa allows the holder to travel to the Schengen countries.[88]

A visa could be refused when the Dutch authorities consider that the third-country national does not have sufficient reasons to return to their country of origin. For example, if the person concerned does not have a job, school-aged children or a house of their own property in said country.

In view of these considerations, obtaining a short stay visa might prove difficult for persons coming from countries where the general safety situation is critical or deteriorating. No policy regulating the issuance of humanitarian visas according to Article 25 (1) of the Visa Code is in place.[89] Humanitarian visas are thus not provided for people aiming to come to the Netherlands to request international protection.

Some third country nationals are exempted from a Schengen visa, such as Ukrainians who hold a biometric passport. For more information regarding Ukrainians benefiting from Temporary Protection, see Annex on Temporary Protection.

Regarding legal access of people in need of protection to Dutch territory, see also Family reunification.

Afghan nationals

In 2021, the Dutch government committed to assisting certain groups of Afghan nationals in being repatriated or transferred from Afghanistan to the Netherlands. This includes the following categories of Afghan nationals and their core family members (i.e., spouse and children up to the age of 25 who are unmarried and living in the house of their parents):[90]

(1) interpreters or other high-profile workers who worked for the Netherlands in the context of an international military or police mission;
(2) persons belonging to risk groups (such as NGO personnel, journalists and human rights defenders) who were previously included in evacuation lists, but were not able to reach the airport during the evacuation operation carried out in August 2021;
(3) employees of NGOs working in projects directly financed by the Dutch government and were working since 1 January 2018, who contributed structurally and substantially to the projects for at least one year in a public and visible position;
(4) people who worked for at least one year in a structural and substantial way in a public and visible position for Dutch military troops or EUPOL (applied to the data available on 11 October 2021).

During the military evacuations between 15 and 26 August 2021, 1,860 people were evacuated (both Dutch and Afghan nationals who worked for the Dutch government). Between 26 August 2021 and 12 September 2024, a total of 2,746 people were transferred from Afghanistan to the Netherlands. On 12

86 Ministry of Justice and Security, *De Staat van Migratie 2025*, available in Dutch at: https://bit.ly/3L1ENXd.
87 Ministry of Justice and Security, *Staat van Migratie 2023*, available in Dutch at: https://bit.ly/3RUo0FO, 80.
88 IND, Information about short stay visa, available in Dutch at: https://bit.ly/3L9fei1.
89 Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code).
90 Dutch Parliament, 14 September 2021, 27925-808, *Stand van zaken in Afghanistan*, available in Dutch at: https://bit.ly/3B0IaUU and Dutch Parliament, 11 October 2021, *Kamerbrief ontwikkelingen Afghanistan* available in Dutch at: http://bit.ly/4uUfRSw.

September 2024, 64 persons were still being considered for transfer to the Netherlands, but their transfer was deemed exceedingly difficult due to (most of) them not possessing a valid travel document.[91]

On 9 December 2021, 15 EU Member States pledged 40,000 resettlement places for Afghan nationals by the end of 2022. Out of this number, the Dutch government agreed to resettle 3,159 Afghans.[92] According to the Dutch government these numbers referred to the people who were already on the evacuation lists and those who were already evacuated, no new persons.[93] In the yearly report regarding migration to and from the Netherlands, the pledge was said to have been 'fulfilled'.[94] Of the 4,220 evacuated Afghan nationals who were still in the Netherlands on 31 December 2022 (some moved to other countries), 4,170 received a residence permit in an accelerated procedure.[95]

On 14 September 2022 and 22 February 2023, the Council of State ruled that the e-mails rejecting requests for evacuations of Afghans were formal decisions that could be appealed by those belonging to the groups named in the letter to the Parliament of 11 October 2021,[96] in which the evacuation criteria were summed up,[97] and on 10 April 2024 also for the groups named in the internal working method from 2014.[98] On 29 May 2024,[99] the Council of State ruled that the Dutch government was free to establish its own criteria, because it had no obligation to evacuate people and the policy was beneficial, and that it was not unreasonable to set a deadline of 11 October 2021 in the letter to the Parliament of 11 October 2021, even for people who were in hiding or had no internet access. There was a court session with the Council of State end 2025 about the assessment if the guards who worked for the Dutch military fall under the criteria of 'high-profile workers' in the 'working method' of 2014. At the time of writing this report, there has been no verdict adopted yet.

On 2 September 2025,[100] a civil court ruled that the Dutch government had a duty of care under Dutch labor law for embassy guards who were working at the embassy in August 2021 and that it was not permitted to make a distinction between staff working directly for the embassy and staff working indirectly (via a subcontractor). However, this was overturned on appeal on 4 November 2025,[101] on the grounds that Afghan law applied rather than Dutch law. This is appealed in cassation to the Supreme Court.

In recent years there was also some political discussion regarding Afghan guards who worked for the Dutch military, the Dutch embassy or EUPOL and whose requests for evacuation were rejected. In October 2023 a critical evaluation report of the Dutch evacuation process was published.[102] Subsequently, the Dutch government announced in two letters of December 2023 that they would

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91 Central government, *Kamerbrief over voortgang overbrengingen Afghanistan*, 15 August 2022, available in Dutch at: https://bit.ly/3OwjWL0 and Central government, *Kamerbrief over stand van zaken overbrengingen van personen uit Afghanistan*, 17 October 2022, available in Dutch at: https://bit.ly/42HOsY1. Dutch Parliament, 27 September 2024, Kamerbrief over overbrenging Afghaanse bewakers, available in Dutch at: https://bit.ly/4248NaM.

92 Euractiv, 'EU Member States agree to take in 40,000 Afghans', 10 December 2021, available in English at: https://bit.ly/3orThkm.

93 Government answer in Parliament, *32 317 JBZ Raad, Nr 738*, available in Dutch at: https://bit.ly/3pZxlB1.

94 Ministry of Justice and Security, *Staat van Migratie 2023*, available in Dutch at: https://bit.ly/3RUo0FO, 66.

95 Ministry of Justice and Security, *Staat van Migratie 2023*, available in Dutch at: https://bit.ly/3RUo0FO.

96 Dutch Parliament, *Kamerbrief ontwikkelingen Afghanistan*, 11 October 2021, available in Dutch at: http://bit.ly/4uUfRSw .

97 Council of State, ECLI:NL:RVS:2022:2592, 14 September 2022, available in Dutch at: https://bit.ly/3w2XMIP and ECLI:NL:RVS:2023:719, 22 February 2023, available in Dutch at: https://bit.ly/49wPJ5J.

98 Council of State, ECLI:NL:RVS:2024:1500, 10 April 2024, available in Dutch at: https://bit.ly/40pWTqH.

99 Council of State, ECLI:NL:RVS:2024:2160, 29 May 2024, available in Dutch at: https://bit.ly/4abagOt.

100 Regional Court The Hague, ECLI:NL:RBDHA:2025:16240, 2 September 2025, available in Dutch at https://bit.ly/4d9tYOq.

101 The Hague Court of Appeal, ECLI:NL:GHDHA:2025:2256, 4 November 2025, available in Dutch at https://bit.ly/4uS7uHS.

102 Commissie van Onderzoek Evacuatieoperatie Kaboel, *Reconstructie en analyse van de evacuatie uit Kaboel in augustus 2021*, 6 October 2023, available in Dutch here, 90.

propose new criteria for the evacuation of the guards.[103] In June 2024,[104] they stated that they would transfer a group of guards working for the Dutch military and the Dutch embassy. They would not transfer the EUPOL guards. However, on 27 September 2024, the new Dutch government reversed its decision, confirming that neither the military nor the embassy guards would be transferred.[105] After the Dutch elections, a new parliament was installed and, in December 2025, a parliamentary motion was accepted in which the government was asked to evacuate certain categories of military and embassy guards.[106]

2. Preliminary checks of third country nationals upon arrival

Indicators: Preliminary checks at the arrival point

1. Are there any checks that are applied systematically or regularly at the point of entry when a person enters the territory? ☒ Yes ☐ No
2. Is the person considered under law to have entered the territory during these checks? ☒ Yes ☐ No

At the land border, a distinction can be made between third country nationals who have reported to a location where they can request asylum and third country nationals encountered during domestic border controls by the Dutch police or the KMar. This last group can be divided into third country nationals who wish to apply for asylum, and those who do not wish to apply for asylum.

If there are facts and circumstances which, measured by objective standards, give rise to reasonable suspicion of illegal residence, and the identity, nationality or residence status of a third country national cannot be established immediately, this person can be stopped in order to investigate further. This investigation can include conducting an interview, checking investigative registers and carrying out identifying actions and verification of the declared identity and biometric data. Furthermore, (foreign) authorities can be contacted in order to verify the declared identity. If the third country national does not wish to apply for asylum, a detention measure may be imposed for the purpose of removal, after which, for example, removal to a detention centre might take place. The third country national who does wish to apply for asylum will be send to an application centre on the territory (AC Ter Apel).[107]

The Dutch government announced in November 2024 that it would reintroduce border controls at the internal borders with Belgium and Germany. This measure was, conform Article 25 of the Schengen Borders Code, introduced temporarily for six months (from 9 December 2024 until 8 June 2025). This measure was extended, and will – as it stands – end on 8 June 2026.[108] The border controls are executed by the KMar. This measure should contribute, amongst other things, to combating irregular migration.[109] A report shows that between 9 December 2024 and 8 September 2025, 470 foreigners were denied entry into the Netherlands.[110] Whether the internal border controls have had effect on the decline of irregular border crossings at the external borders and the number of asylum applications in the Netherlands cannot be determined.

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103 Dutch Parliament, *Kamerbrief planning vervolgstappen motie betrekken EUPOL-bewakers en tolken bij traject voor ambassadebewakers*, 22 December 2023, available in Dutch at: https://bit.ly/3U5epO2 and Dutch Parliament, *Kamerbrief over voortgang uitvoering motie-Piri c.s. over (voormalig) ASG-bewakers*, 19 December 2023, available in Dutch at: https://bit.ly/3SntDgh.

104 Ministry of Foreign Affairs, Staat van het Consulaire, 28 June 2024 available in Dutch at: https://bit.ly/4gLiE9V.

105 Dutch Parliament, 27 September 2024, Kamerbrief over overbrenging Afghaanse bewakers, available in Dutch at: https://bit.ly/4248NaM.

106 Dutch Parliament, 27 November 2025, Motie van het lid Piri c.s. over de Afghaanse bewakers en hun gezinnen direct naar Nederland overbrengen, available in Dutch at: https://bit.ly/40TatCk.

107 KST 32317, nr. 908, *Implementatie van het EU Migratiepact*, 6 December 2024, available in Dutch at: https://bit.ly/4fQZHSc. Attached to this document is the Implementation Plan itself, available in Dutch at: https://bit.ly/40sgs1z.

108 *Koninklijke Marechaussee, Tijdelijke Herinvoering van Grenscontroles,* 11 November 2025, available in Dutch at: https://bit.ly/3Yt8fs9.

109 KST 30821, nr. 245, *Notificatie herinvoering binnengrenstoezicht*, 11 November 2024, available in Dutch at: https://bit.ly/3Wf7aU6.

110 KST 30821 nr. 322, *Voortgangsrapportage binnengrenscontroles*, 10 November 2025, available at: https://bit.ly/49nTT15.

In a report published by the Netherlands Court of Audit (*Algemene Rekenkamer*) on 3 June 2025, it was noted that 400 people were referred to the asylum procedure by these border controls or the 'regular' controls performed by the MTV (see Border monitoring), which amounts to 0.9% of the total number of asylum requests.[111] In addition, it was concluded that these border controls did not differ significantly from the work of the MTV and that this measure did not contribute to achieving the national goals of decreasing the pressure on the asylum and accommodation systems.[112]

Third country nationals wishing to apply for asylum

A third country national that wishes to apply for asylum and who crosses the Dutch border by land has to register their wish for asylum in AC Ter Apel. The identification and registration of the applicant was, up until the end of 2024, conducted by either the AVIM (AC Ter Apel) or KMar (AC Schiphol). As of 1 January 2025, a new organisation has been set up to deal with the identification and registration process. This new organisation, the Asylum Seekers Identification and Screening Service (*Dienst Identificatie en Screening Asielzoekers*, DISA), will carry out the same obligations related to the identification and registration process as AVIM did before.[113]

The registration of the applicant takes place within three working days after the asylum request.[114] The authorities conduct research on the asylum applicant's identity, nationality and travel route. Fingerprints and photos are taken and documents and data carriers of the applicant are investigated. The identity, pictures and fingerprints will be saved in a national database. The authorities are allowed to stop the applicant for questioning and examine their clothing or body, as well as search their luggage for the possible presence of travel or identity papers, documents or records that are necessary for the assessment of the application.[115] The official medical examination to determine whether the asylum seeker is physically and psychologically fit to be interviewed by the IND is not until the rest and preparation period (RVT). However, vulnerabilities may emerge already during the notification phase. Partners in the asylum procedure such as DISA are therefore able to identify vulnerabilities at this earlier stage.

3. Registration of the asylum application

Indicators: Registration

1. Are specific time limits laid down in law for asylum applicants to lodge their application? ☐ Yes ☒ No
2. If so, what is the time limit for lodging an application?
3. Are registration and lodging distinct stages in the law or in practice? ☒ Yes ☐ No
4. Is the authority with which the application is lodged also the authority responsible for its examination? ☒ Yes ☐ No
5. Can an application be lodged at embassies, consulates or other external representations? ☐ Yes ☒ No

3.1 Making and registering the application

Expressing the wish to apply for asylum does not mean that the request for asylum has officially been lodged. Asylum applications can be lodged at the border or on Dutch territory. Any person arriving in the

111 Algemene Rekenkamer, Binnengrenscontroles dragen niet bij aan snellere realisatie beleidsdoelen, 3 June 2025, available in Dutch at: https://bit.ly/4aMXJTU.
112 Algemene Rekenkamer, Binnengrenscontroles dragen niet bij aan snellere realisatie beleidsdoelen, 3 June 2025, available in Dutch at: https://bit.ly/4aMXJTU.
113 Stcrt 2024, nr. 41232, available in Dutch at: https://bit.ly/42rwryr.
114 Article 3.107b(1) Aliens Decree.
115 Article 55(2) Aliens Act.

Netherlands and wishing to apply for asylum must report to the Asylum Seekers Identification and Screening Service (DISA), Kmar or the IND (where the asylum application is to be expressed).[116]

If an asylum applicant from a non-Schengen country arrives in the Netherlands by airplane or boat, the application for asylum is to be made *before* crossing the Dutch external (Schengen) border, at the Application Centre at **Judicial Complex Schiphol** (*Justitieel Complex Schiphol*, JCS). The Royal Netherlands Marechaussee (KMar) is primarily responsible for the registration of those persons who apply for asylum at the international airport.[117] The KMar refuses the asylum applicant's entry to the Netherlands if they do not fulfil the necessary conditions, and the asylum applicant will be detained in the JCS.[118] In recent years, no problems have been reported by asylum applicants that the KMar did not recognise their claim for international protection as an asylum request. The IND then takes care of the transfer of the asylum applicant to the AC, which is located within the JCS, where further registration of the asylum application takes place, meaning the identification and registration of the applicant and the formal lodging of the application. The JCS is a closed centre.

If an asylum applicant enters the Netherlands by land, they have to lodge their asylum request at the Central Reception Centre (*Centrale Ontvangstlocatie*, COL) in **Ter Apel** (nearby **Groningen**, north-east of the Netherlands), where further identification and registration, as well as the registration and the lodging of the asylum request, take place.

If an asylum applicant is already on Dutch territory, they are expected to lodge their application with the authorities as soon as possible after arrival in the Netherlands, which is, according to jurisprudence, preferably within 48 hours.[119] Asylum requests lodged within 48 hours after arrival are deemed to be lodged 'promptly' (*onverwijld*). The IND can negatively weigh the circumstance that an asylum request is not lodged within 48 hours, but this cannot on its own justify a negative decision.[120]

As a rule, after registration at the AC, asylum applicants immediately go to the COL. After the registration procedure in the COL, they are transferred to a Process Reception Centre (*Proces Opvanglocatie*, POL).

The application/registration procedure in the COL takes three days. The Asylum Seekers Identification and Screening Service (DISA) takes note of personal data such as name, date of birth and country of origin. Data from Eurodac and the Visa Information System (VIS) are consulted and DISA registers the application in Eurodac. The asylum application is formally lodged at the IND. Every asylum applicant must complete an extensive application form at the start of the registration procedure, containing questions regarding their (1) identity; (2) place and date of birth; (3) nationality, religious and ethnic background; (4) date of leaving the country of origin; (5) arrival date in the Netherlands; (6) earlier stays in one or more third countries if applicable; (7) identity cards and/or passport; (8) itinerary; (9) schooling/education; (10) military services; (11) work/profession; and (12) living environment and family.[121]

Subsequently, the IND conducts a registration interview (*Aanmeldgehoor).* During the registration interview, questions can be asked about identity, nationality, travel route and family members. This is mainly to establish whether the asylum applicant is the person they claim to be. Additionally, the IND briefly questions the asylum applicant as to their reasons for requesting asylum, in order to assess the complexity of the case, to better prepare for subsequent steps to be taken during the rest of the procedure, and to determine whether the asylum applicant is in need of specific procedural guarantees.[122] This also applies to unaccompanied minors.

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116 Paragraph C1/2.1 Aliens Circular.
117 KMar, *Taken Marechaussee,* available in Dutch at: https://bit.ly/3OUzJCG.
118 Article 3(3) Aliens Act.
119 Council of State, Decision ABKort 1999.551, 20 September 1999.
120 See for example: Regional Court of Den Bosch, Decision No NL21.10091, 9 May 2022.
121 Article 3.109 Aliens Decree, paragraph C1/2.1 Aliens Circular and IND Work instruction 2018/15 Aanmeldgehoren en Verificatie eerste gehoren.
122 IND, Working Instruction 2021/8, *Aanmeldgehoren,* available in Dutch at: https://bit.ly/3vFivz8.

Due to the high number of asylum applications and the ongoing capacity problems at the IND, the registration procedure as outlined in this section has not always been followed in recent years. Instead, an alternative procedure has been introduced. Depending on both the capacity of AVIM, DISA and the available accommodation at the COL in Ter Apel, either the regular registration phase as outlined above is followed, or temporary 'waiting areas' are installed for a period of time. From September 2022 to March 2023, asylum applicants travelling to Ter Apel were not registered immediately.[123] Instead, they were only 'pre-registered' (*voorregistratie*), where only the asylum applicant's identity, nationality and origin were noted. Following this pre-registration, asylum applicants were transported to a different 'pre-registration location' (*voorportaallocatie)*. Whilst staying there, asylum applicants had to wait for the confirmation of their appointment to register them in Ter Apel or Budel. This waiting period could take several weeks, up to four months. This pre-registration procedure was discontinued in March 2023, as there was enough capacity at Ter Apel to register and accommodate arriving asylum applicants.

However, this pre-registration procedure was put in use again during the summer of 2023, due to the lack of capacity of the Aliens Police and lack of available accommodation. Different 'pre-registration locations' were in use at different times, dependent on the capacity every day. In weeks where the influx of asylum applicants is lower, it can be that they can be registered immediately after arrival in Ter Apel. In more busy weeks, people are temporarily transported to pre-registration locations across the country, for example in Assen, Amsterdam, Biddinghuizen, Leeuwarden and Stadskanaal. In 2024, the use of these 'pre-registration locations' was continued. Their exact locations and sizes depended on the required extra reception places and the availability of suitable locations. For example, the overnight 'pre-registration location' that was first set up in Stadskanaal, consisting of tents, was moved several times to different municipalities surrounding Ter Apel.[124] A new development in 2024 was that some of the applicants staying at the 'pre-registration locations' had already undergone the registration process. Their stay at these locations is no longer due to backlogs in the registration process – which were reduced during 2024 – but due to a lack of reception capacity in normal AZCs (see for more information Asylum Procedure – Short overview of the asylum procedure).[125] In 2025, the pre-registration procedure was not used, as there were no noticeable capacity problems with the Service responsible for the Identification and Registration Process, DISA.

3.2 The rest and preparation period (RVT)

Exclusively in Track 4, the asylum applicant is granted a rest and preparation period. This starts when the registration interview has taken place and the registration phase has ended.[126] The rest and preparation period is designed to give first-time asylum applicants some days to cope with the stress of fleeing their country of origin and the journey to the Netherlands.

The rest and preparation period takes at least 6 days.[127] It is primarily designed to provide the asylum applicant some time to rest. Additionally, it provides the organisations involved with time to undertake several preparatory actions and investigations.[128] The main activities during the rest and preparation period are:

- investigation of documents conducted by the KMar;
- medical examination by an independent medical agency (medTadvies) which provides medical advice on whether the asylum applicant is physically and psychologically capable to be interviewed by the IND;

123 IND, Politie, *COA en IND starten inhaalslag identificatie asielzoekers,* available in Dutch at: https://bit.ly/41ERiw2.

124 RTV Drenthe, 'Crisisnachtopvang asielzoekers naar 2e Exloërmond verhuisd: 'Een uitkomst voor Ter Apel'', 6 February 2024, available in Dutch at https://bit.ly/3BTQTNw; RTV Drenthe, 'Nachtopvang verhuist van 2e Exloërmond naar Zuidwolde: 'Triest dat het nodig is'', 2 April 2024, available in Dutch at https://bit.ly/4jdOa2i; RTV Noord, 'Tijdelijke nachtopvang voor 200 asielzoekers gaat naar Pekela', 26 June 2024, available in Dutch at https://bit.ly/4hadiFi.

125 Most of the information provided in these two paragraphs is not official policy, and follows from practice or direct communication with the IND which is not publicly available.

126 Article 3.109 Aliens Decree.

127 This occurs from practice and is not regulated by the law.

128 Paragraph C1/2.2 Aliens Circular.

- counselling by the Dutch Council for Refugees (*VluchtelingenWerk Nederland*); and
- appointment of a lawyer and substantive preparation for the asylum procedure.

The rest and preparation period is not available to asylum applicants following the Dublin procedure (Track 1) or those coming from a safe country of origin or who receive protection in another EU Member State (Track 2). Furthermore, there is no rest and preparation period in the following situations:

- the asylum applicant constitutes a threat to public order or national security;[129]
- the asylum applicant causes nuisance in the reception centre;[130]
- the asylum applicant is detained on the basis of Article 59b Aliens Act;[131]
- the application is a subsequent application for asylum.[132]

During the entire rest and preparation period, asylum applicants have access to accommodation and medical aid. Since 2018, this period has been considerably extended due to the IND's delays, meaning it can last more than a year. This means asylum applicants often have to wait more than a year for the detailed interview, which marks the end of the rest and preparation period. At the time of writing this report, the waiting period for the detailed interview is 86 weeks after the registration interview, meaning the total waiting time is currently, on average, two years.[133]

Backlog

In March 2020, 15,350 asylum applications lodged before 1 April 2020 were passed on to a newly established Task Force, with the aim of clearing the backlog before the end of 2020. The Task Force in succeeded in doing so.[134] In June 2021, the Task Force was dissolved; afterwards, the remaining 1,520 cases were transferred to another department.[135]

Although the Task Force took over the backlog from the IND, due to an increase of applications, a new backlog of 6,400 applications arose in the last months of 2021. The objective to clear it during the first quarter of 2022 was not met, and the backlog continues to grow rapidly.[136] At the end of 2022, the total backlog of asylum cases (first and subsequent asylum requests, excluding family reunification requests) was 32,370. This number grew to 44,030 at the end of November 2023.[137] At the end of 2024, this number reached 50,980, even though the number of new applications is roughly half of what it was in November 2023 (4,140 in November 2023 as opposed to 2,140 in December 2024).[138] As of December 2025, the backlog is 51,860 cases.[139]

The IND has published an overview of the average waiting times for the interviews in the different tracks, which it updates regularly. As of 30 December 2025, for Dublin Procedures (Track 1), asylum applicants have to wait on average eight weeks before their first interview. In the Regular Procedure (Track 4) it takes on average 21 weeks before the registration interview takes place (note that theoretically, this interview should happen on the third day after the asylum request). After this interview, another 106 weeks elapse on average before the detailed interview takes place.[140] This means that on average, the detailed interview takes place over 29 months after the asylum request. However, after the detailed interview, the IND can also take several weeks or months to reach a decision, leading to a large amount

129 Article 3.109(7)a Aliens Decree.
130 Article 3.109(7)a Aliens Decree, for the definition of 'nuisance' see paragraph C1/2.2 Aliens Circular.
131 Article 3.109(7)a Aliens Decree.
132 Article 3.118b Aliens Decree.
133 IND, Doorlooptijden Asiel, 30 December 2025, available in Dutch at: https://bit.ly/49bWVa8.
134 For further in-depth information about and analysis of the work of the task force, see previous updates to this country report available at: https://bit.ly/3SMHHji.
135 AEF, *Leren van de Taskforce Dwangsommen, toekomstgerichte evaluatie*, 18 February 2022, available in Dutch at: https://bit.ly/3XfjoKB.
136 Dutch Parliament, no 35476, nr H, 16 November 2021, available in Dutch at: https://bit.ly/3FiageD.
137 IND, *De IND in cijfers*, 20 March 2025, available in Dutch at: https://bit.ly/4kDCars and IND, *De IND in cijfers,* 16 January 2024, available in Dutch at: https://bit.ly/48moKJP.
138 IND, *De IND in cijfers*, 20 March 2025, available in Dutch at: https://bit.ly/4kDCars.
139 IND, *De IND in cijfers*, 25 March 2026, available in Dutch at: https://bit.ly/4kDCars.
140 IND, *Asiel: Laatste ontwikkelingen*, 7 January 2025, available in Dutch at: https://bit.ly/3tMTVyZ.

of asylum applicants waiting for more than the maximum time-limit for deciding of 21 months before a decision is issued. As the statistics show, the number of cases that have not been decided upon after 15 months has grown from 1,610 in November 2022 to 5,490 in November 2023.[141] In November 2024, this number reached 11,680.[142] As of December 2025, this number has grown to 25,390.[143]

Legal penalties

In 2019, the IND was obliged to pay a large sum in legal penalties (*dwangsommen*)[144] to asylum applicants whose application had not been decided upon within the legal time frame of 6 months.[145] Therefore, the 'Temporary Act on suspension of penalties for the IND' (*Tijdelijke wet opschorting dwangsommen IND*) -was passed by the Dutch Parliament and entered into force on 11 July 2020.[146] Under the Temporary act, asylum applicants were excluded from giving the IND a notice of default,[147] going to the regional court and receiving a legal penalty in cases where the IND does not decide upon their application in time.

However, on 30 November 2022 the Council of State ruled, in two separate cases, that the Temporary Act was partially not in accordance with EU Law.[148] Regarding the judicial penalty (*rechterlijke dwangsom)*, the Council of State ruled that by suspending the ability of receiving judicial penalties, asylum applicants did not have an effective way of forcing the IND to take a decision regarding their asylum application. Therefore, the Temporary Act was deemed incompatible with the right to an effective remedy stemming from Article 47 of the Charter of Fundamental Rights of the European Union, as preventing asylum applicants from being able to exercise their rights.[149] Following this judgment, the IND published a new Information Message outlining the new policy that for any ongoing and future cases, of exceeding the time limit for deciding, judicial penalties would be disbursed.[150]

Regarding the administrative penalty (*bestuurlijke dwangsom)*, which was automatically disbursed two weeks after the submission of the notion of default, the Council of State ruled that its abolition under the Temporary Act was in conformity with the existing legal framework. The main reasoning for this is that the administrative penalty is a measure that goes beyond the minimum rules dictated by the recast Asylum Procedures Directive. Considering that asylum applicants would still be able to enjoy their rights by receiving only the corresponding amount from a judicial penalty, abolishing the administrative penalty in asylum cases was deemed legal.[151] As a result, no more administrative penalties are to be disbursed in asylum cases.

Extension of the time limit for deciding

Due to the large number of asylum applications received and the arrival of a large number of asylum applicants from Afghanistan and people fleeing from Ukraine, paired with capacity problems, in September 2022 the IND decided to extend the time limit for deciding with 9 months in all cases where

141 IND, *De IND in cijfers,* 16 January 2025*,* available in Dutch at: https://bit.ly/48moKJP.
142 IND, *De IND in cijfers,* 7 January 2025, available in Dutch at: https://bit.ly/48moKJP.
143 IND, *De IND in cijfers, 25* March 2026, available in Dutch at: https://bit.ly/48moKJP.
144 The Penalty Payments and Appeals for Failure to Make a Timely Decision Act, provides that a citizen can go to court when an administrative body does not take a timely decision and request a penalty payment. The Act entered into force in 2009, and has been applicable to the IND since October 2012. It foresees that an asylum applicant can receive a penalty payment following a non-timely decision.
145 Article 4:17 GALA, Regional Court Arnhem, ECLI:NL:RBDHA:2019:12133, 14 November 2019, available in Dutch at: https://bit.ly/48gml2q; Regional Court Amsterdam, Decision No NL19.18215, 13 September 2019, not published on a publicly available website.
146 'Tijdelijke wet opschorting dwangsommen IND', available in Dutch at: https://bit.ly/3bQlRql.
147 This means that the lawyer concerned has to inform (in writing) the IND that it has exceeded the time limit of 6 months and has to request the IND to issue a decision within a maximum period of 2 weeks.
148 Council of State, ECLI:NL:RVS:2022:3353 and ECLI:NL:RVS:2022:3352, 30 November 2022, available in Dutch at: https://bit.ly/3HWrAcZ and https://bit.ly/3uhh4tK.
149 Council of State, ECLI:NL:RVS:2022:3353, 30 November 2022, available in Dutch at: https://bit.ly/3HWrAcZ.
150 IND, Information Message 2022/107 Afdelingsuitspraken d.d. 30 november 2022 inzake de Tijdelijke Wet dwangsom (3), 2 December 2022, no longer published on a publicly available website.
151 Council of State, ECLI:NL:RVS:2022:3352, 30 November 2022, available in Dutch at: https://bit.ly/3uhh4tK.

the 6-months time limit had not yet expired on 27 September 2022. In addition, for all asylum applications lodged after 27 September 2022, the time limit was pre-emptively extended by 9 months, meaning that the IND can take a maximum of 15 months to decide on asylum applications lodged after 27 September and before 1 January 2023.[152] This measure was also announced for 2023, 2024 and 2025.[153]

On 23 November 2022, the Regional Court of Den Bosch ruled in favour of the (first) general extension of the time limit for deciding.[154] On the contrary, on 6 January 2023, the Regional Court of Amsterdam issued a judgement declaring the time limit extension unlawful.[155] The IND argued that, due to the numerous new arrivals – especially regarding Afghan and Ukrainian nationals, but also many individuals later channelled into the Dublin procedure – it was impossible to manage the existing caseload. Despite this, the Court maintained that, even though there was an increase in the amount of asylum applications, it was not of such magnitude that the threshold included in Article 42(4)(b) Aliens Act was reached. However, the Minister submitted an onward appeal with regards to the judgment of the Regional Court of Amsterdam, meaning the Council of State had to give a judgment. On 8 November 2023, the Council of State ruled that European Law was too ambiguous to determine whether the general extension of the time limit for deciding was legal. As a result, it referred preliminary questions to the CJEU, asking for clarification regarding the definitions of 'a large number of third-country nationals', 'simultaneously' and 'very difficult' as laid down in Article 31(3)(b) of the Recast Asylum Procedures Directive.[156] On 10 July 2024, the Council of State submitted additional preliminary questions to the CJEU, requesting clarification regarding the legality and requirements of subsequent extensions and the efforts of the deciding authorities in reducing the capacity problems.[157] These questions have been referred to the CJEU[158] vis-à-vis the first extension, but the answers are also relevant for the second extension in 2023 (WBV 2023/3) and the last extension (2023/26) concerning 2024.

On 12 December 2024, Advocate General Medina issued her opinion, suggesting that the six-month time limit for deciding can only be extended by nine months if the number of applications increases in a rapid tempo, which results in a rapid increase in this number, excluding a more gradual increase of the number of applications. Other circumstances cannot be considered when extending the time period, as the increase must undoubtedly be the result of an increase of the number of applications.[159]

On 8 May 2025, the CJEU issued its judgment, following the opinion of the Advocate General. The Court concluded that the difficulties with regard to taking timely decisions cannot stem from other circumstances than the large amount of asylum applications lodged at the same time, such as an existing backlog of undecided cases or the lack of the deciding authorities lacking adequate deciding capacity.[160]

In response to this judgment, the IND published Information Message 2025/28, in which it communicated its decision to withdraw the last two general extensions of 2024 and 2025, due to their incompatibility with the Court's judgment. However, because the Council of State still needs to issue its final judgment,

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152 Amendment Aliens Circular, Besluit van de staatssecretaris van Justitie en Veiligheid, 26 September 2022, Staatscourant 2022, No 25775, available in Dutch at: https://bit.ly/3CsTDyj.

153 IND, Information Message 2023/10 'Verlengen beslistermijn asiel', available in Dutch at: https://bit.ly/3XLhL6U, WBV 2023/26, available in Dutch at: https://bit.ly/41XJwNl, Amendment to the Aliens Circular, *Besluit van de Staatssecretaris van Justitie en Veiligheid van 14 januari 2025*, nummer WBV 2025/4, houdende wijziging van de Vreemdelingencirculaire 2000, available in Dutch at: https://bit.ly/4bFvTra.

154 Regional Court Den Bosch, Decision No. NL22.21366, 23 November 2022, available in Dutch at: https://bit.ly/49vETwS.

155 Regional Court of Amsterdam, ECLI:NL:RBDHA:2022:12636, 6 January 2023, available in Dutch at: https://bit.ly/3w7jz29.

156 Council of State, ECLI:NL:RVS:2023:4125, 8 November 2023, available in Dutch at: https://bit.ly/3SRLqMH.

157 Council of State, ECLI:NL:RVS:2024:2829, 10 July 2024, available in Dutch at: https://bit.ly/4j3Jc83.

158 The case is registered before the CJEU under Case Number C-662/23, *Zimir*, the progress of which can be followed here.

159 CJEU, Conclusions of the Advocate General, ECLI:EU:C:2024:1028, *Zimir,* 12 December 2024, available at: https://bit.ly/3PtMpQK.

160 CJEU, Judgment of the Court, ECLI:EU:C:2025:326, *Zimir,* 8 May 2025, available at: https://bit.ly/3YubS0X.

the general extensions preceding 1 January 2025 still stand.[161] As a result, in general, the time-limit for deciding is once again six months, although in practice this time limit is never upheld.

C. Procedures

Since March 2016, the IND has used a 'Five Tracks' policy where asylum applicants are channelled to a specific procedure depending on the circumstances of their case. In addition to the Regular Procedure ('Track 4'), the policy foresees specific tracks for manifestly well-founded cases ('Tracks 3 and 5'), applicants coming from a safe country of origin or receiving protection in another Member State ('Track 2') and Dublin cases ('Track 1').

While the Netherlands has transposed the recast Asylum Procedures Directive, it should be noted that the 'Five Tracks' policy does not fully follow the structure of the Directive in terms of Regular Procedure, prioritised procedure and accelerated procedure. The different sections below refer to the applicable track in each case.

1. Regular procedure ('Track 4')

1.1 General (scope, time limits)

Indicators: Regular Procedure: General

1. Time limit set in law for the determining authority to decide on the asylum application at first instance:
   - ❖ Regular procedure 6 working days
   - ❖ Extended procedure 6 months
2. Are detailed reasons for the rejection at first instance of an asylum application shared with the applicant in writing? ☒ Yes ☐ No
3. Backlog of pending cases at first instance as of December 2025: 51,860
4. Average length of the first instance procedure in 2025: Not available[162]

The general asylum procedure (Track 4) is divided into a Regular Procedure (*Algemene Asielprocedure, AA)* of 6 working days and an Extended Procedure (*Verlengde Asielprocedure*). The assessment of each asylum application starts in the Regular Procedure. During this procedure, the IND can decide to refer the case to the Extended Procedure.

There used to be an option to extend the Regular Procedure with a number of days, without referring an applicant to the Extended Procedure. This is called the Regular Procedure Plus, or *AA+*. In practice, this limited extension was not applied often. In an evaluation report of the IND published in March 2023, only 0.6% of 34,576 cases were found to have been referred to the AA+.[163] On 1 September 2025, it was announced that the AA+ would be abolished. If slightly more time is needed, the IND would consult with the lawyer whether it was possible to extend the General Procedure according to the needs of the asylum seeker, without having to refer him to the Extended Procedure.[164]

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161 IND, Informatiebericht 2025/28, Intrekken categoriale verlenging beslistermijn, available in Dutch at: https://bit.ly/49GldsK.

162 The average length of the procedure is not available. However, as of 7 January 2026, the average waiting period for the registration interview is 17 weeks, and thereafter another 86 weeks for the detailed interview, see IND, Asylum and Family Reunification: Latest Developments, 30 December 2025, available at: https://bit.ly/4kKPLNN.

163 IND, Evaluatie Wijzigingen Algemene Asielprocedure, 9 June 2023, available in Dutch at: https://bit.ly/3T82Ft8.

164 Raad voor Rechtsbijstand, IND stopt met de AA+, available in Dutch at: https://bit.ly/4526aHn.

The laws, rules and policies regarding the Asylum Procedure are included in the Aliens Act, the Aliens Decree, the Aliens Regulation and the Aliens Circular.

Regular Procedure (*Algemene Asielprocedure)*

A decision on an asylum application in the Regular Procedure currently has to be issued within 6 working days.[165] This deadline may be extended if more time is necessary to fulfil the required steps (*AA+*)[166]

The asylum procedure is preceded by a registration phase (see Making and registering the application). Firstly, an asylum applicant fills out a registration form containing questions regarding their nationality, identity, travel route and documentation.[167] The completed form is followed by a registration interview (*Aanmeldgehoor*). During the registration interview, questions can be asked regarding an asylum applicant's identity, nationality, travel route and family members. Since the formal introduction of the registration interview, the IND will also briefly inquire about the reasons for seeking asylum. The completed form and interview play an essential part in the asylum procedure. During the registration phase, the asylum applicant does not benefit from legal assistance and does not obtain (individualised) information from the Dutch Council for Refugees. As a result, the asylum applicant will not be informed about the impact of their statements regarding reasons for fleeing their country of origin or other statements they make, for example regarding their identity and/or nationality. As Amnesty International concluded in its report *'Bewijsnood, Wanneer nationaliteit en identiteit ongeloofwaardig worden bevonden'*, once the Minister (IND) establishes that the identity or nationality of the asylum applicant is not credible, it will be very difficult for them to refute this evaluation.[168] In addition, failure to provide sufficient evidence of the nationality and/or identity can lead to the IND not assessing the need for protection itself.[169] The Council of State has consistently judged that this practice is permitted, as the motives for requesting asylum only hold value against the background of the identity, nationality and origin of a person.[170]

After the registration phase, the asylum applicant is given time to rest and prepare for the asylum procedure. In theory this rest and preparation period (RVT) lasts a minimum of 6 days.[171] In practice, it can last several months or more than a year. Currently, it lasts more than a year, as the period between the registration interview and the detailed interview is on average 86 weeks. As of March 2026, this number has increased to 95 weeks.[172] This number has slowly increased during recent years. On one of the last days of the RVT, the asylum applicant meets their lawyer. This is called 'Day -1', because the Regular Procedure starts in the following days. The asylum applicant and their lawyer discuss the statements made during the registration interview, and prepare for the Regular Procedure and more specifically, the detailed interview. After this meeting the RVT ends, and the Regular Procedure starts.

For a clear understanding of the current Regular Procedure, it is important to indicate what happens during these 6 days. In short, on the odd days the asylum applicant is in contact with the IND and on the even days with their legal advisor / lawyer:[173]

Day 1	Start of the Regular Procedure with a detailed interview (*Nader gehoor*)	In this extensive interview the asylum applicant is questioned by the IND about their reasons for seeking asylum.[174]

165 Article 3.110(1) Aliens Decree.
166 Article 3.115 Aliens Decree.
167 Article 3.109 Aliens Decree, paragraph C1/2.1 Aliens Circular and IND Work instruction 2021/8, available in Dutch at: https://bit.ly/3uTF7yV.
168 Amnesty International, *Bewijsnood, Wanneer nationaliteit en identiteit ongeloofwaardig worden bevonden*, 19 November 2020, available in Dutch at: https://bit.ly/34zOlCW.
169 ACVZ, *Naar een gelijker speelveld bij vaststelling nationaliteit en identiteit van migranten*, 11 April 2022, available in Dutch at: https://bit.ly/3jPH7T9.
170 Council of State, ECLI:NL:RVS:2015:4061, 24 December 2015, available in Dutch at: https://bit.ly/3HPCIs9.
171 Article 3.109 Aliens Decree.
172 IND, Asylum and Family Reunification: Latest Developments, 30 December 2025, https://bit.ly/4kKPLNN.
173 Article 3.112-3.115 Aliens Decree.
174 See also Work instruction 2021/13, *Nader gehoor,* available in Dutch at: https://bit.ly/48tRhfQ.

		After the interview, the IND could decide to refer the case to the Extended Procedure in case they estimate that more time is needed to take a proper decision.
Day 2	Review of the detailed interview	The asylum applicant and their lawyer review the detailed interview after which corrections and additions thereto may be submitted. This generally happens due to interpretation problems, where a misunderstanding easily occurs.
Day 3	The intention to reject the asylum application *(Voornemen)*	In case the IND decides to reject the asylum application, it will issue a negative intended decision. The intention to reject provides the grounds and reasons for a possible rejection and cannot be directly appealed. At this stage, the IND can also grant the asylum applicant an asylum permit.
Day 4	Submission of the view by the lawyer (*Zienswijze*)	After the IND has issued a written intention to reject the asylum application, the lawyer submits their view in writing concerning the intended decision on behalf of the asylum applicant.
Day 5/6	The decision of the IND (*Beschikking*)	After the submission of the lawyer's view in writing, the IND may decide to either grant or refuse asylum. The IND may also decide to continue the examination of the asylum application in the Extended Procedure.

The IND takes a decision based on the information stemming from the registration interview and the detailed interview and information from official reports and other country information. An intended decision to reject the asylum application must be motivated and take into account the lawyer's view in writing.[175]

Extension of the Regular Procedure *(Algemene Asielprocedure+* or *AA+)*

Since 25 June 2021, when the amendments to the Aliens Decree regarding the Regular Procedure came into force, the 6 days of the asylum procedure could be extended before the start or during the procedure. When the IND decided to extend the procedure before its start, for example due to medical reasons, if the asylum applicant was not able to be interviewed or there were indications that the assessment of the asylum claim could not take place within the 6 days of the Regular Procedure, the procedure was extended by 3 days.[176] In these cases, the Regular Procedure would take 9 days.[177] However, the possibility to refer an asylum seeker to the AA+ was abolished on 1 September 2025.[178] If slightly more time is needed, the IND will consult with the lawyer whether it is possible to extend the General Procedure according to the needs of the asylum seeker, without having to refer him to the Extended Procedure.

When there is a combination of grounds from Article 3.115(1) and (2) Aliens Decree then the Regular Procedure could be extended up to 21, 23 or 29 days.[179]

175 Article 42(3) Aliens Act.
176 Article 3.115 (1) Aliens Decree.
177 Article 3.115 (1) and Article 3.115 (3) Aliens Decree.
178 Raad voor Rechtsbijstand, IND stopt met de AA+, available in Dutch at: https://bit.ly/4526aHn.

179 Article 3.115 (3) Aliens Decree.

Extended Procedure (*Verlengde Asielprocedure*)

When the IND is not able to assess the asylum claim and issue a decision within the time frame of the (extended) Regular Procedure, it has to refer the case to the Extended Procedure. Cases of minors under the age of 12 years and cases of asylum applicants who, due to medical reasons, cannot be interviewed are also referred to the Extended Procedure.[180] When the case is referred to the Extended Procedure, the asylum applicant is relocated from a POL to a centre for asylum applicants (*Asielzoekerscentrum, AZC*).

In general, the detailed interview takes place in the Regular Procedure, but both the detailed interview and an (optional) additional interview can also take place in the Extended Procedure. If there is an intention to reject the request during the Extended Procedure, the asylum applicant and their lawyer are given four weeks to submit an opinion on the intended decision.[181] The IND has to issue a new intended decision if it changes its grounds for rejecting the claim substantially from the written intention in the Regular Procedure.[182]

If an asylum application is examined in the Extended Procedure, the maximum time limit for deciding is 6 months. According to Article 42(4) of the Aliens Act, transposing Article 31(3) of the recast Asylum Procedures Directive, this time limit can be extended by 9 months if, for example, the case is complex or there is an increased number of asylum applications at the same time. This last reason has been used by the Dutch government to extend the time limit for deciding by 9 months for all asylum requests submitted after 27 September 2022. This extension was also issued for 2023, 2024 and 2025. However, because of the CJEU's judgment in the case *Zimir*, the last two extensions have been withdrawn, and for the first two general extensions the Council of State still has to publish its final judgment regarding their legality (see for an extensive explanation of this situation Extension of the time limit for deciding).

In November 2024, the number of applicants in Track 4 (both AA and VA) that was still waiting for a decision after six months was 35,600, rising to 40,550 in 2025. The number of applicants still waiting for a decision after 15 months was 11,680.[183] This number rose to 25,830 in 2025.[184]

In addition to the 9-month prolongation, the time limit can be extended by another 3 months according to Article 42(5) of the Aliens Act. In no case may the maximum time limit of 21 months be exceeded.[185]

In 2024, it took on average 57 weeks from the moment the asylum application was submitted to receive a decision in the Regular Procedure, with 62% of the requests being decided upon within the time-limit for deciding. When the application was referred to the Extended Procedure, this number rose to 71 weeks. 50% of the applications were decided upon within the legal time limit for deciding.[186]

At the time of writing this report (at the start of 2026), in the Regular Procedure (Track 4) it took, on average, 17 weeks before the registration interview takes place (note that theoretically, this interview should happen on the third day after the asylum request). After this interview, another 86 weeks elapsed on average before the detailed interview took place.[187] This means that on average, the detailed interview took place nearly two years after the asylum request. Additionally, in practice, multiple months can elapse before a decision is taken.

180 Article 3.113 (7) and Article 3.113 (8) Aliens Decree.
181 Article 3.116 (2)(a) Aliens Decree.
182 Article 3.119 Aliens Decree.
183 IND, *De IND in cijfers*, 9 January 2025, available in Dutch at: https://bit.ly/48moKJP.
184 IND, *De IND in cijfers*, 9 January 2025, available in Dutch at: https://bit.ly/48moKJP.
185 Article 43 (1) Aliens Act.
186 Ministry of Justice and Security, *De Staat van Migratie 2024*, 97, available in Dutch at: https://bit.ly/4fmZwh1. And Ministry of Justice and Security, *De Staat van Migratie 2025*, 83-84 available in Dutch at: https://bit.ly/3L1ENXd.
187 IND, *Asiel: Laatste ontwikkelingen*, available in Dutch at: https://bit.ly/3tMTVyZ.

1.2 Prioritised examination and fast-track processing ('Tracks 3 and 5')

Track 3 foresees a fast-track procedure for applicants who are *prima facie* likely to be granted protection. Track 5 applies to the same cases, where nationality or identity documents have not been submitted yet. There is no prioritised examination and fast-tracking processing in practice, as neither Track 3 nor Track 5 have been applied in previous years. Asylum applicants from these countries are handled in Track 4.

1.3 Personal interview

Indicators: Regular Procedure: Detailed Interview

1. Is a personal interview of the asylum applicant in most cases conducted in practice in the regular procedure? ☒ Yes ☐ No
   - ❖ If so, are interpreters available in practice, for interviews? ☒ Yes ☐ No
2. In the regular procedure, is the interview conducted by the authority responsible for taking the decision? ☒ Yes ☐ No
3. Are interviews conducted through video conferencing? ☐ Frequently ☒ Rarely ☐ Never
4. Can the asylum applicant request the interviewer and the interpreter to be of a specific gender? ☒ Yes ☐ No
   - ❖ If so, is this applied in practice, for interviews? ☒ Yes ☐ No

The law requires the IND to organise a personal interview for all asylum applicants.[188] Every asylum applicant undergoes a detailed interview with the exception of applications handled in the Dublin Procedure (Track 1) and the Accelerated Procedure (Track 2). The registration interview is designed to clarify nationality, identity and travel route. It became less exhaustive in 2019 following the introduction of an extensive form and a follow-up interview at the registration stage. In the detailed interview, the asylum applicant is given the opportunity to explain the reasons for fleeing their country of origin.[189]

Interviews are always conducted separately, meaning family members that apply for asylum together are interviewed individually. This is to ensure that everyone has the chance to tell their individual reasons for requesting asylum. While children under the age of 15 that request asylum as part of their parents' asylum requests are, in principle, not interviewed, in some cases this may occur (for example, if the child requests this or if the child has individual reasons for requesting asylum). Regarding this subject, the Council of State considered that the Dutch policy regarding the hearing of children between the ages of 12 and 15 was not fully in accordance with EU law. Even though there is no requirement to interview accompanied children up to the age of 15, the minister must ensure that they are given the opportunity to freely express their opinion and are informed of the possibility to be individually interviewed and as such he must ensure this interview takes place if requested.[190] In these cases, the child's interview will take place separately from their parents' interviews. Children over the age of 15 request asylum independently (i.e., not linked to the parents' asylum request). As a result, the IND will interview them separately. Unaccompanied minors between the ages of 6 and 11 are interviewed in special rooms designed to be safer and more comfortable for children. The interview takes place with the Nidos guardian present and, if an interview is difficult to conduct, other solutions will be explored.[191] There is no extensive training and specialisation when it comes to interviewing children.[192]

188 Article 3.112 Aliens Decree.
189 Article 3.113 Aliens Decree.
190 Council of State, ECLI:NL:RVS:2025:3899, 20 August 2025, available in Dutch at: https://bit.ly/4qiBE4I.
191 Paragraph C1/2.11 Aliens Circular.
192 Stephanie Rap, "A Test that is about Your Life'*: The Involvement of Refugee Children in Asylum Application Proceedings in the Netherlands', *Refugee Survey Quarterly*, 2022(41), 306.

Exceptionally, family members or other people lending support can be present at an asylum applicant's interview. This only occurs if their presence is 'necessary fitting support', and has to be supported with medical documentation.[193]

New credibility assessment

A new method of assessing the credibility of asylum claims was introduced on 1 July 2024. The specifics of the method are detailed in the Aliens Circular,[194] and Working Instructions 2024/06 'Credibility assessment asylum'.

The new method was officially announced on 5 March 2024. In the announcement letter,[195] the stated reasons for the amendments were to conform more narrowly to the Qualification Directive and to decrease the application of the principle of the 'benefit of the doubt'. In the explanatory note to the announcement letter, reference is made to the motion of Member of Parliament (*Tweede Kamer Der Staten Generaal)* Mr. Ruben Brekelmans that was accepted by Parliament on 27 September 2023. In this motion, the Government was asked to reduce the application of the 'benefit of the doubt' and to place the burden of proof regarding asylum applications on the applicant as much as possible.[196] Before the policy was implemented, the Government shared the plans for the new credibility assessment with UNHCR and the Dutch Council for Refugees. Meetings were held with them to allow them to express their concerns, with the understanding that the policy texts would not be modified as a result.

Applicants must now provide 'objective evidence' in order to substantiate their claim for asylum. The threshold for meeting the standard of 'objective evidence' is high, as the applicant is expected to provide authentic and original documentary evidence. Moreover, this evidence must fully substantiate all the relevant facts and circumstances underlying motives for the asylum application. If such evidence is not provided, the asylum motives can still be found to be credible, but only if the applicant meets all five cumulative requirements set out in Article 31(6) Aliens Law 2000, which correspond to the requirements in Article 4(5) Qualification Directive. Working Instruction 2024/06 explains that in this way, applicants that do not submit 'objective evidence' to fully substantiate their asylum motives, will still be granted 'the benefit of the doubt' if they meet all five requirements.

This amounts to a *de facto* increase in the burden of proof for applicant that are not able to submit 'objective evidence'. The Dutch Council for Refugees has raised concerns that this new method is not in accordance with standards of evidence assessment in asylum law under Union law, the ECHR and international law.[197] Moreover, it could place an undue burden on asylum applicants to submit documentary evidence, when such evidence, by the nature of asylum applications, is rarely available.

In 2025, several courts ruled that the new credibility assessment was in line with Union law. Others expressed doubts about its viability. Most notably, the Regional Court of Roermond asked preliminary question regarding the lawfulness of the new credibility assessment in light of Union law.[198] The case is still pending before the CJEU.[199]

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193 Article 3.108b Aliens Decree.
194 Paragraph C1/4.3 Aliens Circular.
195 Letter of the State Secretary (now Minister) of 5 March 2024, KST 19637, nr. 3211, available in Dutch at: https://bit.ly/4jpSaMs.
196 See Motion by MPs Brekelmans and Van den Brink on reducing the level of reception and facilities for asylum seekers with a low chance of being granted asylum 27 September 2023, available at: https://bit.ly/4iFK4Pb.
197 Dutch Council for Refugees, UPdate 2024, nr. 27, *WBV 2024/12: ingrijpende wijzigingen in geloofwaardigheidsbeoordeling en groepenbeleid*, available in Dutch with a Vluchtweb account at: https://bit.ly/4fUhQ1w. For relevant case law, see among others: CJEU, C-921/19, 10 June 2021, *L.H. v. Staatssecretaris van Justitie en Veiligheid*, available in English at: https://bit.ly/3UuXaWI; and ECtHR, no. 59166/12, 23 August 2016, J.K. vs. Sweden, available in English at: https://bit.ly/4bDyTEp.
198 Regional Court Roermond, 7 January 2025, ECLI:NL:RBDHA:2025:136, available in Dutch at: https://bit.ly/3N5i3Gp.
199 CJEU, C-7/25 *Ramodi*, pending preliminary reference, 7 January 2025, available at: https://bit.ly/4cgm7MR.

Vulnerable Persons

The asylum applicant can express the wish to be interviewed by an employee of the IND of their own gender; this includes the interpreter. This may make it easier for an asylum applicant to present claims related to sensitive issues, such as sexual violence.[200]

In the past, there have been concerns regarding the questions asked during interviews with persons persecuted due to their sexual orientation. These persons had been questioned, for example, on their sexual behaviour and their personal feelings.[201] In a judgment of 2 December 2014, the CJEU clarified the methods which national authorities may use to assess the credibility of the declared sexual orientation of applicants for international protection.[202] As a result, the Council of State established that the fact that asylum applicants cannot showcase sufficient proof regarding their connection to the LGBTQI+ community (be it in the Netherlands or in their country of origin) cannot be considered a decisive element to determine the lack of credibility of their asylum claim.[203]

The IND's Work Instruction 2015/9 was followed by new IND Work Instructions: 2018/9 and 2019/17. Work Instruction 2019/17 is currently in force and lays down the elements that have to be taken into account while assessing the credibility of one's sexual orientation. These include the following: the private life of the asylum applicant; their current and previous relationships and contacts with LGBTQI+ communities in their country of origin and in the Netherlands, and discrimination, repression and persecution in the country of origin. The emphasis is put on the personal experiences of the asylum applicant. However, the Minister stressed that the new Work Instructions 2018/9 and 2019/17 do not entail a new assessment framework compared to Work Instruction 2015/9. This has been confirmed in Council of State judgments.[204]

Work Instruction 2021/9 outlines the policy regarding asylum applicants in need of special procedural needs. The medical check by medTadvies, which occurs during the rest and preparation period, determines whether procedural needs are necessary, for example for people having experienced traumatic experiences in the past, human trafficking or sexual violence in country of origin or during the trip to the Netherlands. Procedural guarantees can consist of more time taken to conduct the interview, more breaks, less focuses on exact dates (in case of head trauma), the presence of a third person, or a written interview instead of an oral interview.[205] IND personnel must constantly be vigilant whether the asylum applicant is in need of any special measures. This is not limited to the period leading up to the detailed interview. If a medical examination did not show any need for procedural measures, but during the interview the asylum applicant seems distressed, unwell, nervous, tired or even suicidal, the IND must provide further assistance, which could mean stopping the interview and requesting a medical examination.[206] This was for example ruled so recently by the Council of State, where it was also emphasised that in every Track the IND has the responsibility to be on the lookout for the special needs of asylum applicants.[207]

Bespoediging Afdoening Asiel ('BAA')

In the last years, the IND has experimented with various measures and methods of hearing and deciding on asylum cases in order to try to decrease the backlog of cases. Multiple of these 'pilots' have been implemented, adopted and/or abolished. The subsections below will outline the main pilots used in recent years. Most of these pilots focussed on Syrian and Yemeni, and to a lesser extent Turkish cases.

200 Paragraph C1/2.11. Aliens Circular.
201 Lieneke Luit, *Pink Solution, inventarisatie van LHBT asielzoekers (Inventory of LGBTI asylum applicants)*, available in Dutch at: https://bit.ly/3wdRN47.
202 CJEU, Joined Cases C-148/13, C-149/13 and C-150/13 *A, B and C*, Judgment of 2 December 2014, available at: https://bit.ly/49vlcVE.
203 Council of State, ECLI:NL:RVS:2015:2170, 8 July 2015 available in Dutch at: https://bit.ly/3T8HkQk.
204 See: Council of State, ECLI:NL:RVS:2020:1885, 12 August 2020, available in Dutch at: https://bit.ly/3SwsX7a.
205 Work Instruction 2021/9, paragraph 3.5, available in Dutch at: https://bit.ly/4bQyGNK.
206 Work Instruction 2021/9, paragraph 3 and annex, available in Dutch at: https://bit.ly/4bQyGNK.
207 Council of State, ECLI:NL:RVS:2023:3365, 6 September 2023, available in Dutch at: https://bit.ly/48b7oyz.

This is due to the fact that these nationalities had a high probability of receiving international protection. However, due to the changes in the decision-making process and the country policies regarding these countries, there can no longer be said to be a high probability of receiving international protection.

In March and April of 2023, the IND announced its intention to start a project in order to speed up the decision-making process for 13,000 Syrian and Yemeni cases. This project was called the '*Bespoediging Afdoening Asiel'*, or 'speeding up handling asylum cases' (not an official translation). The project officially started on 1 May 2023 and concerned asylum requests lodged between 1 May 2022 and 1 May 2023.[208] On 19 December 2023, it was announced that the project required more time to process the 13,000 cases, due to a Parliamentary decision to stop the use of the written interview in asylum cases. The end date was moved to 1 August 2024.[209] In total, more than 18,000 extra asylum applications were decided upon.[210] No such pilots have been used in 2025.

The project itself was made up of different experimental methods, most of them already used in previous years:

- Written interview;
- Interviews at location;
- Combination interview.

In the announcement of the project, other methods were also considered, but in practice they have not been utilised.

Participation in the project was voluntary. In the invitation letter indicating the start of the procedure, it was stated that the request could be considered within one of the methods in the project.

Written interviews were first introduced in 2021,[211] as a measure to accelerate the backlog clearing. Asylum applicants were asked to personally fill in a form at the IND. The written interview was limited to asylum applicants with the following nationalities: Syrian, Yemenite, Eritrean, Turkish and Iranian, as they were considered as more likely to be granted international protection.

After the conclusion of this pilot project 'written interviews' (*schriftelijk horen)*, in October 2022 the IND started a further pilot, offering written interviews to Syrian, Turkish and Yemenite nationals. The pilot involved nationals of the above-mentioned countries based on the likelihood of receiving protection. It was renamed to the 'Paper & Ink procedure', or PIP. During the project, the decision was made to exclude Turkish nationals from the project, as their asylum requests were too complicated to take a decision based on the written interview.[212]

The invitation to partake in a written interview was sent one week before the start of the written interview, which was deemed insufficient by lawyers. To determine who was eligible for the PIP, the IND screened asylum applicants and excluded those who are illiterate, in need of special medical guarantees, or people suspected of being a danger to public order and security. If based on the written interview the IND cannot take a positive decision on the asylum application, the asylum applicant was referred to the Regular Procedure.[213] The asylum applicant had the option to partake in the PIP or follow the regular procedure. However, in practice many asylum applicants chose to partake in the PIP regardless, because they were worried that otherwise it would take even longer for an interview to take place. The written interviews were referred to two external partners, Eiffel and Brunel, who advised on whether on the basis of the written interview the asylum applicant could be given an asylum permit. The IND always took the final decision. If the external partners could not give a positive opinion, the asylum applicant had to be heard in person in an additional interview. At the end of 2023, the Legal Aid Board conducted

208 KST 19637, nr. 3156, 13 July 2023, available in Dutch at: https://bit.ly/3Hjowas.
209 KST 19637, nr. 3184, 19 December 2023, available in Dutch at: https://bit.ly/3tR0alp.
210 IND, De IND heeft 18 duizend extra asielaanvragen behandeld, available in Dutch at: https://bit.ly/428uoPn.
211 For further in-depth information about and analysis of the work of the task force, see previous updates to this country report available at: https://bit.ly/3SMHHji.
212 This was communicated by the IND in a meeting with the Dutch Council for Refugees.
213 IND, Asiel: Laatste ontwikkelingen, available in Dutch at: https://bit.ly/3VIITCH.

a survey with lawyers regarding the PIP.[214] The results of this survey are not publicly available, but in general lawyers were pleased with the procedure for Syrians and Yemenites, provided that the screening takes place diligently.

With the start of the project BAA, it was announced that the written interview would be an important tool to reach the desired 13,000 cases. However, on 10 October 2023, a parliamentary motion was adopted to abolish the use of the written interview, due to fears of asylum permits being granted wrongfully and on the basis of negligent research.[215] The decision to cancel the written interviews within the BAA project was finalised on 19 December 2023.[216]

Interviews at location

In 2022, the IND started interviewing certain asylum applicants at their accommodation, as opposed to the asylum applicants making an appointment and visiting the IND themselves.[217] This instrument was introduced informally, and there is no official IND policy as regards to where these interviews are conducted. The IND has so far conducted interviews at different locations, mainly the emergency shelter locations such as boats which are not regularly used as accommodation, but because of the ongoing reception crisis many different places have been used to provide temporary shelter (see Access and forms of reception conditions). Due to the lack of an official policy on this matter, it is difficult to make sure all necessary steps in the procedure – regarding, for example, the provision of healthcare and legal support – are being followed. In addition, the IND only interviewed people of certain nationalities, which led to a high level of uncertainty for applicants, who could not know when they would be interviewed.

With the start of the BAA project, it was announced that 'interviewing at location' would also be utilised. Dependent on the situation, the IND can visit a location and conduct the interview there. This could also happen in combination with another 'pilot', such as the written interview or the combination interview. Prerequisite for this method is the availability of a suitable location for the interviews.[218]

Combination interview

In February 2023, the IND conducted 50 combination interviews with Syrian nationals in Ter Apel. The combination interview is one interview consisting of the questions asked during the registration and detailed interview. The registration interview is condensed to the core questions regarding identity, nationality and travel route. Afterwards, questions originating from the detailed interview are asked regarding the reasons for requesting international protection. The lawyer meets with the asylum applicant before the interview. No medical examination takes place before the interviews.[219]

The combination interview is also used within the BAA project. The asylum applicant receives a letter inviting them to either a (shorter) Regular Procedure, a written interview or a combination interview. Unaccompanied minors are all subjected to combination interviews in Den Bosch.[220] Unfortunately, no further information is available regarding the quantity of these interviews being conducted as no evaluation of the project has been released. It remains uncertain whether this will occur in the future.

No such methods were used in 2025.

214 Legal Aid Board (Raad voor Rechtsbijstand), AC Signalering nr. 17 2023, 15 December 2023.
215 Ministry of Justice and Security, *Motie afschaffen schriftelijk horen voor kansrijke asielzoekers*, 19 December 2023, available in Dutch at: https://bit.ly/3U2kRW1.
216 KST 19637, nr. 3184, 19 December 2023, available in Dutch at: https://bit.ly/3tR0alp.
217 IND, Vreemdelingenvisie 37, 29 November 2022, available in Dutch at: https://bit.ly/3Zlt4oB.
218 Legal Aid Board (Raad voor Rechtsbijstand), AC Signalering nr. 16 2023, 18 October 2023.
219 Legal Aid Board (Raad voor Rechtsbijstand), AC Signalering nr. 2 2023, 26 January 2023.
220 Legal Aid Board (Raad voor Rechtsbijstand), AC Signalering nr. 15 2023, 4 October 2023.

Additional measures

During the BAA project, additional methods were created and used in order to try to speed up the decision-making process. One of these was the 'Online appointment planner'. Asylum applicants received a letter (of which their lawyer received a copy) which explained that they could choose a day and time within six weeks of receiving the letter on an IND website for their detailed interview. To confirm the appointment, the asylum applicant received a confirmation letter. If no appointment was made by the asylum applicant, the IND would plan the detailed interview.[221] To the best of the knowledge of the authors of this report, this system is no longer actively in use.

In addition, the IND also implemented an 'IT solution' to distribute cases automatically amongst their employees.[222]

1.3.1 Interpretation

The asylum applicant is to be interviewed in a language that they may reasonably be assumed to understand.[223] This means that in all cases an interpreter is present during the interviews, unless the asylum applicant speaks Dutch.[224] The IND may only use certified interpreters by law.[225] However, in certain circumstances the IND may derogate from this rule. For example, if there is need for an interpreter in an urgent situation or if an asylum applicant speaks a very rare dialect.[226] Interpreters are obliged to perform their duties honestly, conscientiously and must swear an oath.[227] The IND uses its own code of conduct, which is primarily based on the general code of conduct for interpreters.[228] The Legal Aid Board (Raad voor Rechtsbijstand) takes the necessary steps to ensure the presence of an interpreter facilitating the communication between asylum applicants and their lawyer. Interpreters may also provide their services via phone instead of in person through the 'interpreter telephone'. This service is provided by AVB Translation Services (Vertaaldiensten) and Global Talk and paid for by the Legal Aid Board.[229]

1.3.2 Recording

The National Ombudsperson made recommendations in 2014 concerning the possibilities for civilians to record conversations with governmental institutions.[230] The Ombudsperson recommended, *inter alia*, that a governmental institution should not refuse the wish of a civilian to record a hearing or conversation with a governmental institution. Said recommendation is also explicitly applicable in relation to asylum applicants and the IND. The Dutch Council for Refugees started a pilot project on 1 December 2016 at **AC Zevenaar**, providing asylum applicants with the opportunity to record the interview. Since 2017, the possibility to record interviews is provided to all asylum applicants in all applications centres. Asylum applicants must give notice of the wish to record the interview in advance. In practice, however, interviews are rarely recorded.[231]

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221 Information regarding this planner was published on the internal Dutch Council for Refugees news service. See also: IND, De IND heeft 18 duizend extra asielaanvragen behandeld, available in Dutch at: https://bit.ly/428uoPn.

222 IND, De IND heeft 18 duizend extra asielaanvragen behandeld, available in Dutch at: https://bit.ly/428uoPn.

223 Article 38 Aliens Act.

224 IND Work instruction 2024/5, (Samen) werken met een tolk, available in Dutch at: https://bit.ly/4kAuo1z.

225 Article 28(1) Law on Sworn Interpreters and Translators.

226 Article 28(3) Law on Sworn Interpreters and Translators.

227 Frits Koers et al, *Best practice guide asiel: Bij de hand in asielzaken*, Raad voor de Rechtsbijstand, Nijmegen 2012, 38.

228 IND, *Toelichting inzet tolken*, March 2021, available in Dutch at: https://bit.ly/3qnP8PK.

229 Legal Aid Board, information on interpretation services, available in Dutch at: https://bit.ly/33vxctO.

230 Ombudsperson, Report 2014/166, November 2014.

231 This is an observation made by the writers of the Dutch Council for Refugees, who deal with lawyers and asylum cases on a daily basis. The IND also does not publish any more information about it.

1.3.3 Decision

On day 2 of the Regular Procedure, the asylum applicant and their lawyer have the possibility to submit any corrections and additions they wish to make regarding the interview that took place the day before. On day 4, after and if the IND has issued an intended decision to reject the asylum application, the lawyer submits their view in writing with regards to the intended decision on behalf of the asylum applicant. If the lawyer's view is not submitted on time (i.e., by day 6 of the Regular Procedure), the IND may decide without considering that view.[232] However, if the view is received by the IND prior to the publication of the decision, the IND has to consider it in their decision.[233] Following the view in writing, the IND takes the final decision. If this decision is negative, the asylum applicant and their lawyer discuss whether they will appeal this decision.

1.4 Appeal

Indicators: Regular Procedure: Appeal

1. Does the law provide for an appeal against the first instance decision in the regular procedure? ☒ Yes ☐ No
   - ❖ If yes, is it ☒ Judicial ☐ Administrative
   - ❖ If yes, is it suspensive Depending on the decision
2. Average processing time for the appeal body to make a decision: 15 weeks[234]

1.4.1 Appeal before the Regional Court

In the **Regular Procedure**, an asylum applicant whose application for asylum is rejected on the merits within the framework of the Regular Procedure has one week to lodge an appeal before the Regional Court (*Rechtbank*).[235] In the **Extended Procedure**, an appeal after a rejection of the asylum claim has to be – depending on the grounds for rejection – lodged within one or four week(s). Appeal against applications rejected as manifestly unfounded, dismissed as inadmissible, or rejected following implicit withdrawal or abandonment have to be lodged within one week.

The appeal against a negative in-merit decision in the Regular or Extended Procedure has automatic suspensive effect, except for situations where the claim is deemed manifestly unfounded for reasons other than irregular presence, unlawful extension of residence or not promptly reporting to the authorities.[236]

The concept of 'manifestly unfounded' (*kennelijk ongegrond*) is defined in Article 30b(1) of the Aliens Act as encompassing the following situations:

a. The applicant has raised issues unrelated to international protection;
b. The applicant comes from a safe country of origin;
c. The applicant has misled the Minister by providing false information or documents about his or her identity or nationality or by withholding relevant documents which could have a negative impact on the application;
d. The applicant has likely in bad faith destroyed an identity or travel document;
e. The applicant has presented manifestly inconsistent and contradictory statements or false information, rendering the claim clearly unconvincing;
f. The applicant has lodged an application only to postpone or delay the execution of a removal order;
g. The applicant has lodged an admissible subsequent application;

232 Article 3.114 Aliens Regulation.
233 Article 3.114 (5) Aliens Regulation.
234 Ministry of Justice and Security, *De Staat van Migratie 2025*, 87, available in Dutch at: https://bit.ly/3L1ENXd,.
235 Article 69(2) Aliens Act.
236 Article 82(2)(c) Aliens Act, citing Article 30b(1)(h).

h. The applicant has irregularly entered or resided in the Netherlands and has not reported to the authorities as soon as possible to apply for international protection, without valid reason;
i. The applicant refuses to be fingerprinted;
j. There are serious grounds to consider that the applicant poses a risk to national security or public order; or
k. the applicant has been expelled for serious reasons of public security or public order.

In cases where the appeal has no automatic suspensive effect, a provisional measure can be requested. In case the request for a provisional measure is granted the appeal has suspensive effect, which means that the right to accommodation is retained and the asylum applicant may remain in Central Agency for the Reception of Asylum Applicants (COA) accommodation.

The judgment of the CJEU of 19 June 2018 in the case *Gnandi* has led to a major discussion in Dutch case law regarding the suspensive effect of appeals in asylum cases.[237] In the Netherlands, the judgment of the Court is especially relevant for cases in which the appeal does not have suspensive effect. In those cases, the asylum applicant can request a provisional measure, but while a decision on this request has not yet been taken, the asylum applicant may be placed in detention on the basis of Article 59(1)(a) of the Aliens Act. Additionally, the asylum applicant is not entitled to visitors once the departure period has expired.

According to the Council of State, detention was no longer possible on the basis of Article 59(1)(a) of the Aliens Act in cases where the asylum applicant is awaiting a decision on the request for a provisional measure.[238] The Council of State concluded in this case that an asylum applicant could legally remain in the Netherlands during the period for lodging an appeal and during the appeal itself.[239] The asylum applicant concerned had been detained in a removal detention centre after his asylum application was rejected as manifestly unfounded. The removal detention was subsequently considered illegal and the measure was lifted. Previously, the Council of State had put preliminary questions to the CJEU.[240] The CJEU indicated that the Returns Directive and Asylum Procedures Directive should be interpreted as precluding an asylum applicant, whose application has been rejected as manifestly unfounded, from being held in detention for the purpose of expulsion while he legally remains in the Netherlands until judgment is given on his request for a provisional measure.[241] Should the Minister want to detain asylum applicants during this period, which is only possible based on the provisions of the Reception Conditions Directive, the law will have to be amended.

It was initially unclear whether the *Gnandi* judgment was applicable in cases in which an asylum applicant makes a second or subsequent application. However, the Council of State concluded that, in a case involving a fourth asylum application with the asylum applicant having been placed in detention, the *Gnandi* judgment did apply.[242] As a result, the legal effects of the return decision were suspended.

According to the Council of State, the *Gnandi* judgment is also applicable in case the asylum application was rejected in the border procedure.[243] The Aliens Act, in particular Article 82, has still not been adjusted to incorporate the *Gnandi* judgment, and will likely not happen because of the implementation of the EU Pact on Migration and Asylum.

Scope and intensity of review

The intensity of the judicial review conducted by Regional Courts (administrative judges) changed in 2016. According to the Council of State's judgment of 13 April 2016, Article 46(3) of the recast Asylum

237 CJEU, Case C-181/16, *Sadikou Gnandi vs Belgium*, 19 June 2018, available at: https://bit.ly/33vxctO.
238 Council of State, ECLI:NL:RVS:2018:2828, 27 August 2018, available in Dutch at: https://bit.ly/3I03spD.
239 Ibid.
240 Council of State, ECLI:NL:RVS:2018:1307, 19 April 2018, available in Dutch at: https://bit.ly/3SQeioG.
241 CJEU, Case C-269/18, *Staatssecretaris van Veiligheid en Justitie v C and J and S v Staatssecretaris van Veiligheid en Justitie*, 5 July 2018, available at: https://bit.ly/3waFsO9.
242 Council of State, ECLI:NL:RVS:2020:244, 29 January 2020, available in Dutch at: https://bit.ly/3UzbRYE.
243 Council of State, ECLI:NL:RVS:2019:1710, 5 June 2019, available in Dutch at: https://bit.ly/49Mwe9t.

Procedures Directive does not impose a general intensity of judicial review under administrative law in asylum cases and thus not in cases regarding the credibility of an asylum applicant's statements in particular. In the Dutch context, the Regional Court is not allowed to examine the overall credibility of the statements of the asylum applicant intensively (full review). This is, according to the Council of State, due to the fact that the IND has specific expertise to verify statements of the asylum applicant and is therefore in general in a better position to examine the credibility of the claim. An administrative judge can never substitute their own opinion on the credibility of the asylum applicant's statements to the authorities'. Where the asylum applicant makes contradictory or inconsistent statements, the review can be more intensive. Before 2016, the other elements – not the credibility of the statements – for assessing whether the asylum applicant qualifies for international protection (*de zwaarwegendheid*) had always been reviewed intensively by Regional Courts.

Regional courts thus rule whether the grounds of a decision of the IND are valid, taking into account the grounds for appeal from the asylum applicant and the arguments of the IND. When the grounds are not valid, the IND has to take a new decision.

Furthermore, when assessing the appeal, the Regional Court takes into consideration all new facts and circumstances which appear after the decision issued by the IND. This is the so-called *ex nunc* examination of the appeal.[244]

1.4.2 Onward appeal before the Council of State

After the Regional Court issues a judgment regarding the IND's decision, both the asylum applicant and the IND may appeal the decision of the Regional court to the Council of State.[245] The IND makes use of this possibility especially in matters of principle, for example if a Regional Court concludes that a particular minority is systematically subjected to a violation of Article 3 of the European Convention on Human Rights (ECHR). The Council of State carries out a marginal *ex tunc* review of the Regional Court's judgment and does not examine the facts of the case.[246]

In April 2017, the Council of State referred preliminary questions to the CJEU on whether an onward appeal in asylum cases should have automatic suspensive effect. In doing so, the Council of State referred to the Return Directive, the Asylum Procedures Directive and Article 47 of the EU Charter on the right to an effective remedy. On 26 September 2018, the CJEU ruled that it cannot be derived from these European legal instruments that an onward appeal in asylum cases has automatic suspensive effect.[247] Following this judgment, the Council of State ruled on 20 February 2019 that an onward appeal does not have automatic suspensive effect.[248] As a result, a provisional measure from the President of the Council of State is needed to prevent expulsion.

Initially, a provisional measure could only be requested in case of urgency, such as imminent deportation, detention or termination of reception, but this condition no longer applies. The Council of State changed its course as a result of the ECtHR judgment in *A.M. v. The Netherlands* of 5 July 2016.[249] According to the ECtHR, onward appeal to the Council of State, in its existing form, did not qualify as an effective remedy. The Council of State made clear that it is no longer necessary to wait for an expulsion date to be set. An asylum applicant can now submit a request for a provisional measure at the time of appeal.[250] The Council of State also made clear that a request for a provisional measure

244 Article 83 Aliens Act.
245 Article 70(1) Aliens Act.
246 Tweede Kamer, *Explanatory notes on the implementation of the recast Asylum Procedure Directive*, Vergaderjaar 34 088, number. 3, 2014–2015, 22 and Chapter 8.5 GALA.
247 CJEU, Case C-175/17 and C-180/17, *X and Y v. Staatssecretaris van Veiligheid en Justitie*, 26 September 2018, available at: https://bit.ly/3waFsO9.
248 Council of State, ECLI:NL:RVS:2019:457, 20 February 2019, available in Dutch at: https://bit.ly/49sYwFH.
249 ECtHR, *A.M. v. the Netherlands*, No. 29094/09, 5 July 2016, available at: https://bit.ly/3SwAPW1.
250 Council of State (Judge for provisional measures), ECLI:NL:RVS:2016:3350, 20 December 2016, available in Dutch at: https://bit.ly/42wCnEc.

preventing expulsion will be granted if the asylum request is considered to have an arguable claim in the sense of Article 3 ECHR.[251] If granted, a provisional measure allows for reception facilities.

All decisions of the Courts and Council of State are public and some are published.[252] There are no obstacles in practice with regard to the appeals in asylum cases. However, asylum applicants are not generally informed about their possibility to appeal, time limits and other details, but if they have specific questions they can address them to their lawyer and/or the Dutch Council for Refugees. The legal representatives of the asylum applicants are responsible for the submission of the appeal.

1.5 Legal assistance

Indicators: Regular Procedure: Legal Assistance

1. Do asylum applicants have access to free legal assistance at first instance in practice?
   ☒ Yes ☐ With difficulty ☐ No
   - ❖ Does free legal assistance cover: ☒ Representation in interview ☒ Legal advice

2. Do asylum applicants have access to free legal assistance on appeal against a negative decision in practice? ☒ Yes ☐ With difficulty ☐ No
   - ❖ Does free legal assistance cover ☒ Representation in courts ☒ Legal advice

Every asylum applicant is entitled to free legal assistance.[253] To ensure this right, the following system discussed in the next subsection is designed.

1.5.1 Free legal assistance at first instance

An asylum applicant can only register their asylum request at an Application Centre (AC). There are lists at the Application Centres where asylum lawyers note their availability for that day. For instance, if five asylum lawyers are scheduled on a Monday, they are responsible for all the asylum requests that are made that day. Those lawyers are also physically present at the centre all day. The Legal Aid Board (*Raad voor Rechtsbijstand*), a state-funded organisation, is responsible for defining timetables and making sure that sufficient lawyers are available on a particular day. In this way, every asylum applicant is assigned a lawyer from the start of their procedure. In case a large number of applications are lodged on one day, it may also happen that lawyers are forced to accept an excessive number of cases. The Legal Aid Board schedules a certain number of lawyers to handle the asylum requests that come in that day, to a maximum of three cases per day.[254]

An appointed lawyer from the Legal Aid Board is free of charge for the asylum applicant. However, an asylum applicant may choose a lawyer independently. If the Legal Aid Board recognises the self-appointed lawyer as an official asylum lawyer, it will pay for the costs, which happens in the vast majority of cases. There are no limitations regarding the scope of the assistance of the lawyer as long as they are paid. Lawyers are paid for eight hours during the procedure at first instance, but can receive additional funds for specific procedural steps, such as the view in writing. The complexity of the case does not play a role in the amount of financial compensation a lawyer receives, as the same number of hours is compensated per case. The compensation is however lower in Tracks 1 and 2, or subsequent applications.[255] The Dutch Council for Refugees has criticised the fact that the contact hours between lawyers and their clients are limited under this system.

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251 Council of State (Judge for provisional measures), ECLI:NL:RVS:2016:3350, 20 December 2016, available in Dutch at: https://bit.ly/42wCnEc.

252 Decisions of the Regional Courts and Council of State may be found at: https://www.rechtspraak.nl/.

253 Article 10 Aliens Act.

254 J. Nijland and K. Geertsema, *Wat verdient een sociale vreemdelingenadvocaat?,* A&MR 2020, nr. 6-7, 361-370.

255 Legal Aid Board, V060 A.A.-procedure (per 1 September 2011), available in Dutch at: https://bit.ly/3WglJH4.

The Dutch Council for Refugees also provides legal assistance. During the rest and preparation period (see Registration), the Dutch Council for Refugees offers asylum applicants information about the asylum procedure. Asylum applicants are informed about their rights and obligations, as well as the different steps and stages of the procedure. Legal counselling may be given either individually or collectively. During the official procedure, asylum applicants may always contact the Dutch Council for Refugees in order to receive counselling and advice on various issues. In addition, representatives of the Dutch Council for Refugees may be present during both interviews at the request of the asylum applicant or their lawyer. The Dutch Council for Refugees has offices in most of the reception centres.

1.5.2 Free legal assistance on appeal

Free legal assistance is also provided if an asylum applicant decides to appeal a negative decision.[256] Every asylum applicant has access to free legal assistance under the same conditions. However, the lawyer can decide not to submit any written opinion if they think the appeal is unlikely to be successful. In this scenario, the lawyer has to report to the Legal Aid Board and the asylum applicant can request a 'second opinion', meaning that another lawyer takes over the case.[257] This only happens in exceptional cases. On the one hand, the intention of the legislator is that the same lawyer will represent the asylum applicant during the whole procedure. On the other hand, if the lawyer does not submit a written opinion, this would be considered as 'malpractice' because submitting a written viewpoint is part of the lawyer's core responsibilities during the asylum procedure. Even if the lawyer is strongly of the opinion that a written viewpoint will not be of any use, this may not be the case in future circumstances, for example in case of a subsequent application. Only after several recognised 'malpractices' can an asylum lawyer be penalised. The gravest penalisation is disbarment.

Limited financial compensation for lawyers representing asylum applicants can be an obstacle, as some lawyers consider the compensation they obtain in exchange for the time spent preparing a case insufficient. This means that some lawyers are underpaid in comparison to the time spent on a case, or that some cases are not prepared with sufficient care. Additionally, due to the economic crisis, more cutbacks had to be made within the state-funded legal aid system. As a result, asylum lawyers' salaries have decreased, leading to a structural problem of underpayment. To counter this, the Dutch government is raising the amount received per point that an asylum lawyer receives after the completion of a case.[258] As such, a lawyer receives four points for a case in the Regular Procedure. For additional actions (such as writing the view) additional points are allocated. If the decision is appealed, additional points are allocated.

2. Dublin ('Track 1')

2.1 General

In 2024, 16% of all first asylum decisions were handled in Track 1, amounting to 5,110 decisions (as the total number of decisions in 2024 was 28,990). 6,600 Dublin claimants appealed their decision to a Regional Court. The number of onward appeals in Dublin cases is not available.[259]

Dublin statistics: 1 January – 31 December 2025

The numbers in the tables below concern total Dublin requests, both initial and re-examination requests. The statistics regarding the five countries with the highest number of outgoing and incoming requests are also shown in the table below.

256 Circular on payments legal aid in the new asylum procedure, 1 July 2010, available in Dutch at: http://bit.ly/1HS8gek. Article 6(1)(a), Decree on Own Contribution to Legal Aid.
257 Article 12 Legal Aid Act.
258 J. Nijland and K. Geertsema, *Wat verdient een sociale vreemdelingenadvocaat?,* A&MR 2020, nr. 6-7, 361-370.
259 Ministry of Justice and Security, *De Staat van Migratie 2025*, 4 July 2025, available in Dutch at: https://bit.ly/4slSv6z.

Outgoing procedure				Incoming procedure			
	Requests	**Accepted**	**Transfers**		**Requests**	**Accepted**	**Transfers**
Total	6,877	4,434	1,865	**Total**	5,161	2,964	1,146
Germany	2,372	1,538	827	Germany	1,421	933	382
France	781	467	221	France	1,257	545	152
Spain	772	587	219	Belgium	982	670	182
Switzerland	581	326	134	Switzerland	560	337	204
Belgium	472	268	72	Austria	158	78	42

Source: Eurostat databases on outgoing requests, decisions and transfers, and incoming requests, decisions and transfers

*Note regarding the following tables: some of the totals do not add up to the same figure as the sum of the different categories below. The source of the inconsistency is unknown to the authors of this report. The data has been taken from Eurostat.

Outgoing Dublin requests by criterion: 2025		
Dublin III Regulation criterion	Requests sent	Requests accepted
'Take charge': Articles 8-15:	1,075	972
Article 8 (minors)	7	2
Article 9 (family members granted protection)	7	1
Article 10 (family members pending determination)	1	1
Article 11 (family procedure)	3	1
Article 12 (visas and residence permits)	769	625
Article 13 (entry and/or remain)	263	337
Article 14 (visa free entry)	7	0
'Take charge' dependent persons: Article 16	8	0
'Take charge' humanitarian clause: Article 17(2)	4	5
Take charge – Criteria unknown	0	0
'Take back': Article 18 and 20(5) (and unknown)	4,896	2,838
Article 18 (1) (b)	3,244	826
Article 18 (1) (c)	22	251
Article 18 (1) (d)	1,383	1,442
Article 20(5)	8	267
Take back - Criteria unknown	239	52

Source: Eurostat databases on outgoing requests, and decisions

Incoming Dublin requests by criterion: 2025		
Dublin III Regulation criterion	Requests received	Requests accepted
'Take charge': Articles 8-15	1,202	880
Article 8 (minors)	43	13
Article 9 (family members granted protection)	15	3
Article 10 (family members pending determination)	22	3
Article 11 (family procedure)	25	0
Article 12 (visas and residence permits)	1,088	860
Article 13 (entry and/or remain)	9	1
Article 14 (visa free entry)	0	0

'Take charge' dependent persons: Article 16	0	0
'Take charge' humanitarian clause: Article 17(2)	30	4
'Take back': Articles 18 and 20(5) (and unknown)	3,260	1,630
Article 18 (1) (b)	2,936	570
Article 18 (1) (c)	9	354
Article 18 (1) (d)	305	671
Article 20(5)	4	7
Take back - Criteria unknown	6	28

Source: Eurostat databases on incoming requests, and decisions

2.1.1 Application of the Dublin criteria

As a result of the answers of the CJEU in the case of *H. and R.*,[260] the Council of State concluded that an asylum applicant cannot rely on a Chapter III-criterion in case of take backs.[261] The exception to this rule is the situation described in Article 20(5) of the Dublin Regulation.[262] This means that the IND only looks at the responsibility criteria of Chapter III of the Dublin Regulation in take charge and Article 20(5)-situations.

Out of the total of 6,877 outgoing requests in 2025 (per Eurostat), 1,097 requests were take charge requests. All other requests were take back requests in which the criteria of Chapter III are, in principle, not applied following the CJEU ruling in *H. and R*.

Eurodac and prior applications

According to the Council of State, the Minister may rely on the information in Eurodac when establishing which Member State is responsible for handling the asylum request.[263] It is up to the asylum applicant to demonstrate that the registration is incorrect. In addition to a match in the Eurodac system or a prior application, other information, such as an original visa supplied by another Member State or statements from the asylum applicant regarding family members or their travel route, may result in a Dublin claim.

Guarantees for minors: Article 6 and 8 Dublin Regulation

Unaccompanied children who have already applied for asylum in another Member State and who do not have any family members legally residing in the EU will not receive a Dublin claim. The current practice is therefore in line with the CJEU's judgement in the case of *MA and Others*.[264]

In cases where an unaccompanied minor has a family member in another Member State or travels with a family member, the IND may not transfer the unaccompanied minor without investigating whether a transfer would be in the best interest of the child. This follows from several judgements by the Council of State.[265] The IND communicated that it started a pilot cooperation with the University of Groningen

260 CJEU, C-582/17 and 583/17, *Staatssecretaris van Veiligheid en Justitie v. H. And R.*, 2 April 2019, available at: https://bit.ly/3wf8cp6.

261 Council of State, ECLI:NL: RVS:2019:3672, 31 October 2019, available in Dutch at: https://bit.ly/3uuXtq0.

262 Regulation (EU) No 604/2013 of the European Parliament and the Council of 26 June 2013 Establishing the Criteria and Mechanisms for Determining the Member State Responsible for Examining an Application for International Protection Lodged in one of the Member States by a Third-Country National or a Stateless Person (recast) [2013] OJ L 180/31 (Dublin Regulation).

263 Council of State, 1 September 2016, ECLI:NL:RVS:2016:2441, available in Dutch at: https://bit.ly/3OEsWN4; Council of State, ECLI:NL: RVS:2015:3012, 16 September 2015, available in Dutch at: https://bit.ly/3UzCBZ1.

264 CJEU, C-648/11, *MA and Others v Secretary of State for the Home Department*, 6 June 2013, available at: https://bit.ly/3wl1Zrm.

265 Council of State, ECLI:NL: RVS:2020:1281, 27 May 2020, available in Dutch at: https://bit.ly/3UyXyDG; Council of State, ECLI:NL: RVS:2020:3043, 21 December 2020, available in Dutch at: https://bit.ly/4bwxKxN.

(*Rijksuniversiteit Groningen, RUG),* beginning on 15 October 2024 and lasting for at least six months. In ten suitable cases, experts from the RUG make behavioural and pedagogical assessments to determine whether reunification with a family member in another Member State is in the best interest of the child. This cooperation, and more in general the benefits of the assessments with Dublin procedures, will be evaluated after the pilot.[266] However, at the time of writing at the start of 2026, no information regarding this cooperation and its evaluation is available.

The Regional Court of Amsterdam has ruled that the best interest of the child should also be taken into account in cases where not the child, but their family member, receives a Dublin claim.[267]

For more information on age assessment, see section on Age Assessment.

Family unity: Articles 9 and 10 Dublin Regulation

Dutch policy only clarifies how family links are assessed with regard to unaccompanied children. In such cases, where possible, the IND uses DNA tests. If this option is not available, for example due to family links not being biological, the IND assesses family ties with identifying questions. When an applicant does not mention their family members during the interview conducted at the start of the asylum procedure, this can be used against the family members when they wish to invoke the family unity criteria in Articles 8-11 of the Dublin Regulation.[268] In general, jurisprudence shows that documents are required in order for the IND to establish a family relationship or a marital bond. However, even without official documents, there may be cause for the Minister to be obligated to investigate whether family unity and a stable relationship exist.[269] Family unity can also be established from circumstantial evidence.[270]

As to the question of whether there is a stable relationship within the meaning of the Dublin Regulation, the Council of State ruled that this must also be seen in the light of the circumstances under which the applicants were able to give substance to their relationship in their country of origin.[271] According to the Council of State, in view of the difficult position of the LGBTI community in Russia, the Minister should have asked more questions regarding the sustainability of the relationship between the asylum applicant and her female partner.

Per Eurostat, out of the total of 1,097 outgoing take charge requests in 2025, only 9 were on the basis of Articles 9 and 10 of the Dublin Regulation, and there were only 37 incoming requests.

Residence documents or visas: Article 12 Dublin Regulation

As to the application of Article 12(4) of the Dublin Regulation, the Council of State ruled on the interpretation of the phrase ‘one or more visas which have expired’. It stated that Regulation 810/2009 (Visa code) differentiates between the duration, the permitted length of stay and the number of entries permitted by a visa. The Council of State concluded that the phrase refers to the duration of a visa.[272]

On 25 August 2021, the Council of State decided to refer preliminary questions to the CJEU in the case of applicants who received diplomatic cards from the Ministry of Foreign Affairs of another Member State. The IND claimed the Member State issuing the diplomatic card would be responsible on the basis of Article 12 Dublin Regulation. The Council of State asked whether a diplomatic card issued by a Member State under the Vienna Convention on Diplomatic Relations is a residence document within the

266 Legal Aid Board (*Raad voor Rechtsbijstand),* AC Signalering nr. 13 2024, 24 October 2024.
267 Regional Court of Amsterdam, NL22.19633 and NL22.19634, 28 October 2022, available in Dutch at: https://bit.ly/49kyJ2q.
268 Regional Court, The Hague, Decisions No 17/591 and NL.1428, 17 August 2017.
269 Regional Court Amsterdam, NL19.30086, 12 February 2020.
270 Regional Court Middelburg, NL19.28911, 9 January 2020, available in Dutch at: https://bit.ly/495TWNR.
271 Council of State, ECLI:NL: RVS:2020:2261, 21 September 2020, available in Dutch at: https://bit.ly/3SAoIr3.
272 Council of State, ECLI:NL: RVS:2019:2508, 23 July 2019, available in Dutch at: https://bit.ly/3SRgQ5I; Council of State, ECLI:NL: RVS:2019:2486, 23 July 2019, available in Dutch at: https://bit.ly/4bvXtGG.

meaning of Article 2(1) Dublin Regulation.[273] The Court of Justice concluded that the diplomatic card is indeed a residence document, therefore falling under the definition of Article 2(1) Dublin Regulation, rendering Article 12 applicable in cases of a diplomatic card being issued by another Member State.[274]

2.1.2 The dependent persons and discretionary clauses

The burden of proof in showing that a situation of dependency exists lies with the asylum applicant, but the IND has to motivate every case in which it refuses to apply Article 16.[275] It is settled case law that the applicant has to demonstrate that a situation of dependency exists between them and their family member, with objective documents demonstrating what concrete assistance their family member offers or receives.[276]

The IND typically only applies Article 16 of the Dublin Regulation in situations of 'exclusive dependence', meaning that the asylum applicant has to demonstrate that they receive or provide care that no other person could facilitate. The Council of State has approved this strict framework. In 2020, the Council of State ruled that Article 16 did not apply to the situation in which the asylum seeker was dependent on intensive informal care, mainly provided by her son.[277] According to the Council of State, it had not been shown that it was impossible or very difficult, to replace her son as a care provider nor had they shown that the presence of her son was necessary for the treatment to be successful. Similarly, in 2019, the Council of State ruled that the asylum applicant had failed to show that she was the only person capable of caring for her seriously ill mother, as her brothers were also present and there is the option of home care.[278] In the case of an asylum applicant who claimed that a situation of dependency existed between him, his mother and his mentally impaired brother, the Council of State ruled that a statement of a family doctor - indicating that the asylum applicant's presence is indispensable to his mother and his brother – was not sufficient to demonstrate the existence of exclusive dependency.[279]

Both the Regional Court of Den Bosch and the Regional Court of Haarlem recently held that the strict interpretation of Article 16 employed by the IND and Council of State conflicts with Union law.[280]

On 30 November 2021, the Regional Court of Zwolle decided to refer preliminary questions on the scope of Article 16 to the CJEU. The case concerned a woman, who married shortly after her arrival in the Netherlands, whose husband resided lawfully in the Netherlands. At the time, the IND issued a transfer decision, the woman was pregnant with their child. The Regional Court requested the CJEU whether Union law precludes national legislation that takes into account the best interests of an unborn child and whether Article 16(1) of the Dublin III Regulation applies to the relationship between the unborn child and the father of that unborn child who is lawfully residing in the Member State.[281] The CJEU concluded that Article 16 of the Dublin Regulation does not apply to a dependency link either between an applicant for international protection and that applicant's spouse who is legally resident in the Member State in which the application was lodged, or between the unborn child of that applicant and the spouse who is also the father of that child. However, Article 17 of the Regulation does not preclude the legislation of a

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273 Council of State, ECLI:NL:RVS:2021:1873, 25 August 2021, available in Dutch at: https://bit.ly/49s6Eq2; CJEU, C- 568/21, *Staatssecretaris van Justitie en Veiligheid v E., S.*, 21 September 2023, available at: https://bit.ly/3SVYdxS.

274 CJEU, C-568/21, *Staatssecretaris van Justitie en Veiligheid v E., S.*, 21 September 2023, available at: https://bit.ly/3SVYdxS.

275 Council of State, Decision No 201701137/1, 20 March 2017, not published on a publicly available website; see also Regional Court Middelburg, Decision No 17/540, 30 January 2017, not published on a publicly available website.

276 Council of State, ECLI:NL:RVS:2015:370, 5 February 2015, available in Dutch at: https://bit.ly/498rVoW.

277 Council of State, ECLI:NL:RVS:2020:2296, 30 September 2020, available in Dutch at: https://bit.ly/48h885b.

278 Council of State, ECLI:NL: RVS:2019:834, 13 March 2019, available in Dutch at: https://bit.ly/48ZAySB.

279 Council of State, Decision No 201706799/1/V3, 8 October 2018, available in Dutch at: https://bit.ly/498FHI8.

280 Regional Court Den Bosch, ECLI:NL:RBDHA:2021:10025, 14 September 2021, available in Dutch at: https://bit.ly/3UwFUQL; Regional Court Haarlem, ECLI:NL:RBDHA:2020:8698, 3 September 2020, available in Dutch at: https://bit.ly/3OBSHh4.

281 Regional Court Zwolle, ECLI:NL:RBDHA:2021:13167, 30 November 2021, available in Dutch at: https://bit.ly/3Oy5v83; CJEU, C-745/21, *L.G. v Staatssecretaris van Justitie en Veiligheid*, 16 February 2023, available at: https://bit.ly/3TPXmyR.

Member State from requiring competent national authorities, on the sole ground of the best interests of the child, to examine an application for international protection lodged by a third-country national where she was pregnant at the time her application was lodged, even though the criteria set out in Articles 7 to 15 of the Regulation indicate that another Member State is responsible for that application.

Sovereignty clause: Article 17(1) Dublin Regulation

The IND is reticent regarding the application of Article 17 of the Dublin III Regulation in taking responsibility for handling an asylum request. This is a result of the principle of mutual trust between Member States. Paragraph C2/5 of the Aliens Circular stipulates in which cases Article 17(1) of the Dublin III Regulation will be applied:

- Where there are concrete indications that the Member State responsible for handling the asylum request does not respect international obligations;
- Where the transfer of the asylum applicant to the responsible Member State is of disproportionate harshness, due to special individual circumstances;
- Where the IND finds that the application of Article 17 of the Dublin III Regulation may better serve process control, in particular when the asylum applicant originates from a safe country of origin, and a return to the country of origin is guaranteed in the foreseeable future (after the procedure has been processed).

The Council of State ruled in 2018 that the Court shall only minimally review the application of the discretionary clause of Article 17 of the Dublin III Regulation. The Regional Court cannot overrule the IND's decision to apply Article 17 of the Dublin III Regulation and replace that decision with its own judgment.[282] Again, in 2020 the Council of State ruled that as to the application of Article 17 of the Dublin Regulation, the Courts should limit themselves to testing the decision-making by the Minister against the requirements set by the law. The Courts should refrain from substituting their own judgment for that of the Minister.[283] In its judgment of 30 September 2023, the European Court of Justice reiterated the discretionary nature of Article 17, concluding that a judge cannot order a Member State to make use of Article 17, as the Minister has the exclusive power to handle an asylum request without obligation.[284]

The Council of State ruled in 2016 that there is no obligation for the IND to protect family relations other than those mentioned in the Dublin III Regulation.[285] For example, the relationship between the asylum applicant and his wife, who has been naturalised and is pregnant with his child is not, according to the Council of State, a special, individual circumstance that obliges the IND to apply Article 17 of the Dublin III Regulation.[286] The interests of the child and respect for family life are enshrined in the Dublin III Regulation in various binding criteria for identifying the responsible Member State, according to the Council of State.[287] This line of reasoning is still referenced in recent judgments, with Regional Courts declaring that Dublin Regulation is not meant as a route through which a residence permit with a family member in the Netherlands can be accomplished.[288] Although Article 6 of the Dublin Regulation does not oblige the Minister to assume responsibility on the basis of Article 17(1) of the Dublin Regulation, the best interests of the child should be taken into account.[289]

While enjoying a large margin of discretion in applying Article 17, the IND must state reasons for refraining from applying the discretionary clause if the applicant appeals to this clause. However, in the past year, there has been a lot of discussion regarding this obligation to state reasons. Multiple Regional

282 Council of State, Decision No 201806712/1, 10 October 2018, available in Dutch at: https://bit.ly/4by9oE8.
283 Council of State, ECLI:NL: RVS:2020:545, 21 February 2020, available in Dutch at: https://bit.ly/4bzQuwK.
284 CJEU, C-228/21, ECLI:EU:C:2023:934, *Ministero dell'Interno, Dipartimento per le libertà civili e l'immigrazione – Unità Dublino (C-228/21), DG (C-254/21), XXX.XX (C-297/21), PP (C-315/21), GE (C-328/21) v CZA (C-228/21), Ministero dell'Interno, Dipartimento per le libertà civili e l'immigrazione – Unità Dublino* (C-254/21, C-297/21, C-315/21 and C-328/21), 30 November 2023, available at: https://bit.ly/3uj63rT.
285 Council of State, Decision No 201507801/1, 9 August 2016, available in Dutch at: https://bit.ly/3SwwkuQ.
286 Council of State, Decision No 201505706/1, 19 February 2016, available in Dutch at: https://bit.ly/3HRuU9h.
287 Council of State, Decision No 201505706/1, 19 February 2016, available in Dutch at: https://bit.ly/3HRuU9h.
288 Regional Court of Zwolle, Decision No NL18.4980, 1 September 2023.
289 Council of State, ECLI:NL:RVS:2022:1671, 13 June 2022, available in Dutch at: https://bit.ly/3w9wlgL.

Courts ruled that even though the asylum and/or accommodation situation in the responsible Member State was deteriorating, they did not constitute an obstacle to transfer the asylum applicant to that Member State. In many such cases – most notably with regards to Croatia, Bulgaria and Poland – the asylum applicants had suffered traumatic mistreatment in those countries, and therefore requested the Minister to apply Article 17 of the Dublin Regulation. Even though the Regional Courts cannot rule that the Minister must apply this discretionary clause, they could rule that not applying this clause requires a sufficient justification.[290] However, the Council of State did not agree, as they concluded that by assessing whether an asylum applicant can be transferred to the responsible Member State, the Minister already takes into account the previous experiences in that Member State, and thus the Minister does not need to state additional reasons for not applying the discretionary clause.[291] The Regional Court of Roermond does not agree with this interpretation, as it views the two assessments as vastly different.[292] Possibly, preliminary questions will be asked to the CJEU if this discrepancy in the jurisprudence persists, as the Council of State has since reiterated its position, and other Regional Courts continue to disagree with the Council of State.[293]

Humanitarian clause: Article 17(2) Dublin Regulation

The IND is equally reticent with regard to the application of Article 17(2) of the Dublin III Regulation in requesting another Member State to undertake responsibility for an asylum application. Reasons for using the clause can be family reunification or cultural grounds, although there have to be special individual circumstances that would result in the asylum applicant facing disproportionate hardship if they are not reunited with their family.[294]

The IND does not register the grounds most commonly accepted for using the 'humanitarian clause' or the number of cases in which it is used. This practice has not changed in 2024.

2.2 Procedure

Indicators: Dublin: Procedure

1. Is the Dublin procedure applied by the authority responsible for examining asylum applications? ☒ Yes ☐ No
2. On average, how long does a transfer take after the responsible Member State has accepted responsibility? Not available.

Specific rules regarding the Dublin Procedure are included in Paragraph C1/2.6 Aliens Circular.

Immediately after the request for asylum has been filed, during the application procedure, the IND starts investigating whether another Member State is responsible for examining the asylum application. All asylum applicants are systematically fingerprinted and checked in Eurodac and EU-VIS.[295] Refusal to be fingerprinted can be considered as lack of sufficient cooperation during the procedure. If the application is rejected, the refusal to be fingerprinted can lead to a rejection as 'manifestly unfounded' instead of 'unfounded', which entails that an entry ban (of two years) would also be imposed to the applicant.

The IND, in cooperation with the Dutch Council for Refugees, has drafted brochures that provide asylum applicants information on the Dublin procedure in 12 languages. These brochures are available in Arabic, Chinese, Dari, Dutch, English, Farsi, French, Pashtu, Russian, Somali, Tigrinya and Turkish.

290 See for example Regional Court of Amsterdam, Decision No NL23.40157 and NL23.40159, 27 March 2024.
291 Council of State, ECLI:NL:RVS:2024:1860, 2 May 2024.
292 Regional Court of Roermond, ECLI:NL:RBDHA:2024:10838, 12 July 2024.
293 Council of State, ECLI:NL:RVS:2024:5359, 23 December 2024 and see for example Regional Court of Middelburg, ECLI:NL:RBDHA:2025:2044, 4 November 2025.
294 Paragraph C2/5 Aliens Circular.
295 Paragraph A2/10.1 Aliens Circular.

In case the IND presumes that another Member State is responsible for examining the asylum request on its merits, the application will be assessed in 'Track 1' as explained in the Overview of the Procedure. In this procedure, the asylum applicant is not granted a rest and preparation period and is not medically examined by medTadvies.[296] There are two cases in which the Regional Court of Rotterdam has ruled that the asylum applicant should have been examined by FMMU/medTadvies, even though the application was dealt with in Track 1.[297]

Within a few days after filing the application, the asylum applicant takes part in a registration interview with the IND (see below for more information). After the interview, the IND decides whether another Member State is indeed responsible for examining the asylum request on its merits. If that is the case, the asylum request is rejected and processed in the Dublin procedure.[298] In 2022, 2023, and to a lesser degree 2024, there have been issues relating to the formal registration and the registration interview, because of the chaotic situation in Ter Apel (for more information, see Short overview of the asylum procedure and Reception Conditions). Because of this, asylum applicants had to wait up to several months after filing their application until they had their reporting interview. Because this disparity between the moment people request asylum and when they are able to officially lodge the asylum request, the issue concerning at what moment the Dublin time periods for take back and take charge requests, as well as transfer periods actually start, arose. The IND used the day of the official registration, (which sometimes was months after arrival in Ter Apel) as the starting date to calculate these deadlines. However, on 21 September 2023, the Council of State ruled that original moment of expressing the need for international protection is to be considered the starting date for the Dublin time periods.[299] In line with this ruling, the IND has started using this moment as the starting date and in cases where incorrectly a later date was used, Regional Courts have ruled in favour of the asylum applicant.

The IND files a Dublin request as soon as it has good reason to assume that another Member State is responsible for examining the asylum application according to the criteria set out in the Dublin III Regulation. The IND does not wait for a response from the other Member State before the next step in the Dublin procedure is taken in Track 1. The negative decision that the asylum request 'shall not be considered', however, is only taken after the Dublin request has been expressly or tacitly accepted by the other Member State.[300] Normally, the asylum applicant will be notified that their application will be handled in the Dublin track relatively soon after registration. However, the procedure took much longer than usual starting in 2022. For comparison: in 2019 it took an average of 14-15 weeks from the moment of registration to the issuance of a Dublin decision. In 2022, the average time increased to 20-28 weeks.[301] As of 29 April 2026, the Dublin interview was conducted after 18 weeks.[302] On average it takes 18 weeks between the moment of registration to the moment of a Dublin decision.[303] This is a decrease in time in comparison to 2023, when it took 23 weeks on average.

General remarks made under the Regular Procedure 'Track 4' section concerning video/audio recording, interpreters, accessibility and quality of the interview also apply to the Dublin procedure.

Time limits for transfer under the Dublin Regulation and suspensive effect

In line with Article 29, first paragraph of the Dublin Regulation, the Dutch authorities must carry out the transfer of an asylum applicant to the responsible Member State as soon as practically possible, and at the latest within six months after the take back/take charge request was accepted by the responsible

296 Article 3.109c(1) Aliens Decree.
297 Regional Court of Rotterdam, ECLI:NL:RBDHA:2021:4036, 20 April 2021, available in Dutch at: https://bit.ly/4997Heu and Regional Court of Rotterdam, ECLI:NL:RBDHA:2024:2292, 15 February 202.4
298 Paragraph C2/5 Aliens Circular.
299 Council of State, Decision No 202302386/1, ECLI:NL:RVS:2023:3569, 21 September 2023, available in Dutch at: https://bit.ly/3STIeAm.
300 Article 30, Aliens Act.
301 IND, Asylum processing times, available at: https://bit.ly/3IJt8rW.
302 IND, *Asiel: Laatste ontwikkelingen,* available in Dutch at: https://bit.ly/3tMTVyZ.
303 Ministry of Justice and Security, *De Staat van Migratie 2025*, 84, available in Dutch at: https://bit.ly/3PuuGMi.

Member State or within six months after the final decision on the (onward) appeal against the decision not to handle the asylum request if suspensive effect was granted in the (onward) appeal stage.

A request for a provisional measure that has been granted during a procedure challenging the way the actual transfer will be carried out,[304] is a request that falls under Article 27, third paragraph of the Dublin Regulation.[305] In those cases, the transfer period is suspended and will restart after the court ruling.

In the course of 2021, the Council of State referred multiple preliminary questions to the CJEU about the suspensive effect in Dublin cases. These questions concerned whether the so-called 'chain rule' applies to Dublin III (cases C-323/21, C-324/21 and C-325/21);[306] whether the suspensive effect granted as a result of an application for residence in the Netherlands on regular grounds can also be regarded as suspensive effect in accordance with Article 27, third paragraph of the Dublin Regulation (case C-338/21);[307] and whether the Minister can request suspensive effect in the onward appeal stage (case C-556/21).[308]

On 12 January 2023, the CJEU ruled that the 'chain rule' does not apply to Dublin cases. On 30 March 2023, the CJEU answered the preliminary questions about the transfer period and suspensive effect in Dublin cases. In the case *of E.N., S.S. and J.Y. v. The Netherlands* (C-556/21),[309] the CJEU considered that the Minister can only request suspensive effect in the onward appeal stage if the first appeal had suspensive effect. In practice, this means that the Minister can only request to suspend the transfer deadline in Dublin cases when presenting an appeal against a judgment of the Council of State, if the first instance court had granted suspensive effect per request of the asylum applicant.

In the case of *S.S. and N.Z v. Netherlands* (C-338/21),[310] the CJEU considered that the suspensive effect that is granted in a procedure for a residence permit on regular grounds (in this case: a residence permit as a victim of human trafficking) does not lead to suspension of the Dublin transfer period.

Following the judgment of *E.N., S.S and J.Y. v. The Netherlands*, the IND changed their policy regarding the suspensive effect of a provisional ruling. Prior to this decision, an asylum applicant was allowed to stay in the Netherlands to await the result of the provisional ruling, if that provisional ruling was requested within 24 hours of the negative decision.[311] However, the provisional judge's ruling was still decisive as to whether the transfer decision had suspensive effect. In other words, if the provisional judge decided to reject the request and not grant suspensive effect, the asylum applicant could be transferred to the responsible Member State, even though the appeal was not yet decided upon by the court. As a result, the transfer period was not suspended if the provisional measure was rejected.

This change in policy led to the following: the Minister argued that the mere request of a provisional ruling amounted to suspensive effect as laid down in Article 27(3) Dublin Regulation, meaning that this resulted in the suspension of the transfer period (Article 29(1) Dublin Regulation). On 22 November 2023, the Council of State ruled that this policy was not in accordance with the Dublin Regulation, and that a judge's decision regarding the request for a provisional ruling decided if it had suspensive effect, and not the mere request.[312] As a result, the policy change was reverted to the situation as it was before.

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304 Article 72, third paragraph, Aliens Act.
305 Council of state, Decision No. 201907936/1/V3, 24 February 2020, available in Dutch at: https://bit.ly/49qJmAM.
306 Council of State, ECLI:NL:RVS:2021:983; ECLI:NL:RVS:2021:984; ECLI:NL:RVS:2021:985, 19 May 2021, available at: https://bit.ly/49waXAn.
307 Council of State, ECLI:NL:RVS:2021:1124, 26 May 2021, available in Dutch at: https://bit.ly/4bxHNmn.
308 Council of State, ECLI:NL:RVS:2021:1929, 1 September 2021, available in Dutch at: https://bit.ly/3Oysyjq.
309 CJEU, C-556/21, *Staatssecretaris van Justitie en Veiligheid v E.N., S.S., J.Y.*, 30 March 2023, available at: https://bit.ly/3wbmaZ7.
310 CJEU, C-338/21, *Staatssecretaris van Justitie en Veiligheid v S.S., N.Z., S.S.*, 30 March 2023, available at: https://bit.ly/3SRiu7o.
311 Paragraph C2/11 Aliens Circular.
312 Council of State, ECLI:NL:RVS:2023:4198, 22 November 2023, available in Dutch at: https://bit.ly/3OCfz04.

Lastly, the Council of State also ruled in accordance with the CJEU's judgment in *E.N., S.S and J.Y. v. The Netherlands*, that an onward appeal only has suspensive effect if the transfer decision was suspended in appeal. Both the Minister and asylum applicant can thus only request a provisional measure in an onward appeal, if a provisional measure was granted in appeal.[313]

Extension of time limits in case of absconding (Article 29, second paragraph Dublin Regulation)

With reference to the ruling of the CJEU in the *Jawo* case,[314] in 2020 the Minister clarified Dutch policy regarding the interpretation of Article 29(2) of the Dublin Regulation.[315] The Minister made clear in which two situations it may in any case be assumed that the asylum applicant absconds, resulting in an extension of the transfer period to eighteen months:

- in case the asylum applicant leaves the reception facilities without informing authorities as to their destination; and/or
- in case the asylum applicant does not appear at the time of transfer.

The Council of State has ruled that a person only 'absconds' in the sense of the *Jawo* case when they deliberately remain physically out of reach for the authorities.[316] The Regional Court of Roermond recently clarified that these two criteria are cumulative: an asylum applicant is deemed to have absconded if they leave the reception facilities without informing the authorities and, subsequently, does not show up for their transfer.[317]

2.2.1 Individualised guarantees

Asylum applicants with medical problems

Asylum applicants with serious medical problems, who need medical care, are transferred to the responsible Member State in accordance with Article 32 of the Dublin III Regulation (Exchange of health data before a transfer is carried out).[318] If the asylum applicant considers the mere exchange of medical information to be insufficient, they may request the IND to obtain additional guarantees from the other Member State. It is for the asylum applicant to demonstrate that, without these additional guarantees, they will not have access to adequate care and reception.[319] In the case of a family with six children, with one child suffering from severe psychological problems as a result of PTSD, the Council of State considered that no additional guarantees were required from the Italian authorities as it had not been established that adequate care could not be accessed.[320]

In the case of *C.K. and others*, the CJEU stated that even if there are no serious grounds for believing that there are systemic failures in the asylum procedure and the conditions for the reception of applicants for asylum, a transfer in itself can entail a real risk of inhuman or degrading treatment within the meaning of Article 4 Charter of Fundamental Rights of the European Union. According to the CJEU, this is notably the case in circumstances where the transfer of an asylum applicant, with a particularly serious mental or physical condition, leads to the applicant's health significantly deteriorating.[321] This CJEU judgment

313 Council of State, ECLI:NL:RVS:2023:4197, 22 November 2023, available in Dutch at: https://bit.ly/48d4ycD.
314 CJEU, C-163/17, *Abubacarr Jawo v Bundesrepublik Deutschland*, 19 March 2019, available at: https://bit.ly/3wi0WIM.
315 WBV 2020/22, 27 October 2020.
316 Council of State, ECLI:NL:RVS:2022:3630, 14 December 2022, available in Dutch at: https://bit.ly/48grCHg.
317 Regional Court of Roermond, Decision No NL23.17941, ECLI:NL:RBDHA:2023:17327, 14 November 2023, available in Dutch at: https://bit.ly/49uaLlj.
318 Council of State, Decision No ECLI:NL:RVS:2018:4131, 19 December 2018, available in Dutch at: https://bit.ly/488cXhf.
319 Council of State, Decision No ECLI:NL: RVS:2019:2792, 19 July 2019, available in Dutch at: https://bit.ly/48cxHo0; Council of State, Decision No ECLI:NL: RVS:2019:2042, 27 June 2019, available in Dutch at: https://bit.ly/489JgMP; Council of State, Decision No 201410601/1, 17 April 2015, available in Dutch at: https://bit.ly/49a1O0D.
320 Council of State, Decision No ECLI:NL: RVS:2019:3138, 12 September 2019, available in Dutch at: https://bit.ly/49f5BtW.
321 CJEU, Case C-578/16, *C. K. and Others v Republika Slovenija*, 16 February 2017, available at: https://bit.ly/3OAwO1y.

has been invoked several times. The Council of State has made clear that not only does the asylum applicant need to mention his medical condition and (the need for) medical treatment, but also the consequences of a transfer in itself. Moreover, a medical practitioner should have declared there is an actual danger or high risk of suicide and decompensation. Only then is the IND expected to investigate further.[322]

In individual cases, the Minister might need to seek reassurances as to whether an asylum applicant will receive accommodation and is treated in accordance with EU law in the responsible Member State. If the Minister fails to do so, a Regional Court might rule that failing to seek these reassurances results in an illegitimate transfer decision. For example, the Regional Court of Utrecht found that a young woman with an infant could not be transferred to France without further individual guarantees as determined in the ECtHR case *Tarakhel v. Switzerland*.[323] These individual guarantees are not requested for specific countries or for specific groups of asylum applicants, but the Minister must be vigilant as to whether the asylum applicant will be treated in accordance with international regulations in the responsible state.

2.2.2 Transfers

An asylum applicant whose request has been rejected because another Member State is responsible for handling the asylum request may, under certain conditions, be detained. Article 28 of the Dublin III Regulation is interpreted in a way that allows detention in many cases (see section on Detention of Asylum Applicants). The Regional Court compensated an asylum applicant who had been detained before being transferred to another Member State, as the IND's explanation of the reasons for having postponed the transfer were considered to be insufficient.[324]

In principle, the asylum applicant has the option to either travel to the responsible Member State voluntarily or under escort. When the applicant chooses to leave voluntarily, they have 4 weeks to do so.[325] On the other hand, the Council of State ruled in 2017 that the IND may withhold this possibility, especially when the responsible Member State does not agree to a voluntary transfer.[326]

2.3 Personal interview

Indicators: Dublin: Personal Interview
☐ Same as regular procedure

1. Is a personal interview of the asylum applicant in most cases conducted in practice in the Dublin procedure? ☒ Yes ☐ No
   - ❖ If so, are interpreters available in practice, for interviews? ☒ Yes ☐ No
2. Are interviews conducted through video conferencing? ☐ Frequently ☒ Rarely ☐ Never

During the application procedure, the IND conducts a registration interview that focuses on the asylum applicant's identity, nationality and travel route. The aim of this interview is to determine whether another Member State is responsible for examining the asylum request on its merits. During this interview, the asylum applicant is informed that the Netherlands may send or already has sent a 'take back' or 'take charge' request to another Member State. The asylum applicant may present arguments as to why the transfer should not take place and why the Netherlands should deal with their asylum application. In this

322 Council of State, Decision No 201901380/1, 22 August 2019, available in Dutch at: https://bit.ly/4byalMI; Council of State, Decision No 201709136/1, 16 January 2019, available in Dutch at: https://bit.ly/3uCMSsV.
323 ECtHR, Grand Chamber, *Tarakhel v. Switzerland* (App. No. 29217/12), of 4 November 2014; available at: https://hudoc.echr.coe.int/fre?i=001-148070; Regional Court of Utrecht, ECLI:NL:RBDHA:2023:19180, 15 November 2023, available in Dutch at: https://bit.ly/49pX1bI.
324 Regional Court Amsterdam, Decision NL18.8386, 8 June 2018.
325 Article 62c(1) Aliens Act.
326 Council of State, ECLI:NL:RVS:2017:2162, 10 August 2017, available in Dutch at: https://bit.ly/4bsZiEI.

context, the judgment of the CJEU of 30 November 2023 is also relevant, in which the Court ruled that an interview must always take place in Dublin cases before a transfer decision is taken.[327]

As a result of the CJEU's ruling in *Ghezelbash* in 2016, the asylum applicant can claim a wrongful application of the Dublin criteria as well as state circumstances and facts demonstrating that a transfer would result in a violation of Article 3 ECHR.[328] In principle, these arguments should be brought to the attention of the IND during the registration interview. However, If the IND decides to not consider the asylum request on the ground that the Dublin Regulation applies, the asylum applicant can appeal this decision, and present these arguments in court. In theory, an additional interview can be conducted after the registration interview to further explain the arguments as to why a Dublin transfer would be in breach of EU law, but in practice this does not occur.[329]

In the case of an asylum applicant who, during the registration interview had declared to have entered the EU via Italy, but later on claimed these statements were incorrect, the Council of State ruled that the IND was not compelled to inform Italian authorities about these corrections.[330]

2.4 Appeal

Indicators: Dublin: Appeal
☐ Same as regular procedure

1. Does the law provide for an appeal against the decision in the Dublin procedure? ☒ Yes ☐ No
   - ❖ If yes, is it ☒ Judicial ☐ Administrative
   - ❖ If yes, is it suspensive ☐ Yes ☒ No

In case an asylum application is rejected because another Member State is responsible for examining the asylum application according to the IND, the asylum request 'shall not be considered'.[331] The asylum applicant may appeal this decision before the Regional Court.[332] The appeal must be filed within one week after the decision not to consider the asylum application.[333] As the appeal has no automatic suspensive effect, the applicant must file a separate request to suspend the transfer, a so called provisional ruling (*voorlopige voorziening*, also known as *vovo)*.

At the beginning of January 2021, a request for a preliminary ruling by the CJEU was made by the Regional Court of Haarlem.[334] The Court was faced with the question of whether an unaccompanied minor has the right to bring an effective legal remedy against the rejection to take charge of their case based on Article 8(2), of the Dublin Regulation. The CJEU concluded that an unaccompanied minor applicant must be able to exercise a judicial remedy, under Article 27(1) of the Dublin Regulation, not only where the requesting Member State takes a transfer decision, but also where the requested Member State refuses to take charge of the person concerned, in order to be able to plead an infringement of the right conferred by Article 8(2) of that Regulation.[335]

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327 CJEU, C-228/21, ECLI:EU:C:2023:934, *Ministero dell'Interno, Dipartimento per le libertà civili e l'immigrazione – Unità Dublino* (C-228/21), *DG* (C-254/21*), XXX.XX* (C-297/21), *PP* (C-315/21), *GE* (C-328/21) *v CZA* (C-228/21), *Ministero dell'Interno, Dipartimento per le libertà civili e l'immigrazione – Unità Dublino* (C-254/21, C-297/21, C-315/21 and C-328/21), 30 November 2023, available at: https://bit.ly/3uj63rT.

328 CJEU, Case C-63/15, *Mehrdad Ghezelbash v Staatssecretaris van Veiligheid en Justitie*, Judgment of 7 June 2016, available at: https://bit.ly/3HTE8lj.

329 Practice-based observation by the Dutch Council for Refugees, January 2024.

330 Council of State, ECLI:NL:RVS:2018:2272, 6 July 2018, available in Dutch at: https://bit.ly/4bxBRK1.

331 Article 30(1) Aliens Act

332 Article 62(c) Aliens Act.

333 Articles 69(2)(b) and 82(2)(a) Aliens Act.

334 Regional Court Haarlem, ECLI:NL:RBDHA:2021:157, 17 January 2021, available in Dutch at https://bit.ly/3UNRPda; CJEU, C-19/21, *I, S v Staatssecretaris van Justitie en Veiligheid*, 01 August 2022, available at: https://bit.ly/3Sv6MhD.

335 CJEU, C-19/21, *I, S v Staatssecretaris van Justitie en Veiligheid*, 01 August 2022, available at: https://bit.ly/3Sv6MhD.

2.5 Legal assistance

Indicators: Dublin: Legal Assistance
☐ Same as regular procedure

1. Do asylum applicants have access to free legal assistance at first instance in practice?
   ☒ Yes ☐ With difficulty ☐ No
   ❖ Does free legal assistance cover: ☐ Representation in interview
   ☒ Legal advice

2. Do asylum applicants have access to free legal assistance on appeal against a Dublin decision in practice?
   ☒ Yes ☐ With difficulty ☐ No
   ❖ Does free legal assistance cover ☒ Representation in courts
   ☒ Legal advice

In Dublin cases ('Track 1'), the right to free legal assistance differs from the regular procedure ('Track 4'). Instead of being referred to a lawyer once they register their asylum application, asylum applicants subject to the Dublin procedure are assigned a lawyer only when the IND issues a written intention to reject the application.[336] The method for appointing the lawyer to the asylum applicant is the same as outlined in Regular Procedure – Legal assistance.

Numerous cases have been reported where this has caused problems concerning the obligation, or even the possibility, for a legal counsel to represent the asylum applicant. In those cases, no contact was established between the applicant and their lawyer due to the fact that the applicant would abscond after receiving the IND's written intention to reject the application. The Legal Aid Board published guidelines on how to deal with this situation on 20 September 2019.[337] Essentially, the lawyer informs the Legal Aid Board and withdraws themselves from the case. In recent years, no additional signs that this is an ongoing problem have been received.

2.6 Suspension of transfers

Indicators: Dublin: Suspension of Transfers
1. Are Dublin transfers systematically suspended as a matter of policy or jurisprudence to one or more countries? ☒ Yes ☐ No
   ❖ If yes, to which country or countries? (Partially) Belgium, Greece, Hungary, Italy and Malta

It is noteworthy to highlight Dutch case law and practice regarding the suspension of Dublin transfers, particularly in relation to certain Member States.

Italy: Following the 2021 ECtHR judgement in the case of *M.T. v the Netherlands*,[338] establishing that a Dublin transfer to Italy of a single mother and two children would not violate Article 3 ECHR, the Council of State has also confirmed that the principle of mutual trust applies to Italy for particularly vulnerable applicants.[339] A more detailed description of the case law regarding Dublin Italy cases over the years 2015 – 2021 can be found in the AIDA report: Netherlands update 2021.

However, on 5 December 2022, the Italian authorities issued a circular letter asking the other Dublin Units to temporarily halt all Dublin transfers to Italy due to a lack of reception facilities for Dublin returnees. The IND emphasised that this was a temporary transfer impediment and that this did not mean that Italy could no longer be regarded as the responsible Member State. Some Regional Courts

336 Article 3.109c(1) Aliens Act. This is due to the lack of a rest and preparation period.
337 Legal Aid Board (Raad voor Rechtsbijstand), AC Signalering nr. 17 2019, 20 September 2019.
338 ECtHR, 23 March and amended on 15 April 2021, *M.T. v the Netherlands*, appl. no. 46595/19, ECLI:CE:ECHR:2021:0323DEC004659519, available at: https://bit.ly/3SyPRKX.
339 Council of State, ECLI:NL:RVS:2020:986, 8 April 2020, available in Dutch at: https://bit.ly/3OUrc2j.

agreed with this assessment,[340] whereas others concluded that this could not be seen as a temporary issue and must rather be seen as a possible structural issue regarding Italian reception conditions.[341]

Following the Circular Letter, Dublin transfers to Italy were suspended until the Council of State issued its judgment. On 26 April 2023, the Council of State ruled that there was no more mutual trust *vis-à-vis* Italy.[342] The main reason for the suspension is the lack of accommodation in Italy, where a transfer to that country could mean that an asylum applicant would find themselves in a situation of extreme material poverty as outlined in the CJEU judgment *Jawo.* Following this decision, no more transfers of Dublin claimants have taken place. The IND still sends claim requests to Italy which are fictively accepted, meaning asylum applicants have to wait another six months before their asylum request is handled by the Netherlands.[343] This policy is still in place as of March 2026.

An interesting development regarding this subject matter is the CJEU case *RL and QS*.[344] In this case, the Court of Justice ruled that, in the case of a Member State suspending the taking over and taking back of asylum applicants, this does not constitute systemic faults attaining to a particularly high level of severity in the context of Article 3(2) of the Dublin Regulation. A Member State can thus not unilaterally discharge itself of its responsibilities under the Dublin Regulation.

Greece: The Netherlands suspended all Dublin transfers to Greece after the 2011 ECtHR ruling in *M.S.S. v. Belgium and Greece*.[345] The Aliens Circular incorporates the *M.S.S.* jurisprudence as interpreted by the Council of State.[346] However, following the recommendation of the European Commission of 8 December 2016, the Dutch government expressed the wish to recommence Dublin transfers to Greece, with the exception of transfers of vulnerable asylum applicants.[347] In 2019, the Dutch Minister tried to transfer several applicants to Greece on the basis of these recommendations by the European Commission. Guarantees were required from the Greek authorities, i.e. that reception conditions are suitable and that the asylum applicant will be treated in accordance with European standards. Dutch authorities further asked whether Greece has an 'accommodation model' that may be regarded as suitable in general, probably in order to obtain a general guarantee for future cases. However, the Council of State ruled that transfer to Greece would result in a violation of Article 3 ECHR, unless the asylum applicant is guaranteed legal assistance during the asylum procedure by the Greek authorities.[348] This situation was still in place as of April 2026, but after a meeting and declaration to restart transfers in January 2026, the Netherlands has started to send out transfer requests to Greece once again.[349] However, Greece has not accepted any of these requests, stating their inadequate reception conditions.[350] Consequently, the Minister has not issued any transfer decisions for Dublin transfers to Greece.

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340 See, for example: Regional Court of Arnhem, NL22.25014, 23 January 2023, available in Dutch at: https://bit.ly/3w9xogH; Regional Court of Den Haag, NL22.25592, 12 January 2023.

341 See, for example: Regional Court of Utrecht, NL22.25746, 13 January 2023, available in Dutch at: https://bit.ly/42BdKpJ; Regional Court of Roermond, ECLI:NL:RBDHA:2023:1082, 3 February 2023, available in Dutch at: https://bit.ly/48azmdO.

342 Council of State, Decision No 202300521/1, ECLI:NL:RVS:2023:1655, 26 April 2023, available in Dutch at: https://bit.ly/3S0004U.

343 IND Information Message 2023/86 'Dublin-Italië', available in Dutch at: https://bit.ly/3SQdwXB.

344 CJEU, C-185/24, ECLI:EU:C:2024:1036, *RL and QS,* 19 December 2024, available at: https://bit.ly/4gTwcAo.

345 ECtHR, Grand Chamber, *M.S.S. v. Belgium and Greece* (App. No. 30696/09), of 21 January 2011; available here.

346 Paragraph C2/5.1 Aliens Circular. See also Council of State, Decision No 201009278/1/V3, 14 July 2011, available at: https://bit.ly/499GGYD.

347 Commission Recommendation of 8.12.2016 addressed to the Member States on the resumption of transfers to Greece under Regulation (EU) No. 604/2013, available at: https://bit.ly/4hlPfCU.

348 Council of State, Decision No 201904035/1/V3, 23 October 2019, available in Dutch at: https://bit.ly/3OFvr1U; Council of state, Decision No 201904044/1/V3, 23 October 2019, available in Dutch at: https://bit.ly/3OD8Z9x.

349 See *Nota hervatten Dublin overdrachten Griekenland*, 21 January 2026, available in Dutch here.

350 This information follows from decisions from the Dutch government and communication from the Greek authorities which the Dutch Council of Refugees has seen through their legal advisory helpdesk.

Malta: On 15 December 2021, the Council of State ruled that the Minister must conduct further research regarding the situation for asylum applicants in Malta.[351] The Council of State reached this conclusion based on recent information from the Maltese NGO aditus foundation, which showed that asylum applicants who are transferred to Malta on the basis of the Dublin Regulation will be detained upon arrival. Several reports also show that detention conditions in Malta are very poor and that access to legal aid has deteriorated. According to the Council of State, the Minister has provided inadequate reasons that there is no real risk for Dublin claimants of a violation of Article 3 of the ECHR or Article 4 of the EU Charter if they are detained after arrival in Malta. The conclusions of the European Committee for the Prevention of Torture and Inhumane or Degrading Treatment or Punishment (CPT report) of 10 March 2021 show that living conditions in the various detention centres are completely inadequate and Malta's response to the report does not reflect the extent to which these shortcomings have actually improved since its publication.[352] Additionally, the Council of State referred to the AIDA Malta country report, indicating that NGOs have not observed any improvements in detention conditions, nor have they sufficient access to detention centres, inferring that no adequate control of detention conditions can be exercised. Even though no transfers were effectuated during 2024, multiple claims were sent to Malta. However, because of the lack of mutual trust vis-à-vis Malta, no transfer decisions were ultimately taken, nor were there any court cases published. This is still the case in May 2026.

Denmark: On 6 July 2022, the Council of State issued three judgments regarding indirect *refoulement* in Dublin cases in the event of differences in protection policies between Member States.[353] Two of these cases concerned Syrian nationals who argued that they would be at risk of *refoulement* in case of being returned to Denmark, as in the country the province of Damascus is considered safe enough to return to. The Council of State ruled that a difference in protection policy may be a reason to suspend the Dublin transfer. To this end, the applicant must demonstrate: 1) that there is a fundamental difference in protection policy between the Netherlands and the other Member State (whereby it is established that he would receive protection in the Netherlands and not in the other Member State); and 2) that the highest national court in the other Member State does not disapprove of the policy applicable there. In the opinion of the Council of State, the applicants in this case had fulfilled their burden of proof with regard to the Danish policy on Damascus and the level of judicial protection in Denmark. However, on 6 September 2023, the Council of State judged that the Danish protection policy had changed in such a way that Syrian transfers to Denmark do not violate the prohibition of indirect *refoulement* anymore.[354] The two countries' protection policies could not be said to be 'fundamentally different' anymore. As such, Syrians can be transferred to Denmark again on the basis of the Dublin Regulation.

On 30 November 2023, the CJEU judged that a difference in protection policy should not be seen as a systemic failure and as such is not an obstacle for a Dublin transfer, as the principle of mutual trust dictates that Member States will assess asylum applications in accordance with EU legislation.[355] In addition, judges cannot assess whether a transfer decision might lead to a violation of the principle of prohibition of indirect *refoulement*. Subsequently, the IND published an Information Message interpreting the judgment, and communicating the new national policy in Dublin cases, where judges cannot assess the risk of *non-refoulement* in Member States in Dublin cases, as the principle of mutual trust ensures that requests from asylum seekers after transferring are handled in accordance to EU law standards.[356]

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351 Council of State, ECLI:NL: RVS:2021:2791, 15 December 2021, available in Dutch at: https://bit.ly/3OEffxF.

352 European Committee for the Prevention of Torture and Inhumane or Degrading Treatment or Punishment (CPT), Report to the Maltese Government, 10 March 2021, available via: https://bit.ly/3Jv7sgz.

353 Council of State, ECLI:NL:ABRVS:2022:1862, ECLI:NL:ABRVS:2022:1863 and ECLI:NL:ABRVS:2022:1864, 6 July 2022, available in Dutch at: https://bit.ly/3OFdGzD.

354 Council of State, Decision No 202206466/1, ECLI:NL:RV:S2023:3286, 6 September 2023, available in Dutch at: https://bit.ly/3SxAOkS.

355 CJEU, C-228/21, ECLI:EU:C:2023:934, *Ministero dell'Interno, Dipartimento per le libertà civili e l'immigrazione – Unità Dublino (C-228/21), DG (C-254/21), XXX.XX (C-297/21), PP (C-315/21), GE (C-328/21) v CZA (C-228/21), Ministero dell'Interno, Dipartimento per le libertà civili e l'immigrazione – Unità Dublino (C-254/21, C-297/21, C-315/21 and C-328/21)*, 30 November 2023, available at: https://bit.ly/3uj63rT.

356 IND, Information Message IB 2023/84 Toelatingsbeleid en *non-refoulement*, available in Dutch at: https://bit.ly/3WFBA2b.

Hungary: Following a Council of State ruling in November 2015,[357] the Netherlands assumes responsibility for handling asylum requests in cases where it has been established that Hungary is the responsible Member State, due to the many shortcomings in the Hungarian asylum and accommodation facilities. As a result, to the Dutch Council for Refugees' knowledge, no asylum applicants have been transferred to Hungary since then.

There were differences of opinion between the Dutch and Hungarian authorities concerning the interpretation of the Regulation. This concerns two categories of cases:

(1) asylum applicants who travel through Hungary and apply for asylum for the first time in the Netherlands; and
(2) asylum applicants who have applied for asylum in Hungary and applied for a second time in the Netherlands.

According to Dutch authorities, Hungary is responsible for the asylum application in both situations, but the Hungarian authorities generally refused these requests. Therefore, the Dutch Minister initiated a conciliation procedure with the European Commission.[358] In a letter to the House of Representatives of 22 March 2018, the Minister made it clear that Hungary refuses to participate in a conciliation procedure.[359] As the Minister has no other means to resolve the differences of interpretation between the Hungarian and Dutch authorities, he informed the House of Representatives that Dublin claims to Hungary were being suspended.[360] This was still the case in May 2026.

Poland: The Regional Court of Den Bosch referred preliminary questions to the CJEU on the scope and purport of the principle of mutual trust in the context of the transfer of an applicant to the Member State responsible. The Court made specific reference to cases in which said Member State allegedly infringed fundamental rights with respect to the applicant and third-country nationals generally, in the form of, *inter alia*, pushbacks and detention. The Court also asked questions relating to the evidence the applicant has at their disposal and the standard of proof that applies when they claim that transfer should be prohibited under Article 3(2) of the Dublin Regulation.[361] Because the IND decision in that case was withdrawn, the questions were also withdrawn and there will be no judgment from the CJEU in that case. However, the questions were asked again in a case about a Dublin transfer to Poland.[362] The Council of State held a hearing on Dublin-Poland cases on 14 December 2022 and decided to wait for the CJEU case before issuing a judgment on the matter.[363] The Advocate-General of the CJEU concluded on 13 July 2023 that the principle of mutual trust is 'divisible', meaning that it is possible that a Member State infringes upon the rights of third-country nationals at the border in the form of pushbacks, but that the principle of mutual trust is still applicable for Dublin returnees as they will not be in contact with these rights' infringements.[364] On 29 February 2024, the Court of Justice followed the conclusion of the Advocate-General in that the principle of mutual trust is divisible. The chance the asylum applicant will be subjected to a treatment contrary to Article 4 EU Charter upon returning to the responsible Member State determines the lawfulness of the transfer decision. Because of this decision transfers to Poland continued, as Dublin returnees are generally treated in accordance with European law and the human rights violations such as pushbacks and detention only occur at the border.[365]

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357 Council of State, Decision No 201507248/1, 26 November 2015, available in Dutch at: https://bit.ly/3UtfS0W.
358 State Secretary (now Minister), Letter TK 2017-2018, 19 637, No 2355, 27 November 2017.
359 KST 19637, No. 2374, 22 March 2018.
360 KST 19637, No 2374, 22 March 2018.
361 Regional Court of Den Bosch, ECLI:NL:RBDHA:2021:10735, 4 October 2021, available in Dutch at: https://bit.ly/3HUwHuc; CJEU, C-614/21, *G v Staatssecretaris van Justitie en Veiligheid*, 15 March 2022, available in Dutch at: https://bit.ly/485n4n2.
362 Regional Court of Den Bosch, ECLI:NL:RBDHA:2022:5724, 15 June 2022, available in Dutch at: https://bit.ly/3wk1Lkj.
363 Council of State, *Persagenda*, available in Dutch at: https://bit.ly/3UNuIzl.
364 CJEU, Conclusions of the Advocate General, ECLI:EU:C:2023:593, *X. v. the Netherlands*, 13 July 2023, available at: https://bit.ly/49xFY7j.
365 CJEU, Case C-392/22, *X. v. the Netherlands*, Judgment of 29 February 2024, available at: https://bit.ly/3vrxgJu.

Following this decision, the discussion in the Netherlands mainly focuses on the information the Minister has to include in its assessment regarding if a transfer decision can be taken. Both an asylum applicant's statement as to the possibility of systemic faults in the responsible Member State, and publicly available country information, must be taken into account whilst taking the transfer decision.[366]

In 2025, as a response to new legislation in Poland suspending the right to asylum for migrants entering Poland at the Polish-Belorussian border, the question whether transfers to Poland could continue was once again a matter of discussion in the Netherlands. The Regional Court of Amsterdam ruled on 6 May 2025 that the minister had to further investigate the situation in Poland and what would happen to Dublin returnees.[367] However, following this and other positive judgments, the Council of State ruled on 14 August 2025 that, even though the law itself was problematic, because it did not concern Dublin returnees transfers could once again continue.[368]

Romania: The Council of State ruled on 29 July 2021 that the Netherlands could still rely on the principle of mutual trust with regards to Romania.[369] However, on 1 August 2023 the Regional Court of Utrecht ruled that this was uncertain due to reports of pushbacks on Romanian soil. A decisive factor in this case was information from NGOs stating that also Dublin returnees could be subjected to pushbacks.[370] This conclusion was followed by the Regional Court of Haarlem three months later.[371] As a result, the Minister had to conduct research regarding the pushback situation in Romania. On 27 December 2023, the Council of State ruled that the principle of mutual trust was still applicable to Romania.[372] According to the Council of State, it did not follow from the available information that Dublin returnees are subjected to pushbacks, or that they could be transferred to Serbia on the basis of an agreement between the two countries. As such, Dublin transfers to Romania continued also in 2025.

Croatia: On 13 April 2022, the Council of State ruled that the Minister must conduct further research regarding the situation of asylum applicants being transferred to Croatia under the Dublin Regulation. This is due to reports of frequent pushbacks (including of asylum applicants who have already reached Croatian territory), which may result in a violation of the principle of *non-refoulement*.[373] On 20 January 2023, the Minister announced that Dublin transfers to Croatia would be resumed.[374] The Croatian authorities had responded to questions put forward by the Dutch authorities and had assured that they would act in line with international obligations, according to the Minister. However, following the decision to resume the transfers, several Regional Courts ruled that the information provided by the Croatian government differed vastly from other publicly available information.[375] Once again, the Council of State had to decide on the issue. In its judgment of 13 September 2023, it ruled that the conducted research was deemed sufficient and that the situation in Croatia was satisfactory enough to decide to continue Dublin transfers.[376] However, it did not take long before the Regional Court of Amsterdam ruled that because of the dire accommodation situation and the possibility of pushbacks, transfers to Croatia had to be halted.[377] On 9 October 2024, the Council of State reiterated its position, ruling that Dublin transfers to Croatia can be effectuated.[378]

366 Council of State, ECLI:NL:RVS:2024:3455, 4 September 2024, available in Dutch at: https://bit.ly/40gg5Wj.
367 Regional Court of Amsterdam, ECLI:NL:RBDHA:2025:18967, 6 May 2025, available in Dutch at: https://bit.ly/4svzMaa.
368 Council of State, ECLI:NL:RVS:2025:3800, 14 August 2025, available in Dutch at: https://bit.ly/4jrogIE
369 Council of State, ECLI:NL:RVS:2021:1645, 29 July 2021, available in Dutch at: https://bit.ly/49u0DJf.
370 Regional Court of Utrecht, Decision No NL23.20052, 1 August 2023, available in Dutch at: https://bit.ly/495WUlt.
371 Regional Court of Haarlem, Decision No NL23.30353 and NL23.30354, 8 November 2023.
372 Council of State, Decision No ECLI:NL:RVS:2023:4844, 27 December 2023, available in Dutch at: https://bit.ly/49f7qXO.
373 Council of State, ECLI:NL:RVS:2022:1042 and ECLI:NL:RVS:2022:1043, 13 April 2022, available in Dutch at: https://bit.ly/42uYhYx.
374 State Secretary (now Minister), Letter to the House or representatives no. 19673 3061, 20 January 2023, available in Dutch at: https://bit.ly/3XOwka8.
375 See for example Regional Court of Amsterdam, ECLI:NL:RBDHA:2023:8123, 6 July 2023, available in Dutch at: https://bit.ly/497kmi1.
376 Council of State, ECLI:NL:RVS:2023:3411, 13 September 2023, available in Dutch at: https://bit.ly/42xjfWG.
377 Regional Court of Amsterdam, Decision No NL24.22621, 17 July 2024.
378 Council of State, ECLI:NL:RVS:2024:4037, 9 October 2024, available in Dutch at: https://bit.ly/42d4xG7.

Bulgaria: In a judgment of 4 April 2017, the Council of state confirmed that the principle of mutual trust applies to Bulgaria.[379] In 2022, various Regional Courts referenced the Council of State judgement regarding pushbacks in Croatia (see above) and ruled that the widespread practice of pushbacks in Bulgaria also stands in the way of Dublin transfers to that Member State.[380] The Council of State ruled on 16 August 2023 that the Minister did not need to conduct further research regarding the Bulgarian situation, because the pushbacks in Bulgaria only happen at the borders.[381] Dublin returnees have limited moving space, and as such will not be subjected to pushbacks. Additionally, the accommodation situation was not deemed severe enough to contradict the principle of mutual trust. As a result, Dublin transfers to Bulgaria continued, also in 2025.

Cyprus: Several Regional Courts have ruled that Dublin transfers to Cyprus can no longer be carried out, due to a lack of reception facility in Cyprus.[382] Most recently, the Regional Court of Middelburg ruled that the accommodation problems in Cyprus were very severe. Of all Dublin returnees, only women and families were assured of receiving shelter.[383] The Council of State handled the case on 10 September 2024.[384] On 26 March 2025, the Council of State ruled that even though the situation in Cyprus was worrying, the situation did improve over recent years and there was no indifference with regard to the situation of asylum seekers in Cyprus. As such, the principle of mutual trust was upheld and transfers to Cyprus are possible.[385]

Belgium: On 20 February 2023, the Regional Court of Rotterdam ruled that it is not clear whether the applicant in the case would have access to reception facilities upon return to Belgium. It concluded that the applicant provided concrete indications of his risk of being treated contrary to Article 3 ECHR or Article 4 EU Charter if returned to Belgium. Consequently, the Court annulled the decision and requested the Minister to justify its reliance on the principle of mutual trust.[386] Following this judgment, multiple other Regional Courts decided likewise with regard to single men. For families, women and vulnerable people, the principle of mutual trust was still applicable as they received priority with regards to accommodation. Single men were placed on a waiting list, meaning they had to wait for a number of months.[387] Appeals from men have therefore generally been successful, whereas women, families and vulnerable people can be transferred to Belgium. However, on 13 March 2024, the Council of State ruled that transfers for single men can also continue. It found that even though there are significant problems with the Belgian reception facilities, since asylum applicants can find shelter at locations such as shelters for the homeless, the situation cannot be said to reach the threshold of the situation of extreme material poverty as outlined in the ECJ judgment *Jawo.*[388] However, due to a worsening of the accommodation situation in Belgium, the Council of State ruled on 23 July 2025 that single men were not to be transferred to Belgium, as the number of accommodation places were not increased as previously promised by the Belgian authorities. In addition, it was considered that Belgian authorities seemed to be indifferent as to the situation of these asylum seekers, reaching the threshold of the *Jawo* judgment.[389] As a result, there were no transfers to Belgium for single men since the judgment was issued in July 2025. However, in March 2026 the Dutch government decided to continue with transfers of this group of applicants to Belgium, due to information supplied by the Belgian Agency for the Reception of Asylum Seekers

379 Council of State, ECLI:NL:RVS:2017:885, 4 April 2017, available in Dutch at: https://bit.ly/41RrsVQ.
380 Regional court of Utrecht, NL22.7820 and NL22.7821, 15 May 2022; Regional Court Haarlem, NL22.12598, 29 July 2022.
381 Council of State, ECLI:NL:RVS:2023:3133, 16 August 2023, available in Dutch at: https://bit.ly/42z1eHq.
382 Regional Court Zwolle, NL22.3233 and NL22.3236, 5 March 2022; Regional Court of Amsterdam, NL22.3404, 15 March 2022; Regional Court of Amsterdam, ECLI:NL:RBDHA:2021:14245, 15 December 2021; Regional Courts of Haarlem, NL21.2036, 31 March 2021.
383 Regional Court Middelburg, Decision No NL23.18813, ECLI:NL:RBDHA:2023:15644, 12 October 2023, available in Dutch at: https://bit.ly/3SGCusq.
384 Council of State, ECLI:NL:RVS:2024:3194, 7 August 2024, available in Dutch at: https://bit.ly/4haHXCg.
385 Council of State, ECLI:NL:RVS:2025:1109, 26 March 2025, available in Dutch at: https://bit.ly/3NbJNck.
386 Regional Court Rotterdam, ECLI:NL:RBDHA:2023:1853, 20 February 2023, available in Dutch at: https://bit.ly/3SAsaC1.
387 See for example Regional Court of Utrecht, ECLI:NL:RBDHA:2023:13006, 23 August 2023, available in Dutch at: https://bit.ly/3SBCSYS.
388 Council of State, ECLI:NL:RVS:2024:896, 13 March 2024, available in Dutch at: https://bit.ly/3U3FNKX.
389 Council of State, 23 July 2025, ECLI:NL:RVS:2025:3305 available in Dutch at: https://bit.ly/49zkngu.

(Fedasil) from which it follows that the waiting list for reception spots is decreasing and that the Belgian government is actively trying to increase the reception capacity.[390] However, until the Dutch Courts test the legality of transfer decisions, no actual transfers to Belgium are to be expected.

For information regarding beneficiaries of international protection, please see First Country of Asylum – EU Member States.

2.7 The situation of Dublin returnees

If an asylum applicant is transferred to the Netherlands under the Dublin Regulation, Dutch authorities are responsible for examining the asylum request and will follow the standard asylum procedure.

In the Netherlands, the IND is responsible for all asylum applications, including asylum applications lodged by asylum applicants who are transferred (back) to the Netherlands. The asylum applicant can request asylum in the Netherlands at the COL in Ter Apel or at the AC of Schiphol airport (see Border Procedure).

In the case of a 'take back' (*terugname*) procedure where the asylum applicant has previously lodged an application in the Netherlands, the asylum applicant may file a new request if there are new circumstances. The person in question then has to re-apply for asylum in Ter Apel or Schiphol, which is dealt with as a subsequent application, with the exception of previous applications that were implicitly withdrawn. In 'take charge' (*overname*) procedures the asylum applicant has to apply for asylum if they want international protection.

As mentioned in this report, there have been significant issues with registration and reception of asylum applicants throughout 2022, 2023 and 2024. When an asylum applicant was transferred (back) to the Netherlands on the basis of the Dublin Regulation, they would encounter the same problems as all other asylum applicants in the Netherlands. These issues were not identified in 2025.

3. Admissibility procedure

3.1 General (scope, criteria, time limits)

There is no separate admissibility procedure in the Netherlands. Having said that, the outcome of the asylum procedure may be that an asylum request is rejected as inadmissible.

According to Article 30a of the Aliens Act, an application may be declared inadmissible where the asylum applicant:

- Enjoys international protection in another EU Member State;
- Comes from a 'first country of asylum' i.e. is recognised as a refugee or otherwise enjoys sufficient protection in a third country;
- Comes from a 'safe third country';
- Has submitted a subsequent application with no new elements;
- Has already been granted a residence permit.

This examination is carried out in the asylum procedure as described in the Regular Procedure ('Track 4') for most cases. Applications from persons who are presumed to have already received international protection in another EU Member State, are handled in the Accelerated Procedure ('Track 2').[391]

There are no statistics available on the number of applications dismissed as inadmissible in 2025. No statistics are (publicly) available regarding the number of applications dismissed as inadmissible.

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390 See the attachment to Information Message 2026/8 'Dublin-Belgium, non-vulnerable single men', available in Dutch at https://bit.ly/3QCzeRo.

391 Article 3.109ca(1) Aliens Decree.

3.2 Personal interview

Indicators: Admissibility Procedure: Personal Interview
☒ Same as regular procedure

1. Is a personal interview of the asylum applicant in most cases conducted in practice in the admissibility procedure? ☒ Yes ☐ No
   - ❖ If so, are questions limited to identity, nationality, travel route? ☐ Yes ☒ No
   - ❖ If so, are interpreters available in practice, for interviews? ☒ Yes ☐ No
2. Are interviews conducted through video conferencing? ☐ Frequently ☐ Rarely ☒ Never

The same procedure as in the Regular Procedure is followed, with the exception of persons who have already received international protection in another EU Member State, whose asylum requests are handled in Track 2 as outlined below.[392] Therefore, the same remarks are applicable concerning the interview (see Regular Procedure: Personal Interview).

3.3 Appeal

Indicators: Admissibility Procedure: Appeal
☐ Same as regular procedure

1. Does the law provide for an appeal against an inadmissibility decision? ☒ Yes ☐ No
   - ❖ If yes, is it ☒ Judicial ☐ Administrative
   - ❖ If yes, is it suspensive
     - Safe third country ☒ Yes ☐ No
     - Other grounds ☐ Yes ☒ No

The asylum applicant has one week to lodge an appeal against the decision to reject the asylum application as inadmissible.[393] Just like most other rejection grounds (with the exception of 'manifestly unfounded'), an asylum applicant whose request was rejected as inadmissible has to leave the Netherlands within four weeks.[394] This appeal has no automatic suspensive effect, except in the case of the 'safe third country' concept.[395]

The same rules apply regarding a request rejected as inadmissible as the other grounds for rejection outlined in Regular Procedure: Appeal.

3.4 Legal assistance

Indicators: Admissibility Procedure: Legal Assistance
☒ Same as regular procedure

1. Do asylum applicants have access to free legal assistance at first instance in practice? ☒ Yes ☐ With difficulty ☐ No
   - ❖ Does free legal assistance cover: ☐ Representation in interview ☒ Legal advice
2. Do asylum applicants have access to free legal assistance on appeal against an inadmissibility decision in practice? ☒ Yes ☐ With difficulty ☐ No
   - ❖ Does free legal assistance cover ☒ Representation in courts ☒ Legal advice

392 Article 3.109ca(1) Aliens Decree.
393 Article 69(2)(c) Aliens Act.
394 Article 62 Aliens Act.
395 Article 82(2)(b) Aliens Act.

The same procedure as in the Regular Procedure is followed, with the exception of persons who have already received international protection in another EU Member State, whose asylum requests are handled in Track 2 as outlined below.[396] Therefore the same remarks are applicable concerning legal assistance (see Regular Procedure: Legal Assistance).

3.5 Suspension of returns for beneficiaries of protection in another Member State

For detailed information on this, please see First Country of Asylum – EU Member States.

4. Border procedure (border and transit zones)

4.1 General (scope, time limits)

Indicators: Border Procedure: General

1. Do border authorities receive written instructions on the referral of asylum applicants to the competent authorities? ☒ Yes ☐ No
2. Where is the border procedure mostly carried out? ☒ Air border ☐ Land border ☐ Sea border
3. Can an application made at the border be examined in substance during a border procedure? ☒ Yes ☐ No
4. Is there a maximum time limit for border procedures laid down in the law? ☒ Yes ☐ No
   - ❖ If yes, what is the maximum time limit? 4 weeks
5. Is the asylum applicant considered to have entered the national territory during the border procedure? ☐ Yes ☒ No

The Netherlands has a border procedure applicable to asylum applicants applying at airports and ports.[397] The border procedure in the Netherlands proceeds as follows: the decision on refusal or entry to the Netherlands is suspended for a maximum of 4 weeks and the asylum applicant stays in detention (see Detention of Asylum Applicants). During this period, the IND may reject the claim as:[398]

- ❖ Not considered, due to the application of the Dublin Regulation;[399]
- ❖ Inadmissible;[400] or
- ❖ Manifestly unfounded.[401]

If the IND is not able to stay within the time limits prescribed by the short asylum procedure (i.e., 6 days), it can continue the border procedure if it suspects it can reject the asylum application based on the Dublin III Regulation, or declare it inadmissible or manifestly unfounded.[402] The maximum duration of the border procedure is 4 weeks.[403] However, if the examination takes longer than 4 weeks or another ground of rejection is applicable, the detention measure is lifted, the asylum applicant is allowed to enter the Netherlands and the assessment of the protection claim is continued in the regular procedure.[404]

A number of assessments take place prior to the actual start of the asylum procedure, including a medical examination, a nationality and identity check and an authenticity check of submitted documents.

396 Article 3.109ca(1) Aliens Decree.
397 IND, Work Instruction 2021/10, available in Dutch at: https://bit.ly/3dCOkj8. It was issued in June 2021 and entails instructions concerning the border procedure. It covers the information, which is mentioned in this report.
398 Article 3.109b(1) Aliens Decree. See also IND, Work Instruction 2017/1 Border procedure, 11 January 2017, available in Dutch at: http://bit.ly/2wa4v3o, 7.
399 Article 30 Aliens Act.
400 Article 30a Aliens Act.
401 Article 30b Aliens Act.
402 Article 3.109b(1) Aliens Decree.
403 Article 3(7) Aliens Act.
404 Articles 3 and 6 Aliens Act. See also IND, Work Instruction 2017/1 Border procedure, available in Dutch at: https://bit.ly/3SXji9I, 6.

The legal aid provider prepares the asylum applicant for the upcoming interviews by explaining what to expect and investigating whether relevant documents could be collected (see section Regular Procedure: Legal Assistance for the appointment of the legal aid provider). These investigations and the preparation take place prior to the start of the asylum procedure. The AC at Schiphol Airport is a closed centre. The asylum applicant is subjected to border detention to prevent them from entering the country *de jure*. During the first steps of the asylum procedure, the asylum applicant remains in the closed AC at Schiphol.

In these stages, the border procedure more or less follows the steps of the short asylum procedure described in the section on Regular Procedure. One example of a difference between the regular procedure and the border procedure is the possibility for the decision-making authorities to shorten the rest and preparation period.[405] As previously mentioned, the Dutch Aliens Decree was amended on 25 May 2021, which has altered certain aspects of the Regular Procedure that also apply to the border procedure. For example, the abolishment of the first interview. One of the most significant changes concerns the registration interview. During this interview, the asylum applicant will now also be asked to state the grounds for asylum.[406] These procedural changes are discussed more in detail in the section on the Regular Procedure.

The following groups are exempted from the border procedure; they follow the general asylum procedure without being subjected to detention measures:

- Unaccompanied children;[407]
- Families with children where there are no counter-indications such as a criminal record or family ties not found real or credible,[408] as the Netherlands does not detain families with children at the border.[409] Instead of being put in border detention, families seeking asylum at Amsterdam Schiphol Airport are now redirected to the application centre in Ter Apel where they can await their asylum procedure in liberty. If further research needs to be done as to the relationship between the child and the grown-up they will be redirected to a closed family reception centre in Zeist (see Detention of Vulnerable Applicants);
- Persons for whose individual circumstances border detention is disproportionately burdensome;[410] and:
- Persons who are in need of special procedural guarantees on account of torture, rape or other serious forms of psychological, physical and sexual violence, for whom adequate support cannot be ensured.[411]

In the following situations the IND will, after the first hearing, conclude that the application cannot be handled in the border procedure and therefore has to be channelled into the Regular Procedure:[412]

- If, after the registration interview, the identity, nationality and origin of the asylum applicant has been sufficiently established and the asylum applicant is likely to fall under a temporary 'suspension of decisions on asylum applications and reception conditions for rejected asylum applicants' (*Besluit en vertrekmoratorium*);
- If, after the registration interview the identity, nationality and origin of the asylum applicant has been sufficiently established and the asylum applicant originates from an area where an exceptional situation as referred to in Article 15(c) of the recast Qualification Directive is applicable;
- If, after the registration interview, the identity, nationality and origin of the asylum applicant has been sufficiently established and there are other reasons to grant an asylum permit.

405 Article 3.109b(2) Aliens Decree.
406 Article 3.108d(4) Aliens Decree.
407 Article 3.109b(7) Aliens Decree.
408 Paragraph A1/7.3 Aliens Circular.
409 Paragraph A1/7.3 Aliens Circular.
410 Article 5.1a(3) Aliens Decree.
411 Article 3.108 Aliens Decree.
412 Paragraph C1/2 Aliens Circular.

The Dutch Council for Refugees strongly objects to the use of the border procedure in light of the individual interests of the asylum applicant.[413] According to the Dutch Committee for Human Rights, the detention of all asylum applicants at the border without weighing the interest of the individual asylum applicant in relation to the interests of the state is not in line with European regulations and human rights standards.[414]

On 26 March 2024, the Council of State ruled that third country nationals with visa-free travel to the Netherlands and that wish to apply for asylum are not exempted from the border procedure. The Council of State found such persons, by applying for asylum, are in fact requesting legal stay of more than 90 days in the sense of Article 6 (1) Schengen Borders Code. Therefore, they do not have legal stay and may be subject to the border procedure if they apply for asylum at the border.[415]

On 30 October 2024, the Council of State ruled that Ukrainian asylum applicants are not allowed to be subjected to the border procedure. This is due to the fact that border detention in the Netherlands is an implementation of Article 8(1)(c) Reception Conditions Directive, and that subparagraph 3 of this Article provides that this Directive is not applicable if the applicant is subject to the Temporary Protection Directive.[416]

During 2019, 920 asylum applicants filed applications at the border. In 2020, only 550 asylum applicants filed an application at the border. The 40% decline compared to 2019 was due to the corona restrictions. In 2021, 1,120 asylum applicants filed an application at the border.[417] In 2022, 1,550 asylum applicants filed an application at the border.[418] In 2023, this number was 1,400. In 2024, it was 1,390.[419] No statistics on applications at the border during 2025 were available at the moment this report was drafted.

4.2 Personal interview

The same rules and obstacles as in the Regular Procedure: Personal Interview apply.

4.3 Appeal

Indicators: Border Procedure: Appeal
☐ Same as regular procedure

1. Does the law provide for an appeal against the decision in the border procedure? ☒ Yes ☐ No
   - ❖ If yes, is it ☒ Judicial ☐ Administrative
   - ❖ If yes, is it suspensive Depending on decision

In the border procedure, the IND may reject an asylum application on the basis of the Dublin Regulation or as inadmissible or manifestly unfounded. Depending on the type of decision issued, the rules described in the Dublin Procedure: Appeal, Admissibility Procedure: Appeal or Regular Procedure: Appeal apply.

On 5 June 2019, the Council of State ruled that the border detention of asylum applicants who appealed their decision in the asylum procedure was not in line with EU law as clarified in the *Gnandi* case.[420] In response to this decision, a bill was presented to adjust the basis for detention of asylum applicants at the border in the Aliens Act. Detention of asylum applicants who have appealed the rejection of their

413 Dutch Council for Refugees, *Standpunt:* asielprocedure, available in Dutch at: https://bit.ly/4btvVnO.
414 Committee for Human Rights, Advies: Over de Grens, Grensdetentie van asielzoekers in het licht van mensenrechtelijke normen, May 2014, available in Dutch at: https://bit.ly/3cqcGuy.
415 Council of State, ECLI:NL:RVS:2024:1228, 26 March 2024, available in Dutch at: https://bit.ly/3DMMmwI.
416 Council of State, ECLI:NL:RVS:2024:4292, 30 October 2024, available in Dutch at: https://bit.ly/4abBftr.
417 Ministry of Justice and Security, *De Staat van Migratie 2022*, available in Dutch at: https://bit.ly/3hLODxJ.
418 Ministry of Justice and Security, *De Staat van Migratie 2023*, available in Dutch at: https://bit.ly/3RUo0FO.
419 Ministry of Justice and Security, *De Staat van Migratie 2025*, available in Dutch at: https://bit.ly/4qHoIVt.
420 CJEU, Grand Chamber, case C-181/16 *Gnandi*, of 19 June 2018, para 45, available here; Council of State, ECLI:NL:RVS:2019:1710, 5 June 2019, available in Dutch at: https://bit.ly/49ucBmd.

asylum request will be based on the Reception Conditions Directive (Article 8 (3)(c) RCD) instead of the Return Directive (Article 6(3) Aliens Act).[421] This bill came into effect on 22 April 2020.[422]

4.4 Legal assistance

The same rules as in the Regular Procedure: Legal Assistance are applicable to the border procedure, and similar obstacles are reported.

5. Accelerated procedure ('Track 2')

5.1 General (scope, grounds for accelerated procedures, time limits)

Since 2016 a specific 'accelerated procedure'[423] (usually simply referred to as 'Track 2') has been established by Article 3.109ca of the Aliens Decree, for applicants who are presumed to:

- come from a Safe Country of Origin; or
- benefit from international protection in another EU Member State.

In these cases, the procedure in practice is conducted in less than 8 working days. The procedure is not applied to unaccompanied children in practice, although this is not forbidden by law.[424] In 2025, Track 2 has been suspended for applicants from Safe Countries of Origin as the whole list has been suspended. This will be explained in the section on Safe Country of Origin.

Vulnerable people are not exempted from their asylum request being processed in Track 2. In addition, the medical examination is not mandatory in Track 2. However, in a judgment of 6 September 2023, the Council of State ruled that the Minister always needs to look out for signs that an asylum applicant is vulnerable. However, this does not mean that the asylum request should be handled in Track 4.[425]

In both 2023 and 2024 only 3% of the applications were processed under Track 2.[426] In 2024, these cases were on average processed within 14 weeks.[427]

5.2 Detailed interview

The same rules and obstacles as in the Regular Procedure: Detailed Interview are applicable.

5.3 Appeal

Indicators: Accelerated Procedure: Appeal
☐ Same as regular procedure

1. Does the law provide for an appeal against the decision in the accelerated procedure?
   ☒ Yes ☐ No
   - If yes, is it ☒ Judicial ☐ Administrative
   - If yes, is it suspensive ☐ Yes ☒ No

Applications falling under the accelerated procedure may be rejected either as inadmissible or manifestly unfounded. Therefore, an appeal before the Regional Court must be lodged within one week and has no automatic suspensive effect.

421 Explanatory Memorandum, KST 35 271, nr. 3.
422 Stb. 2020, nr. 136.
423 The term 'simplified procedure' is used by the IND in the relevant information leaflet, available at: http://bit.ly/2w3lOiW.
424 IND Work Instruction 2024/8 Spoor 2, 28 August 2024, available in Dutch at: https://bit.ly/42dDXga.
425 Council of State, Decision No 202201535, ECLI:NL:RVS:2023:3365, 6 September 2023, available in Dutch at: https://bit.ly/48b7oyz.
426 Ministry of Justice and Security, *De Staat van Migratie 2025*, 78, available in Dutch at: https://bit.ly/3KewDub.
427 Ministry of Justice and Security, *De Staat van Migratie 2025*, 84, available in Dutch at: https://bit.ly/3KewDub.

5.4 Legal assistance

Indicators: Accelerated Procedure: Legal Assistance
☐ Same as regular procedure

1. Do asylum applicants have access to free legal assistance at first instance in practice?
   ☒ Yes ☐ With difficulty ☐ No
   ❖ Does free legal assistance cover: ☐ Representation in interview
   ☒ Legal advice

2. Do asylum applicants have access to free legal assistance on appeal against a decision in practice?
   ☒ Yes ☐ With difficulty ☐ No
   ❖ Does free legal assistance cover: ☒ Representation in courts
   ☒ Legal advice

Contrary to the regular procedure, asylum applicants channelled under the accelerated procedure ('Track 2') are not appointed a lawyer from the outset of the procedure. The lawyer is appointed when the IND issues the intended decision to reject (*voornemen*). As a result, there is not much time for the lawyer to get to know the applicant's case.

6. National protection statuses and return procedure

6.1 National forms of protection

In the Netherlands, there are several forms of national protection available for individuals who are unable to return to their countries of origin. Two of the key forms of protection include (a) the 'no fault' permit (*buitenschuldvergunning*), and (b) the suspension of departure due to medical reasons under Article 64 of the Aliens Decree.[428] These national forms of protection provide legal residence for individuals who, due to circumstances beyond their control, cannot leave the Netherlands. The following paragraphs outline the eligibility criteria, application processes, and relevant conditions for these protection statuses.

6.1.1 The 'no fault' permit (buitenschuldvergunning)

An asylum applicant who has received a final rejection of their asylum application but who cannot leave the Netherlands through no fault of their own, could qualify for a 'no fault' permit (*buitenschuldvergunning*) on grounds of the national 'no fault' policy (*buitenschuldbeleid*).[429] The burden of proof to qualify for this permit is generally very high.

Applicants eligible for a 'no fault' permit

There are three categories of applicants who can apply for this permit:

A. applicants who have tried to leave the Netherlands but were unsuccessful;
B. applicants who permanently cannot travel because of medical conditions; and
C. unaccompanied minors who do not qualify for an asylum permit (this category is not included in this section, see for more information on this category see: Return decisions for unaccompanied minors).

A. Applicants who have tried to leave the Netherlands but were unsuccessful

There are four cumulative eligibility conditions for applicants who have tried to leave the Netherlands but were unsuccessful:

428 Information about suspension of departure due to medical reasons under Article 64 of the Aliens Decree is no longer included in this report, as the authors of this report have shifted away from active work on this topic.
429 This permit is granted on the grounds of Article 3.48 (2)(a) Aliens Decree.

- there is no doubt about the identity and nationality or statelessness of the applicant;
- the applicant has asked the Repatriation and Departure Service of the Ministry of Justice and Security (DT&V) to mediate in favour of his departure and this mediation was unsuccessful;
- the applicant has, according to DT&V, shown that he wants to return to his country of origin or a different country where it can be assumed that the applicant will be granted access; and
- at the moment of deciding on this application, there is no other pending procedure for a residence permit and the applicant does not meet the conditions to be granted different residence permit.[430]

B. Applicants who permanently cannot travel because of medical conditions

The alternative criteria for applicants who permanently cannot travel because of medical conditions are:

- the BMA (Medical Advisors Office, Bureau Medische Advisering) has confirmed that the applicant permanently cannot travel because of their health; or
- it is demonstrated that the applicant and the authorities have made every effort to achieve departure from the Netherlands, including obtaining replacement for travel documents, and it is shown that the physical transfer cannot be achieved.

The 'no fault' policy

In 2020, 80 permits were granted based on this ground. In 2021, 70 permits on this ground were granted. In 2022, again 70 permits were granted. In 2023, a total of 60 permits were granted. In 2024, until 1 October, 50 permits were granted on this form of protection.[431]

The national authorities do not automatically review this form of protection when the asylum application is rejected and, simultaneously, a return decision is issued.[432] If, during the preparation for departure from the Netherlands, the DT&V is of the opinion that an applicant could be eligible for a 'no fault' permit, the DT&V may give a weighty advice in an official report to the IND to grant the third country national a 'no fault' permit. The IND may then invite the foreign national to apply formally for this permit. In this case, the foreign national does not have to pay any fees and an exemption is granted from the MVV requirement and the passport requirement. Furthermore, the IND does automatically review whether a foreign national might be eligible for the 'no fault' permit if an application for a residence permit based on regular grounds is rejected. Finally, third country nationals who have exhausted all legal remedies and who have no right to residence can also apply for a permit based on this national policy themselves.

Applicants can use the form on the website of the IND to apply for this status.[433] There is no right to reception yet for applicants at this stage. The applicant will have to pay fees (so-called *legeskosten*).[434] If the application is rejected, it is possible for the applicant to object within four weeks.[435] This objection has suspensive effect. If the objection is declared unfounded, the applicant may appeal this decision before a Regional Court. Consequently, it is possible for either the applicant or the Minister to appeal the decision of the Regional Court to the Council of State (onward appeal). The deadlines are the same as in the asylum procedure (see Short overview of the asylum procedure under 'Appeal').

The applicant granted a permit under the 'no fault' policy will receive a regular, non-asylum residence permit on temporary humanitarian grounds.[436] The permit is valid for one year and can be renewed for another year.[437] The IND can reject the application for renewal or withdraw the existing permit if it appears from new information from DT&V that the applicant can return to their country of origin or a

430 Paragraph B8/4 Aliens Circular.
431 KST 36600 XX, no. 5, 24 October 2024, available in Dutch at: https://bit.ly/40mIhYU.
432 Staatsblad 2013 580, 23 December 2013, available in Dutch at https://bit.ly/3DDqYdd.
433 The IND website contains a form for applicants based on humanitarian grounds or other special reasons at: https://bit.ly/4gVnEsA.
434 Article 3.34 Aliens Regulation.
435 Article 69(1) Aliens Act.
436 Article 3.4(1)(q) Aliens Decree.
437 Article 3.58(1)(q) Aliens Decree.

different country where, based on the individual facts and circumstances, it can be assumed that the applicant will be admitted. After three years of lawful residence, the person concerned can apply for a permit based on non-temporary humanitarian grounds,[438] provided they are still meeting the eligibility conditions and if there are no other grounds for refusal.[439] This permit is valid for five years and can be renewed for another five years.[440]

There is a right to reception in a centre for asylum seekers for applicants that fall under this permit from the moment DT&V has issued a positive advice to the IND about granting an application based on the 'no fault' policy.[441]

Holders of this permit will have a notification on the permit stating: 'free access to the labour market, no work permit required' (*arbeid vrij toegestaan, tewerkstellingsvergunning niet vereist)*.[442]

Family members

The Minister grants the residence permit to the family member of the foreign national who cannot leave the Netherlands through no fault of his own if the family relationship already existed before the family members were granted entry to the Netherlands.

The Minister will grant the residence permit to the members of one family with different nationalities and/or whose members are from different countries of origin if they meet all the eligibility conditions, where:

- all family members have taken the necessary steps to effect return for the entire family to one country; and
- they have done so in respect of all countries where, based on the totality of facts and circumstances, it can be assumed that the family will be granted entry.

The Minister assumes the existence of a 'family' in the following situations:

- (marriage) partners who in fact form a family;
- (one) parent(s) with one or more minor children who in fact form a family; or
- (one) parent(s) with one or more adult children who are so dependent on their parent(s) that there is in fact a family.[443]

6.1.2 Suspension of departure on medical grounds under Article 64 of the Aliens Decree

Serious medical issues can lead to the suspension of the obligation of departure. This follows from Article 64 of the Aliens Act. The application of this Article results in the temporary suspension of the obligation to leave the Netherlands. During this period, the foreign national is granted lawful residence but does not hold a residence permit. This form of protection is essentially a postponement of departure, effectively granting a temporary right to reside in the Netherlands to ensure the foreign national receives necessary medical treatment until their departure becomes possible. The policy regarding suspension of departure under Article 64 of the Aliens Act is outlined in paragraph A3/7 of the Aliens Circular.

Suspension of departure under Article 64 of the Aliens Act can be granted in the following circumstances:

- the foreign national is determined to be medically unfit to travel; or
- deportation would result in a real risk of a violating of Article 3 ECHR for medical reasons.[444]

438 Article 3.51(1)(a)(3) Aliens Decree.
439 Paragraph B9/1 Aliens Circular.
440 Article 3.58(1)(s) Aliens Decree.
441 KST 29344, no. 106, 28 November 2012, available in Dutch at: https://bit.ly/3W6YFKJ.
442 Article 3.1(5)(a)
443 Paragraph B8/4 Aliens Circular.
444 Paragraph A3/7.1 of the Aliens Circular.

The IND assesses whether suspension of departure should be granted. This decision is made based on an advisory report provided by the Medical Advisors Office (Bureau Medische Advisering, BMA), the designated authority responsible for conducting medical evaluations.

Information about the conditions and procedure for suspension of departure on medical grounds up until 2024 is available in the AIDA Country Report: The Netherlands 2024 Update.[445]

6.2 Return procedure

Rejected asylum applications are always accompanied by a return decision, as required by law.[446] The rejection of the asylum application and the return decision are taken together in one formal decision (*meeromvattende beschikking*). When appealing this decision, the appeal automatically involves both the asylum rejection and the return decision. The appeal of the rejection of the asylum application and the return decision will be dealt with together by the same court in the same case at the same time.

According to paragraph A3/1 of the Aliens Circular, a return decision includes the following elements:

- the decision that the TCN is no longer lawfully residing in the Netherlands;
- the obligation to leave the Netherlands, the territory of the EU (except for Ireland), the EEA, and Switzerland;
- the time frame within which the TCN must comply with their obligation to depart; and
- the designation of the country or countries to which the foreign national must return, insofar as such country or countries are known.*

** Note: In 2021, the Council of State ruled that a country of return must be specified in the return decision.[447] However, it is possible that multiple countries of return are specified if there are multiple potential countries of return. Additionally, the country of return may be inferred from the decision of the asylum rejection itself. The obligation to specify a country of return is especially important in cases in which the asylum application has been rejected because the asylum applicant could not prove their nationality. In 2024, the Council of State ruled that in these cases the alleged country of nationality may also serve as the country of return – even if there has not been a refoulement assessment with regard to this country.[448] Therefore, according to the authors of this report, the phrase 'insofar as such country or countries are known' should be deleted from the Aliens Circular.*

Unaccompanied minors can be excluded from the obligation to issue a return decision at the same time as the asylum rejection. This is further explained in Return decisions for unaccompanied minors.

Beneficiaries of international protection from other EU Member States whose asylum application has been declared inadmissible will not receive a return decision, as return decisions refer to a return to a country outside the EU – usually the country of origin of the applicant – while it is clear for beneficiaries of international protection from other Member States that they run a risk of *refoulement* upon return to their country of origin. However, the CJEU ruled that beneficiaries of international protection from other Member States can be detained prior to their return to the EU Member State which granted them

445 DCR - Dutch Council for Refugees (author), ECRE (ed. or publisher): Country Report: Netherlands; Update on 2024, May 2025 https://bit.ly/4t1abWd.

446 Article 40 Aliens Act.

447 Council of State, ECLI:NL:RVS:2021:1155, 2 June 2021, available in Dutch at: https://bit.ly/3SStGRm. This follows from CJEU, *FMS, FNZ (C-924/19 PPU), SA, SA junior (C-925/19 PPU) v Országos Idegenrendészeti Főigazgatóság Dél-alföldi Regionális Igazgatóság, Országos Idegenrendészeti Főigazgatóság*, 14 May 2020, available at: https://bit.ly/49r9Kug and CJEU, C-673/19, *M, A, Staatssecretaris van Justitie en Veiligheid v Staatssecretaris van Justitie en Veiligheid, T,* 24 February 2021, available at: https://bit.ly/3HV1p6A.

448 Council of State, ECLI:NL:RVS:2024:1970, 8 May 2024, available in Dutch at: https://bit.ly/3PEyI1f.

international protection without the need for a return decision.[449] While beneficiaries of international protection from other Member States will not be issued a return decision after their asylum application is declared inadmissible, they still have an obligation to leave the Netherlands. If they do not comply with this departure obligation, they can be forcibly deported on the basis of the general deportation authority of Article 63 of the Aliens Act. Furthermore, they can be detained for deportation on the basis of Article 59, paragraph 2 of the Aliens Act (the fiction that the interest of public order demands detention, if the documents necessary for removal are available in the short term).

Asylum applications from beneficiaries of international protection from Greece who cannot return to Greece are assessed on their merits. However, it is unclear if it is possible to issue a return decision (to the country of origin) if such asylum applications are rejected. In 2025, some courts have ruled that it impossible to issue a return decision if Greece has not terminated the international protection status.[450]

All asylum rejections automatically include a return decision. This means that return decisions are also issued when it is known that forced return of the third country national is not possible. For instance, forced return is not possible to Afghanistan, Yemen, Syria, Somalia and Eritrea.[451] Nevertheless, rejected asylum applicants from these countries will be issued a return decision.

The Netherlands did not implement the facultative provision of Article 8(3) of the Return Directive introducing a separate administrative or judicial decision or act ordering the removal..

Official suspension of the return decision is only possible in medical cases on the basis of Article 64 Aliens Act (see National forms of protection). Article 9 of the Return Directive has only been transposed into Article 64 Aliens Act. Therefore, suspension of return decisions is not possible for other circumstances that are not related to medical issues. In cases where international protection was revoked because of criminal offences, return decisions were always imposed, even when the beneficiary was still facing a risk of *refoulement*. The Minister would write in the return decision that it would not be carried out when this risk continued to exist, but this did not mean that the return decision was officially suspended.[452] Following the *AA* judgment of the CJEU,[453] many Regional Courts have ruled that these return decisions should not have been issued.[454] However, there is still no clear policy as to how to deal with these cases in light of the obligation to always issue an asylum rejection together with a return decision.

There is no information on the number of unenforceable return decisions.

Detention prior to return is only allowed if there is a reasonable prospect of removal, for more information see Territorial detention of asylum applicants.

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449 CJEU, C-673/19, *M, A, Staatssecretaris van Justitie en Veiligheid v Staatssecretaris van Justitie en Veiligheid, T,* 24 February 2021, available at: https://bit.ly/3HV1p6A.

450 See, for example, Regional Court The Hague, ECLI:NL:RBDHA:2025:21083, 6 November 2025, available in Dutch at: https://bit.ly/48Ty3DF; and Regional Court Groningen, ECLI:NL:RBDHA:2025:19029, 17 October 2025, available in Dutch at: https://bit.ly/49UP5SU.

451 See website of DT&V, available in Dutch at: https://bit.ly/4hFl9KD.

452 See Council of State, ECLI:NL:RVS:2021:2466, 10 November 2021, available in Dutch at: https://bit.ly/4g1b3mp.

453 CJEU, C-663/21 *AA*, 6 July 2023, available at: https://bit.ly/3C3Pq7i.

454 E.g. Regional Court The Hague, ECLI:NL:RBDHA:2024:18943, 15 November 2024, available in Dutch at: https://bit.ly/42aC8QU and Regional Court Den Bosch, ECLI:NL:RBDHA:2024:4019, 9 February 2024, available in Dutch at: https://bit.ly/3BVU5It.

D. Guarantees for vulnerable groups

1. Identification

Indicators: Identification

1. Is there a specific identification mechanism in place to systematically identify vulnerable asylum applicants? ☐ Yes ☒ For certain categories ☐ No
   - ❖ If for certain categories, specify which: Unaccompanied children

2. Does the law provide for an identification mechanism for unaccompanied children? ☒ Yes ☐ No

In asylum procedures, the IND occasionally encounters asylum applicants who experience psychological and/or medical issues. Such problems can influence the (substantive) course of the asylum procedure. Before the start of the Regular Procedure in Track 4 (therefore not in Tracks 1 and 2), a medical examiner from the company MedTadvies examines, at least in theory, every asylum applicant, to assess whether they are mentally and physically able to be interviewed. MedTadvies is a private company working on behalf of the IND to provide medical advice in asylum procedures. In 2025, MedTadvies took over this role from the company called MediFirst, which in turn took over the role of the company FMMU in 2021. MedTadvies's medical advice forms an important element in the decision as to how the asylum application will be handled by the IND. However, it should be noted that MedTadvies is not an agency that identifies vulnerable asylum applicants as such; it solely gives advice to the IND as to whether the asylum applicant can or cannot be interviewed, and, if so, what special needs they need in order to be interviewed properly. Another aspect of the advice is what kind of limitations by the asylum applicant should be considered by the IND when hearing the particular asylum applicant and deciding about an asylum request.

According to VWN, the MedTadvies medical examination cannot be seen as an examination in line with the standards of the Istanbul Protocol, because its assessment is solely limited to the question whether the asylum applicant is physically and mentally able to be interviewed, based on physical and/or mental limitations. The purpose of MedTadvies's medical advice is to:

- ❖ Identify any functional limitations which arise from medical problems that could impede the applicant from giving accurate, coherent statements regarding their asylum story; and
- ❖ Advise the IND on how to address these limitations during the interviews and throughout the decision-making process on asylum applications.

Participation of the asylum applicant with MedTadvies's role as an advisory body is on a voluntary basis. Even though the IND is not obliged to offer the possibility to obtain medical advice by MedTadvies to asylum applicants other than the ones in Track 4, the possibility to receive it in case of need exists, but is offered in limited cases. The question whether an asylum applicant outside of Track 4 should have received a medical advice prior to their interview with the IND, due to the overall signs of need, can be subject to litigation when an asylum claim has been rejected by the IND.

From the start of the asylum procedure, until the end of the decision-making process, the IND will have to keep examining whether the asylum applicant is vulnerable and in need of special care or special support. To meet the obligations of Article 24 of the recast Asylum Procedures Directive, the Minister has implemented this provision in the Aliens Decree.[455]

The IND decides whether the way the interview is conducted for regular asylum cases should be adapted based on MedTadvies's advice and remarks. The IND bases its decision to conduct a Registration interview and how to conduct a further interview on the medical advice from MedTadvies itself, its own observations and those of other participants in the asylum procedure (like the asylum lawyer, the legal aid worker from the Dutch Council for Refugees (VWN) and/or the asylum applicant themselves).

[455] Article 3.108b Aliens Decree.

Important documents in this context have been the IND Work Instructions 2010/13 and 2015/8.[456] Work Instruction 2015/8 contains a long list of indications, based on which it may be concluded that the asylum applicant is a vulnerable person. This list is divided in several categories, for instance physical problems (e.g. pregnancy; being blind, deaf or handicapped) or psychological problems (traumatised, depressed or confused). It is explicitly noted that this is not an exhaustive list.

Work Instructions 2021/9, on 'special procedural guarantees'[457] and Work Instruction 2021/12 on the issue of 'existing medical problems relating to the question of being able to conduct the interview and being able to take a decision' were introduced in 2021.[458] They mark a confirmation and continuation of the previous above-mentioned other Work Instructions that had been in effect for several years.

In September 2024, Work Instruction 2024/9 was introduced as a replacement of Work Instruction 2021/12. The core structure of the new Work Instruction was the same as the old one and contained only minor changes in the text. The most significant change between the two Work Instructions, however, deals with the question of what to do when an asylum applicant cannot be interviewed about their asylum motives permanently, and no information about the asylum motives has emerged through any other means. Under the previous Work Instruction, it was concluded that in such a case it was impossible to test these motives, while the new Work Instruction simply states that the asylum application can be decided upon (and presumably will be rejected).[459]

In the last quarter of 2024, the Dutch Council for Refugees (VWN) found out that the IND no longer offered a Medical Advice 'Hearing and Decision' by MediFirst to asylum applicants from Syrian, Turkish, Eritrean, and unknown nationalities, as well as Stateless people. For unaccompanied minors, this concerned Syrians, Turks and Eritreans. VWN viewed this as very problematic as the above-mentioned nationalities were increasingly confronted with rejected asylum applications in the second half of 2024 without those asylum applicants being offered a Medical Advice prior to the asylum procedure.

The IND stated that it was aware that, under the Aliens Decree, asylum applicants who are given a 'rest and preparation period' should be offered a medical examination. However, according to the IND, the lack of capacity at the MediFirst organization made this measure necessary.

If asylum applicants with the above-mentioned nationalities clearly need to have a medical advice prior to the interviews with the IND, some (medical) substantiation towards the IND will be necessary. It is not possible to receive such an advice solely based on a wish put forward by the asylum applicant, the Dutch Council for Refugees (VWN) support groups or by an asylum lawyer. The IND stated that the hearing and decision-making staff are aware of the situation and have been instructed to be particularly alert in these cases. The IND has also been reminded to clearly document in the hearing report how they have recognized and addressed any signs of medical (physical or mental) issues. In addition, it is noted in the report of the interview by the IND that no medical advice was given in the relevant case. The aim is to bring this to the attention of the authorized representative so that he or she can also be extra alert to any (medical) signals.

As mentioned above, as of 1 January 2025, the medical examinations that were done for the last couple of years by MediFirst were taken over by the company called MedTadvies. After one year of reviewing the medical examination done by MedTadvies, VWN can conclude that MedTadvies is a continuation of the MediFirst examinations. The examinations are as limited as the previous ones with the same scope and function. The same complaints VWN had about them still exist today. The authors of this report also

456 IND Work Instruction 2010/13 Treatment of medical advice, 29 October 2010, available in Dutch at: https://bit.ly/48zBFaB; IND Work Instruction 2015/8 Procedural guarantees, 20 July 2015, available in Dutch at: https://bit.ly/42W9GRp.

457 IND Work instruction 2021/9 on '*special procedural guarantees*', 25 June 2021, available in Dutch at: https://bit.ly/4bQyGNK.

458 IND Work instruction 2021/12 on 'existing medical problems relating to the question of being able to conduct the interview and being able to take a decision', 25 June 2021, available in Dutch at: https://bit.ly/3SVE2yF.

459 IND Work Instruction 2024/9 Medical problems and hearing and deciding in the asylum procedure 2 September 2024, available in Dutch at https://bit.ly/3WmbWyZ.

have noticed in 2025 a further decline in the total number of examinations, without having the specific data, because they are not provided publicly. The IND has been hesitant with giving specific information, but it is VWN's belief that certain nationalities are still ruled out from having a medical examination due to lack of capacity and given priorities.

In 2024, the Regional Court of Roermond was critical towards the IND as far as the usage of the medical advice by MediFirst prior to the interview is concerned.[460] The Regional Court concluded that when medical limitations were established, these limitations were not explicitly included in the assessment of the credibility of the asylum story. The Court criticized the way the IND assessed the credibility of the statements of the asylum applicant without the advice of MediFirst on how to take the established medical limitations into account. This critique is fundamental because the Medical advice by MediFirst is not just an advice on the question of an asylum applicant is capable of being interviewed by the IND, but also an advice on how medical limitations should be considered in the decision-making process by the IND. According to the Regional Court, a MediFirst medical advice does not address the issue of how limitations should count when judging one's credibility, and as an instrument it is therefore somehow flawed. The Court urged (a) MediFirst to include in its advice aspects of the impact of established limitations on the credibility of a given statement, and (b) the IND to have a better understanding of the relationship between medical limitations and the credibility assessment. It was expected that the Council of State would have had (multiple) rulings in 2025 on the critique of the Regional Court of Roermond and others regarding this matter. However, the Council of State did not address the above-mentioned issue in 2025.

1.1 Age assessment of unaccompanied children

Designating an asylum applicant as an adult or a minor has several consequences for the asylum procedure. For example, it is relevant for determining which Member State is responsible for examining the asylum application (see for instance Article 8 of the Dublin Regulation). In addition, the Asylum Procedures Directive obliges Member States to establish additional procedural guarantees for unaccompanied minor asylum applicants (see Article 25 Asylum Procedures Directive). The question of whether or not the asylum applicant is a minor is relevant for access to reception facilities for minors and assistance from the guardianship institution of Nidos. The determined age of the asylum applicant is also important within the asylum procedure for the substantive assessment of the asylum story. For example, minors may fear child-specific forms of persecution and the asylum applicant's frame of reference, for which age is relevant, must be taken into account when assessing credibility.

There is no EU-wide practice in the field of age determination. Partly because of the differences between Member States in the implementation of age determination procedures, the EU Commission requested the European Asylum Office (EASO, currently the EU Agency for Asylum (EUAA)) to update the guidelines in the context of age determination. In March 2018, EASO produced a practical manual containing guidelines, key recommendations and tools for the implementation of the best interests of the child in age assessment from a multidisciplinary and holistic approach.[461] The manual is not legally binding, but can be regarded as a reference tool for the interpretation and implementation of the EU *acquis*. The report contains information about the different methods used in the EU Member States and new methods that are being investigated. EASO recommends that age assessment should have a multidisciplinary approach, as there is (yet) no scientific method to determine the exact age of a person.

In July 2021, EASO published a follow-up report on the age assessment process in EU+ countries.[462] The report includes information from more than 20 EU+ countries on recent developments in ways to

460 Court of Roermond 13 September 2024, - NL23.11884 - ECLI:NL:RBDHA:2024:14610, available in Dutch at https://bit.ly/40Lkanf; 19/01/2024, Court of Roermond - NL22.15449 - ECLI unknown, not published on rechtspraak.nl, available in Dutch solely on Vluchtweb; Court of Roermond 4 October 2024, NL22.25858 - ECLI:NL:RBDHA:2024:15988, available in Dutch at https://bit.ly/42g9car; https://bit.ly/3DUXYOd.

461 EASO, *EASO Practical guide on age assessment, second edition*, 9 March 2018, available at: https://bit.ly/3Sv8yPP.

462 EASO, *Age assessment practices in EU+ countries: updated findings*, 1 September 2021, available at: https://bit.ly/42Dgnr9.

determine age; documents that must be provided during the determination procedure; the involvement of youth protection authorities, etc. The report also provides information about the impact of the age determination in the Dublin procedure.

The age assessment procedure in the Netherlands is governed by Paragraph C1/2.1 and C1/2.2 of the Aliens Circular and elaborated on in IND Work Instruction 2023/6.[463] The age assessment procedure starts with an age inspection. Based on analysis of age assessments in individual cases and relevant case law, the Dutch Council for Refugees (VWN) has found that the age assessment procedure in the Netherlands does not adopt a presumption of minority and the methods of age assessment are insufficiently holistic and multidisciplinary, which indicates a lack of implementation of the EASO Practical Guide on age assessment.

Age inspection (*leeftijdsschouw*)

If an asylum applicant, who claims to be an unaccompanied minor and does not have documents to support this claim lodges an asylum application in the Netherlands, the Royal Police (KMar) and/or the IND can conduct an age inspection (*leeftijdsschouw*).[464] This involves officers from the KMar, the immigration police (DISA, formerly AVIM), and/or the IND determining whether the asylum applicant is clearly above or below the age of 18. They also assess the provided age when doubts arise, considering the individual's ability to engage in conversation. This age inspection is not required if the asylum applicant's visa is listed in the EU visa information system EU-VIS (a so-called 'EU-VIS hit'), if an age inspection has already taken place no more than six months ago, or if there is no doubt whatsoever about the fact that they are dealing with a child under the age of 12 years.

The age inspection is conducted in two sessions:

- One session with one Kmar/DISA official and one session with two IND employees; or
- One session with two Kmar/DISA officials and one session with one IND employee.

This means that the government employees mentioned above see the asylum applicant separately from each other and draw their own conclusions. To guarantee the independence of both parties involved, it is not possible for one party to read the official report of the other party in the governmental electronic systems before conducting their own age inspection.

The age inspection should evaluate the following aspects about the asylum applicant:

- Appearance;
- Behaviour;
- Statements; and
- Any other relevant circumstances.

The age inspector also includes external/physical characteristics in the age inspection report, which may – among other factors – include the presence or absence of:

- Wrinkles (around eyes, forehead, corners of the mouth, hands);
- Receding hairline;
- Abundant facial/body hair;
- Grey hair; or
- Visible Adam's apple.

The conclusion of the Kmar/DISA employees is noted in an official police report, the conclusion of the IND is included in the report of the IND Application Interview. As described in the Work Instruction 2023/06, it is not sufficient anymore to conclude that someone is clearly over or under the age of 18 or if there are doubts about their age. The official police report and the report of the IND Application Hearing must also contain the specific reasons behind the decision. There must ultimately be a unanimous

463 IND, *Work Instruction Age Determination*, 8 June 2023, available in Dutch at: https://bit.ly/3HU3WxO.
464 IND, *Work Instruction 2018/19 Age assessment*, 13 December 2018, available in Dutch at: https://bit.ly/3uYoa6q.

judgment to reach a conclusion regarding the obvious majority or minority of age of the applicant. In addition, officials cannot establish that the person is an adult solely based on appearance.[465] If there is no unanimity, by definition then there is doubt and probably further assessment is needed.

In 2023, various lower courts raised the question of whether the age assessment used in Dutch practice has a scientific basis and whether the results of the assessment can be regarded as a result of careful research.[466] This trend continued in 2024.[467] Hereby, lower courts also more regularly question the extent to which the aspects of the asylum applicant's appearance, behaviour and statements noted by the AVIM/KMar/IND can actually lead to the conclusion of doubt about one's age or lead to the conclusion of adulthood.[468] Various lower courts have also pointed out the occasional contradictions between the observations of the AVIM[469]/KMar on the one hand and the IND on the other, for example, the presence of 'striking' crow's feet and wrinkles according to the AVIM but not according to the IND. According to various courts, these inconsistencies lead to additional doubts about the accuracy of the inspection methods and the scientific basis of the age inspection.[470]

The Council of State ruled on 20 August 2025 that the age inspection (*leeftijdsschouw*) is a viable method for age determination.[471] However, the conclusions of the age inspection have to be properly substantiated based on the findings of the inspection. For example, if certain behaviours or physical attributes of the applicant are determined to be fitting to those of an adult person, it has to be substantiated why those behaviours or attributes make the applicant an adult as opposed to a minor.

Further investigation of the age

If there is still doubt between the parties concerned regarding the age of the (alleged) minor as a result of the age inspection, further investigation will take place. In practice, this investigation is often carried out by the Dublin Unit and consists generally of first contacting other EU units that carry out research of (age) registrations in other EU Member States. In case of an Eurodac or EU-VIS 'hit' in which the (alleged) minor is registered as an adult in another Member State, the (alleged) minor will be registered as an adult by the IND and/or DISA. In a report published on 30 November 2020, the Dutch Advisory Committee on Migration Affairs (*Adviescommissie voor Vreemdelingenzaken*, ACVZ) argued that this practice makes it near impossible for (alleged) minors to prove their minority in case another Member State has registered them as an adult.[472] In April 2022, the ACVZ presented another report on 'the human dimension in migration policy'.[473] It dealt with imbalance in the possibility to present evidence –

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465 Tweede Kamer, *Reply by the State Secretary for Security and Justice* (now Minister of Asylum) *to a parliamentary question on age assessment of unaccompanied children*, 7 November 2016, available in Dutch at: http://bit.ly/2glbqMT. See also Paragraph C1/2.2, *ad b* Aliens Circular.

466 Regional Court of Roermond, ECLI:NL:RBDHA:2023:195, 21 February 2023, available in Dutch at: https://bit.ly/3SyS7Sr; Regional Court Amsterdam, ECLI:NL:RBDHA:2023:3351, 10 March 2023, available in Dutch at: https://bit.ly/48cA8XG; Regional Court Zwolle, ECLI:NL:RBDHA:2023:15164, 15 September 2023, available in Dutch at: https://bit.ly/3P0l6xv.

467 See, for example: Regional Court of Roermond, ECLI:NL:RBDHA:2024:9885, 25 June 2024, available in Dutch at: https://bit.ly/4iCHJoc; Regional Court of Utrecht, ECLI:NL:RBDHA:2024:15990, 18 September 2024, available in Dutch at: https://bit.ly/4kUrViL.

468 Regional Court the Hague, 21 June 2023, ECLI:NL:RBDHA:2023:9097, available in Dutch at: https://bit.ly/42CyLRc; Regional Court Arnhem, 4 September 2023, ECLI:NL:RBDHA:2023:13712, available in Dutch at: https://bit.ly/3SNEzTb; Regional Court Zwolle, 15 September 2023 ECLI:NL:RBDHA:2023:15164, 15 September 2023, available in Dutch at: https://bit.ly/3P0l6xv; Regional Court Zwolle, 3 October 2023, ECLI:NL:RBDHA:2023:15158, available in Dutch at: https://bit.ly/3OEBgwx; Regional Court Zwolle, 3 October 2023, ECLI:NL:RBDHA:2023:15145, available in Dutch at: https://bit.ly/49a6Gmr.

469 AVIM was replaced by the Department for Identification and Screening of Asylum Seekers (DISA) in 2025.

470 Regional Court Zwolle, 3 October 2023, ECLI:NL:RBDHA:2023:15158, available in Dutch at: https://bit.ly/3OEBgwx; Regional Court Zwolle, 3 October 2023, ECLI:NL:RBDHA:2023:15145, available in Dutch at: https://bit.ly/49a6Gmr.

471 Council of State, 20 august 2025, ECLI:NL:RVS:2025:3801, available in Dutch at: https://bit.ly/4pwcnTc.

472 Dutch Advisory Committee on Migration Affairs (Adviescommissie voor Vreemdelingenzaken, ACVZ), *Nadeel van de Twijfel,* 30 November 2020, available in Dutch at: https://bit.ly/2LFImUh.

473 Dutch Advisory Committee on Migration Affairs (Adviescommissie voor Vreemdelingenzaken, ACVZ), *Naar een gelijker speelveld bij vaststelling van nationaliteit en identiteit bij migranten*, 11 April 2022, available in Dutch at: https://bit.ly/3Igig3W.

for migrants and the government respectively – useful to determine the nationality and identity (including age) in relation to the principle of 'equality of arms'. In concrete terms, this means, according to the ACVZ, there should be some form of a balance between the parties regarding the possibility to provide evidence.

Case law of the Dutch highest Administrative Court, the Council of State, as well as lower courts, has shown over the years that, even in cases in which an asylum applicant was registered in a Member State as both a minor and as an adult, the IND may consider this asylum applicant to be an adult.[474] Often it is virtually impossible to refute a majority of age registration in a Member State, as both the Minister and Council of State require an 'official identifying document' to prove that the asylum applicant is a minor. Most of the presented documents in Dublin cases, such as baptism certificates or school records, are not regarded as 'official identifying documents'. The burden of proof rests entirely with the asylum applicant.[475]

In recent case law, however, the Council of State adopted a more nuanced approach, which might open to the possibility of evaluating whether the decision establishing the majority of age without motivating on the accuracy of age registration in another Member State harms the individual concerned. This consideration implies that an unmotivated choice regarding the date of birth – determining whether the applicant is considered to be an adult or a minor - will no longer be accepted by the Council of State. In particular, the court questioned whether the current practice in dealing with age registration in Member States, in which indicative evidence and statements by the parties are not taken into account, is in line with EU law.[476]

In June 2022, the lower District Court of Den Bosch asked the CJEU whether in Dublin cases the 'duty of cooperation between the State and the asylum applicant' as stated in Article 4 of the Qualification Directive applies.[477] On 29 February 2024, the CJEU ruled *inter alia* that Member States that wish to transfer an applicant must cooperate with the applicant in establishing the facts and/or verify the truth of those facts, and that if there is no formal proof, the requested Member State is to acknowledge its responsibility if the circumstantial evidence is coherent, verifiable and sufficiently detailed to establish responsibility.[478] While it, thus, becomes evident that there is a duty to cooperate, given the fact that the ruling of the CJEU focused on situations where a Dublin transfer is pending, the ruling has limited application to age assessments in general.

On 2 November 2022, the Council of State ruled in favour of the Minister's policy on the choice of a specific date of birth between multiple minor and adult age registrations in other EU Member States.[479] Based on the 'interstate trust principle', the 'Minister can assume age registrations in other Member States to be correct if the Dutch age registration does not give an unequivocal answer as to whether the foreign national is clearly over or under the age of 18. The Council of State highlighted, however, that an exception should be made in the case of different age registrations in a multiple Member States for such cases, the Minister must research whether there are certain age registrations where identifying source documents were used. The Minister may, in case of different age registrations, accept the registration of the applicant as an adult, if it is taken into account how the other Member State had come to the conclusion, provided the registration has taken place in a careful manner, which can be subject to litigation.

On 26 April 2023, the Council of State ruled that an asylum applicant can also use indicative documents to demonstrate that the date of birth registered in another Member State is incorrect.[480] The policy on copying age registrations from other Member States was therefore changed as a result of this Council

474 Council of State, 29 April 2019, ECLI:NL:RVS:2019:1395, available in Dutch at: https://bit.ly/3wd87Cf.
475 Council of State, 26 November 2021, ECLI:NL:RVS:2021:2659, available in Dutch at: https://bit.ly/3SRzx9p.
476 Council of State, 4 June 2021, ECLI:NL:RVS:2021:1184, available in Dutch at: https://bit.ly/3OHIzn1.
477 Regional Court Den Bosch, 15 June 2022, ECLI:NL:RBDHA:2022:5724, available in Dutch at: https://bit.ly/3wk1Lkj.
478 CJEU, ECLI:EU:C:2024:195, 29 February 2024, available in English at: https://bit.ly/40sLR3M.
479 Council of State, 2 November 2022, ECLI:NL:RVS:2022:3147, available in Dutch at: https://bit.ly/42w3f7f.
480 Council of State, 26 April 2023, ECLI:NL:RVS:2023:1654, available in Dutch at: https://bit.ly/3OyyCII.

of State ruling, resulting in Work Instruction 2023/6. Based on this new Working Instruction, lower courts regularly ruled that, due to the statements or documents provided by the asylum applicant, the age registration in another Member State cannot be assumed to be a genuine adult age registration. This includes, among other things, statements by the asylum applicant about inadequacies in the age registration in the other Member State, or about the reasons why an age of majority was stated there.[481]

National case law has also confirmed that indicative documents, such as birth certificates, extracts from population registers, or school reports indeed have evidentiary value.[482]

On 9 October 2024, the Council of State issued an important ruling on age assessments, finding that the Government is precluded from using the principle of mutual trust as a justification for assuming that the applicant is of a certain age because they have been registered with such age in another Member State.[483] According to the Council of State, the use of age registrations in other Member States is not governed by EU law and is, therefore, not subsumed in the principle of mutual trust. While the Government is permitted to use other Member States' age registrations as evidence in the age assessment, such evidence has to be assessed in light of all other available evidence. The Minister has announced that Working Instruction 2023/6 on age assessments will be amended pursuant to this ruling. Working Instruction 2023/6 was repealed and replaced by Working Instruction 2025/1 on 5 February 2025.[484] In accordance with the ruling of the Council of State, the Working Instruction states that an age registration in another Member State is in itself not determinative of the age of the asylum seeker. Such registrations count as evidence of age, but must be considered together with other types of evidence, such as documentary evidence and the statements of the asylum seeker. The weight of the age registration in the age determination process has to be determined on a case by case basis.

On 14 February 2024, the Council of State importantly found that minors who have wrongfully been placed in a reception facility for adults (after an age assessment that wrongly classified them as adults) are allowed to sue for psychological damages.[485] On 15 May 2024, the Council of State found that there should be a legal remedy against decisions to transfer a minor from a reception facility for minors to a facility for adults pursuant to an age assessment finding that this person has reached the age of majority.[486] On 18 December 2024, however, the Council of State ruled that a decision to amend the age of the applicant pursuant to an age assessment where a final decision on the asylum application has not been made is not open to legal remedies because, *inter alia,* this assessment can be challenged in the final decision.[487] In addition, decisions by third organisations (such as schools or health insurance companies) based on the initial assessment in the asylum procedure (for example, by institutions of education) can be challenged separately with these third organisations.

Medical age assessment

If the officers from IND, DISA or KMar cannot conclude that the asylum applicant is evidently over 18 years of age, they cannot prove their minority of age, and there is no EU-Vis or Eurodac 'hit', a medical age assessment can take place.[488] This can be done also when the result is relevant for the evaluation

481 Regional Court Zwolle, 3 October 2023, available in Dutch at: https://bit.ly/3OEBgwx; Regional Court Groningen, 6 September 2023, ECLI:NL:RBDHA:2023:13419, available in Dutch at: https://bit.ly/4bwHsAf; Regional Court Middelburg, 28 July 2023, ECLI:NL:RBDHA:2023:11536, available in Dutch at: https://bit.ly/49ugHe5.

482 Regional Court Groningen, 6 September 2023, ECLI:NL:RBDHA:2023:13419, available in Dutch at: https://bit.ly/4bwHsAf; Regional Court Groningen, 1 August 2023, ECLI:NL:RBDHA:2023:11389, available in Dutch at: https://bit.ly/48cRe82; Regional Court Utrecht, 1 August 2023, ECLI:NL:RBDHA:2023:12970, available in Dutch at: https://bit.ly/3uuJ790; Regional Court Utrecht, 31 July 2023, ECLI:NL:RBDHA:2023:12621, available in Dutcht at: https://bit.ly/3URVyGz.

483 Council of State, ECLI:NL:RVS:2024:3992, 9 October 2024, available in Dutch at: https://bit.ly/4gQ0Omf.

484 IND, Working Instruction 2025/1 on age assessment, available in Dutch at: https://bit.ly/4szHlN6 .

485 Council of State, ECLI:NL:RVS:2024:613, 14 February, 2024, available in Dutch at: https://bit.ly/4adQFxm.

486 Council of State, ECLI:NL:RVS:2024:2011, 15 May 2024, available in Dutch at: https://bit.ly/4gQdz0g.

487 Council of State, ECLI:NL:RVS:2024:5256, 18 December 2024, available in Dutch at: https://bit.ly/4gWixsw.

488 Article 3.109d(2) Aliens Decree.

of which Member State is responsible for examining the application for a fixed-term asylum residence permit or the question whether the foreign national is eligible for reception conditions of the COA.

Article 25(5) Asylum Procedures Directive states that, if there is any doubt about the age of an unaccompanied minor foreign national, Member States can determine the age by means of a medical examination. This Article obliges Member States to provide additional procedural guarantees when it comes to an unaccompanied minor.

According to Work Instruction 2023/6,[489] if the IND has not yet received clarity about the age based on the inspection or any age registration in another Member State, the IND will ask MediFirst (in 2025 replaced by medTadvies) for a referral for a medical age assessment. The MediFirst doctors themselves carry out an examination to determine the age, comparable to an age inspection (*leeftijdsschouw*). If the referring doctors themselves conclude that the asylum applicant is clearly a minor or adult, this conclusion will be assumed and no (further) medical age assessment will be offered.

The medical age assessment is carried out according to the 'Protocol Age Assessment',[490] in which the entire procedure and technique can be read. This medical examination is carried out on the basis of X-rays of the clavicle, the hand and wrist.[491] Two radiologists examine if the clavicle is closed. If that is the case, the asylum applicant is considered to be at least 20 years old according to some scientific experts. A recent literature review by the Netherlands Forensic Institute (NFI) has shown that the youngest individuals with a fully matured collarbone are all at least 18 years old, where previously it was considered to be 20 years. Since 1 October 2022, an asylum applicant with a mature collarbone is assumed to be a minimum age of 18 years.[492]

It is the responsibility of the IND to ensure that the examination has been conducted by certified professionals and is carefully performed.[493] The age assessment has to be signed by the radiologist. The whole process is described in Work Instruction 2023/6. The age examination is carried out on behalf of the IND by the Netherlands Forensic Institute (NFI), the X-rays are made at the company 'Diagnostiek voor U' (*Diagnostics for you*).

It should be noted that the methods used in the medical age assessment process have been considered controversial,[494] which is also illustrated by the – at times very technical - discussions among radiologists referred to in the case law over the years.[495] These discussions were from 12-13 years ago. Two radiologists, independently from each other, examine the X-rays. When one radiologist considers that the clavicle is not closed, the IND has to follow the age of the asylum applicant as stated by themselves.[496] This method was criticised by the temporary Dutch Association of Age Assessment Researchers (DA-AAR). These researchers concluded that it is undesirable to base age assessment exclusively on four X-ray images; especially as various researchers have expressed serious doubts about these images that have not yet been the subject of public scientific discussion. Moreover, it was mentioned that if an age assessment is necessary, it should at least be performed by a multidisciplinary team using various methods, under the leadership of an independent child development expert.[497]

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489 IND, *Work Instruction Age Determination*, 8 June 2023, available in Dutch at: https://bit.ly/3uzRUq3.
490 Protocol leeftijdsonderzoek, IND, 16 December 2019, available in Dutch at: https://bit.ly/3TfaVrE.
491 Tweede Kamer, *Report of the Committee on Age assessment*, April 2012, available in Dutch at: http://bit.ly/2xIFvky, 7.
492 WBV 2022/23, 1 October 2022, available in Dutch at: https://bit.ly/48xp8Vb.
493 Article 3.2 GALA.
494 Tweede Kamer, *Report of the Committee on Age assessment*, April 2012, available in Dutch at: http://bit.ly/2xIFvky, 7.
495 See e.g. Regional Court Amsterdam, Decision No 10/14112, 18 December 2012. See also ECtHR, *Darboe and Camara v. Italy*, Application No 5797/17.
496 Tweede Kamer, *Report of the Committee on Age assessment*, April 2012, available in Dutch at: http://bit.ly/2xIFvky, 16.
497 Temporary Dutch Association of Age Assessment Researchers (DA-AAR), Age assessment of unaccompanied minor asylum applicants in the Netherlands, radiological examination of the medial clavicular epiphysis, May 2013.

Until 2016, a special commission, the Medico-ethical Commission (*Medisch-ethische Commissie*), supervised the practice of age assessment. Afterwards, such role was assigned to the governmental Inspectorate for Security and Justice (*Inspectie voor Veiligheid en Justitie*). Furthermore, the Authority for Nuclear Safety and Radiation Protection supervises the use of ionizing radiation (without medical purpose).

A medical age assessment should be seen as a tool of last resort, in order to minimise the exposure of possible minors to X-rays. Possible minors should also be well informed, with the help of an interpreter, about the method, purpose, consequences, risks and the procedures of the age assessment. The information should be provided in a manner appropriate to the level of age and developmental background of the possible minor, in a language that they have indicated understanding or which it can reasonably be assumed they understand, and in such a way that ultimately there is a situation of informed consent on the part of the possible minor.

The possible minor must also be informed of the possibility of any refusal to cooperate in this investigation and its consequences. Member States may not base the rejection of the application for asylum solely on the fact that the possible minor has not cooperated in the age assessment. If the individual involved agrees, they must give written permission for the investigation.[498]

Minors are represented by their legal guardians, such as the organisation Nidos, in the Netherlands. Their guardianship only ends if the outcome of the age assessment is that the applicant is evidently of age. Nidos only ends their guardianship if the age assessment has found that the person is an adult and the Court (upon exhaustion of all remedies available) has found that this assessment was correct. If the subject of the age assessment disagrees with its outcome, presenting a counter report realised by an expert is possible, but very difficult to arrange in practice. First of all, it is the asylum applicant's responsibility to contact a counter-expert. When the asylum applicant calls in a counter-expert, the IND will temporarily make the CD-ROM with X-ray images available to the counter-expert.

Case law made clear over the years that not every counter-expert assisting the asylum applicant will be recognised as suitable for the role.[499] The question arose whether there are sufficient counter-experts to be found in Dutch practice who have the required specific radiological expertise to act as a counter-expert in a legal proceeding. In 2016, parliamentary questions were put to the then Secretary of State about the possibility of having a counter-expertise carried out in age assessment procedures. The Secretary of State replied that the State is in consultation with the National Forensic Institute (NFI) and the IND to ensure that the actual availability and willingness of counter-experts is sufficiently guaranteed.[500] To date, the outcome of these consultations is not known to the authors of the report.

2. Special procedural guarantees

Indicators: Special Procedural Guarantees

1. Are there special procedural arrangements/guarantees for vulnerable people?
   ☐ Yes ☒ For certain categories ☐ No
   - ❖ If for certain categories, specify which: Unaccompanied minors
     Families with children
     Victims of torture or violence

2.1 Adequate support during the interview

Article 3.108b of the Aliens Decree sets out the obligation to provide adequate support to the applicant where they need procedural guarantees as per Article 24 of the recast Asylum Procedures Directive and

498 Article 25 (5)(c) APD and Article 3.109d(3) Aliens Decree.

499 See for example: Regional Court of Dordrecht, 08/15291, 22 April 2011, available in Dutch at: https://bit.ly/41DsMvk ; and Regional Court of Middelburg, ECLI:NL:RBDHA:2022:5024, 20 May 2022, available in Dutch at: https://bit.ly/4ky1WgR.

500 Kamervragen nr. 314 'over leeftijdsonderzoek bij amv's', available in Dutch with a *Vluchtweb* account at: https://bit.ly/4iCXkEj.

Article 29 of its preamble. The notion of 'adequate support' (*passende steun*) is further elaborated in the IND Work Instruction 2015/8, also citing Work Instruction 2010/13, which provides a non-exhaustive list of special guarantees such as:[501]

- Attendance of a person of confidence or family members in the interview;[502]
- attendance of the lawyer in the interview;
- additional breaks during interviews, including splitting the interview in several days;
- additional explanation about the interview;
- the opportunity for an applicant with physical impairment such as back aches to walk in the interviewing room during the interview;
- leniency from the interviewing officer on small inconsistencies and contradictions; or
- postponement of the interview to a later date.

Further adjustments to the interview could be that a female employee of the IND will conduct the interview in cases of a female asylum applicant who has suffered sexual violence, but only if a female employee is available. It is not supposed to slow down the entire process. Asylum seekers cannot delay the interview on account of their gender preference of the IND interviewers not being available.

In 2021, two new Work Instructions came into effect, Work Instruction 2021/09 and WI 2021/12,[503] dealing with the issue of 'special procedural guarantees' and with 'medical issues concerning the interview and decision-making process in asylum cases'. They are a conformation and continuation of the previous Working Instructions mentioned in the previous chapter, which had been into effect for several years. As of the moment of drafting this report, Work Instruction 2021/9 is still valid and Work Instruction 2021/12 has been replaced by Work Instruction 2024/9, as described above.

According to preamble Recital 29 and Article 24 of the recast Asylum Procedures Directive, some applicants may be in need of special procedural guarantees on the grounds of, *inter alia*, their age, gender, sexual orientation, gender identity, disability, serious illness, mental illness or as a result of torture, rape or other serious forms of psychological, physical or sexual violence. Member States should endeavour to recognise applicants with those special procedural guarantees as such before a decision is taken at first instance. However, this does not mean that any asylum applicant involving one or more of these circumstances as mentioned above, must by definition be regarded as vulnerable and in need of extra procedural support. Nonetheless, extra alertness is required when one or more of these circumstances an asylum applicant has been identified, and the IND employee must assess whether, and if so, which support in the asylum procedure is needed.

The IND did not establish specialised units dealing with vulnerable groups. However, since 2012, every caseworker has to follow the EUAA training module on Interviewing Vulnerable Persons.[504] In cases in which many new IND hearing and decision officers were recruited and involved for the first time in the interviewing and decision process, it was observed by either local volunteers of the Dutch Council for Refugees (VWN) assisting asylum applicants with their procedure, or by their legal representatives in individual cases, that IND caseworkers often lacked the required training to deal with asylum applicants with special needs. When there are clear signs that the special procedural guarantees that must be granted in asylum interviews have not been met, this can be used as a legal argument to appeal the negative outcome of the asylum decision by the IND in court. However, a certain threshold needs to be met in order for courts to recognise the wrongdoings and impose a sanction. Work Instruction 2021/13 on the asylum interview establishes that every IND hearing and decision officer is obliged to take several EUAA training courses,[505] such as the above-mentioned training on interviewing vulnerable persons. The Council of State had ruled, on 3 October 2017, that the sole circumstance that a hearing officer did

501 IND, Work Instruction 2015/ Special procedural guarantees, 20 July 2015, 6, available in Dutch at: https://bit.ly/48zBFaB.

502 This was confirmed as a form of adequate support in Council of State, ECLI:NL:RVS:2017:2115, 3 August 2017, available in Dutch at: https://bit.ly/3UOrtl6.

503 IND Work instructions, 2021/9, 25 June 2021, available in Dutch at: https://bit.ly/49Q0lwI and IND Work instruction 2021/12, 25 June 2021, available in Dutch at: https://bit.ly/4iKNW20.

504 Tweede Kamer, 2013-2014, Aanhangsel 636.

505 IND Work Instruction 2021/13, 25 June 2021, available in Dutch at: https://bit.ly/3wFP0Rh.

not follow the relevant course does not automatically mean that the interview did not meet due diligence requirements.[506]

The refusal to recognise an asylum applicant's right to special procedural guarantees is not considered as a decision that can be subjected to an appeal. However, the asylum applicant can object to being denied such right in the appeal against the negative decision on the asylum application itself.

In a 2020 judgment, the Council of State confirmed that the Minister should have investigated appropriate forms of information gathering, taking into account the medical history of the asylum applicant. The file showed that the asylum applicant could not be interviewed by the IND for medical reasons, which should have led the Minister to involve the Medical Advice Office *(Bureau Medische Advisering, BMA)*. The Minister could not fulfil its obligations simply asking the asylum applicant to demonstrate his need for international protection in an alternative manner.[507] This ruling was confirmed by the Council of State in its ruling of 29 December 2025.[508]

2.2 Exemption from special procedures

In the regular procedure ('Track 4'), all asylum applicants are channelled into the short asylum procedure. This implies that even asylum applicants who are victims of rape, torture or other serious forms of psychological, physical or sexual violence, will initially access this procedure, regardless of the fact that in most of these cases more time and investigation is needed (for example, a medical report had yet to be prepared). In such cases, the application will be referred to the extended procedure which could last up to 6 months before a decision in first instance needs to be taken.[509]

The Accelerated Procedure ('Track 2') is not applicable to unaccompanied minors. This was not regulated in the Aliens Decree or Circular. The implementation of Work Instruction 2021/14 (as of 25 June 2021),[510] however, excludes underage unaccompanied minors from the Track 2 procedure, which can be described as a good practice.

Track 2 is primarily intended for asylum applicants who have limited chances of being granted international protection in the Netherlands, as in the case of asylum applicants from safe countries of origin, asylum applicants that have already received international protection in another European Member State or who are EU citizens. In practice, the aspect of being an underage unaccompanied minor takes precedence over the other Track 2 elements.

From 20 July 2015, the Netherlands introduced a border procedure in the national asylum legislation. The border procedure concerns – briefly said – the procedure at the border (or in a transit zone) in which decisions are taken on the asylum application from a foreign national who expressed at the 'Schengen external EU border' a wish to submit an asylum application and does not meet the conditions for granting access to the territory of the Netherlands.

Given that it takes place in detention, the Border Procedure is not applicable to:

- unaccompanied children (minors);[511]
- families with children, where there are no counter-indications such as a criminal record or family ties not found real or credible;[512]
- persons for whose individual circumstances border detention is disproportionately burdensome;[513] and

506 Council of State, ECLI:NL:RVS:2017:2692, 3 October 2017, available in Dutch at: https://bit.ly/4bxHx6N.
507 Council of State, ECLI:NL:RVS:2020:2057, 26 August 2020, available in Dutch at: https://bit.ly/3SShhvr.
508 Dutch Council of State,ECLI:NL:RVS:2025:6308, 29 December 2025 https://bit.ly/4tlTgy9.
509 See Amnesty International, 7 March 2023, Slachtoffers van seksueel geweld blinde vlek in asielprocedure, available https://bit.ly/3OsoUKW.
510 IND Work instruction, 2021/14, 25 June 2021, available in Dutch at: https://bit.ly/42RFGpJ.
511 Article 3.109b(7) Aliens Decree.
512 Paragraph A1/7.3 Aliens Circular.
513 Article 5.1a(3) Aliens Decree.

- ❖ persons who are in need of special procedural guarantees on account of torture, rape or other serious forms of psychological, physical and sexual violence, for whom adequate support cannot be ensured.[514]

For the cases of applicants in need of special procedural guarantees or for whom detention at the border would be disproportionately burdensome, the IND Work Instruction 2022/15 clarifies that vulnerability does not automatically mean that the applicant will not and cannot be detained at the border.[515] The central issue remains whether detention results into a disproportionately burdensome situation for the asylum applicant as mentioned in Article 5.1a (3) of the Aliens Decree in view of their 'special individual circumstances'. Whether there are such 'special individual circumstances' must be assessed on a case-by-case basis and can be derived for instance from a (MedTadvies) medical report or from a 'signalinglist' *(signaleringslijst)* handed it by the asylum lawyer or the Dutch Council for Refugees (VWN), when there are clear signs of physical or psychological burdens. The previous IND Work Instruction provides two examples of such circumstances: where a medical situation of an asylum applicant leads to sudden hospitalisation for a longer duration, or where the asylum applicant suffers from a serious mental disorder.[516]

The decision establishing detention at the border must list the reasons for which the IND, while taking into account the individual and special circumstances produced by the asylum applicant, is of the opinion that the asylum applicant can be detained. For example, where the IND is of the opinion that the border security interest should prevail over individual circumstances.

If during detention at the border special circumstances arise which are disproportionately burdensome for the asylum applicant concerned, the detention will end, and the asylum applicant will be placed in a regular reception centre. The insurgence of such circumstances should thus be monitored. However, given the fact that from the perspective of national authorities, granting easy access to the country's territory could undermine internal security and public order interests, even in cases of vulnerable people requiring special procedural guarantees. This opportunity is generally not granted. Incidentally, it is possible for the State to transfer the foreign national to a specialised psychiatric institution ('Veldzicht') during the border procedure, without them being considered as having gained legal access to Dutch territory.

Human trafficking victims

Special measures, not limited to the asylum procedure, also exist for victims of human trafficking. Trafficking in human beings is intended as the recruitment, transport, transfer, reception or housing of people, with the use of coercion (in a broad sense) and with the aim of exploiting those people. It does not have to happen across borders. The (intended) exploitation is the core of human trafficking. It is therefore regarded as a crime against the person. The difference between human trafficking and human smuggling is that the latter involves assisting people in entering or transiting through a country illegally. Migrants usually choose and pay for this themselves. Human smuggling is therefore a crime against the state.[517]

In short, the Residence Scheme for Trafficking in Human Beings consists of a possibility to stay on temporary and on non-temporary humanitarian grounds. The conditions for granting a residence permit are described in Article 3.48 Aliens Decree jo. paragraphs B8 and B9 Vc Aliens Circular. These are all regular, non-asylum, residence permits, the applications of which are processed by the so-called 'gender units' of the IND. This application procedure can run in parallel with the asylum procedure.

514 Article 3.108 Aliens Decree.
515 IND Work Instruction 2022/15, 22 July 2022, available in Dutch at: https://bit.ly/431M1Pu.
516 IND, Work Instruction 2017/1 Border procedure, 11 January 2017, 5, available in Dutch at: https://bit.ly/3SXji9I.
517 IND, Work Instruction 2007/16 Victims of human trafficking in the asylum procedure, 18 December 2007, available in Dutch at: http://bit.ly/1MjGx5i.

Victims of trafficking who have been refused asylum can be granted a temporary permit on a regular non-asylum ground. During a reflection period of 3 months, the asylum applicant has to consider whether they report a crime and/or wish to cooperate with the authorities trying to prosecute the trafficker. During the reflection period, a victim has the right to receive a social security contribution, health insurance, legal support and housing, for example. After reporting the crime, if further prosecution is halted, or cooperation with the investigating authorities stopped, the temporary residence permit on regular grounds will be revoked. While a prosecution is being filed or in a lengthy criminal trial (more than 3 years), the victim of trafficking becomes eligible for a residence permit on non-temporary grounds.[518]

In 2021, a Working Instruction dealing with human trafficking in asylum cases (WI 2021/16) was adopted.[519] Human trafficking is considered as a serious crime, and the IND contributes to tackling it. Being a victim of human trafficking can also be presented as the core of an asylum claim. In that context, apart from signalling, IND caseworkers have an additional role to play, namely the assessment of whether that motive is grounds for granting an asylum residence permit. In addition, an *ex officio* test of victimhood from human trafficking is carried out in asylum cases.

In theory, being a victim of human trafficking can lead to being acknowledged as a refugee or being granted subsidiary protection status. However, for that to be the case, exploitation must reach the (high) level of an act of persecution and be related to race, nationality, religion or political conviction of the foreign national. It is important to note that victims of human trafficking are in principle not seen as a 'social group' within the meaning of the Refugee Convention. In practice, not many asylum applicants are granted protection on the ground of being a victim of human trafficking.[520]

In January 2024, Work Instruction 2021/16 was replaced by Work Instruction 2024/1.[521] It nearly stayed the same, but the most important adjustment is that the requirement of non-lawful residence for offering a cooling-off or 'reflection' period has been removed, following the ruling of the CJEU on 20 October 2022.[522] In this ruling, the CJEU answered the preliminary questions asked by the District Court Zwolle about the cooling-off or reflection period that a victim of human trafficking is given to take a decision on cooperating in the prosecution of the perpetrators of human trafficking. The transfer decision in Dublin cases may be taken but not carried out during the cooling-off or reflection period.[523]

Victims of human trafficking may also be eligible for subsidiary protection. In that case, there must be a real risk of serious harm upon return to the country of origin, combined with a lack of access to adequate protection. That might be the case when criminal trafficking networks against which the authorities cannot provide protection are active in the country of origin. However, applicants are not often granted subsidiary protection in such cases.

The Work Instruction (2021/18, 12 October 2021) on the ‘assessment of the plausibility of the human trafficking account’ [524] is a manual for the assessment of applications for a humanitarian non-temporary residence permit based on special individual circumstances (after residence as a victim or victim-declarant of human trafficking). This Work Instruction was followed in March 2023 by Work Instruction 2023/5, the content of which - remained virtually the same, and is still valid as of the date of drafting of this report.[525] In 2025, VWN did not see major court cases on this topic.

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518 See 3.48 Vb, B8, B9 Vc.

519 IND, Work Instruction 2021/16, *Human trafficking in the asylum procedure*, 14 July 2021, available in Dutch at: https://bit.ly/3KQIARi.

520 IND, Work Instruction 2021/16, *Human trafficking in the asylum procedure*, 14 July 2021, available in Dutch at: https://bit.ly/42YNjun.

521 IND, Work Instruction 2024/1, *Human trafficking in the asylum procedure* available in Dutch at: https://bit.ly/4jc2jNi.

522 CJEU Case C-66/21 Judgment - 20/10/2022 - *Staatssecretaris van Justitie en Veiligheid (Eloignement de la victime de la traite d’êtres humains)* ECLI:EU:C:2022:809, available in English at https://bit.ly/4gXR4GC.

523 Ibid.

524 IND, Work Instruction 2021/18 ‘assessment of the plausibility of the human trafficking account’, 12 October 2021, available in Dutch at: https://bit.ly/4bVl3x4.

525 IND, Work Instruction 2023/5, available in Dutch at: https://bit.ly/3SVHPff.

3. Use of medical reports

Indicators: Use of Medical Reports

1. Does the law provide for the possibility of a medical report in support of the applicant's statements regarding past persecution or serious harm?
   ☒ Yes ☐ In some cases ☐ No
2. Are medical reports taken into account when assessing the credibility of the applicant's statements? ☒ Yes ☐ No

As explained earlier in this AIDA report, 'every' asylum applicant under the general asylum procedure ('Track 4') should be invited by the IND to be seen by MedTadvies prior to the regular interviews with the IND. This in order to assess whether they can be interviewed with or without special guarantees (see Identification),[526] and to see if there are limitations in one person's ability to give a full, coherent and consistent account of ones asylum story that needs to be taken into account when hearing an asylum applicant and should be taken into account by the IND when deciding on an asylum request.

The IND also has - since the implementation date of the recast Asylum Procedures Directive in 2015 - the legal obligation under Article 18(1) to medically examine asylum applicants in connection to their reasons for requesting protection if they consider it 'relevant' for the decision-making process. Obviously, the qualification of its relevancy has been subject to many litigations whereas the asylum applicant claims that a forensic medical examination by the government was 'relevant' and needed, and the government argued that it was not relevant because the non-credibility of the asylum story could be based on other factors. Although the obligation to conduct a medical examination is now explicitly incorporated in Dutch law and policy, it is legitimate to claim the Dutch authorities already had this obligation due to rulings of the ECtHR,[527] and the UN Committee Against Torture (CAT).

According to Paragraph C1/4.4.6 of the Aliens Circular, the following criteria are taken into consideration by the IND when making this assessment under Article 18(1) of the directive:

- Whether a 'positive' medical examination can in any way lead to an asylum permit;
- the explanations of the asylum applicant on the presence of significant physical and/or psychological traces;
- Submitted medical documents in which reference is made to significant physical and/or psychological traces;
- The presence of other evidence in support of the proposition that return to the country of origin would lead to persecution or serious harm;
- The explanations of the asylum applicant on the cause of physical and/or psychological traces in relation to public available information about the country of origin;
- Indications of the presence of scars, physical complaints and/or psychological symptoms coming from: (a) the medical advice 'to hear and to decide'; (b) the reports of the interviews; and (c) other medical documents.

As such, national legislation guarantees the possibility to use a (forensic) medical report as supportive evidence.[528] That had not always been the case. Till around 2005 - 2010 the general legal perception in the Netherlands was that medical supportive evidence only had a very limited role to play in the decision-making process, due to the fact that the outcome of such supporting evidence could not give a 100% certain answer about the who, when, why and where questions that could be asked concerning existing scars and other physical harm.

As mentioned earlier, Dutch law and policy provides that a forensic medical examination has to be done, but only if the IND finds this **relevant** for the outcome of the examination of the asylum application. If

526 Article 3.109 Aliens Decree.
527 For example: ECtHR, *R.C. v. Sweden*, Application No 41827/07, Judgment of 9 March 2010, and ECtHR, *R.J. v France*, Application No. 10466/11, Judgment of 19 September 2013, available in French at: https://bit.ly/49qQHjO.
528 Article 3.109e Aliens Decree.

this is the case, the IND can ask an independent third party, for instance the Dutch Forensic Institute (*Nederlands Forensisch Instituut*, NFI) and/or the Dutch Institute for Forensic Psychiatry and Psychology (*Nederlands Instituut voor Forensische Psychiatrie en Psychologie, NIFP*), to conduct the examination.[529] The IND bears the costs of this examination. Previous AIDA reports prior to 2022 indicated that annually, approximately between 15-20 times, these organisations were asked by the State to perform a medical examination and to establish a medico-legal report. In 2022 journalistic investigations brought to light the fact that only a handful of such medico-legal reports were written annually.[530] That lead to the conclusion that, according to the Dutch Council for Refugees (VWN), the Dutch government is not fully fulfilling its obligation under Article 18(1) of the recast Asylum Procedures Directive.

As of 1 January 2025, the IND terminated its contract with the NFI/NIFP. That meant that, to the knowledge of VWN, in 2025 no Forensic Medical assessments have taken place on the request of the government, therefore totally undermining its obligations under Article 18(1) of the APD. Given the low numbers of issued medical legal reports for the last couple of years, and the termination of the contract with NFI/NIFP in 2025, VWN fears that the use of medico-legal reports as a form of supportive medical evidence is and will be given a low priority by the Dutch government.

If the asylum applicant is of the opinion that a forensic medical examination still needs to be conducted, without the IND supporting this view, the asylum applicant can, according to Article 18(2) from the same Directive, seek one on their own initiative. Who will bear the costs of such a medico-legal report has been and still is until this day subject to litigation.

The objective of such medico-legal report is to establish the likelihood that the physical effects (for instance scars) or psychological complaints reported by the asylum applicant actually stem from the facts as detailed in their asylum claim. Another objective can be to examine whether the physical and psychological situation of the asylum applicant might have affected a persons' ability to detail their asylum claim in a complete, consistent and coherent manner in front of the IND.

An NGO, called iMMO (institute for Human Rights and Medical Assessment (*instituut voor Mensenrechten en Medisch Onderzoek*)[531] has the specific expertise to medically examine asylum applicants (physically and psychologically) at their request, resulting in a forensic medico-legal report. IMMO is not funded by the government, but by other NGOs such as the Dutch Council for Refugees (VWN) and Amnesty International, among several others. IMMO was founded in 2012 and operates independently. It started as a very small organisation that mainly relied on (former) professionals – especially physicians and psychologists – who have the required knowledge and expertise, who committed themselves on a voluntary basis and who are not bound to IMMO by an employment contract. These assessors are trained by iMMO and perform medical assessments working independently within the framework of their professional responsibility. In the last few years, the balance between paid professional staff and unpaid professional volunteers shifted towards having more paid staff. Both the staff and the volunteers from iMMO perform medical forensic examinations. They do not charge the asylum applicant or their legal representatives, although the legal representative of the asylum applicant is, according to the rules set by iMMO, obligated to try to get the expenses for the examination and the writing of a report reimbursed by the IND..

IMMO's role is 'codified' in the Aliens Circular and the Council of State has accepted its authority as being an expert in its field.[532] What makes iMMO unique is its working method. Medico-legal reports are realised because of the combined effort of both medical doctors and psychologists/psychiatrists and work under the Istanbul Protocol.

529 IND, Work Instruction 2016/4 Forensic medical examination for supporting evidence, 1 July 2016, available in Dutch at: https://bit.ly/3OYxhej.

530 ARGOS, 1 October 2022, 'IND rarely researches refugee applicant's trauma', available in Dutch at: https://bit.ly/3LKV4w0.

531 See: http://bit.ly/3Lkmyd3/.

532 Paragraph C1/4.4.6 Aliens Circular. See Council of State, ECLI:NL:RVS:2013:621, 31 July 2013, available in Dutch at: https://bit.ly/3SCp3tp.

Besides forensic medical assessments, iMMO offers advice and consultation to professionals having questions regarding, amongst others, medical aspects of the asylum procedure. IMMO also provides training and education for the IND, the judiciary, asylum lawyers and the Dutch Council for Refugees (VWN), e.g., regarding the early recognition of victims of torture or inhuman treatment. IMMO participates in an international community of institutions specialized in the reception, assessment and treatment of victims of torture and inhumane treatment.

IMMO conducts a lengthy and thorough examination on the applicants' physical and psychological signs and symptoms and assesses the correlation of these with the asylum applicants own account, using the qualifications of the Istanbul Protocol. In its reports, iMMO also comments on whether the physical and psychological situation of the asylum applicant might have affected their ability to tell his/her story in a complete, consistent and coherent manner, both in the past and in the present and to what degree.

When starting in 2012, iMMO issued annually around 100 Forensic Medical Reports. In 2020, this number decreased significantly due to the Corona limitations. In 2020 and in 2021, iMMO conducted around 55 medical examinations a year, and around 50 in 2022. In 2023, this number increased to approximately 70 reports per year. In 2024, this number fell down to around 45 issued medical reports. The main reason for this decline was that iMMO suffered operationally form several personnel changes. The number of requested medical examinations by (asylum) lawyers was around 70 for the year 2025. At the moment, the time needed from administrating a request for an examination until a finished report is on average between 10 and 12 months.

Some of these medical reports by iMMO were delivered long after the interviews from the asylum applicant with the IND had taken place, especially in the case of repeated asylum claims. Because of this time-lapse, the Council of State initially considered that iMMO was not able to conduct a proper assessment years later and concluded that their reports were not relevant. In its landmark judgment of 27 June 2018, the Council of State changed its previous position and ruled that the iMMO reports could be relevant when assessing the question whether or not physical or psychological limitations were in place in the past, preventing the applicant from telling a coherent, complete and consistent asylum story at that time, when the assessment/report is based on medical documents and medical information which were issued by the time the interviews took place.[533]

In 2016, the Dutch Government expressed a clear vision on the implementation of the Istanbul Protocol.[534] In the past, certain members of the government stated that the practice of the Dutch asylum system was in accordance with this Protocol, without specifying on which points. Amnesty International, the Dutch Council for Refugees and Pharos started a project in 2006 to promote the implementation of the Istanbul Protocol in the Dutch legislation, which resulted, *inter alia*, in a major publication on the issue.[535] This publication has been an inspiration for the national and European policy makers in asylum-related affairs and still holds value today. One of the recommendations from the publication was to provide more awareness to vulnerable groups of asylum applicants prior to the processing of their asylum applications, which has been an important issue in the recast proposals of the Reception Conditions Directive and Asylum Procedures Directive. Another recommendation was to use medical evidence as supporting evidence in asylum procedures, which has been addressed by Article 18 of the recast Asylum Procedures Directive.[536]

The main legal questions at this moment concerning the value of medico-legal reports in the Dutch asylum procedure are:

- How does such a report need to be weighed and addressed by the State?

533 Council of State, ECLI:NL:RVS:2018:2085, 27 June 2018, available in Dutch at: https://bit.ly/2TxB2ZB.
534 Work Instruction 2016/4 refers to the Istanbul Protocol.
535 René Bruin, Marcelle Reneman and Evert Bloemen, 'Care Full, Medico-legal reports and the Istanbul Protocol in asylum procedures' (2008) 21:1 Journal of Refugee Studies, 134.
536 No explicit reference is made, however, in the explanatory notes on the implementation of Article 18 recast Asylum Procedures Directive: Tweede Kamer, Explanatory notes on the implementation of the recast Asylum Procedures Directive, Vergaderjaar 34 088, number. 3, 2014-2015.

- When is there an obligation for the State to start and conduct such a medical investigation or a follow up medical investigation?
- What exactly is the legal meaning of the word 'relevant' (concerning the question for the State whether or not starting a medical investigation by itself)
- Does a State have to wait with deciding an asylum request upon the completion of a medical report by a third party (for example by IMMO)?
- Can a medical legal report make an incredible asylum story become credible?
- When should an asylum applicant be given the benefit of the doubt?
- The State assumes that when the possibility for the applicant to give full, coherent, consistent and complete statements is limited by assessed limitations, a medico legal report should be able to distinguish to what elements of the story the limitations are in place and to what elements they are not. Does the medical scientific community accept this assumption by the State?
- How does national case law set by the national courts and the national immigration services relates to the international case law as laid out by the ECtHR and the CAT?[537]

Outcomes of cases evaluated by lower regional courts tackling these questions have varied significantly, mostly based on the story of the individual asylum applicant and legal arguments brought forward by their legal representative. Additionally, the highest judicial body, the Council of State seldomly issues fully motivated verdicts and even the motivated verdicts can be interpreted differently.

In 2022, the Dutch Council for Refugees (VWN) analysed around 100 new public decisions by lower courts and the Council of State dealing with medical support evidence, IMMO and MediFirst. Around 90 of them were decisions by lower courts, while 6 were issued by the Council of State. 2022 also saw 2 complaints presented before the European Courts of Human Rights and the Anti-Torture Committee to be deemed inadmissible (without motivation). In around 60 out of 90 decisions by lower courts, the foreign national successfully appealed the negative decision from the IND. The success rate to appeal a negative IND decision was higher in 2022 compared to previous years. More and more court decisions appear to be critical towards the policy and practises of the Secretary of State in this domain, questioning whether the State should have initiated its own forensic medical report, whether vulnerable asylum applicants were given proper care, or whether the IMMO report should have been taken into account when dealing with credibility issues.

One judgment by the Council of State should be highlighted on this matter. On 7 December 2022, the Council of State ruled that the so called 'component requirement' was no longer tenable.[538] The 'component requirement' means that if in a forensic medico-legal report the examiner (for instance IMMO) has come to the conclusion that the physical and psychological situation of the asylum applicant might have affected (heavily) their ability to tell their asylum story in a complete, consistent and coherent manner during the interviews with the IND, the examiner should be able to pinpoint directly which components of the asylum story the assumed limited ability affects. The component rule had been laid down by the Council of State in its landmark ruling from 27 June 2018, as mentioned earlier. In 2018 and 2019, both the IND and many lower courts rejected IMMO's view that from a medical scientific point of view, the component requirement cannot be met in a way that would be satisfactory for the IND and the legal courts. Since 2020, the balance has shifted in caselaw. More courts have adopted the view expressed by IMMO, leading to the above-mentioned judgment in which the Council of State abandoned its view adopted in 2018. This judgment is an important one, strengthening the position and value of medico-legal reports in the Dutch asylum procedure. In 2025, VWN concluded that the landmark ruling by the Council of State on 7 December 2022, was still applicable. Several subsequent rulings have referred to this decision, essentially stating that the IND must make new decisions taking the 7 December 2022 ruling into account.[539]

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537 ECtHR - R.J. v. France, Application No. 10466/11, 19 September 2013, available at: https://bit.ly/428kA6C; ECtHR - R.C. v Sweden, Application No. 41827/07, 9 June 2006, available at: https://bit.ly/4iHZVNC.

538 Council of State, ECLI:NL:RVS:2022:3615, 7 December 2022, available in Dutch at: https://bit.ly/3w8nKLg.

539 Council of State ECLI:NL:RVS:2024:3074, 31 July 2024, available in Dutch at: https://bit.ly/4gX65sl, Council of State 13 December 2023, available in Dutch at: https://bit.ly/4juaHIg; Council of State ECLI:NL:RVS:2023:4067, 11 February 2023, available in Dutch at https://bit.ly/40tx4Vn.

Another relevant ruling is that of 7 November 2023,[540] in which the Council of State upheld the appeal of an asylum applicant against a negative ruling of a lower court. The Council of State agreed that the Minister had not provided proper reasons for deciding not to start its own medico legal examination by NFI/NIFP. It ruled that during the whole asylum procedure, the Minister had missed several signs of physical and psychological complaints by the asylum applicant brought forward during the interviews and in the asylum applicant handing over medical files. Therefore, it could not have ruled that the asylum story lacked credibility without any further medical examination.

Moreover, the ruling of the Council of State from 13 December 2023[541] is also important. In a court procedure that spanned over many years, the Council of State ruled that the conclusion by iMMO that an enormous feeling of shame, caused the asylum applicant's inability to speak earlier in the asylum procedure about sexual violence and torture, should be considered by the IND. The IND did not believe the torture and sexual abuse story since the asylum applicant was able to talk about it only later in the procedure. The IND wrongfully neglected to consider the medico legal report by IMMO that was introduced into the procedure. The Council of State clearly stated that shame and avoidance behavior in response to sexual violence and torture - if properly investigated and substantiated, such as with an expert medico-legal report - can be a justified reason why an asylum applicant did not dare to make a statement about this immediately during a first asylum application.

In 2023 the Dutch Council for Refugees (VWN) conducted another survey of the publicly available case law from the year 2023 on medical support evidence, medico legal reports, iMMO and MediFirst cases. What stood out the most is that the total number of cases dealing with the above-mentioned issues was much lower compared to the previous years (55 cases in 2023 versus around 100 cases in 2022). What also stood out was the relatively high number of cases from the Council of State (13 out of 55). Most of these referenced and reaffirmed the 7 December 2022 decision in which the 'component requirement' was abandoned. Moreover, in cases dealing specifically with iMMO or with MediFirst issues, an overwhelming majority of lower court decisions (28 out of 41) ruled in favour of the asylum applicant. Therefore, it is safe to say that, according to numbers by iMMO, in over two-thirds of all the cases in which an iMMO medico-legal report is introduced, this will eventually lead to some form of residence granted to the asylum applicant by the IND.

In 2024, a same survey was conducted by the Dutch Council for Refugees (VWN). The total number of registered cases dealing with medical support evidence issues through either iMMO or MediFirst was around 60. This number is a little higher compared to the numbers registered in the survey of 2023 but still below the numbers in 2022 or prior to the Covid-19 years. Out of 60 cases, around 10 were decided by the Council of State and the other ones by lower courts. The 10 cases by the Council of State were not that significant and mostly dealt with minor issues. Out of the 50 cases decided by lower courts, there were less than 20 cases dealing specifically with the involvement of iMMO. A majority of those were ruled in favour of the asylum applicant. Out of 50 cases decided by lower courts there were around 30 cases dealing with the MediFirst medical advice (non iMMO cases). A majority of those were ruled in favour of the asylum applicant as well.

In 2025, again the same survey was conducted by VWN. The total number of registered cases dealing with medical support evidence issues concerning either iMMO or MediFirst/MedTadvies was a little over 75. This number is significantly higher compared to the numbers registered in the survey of 2023 and 2024, but still below the numbers in 2022 or prior to the Covid-19 pandemic years. Out of 75 cases, around 8 of them were decided by the Council of State and the other ones (over 65) by lower regional courts. Most of the 8 cases decided by the Council of State favoured the government. Of the 65 cases decided by lower regional courts, there were a little over 20 cases dealing specifically with the involvement of iMMO. The rest of them dealt with MediFirst/MedTadvies issues or dealt with the question whether the government should have started a forensic medical assessment on its own as mentioned in Article 18 (1) APD. The survey showed that the rulings in favour of the applicant and or the government

540 Council of State, 7 November 2023, ECLI:NL:RVS:2023:4098, available in Dutch at: https://bit.ly/48rcSpj.
541 Council of State, ECLI:NL:RVS:2023:4620, 13 December 2023, available in Dutch at: https://bit.ly/499eNj8.

were nearly split in half. This shows that compared to the last couple of years it was harder for the asylum applicant to get a favourable ruling in court.

As mentioned, the Council of State did not issue a major ruling in 2024. However, a landmark ruling was issued on 2 April 2025.[542] The Council of State ruled on iMMO's approach to the question in an iMMO study to what degree of likelihood psychological problems could possibly have affected the ability to explain complete, coherent and consistently during the IND interview. The Council of State, following the medical expert they consulted themselves, ruled that the iMMO methodology should be more in line with current scientific understanding of how PTSD affects memory and what effect that has on the applicants' ability to explain themselves in asylum cases. By demanding such individual research about an applicant's memory, the Council of State ruling might lead to a heavier and perhaps impossible burden of proof for the asylum applicant and to an undesirable medicalization of the asylum procedure, according to VWN and scholars.

The direct consequence of the ruling is that the IND does not have to accept the iMMO reports where such an in individual research of one's memory is lacking. Instead, the IND can rely on its own credibility assessment of the asylum story, without having to take the iMMO's report into account. In the meantime, the IND also tries to downplay the total value of the iMMO medico-legal reports by also questioning the validity, methodology and outcome concerning the medical assessment as supporting medical evidence. The second half of 2025 we saw several rulings of the Council of State upholding its own ruling of 2 April 2. VWN observed how lower regional courts most of the times followed the cited ruling of the Council of State when dealing with cases linking PTSD with the lack of an individual memory assessment, but took a different outcome concerning the value of iMMO reports as supporting medical evidence (e.g., the existence of scars).

Also, in 2025 some rulings were expected by the Council of State regarding the issue of reimbursement of the cost incurred by iMMO when conducting a medical examination resulting in a medical legal report. The central questions were the following: should the State bear the costs of medical reports by iMMO and under what circumstances? Is there a difference between first asylum requests and repeated asylum requests? Does it matter what the outcome has been of the asylum request itself, does it matter which role a medical legal report by iMMO had played in the decision-making process by the IND? The Council of State did, however, not address this issue in 2025.

4. Legal representation of unaccompanied children

4.1. General

Indicators: Unaccompanied Children

1. Does the law provide for the appointment of a representative to all unaccompanied children?
☒ Yes ☐ No

Children are considered to be unaccompanied if they travel without their parents or their guardian and their parents or guardian are not already present in the Netherlands. One is considered as a 'child' (underage) when under the age of 18. However, an underage mother aged 16 or more can request the Juvenile Court to be emancipated in order to raise and care for their child.[543]

In principle, the same conditions apply to unaccompanied children and adults when it comes to eligibility for a residence permit. However, unaccompanied minors seeking asylum are considered as particularly vulnerable compared to adult asylum applicants and therefore specific guarantees apply. As a general rule, unaccompanied asylum-seeking minors are interviewed by employees of the IND who are familiar with their special needs.[544] The IND employees conducting these interviews have followed the EUAA

542 Council of State, ECLI:NL:RVS:2025:1472, 2 April 2025, available here.
543 Articles 1.233 and 1.253ha, Dutch Civil Code.
544 Section C1/2.11 Aliens Circular.

course on interviewing vulnerable persons, but this is not prescribed by law.[545] As other applicants, unaccompanied minors will be screened by MedTadvies in order to determine if there are special needs for the interview (see Screening of vulnerability).

Unaccompanied children may lodge an asylum application themselves. However, in the case of unaccompanied children younger than the age of 12, their legal representative or their guardian has to sign the asylum application form on their behalf.

A guardian is assigned to every unaccompanied child. Nidos, the independent guardianship and (family) supervision agency, is responsible for the appointment of guardians for unaccompanied asylum seeking children in a reception location.[546] Under the Dutch Civil Code, all children must have a legal guardian (a parent or court appointed guardian).[547] For unaccompanied children, Nidos will request to be appointed as guardian by the juvenile court.[548] Even though formal guardianship is assigned to the organisation, individual professionals, called 'youth protectors', carry out the tasks.

There is no time limit for the appointment of a legal guardian to an unaccompanied child.

The guardian takes important decisions on behalf of the child, with consideration to their future, *inter alia*, regarding their education, where the unaccompanied child can find the best housing and what medical care is necessary. Thus, the purpose of guardianship can be divided into legal and pedagogical.

On their arrival in the Netherlands, children under the age of 15 are placed in a foster family, which provides initial reception. After a few days, the child and the guardian go to Ter Apel to lodge the asylum application. While the child is staying with this first family, Nidos looks for a permanent home for them. Children over the age of 15 years old live in small-scale housing units with other children.
Campus reception is only advised if the child is able to live independently in a large-scale setting. Children who arrive at Schiphol airport are transferred to the application centre in Ter Apel and are not detained in AC Schiphol.

Normally, unaccompanied children do not stay in Ter Apel for a long period of time after lodging their application for international protection. Since 2022, there have been reports of serious overcrowding of the reception for unaccompanied children at Ter Apel. In the fall of 2022, the conditions were harrowing: children staying there had to sleep on plastic chairs and did not have access to sanitary facilities.[549] The Ombudsperson for Children has raised concerns on multiple occasions, stating that the situation in Ter Apel constitutes a severe violation of children's rights.[550] While the situation improved in 2023, there were still too many unaccompanied minors at the reception centre in Ter Apel. The Ter Apel reception for unaccompanied children now has capacity for guidance of 120 unaccompanied minors.[551] In 2024, the occupation continued to surpass the capacity.[552] At the start of the year, the Minister already expressed her concern for the shortage of sufficient structural reception places for unaccompanied minors, and in December the Minister continued to stress this problem, indicating that it is caused by the more general lack of asylum reception capacity in the Netherlands.[553] In 2025, the capacity problems continued in Ter Apel. While extra space became available in the reception facilities for unaccompanied

545 Practice based observation of the Dutch Council for Refugees, January 2024.
546 Article 1.302 (2) Dutch Civil Code.
547 Article 1.245 Dutch Civil Code.
548 Article 1.256 (1) Civil Code.
549 NOS, 'Situatie alleenstaande kinderen verslechterd', 10 October 2022, available in Dutch at: https://bit.ly/3ZeiwaU.
550 Kinderombudsman, 'Nog steeds sprake van kinderrechtenschendingen Ter Apel', 7 November 2022, available in Dutch at: https://bit.ly/3Za7bZg.
551 Inspection Health Care and Youth, 'Inspecties: Situatie in Ter Apel is uiterst kritisch' 31 October 2023; AD, 'Trauma's, uitzichtloosheid en tussendoor een balletje trappen: een kijkje bij de minderjarigen in Ter Apel', 4 April 2024, available in Dutch at: https://bit.ly/3WnkJAR.
552 Trouw, 'Binnen bij de opvang voor minderjarige asielzoekers in Ter Apel: 'Het zijn gewoon pubers, met puberstreken'', available in Dutch at: https://bit.ly/40BrhOE.
553 KST 27 062, nr. 13, available in Dutch at: https://bit.ly/3Wo3f7A; KST 19637, nr. 3320, available in Dutch at: https://bit.ly/3CiXYHm.

minors in early 2025 as a result of less arrivals of unaccompanied minors in the first quarter of 2025,[554] the Minister of Asylum and Migration reported in September 2025 that the dependency on emergency facilities remains as great as ever.[555] Multiple locations were set up to relieve the location at Ter Apel, although there were concerns about the adequateness of some locations for children. As a result, children will not be placed in two of these new locations anymore.[556]

4.2. Age assessment

In case the IND doubts whether an asylum applicant is a child and the child is unable to prove their identity, an age assessment examination can be initiated. Within the scope of the age assessment, two officers from the Immigration Service and the Border Police assess the physical characteristics and the behaviour of an asylum applicant who claims to be a minor.[557] These officers indicate whether they can conclude the asylum applicant is evidently a minor or evidently an adult. Such an assessment does not take place, however, in case of an EU-VIS hit. The Immigration Service will also conduct a search in Eurodac. As explained above, due to a ruling of the Council of State on 9 October 2024, an age registration in another Member State can in itself not be determinative in the age assessment process. Instead, all evidence as to the age of the applicant must be considered on their own merits and on a case-by-case basis. For more information, please see the Age assessment of unaccompanied children section above.

One of the issues that unaccompanied minors face when they are registered as an adult in another Member State is that they will be transferred to a reception centre for adults when the immigration service changes their age based on the registration in the other Member State. On 4 November 2022, the Regional Court of Den Bosch ruled that a minor could not be transferred to an adult reception centre until the age of the applicant was properly examined.[558] As mentioned in the Age Assessment of Unaccompanied Children section above, the Council of State ruled on 15 May 2024 that such decisions are open to legal remedies.[559]

4.3. Return decisions for unaccompanied minors

On 14 January 2021, the CJEU published its landmark judgment in the case of TQ *v Staatssecretaris van Justitie en Veiligheid* (C-441/19*).*[560] The case concerned a minor (TQ) who applied for asylum in the Netherlands when he was 15 years old. The IND rejected his asylum request, a decision that automatically entails a return decision in accordance with Dutch law. TQ appealed the decision and argued that he did not know where his family lived and that he would not be able to recognise his parents upon return to Guinea. The IND followed Dutch policy, which stipulates that minors who are over 15 years of age at the date of their asylum request and receive a rejection of their asylum claim will receive a return decision without examining whether there are adequate reception facilities in the country of return. For minors under 15 years of age, there is the option of granting a special residence permit in case there are no adequate reception facilities.[561] The Regional Court of Den Bosch referred preliminary questions to the CJEU concerning the case of TQ. The Regional Court submitted various questions: First, whether a return decision could be taken against a minor without investigating if there are adequate

554 Ministry of Asylum and Migration, 'Stand van zaken over de verbetering van de situatie van kinderen en amv in de asielopvang, nr. 3089', 23 April 2025, available in Dutch at: https://open.overheid.nl/documenten/ecb519ef-b64d-44f3-99c4-ec3da05f477d/file.

555 Ministry of Asylum and Migration, 'Kinderen in de asielopvang', 19 September 2025, available in Dutch at: https://open.overheid.nl/documenten/c5112949-d036-4db1-813a-1f4beceb6827/file.

556 KST 19637, nr. 3495, available in Dutch at: https://bit.ly/45vZe5n

557 Work Instruction 2018/19, 13 December 2018, available in Dutch at: https://bit.ly/3T1OpAW.

558 Regional Court Den Bosch, ECLI:NL:RBDHA:2022:11809, 4 November 2022, available in Dutch at: https://bit.ly/3HVjIbw.

559 Council of State, ECLI:NL:RVS:2024:2011, 15 May 2024, available in Dutch at: https://bit.ly/4gQdz0g.

560 CJEU, *TQ v Staatssecretaris van Justitie en Veiligheid*, C-441/19, 14 January 2021, available at: https://bit.ly/3HPP8jL.

561 However, this permit is rarely granted. The Council for Refugees approximates that the permit has been granted in less than 10 cases since the introduction of the permit in 2012. Conditions are laid down in Section B8/6 Aliens Circular.

reception facilities. Second, whether a Member State is permitted to make distinctions on the basis of the age of a minor (15-/15+). Third, whether it is permitted under Union law to adopt a return decision against a minor, but not undertake any action to remove the applicant until he turns 18.[562] The CJEU ruled that a Member State must ascertain – before adopting a return decision – that an unaccompanied minor will return to adequate reception facilities. Furthermore, a Member State may not differentiate based on the age of the minor and once the Member State adopts a return decision, the return must actually be carried out. The CJEU also makes it very clear that Member States are under the obligation to apply the principle of the best interests of the child at all stages of the procedure. This ruling shows that the Dutch policy relating to unaccompanied children who receive a return decision is not in line with EU law.

The Regional Court of Den Bosch delivered its final judgement in the case of *TQ* on 15 March 2021.[563] The Secretary of State appealed the judgement, and the Council of State published its ruling on this onward appeal on 8 June 2022.[564] The Council of State established that there are three possible situations for unaccompanied minors who do not qualify for an asylum permit:

1. There is adequate reception in the county of return. A return decision is issued.
2. There is no adequate reception in the county of return. The unaccompanied minor must be granted a residence permit on national grounds, which is valid for five years.
3. Further research is needed. The unaccompanied minor will receive a rejection on the merit of the asylum claim, and this decision also includes an explanation as to why extra time is needed to investigate adequate reception and how long the investigation will take. The asylum decision and the return decision are therefore separated. In this situation, the unaccompanied minor retains lawful residence on the basis of Article 8(f) Aliens Act. The investigation can lead to two conclusions: either there is adequate reception, so that a return decision can be issued, or there is no adequate reception and the unaccompanied minor receives a residence permit on national grounds. The unaccompanied minor can appeal the decision stating that further research is needed.

The Council of State further ruled that the fact that the applicant is not a minor anymore does not mean that the Secretary of State can refrain from investigating whether they should have been granted a permit based on national grounds.

Following the Council of State judgment, the IND issued an internal information message in which it is stated that the period for further research into adequate reception will, in principle, be of one year.[565] This period can be extended if the unaccompanied minor does not cooperate with the research.[566] In 2025, the policy in the Aliens Circular was still not adjusted in accordance with the *TQ* judgment. However, the new policy was introduced in a letter to the Parliament.[567] The duration of the permit is set at three years, but cannot continue after the applicant reaches the age of 18. The permit will primarily serve as a temporary safety net and may be revoked if adequate reception in the country of return becomes available. Only after three years of lawful residence based on this permit, will an applicant be eligible for a permit on non-temporary humanitarian grounds. Therefore, the prospect of non-temporary residence in the Netherlands is only when the unaccompanied minor will still be a minor after three full years of having the permit. If the permit expires because the unaccompanied minor reaches the age of 18 years old, a return decision will be imposed. When imposing a return decision, it will be necessary to assess the possibility of a permit based on the right to private or family life under Article 8 ECHR.

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562 Regional Court Den Bosch, ECLI:NL:RBDHA:2019:5967, 12 June 2019, available in Dutch at: https://bit.ly/3wiG4B7; CJEU, *TQ v Staatssecretaris van Justitie en Veiligheid*, C-441/19, 14 January 2021, available at: https://bit.ly/3HPP8jL.

563 Regional Court Den Bosch, ECLI:NL:RBDHA:2021:2376, 15 March 2021, available in Dutch at: https://bit.ly/493Upjw.

564 Council of State, ECLI:NL:RVS:2022:1530, 8 June 2022, available in Dutch at: https://bit.ly/496pDXb.

565 Internal information messages are the lowest type of policy documents. These messages are directed at IND officers who carry out interviews and decide on asylum applications. However, it is possible to use these information messages in court, as the officers are obliged to follow the rules laid down in these messages.

566 IND, IB 2025/13, 10 April 2025, available in Dutch at: https://bit.ly/3YqOT6V.

567 KST 27062 nr. 141, available in Dutch at: https://bit.ly/3YWCtDZ.

To the knowledge of the Dutch Council for Refugees (VWN), no unaccompanied minors have received a permit on national grounds due to the fact that there was no adequate reception in their country of origin before the new policy was introduced. After the introduction of the policy, there have been a handful of cases in which the unaccompanied minor received a permit with retroactive effect. There have also been some cases before the introduction of the new policy in which unaccompanied minors did receive a permit, but the decisions were based on the right to private life under Article 8 ECHR.

One of the most pressing issues at the moment of writing this report is the Minister's decision that the one-year period to perform further research into the adequate reception will only start after the final decision on the asylum application. Due to the long waiting time in the asylum procedure, this can take more than a year and a half. This means that minors will remain for years in uncertainty about their residence status. There have been some judgements in first instance concerning this matter, however no final ruling by the Council of State has been issued yet.[568] The Council of State did however confirm that, with reference to the CJEU judgment of *TQ*, a period of three years to perform further research starting from the date of the asylum application is too long.[569] Another important issue is that the Minister may in some cases decide there is adequate reception in the country of origin based on general information about the availability of adequate reception in certain shelters. There are, however, a number of conditions that must be met before a facility can be considered adequate, such as that it provides the unaccompanied minor with accommodation, food, education and medical care in accordance with local standards.[570] The Council of State has ruled that, unlike what the Minister states, the general existence of adequate reception facilities is insufficient for assuming that there is adequate reception in the country of return.[571] According to the Council of State, the ruling of *TQ* requires individual research.

E. Subsequent applications

Indicators: Subsequent Applications

1. Does the law provide for a specific procedure for subsequent applications? ☒ Yes ☐ No

2. Is a removal order suspended during the examination of a first subsequent application?
   - ❖ At first instance ☐ Yes ☒ No
   - ❖ At the appeal stage ☐ Yes ☒ No

3. Is a removal order suspended during the examination of a second, third, subsequent application?
   - ❖ At first instance ☐ Yes ☒ No
   - ❖ At the appeal stage ☐ Yes ☒ No

After a final rejection of the asylum application, the asylum applicant is able to lodge a subsequent asylum application (*Opvolgende asielaanvraag*) with the IND. This follows from the *non-refoulement* principles, codified in Article 33 of the Geneva Convention and Article 3 ECHR. The Aliens Circular stipulates how subsequent asylum applications are examined.[572]

The assessment of subsequent asylum application takes place in the so-called 'one-day review' (*de eendagstoets, EDT*).[573]

568 Regional Court Amsterdam, ECLI:NL:RBDHA:2023:21386, 4 July 2023, available in Dutch at: https://bit.ly/4bWhRRw.
569 Council of State, ECLI:NL:RVS:2024:2267, 3 June 2024, available in Dutch at: https://bit.ly/4fKtJH3.
570 Section B8/6.1 Aliens Circular.
571 Council of State, ECLI:NL:RVS:2025:3033, 4 July 2025, available in Dutch at: https://bit.ly/3LnPlzN.
572 Paragraphs C1/ 4.6 and C2/6.4 Aliens Circular.
573 The 'one-day review' means that on the first day of the procedure it is assessed whether the asylum applicant has a document, which is not an asylum procedure. The whole administrative procedure regarding assessing the subsequent application as a rule takes three days, with a possibility for extension.

In July 2019, a new procedure regarding lodging and assessing subsequent asylum applications was introduced, amending the Aliens Circular and putting in place a new IND Work Instruction.[574] Following such procedure, it has to be examined whether the asylum applicant has filled in a fully completed subsequent asylum application form (M35-O) and whether the IND will not continue to examine the subsequent application because the asylum applicant does not provide the relevant information according to the IND. Another relevant change is that an interview does not always take place when assessing a subsequent asylum application.

1. New facts and findings (*nova*)

When a subsequent asylum application form is fully completed and the IND continues to examine the application, an EDT ('one-day review') takes place. If that is the case, the IND shall declare a subsequent application inadmissible in case there are no new elements or findings.[575] The term 'new facts and findings' is derived from the recast Asylum Procedures Directive.[576] According to the (then) State Secretary,[577] and case law,[578] this terminology must be interpreted exactly the same as the former terminology of 'new elements or circumstances'. Therefore, all the old jurisprudence and policy before the transposition of the recast Directive is still applicable.[579] From here on, 'new elements or circumstances' will be referred to as '*nova*'.

In the Dutch context the *nova* criterion has always been interpreted strictly. In case of nova, there will be a substantive examination of the subsequent asylum application. According to Paragraph C1/4.6 of the Aliens Circular, the circumstances and facts are considered 'new' if they are dated after the previous decision of the IND. According to established law and policy, in some circumstances, certain facts which could have been known at the time of the previous asylum application are nevertheless being considered 'new' if it would be unreasonable to decide otherwise. This is the case, for example, if the asylum applicant gets hold of relevant documents that pre-date their initial asylum application(s), provided that the documents came into possession of the asylum applicant after receiving the previous decision. The basic principle is that the asylum applicant must submit all the information and documents known to them in the initial (first) asylum procedure. In case of having experienced traumatic circumstances, the asylum applicant is also allowed to mention them.

CJEU, *L.H. v. Staatssecretaris van Justitie*

The strict interpretation of the *nova* criterion can also be applied in cases in which new documents form the basis of a subsequent application. According to the established case law of the Council of State, (original) documents of which the authenticity cannot be established, or whose source could not be verified, cannot be regarded as new facts or elements.[580]

On 16 December 2019, the Regional Court of Den Bosch referred preliminary questions to the CJEU about this matter in the case *L.H.* On 10 June 2021, the CJEU ruled that a document submitted by an applicant for international protection in support of a subsequent application could not automatically be excluded from being considered a 'new element or finding', within the meaning of Article 40 Asylum Procedures Directive, when the authenticity of that document cannot be established or its source objectively verified.[581]

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574 Article 3.118b Aliens Decree; Paragraph C1/2.9 Aliens Circular and IND, Work Instruction 2019/9, *Procedure herhaalde aanvragen*, available in Dutch at: https://bit.ly/3Gp77Lh.

575 Article 30b(1)(d) Aliens Act.

576 Article 33(1)(d) Aliens Act.

577 Dutch Parliament, *Explanatory notes on the implementation of the recast Asylum Procedures Directive*, Vergaderjaar 34 088, number. 3, 2014-2015, 12.

578 Council of State, ECLI:NL:RVS:2012:BX0767, 28 June 2012, available in Dutch at: https://bit.ly/3HVjTnc.

579 Article 4.6 GALA.

580 See, for example: Council of State, Decision No 200304202/1, 25 September 2003, available in Dutch at: https://bit.ly/3StprdA.

581 CJEU, C-921/19, 10 June 2021, *L.H. v. Staatssecretaris van Justitie en Veiligheid*, available at: https://bit.ly/3UuXaWI.

The evaluation concerning whether new elements could be considered 'new' is comprised of two stages.

The first stage is related to the admissibility of the application and entails the following steps:

- Step 1: Article 40(2) of Asylum Procedures Directive provides that, for the purpose of taking a decision on the admissibility of an application for international protection pursuant to Article 33(2)(d) of the Directive, a subsequent application for international protection will be subject first to a preliminary examination as to whether new elements or findings have arisen or have been presented by the applicant which relate to the examination of whether the applicant qualifies as a beneficiary of international protection by virtue of the Qualification Directive.[582]
- Step 2: Only if such new elements or findings exist, as compared to the first application for international protection, the examination of the admissibility of the subsequent application continues, pursuant to Article 40(3) of the directive, in order to ascertain whether those new elements and findings add significantly to the likelihood of the applicant qualifies as beneficiary of international protection.[583]

On 15 September 2022, the Council of State ruled that the practice after the ruling in *L.H.* had been incorrect.[584] Article 40(3) of the Asylum Procedures Directive stipulates that Member States can examine subsequent applications where the *nova* add significantly to the likelihood of the applicant qualifying as a beneficiary of international protection. However, this provision has not been transposed into Dutch law, which means that determining whether subsequent applications are deemed admissible should not be based on Article 40(3) of the Asylum Procedures Directive, but Article 30a(1)(d) of the Aliens Act, which only stipulates that *nova* must be relevant in order for the subsequent application to be considered admissible. In accordance with this judgement, the IND changed their policy, and currently only determines whether new documents or elements are relevant for examining the subsequent application.[585] The IND stated during the previous reporting year that it is examining whether it is necessary to change national laws to better reflect the rules laid down in the Asylum Procedures Directive. The policy that only new and 'relevant' elements will lead to the admissibility of a subsequent asylum request has since been incorporated into the Aliens Circular as of June 2023.[586]

The second stage relates to the examination of the substance of such applications.[587]

Furthermore, the CJEU ruled that according to Article 40 Asylum Procedures Directive read together with Article 4(1) and (2) of the Qualification Directive, the assessment of evidence submitted in support of a subsequent application is the same as the assessment of evidence supporting a first application.

The Regional Court of Den Bosch, who referred the preliminary questions to the CJEU in the case *L.H.,* ruled in its final decision that the threshold to establish 'new' elements and findings should be set at a lower bar.[588] The examination whether an element or finding is 'new' according to Article 40 Asylum Procedures Directive does not entail a substantive research. According to the Regional Court of Den Bosch an element which has not been assessed yet in a previous asylum procedure and has any relation with the asylum account is considered to be 'new'. As the CJEU ruled, accordingly to Article 4(1) and (2) of the Qualification Directive, that the assessment to establish the existence of new elements or findings must be realised in active cooperation with the applicant. The Regional Court additionally established that in every subsequent asylum procedure the asylum applicant should be interviewed.[589]

582 Ibid, paragraph 36.
583 Ibid, paragraph 37.
584 Council of State, ECLI:NL:RVS:2022:2699, 15 September 2022, available in Dutch at: https://bit.ly/3wbtHHn.
585 IB 2022/91 Niet-ontvankelijkheid opvolgende aanvragen, available here: https://bit.ly/3PynACy.
586 See paragraphs C1/2.9 and C1/4.6 of the Aliens Circular.
587 CJEU, C-921/19, 10 June 2021, *L.H. v. Staatssecretaris van Justitie en Veiligheid*, available at: https://bit.ly/3UuXaWI, paragraphs 34 and 53.
588 Regional Court Den Bosch, ECLI:NL:RBDHA:2021:6993, 7 July 2021, available in Dutch at: https://bit.ly/3USes0e.
589 Council of State, ECLI:NL:RVS:2022:208, 26 January 2022, available in Dutch at: https://bit.ly/3upoFGD.

The Council of State, partially confirming the Regional Court of Den Bosch's decision, ruled that its established case law on the assessment of new elements and findings, in particular concerning documents of which the authenticity cannot be established, had to be revised. The Council of State also ruled that, in order to ascertain whether the new elements and findings add significantly to the likelihood of the applicant qualifying for international protection (first stage, second step), more substantive research is required.[590] In accordance with Article 4(1) and (2) the Minister could, for example, examine new documents in relation to previous statements of the applicant or country of origin information.

In the same judgement however, the Council of State established that, according to Article 42(2)(b) of the Asylum Procedures Directive, the Minister does not automatically have to interview each asylum applicant lodging a subsequent application, provided that the decision includes a justification for the exclusion of the subsequent applicant from the personal interview. The Minister is allowed to forego a personal interview if it is not necessary for acquiring and examining the information needed for the assessment of the subsequent asylum request. However, the possibility to forego the personal interview exists only on the condition that the asylum applicant is able to put forward a written submission responding to the intended decision to forego the interview and reject the asylum request. The Minister must explicitly justify why it is not necessary to provide a personal interview in the intended decision, and the court has the power to scrutinise this justification.

The Minister responded to the judgment of the CJEU and stated that it did not have strong implications regarding the assessment of a subsequent application.[591] In the Dutch Council for Refugees' opinion, Dutch policy has only partially been adjusted to the Judgment of the CJEU, specifically regarding cases of exemption from an interview regarding subsequent applications.[592] On 1 July 2022, the IND published a new Work Instruction 2022/13 outlining their policy regarding subsequent applications, including the situations in which an interview will not be conducted.[593] The Working Instruction 2022/13 includes a non-exhaustive list of examples of when the subsequent application can be rejected without providing a personal interview. For example, when the asylum applicant provides evidence or information that clearly is incapable of leading to a positive decision or if the evidence provided has been falsified, this could be grounds for foregoing the personal interview.[594] The Working Instruction notes that in case of doubt, preference should be given to providing a personal interview before deciding on the subsequent application. It is at the discretion of the Immigration Officer responsible for the examination of the subsequent application to decide whether a personal interview is required, but his decision is subject to judicial review.

In this regard, Article 40(4) of the Asylum Procedures Directive states that Member States may provide that a subsequent application will only be further examined if the asylum applicant concerned presents new elements or findings, which could, through no fault of their own, not have been presented in a previous procedure. This is the so-called '*verwijtbaarheidstoets*' ('culpability test'). This Article is not explicitly and separately transposed into Dutch law, leading to a debate in case law as to whether this was necessary. The Council of State ruled in 2017 that it was not the case. The principle of Article 40(4) of the Directive was already incorporated in Article 33(2)(d) of the Aliens Act, while Article 40(2) and (3) of the Directive are explicitly transposed in the Aliens Act.[595] This means that new elements or findings will only be further examined when they have not been presented in a previous procedure due to no fault of the applicant.

590 Ibid, paragraph 5.4.7.
591 State Secretary (now Minister), 8 July 2021, *Reactie op het bericht 'Nederland kan honderden nieuwe asielprocessen verwachten na uitspraak Europees Hof*', available in Dutch at: https://bit.ly/33rsFbR.
592 The adjustments were made through the following ministerial decision: Amendment Aliens Circular, Besluit van de staatssecretaris van Justitie en Veiligheid, 23 September 2021, Staatscourant 2021, No 41948, available in Dutch at: https://bit.ly/3HZlXc4.
593 IND, Work Instruction 2022/13 *Opvolgende asielaanvragen*, 1 July 2022, available in Dutch at https://bit.ly/3X07gwF.
594 The list of examples are also included in paragraph C1/2.9 of the Aliens Circular.
595 Council of State, ECLI:NL:RVS:2017:2718, 6 October 2017, available in Dutch at: https://bit.ly/3wk7C9h.

On 9 September 2021, the CJEU ruled in the case *X.Y. v. Austria* that if a Member State has not implemented the optional stipulation of Article 40(4) of Asylum Procedures Directive, in which the culpability test is laid down, the Member State cannot bring up this objection in assessing the new elements and findings.[596] The Netherlands did not transpose the optional stipulation laid down in Article 40(4) Asylum Procedures Directive into national law. On 15 September 2022, the Council of State ruled in accordance with the CJEU, stipulating that the Minister could not declare a subsequent application inadmissible if new elements and findings could have been submitted in a previous application.[597] In the Information Message published in response to this ruling, the IND did not mention the considerations by the Council of State regarding the culpability test.[598] Indeed, Work Instruction 2022/13 regarding subsequent procedures of 1 July 2022 already mentioned that the culpability test is untenable because it has not been transposed into law. This was perhaps in anticipation of the ruling of the Council of State of 15 September 2022.

2. Subsequent application procedure

In June 2018, the Council of State ruled that asylum applicants who file a subsequent asylum application by filling in the form (M35-O) have a right to accommodation. As a result, many people completed the form without substantiating their subsequent asylum claim and the IND decided to disregard many asylum applications.[599] The Council of State concluded that the Minister (IND) could give its viewpoint just in the written intention that the subsequent asylum application lacks (sufficient) relevant information and could give the asylum applicant the opportunity to provide more information. The Minister was not obliged to do this before issuing the written intention to reject the application.[600]

As a result, in July 2019 the Minister introduced a new procedure regarding lodging and assessing subsequent asylum applications. The procedure that is now in place is as follows:

1. Lodging the asylum application:

Asylum applicants (or their legal representative) have to lodge their asylum application in person at the application centre in Ter Apel (ACTA) with a completed subsequent application form (M35-0).

2. Completed application form:

If the application form is not completed, the IND could take the viewpoint that the application lacks relevant information, hence the application is rejected according to Article 30c (1)(a) Aliens Act (in Dutch: *'buitenbehandelingstelling van de asielaanvraag'*). The Council of State issued numerous decisions regarding the matter whether the asylum applicant provided sufficient relevant information while submitting a subsequent asylum application.[601]

3. Fully completed application without interview:

When a fully completed subsequent asylum application form has been submitted, an asylum applicant will not automatically be interviewed. According to Article 3.118b (3) Aliens Decree an interview only takes place when it is relevant for a diligent assessment of the application. This is presented in more detail in Paragraph C1/2.9 of the Aliens Circular where several categories are mentioned in which the IND can decide not to conduct an interview. A lawyer will not automatically be appointed, but an asylum

596 CJEU, C-18/20, *XY versus Austria,* 9 September 2021, available at: https://bit.ly/496q041.
597 Council of State, ECLI:NL:RVS:2022:2699, 15 September 2022, available in Dutch at: https://bit.ly/3wbtHHn.
598 IB 2022/91 Niet-ontvankelijkheid opvolgende aanvragen, available in Dutch at: https://bit.ly/3PynACy.
599 The subsequent claims are refused according to Article 30c (1)(a) of the Aliens Act.
600 Council of State, ECLI:NL:RVS:2019:574, 21 February 2019, available in Dutch at: https://bit.ly/3w8IO4a.
601 For example Council of State, ECLI:NL:RVS:2021:2549, 17 November 2021, available in Dutch at: https://bit.ly/3uko4pJ; Council of State, ECLI:NL:RVS:2020:2285, 23 September 2020, available in Dutch at: https://bit.ly/3SO4M47; Council of State, ECLI:NL:RVS:2020:1940, 12 August 2020, available in Dutch at: https://bit.ly/49osafP.

applicant can look for a lawyer themselves (also free legal assistance – see Regular procedure: Legal assistance). A 'one day review' (Dutch: *'de eendagstoets', EDT*) will take place.

On 31 August 2020, the Regional Court of Utrecht ruled that the Minister (IND) had not given sufficient reasons as to why no interview had been conducted after the asylum applicant's subsequent application.[602] Similarly, the Regional Court of Rotterdam held that the asylum applicant should have been interviewed on his subsequent application in a judgement dating 13 February 2019.[603]

In its final judgment after the ruling of the CJEU in the case *L.H.*, the Regional Court of Den Bosch was of the opinion that every asylum applicant who lodges a subsequent asylum application should be interviewed. Additionally, the court ruled that Article 3.118b (3) Aliens Decree in which is stipulated that asylum applicants not always have to be interviewed (worked out in more detail in Paragraph C1/2.9) should be annulled. As previously mentioned, however, the Council of State ruled that according to Article 42(2)(b) Asylum Procedures Directive an asylum applicant who lodges a subsequent application does not always have to be interviewed.[604]

4. Fully completed application with interview:

When a fully completed subsequent asylum application has been lodged and the IND is of the opinion that an interview should take place, a lawyer will be appointed and the EDT will take place.

When an interview takes place, it does not consist of a complete review of the asylum request and statements. The IND will solely address the question as to whether new facts or circumstances exist on the basis of which a new asylum application would be justifiable.

After the interview, on the same day, the IND decides whether status will be granted, the asylum application will be rejected or if further research is required.
Three scenarios are possible:

- **the protection is granted** (refugee protection or subsidiary protection): On the same day the application is granted, the asylum applicant receives a report of the interview and the positive decision;
- **the application is rejected**: On the same day (day 1) the application is rejected; the asylum applicant receives a report of the interview and the intention to reject their asylum application. The asylum applicant discusses the report of the interview and the written intention the next day (day 2) with their lawyer. The lawyer drafts an opinion on the intended decision and also submits further information. On the third day (day 3) the asylum applicant receives an answer from the IND as to whether the application is rejected, approved or requires further research;
- **further research**: if further research is required, the application will be assessed in a 6-day procedure (day 1: interview; day 2: review of the interview and corrections and additions; day 3: written intention to reject the asylum application; day 4: submission of the view by the lawyer; day 5: delivery of decision and day 6: distribution of decision). If necessary the procedure can be extended up to 20 days. The person then has the same rights and entitlements as during a Track 4 'Regular' procedure.

When the asylum applicant receives a decision that their subsequent asylum application has been rejected, the asylum applicant can be expelled. The asylum applicant could, under certain conditions, be expelled even at the moment the written intention to reject the subsequent application is taken.

602 Regional Court Utrecht, ECLI:NL:RBDHA:2020:14792, 31 August 2020, available in Dutch at: https://bit.ly/42SOuLK.
603 Regional Court Rotterdam, Decision No NL18.24121, 13 February 2019, not published on a publicly available website.
604 Council of State, ECLI:NL:RVS:2022:208, 26 January 2022, available in Dutch at: https://bit.ly/3upoFGD.

An appeal before the Regional Court can be lodged against a negative decision on the subsequent asylum application. However, lodging an appeal does not automatically have suspensive effect for the asylum applicant to remain lawfully in the Netherlands, which means they may be expelled during the appeal. To prevent this, the asylum applicant has to request a provisional measure with the Regional Court.[605] A provisional measure is granted if the applicant can prove that they are in an emergency situation where their interests are liable to be prejudiced if the measure were to not be granted.[606] The threat of being expelled and/or losing reception entitlements usually qualifies as an emergency situation.[607]

The appeal has to be lodged within one week after the rejection.[608] The court mainly examines if the elements and findings are 'new' in the sense of the Aliens Act (and Aliens Circular) and the General Administrative Law Act (GALA).[609] After the decision of the Regional Court the asylum applicant can lodge an onward appeal with the Council of State. As a result of the *Gnandi* judgment of the CJEU, divergent national case law has been delivered on the matter in which cases an appeal has automatic suspensive effect, also regarding to an appeal to the refusal of a subsequent asylum application. However, in a judgment of 29 January 2020 in a case involving a fourth asylum application and in which the third-country national was placed in detention, the Council of State ruled that the *Gnandi* judgment did apply.[610] The legal effects of the return decision were thus suspended. In view of this judgment, it therefore seems that the *Gnandi* judgment applies to a subsequent application.

A problem in the past arose when an asylum applicant with a re-entry ban of more than five years (*zwaar inreisverbod)*,[611] issued on the ground of being considered a serious threat to public policy, public security or national security,[612] lodged a subsequent asylum application. In such a case, their asylum application would be assessed by the IND, but an appeal against the rejection of the asylum application would be considered inadmissible by the Regional Court.[613] The asylum applicant had to request a cancellation/revocation of the re-entry ban. This practice was abandoned in 2018, when the Council of State ruled, pursuant to the *Ouhrami* ruling of the CJEU,[614] that the re-entry ban only comes into effect when the alien has left the territory of the CEAS, meaning that there are no grounds for restricting the right of appeal of those who have not left the territory.[615]

In 2025, there were 1,766 subsequent asylum applications, compared to 1,585 for the whole of 2024.

Subsequent applicants in the Netherlands by top 10 countries of origin: 2025	
Country of origin	Number
Algeria	249
Nigeria	173
Morocco	118
Somalia	95
Syria	93
Iraq	90
Turkey	62
Eritrea	49
Afghanistan	45

605 Article 82(2)(b) Aliens Act.
606 Article 8:81 General Administrative Law Act (GALA).
607 See for example: Regional Court Haarlem, ECLI:NL:RBDHA:2023:13719, 24 August 2023 (expulsion); Regional Court Utrecht, ECLI:NL:RBDHA:2022:11553, 7 April 2022 (reception facilities and entitlements).
608 Article 69(2) Aliens Act.
609 Article 30a(1)(d) Aliens Act and Paragraph C1/2.7 Aliens Circular.
610 Council of State, ECLI:NL:RVS:2020:244, 29 January 2020, available in Dutch at: https://bit.ly/3OEF3tL.
611 Article 66a(7) Aliens Act.
612 Article 11(2) Return Directive and Article 6.5a(5) Aliens Decree.
613 Council of State, ECLI:NL:RVS:2013:2539, 19 December 2013, available in Dutch at: https://bit.ly/48e8o57.
614 CJEU, C-225/16, *Mossa Ouhrami*, 26 July 2017, available at: https://bit.ly/49otxet.
615 Council of State, ECLI:NL:RVS:2018:3998, 5 December 2018, available in Dutch at: https://bit.ly/495zbli.

Iran	41
Other	751

Source: IND, *Asylum Trends*, January 2026, available here.

F. The safe country concepts

Indicators: Safe Country Concepts

1. Does national law allow for the use of 'safe country of origin' concept? ☒ Yes ☐ No
   - ❖ Is there a national list of safe countries of origin? ☒ Yes ☐ No
   - ❖ Is the safe country of origin concept used in practice? ☒ Yes ☐ No
2. Does national law allow for the use of 'safe third country' concept? ☒ Yes ☐ No
   - ❖ Is the safe third country concept used in practice? ☒ Yes ☐ No
3. Does national law allow for the use of 'first country of asylum' concept? ☒ Yes ☐ No

1. First country of asylum

1.1 Third countries

An asylum application can be declared inadmissible when the asylum applicant has been recognised as refugee in a third country and can still receive protection in that country, or can enjoy sufficient protection in that country, including protection from *refoulement*, and will be re-admitted to the territory of that particular third country (Article 30a(1)(b) Aliens Act).[616] This inadmissibility clause is an implementation of Article 33(2)(b) and Article 35 Asylum Procedures Directive.

As stipulated in Paragraph C2/6.2 of the Aliens Circular, the IND assumes that the asylum applicant will be re-admitted in the third country in case:

- ❖ The asylum applicant still has a valid permit for international protection in the third country;
- ❖ The asylum applicant has a valid residence permit or visa and he or she can obtain international protection;
- ❖ There is information from the third country from which it can be deduced that the asylum applicant already has been granted international protection or that he or she is eligible for international protection;
- ❖ Statements of the asylum applicant that he or she has already been granted protection in a third country and this information has been confirmed by the third country.

In the situations mentioned above, the IND assumes that the asylum applicant will be re-admitted to the third country, unless the asylum applicant can substantiate (make it plausible) that they will not be re-admitted to the third country. The first country of asylum concept is scarcely used in practice. Often, the (general) third country concept (see Safe third country) is used. In 2021, there was only one case about a first country of asylum concerning Peru.[617] The Regional Court Amsterdam decided that the IND should further investigate the residential status of the Yemeni asylum applicant in Peru. Following the decision, the asylum applicant got another interview after which he received international protection.

In 2025, only two cases of application of the first country of asylum were dealt with by a Dutch court. The cases concerned Nigeria and the West Bank as the first country of asylum. Both cases were dismissed by the Court, as it was unclear whether the applicants could be admitted to these countries.[618]

1.2 EU Member States

616 Article 30a(1)(b) Aliens Act.
617 Regional Court Amsterdam, Decision No NL21.18983, 24 December 2021.
618 Regional Court Utrecht, ECLI:NL:RBDHA:2025:13774, 16 July 2025, available in Dutch at: https://bit.ly/4pEwSgM; Regional Court Haarlem, ECLI:NL:RBDHA:2025:6070, 3 April 2025, available in Dutch at: https://bit.ly/4qGBaVF.

An asylum application will be declared inadmissible if the asylum applicant has international protection in another EU Member State (Article 30a (1) under a of the Aliens Act). Even if the residence permit has expired, the asylum application will be declared inadmissible.[619] This is because it is assumed that the international protection status can only be actively withdrawn and cannot simply expire.

Asylum applicants have often argued that their return to another Member State would be contrary to Article 3 ECHR. However, this is hardly ever accepted by the courts. Since the 2019 CJEU *Ibrahim* judgment,[620] the focus seems to have shifted from the general situation in the Member State to the particular vulnerability of the beneficiary of protection. However, case law with regard to particular vulnerability is also very strict. For example, the Council of State does not automatically recognise families, single parents and status holders with PTSD as particularly vulnerable.[621] In an internal information message of the IND, it is stated that for particular vulnerability it is important to assess whether someone is self-sufficient.[622] Moreover, the internal information message states that individual guarantees should be requested for particularly vulnerable beneficiaries of protection from Greece, Bulgaria and Hungary, given that protection beneficiaries returned to these Member States are in principle assumed to be at risk of facing a situation of extreme material poverty, as stated in the *Ibrahim* ruling.

Greece: Most beneficiaries of international protection that apply for asylum in the Netherlands were previously admitted by Greece.

On 28 July 2021, the Council of State finally ruled that protection beneficiaries from Greece cannot be sent back without the Minister more thoroughly motivating that there is no breach of Article 3 ECHR upon their return.[623] In response, the Minister announced that it would start an investigation into the situation of beneficiaries of international protection in Greece, thereby extending the decision term for 9 months for these cases of beneficiaries of international protection as of 1 October 2021 on the ground of it being a complex factual and legal matter.[624] Cases in which the decision term had already expired by 1 October were handled in the national procedure without declaring the requests inadmissible.

The announced investigation was carried out by the Ministry of Foreign Affairs. The report was published on 24 June 2022.[625] On 14 September 2022, the Minister announced that it needed more time to study the report, which meant that decision-making in cases of beneficiaries of international protection from Greece was still suspended.[626] Finally, on 7 November 2022 the Minister said that following the report, beneficiaries of international protection from Greece could no longer be sent back to the country. However, as the situation in Greece is changing rapidly, cases will still only be decided upon after the prolonged decision period has ended (using the general prolonging of decisions from WBV 2023/26, see Legal Penalties).[627] This means that beneficiaries of international protection from Greece applying for asylum in the Netherlands have to wait 15 months before their asylum procedure starts. In 2024, the

619 Council of State, ECLI:NL:RVS:2017:1253, 19 May 2017, available in Dutch at: https://bit.ly/3utWGpa.
620 CJEU, *Bashar Ibrahim (C-297/17), Mahmud Ibrahim, Fadwa Ibrahim, Bushra Ibrahim, Mohammad Ibrahim, Ahmad Ibrahim (C-318/17), Nisreen Sharqawi, Yazan Fattayrji, Hosam Fattayrji (C-319/17) v Bundesrepublik Deutschland, and Bundesrepublik Deutschland v Taus Magamadov (C-438/17)*, 19 March 2019, available at: https://bit.ly/499i3uS.
621 Council of State, ECLI:NL:RVS:2020:1102, 22 April 2020, available in Dutch: https://bit.ly/3ST9zmc (single parents are not particularly vulnerable), Regional Court Middelburg, Decision No NL20.15979, 24 November 2020 (PTSD on its own does not lead to particular vulnerability).
622 IB 2021/56 asielverzoeken van bijzonder kwetsbare statushouders, available in Dutch at: https://bit.ly/3hCLBf6.
623 Council of State, ECLI:NL:RVS:2021:1626 and ECLI:NL:RVS:2021:1627, 28 July 2021, available in Dutch at: https://bit.ly/4btJzoD.
624 KST 32317, No 719, 30 September 2019. The extension of the decision term is done by declaring the cases on to be of a complex factual and legal matter (Article 42(4)(a) Aliens Law 2000).
625 Ministry of Foreign Affairs, 'Verslag feitenonderzoek naar statushouders in Griekenland juni 2022', 24 June 2022, available in Dutch at: https://bit.ly/3HOcBD0.
626 IB 2022/84 Griekse statushouders, available in Dutch at: https://bit.ly/3WwmFor.
627 KST 30573, nr. 195, 7 November 2022, available in Dutch at: https://bit.ly/3BKuHC5.

Ministry of Foreign Affairs published a new report which did not change the situation for beneficiaries of international protection from Greece applying for asylum in the Netherlands.[628]

There is one exception as to not declaring asylum applications from beneficiaries of international protection from Greece inadmissible: beneficiaries of international protection who can be regarded as 'self-reliant'. The conditions are as follows: the beneficiary of international protection possesses a residence permit and residence document (the ADET), a tax number, a social security number, had access to accommodation and facilities in Greece and can obtain them again. However, the few cases that were (about to be) declared inadmissible based on this 'self-reliance' criterium were all cancelled or dismissed in court,[629] with just two exceptions.[630] In 2025, a new internal information message had been published by the immigration office in which the conditions for the 'self-reliance' criterium had been anonymised.[631] After the publication of this internal message, the 'self-reliance' criterium had been invoked more frequently by the immigration office. As of yet, only two courts have ruled on this subject.[632] Both Courts ruled that the IND should be open about the conditions for the 'self-reliance' criterium. Moreover, the Regional Court of Rotterdam ruled that the situation in Greece for beneficiaries of international protection is still very bad.

On 18 June 2024, the CJEU held that, where Member States cannot declare as inadmissible the asylum application of a recognised refugee in a second Member State because of the serious risk of the applicant being subject to ill-treatment there, the first Member State may conduct a full and up-to-date examination of the application in which it takes full account of the previous decision by the other Member State and of the elements supporting it.[633] Following this judgment, the IND released an internal information message in which they recognised that the files of beneficiaries of international protection who cannot return have to be requested from the Member State in question.[634]

When the IND rejects asylum applications from beneficiaries of international protection from Greece, it also issues a return decision (to the country of origin). However, it is unclear whether this is allowed under the Return Directive. In 2025, a few courts have ruled that it is impossible to issue a return decision if Greece has not terminated the international protection status.[635]

Hungary: The Council of State ruled in 2020 that the Minister must provide further reasons why a beneficiary of international protection and her minor children, due to their special vulnerability, would not end up in a state of extreme material poverty as described in the *Ibrahim* judgment, in violation of Article 3 ECHR after their return to Hungary. The country information which the Council of State relied on, showed that conditions in Hungary are extremely difficult for beneficiaries of international protection. The Council also considered that the Hungarian authorities have not been willing to assist beneficiaries

628 Ministry of Foreign Affairs, 'Verslag feitenonderzoek naar statushouders in Griekenland september 2024', 3 September 2024, available in Dutch at: https://bit.ly/3BXU4DI.

629 Regional Court Haarlem, ECLI:NL:RBDHA:2022:13464, 11 November 2022, available in Dutch at: https://bit.ly/49L3DRH; Regional Court Utrecht, ECLI:NL:RBDHA:2024:9104, 11 June 2024, available in Dutch at: bit.ly/3ZJ5iE0. The Dutch Council for Refugees knows of two other cases in which the IND intended to declare the asylum request inadmissible but decided not after the view of the asylum lawyer. Regional Court Middelburg, ECLI:NL:RBDHA:2023:19330, 6 December 2023, available in Dutch at: https://bit.ly/48rppcb. Regional Court Utrecht, ECLI:NL:RBDHA:2024:9104, 11 June 2024, available in Dutch at: https://bit.ly/3Prdnso.

630 Regional Court Roermond, ECLI:NL:RBDHA:2022:3491, 12 April 2022, available in Dutch at: https://bit.ly/3SGK7z4 and Regional Court Groningen, ECLI:NL:RBDHA:2024:10915, 15 July 2024, available in Dutch at: https://bit.ly/3DM62Rx.

631 Internal information message IND 2025/20 *Griekse statushouders*, available in Dutch at: https://bit.ly/49vNS2x.

632 Regional Court Roermond, ECLI:NL:RBDHA:2025:20337, 3 November 2025, available in Dutch at: https://bit.ly/3YtXgPg; Regional Court Rotterdam, ECLI:NL:RBDHA:2025:22749, available in Dutch at: https://bit.ly/3YpB8Wd.

633 CJEU, C-753/22, *QY v Bundesrepublik Deutschland,* 18 June 2024, available at: bit.ly/4fzrJkU.

634 IB 2024/37 Hofuitspraak beoordeling asielaanvraag statushouders, available in Dutch at: bit.ly/4j2CTSm.

635 E.g. Regional Court The Hague, ECLI:NL:RBDHA:2025:21083, 6 November 2025, available in Dutch at: https://bit.ly/48Ty3DF; and Regional Court Groningen, ECLI:NL:RBDHA:2025:19029, 17 October 2025, available in Dutch at: https://bit.ly/49UP5SU.

of international protection and even actively oppose them.[636] As far as known to the authors of the report, there have only been two rulings on beneficiaries of international protection from Hungary in 2024, both of which were confirming the rejections of their asylum applications.[637] In 2025, there were no rulings.

In February 2021, the CJEU answered preliminary questions of the Council of State about the detention of beneficiaries of international protection from other Member States.[638] The question was whether the Return Directive prevents beneficiaries of international protection recognised in other EU Member States from being detained on national grounds, given that they do not receive a return decision, but merely an order to leave for the territory of the other Member State. The Court ruled that the Return Directive does not preclude a Member State from placing a protection beneficiary residing illegally in its territory in administrative detention, in order to carry out the forced transfer to the Member State in which that person holds a protection status. That applies for cases in which the person refused to comply with the order to move to the Member State having issued their status, and it is not possible to issue a return decision.

2. Safe third country

An asylum application can be declared inadmissible in case a third country, not being their country of origin, is regarded as a safe third country for the asylum applicant.[639] There is no official list of safe third countries; however, the IND has published several internal information messages on the safe third country concept. These internal documents each elaborate on the safety of certain third countries and conclude whether they can be rated as 'safe' or 'not safe'.[640] This is not an official designation as such. The internal information messages focus on the applicability of asylum systems and the way asylum applicants and other foreigners are treated. The concept is applied on a case-by-case basis. There are three criteria that have to be fulfilled regarding safety, connection and admission. The internal information message 'Assessment of safe third countries in the asylum procedure - burden of proof and country information' (IB 2021/8) states that, in principle, asylum applications will only be declared inadmissible by the IND if the application is likely to be granted, and that otherwise preference is given to a substantive rejection of the asylum request.

Rated as a safe third country according to *internal information messages*:

- Argentina
- Armenia
- Benin
- Brazil
- Canada
- Chile
- Costa Rica
- Chad
- Djibouti
- Ecuador
- Ethiopia
- Gambia
- Georgia
- Ghana
- Mauritania
- Morocco
- Nigeria
- Peru
- Philippines
- South Africa
- Switzerland
- Suriname
- Uganda
- United Kingdom
- United States of America
- Uruguay

Not rated as a safe third country according to *internal information messages*:

- Albania
- Algeria
- Australia
- Azerbaijan
- Bahrain
- Belarus

636 Council of State, ECLI:NL:RVS:2020:1088, 22 April 2020, available in Dutch at: https://bit.ly/3OC6zYK.
637 Regional Court Middelburg, ECLI:NL:RBDHA:2024:1944, 13 February 2024, available in Dutch at: bit.ly/4gREUPj; Regional Court Utrecht, Decision No NL24.3767, NL24.3769, NL24.3771, NL24.3773 and NL24.3775, 13 March 2024, not published on a publicly available website.
638 CJEU, C-673/19, *M, A, Staatssecretaris van Justitie en Veiligheid v Staatssecretaris van Justitie en Veiligheid, T,* 24 February 2021, available at: https://bit.ly/3HV1p6A.
639 Article 30a(1)(c) Aliens Act.
640 All internal information messages are published in Dutch at: https://bit.ly/3RmHIZk. Include *veilig derde land* (safe third country) as *onderwerp* (subject) to find all the information messages on the safe third countries.

- Bosnia and Herzegovina
- Cambodia
- Colombia
- Egypt
- Haiti
- Honduras
- India
- Indonesia
- Iran
- Iraq
- Israel
- Jamaica
- Japan
- Jordan
- Uzbekistan
- Kazakhstan
- Kenya
- Kosovo
- Kyrgyzstan
- Lebanon
- Malawi
- Malaysia
- Maldives
- Mexico
- Moldova
- North Macedonia
- Oman
- Panama
- Qatar
- Russia
- Rwanda
- Saint Kitts and Nevis
- Saudi Arabia
- Sierra Leone
- Somalia
- South Korea
- Sudan
- Thailand
- Tunisia
- Türkiye
- Ukraine
- United Arab Emirates

2.1 Safety criteria

Article 3.106a(1) of the Aliens Decree provides the criteria for a country to be considered a safe third country. This is an implementation of Article 38 of the Asylum Procedures Directive. Article 3.37e of the Aliens Regulation provides that the Minister's assessment as to whether a third country can be considered to be safe should be based on a number of sources of information, specifically from EUAA, UNHCR, the Council of Europe and other relevant/ authoritative/ reputable organisations. In a landmark case concerning Kuwait, the United Arab Emirates and Russia, the Council of State ruled that when applying the safe third country clause, the Minister must rely on country of origin information, which must be transparent and applicable to the individual asylum applicant's case.[641]

The law does not expressly require the third country to have ratified the Refugee Convention without limitation. The Council of State found that Article 38 of the recast Asylum Procedures Directive does not require the third country to have ratified the Refugee Convention to be considered a safe third country. Nevertheless, the third country must abide by the principle of *non-refoulement*.[642]

In January 2020, the Regional Court of Amsterdam ruled that it considered Türkiye a safe third country for Uyghurs from China.[643] Reasons for this judgment were the historical link between Türkiye and the Uyghur community and that twenty to thirty thousand Uyghurs live in Türkiye. Since 2018, Uyghurs have a special long-term residence permit. Other refugees and asylum applicants in Türkiye do not have the right to apply for long-term residence. This permit allows Uyghurs to apply for Turkish citizenship after five years. Although Türkiye is rated as non-safe third country in general, the Aliens Circular does state that for Uyghur applicants it will be assessed whether Türkiye is a safe third country.[644] In 2023, the Dutch Council of Refugees saw one court case in which the Regional Court of Roermond ruled that Türkiye was a safe third country for Uyghurs with permanent residence permits.[645] However, in 2024, the Council of State ruled that Türkiye should not have been applied as safe third country in an Uyghur case.[646] The Council ruled that the IND should first establish whether the country is a safe third country in general and only then individual circumstances such as strong residence permits can be taken into account.

641 Council of State, ECLI:NL:RVS:2017:3381, 13 December 2017, available in Dutch at: https://bit.ly/49uEZoo.
642 Ibid.
643 Regional Court Amsterdam, Decision No NL19.30580, 15 January 2020, not published on a publicly available website.
644 Paragraph C7/8.8 Aliens Circular.
645 Regional Court Roermond, Decision No NL23.11610, 18 August 2023, not published on a publicly available website.
646 Council of State, ECLI:NL:RVS:2024:1879, 6 May 2024, available in Dutch at: bit.ly/41Sj75F.

In a case about Armenia as a safe third country, the Council of State ruled that the Minister cannot merely state that Armenia is designated as a safe country of origin to prove that Armenia is also a safe third country for any applicant.[647] It must either be shown which sources were the basis for this designation or indicate the sources that in the specific case were the basis for the assessment of Armenia as a safe third country.

2.2 Connection criteria

On the basis of Article 3.106a(2) of the Aliens Decree a connection (*band*) with the third country is required on the basis of which it would be reasonable for the asylum applicant to go to that country. This has been elaborated on in Article 3.37e(3) of the Aliens Regulation and in Paragraph C2/6.3 of the Aliens Circular. According to the IND such a connection exists where:[648]

- the spouse or partner of the asylum applicant has the nationality of the third country;
- first or direct family members reside in the third country, with whom the asylum applicant is still in contact; or
- the asylum applicant has stayed in the third country.

As regards the nationality of the partner of the asylum applicant, the Regional Court Arnhem ruled that there is still a connection between the asylum applicant and the country of nationality of their partner when the partner has permanently moved away from her country of nationality.[649] The Regional Court of The Hague examined the relevance of a connection (*band*) to the United States for an Afghan national who worked as an interpreter to the US Army and US Government in Afghanistan. The Court concluded that a sufficient connection existed for the 'safe third country' concept to be applicable,[650] although the admission criterion was not met.

The Dutch Council for Refugees only knows one case in which mere transit through a third country was used to declare the asylum request inadmissible on the basis of the concept of safe third country. The case concerns a Syrian applicant from Armenian ethnicity who had been to Armenia before coming to the Netherlands. The Regional Court Middelburg ruled that as his two-month stay in Armenia was merely for transit, Armenia could not be considered a safe third country.[651]

2.3 Admission criterion

Positive case law with regard to the admission criterion is scarce. Although national policy entails a heavy burden of proof for the IND, in practice it is quickly assumed that this burden of proof has been met. Even in subsequent asylum applications in which the asylum applicant argues that they were not admitted to the safe third country, is often negative. For example, the Regional Court Utrecht considered Brazil to be a safe third country for two Turkish asylum applicants, even though their passports were expired. The Court ruled that re-admission to Brazil was probably possible after asking for a visa or a *laissez-passer* at the Brazilian embassy and then asking for asylum again upon their arrival in Brazil.[652] According to the internal information message 2021/8, the asylum applicant needs to make serious attempts to demonstrate that they would not be admitted to the third country after the inadmissibility of their request, which shows similarities with the 'no fault' policy. This shows that the IND sets very high standards for asylum applicants in this regard.

3. Safe country of origin

647 Council of State, ECLI:NL:RVS:2020:2356, 6 October 2020, available in Dutch at: https://bit.ly/3wbDhK6.
648 Paragraph C2/6.3 Aliens Circular.
649 Regional Court Arnhem, Decision No NL19.13391, 26 July 2019, not published on a publicly available website.
650 Regional Court The Hague, ECLI:NL:RBDHA:2017:7118, 26 June 2017, available in Dutch at: https://bit.ly/48qNVKr.
651 Regional Court Middelburg, ECLI:NL:RBDHA:2025:4856, 25 March 2025, available in Dutch at: https://bit.ly/450lggq.
652 Regional Court Utrecht, ECLI:NL:RBDHA:2020:7575, 15 July 2020, available in Dutch at: https://bit.ly/3HS01kY.

An asylum request can be declared manifestly unfounded in case the asylum applicant is from a safe country of origin.[653] Asylum requests from applicants presumed to come from safe countries of origin are handled in the Accelerated Procedure ('Track 2') by the IND.

Due to the CJEU rulings on the safe country of origin concept stating that the Asylum Procedures Directive does not allow to designate a country as a safe country of origin if certain parts of the country or certain groups of people are exempted, the Minister decided to suspend the safe country of origin concept altogether. As of September 2025, the safe country of origin concept is not applied any more in the Netherlands.

The suspension of the safe country of origin concept will continue until the new rules on the safe country of origin concept from the Asylum Procedures Regulation will apply.

In case an asylum applicant is from a safe country of origin, it is presumed that they have no well-founded fear of persecution nor a risk of treatment contrary to Article 3 ECHR. However, the IND has to assess in every individual case whether, based on the applicant's statements, this country is indeed safe for the asylum applicant. In other words, the IND must consider whether the authorities of the applicants' country of origin, in practice, comply with their obligations under the relevant human rights treaties.

The IND cannot maintain the presumption of safe country of origin if the asylum applicant demonstrates that their country of origin cannot be regarded as a safe country for them. In that case, the IND has to assess whether the asylum applicant is eligible for international protection.[654]

Should it become clear during the Track 2 procedure that the asylum applicant might have a well-founded fear for persecution in their country of origin (for example because of their sexual orientation), more thorough assessment by the IND is required. As a result, the asylum request is further assessed in Track 4. Switching from Track 2 to Track 4 may also occur when there is medical evidence, demonstrating that the asylum applicant is vulnerable and in need of special procedural guarantees.

List of safe countries of origin

As of September 2025, the safe country of origin concept is not applied any more in the Netherlands. Up until mid-2025, the following countries had been designated as safe countries of origin:[655]

- EU Member States
- Albania
- Armenia*
- Bosnia-Herzegovina
- Brazil*
- Ghana*
- Jamaica*
- Kosovo
- North Macedonia
- Morocco*
- Mongolia*
- Montenegro
- Senegal *
- Serbia *
- Tunisia*
- United States of America
- Ukraine* (suspended)

* Some groups were exempted from the designation of safe country of origin. These cases were handled in Track 4 (for example: LGBTQI+ persons in **Tunisia**, **Senegal**, **Jamaica**, **Brazil**, **Armenia** and **Morocco**).

653 Article 30b(1)(b) Aliens Act.
654 Paragraph C2/7.2 Aliens Circular.
655 Paragraph C7/1.2 Aliens Circular.

Due to the war with Russia, the designation of **Ukraine** as a safe country of origin had already been suspended since 2023.[656] For more information on the current Dutch policies regarding Ukraine, see Annex on Temporary Protection in the Netherlands.

Application of the concept of safe country of origin

The Minister can designate a country as a safe country of origin, while exempting specific groups such as LGBTQI+ individuals or women. In these cases, the safe country of origin-concept does not apply and those belonging to this group do not have a higher burden of proof. The asylum request is handled in Track 4.

On 25 May 2022, the Minister decided for procedural and economic reasons to no longer use the 'groups with higher concern'[657] in response to a ruling of the Council of State.[658] The Council of State had ruled that the consequences of designating a specific 'group with higher concern' for the assessment framework are unclear and that the Minister should either give a substantial interpretation to this concept or abolish it. All groups with higher concern will henceforth be treated as exempted groups.

G. Information for asylum seekers and access to NGOs and UNHCR

1. Information on the procedure

Indicators: Information on the Procedure

1. Is sufficient information provided to asylum applicants on the procedures, their rights and obligations in practice? ☒ Yes ☐ With difficulty ☐ No
2. Is tailored information provided to unaccompanied children? ☒ Yes ☐ No

As laid down in the Aliens Circular,[659] (representatives of) the Dutch Council for Refugees inform asylum applicants about the asylum procedure during the rest and preparation period (see Registration). This can be done either during a one-on-one meeting, or in a group where asylum applicants often do not know each other but speak a common language, generally through an interpreter on the phone. During this information meeting, the asylum applicant will also be informed that the IND may request for their transfer to another Member State under the Dublin Regulation. In such meetings, asylum applicants receive information from the Dutch Council for Refugees on the asylum procedure and on their rights and obligations.

The Dutch Council for Refugees also has up-to-date brochures (last updated July 2023) available for every step in the asylum procedure (for example: the registration phase and the rest and preparation period, the general procedure, the extended procedure, the border procedure and the Dublin procedure). The brochure, explaining the registration phase and the rest and preparation period, is available in 24 different languages, which are based on the most common countries of origins of asylum applicants, namely Türkiye, Syria and Afghanistan.[660] Not all the brochures are available in every language, but all of them are available in the most widely spoken languages, such as Arabic, English, Farsi, French, Somali and Turkish. In addition to these brochures, there are employees of the Dutch Council for Refugees present at the different locations such as the COL, POL and AC's. At the moment, there are seven different brochures available for asylum applicants, with an additional two brochures that are specifically tailored to unaccompanied minors. The information in the brochures has been coordinated

656 Par. C7/1.2 Aliens Circular under *Oekraïne*.
657 For further information about this concept and how it was used, see previous updates to this country report, available at: https://bit.ly/3SMHHji.
658 KST 19637, no. 2894, available in Dutch at: https://bit.ly/3Vn7Tzf. Council of State, ECLI:NL:RVS:2022:985, 5 April 2022, available in Dutch at: https://bit.ly/3OC4BaK.
659 Paragraph C1/2 Aliens Circular. See also: Dutch Council for Refugees, 'Voorlichtingsfolders Asielprocedure en de Gezinsherenigingsprocedure', available at: https://bit.ly/3I9JdFS.
660 Dutch Council for Refugees, *Voorlichtingsfolders over de Asielprocedure en de Gezinsherenigingsprocedure*, available in Dutch at: https://bit.ly/49N56qv.

with the IND. The IND and the Dutch Council for Refugees hand out the brochures together at different moments in the asylum procedure.

In the border procedure, the Dutch Council for Refugees informs asylum applicants on the first day of detention as to the procedural steps of this procedure. If needed, asylum applicants can receive additional assistance, for example for the collection of documents or regarding the appeal procedure.

UNHCR verifies the content of the brochure and leaflets of the IND and the Dutch Council for Refugees. The common information forms included in Annexes X to XIII of the Commission Implementing Regulation (EU) No 118/2014 are in use.

2. Access to NGOs and UNHCR

Indicators: Access to NGOs and UNHCR

1. Do asylum applicants located at the border have effective access to NGOs and UNHCR if they wish so in practice? ☒ Yes ☐ With difficulty ☐ No

2. Do asylum applicants in detention centres have effective access to NGOs and UNHCR if they wish so in practice? ☒ Yes ☐ With difficulty ☐ No

3. Do asylum applicants accommodated in remote locations on the territory (excluding borders) have effective access to NGOs and UNHCR if they wish so in practice? ☒ Yes ☐ With difficulty ☐ No

There are employees of the Dutch Council for Refugees present in the COL, POL and the Application Centres (AC).

At the Judicial Complex at Schiphol Airport (JCS) where the majority of the border procedures take place, asylum applicants who are detained during their border procedure do have access to (other) NGOs (such as Amnesty International) and UNHCR (by email or by phone). These organisations are able to visit asylum applicants in detention as any other regular visitor, but in practice, this rarely happens. Additionally, an asylum applicant cannot receive visitors for the first ten days, but they are able to visit the Dutch Council for Refugees (VWN) as they are present at JCS. On the one hand, asylum applicants are not always familiar with the organisations and do not always know how to reach them. In practice, hardly any visits take place. On the other hand (representatives of) the organisations do not have the capacity to visit all the asylum applicants who wish to meet the representatives of the NGOs or UNHCR. Detainees also have access to the legal assistance from the Dutch Council for Refugees, and their lawyer.[661]

H. Differential treatment of specific nationalities in the procedure

Indicators: Treatment of Specific Nationalities

1. Are applications from specific nationalities considered manifestly well-founded? ☐ Yes ☒ No
   - ❖ If yes, specify which:

2. Are applications from specific nationalities considered manifestly unfounded?[662] ☒ Yes ☐ No
   - ❖ If yes, specify which: Safe countries of origin

No applications from specific nationalities are considered as manifestly well-founded. However, Dutch authorities publish country-specific policy recommendations for processing asylum cases of various specific nationalities. This country-specific policy includes for example which groups are considered to be at risk, in which areas an armed conflict is considered to reach the Article 15c Qualification Directive

661 Note that the information provided in this paragraph stems from the experiences of the Dutch Council for Refugees, working at the JCS.

662 Whether under the 'safe country of origin' concept or otherwise.

standard, but also for which nationalities there is a Postponement of Decision and Departure in place (see below).

In general, applications from asylum applicants from 'safe countries of origin' are considered manifestly unfounded and subject to an Accelerated Procedure ('Track 2'). However, in policy rules exceptions are being made with regard to certain groups, like LGBTQI+ asylum applicants or specific ethnicities. The safe countries of origin are listed in the section on Safe Country of Origin.

For all other nationalities there is no differentiated treatment in the procedure.

Public Country-specific policy

The Minister publishes country-specific policy for specific nationalities; these are usually based on an official country report from the ministry of Foreign Affairs.[663] It is published in the Aliens Circular C7 [664]. As of 2025, there are country specific policies for 30 countries:

- Afghanistan
- Azerbaijan
- Belarus
- Cameroon
- China
- Colombia
- Democratic Republic Congo
- Egypt
- Eritrea
- Ethiopia
- Gambia
- Guinee
- Iraq
- Iran
- Ivory Coast
- Lebanon: situation for Palestinians
- Libya
- Mali
- Nepal
- Nigeria
- Pakistan
- Palestinian Territories
- Russian Federation
- Somalia
- Sudan
- Syria
- Türkiye
- Uganda
- Venezuela
- Yemen

663 The official country report takes into account all types of information, also EUAA country guidance information. However, the EUAA guidance is not always followed in the actual country specific policy.

664 Please see the following link: https://bit.ly/3SxpgOo.

The following paragraphs explain which categories and groups can be distinguished in a country-specific policy and provides some examples. For the complete and up-to-date public country-specific policy please see paragraph C7 of the Aliens Circular.[665]

The standard country-specific policy consists of the following paragraphs:

1. Postponement of Decision
2. Article 1F Refugee Convention
3. Persecution under the Refugee Convention
4. Serious Harm under art 15 Qualification Directive
5. Protection
6. Adequate reception for unaccompanied minors
7. Postponement of Departure
8. Particularities

Postponement of Decision and Departure

When the situation in a certain country is uncertain, Dutch authorities can proclaim a general Postponement of Decision and Departure for a certain nationality or certain groups within a country of origin. This means that the time limit for deciding is prolonged for six months. During these six months there will usually also be no forced returns executed. The Postponement of Decision and Departure can be prolonged with an additional 6 months. In 2023, there was a Postponement of Decision and Departure in place for Ukraine (prolonged for the third time for 3 additional months until 28 November 2023, exactly 21 months since the first Postponement of Decision and Departure was in place). The postponement of decisions and departures for Ukraine ended as of 28 November.

In 2023, there was a Postponement of Decision and Departure for Sudan (since 8 July 2023, and prolonged for 6 additional months on 8 January 2024), but this ended as of July 2024.

Due to the current situation in Gaza, the Minister announced a Postponement of Decision and Departure for the Palestinian Territories (Gaza and Westbank) on 19 December 2023. [666] The Dutch Council for Refugees has unsuccessfully called on the outgoing government to no longer postpone deciding on the asylum requests of Palestinian asylum applicants as they are entitled to protection according to international law and it is obvious that they are at risk in Gaza.[667] On 24 April 2024, the Council of State ruled the Postponement of Decision and Departure for the Palestinian Territories to be unlawful pursuant to an injunction filed by the Dutch Council for Refugees.[668] On 28 June 2024, a new country policy on the Palestinian Territories was published.[669] The policy implemented the ruling of the Council of State. The Minister assumes there is an Article 15(c) Qualification Directive situation in Gaza, but not in the Westbank. It is also assumed that the UNRWA cannot meet its protection mandate in Gaza, while in the Westbank, this might be possible in individual cases.

Article 1F Refugee Convention

For some nationalities the Dutch authorities have included a description of categories in which ‘personal and knowing participation’ within the meaning ofArticle 1F Refugee Convention is assumed. These

665 Please see the following link: https://bit.ly/3SxpgOo.

666 KST 19637, nr. 3181, Letter to the Dutch Parliament, ‘Besluit- en vertrekmoratorium Palestijnse Gebieden’, 19 December 2023, available in Dutch: https://bit.ly/4aUs1lj, no. 701, available in Dutch at: https://bit.ly/3SS0GrC.

667 Dutch Council for Refugees, *Oproep: IND behandel asielverzoeken van Palestijnen uit Gaza*, 23 November 2023, avaialble in Dutch at: https://bit.ly/3uJ5Yh6. Dutch Council for Refugees, *VluchtelingenWerk: erken Palestijnen die onder UNRWA vallen als vluchteling*, 9 February 2024, available in Dutch at: https://bit.ly/3SS15dC.

668 Council of State, ECLI:NL:RVS:2024:1663, 24 April 2024, available in Dutch at: https://bit.ly/4gUdvN8.

669 See paragraph C7/28.2 Aliens Circular.

categories include lists of military positions within a certain military branch or during a certain regime or time. In 2025 the country-specific policy of Afghanistan and Iraq include an 1F-paragraph.[670]

Refugee protection: Group Persecution and Groups at Risk

The country-specific policy first identifies groups that have well-founded fear of being persecuted under the Refugee Convention. A group can be identified as being at risk of group persecution. As a result, being a member of this groups is enough to qualify for refugee protection. In 2025 groups that have been identified as being at risk of group persecution are:

- Afghanistan: translators that have been working for international military or policy missions.[671]
- China: Uyghurs and Tibetans subjected to repression.[672]
- China: Active followers of religious and spiritual movements identified as *xie jiao* by the Chinese authorities.[673]
- Iraq: LGBT.[674]
- Iran: Christians who are active in 'new churches' or evangelize and/or members of house churches attending meetings.[675]
- Russian Federation: LGBT individuals from Chechnya.[676]
- Sudan: Masalit.[677]

Before the first of July 2024, a group could also be qualified as a Group at Risk.[678] This means that the Dutch authorities accept there is an elevated risk of persecution for members of this group in the country of origin. In theory, applicants being a member of a Group at Risk should have a lower burden of proof and it should be easier to qualify for international protection. In practice, the effect of being qualified as a Group at Risk on the protection rate varies greatly. A Group at Risk can consist of an ethnicity (for example Hazara in Afghanistan), a social group (for example LGBTQI+ in Egypt) or religious group (for example Christians in Libya and Pakistan). Some Groups at Risk had a very broad definition (for example 'journalists' in Libya and Burundi), others had a very narrow and specific definition (for example in Somalia one Group at Risk is defined as: 'Leaders of clans who support the government or elections, or other prominent persons with a large public reach and who openly spoke out against Al-Shabaab').

As of July 2024, Groups at Risk have been removed from the Aliens Circular as a category and replaced with the so-called 'Risk Profiles'. Being part of a Risk Profile does not entail a lower burden of proof and does not make it easier to qualify for international protection per se. It merely means that some these Risk Profiles may be subject to risk of persecution or treatment in the sense of Article 15b Qualification Directive. Most Groups at Risk have been transposed into Risk Profiles.[679]

Subsidiary Protection: Systemic Exposure and Vulnerable groups

Next, country policies include a section regarding the concept of serious harm under Article 15 Qualification Directive (subsidiary protection). This section sets forward groups that might be eligible for subsidiary protection (as opposed to refugee protection). The groups identified are those at risk of systemic exposure to serious harm. As a result, being a member of this group is enough to qualify for subsidiary protection. As of 2025, there are two countries that have groups that are considered to be at risk of systemic exposure: Somalia and Eritrea. In Somalia, the human rights situation in southern and central Somalia, where Al-Shabaab is in power or controls the area, is considered so severe that any returnee is considered to be at risk of serious harm. However, under certain conditions, it can be argued

670 See paragraph C7/2.2 (Afghanistan) and C7/16.2 (Iraq) Aliens Circular.
671 See C7/2.3.1 Aliens Circular.
672 See C9/ 9.3.1 Aliens Circular.
673 See C7/9.3.1 Aliens Circular.
674 See C7/16.3.1 Aliens Circular.
675 See C7/17.3.1 Aliens Circular.
676 See C7/28.3.1 Aliens Circular.
677 See C7/ 32.3.1 Aliens Circular.
678 See section C7 Aliens Circular for a list of all the Groups at Risk per country.
679 For the policy in question, see WBV 2024/12, 13

that an internal protection alternative exists, mainly in an area where Al-Shabaab is not in power. For Eritrea, there are two groups that are considered to suffer from Systematic Exposure: persons required to serve in the military component of national services and military deserters. Aside from the Systematic Exposure policy, the IND grants subsidiary protection to Eritreans who have left their country illegally. The rationale for this policy is that Eritreans need prior approval from their government to leave Eritrea. If an Eritrean leaves the country without this approval and then returns, negative attention from the authorities is attracted.

Before the first of July 2024, a group could also qualify as a Vulnerable Group. This meant that the Dutch authorities accepted that there was an elevated risk of serious harm for members of this group in the country of origin. In theory, applicants being a member of a Vulnerable Group should have a lower burden of proof and it should be easier to qualify for subsidiary protection. In practice, the effect of being qualified as a Vulnerable group on the protection rate varies greatly. A Vulnerable Group can consist of an ethnicity (for example Yezidi in Iraq), a religious group (for example converted Christians in Afghanistan) or other groups (for example displaced (minor) women from Darfur, South Kordofan (including Abyei) and Blue Nile in Sudan). Just as with the 'Groups at Risk' set out above, the category of Vulnerable Groups has been replaced by 'Risk Profiles'. Being part of a Risk Profile does not entail a lower burden of proof. Most groups that were categorised as Vulnerable Groups have been transposed to Risk Profiles.[680]

Exceptional circumstances under Article 15(c) Qualification Directive

The Country-specific policy also includes the countries and areas for which the Dutch Authorities consider an armed conflict is considered to reach the Article 15c Qualification Directive standard.[681] However, there were multiple developments regarding Article 15(c) Qualification Directive during 2024 and 2025. On 9 November 2023, the CJEU found that, to determine whether a case reaches the high threshold of '*serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict*' meriting subsidiary protection under Article 15(c) Qualification Directive, both the general situation in the area and the individual position and personal circumstances of each applicant need always be taken into account.[682] Following this judgment, the Regional Court of Den Bosch classified as a 'sliding scale' this concept that the more it appears that the individual situation of an applicant can increase the risk of becoming a victim of such 'indiscriminate violence', the lower the general level of violence in the area needs to be in order to merit subsidiary protection under Article 15(c) Qualification Directive.[683] Following this judgment, two policy changes were made with respect to how Article 15(c) Qualification Directive is assessed in The Netherlands. First, the Minister determines whether an 'international or domestic armed conflict' exists in a region or country. Second, the magnitude of the conflict was classified in one of three levels of severity: (a) a conflict that reaches the threshold of Article 15(c) Qualification Directive on its own ('pure' 15(c) situation); (b) a 'high level of indiscriminate violence'; or (c) 'no sufficient high degree of indiscriminate violence'. The Minister initially decided to only apply the 'sliding scale' in the second level, essentially refraining from applying the 'sliding scale' if the conflict was said to have 'no sufficient high degree of indiscriminate violence'. However, the Council of State ruled on 17 July 2024 that this extra threshold was unlawful, and that the 'sliding scale' the CJEU judgment appears to establish must be applied in all situations, no matter the severity of the indiscriminate violence. In response to this judgment, the three levels of severity were adapted again: (a) a conflict that reaches the threshold of Article 15(c) Qualification Directive on its own ('pure' 15(c) situation) (unchanged); (b) relatively higher level of indiscriminate violence; or (c) relatively lower level of indiscriminate violence.[684] Even though conflict

680 Ibid.

681 In court cases, there is often discussion about whether the level of conflict in a certain country or area reaches the standard for Article 15C, this was for example the case for Libya. When the highest court in the Netherlands decides there is a 15c policy in a country, it is usually included in the country policy.

682 CJEU, judgment in case C-125/22 *Staatssecretaris van Justitie en Veiligheid*, of 9 November 2023; available here.

683 Regional Court Den Bosch, ECLI:NL:RBDHA:2023:20195, 20 December 2023, available in Dutch at: https://bit.ly/3W9BQWR.

684 Paragraph C2/3.3.3.3 Aliens Circular.

situations are thus classified as one of three levels, these levels serve as an 'indicative tool' for IND employees, meaning that in every situation and case the level of indiscriminate violence differs and the need for additional individual elements to reach the threshold of Article 15(c) Qualification Directive is adjusted accordingly.[685]

Another development was the need to include the so-called 'humanitarian circumstances' in the assessment of the level of indiscriminate violence in a country or region. The Council of State ruled on 16 July 2025 that all relevant circumstances must be included in the Article 15c QD-assessment, including humanitarian circumstances that are the direct or indirect cause of the acting - or lack thereof - of a party to a conflict.[686] As a result, the situations in Yemen and Syria had to be reassessed. However, which circumstances and more specifically, those caused by which specific parties to a (former) conflict have to be taken into account, is still unclear. In response, the Regional Court of Roermond referred preliminary questions to the CJEU regarding the 'actor requirement'.[687]

At the time of writing, Cameroon (North-West and South-West),[688] Congo DRC (North-Kivu, South-Kivu and Ituri),[689] Gaza,[690] Mali (Gao, Kidal, Mopti and Tombouctou),[691] and Sudan (Khartoum, North-, South- and Central-Darfur, Kordofan and El Gezira),[692] are designated as having a 'most exceptional situation' (severity level A).

Mali (Ménaka and Ségou),[693] Yemen (provinces of Abyan, Aden, Al Bayda, Al Dhale, Al Hudayda, Al Jawf, Ibb, Lahj, Marib, Sa'da, Sana'a (city), Sana'a (province), Shabwa and Taiz),[694] and Sudan (West-Darfur),[695] are designated as having a 'higher level of indiscriminate violence' (severity level B).

Colombia (Antioquia, Arauca, Bolivar, Cauca, Choco, Magdalena Valle del Cauca, Nariño and Putumayo,[696] Ethiopia (Amhara and Oromia),[697] Iraq (Diyala, Dohuk, Erbil and Ninewa),[698] Lebanon (South, Nabatiye and Baalbek-Hermel), [699] Libya (North-West (including Tripoli and Sirte, and Benghazi),[700] Mali (Koulikoro),[701] and Pakistan (Balochistan and Khyber-Pakhtunkhwa (KP),[702] Somalia (Benadir (including Mogadishu), Galgaduud, Hiraan, Mudug, Lower Juba, Lower Shabelle and Middle Shabelle),[703] Sudan (Abyei, Blue Nile, Gedaref, Kassala, Northern, Nile, East-Darfur, Red Sea, Sennar and White Nile),[704] Syria,[705] Yemen (Al Mahwit, Amran, Dhamar, Hajjah and Raymah),[706] and West Bank,[707] are designated as having a severity level C.

Protection

685 Besluit van de Minister van Asiel en Migratie van 30 januari 2025, nummer WBV 2025/2, houdende wijziging van de Vreemdelingencirculaire 2000, 5 February 2025, available in Dutch at: https://bit.ly/3L4Xv07.
686 Council of State, ECLI:NL:RVS:2025:3153, 16 July 2025, available in Dutch at: https://bit.ly/49b0CwC.
687 Regional Court of Roermond, ECLI:NL:RBDHA:2025:25445, 29 December 2025, available in Dutch at: https://bit.ly/4sD8kYb.
688 See paragraph C7/20.4.2 Aliens Circular.
689 See paragraph C7/11.4.2 Aliens Circular.
690 See paragraph C7/28.4.2 Aliens Circular.
691 See paragraph C7/23.4.2 Aliens Circular.
692 See paragraph C7/32.4.2 Aliens Circular.
693 See paragraph C7/23.4.2 Aliens Circular.
694 See paragraph C7/19.4.2 Aliens Circular.
695 See paragraph C7/32.4.2 Aliens Circular.
696 See paragraph C7/10.4.2 Aliens Circular.
697 See paragraph C7/14.4.2 Aliens Circular.
698 See paragraph C7/16.4.2 Aliens Circular.
699 See paragraph C7/21.4.2 Aliens Circular.
700 See paragraph C7/22.4.2 Aliens Circular.
701 See paragraph C7/23.4.2 Aliens Circular.
702 See paragraph C7/27.4.2 Aliens Circular.
703 See paragraph C7/30.4.2 Aliens Circular.
704 See paragraph C7/32.4.2 Aliens Circular.
705 See paragraph C7/33.4.2 Aliens Circular.
706 See paragraph C7/19.4.2 Aliens Circular.
707 See paragraph C7/28.4.2 Aliens Circular.

Some country-specific policies contain a protection paragraph. This paragraph discusses the (im)possibility to receive protection from the authorities in that country or the (im)possibilities of an internal protection alternative. Sometimes the policies list the groups for which the Dutch authorities assume no protection from the authorities is possible, and sometimes it says that the authorities cannot protect anyone in the country, irrespective of the group they may belong to (this is the case for Sudan, for example),[708] or no protection alternative can be said to exist (for example, Ahmadi's in Pakistan).[709] This means that members of these groups cannot be asked to return to another part of their country of origin (as is usually expected when an internal protection alternative is put forward by the Minister) nor can they be expected to request protection against persecution or serious harm from the authorities of their country of origin.

Adequate reception for unaccompanied minors

In the country-specific policy it is also mentioned whether there is adequate reception for unaccompanied minors. Either the country-specific policy includes that: 'general reception facilities are not available and/or not adequate, and the authorities do not take care of the reception' (this is the case for example for applicants from Uganda and Syria), or it is included explicitly that there is adequate reception for unaccompanied minors (for example for applicants from Türkiye).

Syrian nationals

A Postponement of Decision and Departure was active regarding Syria between 14 December 2024 and 14 June 2025, due to the fall of the Assad-regime in that country. Before 14 December 2024, almost all applicants from Syria were eligible for a subsidiary protection status. The Dutch authorities assumed that a foreign national from Syria ran a real risk of serious harm upon or after returning from abroad. Two exceptions were formulated: applicants that are active supporters of the regime and applicants that have already returned to Syria without experiencing problems.[710]

On 14 June 2025, the processing of applications of Syrian applicants resumed. The Minister published new country policy for Syria on 20 June 2025.[711] Under the new policy, Alawites and members of the LGBTIQ+ community are considered 'risk profiles' (see above). Other groups in the country, such as Christians and other ethnic minorities, are not mentioned. In terms of Article 15(c) of the Qualification Directive, the country policy states that there is a relatively low level of indiscriminate violence in Syria. The Dutch Council for Refugees reports that Syrian applications in first instance are now rejected more often than before the fall of the Assad regime. Due to the recentness of the new country policy, most of these rejections have not been subject to judicial review at the moment of writing. In the scarce case-law available at the moment, courts are debating whether the Minister's qualification of the level of violence in the sense of Article 15 (c) is correct, with the Regional Court of Haarlem ruling, for example, that this has not been properly substantiated,[712] while the Regional Court of Middelburg ruled that the Minister has not underestimated the level of violence.[713] Just before the end of 2025, the Regional Court of Roermond made a request for a preliminary ruling from the CJEU regarding the relationship between Article 15 (c) of the Qualification Directive and humanitarian circumstances.[714] In short, the Dutch Court asked whether humanitarian circumstances, such as a lack of food, shelter and medicine, that are the result of armed conflict, must be considered when determining the level of indiscriminate violence in the sense of Article 15 (c) and, if so, to what extent the conflict must have caused these humanitarian circumstances.

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708 See paragraph C7/32.5.1 Aliens Circular.
709 See paragraph C7/27.5.2 Aliens Circular.
710 See paragraph C7/33.4.4 Aliens Circular (old).
711 See paragraph C7/33 Aliens Circular.
712 Regional Court Haarlem, 11 December 2025, ECLI:NL:RBDHA:2025:23822, available in Dutch at: https://bit.ly/4aICq5X.
713 Regional Court Middelburg, 1 December 2025, ECLI:NL:RBDHA:2025:22984, available in Dutch at: https://bit.ly/4qeIRnk.
714 Regional Court Roermond, 29 December 2025, ECLI:NL:RBDHA:2025:25445, available in Dutch at: https://bit.ly/4bmxROU.

Afghan nationals

For information regarding the evacuation of Afghan nationals, see the section Legal access to the territory.

There used to be an elaborate country policy for Afghanistan including extensive lists with groups of risk and vulnerable groups. In 2024, many of these groups were removed from the country policy.

For Afghanistan, there are several risk profiles that could qualify for refugee protection:[715]
- women;
- human rights activists;
- journalists and people working in the media sector;
- non-Muslims, including converts, apostates, Christians, Bahai and Sikhs/Hindus;
- LGBTI.

With regard to women, the Aliens Circular states that the IND will assess whether women are able to conform to the norms set out by the Taliban regime and whether this non-conformity will lead to persecution. The Dutch policy regarding 'westernised' women has changed pursuant to the CJEU rulings on 16 January 2024[716] and 11 June 2024.[717]. Before, as a rule, a Western lifestyle developed in the Netherlands could not, in itself, lead to refugee status or subsidiary protection. Adaptation to Afghanistan's customs were in certain circumstances required. There were two exceptions to this: if the Western behaviour is an expression of a religious or political conviction, or if a woman has personal characteristics that are extremely difficult or virtually impossible to change and because of these characteristics she fears persecution or inhumane treatment in Afghanistan. This policy has been revoked pursuant to the aforementioned CJEU rulings. Women as a group, or sub-groups of women, can qualify as a social group in the sense of the Refugee Convention. It is no longer necessary for the behaviour of the woman to be an expression of a religious or political conviction. In line with CJEU case law, it is now merely required that the woman believes in the fundamental value of equality between men and women.

On 4 October 2024, the CJEU ruled that Afghan women face an accumulation of discriminatory measures, amounting to persecution (and some discriminatory measures, such as forced marriage, constitute acts of persecution in themselves).[718] According to this ruling, Member States may limit their assessment to the fact that the applicant is a woman from Afghanistan in order to qualify for international protection. To this day, in the Netherlands, Afghan women are merely classified as a risk profile, meaning that they do not automatically qualify for international protection. The Aliens Circular specifies that Afghan women have to show that they cannot conform to the regulations and measures imposed by the Taliban regime.[719] This poses questions as to the conformity with the CJEU ruling of 4 October 2024. In response to parliamentary questions, the Dutch Government responded that the ruling does not give reason to amend the national policy, as the ruling allows for discretion to individually decide on applications from Afghan women, and that applications from this group are usually granted.[720] In 2025, the asylum applications of several Afghan women were rejected because the IND considered that they could conform to the Taliban rules. There is not much national case law regarding the legality of this practice at the moment of writing this report. The Regional Court of Middelburg ruled on 26 November 2025 that the Minister was wrong in rejecting asylum application of an Afghan woman.[721] It relied on the

715 See paragraph C7/ 2.3.2 Aliens Circular. The Aliens Circular includes risk profiles that could qualify for either refugee protection or subsidiary protection. For Afghanistan, there are currently only risk profiles in the refugee protection category.
716 CJEU, ECLI:EU:C:2024:47, 16 January 2024, available in English at: https://bit.ly/4ahuVjZ.
717 CJEU, ECLI:EU:C:2024:487, 11 June 2024, available in English at: https://bit.ly/40cJ11E.
718 CJEU, ECLI:EU:C:2024:828, 4 October 2024, available in English at: https://bit.ly/41DtSaq.
719 See Aliens Circular paragraph C7/ 2.3.2.1.
720 Kamervragen, nr. 5834388, Over de gevolgen van de recente uitspraak van het Europese Hof van Justitie op het asielbeleid, 26 november 2024, available in Dutch with a *Vluchtweb account* at: https://bit.ly/4iz8ydv
721 Regional Court of Middelburg, 26 November 2025, ECLI:NL:RBDHA:2025:22308, available in Dutch at: https://bit.ly/3Yt2ydK.

CJEU ruling of 4 October 2024 (see above) to find that Afghan women automatically qualify for refugee status and that a further individual assessment is not permitted.

Because of the worrying security and human rights situation in Afghanistan, the IND stated in its Information Message 2022/71 of 21 July 2022 that many Afghans will receive the benefit of the doubt, leading to a high chance of the applications being accepted.[722] This Information Message also states that due to the very worrying situation of women in Afghanistan, (alleged) westernised women will 'sooner receive the benefit of the doubt'. This information message has since not been extended after October 2023. As stated above, the Minister has started to reject applications of certain Afghan women, so it seems that the benefit of the doubt does not extend to all women.

Asylum applications of Ukrainian nationals outside the scope of the TPD

In the Dutch context, displaced persons from Ukraine who do not fall within the scope of the temporary protection regime can apply for asylum at the application centre in Ter Apel. Their application is assessed in one of the asylum procedures ('tracks'). While, since 28 February 2022, the Dutch authorities have applied a policy of temporarily suspending decisions on asylum applications lodged by Ukrainian nationals, as long as the security situation in Ukraine remains unstable and the temporary protection regime is in place,[723] the Dutch Council for Refugees has received signals indicating that in 2024 and 2025 the IND has started issuing substantive decisions and draft decisions (voornemens) in cases of Ukranian nationals. In most cases, the asylum applications were rejected or have the intention of being rejected. In the (intended) rejections observed by the Dutch Council for Refugees, the IND has assessed claims on the basis of Article 15(c) of the Qualification Directive and has, in several cases, relied on the existence of an internal protection alternative in western regions of Ukraine. In some cases, these assessments refer to publicly available country information, while in other cases the reasoning appears limited and not clearly linked to a publicly accessible or formally adopted country policy.

For more information about this topic, please refer to the TPD Annex.

722 IND, Information Message 2022/71, *Beslissen op Afghaanse asielaanvragen*, available in Dutch at: https://bit.ly/3Cx3L9d.

723 The Secretary of State of Justice & Security, Staatscourant 2023, number 9340, 'Besluit van de Staatssecretaris van Justitie en Veiligheid van 9 maart 2023, nr. 4509940, tot het verlengen van het besluitmoratorium voor vreemdelingen afkomstig uit Oekraïne', available in Dutch at: https://bit.ly/3lYeODh; IND, 'War in Ukraine', available at: https://bit.ly/3WrmRVh; see also Parliament, Kamerstuk 19637, number 3163, 'Situatie in Oekraïne, 4 September 2023, available in Dutch at: https://bit.ly/44kkclU.

Reception Conditions

Short overview of the reception system

The Central Agency for the Reception of Asylum Applicants (Centraal Orgaan opvang Asielzoekers – COA) is the authority responsible for the accommodation of asylum applicants and thus manages the reception centres. Normally asylum applicants who enter the Netherlands by land have to apply at the Central Reception Centre (Centraal Opvanglocatie, COL) in **Ter Apel**, where they should stay for a maximum of three days. The COL is not designed for a long stay. If applicants arrive during the weekend, they will have access to night reception until registration on the first working day.

After this stay at the COL, the asylum applicant is transferred to a Process Reception Centre (Proces Opvanglocatie, POL). An asylum applicant remains in the POL if the IND decides to examine the asylum application in the Regular Procedure (within eight days). If protection is granted, the asylum applicant is transferred to a Centre for Asylum Applicants (*Asielzoekerscentrum*, AZC) before receiving housing in the Netherlands. If the IND decides to handle the application in the extended asylum procedure, the asylum applicant will also be transferred from the POL to an AZC. Asylum applicants and beneficiaries of protection who have not yet been housed are hosted in collective centres. Currently, no option to access individual housing is provided by the authorities.

The Netherlands experienced various reception crises, the latest of which started in September 2021. Whereas the reception crisis experienced in 2015 was due to an unexpected and very high number of new arrivals of asylum applicants, the current one could have been prevented, if the government had anticipated the possibility of having to manage an increase in the number of new arrivals. Instead, many reception centres were closed as soon as the number of arriving asylum applicants dropped, leaving no flexibility in the system to cope with any increases in arrivals – even though the COA did request to preserve extra capacity on several occasions in 2015, 2018 and 2020.[724] The current shortage of asylum reception places was caused by this previous downsizing of the reception capacity, as well as similar downsizing of IND personnel which led to increased waiting times in the asylum procedure.[725] Due to the reception crisis, the reception process as described above is not usually followed. Applicants often stay at the COL in Ter Apel or at surrounding 'pre-registration locations' for much longer than three days, and these locations are frequently over capacity. Here, they wait for a transfer to one of the many (Crisis) Emergency Reception Centres that opened (and closed) around the country from September 2021 onwards. There has been a constant reception crisis since September 2021, and it continued throughout 2025.

Less than half of the people entitled to reception conditions (i.e., asylum seekers) as well as beneficiaries of international protection who have not been offered housing yet, were staying in (crisis) emergency centers over the course of 2025 (32,842 out of 79,984 people). All other residents stayed at regular asylum centres and/or temporary reception locations managed by municipalities. Different reports highlight how the majority of the (crisis) emergency locations still largely fail to meet the State's obligations under EU law. While some (crisis) emergency locations have adequate facilities, these are exceptions, and conditions elsewhere are equally distressing. The inadequate reception conditions at (crisis) emergency locations are especially alarming due to the long period of stay for up to one and a half years. People suffer severely from a lack of privacy, tranquillity, and suitable nutrition. Sanitary

724 Netherlands Court of Audit (*Algemene Rekenkamer*), 'Focus op opvangcapaciteit voor asielzoekers', 18 January 2023, available in Dutch at: http://bit.ly/3C0KsIn.

725 This has also been confirmed by the ACVZ and ROB (*Raad voor het Openbaar Bestuur*). In their report they state that the reception crisis is a self-made crisis by the Dutch government: 'Asielopvang uit de crisis', 14 June 2022, available in Dutch at: https://bit.ly/3ik1OGw. This finding was further confirmed in 2023 by the National Ombudsperson and the Netherlands Court of Audit (*Algemene Rekenkamer*): Nationale ombudsman en Kinderombudsman, *De crisis voorbij: Naar een menswaardige opvang van asielzoekers vanuit mensen- en kinderrechtelijk perspectief*, 27 June 2023, available in Dutch at: https://bit.ly/3vIr2V0; Algemene Rekenkamer, 'Focus op opvangcapaciteit voor asielzoekers', 18 January 2023, available in Dutch at: http://bit.ly/3C0KsIn.

facilities are inadequate and particularly unhygienic at too many locations. Problems with healthcare accessibility exist in almost half of the (crisis) shelters. Additionally, the majority of the (crisis) shelters are detrimental to children, who experience a decline in health and weight loss due to a lack of activities, safe play areas, and healthy food. Large differences between (crisis) shelters reveal that whether asylum seekers are able to experience decent reception in the Netherlands is subject to arbitrariness.

A. Access and forms of reception conditions

1. Criteria and restrictions to access reception conditions

Indicators: Criteria and Restrictions to Reception Conditions

1. Does the law allow for access to material reception conditions for asylum applicants in the following stages of the asylum procedure?

❖ Regular procedure	☒ Yes	☐ Reduced material conditions	☐ No
❖ Dublin procedure	☒ Yes	☐ Reduced material conditions	☐ No
❖ Border procedure	☐ Yes	☒ Reduced material conditions	☐ No
❖ Accelerated procedure	☒ Yes	☐ Reduced material conditions	☐ No
❖ First appeal[726]	☒ Yes	☐ Reduced material conditions	☐ No
❖ Onward appeal[727]	☐ Yes	☐ Reduced material conditions	☒ No
❖ Subsequent application	☒ Yes	☐ Reduced material conditions	☐ No

2. Is there a requirement in the law that only asylum applicants who lack resources are entitled to material reception conditions? ☒ Yes ☐ No

Asylum applicants are entitled to material reception conditions after they have shown their wish to apply for asylum. This can be done by registering themselves in the Central Reception Centre COL in Ter Apel. Before the start of the asylum procedure, applicants will spend at least six days (three weeks for minors) at a reception location. During this time, the asylum applicant is entitled to reception conditions set out in Article 9(1) RVA (Regulation on benefits for asylum applicants and other categories of foreigners 2005).[728] The organ responsible for both material and non-material reception of asylum applicants is the COA, according to the Reception Act.[729]

The material reception conditions are not tied to the issuance of any document by the authorities, but the IND will issue a temporary identification card ('W document') to asylum applicants while their asylum application is still in process. Asylum applicants can use this 'W document' to prove their identity, nationality and lawful stay in the Netherlands.[730] If such a document is not issued, the asylum applicant can apply for this. The law makes it clear that the asylum applicant is entitled to obtain it.[731]

Since May 2022, there have been multiple instances where newly arrived asylum seekers, needing to register their application at Ter Apel, have had to sleep on chairs, the floor, or even outside on the grass for one or more days. In July 2022, up to 300, and on 24 August 2022, 700 people slept outside in the grass at Ter Apel due to a lack of available spots in regular or crisis emergency locations.[732] It was the first time that Médicins sans Frontières (*Artsen zonder Grenzen*) operated in the Netherlands to provide medical and psychological consults in Ter Apel.[733] In subsequent years, overnight shelters (also referred to as 'pre-registration locations') have opened in the neighboring region of Ter Apel to temporarily house unregistered asylum applicants for whom there was insufficient capacity in the Central Reception Centre in Ter Apel. Since the opening of these locations, no more asylum applicants slept outside in Ter Apel

726 Except where there is no suspensive effect.
727 Unless provisional measures are granted by the Council of State: Article 3(3)(a) RVA.
728 Article 9(1) RVA.
729 Article 3(1) RVA.
730 IND, 'Vreemdelingen Identiteitsbewijs (Type W en W2)', available in Dutch at: http://bit.ly/2y8JraF.
731 Article 9 Aliens Act.
732 NOS, '300 asielzoekers in Ter Apel sliepen vannacht buiten, hoogste aantal tot nu toe', 17 July 2022, available in Dutch at: https://bit.ly/3vMZieW; NOS, 'Asielcrisis Ter Apel: vannacht hebben 700 mensen buiten geslapen', 24 August 2022, available in Dutch at: https://bit.ly/3IFeeDp.
733 MSF, 'Crisis at Ter Apel Registration Centre', 11 September 2022, available in Dutch at: https://bit.ly/3QsWpcx.

– except for one night in 2023.[734] Having said this, in late 2023 the waiting area of the IND had to be used to accommodate asylum applicants, sometimes for multiple nights.[735] On 7 December 2023, the Inspection of the Ministry of Justice and Security reported that the situation in Ter Apel was untenable due to fire safety risks, inadequate facilities and an increasing risk of violent incidents.[736]

While the aforementioned 'pre-registration locations' (*voorportaallocaties*) around Ter Apel were originally intended for short term stay as applicants waited for the confirmation of their registration appointment in Ter Apel or Budel, in 2024 the applicants staying at these locations had sometimes already undergone the registration process.[737] The situation was due to a continued lack of reception capacity at the COL in Ter Apel, in other (crisis) emergency shelters and in normal AZCs. The location and size of the 'pre-registration locations' depended on the required extra reception places and the availability of the locations. The overnight 'pre-registration location' that was first set up in Stadskanaal, consisting of tents, was moved every few months to different municipalities surrounding Ter Apel, including 2e Exloërmond, Zuidwolde, Pekela and Beilen.[738] At this location, applicants (including families with children) arrived in the evening by bus, had dinner, showered and slept in large tents, and were brought back to Ter Apel in the early morning to spend the day there, often in *portakabins* (container cabins).[739]

Throughout 2024, there were reports of grossly unsatisfactory conditions in some of the 'pre-registration locations'. For example, the 'pre-registration location' in Assen consists of an event hall in which ceilingless rooms with partitions, with bunk beds for four to six people.[740] The intended maximum period of stay at this location was first five and then twenty days, but both terms were often exceeded.[741] In April, the location was heavily overcrowded, with 700 residents while the capacity was 500.[742] In July, a doctor reported that several children residing at this location became underweight, could not sleep due to the noise and refused to use the sanitary facilities as they were very unhygienic.[743] The Minister stated that, after this report, the children who became underweight were transferred and some improvements were made in the diversity of the food and activities for children.[744] This location closed in January 2026. The Dutch Inspection of Justice and Security noted in 2024 that applicants stayed at the COL in Ter

734 NOS, 'Ondanks noodverordening toch buitenslapers bij Ter Apel', 28 September 2023, available in Dutch at: https://bit.ly/3SjCxLK.

735 See for an overview of all these different moments this blog at the website of COA, available in Dutch at: https://bit.ly/4aUqED8.

736 Inspection of Justice and Security, 'Letter about unsafe situation at Ter Apel', 7 December 2023, available in Dutch at: https://bit.ly/4aTiACx.

737 The information above follows from meetings with the IND, COA, AVIM and the Dutch Council for Refugees. The IND website at time of writing also mentions the possibility of a 'pre-registration' at: https://bit.ly/47rYv3m. See also the mention of both registered and unregistered asylum claimants in Assen in RTV Drenthe, 'Expo Hal Assen blijft nog anderhalf jaar noodopvang asielzoekers', 17 July 2024, available in Dutch at: https://bit.ly/3DV4tRk, and in Leeuwarden in NOS, 'Noodopvang Leeuwarden sluit nog voor het nieuwe jaar', 27 December 2024, available in Dutch at: https://bit.ly/3WkTPJY.

738 RTV Drenthe, 'Crisisnachtopvang asielzoekers naar 2e Exloërmond verhuisd: 'Een uitkomst voor Ter Apel'', 6 February 2024, available in Dutch at: https://bit.ly/3BTQTNw; RTV Drenthe, 'Nachtopvang verhuist van 2e Exloërmond naar Zuidwolde: 'Triest dat het nodig is'', 2 April 2024, available in Dutch at: https://bit.ly/4jdOa2i; RTV Noord, 'Tijdelijke nachtopvang voor 200 asielzoekers gaat naar Pekela', 26 June 2024, available in Dutch at: https://bit.ly/4hadiFi; RTV Drenthe, 'Nachtopvang Beilen redt overvol Ter Apel maar: 'Situatie deugt niet. We zeulen met mensen'', 14 October 2024, available in Dutch at: https://bit.ly/42dESNl.

739 RTV Drenthe, 'Crisisnachtopvang asielzoekers naar 2e Exloërmond verhuisd: 'Een uitkomst voor Ter Apel'', 6 February 2024, available in Dutch at: https://bit.ly/3BTQTNw; De Groene Amsterdammer, 'Asielzoekers in Kijkduin: Een sigaretje op het balkon', 10 January 2024, available in Dutch at: https://bit.ly/4ak8Ota.

740 NOS, 'Asielzoekers blijven te lang in Expo Hal Assen onder 'inhumane' omstandigheden', 6 May 2024, available in Dutch at: https://bit.ly/3BXLOnr.

741 Ibid; RTV Drenthe, 'Brandbrief heeft effect: opvang in Expo Hal aangepast voor kinderen', 6 November 2024, available in Dutch at: https://bit.ly/40jQXhL.

742 RTV Drenthe, 'Weinig doorstroom in overvolle Expo Hal in Assen: 'Afhankelijk van andere centra'', 29 April 2024, available in Dutch at: https://bit.ly/3WkT7MO.

743 RTV Drenthe, 'Brandbrief heeft effect: opvang in Expo Hal aangepast voor kinderen', 6 November 2024, available in Dutch at: https://bit.ly/40jQXhL.

744 RTV Drenthe, 'Brandbrief heeft effect: opvang in Expo Hal aangepast voor kinderen', 6 November 2024, available in Dutch at: https://bit.ly/40jQXhL.

Apel and the 'pre-registration locations', which are clearly not suitable for lengthy stay, for up to six months, and that this is detrimental to both the mental and physical well-being of applicants.[745]

Portakabins that were placed on the terrain of Ter Apel were to provide extra reception and recreation space during the day, but applicants had to sleep there on numerous occasions, on matrasses on the floor. This happened frequently in April and May, and on two nights in September 2024.[746] In September, COA had to pay a € 70,000 fine to the municipality which Ter Apel is part of (Municipality Westerwolde) as making applicants sleep in the *portakabins* breached COA's permit, among other things due to a lack of fire safety.[747] The Dutch Inspection of Justice and Security pointed out that, even though the number of arrivals has been relatively low compared to previous years, small increases (a few dozens) in the number of arrivals or delays in the opening of a normal reception centre immediately lead to a crisis situation at Ter Apel, leading to unsafe conditions.[748,749] This situation continued into 2025 and 2026, with a recurring occupancy rate at COA locations of over 100%. The situation in Ter Apel is a result of a structural shortage in regular reception centres to which new asylum seekers can transfer after their first registration in the COL. The Inspection recommends that, as long as the problem of overcrowding persists, Ter Apel and its 'pre-registration locations' should be made suitable for the long-term stay and the high capacity that will realistically be required.

On 22 December 2023 the Municipality of Westerwolde sued the COA for breach of contract because the maximum capacity of 2,000 asylum applicants was exceeded time and time again in 2023.[750] On 23 January 2024, the Civil Court ruled in favour of the Municipality, stating that COA has to pay a legal penalty of € 15,000 for every day that there will be more than 2,000 people residing in Ter Apel.[751] Due to continuous overcrowding, by June 2024, the COA had reached the maximum penalty of € 1,500,000. However, it continued to exceed the maximum capacity almost every day.[752] Consequently, the Municipality of Westerwolde sued the COA again, seeking a higher penalty to enforce compliance. On 30 October 2024, the Civil Court ruled in favour of the Municipality again, now imposing a penalty of € 50,000 for every day that there are more than 2,000 people residing in Ter Apel.[753] In response to the ruling, the COA expressed concerns that imposing a penalty does not contribute to solving the problem, and stresses that it structurally needs more long-term reception locations to ensure sufficient capacity.[754] COA lodged an appeal that was rejected by the Court of Appeal of Arnhem-Leeuwarden on 8 April 2025, upholding the earlier ruling of the Civil Court and the penalty of € 50,000.[755] The occupancy in Ter Apel dropped below 2,000 people between November 2024 and September 2025, due to the opening of several emergency reception centres and the prevention of closures of existing locations. On 9

745 Inspectie Justitie en Veiligheid, Brief Toezicht Inspectie Justitie en Veiligheid Ter Apel, 15 January 2024.

746 AD, 'Wéér crisis in Ter Apel: manager stapt op, staatssecretaris doet zoveelste oproep om meer opvangbedden', 26 April 2024, available in Dutch at: https://bit.ly/3Py4htR; NU.nl, 'Asielzoekers moesten voor het eerst in lange tijd in wachtruimte Ter Apel slapen', 25 April 2024, available in Dutch at: https://bit.ly/4gSs8k1; NU.nl, 'Gemeente wil dat slapen in wachtruimtes Ter Apel stopt en geeft azc ultimatum', 14 January 2024, available in Dutch at: https://bit.ly/4h6fQUY; NOS, 'Toch geen buitenslapers bij Ter Apel: Stadskanaal stelt sporthal beschikbaar', 17 September 2024, available in Dutch at: https://bit.ly/3DV34Kw.

747 RTV Noord, 'COA tikt 70.000 euro af voor gebruik portacabins bij aanmeldcentrum', 27 September 2024, available in Dutch at: https://bit.ly/40aKtBA.

748 Inspectie Justitie en Veiligheid, Brief Toezicht Inspectie Justitie en Veiligheid Ter Apel, 15 January 2025, available in Dutch at: https://bit.ly/3WmsWoR.

749 Inspectie Justitie en Veiligheid, Brief Veiligheidsituatie COA locatie Ter Apel, 19 June 2024, available in Dutch at: https://bit.ly/4fWRXxY.

750 RTV Noord, 'Westerwolde sleept COA voor de rechter vanwege te hoog aantal asielzoekers in Ter Apel', 22 December 2023, available in Dutch at: https://bit.ly/3vDsqbK.

751 Civil Court North-Netherlands, ECLI:NL:RBNNE:2024:129, 23 January 2024, available in Dutch at: https://bit.ly/3SVti4A.

752 NOS, 'Rechter: elke dag 50.000 euro boete bij te veel asielzoekers in Ter Apel', 30 October 2024, available in Dutch at: https://bit.ly/3WglWtO; NOS, 'Toch geen buitenslapers bij Ter Apel: Stadskanaal stelt sporthal beschikbaar', 17 September 2024, available in Dutch at: https://bit.ly/3DV34Kw.

753 Civil Court North-Netherlands, ECLI:NL:RBNNE:2024:4250, 30 October 2024, available in Dutch at: https://bit.ly/4gSF4WV.

754 COA, 'Grote uitdaging om Ter Apel onder 2.000 te brengen', 30 October 2024, available in Dutch at: https://bit.ly/3WebYJi.

755 Court of Appeal Arnhem-Leeuwarden, ECLI:NL:GHARL:2025:2124, 8 April 2025, available in Dutch at: https://uitspraken.rechtspraak.nl/details?id=ECLI:NL:GHARL:2025:2124.

September 2025 the maximum capacity of 2,000 was exceeded again for the first time in 10 months. This was due to a combination of factors, including the closure of a few temporary locations, permit holders that cannot move onward to Municipality housing, and a peak in new applications.[756] Calls from COA for more spots were insufficiently answered. Subsequently, the occupancy rate in Ter Apel has fluctuated between September and December 2025,[757] passing 2,000 on numerous occasions reaching a total penalty of almost € 2,5 million in early December 2025.[758]

Throughout 2025, the Dutch Council for Refugees reported several times that family members who arrived because of family reunion were denied reception. They often stayed for weeks or sometimes months in overcrowded situations with refugees in single or shared housing.[759] They had to ask COA by mail for reception places before their arrival ,[760] and were sometimes put on a waiting list by COA. For several months, the Red Cross was asked by COA to arrange hotel places for the family members. However, this temporary measure ended in summer 2025. Since autumn, the waiting list for family members is again being used, although now they receive some pocket money and will be placed with urgency in a reception facility when there are medical problems.

In May 2022, the EUAA signed its first operational plan with the Netherlands, to address temporary reception needs, as well as to provide operational support in the field of reception.[761] In December 2022, the EUAA and the Netherlands signed an amendment and extension of the plan for continued operational support.[762] The plan was subsequently amended and extended twice: for continued support in 2024 extending to both asylum and reception,[763] and for continuation of support until June 2026, with a focus on reception support.[764]

Throughout 2025, the EUAA deployed 52 experts to the Netherlands, mainly external experts (45).[765] These included 26 protection experts and 17 Junior Reception Child Protection Experts.[766]

As of 15 December 2025, a total of 23 EUAA experts were deployed in the Netherlands, out of which 17 were protection experts.[767]

In the Netherlands, new workflows were set up and launched in April 2025 for the identification and referral of special needs and vulnerabilities in the night shelter and the initial central reception (COL) area of Ter Apel. In this context, some 129 persons were screened by the EUAA, presented vulnerability indicators and were referred to the Dutch reception Authority (COA), while additionally the EUAA conducted special needs and vulnerability interviews with 34 vulnerable persons residing in the Night Shelter, between May and September 2025, when the relevant activities took place.[768]

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756 COA, Bezetting 'Ter Apel boven 2000 personen', 9 September 2025, available in Dutch at: https://www.coa.nl/nl/nieuws/bezetting-ter-apel-boven-2000-personen.

757 COA, Situatie Ter Apel, 17 December 2025, available in Dutch at: https://bit.ly/4hb18vz.

758 Hart van Nederland, 'Aantal asielzoekers in Ter Apel weer boven limiet, dwangsom nadert 2,5 miljoen', 8 December 2025, available in Dutch at https://www.hartvannederland.nl/politiek/beleid/artikelen/groningen-westerwolde-ter-apel-asielzoekers.

759 Dutch Council for Refugees Press release 'Het gaat mis met de opvang van nareizigers' 16 april 2025, https://bit.ly/4jyhy3x

760 Website IND, nareis, https://bit.ly/4qofk9F.

761 EUAA, *Operational Plan 2022 agreed with the European Union Agency for Asylum and the Netherlands*, 6 May 2022, available at: https://bit.ly/3ypVNMJ, Annex 1.

762 EUAA, *Operational Plan 2022-2023 agreed with the European Union Agency for Asylum and the Netherlands*, December 2022, available at: https://bit.ly/3FenQ5x, Annex 1.

763 EUAA, *Operational Plan 2024 agreed with the European Union Agency for Asylum and the Netherlands*, December 2023, available here.

764 EUAA, *Operational Plan 2022-2026 agreed with the European Union Agency for Asylum and the Netherlands – Amendment 3*, December 2024, available here.

765 EUAA personnel numbers do not include deployed interpreters by the EUAA in support of asylum and reception activities.

766 Information provided by the EUAA, 05 March 2026. In the course of 2025, 11 persons were deployed in the Netherlands under two different profiles. These cases are reported separately under each category.

767 Information provided by the EUAA, 05 March 2026.

768 Information provided by the EUAA, 05 March 2026. Vulnerability assessments in Greece are performed under reception measures for residents of reception facilities and therefore figures may also reflect non asylum applicants residing is such facilities.

In 2025, the EUAA delivered 3 training sessions to a total of 44 local staff members.[769]

The COA only provides reception to the categories of people listed in the RVA. The system is based on the principle that all asylum applicants are entitled to material reception conditions. However, according to Dutch legislation only applicants who lack resources are entitled to material reception conditions.[770] During the whole asylum procedure, the COA is responsible for the reception of asylum applicants.

As will be further addressed in sections below, during a reception crisis, asylum applicants and beneficiaries of international protection in all stages can be housed in (crisis)emergency centres.

Rest and preparation period: During the rest and preparation period, an individual is already considered an asylum applicant under the RVA because this person has made an application for asylum. So already during the rest and preparation period, an individual is entitled to reception. However, daily allowances are reduced during the rest and preparation period.[771]

Starting from 2019, this became an issue due to the long waiting times (see The rest and preparation period (RVT)). The RVA distinguishes between asylum applicants awaiting the start of their asylum procedure and asylum applicants awaiting the decision. On 29 July 2020, the Council of State ruled that this distinction is permitted by the Reception Conditions Directive.[772] The applicants pointed to Article 2(f) RCD for arguing that the distinction made by the RVA is not in accordance with EU-law. Article 2(f) RCD states that 'material reception conditions' include reception provided in kind, or as financial allowances or in vouchers, or a combination of the three, *and* a daily expenses allowance. However, the Council of State concluded that this Article in the RCD is merely an Article giving definitions and cannot be used as a legal basis for the right to receive a financial allowance for daily expenses. Therefore, the Council of State found that the distinction made in the RVA, resulting in not providing daily allowances to asylum applicants in the RVT, is not in violation of EU-law.

During the procedure started by the Dutch Council for Refugees in August 2022, the COA stated that asylum applicants would receive allowances during the Rest and Preparation period starting from 1 August 2022 – except for asylum applicants staying at crisis emergency shelter centres (See: 2. Conditions in reception facilities). In March 2024, the RVA was altered on this point with retroactive effect to 1 August 2022.[773] Financial allowances for clothing and personal expenses are now provided to all applicants in the (pre-)POL including at (crisis) emergency shelters, as the stay at (crisis) emergency shelters is currently much longer than intended, and because the residents need this financial allowance to provide them with some autonomy.[774] This measure will be generally applied whenever and as long as the length of the Rest and Preparation period and the general asylum procedure substantially exceed the intended duration (three weeks).[775] It is furthermore acknowledged in the Dutch National Implementation Plan for the Pact on Migration and Asylum that the recast Reception Conditions Directive explicitly requires the daily expenses allowance to always include a monetary amount.[776]

Asylum procedure/awaiting the decision: During the actual procedure, asylum applicants stay in a process reception location (POL) and while they wait for the decision of the IND, they stay in an AZC. Asylum applicants whose asylum application is processed in 'Track 2', however, must – as of September 2020 – stay in a 'austere' reception centre. In this reception centre, they receive benefits in kind, they

769 Information provided by the EUAA, 05 March 2026.
770 Article 2(1) RVA.
771 Article 9 sub 5 RVA.
772 Council of State, ECLI:NL:RVS:2020:1803, 29 July 2020, available in Dutch at: https://bit.ly/3HSupLV.
773 Stcrt 2024, nr. 10912, available in Dutch at: https://bit.ly/3PAJFkM.
774 *Ibid*.
775 *Ibid*.
776 KST 32317, nr. 908, *Implementatie van het EU Migratiepact*, 6 December 2024, available in Dutch at: https://bit.ly/4fQZHSc. Attached to this document is the Implementation Plan itself, available in Dutch at: https://bit.ly/40sgs1z.

have to report daily, and extra security is present.[777] Even if the asylum applicant appeals after the rejection of their asylum application, they will remain in the austere reception centre. Children and vulnerable asylum applicants are excluded from the austerity of reception but must adhere to the austerity regime (reporting daily) in the AZC. In September 2023 the austere reception conditions (benefits in kind, daily reporting) were extended to Dublin claimants, although they will only be applied if they are residing in an 'austere' reception centre.[778]

Rejection/appeal: Pursuant to Article 5 of the RVA, the right to reception of the rejected asylum applicant continues to exist as long as no deportation decision is taken under the Aliens Act. Article 82 of the Aliens Act provides that an appeal against the rejection of an asylum application has an automatic suspensive effect even before the appeal is lodged. The asylum applicant therefore retains their right to reception if they lodge an appeal within 4 weeks and then until a decision has been taken on this appeal. From the moment the appeal is declared unfounded, the departure period of (usually) four weeks starts.

The negative asylum decision does not automatically have suspensive effect in all cases. There is no automatic suspensive effect in case of:

- a rejection based on the Dublin procedure (Article 30 of the Aliens Act);
- asylum applications declared inadmissible (Article 30a of the Aliens Act, with the exception of paragraph 1 under c - safe third country);
- manifestly unfounded asylum applications (Article 30b of the Aliens Act, with the exception of sub 1 under h - unlawful entry / failure to notify immediately);
- in the event of 'not considering the case on its merits' (Article 30c of the Aliens Act) and the rejection of subsequent applications on the basis of Article 4:6 GALA.

Nevertheless, even in these cases the asylum applicant does not immediately lose their right to reception, retaining it instead for the duration of the remedy period (four weeks after rejection). This can be deduced from the jurisprudence of the Council of State following the CJEU's *Gnandi* judgment (C-181/16).[779] The *Gnandi* judgment shows that all legal consequences of a return decision must be suspended by operation of law during the legal remedies period. The remedy period is the period in which it is still possible to lodge an appeal, if it has not yet been presented. During this period, according to the Council of State, there is a national right of residence of a temporary nature.[780] According to Article 8(h) of the Aliens Act, the asylum applicant has lawful residence 'pending the decision on appeal'. Based on the interpretation in accordance with the directive, 'appeal' should also be read as 'request (for a provisional measure)'. The rejection of an asylum application as manifestly unfounded does not therefore lead to the loss of lawful residence. In addition, residence after requesting a provisional measure remains lawful until a decision has been made on that request, on the basis of Article 8(h) of the Aliens Act jo. Article 7.3 Aliens Decree (cf. Article 46 (6) and (8) of the Procedural Directive).

However, in the case of beneficiaries of international protection from other EU-Member States, the COA often does not wait for the applicant to request a provisional measure before ending their stay at the reception centre. Therefore, the Council of State ruled that asylum applicants, whose application is deemed inadmissible because they received protection in another EU-Member State, had the right to reception during the period following the inadmissibility decision in which they were able to appeal.[781]

Onward appeal: If the person lodges an onward appeal to the Council of State, there generally is no entitlement to reception facilities. However, the law subscribes that, in case that a provisional measure is granted by the Council of State, proclaiming that the asylum applicant cannot be expelled until the decision on the appeal is made, there is a right to reception.[782]

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777 Letter of the State Secretary (now Minister), KST 19637, nr 2658, 14 September 2020.
778 Stcrt 2023, 26411, available in Dutch at: https://bit.ly/3O3Jk9C.
779 Council of State, ECLI:NL:RVS:2019:1710, 5 June 2019, available in Dutch at: https://bit.ly/49ucBmd.
780 Council of State, ECLI:NL:RVS:2019:3442, 15 October 2019, available in Dutch at: https://bit.ly/3urqBOS.
781 Council of State, ECLI:NL:RVS:2020:8, 6 January 2020, available in Dutch at: https://bit.ly/48tCeCE.
782 Article 3(3)(a) RVA.

Beneficiaries of international protection: When the asylum application has a positive outcome, the asylum applicant will retain the right to shelter until there is housing available. For more information on the allocation of Housing see Content of International Protection – Housing.

Subsequent applicants: When an asylum applicant wishes to lodge a Subsequent Application they have to complete a separate form. From this point onwards, the asylum applicant enjoys the right to reception.[783] However, if the form is not completely filled in (e.g. when no new circumstances are put forward) the application will be disregarded and the right to reception will end.[784] When the form is complete, and the application is being handled during the short or extended asylum procedure, the asylum applicant enjoys the right to reception until the IND has made a decision on the application.

If the subsequent application is rejected, the applicant must ask for a provisional measure in order to keep their right to reception. In two judgments, the Council of State ruled that the main rule for subsequent applications based on EU Directives is that the processing of a request for a provisional measure after rejection may be awaited in the reception centre.[785] There are two exceptions: there is no novum and the subsequent application was submitted to frustrate the deportation (this is assumed if the deportation date is known). If the main rule applies to the case, the asylum applicant retains the right to reception after rejection of the subsequent application until a decision in appeal has been made.

1.1. Assessment of resources

According to Dutch legislation, only asylum applicants who lack resources are entitled to material reception conditions.[786] There is no specific assessment to determine the resources of the asylum applicant. If an asylum applicant has financial means of a value higher than the maximum resources allowed in order to benefit from the social allowance system (around €8,000 for a single person and €16,000 for a married couple), the COA can reduce the provision of reception conditions accordingly, with a maximum of the economic value equivalent to the reception conditions provided.[787] The assessment of resources is carried out two days after the asylum applicant has been moved to a Centre for Asylum Applicants (AZC).

In 2020, another problem arose: asylum applicants who received significant monetary indemnities, as a result of the legal penalties imposed on the IND that had not deliberated on time on their applications, were considered to have enough resources to pay for their reception. The COA considered the legal penalty payments as assets.

As the COA often did not immediately request the payment, asylum applicants had often already spent the sums received, for example on air tickets for their family members. A limited number of regional courts ruled on this issue, establishing that the COA was allowed to reclaim the costs for reception as the legal penalty payments are not considered as compensation for the asylum applicant but merely as a financial incentive for the IND to decide quicker.[788] However, one court ruled that the COA should have researched the full financial situation of the asylum applicant (both debts and assets) instead of just reclaiming the money.[789] Another court ruled that COA calculates the amount of money that needs to be paid back incorrectly.[790] On 28 March , a hearing was held about this issue at the Council of

783 Council of State, ECLI:NL:RVS:2018:2157, 28 June 2018, available in Dutch at: https://bit.ly/49aFHqW.
784 Article 30c (1) Aliens Act.
785 Council of State, ECLI:NL:RVS:2019:4358, 19 December 2019, available in Dutch at: https://bit.ly/3STeJi3 and ECLI:NL:RVS: 2020:244, 29 January 2020, available in Dutch at: https://bit.ly/42Pq8Tv.
786 Article 2(1) RVA.
787 Article 20(2) RVA.
788 E.g. Regional Court Middelburg, ECLI:NL:RBDHA:2022:11143, 21 October 2022, available in Dutch at: https://bit.ly/49LO7F0 and Regional Court Groningen, ECLI:NL:RBNNE:2021:4635, 28 October 2021, available in Dutch at: https://bit.ly/3uzXAAn.
789 Regional Court Arnhem, ECLI:NL:RBDHA:14536, 27 December 2021, available in Dutch at: https://bit.ly/3SxL2lg.
790 Regional Court Haarlem, Decision No AWB 21/4779, 28 April 2022, not published on a publicly available website.

State.[791] During the hearing, a number of questions were addressed, such as whether the monetary indemnities can be regarded as compensation for immaterial damage. The Council of State also wanted to know if the COA is allowed to request the payment in advance. No judgment from the Council of State has been published yet. COA calculates for how long someone needs to pay until their financial means are below the threshold of the social allowances again. This could mean that the asylum applicant already is requested to pay for a reception they have not yet enjoyed and that they might not even access at all – in case they receive a permit and housing before.

2. Forms and levels of material reception conditions

Indicators: Forms and Levels of Material Reception Conditions

1. Amount of the monthly financial allowance/vouchers granted to asylum applicants as of 31 December 2025 (in original currency and in €):
   - ❖ Single adult accommodated by COA: Up to € 294.68 (depending on meals)

With the allowance of € 294,68 / month the asylum applicant needs to cover food, clothing and personal expenses.

Apart from the financial allowance, the right to reception conditions includes an entitlement to:[792]

- ❖ Accommodation
- ❖ Public transport tickets to visit a lawyer;
- ❖ Recreational and educational activities (for example a preparation for the integration-exam);
- ❖ A provision for medical costs (healthcare insurance);
- ❖ An insurance covering the asylum applicants' legal civil liability;
- ❖ Payment of exceptional costs.

The weekly allowance depends on the situation of the applicant. In some reception centres there are no cooking facilities. A caterer provides the main meal at the reception location or microwave meals are distributed; in these cases the allowance amount is reduced. The amounts are as follows:

Weekly food allowance to asylum applicants accommodated by COA in 2025		
Category of applicant	With dinner provided	Without dinner provided
1-2 person household		
❖ Per Adult or unaccompanied minor	€ 39.41	€ 58.80
❖ Per Child	€ 33.81	€ 48.93
3 person household		
❖ Per adult	€ 33.53	€ 49.98
❖ Per child	€ 28.77	€ 41.58
4+ person household		
❖ Per adult	€ 29.54	€ 44.10
❖ Per child	€ 25.34	€ 36.68

Source: Article 14(2)-(3) RVA.

The costs for clothes and other expenses is covered by an additional fixed amount of € 14.87 per week per person.[793] Unlike the other allowances, this allowance was only adjusted from 2023 onwards. From 2005 – 2022 it was € 12.95, which was criticised by academia.[794] In 2023 the allowance was adjusted

791 Council of State, *Persagenda*, available at: https://bit.ly/4qP37e9.
792 Article 9(1) RVA.
793 Article 14(4) RVA.
794 L. Slingenberg, *Geen cent te makken*, A&MR 2020, nr. 6-7, 292-295.

to € 14.02. In 2024 the allowance was adjusted again, to € 14.47.[795] In 2025, the allowance was adjusted again, to € 14.87.[796]

It is impossible to cook in almost all the (crisis) emergency locations, in which less than half of the asylum applicants were staying during 2025.[797] Therefore, catering or microwave meals are provided.

As of 1 January 2025, the social welfare allowance for Dutch citizens is set at € 1,401.50 for a single person who is at least 21 years old and not older than 67 years. Thus, an asylum applicant receives approximately less than 22% of the social welfare allowance provided to Dutch citizens.

3. Reduction or withdrawal of reception conditions

Indicators: Reduction or Withdrawal of Reception Conditions

1. Does the law provide for the possibility to reduce material reception conditions? ☒ Yes ☐ No
2. Does the law provide for the possibility to withdraw material reception conditions? ☒ Yes ☐ No

Article 10 RVA sets out the grounds for restricting or, in exceptional cases, withdrawing reception conditions. These include cases where the asylum applicant:

- Has left the reception centre without informing the COA or without permission, if permission is required;[798]
- Has not reported to the reception centre for two weeks;[799]
- Has failed to respond to COA requests for information for two weeks, including personal details required for registration in the centre;
- Has failed to appear for the personal interview with the IND for two consecutive times;
- Has lodged a subsequent application after a final decision;
- Does not pay the required contribution for reception based on their resources;
- Seriously violates the house rules of the centre;[800]
- Has committed a serious form of violence to asylum applicants staying in the centre, persons employed in the centre or others.

This sanction policy is further elaborated in the Measures Policy (*Maatregelenbeleid COA*). The Measures Policy was previously an internal policy of COA but was published as an official policy in 2024.[801] The policy is still published and was updated throughout 2025.[802] It specifies the measures that can be imposed for incidents based on their level of impact. The measures entail an actual reduction or withdrawal of material reception conditions e.g. suspension of the financial allowance or accommodation. Before imposing a measure, the asylum applicant must be heard. Following the *Haqbin* judgment,[803] the COA is not allowed to completely withdraw material reception as a sanction. The Minister therefore announced that instead of temporarily withdrawing material receptions, 'time out places' would be introduced in AZCs as of 1 July 2020.[804] COA is still using the ROV measure of completely withdrawing material reception and financial allowances, thereby announcing that if the asylum applicant does not have a place to go they can stay in a 'time-out place'. Staying in a 'time-out place' means that someone temporarily stays at a different location and will receive no financial

795 Stcrt 2024, nr. 10912, available in Dutch at: https://bit.ly/3PAJFkM.
796 Stcrt 2025, nr. 40066, available in Dutch at: https://bit.ly/4quVSZ7.
797 COA, 'Capaciteit en bezetting', available in Dutch at: https://bit.ly/3N39kEG.
798 This specific ground is not elaborated on in the Measures Policy. In general, there are no rules as to report when you leave the premises. Absence is only penalised if one fails to adhere to the reporting obligation.
799 Article 19(1)(e) RVA. This provision sets out the obligation to report to the centre once a week.
800 Article 19(1) RVA.
801 Stcrt 2024, nr. 33539, Maatregelenbeleid COA, available in Dutch at https://bit.ly/3PC5eBc.
802 Maatregelenbeleid COA, available in Dutch at: https://bit.ly/49lCibD.
803 CJEU, C-233/18, *Zubair Haqbin v Federaal Agentschap voor de opvang van asielzoekers*, 12 November 2019, available at: https://bit.ly/49r6xuI.
804 Letter of the State Secretary (now Minister), Parliamentary Documents 19637, no. 2642, 1 July 2020, available in Dutch at: https://bit.ly/49sarE4.

allowances, just microwave food. The new version of the Measures Policy stipulates that if an applicant who decided to stay in a 'time-out place' does not arrive there within 48 hours, the entitlement to reception will also be withdrawn.[805]

Individuals who received a positive asylum decision might, however, lose the entitlement to reception according to COA. Article 12(2) RVA states that beneficiaries of international protection must report to the COA every two weeks (and also once at AVIM). If they do not report twice in a row, they will be removed from the reception centre. There are only a few court decisions on this kind of cases. The outcomes are very different. One positive provisional ruling (*voorlopige voorziening*) refers to *Haqbin* and the applicability of the Reception Directive on beneficiaries of international protection through Article 3 RVA.[806] However, this decision was overturned in the main proceedings.[807] In other cases courts also ruled that COA was allowed to stop the reception.[808] In two more recent cases, the court ruled that COA was not allowed to stop the reception. In one case, the court referred to Article 20 of the Reception Conditions Directive to argue that the situations mentioned in this Article were not applicable to the case.[809] In the other case, the court referred to the principle of proportionality.[810]

The position of beneficiaries of international protection who have been removed from reception centres is very precarious. They can no longer be hosted in another asylum applicants' centre, the freedom-restricting location or a national aliens facility - the latter because they already have a permit - and they often have difficulties finding housing at the municipality by themselves without the COA intervention. Because they can no longer stay in a reception centre, they will no longer receive a financial allowance. Another consequence is that the beneficiary of international protection cannot start with the integration process.

Asylum applicants aged 16 or more, who seriously violate the house rules of reception centres or otherwise demonstrate aggressive behaviour, may also be transferred to Enforcement and Surveillance Location (*Handhaving en toezichtlocatie*, HTL) in **Hoogeveen** at a former prison building.[811] Placement in the HTL is accompanied by a freedom-restricting measure on the basis of Article 56 of the Aliens Act. See Types of Accommodation.

Reduction of reception facilities is a decision of the COA and therefore subject to the Aliens Act regarding applicable legal remedies.[812] This means that the same court that decides on alien's law matters is competent. A lawyer can get an allowance from the Legal Aid Board to defend the asylum applicant. If the decision becomes irrevocable, the measures cannot be re-instated.

4. Freedom of movement

Indicators: Freedom of Movement

1. Is there a mechanism for the dispersal of applicants across the territory of the country? ☒ Yes ☐ No
2. Does the law provide for restrictions on freedom of movement? ☒ Yes ☐ No

The stage and type of asylum procedure applicable to the asylum applicant is relevant relating to the type of accommodation they are entitled to.

805 Para 4.3.1 and 4.3.2, Maatregelenbeleid COA, available in Dutch at https://bit.ly/3PC5eBc.
806 Regional Court Den Bosch, ECLI:NL:RBDHA:2021:10832, 27 September 2021, available in Dutch at: https://bit.ly/3OC8pZE.
807 Regional Court Den Bosch, AWB 21/4999, 27 May 2022, not published on a publicly available website.
808 Regional Court Utrecht, Decision No AWB 22/9208, 29 December 2022, not published on a publicly available website.
809 Regional Court Amsterdam, ECLI:NL:RBDHA:2025:19816, 18 September 2025, available in Dutch at: https://bit.ly/454jx9T.
810 Regional Court Amsterdam, ECLI:NL:RBDHA:2025:22455, 12 November 2025, available in Dutch at: https://bit.ly/3Z2SGHO.
811 Article 1(n) RVA.
812 Article 5 Reception Act.

Asylum applicants can be moved to another AZC due to the closure of the centre they are currently staying at or because this serves the execution of the asylum procedure, e.g. in order to avoid that the AZC is so full which would create tension amongst the residents.[813] It may also happen that the applicant has to relocate from one reception centre to another if their case changes 'tracks' during the procedure, for example if they are moved from the accelerated procedure ('Track 2') to the regular procedure ('Track 4').

There is no appeal available against 'procedural' transfers (movements) from COL/POL to AZC. Indirectly, there is an appeal available against a transfer to another AZC or to a (crisis) emergency centre but in practice, this does not happen often.[814] There are, however, very few examples, including one case in which the court ruled that the applicants should be transferred from an emergency centre to a different reception centre that would meet the specific reception needs and vulnerability of the applicants.[815]

Defence for Children, Kerk in Actie, UNICEF, the Dutch Council for Refugees and War Child wrote a report on transfer of families with children and unaccompanied minors. The report makes several recommendations to improve the situation of children in reception centres, for example not to move children from one place to another. The (then) State Secretary (now Minister) has acknowledged the need to minimise the movements these children make during the asylum procedure.[816] However, similar recommendations continue to be made in general reports on the living conditions of children in reception centres throughout the years.[817] A recent report by the National Ombudsperson and Children's Ombudsperson stressed that the many transfers, often between (crisis) emergency locations, are disastrous for children's development and may lead to a lack of adequate healthcare and other assistance.[818]

AZCs are so-called open centres in which the freedom of movement of asylum applicants is not restricted. This entails that asylum applicants are free to go outside if they please. However, there is a weekly duty to report (*meldplicht*).[819]

Rejected asylum applicants, whose claims are rejected without any legal remedies, are not entitled to reception and may be placed in locations where their freedom of movement is restricted (*Vrijheidsbeperkende locatie*, VBL). That applies also to a facility for families, the Family Location (*Gezinslocatie*, GL). An applicant is transferred to a VBL if they are willing to cooperate in establishing departure and there is a possibility to depart. In case of a family with minor children, cooperation is not required for the transfer to a GL. In these centres, people are not detained but their freedom is restricted to a certain municipality. Although this is not actually controlled by the authorities, asylum applicants have to report six days a week (daily except on Sundays). It is therefore difficult to leave the municipality in practice.[820] The penalty for not reporting can be a fine or even criminal detention or an indication that

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813 Article 3a Reception Act.

814 Regional Court Roermond, Decision No 09/29454, 2 March 2010. When analysing this ruling, it should be noted that there is formally no distinction anymore between a return and an integration AZC.

815 Regional Court Groningen, ECLI:NL:RBDHA:2025:7916, available in Dutch at: https://bit.ly/3LgdHeZ.

816 Defence for Children, Kerk in Actie, UNICEF the Netherlands, the Dutch Council for Refugees and War Child, *Zo kan het ook! Aanbevelingen voor een betere situatie van kinderen in asielzoekerscentra*, 18 November 2016, available in Dutch at: https://bit.ly/47LiivM.

817 Defence for Children, Kerk in Actie, UNICEF the Netherlands, the Dutch Council for Refugees, Stichting de Vrolijkheid and War Child, *Werkgroep Kind in AZC, Leefomstandigheden van kinderen in asielzoekerscentra en gezinslocaties*, May 2018, available in Dutch at: https://bit.ly/483VgQw; Nationale Ombudsman en Kinderombudsman, De crisis voorbij: Naar een menswaardige opvang van asielzoekers vanuit mensen- en kinderrechtelijk perspectief, 27 June 2023, available in Dutch at: https://bit.ly/40k5rhm.

818 Nationale Ombudsman en Kinderombudsman, *De crisis voorbij: Naar een menswaardige opvang van asielzoekers vanuit mensen- en kinderrechtelijk perspectief*, 27 June 2023, available in Dutch at: https://bit.ly/40k5rhm.

819 Articles 19(1)(e) and 10(1)(b) RVA.

820 These failed asylum applicants who are placed in a VBL or a GL are subject to the freedom restriction measures based on Article 56 in conjunction with Article 54 Aliens Act.

the asylum applicant is not willing to cooperate on their return. It can further lead to pre-removal detention.[821]

B. Housing

1. Types of accommodation

Indicators: Types of Accommodation

1. Number of reception centres: 320[822]
2. Total number of places in the reception centres: Not available, number of residents is 79,497[823]
3. Total number of places in private accommodation: Not available
4. Type of accommodation most frequently used in a regular procedure:
   ☒ Reception centre ☐ Hotel or hostel ☐ Emergency shelter ☐ Private housing ☐ Other
5. Type of accommodation most frequently used in an accelerated procedure:
   ☒ Reception centre ☐ Hotel or hostel ☐ Emergency shelter ☐ Private housing ☐ Other

As of 15 December 2025, 79,497 people in the Netherlands were entitled to access reception conditions.[824] Less than half of them are staying at one of the 103 'regular' reception centres by COA (38,693). The rest are hosted in one of the 212 emergency locations managed by COA (33,107) or other locations such as (crisis) management centres managed by a municipality (7,697). In 2025, almost 24% of the people entitled to receive reception by COA were beneficiaries of international protection (18,884). In 2024 this was a quarter and in 2021-2023, this was a third. These figures do not include displaced people from Ukraine. It is important to note that not only newly arrived asylum applicants are staying at (crisis) emergency locations. Asylum applicants who are already staying in the Netherlands awaiting the (start of) their procedure and beneficiaries of international protection can be also placed at (crisis) emergency locations. The large amount of beneficiaries of international protection staying in reception facilities by COA is due to a shortage in social housing usually provided by Municipalities after asylum has been granted. This is one of the reasons causing extra pressure on COA facilities and a greater dependency on (crisis) emergency locations.

Twice a year the COA predicts the capacity and the amount of places it will need in the upcoming period. As of 1 July 2025, COA was expecting to need 131,700 places until 1 July 2026. In its report, the COA foresees a shortage of 48,500 places on 1 January 2026,[825] using the official guiding that 96% of available spaces will be used for the required flexibility in resident placement policy.

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821 Article 108 Aliens Act.

822 This is the number of reception centres managed by COA. This number does not include the Temporary Municipal Reception locations (TGO, *Tijdelijke Gemeentelijke Opvang*, the new name for Crisis Emergency Locations) nor any locations managed by the Red Cross. There is no overview of the amount of TGOs or other reception locations not managed by COA, but approximately 7,697 applicants and beneficiaries of international protection reside there, minus the (limited amount of) people using the hosting arrangement. Numbers available at COA website: https://bit.ly/3PxsDE3, accessed at 22 December 2025, figures are updated weekly.

823 This is the total number of people in the Netherlands who were entitled to access reception conditions as of 15 December 2025, and who resided both in COA reception facilities and in reception facilities managed by municipalities or other organisations; numbers available at COA website: https://bit.ly/3PxsDE3, accessed at 22 December 2025, figures are updated weekly. The COA website does not specify the total number of places in the reception centres, but the Minister stated in late December 2024 that the occupation of COA reception locations is over its capacity: see Minister van Asiel en Migratie, Wijziging van de Vreemdelingenwet 2000 en de Algemene wet bestuursrecht in verband met maatregelen om de asielketen te ontlasten en de instroom van asielzoekers te verminderen, Memorie van toelichting, 7 January 2025, available in Dutch at: https://bit.ly/409wYCc. This situation has not changed in December 2025. The total number of places in the reception centres can thus be assumed to be less than 79,497.

824 Numbers available at COA website: https://bit.ly/3PxsDE3, accessed at 22 December 2025, figures are updated weekly.

825 COA Website: https://bit.ly/4sysh26.

On 26 August 2022, the (then) State Secretary announced several measures to address the reception crisis,[826] often referred to as the 'asylum deal'. The most important measures were the prolonging of the time period of decision-making (WBV 2022/22), the suspension of family reunification, temporary cancellation of resettlement of refugees under the EU-Türkiye deal and the launch of the 'Dispersal Act' (S*preidingswet*). On 10 October 2023, the Dispersal Act was approved by the House of Representatives, and on 23 January 2024 the Senate also approved the Act.[827] The 'Dispersal Act' aims to ensure that the municipalities will be responsible for providing sufficient reception places for asylum applicants (Article 6 paragraph 1), and to distribute the number of reception places fairly throughout the country based on socio-economic carrying capacity. The Law entered into force on 1 February 2024.

The law outlines the following time structure. Once every two years before 1 February, the Minister will announce in the capacity estimate how many reception places for asylum applicants will be needed in the following two years (Article 2 paragraph 1). These places are divided among the twelve provinces that will discuss with the municipalities how these places are divided. Before 1 September, the minister will decide on the basis of the reports from the provincial discussions what the minimum number of required reception places is for the next two years, which will be divided over the municipality designated in the decision (Article 5 paragraph 1). The financial system put in place is very difficult. Municipalities receive different amounts of compensations based on whether they offer accommodations before or after the minister announces the estimated capacity and on the number of years they provide the accommodation for.

In 2024, the Dispersal Act was implemented. The first deadline of the law was 1 July 2025, on which day municipalities were supposed to deliver 101,500 places. As of 1 July 2025, more than three quarters of 342 municipalities (partly) met the target or will do so soon, with 74,500 of the 101,500 places being realised. This means that not all municipalities were able to realise the required places under the law at that time. However, COA was positive that since the implementation of the law, 43 new municipalities opened new reception centres and a better distribution of reception locations was achieved. Additionally, 120 largely sustainable locations with 27,000 places were in preparation.[828] The former government held the position that it wants to repeal the Dispersal Act.[829] This is one of the reasons the required numbers have not been met yet. As explained by the provinces, the announcement of the intention to repeal the Act, shortly after its implementation, caused confusion and delays. Local officials often found themselves in a difficult position when trying to justify the intended reception locations to local residents,[830] and some municipalities refused to continue the search for locations due to the uncertainty surrounding the law.[831] The provinces urged politicians to continue the Dispersal Act in full, until sufficient residence capacity has been realised in the Netherlands. The new government coalition that was sworn in on 23 February 2026 has pledged to keep the Dispersal Act in place until there is sufficient permanent and flexible reception capacity.

1.1 Central Reception Centre (COL)

If an asylum applicant from a non-Schengen country has arrived in the Netherlands by plane or boat, the application for asylum must be lodged at the AC Schiphol, which is located at the *Justitieel Centrum Schiphol* (JCS).[832] The application centre Schiphol is a closed centre, which means that asylum applicants are not allowed to leave the centre (see Place of Detention). Asylum applicants are further

826 KST 19637, no. 2992, Letter of the Ministry of Justice and Securty on decision-making concerning the reception crisis, 26 August 2022, available in Dutch at: https://bit.ly/3ikz3JP.
827 See overview of the consideration of the bill the website of the Senate, available in Dutch: https://bit.ly/3SibK2h.
828 COA, 'Betere spreiding en meer gemeenten met opvang dankzij de Spreidingswet', 1 July 2025, available in Dutch: https://bit.ly/3LIhlyp
829 Regeerprogramma kabinet-Schoof, 13 September 2024, available in Dutch at: https://bit.ly/4g04FvK.
830 NOS, 'Provincies halen niet de opgave in de spreidingswet', 1 November 2024, available in Dutch at: https://bit.ly/3E8l4Ru.
831 NOS, 'Hoe de spreidingswet ook regionaal tot verdeeldheid leidt', 31 October 2024, available in Dutch at: https://bit.ly/4h6VxGO.
832 Article 3(3) Aliens Act.

not transferred to the POL after the application, as is the case for asylum applicants who entered the Netherlands by land and/or lodged their asylum application at the COL.[833] Vulnerable asylum applicants such as children do not stay at JCS.

Asylum applicants who enter the Netherlands by land have to apply at the Central Reception Centre (*Centraal Opvanglocatie*, COL) in Ter Apel, where they stay for a maximum of three days. The COL is not designed for a long stay. In 2024, the location of Ter Apel was at full capacity almost continuously, resulting in applicants being sent to 'pre-registration locations' all over the country and, on several occasions, asylum applicants sleeping on matrasses on the floor in *portakabins* on the Ter Apel grounds – see A1 Criteria and restrictions to access reception conditions. An overnight 'pre-registration' or 'waiting room' location consisting of tents was opened and moved to several municipalities surrounding Ter Apel throughout 2024.[834] At this location, applicants arrive in the evening, sleep in large tents, and are brought back to Ter Apel in the early morning to spend the day there, regularly repeating this process several days in a row.[835] Other 'pre-registration locations' were in use in amongst other locations Assen, Amsterdam and Leeuwarden. There were reports of grossly unsatisfactory conditions in some of these 'pre-registration locations', amongst which underweight children due to inadequate food in Assen, severe overcrowding in Assen (700 residents with a capacity of 500) and a duration of stay far exceeding the intended short stay of approximately twenty days in both Assen and Leeuwarden.[836] The occupancy in Ter Apel dropped below the maximum of 2,000 people between November 2024 and September 2025, due to the opening of several emergency reception centres and the prevention of closures of existing locations. However, between September and December 2025 Ter Apel was above full capacity again on numerous occasions. [837]

In 2019 and 2023, the RVA 2005 was altered in order to allow for a different reception regime for asylum applicants whose request is dealt with in Track 1 (Dublin) and Track 2 ('safe country of origin' and 'international protection in another EU Member State').[838] Article 9(7) excludes these asylum applicants from financial allowances, which means that they are only entitled to frozen microwave meals. Article 19(3) states that these asylum applicants have to report their presence daily. However, this only needs to be applied to asylum applicants who are staying at reception centres that are suited for this scheme, **'austere' reception** centres (*sobere opvang*).[839] The austere reception aims to make the Netherlands less attractive for individuals with a low-prospect asylum application and also serves to alleviate the overload on the asylum system.[840]

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833 Asylum applicants who are not stopped at an international border of the Netherlands and want to make an asylum application have to go to the COL in Ter Apel, even if they initially came by plane or boat.

834 RTV Drenthe, 'Crisisnachtopvang asielzoekers naar 2e Exloërmond verhuisd: 'Een uitkomst voor Ter Apel'', 6 February 2024, available in Dutch at: https://bit.ly/3BTQTNw; RTV Drenthe, 'Nachtopvang verhuist van 2e Exloërmond naar Zuidwolde: 'Triest dat het nodig is'', 2 April 2024, available in Dutch at: https://bit.ly/4jdOa2i; RTV Noord, 'Tijdelijke nachtopvang voor 200 asielzoekers gaat naar Pekela', 26 June 2024, available in Dutch at: https://bit.ly/4hadiFi; RTV Drenthe, 'Nachtopvang Beilen redt overvol Ter Apel maar: 'Situatie deugt niet. We zeulen met mensen'', 14 October 2024, available in Dutch at: https://bit.ly/42dESNl.

835 RTV Drenthe, 'Crisisnachtopvang asielzoekers naar 2e Exloërmond verhuisd: 'Een uitkomst voor Ter Apel'', 6 February 2024, available in Dutch at: https://bit.ly/3BTQTNw; De Groene Amsterdammer, 'Asielzoekers in Kijkduin: Een sigaretje op het balkon', 10 January 2024, available in Dutch at: https://bit.ly/4ak8Ota; Civil Court North-Netherlands, ECLI:NL:RBNNE:2024:4250, 30 October 2024, available in Dutch at: https://bit.ly/4gSF4WV.

836 Ibid; NOS, 'Noodopvang Leeuwarden sluit nog voor het nieuwe jaar', 27 December 2024, available in Dutch at: https://bit.ly/3WkTPJY; RTV Drenthe, 'Brandbrief heeft effect: opvang in Expo Hal aangepast voor kinderen', 6 November 2024, available in Dutch at: https://bit.ly/40jQXhL; RTV Drenthe, 'Brandbrief heeft effect: opvang in Expo Hal aangepast voor kinderen', 6 November 2024, available in Dutch at: https://bit.ly/40jQXhL; RTV Drenthe, 'Weinig doorstroom in overvolle Expo Hal in Assen: 'Afhankelijk van andere centra'', 29 April 2024, available in Dutch at: https://bit.ly/3WkT7MO.

837 COA, Bezetting 'Ter Apel boven 2000 personen', 9 September 2025, available in Dutch at: https://bit.ly/4pElvE8.

838 Stcrt 2020, nr. 48688, available in Dutch at: https://bit.ly/3vEwHeX; and Stcrt 2023, nr. 26411, available in Dutch at: https://bit.ly/3O3Jk9C.

839 Stcrt 2023, nr. 26411, available in Dutch at: https://bit.ly/3O3Jk9C.

840 Ibid.

During the pilot period of 1 October 2020 up until 1 August 2021, 261 asylum applicants whose request was dealt within Track 2 stayed at an 'austere' reception centre.[841] This is a separate fenced building on the same site of normal reception centres in **Ter Apel** and **Budel** with extra security personnel that carries out room checks and checks upon entry and departure of the building. Asylum applicants also needed to stay in these facilities when they appealed the rejection of their asylum request.

After the pilot period asylum applicants whose request was dealt with in Track 2 were moved out of the fenced buildings in **Ter Apel** and **Budel** when their asylum request was dealt with by IND.[842] Vulnerable asylum applicants whose request is dealt with in Track 2 are exempted from staying at the fenced separate 'austere' reception building, but they receive an 'austere' regime at a normal reception centre. Both the asylum applicants staying at the separate 'austere' reception centres and the vulnerable ones have to report their presence daily, do not receive financial allowances and are given frozen microwave meals.

In July 2023, COA opened another 'austere reception' centre at **Ter Apel**, which is called the being-available-during-the-procedure-location (*Procesbeschikbaarheidslocatie*, PBL).[843] It has space for 50-100 asylum applicants and is aimed at asylum applicants who cause disturbances and have a low-prospect asylum application.[844] It consists of a fenced-off area at the Ter Apel location with reception places and limited outside space. Apart from the exemptions in the RVA 2005 for asylum applicants whose request is dealt with in Track 1 or Track 2 that were discussed above, there are no public regulations as to who is supposed to be housed in the PBL.

Concerns on the restrictions of the freedom of movement and the lack of a specific legal basis for these austere reception regimes have been raised by legal experts from the Dutch Council for Refugees.[845] On 1 March 2024, the Regional Court Groningen ruled that the placement of asylum applicants with low-prospect applications in the PBL constituted a restriction on the freedom of movement, as it requires the applicants' presence at the fenced-off location every day, at almost all times (all day and night except for seven to eight o'clock in the morning and ten to eleven o'clock in the evening), throughout the entire asylum procedure.[846] The Court found no legal basis for such restrictions, and emphasised that Article 7(1) of the Reception Conditions Directive could not provide a legal basis for the restriction of freedom of movement, as it requires asylum applicants to have freedom of movement within a designated area that respects their private life and provides access to necessary facilities. The Court also noted potential infringements on fundamental rights, including the freedom of movement (Article 2 of Protocol 4 ECHR), the right to private life (Article 8 ECHR) and possibly the right to liberty (Article 5 ECHR). Following this ruling, the Minister announced that no asylum applicants will be placed in PBLs for the time being.[847] However, the Minister has announced that the PBL will be continued in an adapted version. In the new version of the PBL, there will be more freedom of movement: applicants will no longer be required to be present at the fenced-off location all day but will have to report to COA on location twice a day.[848] The Minister stated in 2024 that it intended to start implementing the new PBL when the occupation at Ter Apel has been lower than the allowed 2,000 people for at least a month.[849] As of 1 June 2025, the pilot PBL started in Ter Apel. The pilot foresees that people can be placed in the PBL if they cause one or more incidents with a medium impact at or outside the Ter Apel reception centre. This is also possible if there is a single incident with a major impact. This concerns people from the PBL target group (foreseeably low chance of asylum, Track 2) who are prioritized through the asylum procedure. People

841 Rijnconsult, Evaluation of the pilot 'austere reception' Track 2, 13 September 2021, 18.
842 See COA website, https://bit.ly/3Sj9w2J.
843 KST 19637, nr. 3110, available in Dutch at: https://bit.ly/3S6Ttns.
844 Ibid.
845 Anna Chatelion Counet, Sofia D'Arcio and Lianne Hooijmans, *Tien juristen, elf meningen?*, JNVR 2023-4, p. 17 and further on austere reception centres.
846 Regional Court Groningen, ECLI:NL:RBDHA:2024:2653, 1 March 2024, available in Dutch at: https://bit.ly/3WiKgeq.
847 RTV Noord, 'Geen hoger beroep in uitspraak strengere opvang overlastgevers Ter Apel', 12 March 2024, available in Dutch at: https://bit.ly/3WmFgp5.
848 Stcrt 2024, nr. 32244, available in Dutch at: https://bit.ly/3PBmd6U.
849 Minutes of the Parliamentary debate on Vaststelling van de begrotingsstaat van het Ministerie van Asiel en Migratie (XX) voor het jaar 2025, 7 November 2024.

who arrived in another EU country and are therefore undergoing the Dublin procedure (Track 1) are not included in the PBL target group because the asylum procedure cannot be expedited in these cases. Applicants subject to the measure are required to remain in a restricted area at and around the Ter Apel reception centre 24/7.[850] As of December 2025, no applicants are residing in the PBL.[851]

1.2 Emergency locations (Noodopvang)

Emergency locations are temporary locations, managed by COA. Locations differ from sport and event halls, boats, cruise ships, pavilions, hotels, former schools, former office buildings and in former COVID-19 test locations. COA currently has 202 emergency locations housing 33,107 people.[852] Many of these locations house more than 500 people. For example, in 2022, two cruise ships in **Amsterdam** and **Velsen** both housed over 1000 people. The ship in Velsen was moved to Rotterdam in July 2023, the cruise ship in Amsterdam remains at the same location.[853] The reception capacity of both ships was increased from 1,000 to 1,500 people.[854]

Regarding living conditions, see Conditions in (crisis) emergency locations.

1.3 Crisis Emergency Locations (Crisisnoodopvang, CNO) or Temporary Municipal Reception Locations (Tijdelijke Gemeentelijke Opvang, TGO)

The first Crisis Emergency Locations opened in May 2022. Crisis Emergency Locations are managed by municipalities and Security Regions (*Veiligheidsregio's*), and are even more temporary than emergency locations. In In 2024, Crisis Emergency Locations were renamed to Temporary Municipal Reception locations (TGO, *Tijdelijke Gemeentelijke Opvang*).[855] In this report, the terms are used interchangeably.

In 2020, COA created a guide for municipalities on managing CNOs.[856] In 2024, the Ministry of Justice and Safety provided municipalities with a new guide on managing TGOs.[857] Both guides state that very vulnerable people such as pregnant women, babies and elderly people should not be placed in CNOs – however, vulnerable people are still placed at these locations. In 2022, the Dutch Council of Refugees published a report for which 22 (crisis) emergency locations were visited and concluded that on 17 locations vulnerable people whose (medical) needs could not be taken care of were present.[858] This concerns individuals with severe physical or mental conditions, chronically ill individuals, and pregnant women. A particularly distressing case involved a man with cancer undergoing chemotherapy while staying in a (crisis) shelter in an event hall. In 2024, the Dutch Council for Refugees visited twenty (crisis) emergency locations and found similar issues.[859] In eleven of these locations vulnerable people whose special reception needs could not be taken care of were present. In eight out of twelve mixed-gender (crisis) emergency locations, women, children, and in one case LGBTQ+ individuals, feel unsafe during their stay due to inappropriate behaviour by other (male) residents. Additionally, obligations imposed upon the State in the Court proceedings of VWN versus the State are still being violated, particularly

850 Ministry of Asylum and Migration, 'Stand van zaken opening procesbeschikbaarheidslocatie, Nr. 3431', 30 May 2025, available in Dutch at: https://bit.ly/4qYaEr5.
851 KST 36850 XX nr. 3, available in Dutch at: https://bit.ly/49bRuYz.
852 COA Website: https://www.coa.nl/nl/lijst/capaciteit-en-bezetting, figures are updated weekly.
853 COA, 'Ferry Silja Europa vaart 1 juli van Velsen naar Rotterdam', 1 July 2023, available in Dutch at: https://bit.ly/48ufB1J; COA, 'Amsterdam Westerhoofd', available in Dutch at: https://bit.ly/4aULYsj.
854 COA, 'Ferry Silja Europa vaart 1 juli van Velsen naar Rotterdam', 1 July 2023, available in Dutch at: https://bit.ly/48ufB1J; NOS, 'Amsterdam wil opvang asielzoekers op cruiseship met half jaar verlengen', 3 February 2023, available in Dutch at: https://bit.ly/3vsHI30.
855 COA, 'Noodopvang en tijdelijke gemeentelijke opvang', available in Dutch at: https://bit.ly/4jlcYW7.
856 COA (and other organisations), *Handreiking Crisisnoodopvang*, 2 December 2020, available in Dutch at: https://bit.ly/3CzLMix.
857 Ministry of Justice and Safety, *Handreiking Tijdelijke Spoedopvang*, 20 May 2024, available in Dutch at: https://bit.ly/42g1PzF.
858 VWN, *Gevlucht en vergeten?*, August 2023, available in Dutch at: https://bit.ly/4205TBR.
859 VWN, *Gevlucht en Vergeten? No. 2*, January 2024, available in Dutch at: https://bit.ly/4hfWkVP.

regarding the welfare of children and vulnerable people.[860] The total number of children in emergency locations and crisis emergency locations increased from approximately 6,600 in early 2025 to over 8,500 children in December 2025.[861] The total number of children (age 0-17) staying at COA locations as of 1 December 2025 was 19,920.[862]

1.4 Process Reception Centres (POL)

After this stay at the COL, the asylum applicant would normally be transferred to a Process Reception Centre (Proces Opvanglocatie, POL). However, this is not always the case since the start of the reception crisis. Asylum applicants can stay at all kind of locations during their asylum procedure, they might even be interviewed at the reception centre.

At the POL, the asylum applicant will take the next steps of the rest and preparation period and awaits the official asylum application at the application centre. As soon as the asylum applicant has officially lodged an asylum application, they receive a certificate of legal stay. Due to lack of capacity in the POL, the so-called pre-POLs have been opened. Often these are located at the site of an AZC, but the people staying at the pre-POL will have the same (limited) facilities as asylum applicants at the POL, so they will have different access to medical care and language lessons, and no weekly allowance. The Dutch Council for Refugees reported that the excessive waiting time in the rest and preparation period (up to two years) has serious consequences regarding the material reception conditions and mental health of asylum applicants. Among them, limited access to medical care, tension in the centres due to serious concerns about family reunification and a lack of facilities since the (pre-)POL is not designed for a long stay.[863] Additionally, The Dutch Council for Refugees and the Ombudsperson fear a set-back in integration possibilities for applicants since there is no or limited possibility to perform volunteer work or get access to language education.[864]

1.5 Centres for Asylum Applicants (AZC)

An asylum applicant remains in the POL if the IND decides to examine the asylum application in the Regular Procedure (within eight days). If protection is granted, the asylum applicant is normally transferred to a Centre for Asylum Applicants (*Asielzoekerscentrum*, AZC) before receiving housing in the Netherlands. If the IND decides, usually after four days, to handle the application in the extended asylum procedure, the asylum applicant will also be transferred from the POL to an AZC. In the current reception crisis, the reception process described above is not usually followed.

As discussed above, many beneficiaries of international protection are staying at AZCs: for more information on the housing backlog for beneficiaries of international protection, see Content of International Protection: Housing).[865]

The COA continuously requests municipalities to provide more AZCs that are available for long term.[866]

1.6 Enforcement and Supervision Location (HTL)

860 Ibid; The Hague Court of Appeal (civil department), ECLI:NL:GHDHA:2022:2078, 20 December 2022, available in Dutch at: https://bit.ly/3Ii2iX0.

861 Internal COA reporting.

862 COA, 'Personen in de opvang van het COA', https://bit.ly/4jKjdTS accessed at 22 December 2025, figures updated monthly.

863 Dutch refugee Council, *Gevangen in een vastgelopen asielsysteem: Gevolgen en verhalen uit de praktijk*, November 2019, available In Dutch at: https://bit.ly/2vSP2pW.

864 See for example: NOS, 'Ombudsman: zakgeld en privacy voor asielzoekers vanwege lange wachttijden', 10 March 2020, available in Dutch at: https://bit.ly/33OOlL1.

865 COA, *Bezetting*, available in Dutch at: http://bit.ly/2E95a6F. And KST 19637, no. 2992, Appendix to letter decision-making on the reception crisis, available in Dutch at: https://bit.ly/3ImJjdc.

866 E.g. Letter to the King's Commissioners and the councils of the Mayor, 6 October 2023, available in Dutch at: https://bit.ly/3VzERQB and Letter to Parliament, 10 November 2023, available in Dutch at: https://bit.ly/3wybNP1.

The Enforcement and Supervision Location (*Handhaving en Toezichtlocatie, HTL*) was set up as a special reception centre for asylum applicants who have caused tension or any form of nuisance at an AZC, for example by bullying other inhabitants, destroying materials, exhibiting aggressive behaviour or violating the COA house rules. Minors aged 16 or more can also be transferred to these locations.[867]

There is only one HTL. The HTL is located in Hoogeveen, it opened in December 2017 as an Extra Guidance and Supervision location (*Extra Begeleiding- en Toezichtlocatie*, *EBTL*) and became an HTL in February 2020. The location has a capacity of 50 places.[868]

The Inspection of the Ministry of Justice and Security concluded in 2018 that the EBTL had not been effective in changing the behaviour of violent applicants. This is partly due to the fact that these applicants often have mental disorders and psychiatric problems. As a result, the EBTL was closed and the HTL was opened.[869] The difference between the EBTL and the HTL is that the HTL objective is no longer to change the behaviour of the applicant. Applicants placed in the HTL will get a stringent area ban and a compulsory day programme.

The number of times the 'HTL-measure' was imposed over the last few years were as follows:[870]

Year	Number of times the HTL-measure was imposed
2019	250
2020	215
2021	210
2022	225
2023	225
2024	170
2025	Not yet available

Asylum applicants staying at the HTL are only allowed to go outside for four hours a day, where they cannot leave a small grass field. Several lawyers have argued that asylum applicants are illegally deprived of their liberty in the HTL.[871] However, the Regional Court of Groningen conducted an on-site investigation and concluded that placement in the HTL is not contrary to Article 5 ECHR.[872] This was mostly due to the possibility to leave the HTL, even though leaving means that one loses their right to reception. Normally, no onward appeal is possible in Court cases about placement in the HTL. However, in 2024 the Council of State did rule for the first time on the question of the HTL and Article 5 ECHR.[873] The Council of State ruled that the placement of individuals in the HTL does not lead to deprivation of liberty, but merely to a restriction of freedom of movement. Even placement in the so-called *ROV-room*, that is used as a punishment within the HTL, does not lead to deprivation of liberty.[874]

In August 2022, the Inspection Department of the Ministry of Justice and Security paid an unannounced visit to the HTL following the report of a 'whistleblower' who notified eight incidents in the twenty days that he worked at the HTL. During this visit, employees and asylum applicants were interviewed.

867 Article 1(I) RVA, Decision of State Secretary (now Minister), No 69941, 3 December 2018
868 COA, *Verschillende soorten opvang,* available in Dutch at: https://bit.ly/3IKH8kb.
869 State Secretary (now Minister), Letter KST19637 2572, 18 December 2019.
870 WODC, 'Incidenten en misdrijven door COA-bewoners 2017-2024', July 2025, p. 32.
871 For example in the case: Regional Court Den Bosch, ECLI:NL:RBDHA:2020:4558, 25 May 2020, available in Dutch at: https://bit.ly/3usuLWA.
872 Regional Court Groningen, ECLI:NL:RBDHA:2020:6252, 10 July 2020, available in Dutch at: https://bit.ly/49oRcuC. For a more recent judgement see: Regional Court Groningen, Case nos. AWB 22/6262 en NL22.21029, 11 November 2022.
873 Council of State, ECLI:NL:RVS:2024:3565, 11 September 2024, available in Dutch at: https://bit.ly/3ZRVCs1.
874 Council of State, ECLI:NL:RVS:2024:3564, 11 September 2024, available in Dutch at: https://bit.ly/4fo8H0C.

Observations were also made and supervision plans were examined in the information system of COA. Finally, the Inspection requested documentation and camera images. The Inspection established that housing supervisors, who work for the COA and the DJI, use coercion and violence. For example, housing supervisors pushed, slapped or kicked asylum applicants and made unauthorized use of handcuffs.[875]

In his response, the (then) State Secretary (now Minister) indicated not having recognised any pattern of disproportionate violence in the HTL. According to the (then) State Secretary (now Minister), these cases were isolated and COA always investigates thoroughly when this happens. However, the then State Secretary (now Minister) did promise to revise the daily programme at the HTL. No information is available on whether and how this was revised.[876]

1.7 Administrative placing and hosting arrangement

Administrative placement makes it possible for asylum applicants to live with (first-degree) relatives while receiving allowances and health insurance. Previously, the administrative placement was regulated in Article 13 Rva (old), but this basis has disappeared. However, practice shows that it is still possible in exceptional cases to be placed administratively at the nearest AZC from the place of residence of the family member. The asylum applicant must report to the AZC on a weekly basis. According to the COA's Provisions Policy, an income check is carried out during administrative placement. If the family member earns too much, the asylum applicant will not receive allowances. Administrative placement of an asylum applicant who is still in the pre-pol is not yet possible. VWN has often pointed out that this practice could be expanded, because more and more people are requesting it and it could be a way to make up space for new asylum applicants.[877]

Beneficiaries of international protection staying at a reception centre while waiting to be housed, can stay at a host family for up to three months using the 'hosting arrangement' (logeerregeling). The organisation Takecarebnb connects and guides host families and beneficiaries of international protection.[878]

At the end of 2023, the hosting arrangement was also extended to asylum applicants.[879] The hosting arrangement requires approval from COA, and there are several requirements: amongst other things, the application needs to be dealt with in Track 4, the applicants need to be 18 years or older and they need to have a citizen service number (*Burgerservicenummer,* BSN). Asylum applicants using the hosting arrangement receive an extra financial allowance of 25 euros a week if they are between 18 and 21 years old. The COA has temporarily increased this extra allowance for asylum applicants using the hosting arrangement who are older than 21 to 75 euros. The hosting arrangement is in principle for three months. The Dutch Council for Refugees has received reports that the requirement of a BSN makes the hosting arrangement hard to access, as the waiting lists for BSN's are very long. However, the Minister has stressed that the requirement of a BSN needs to stay in place as applicants need one to have access to health care.[880]

875 Inspection of the Ministry of Justice and Security, 'Letter on the investigation of the HTL in Hoogeveen', 13 October 2022, available in Dutch at: https://bit.ly/3jOns5O. See also this report from newspaper NRC, 'Wat gebeurt er achter de muren van het 'aso-azc' in Hoogeveen?', 11 November 2022, available in Dutch at: https://bit.ly/3vzymz9.

876 KST 19637, no. 2995, 19 October 2022, available in Dutch at: https://bit.ly/3jNuw2y.

877 E.g. VWN, 'Brief VluchtelingenWerk Nederland t.b.v. het commissiedebat Vreemdelingen- en asielbeleid 22 juni 2022', 17 June 2022, available in Dutch at: https://bit.ly/3GrK2sI, 5.

878 See their website here: https://takecarebnb.org/.

879 This information comes from the website of COA, available in Dutch at: https://bit.ly/3HkHuNP.

880 Letter of the Minister of Asylum and Migration, 18 December 2024, available in Dutch at: https://bit.ly/3DXPia3.

2. Conditions in reception facilities

Indicators: Conditions in Reception Facilities

1. Are there instances of asylum applicants not having access to reception accommodation because of a shortage of places? ☒ Yes ☐ No
2. What is the average length of stay of asylum applicants in the reception centres? 14.46 months (as of 1 January 2025)[881]
3. Are unaccompanied children ever accommodated with adults in practice? ☒ Yes ☐ No
4. Are single women and men accommodated separately? ☐ Yes ☒ No

The instances of asylum applicants not having access to reception accommodation in 2024 did not entail sleeping on the grass in Ter Apel, as this happened in 2022, but sleeping on matrasses on the floor of *portakabins* (container cabins) on the grounds of the Ter Apel location. These instances are addressed under Criteria and restrictions to access reception conditions.

2.1 Conditions in (crisis) emergency locations

As is made clear in the section Types of accommodation, over half of the asylum applicants in the Netherlands are housed in (crisis) emergency locations. Since 2022 and including in 2025 reception conditions provided to these asylum applicants did not meet the minimum legal standards. In the first year of the reception crisis, the Dutch Council for Refugees (VWN) published three *Quickscans* on the conditions in (crisis) emergency locations, and reported seriously inadequate living conditions.[882] Basic needs - such as privacy, security and warmth – were often not fulfilled and there were concerns about health care, access to education and other activities for children and the fact that asylum applicants were forced to frequently move from one facility to the other.[883]

After almost a year of witnessing said conditions, the Dutch Council for Refugees (VWN) summoned the State and COA in front of the Regional Court of the Hague on 17 August 2022.[884] On 6 October 2022, the Court of First Instance confirmed that the State has an obligation of result to take appropriate measures to guarantee dignified reception facilities for asylum applicants. In fulfilling these obligations, the State must take into account the EUAA reception guidelines, as they are widely supported scientific insights and internationally accepted standards.[885] Furthermore, the court established that COA and the State needed to improve reception conditions in a timely manner, detailing different terms for various situations in the country:

- In Ter Apel, every asylum applicant who wants to register their application must immediately be offered a safe covered sleeping place, food, water and access to hygienic sanitary facilities.
- All asylum applicants must be given immediate access to any form of necessary health care.
- The vulnerable asylum applicants mentioned in the Crisis Emergency Locations Guide (including babies and their families and heavily pregnant women) may no longer be placed in crisis emergency shelters, with immediate effect.[886]
- All asylum applicants must be medically screened before being placed in a crisis emergency location within two weeks.
- Additional reception for unaccompanied minors must be realised within two weeks, in particular for the unaccompanied minors currently residing in Ter Apel.

881 Ministry of Justice and Security, *State of Migration 2025*, 4 July 2025, available in Dutch at: https://bit.ly/49oQC34 , 80.
882 VWN, First Quickscan, 14 December 2021, available in Dutch at: https://bit.ly/3QzQimT, VWN, Second Quickscan, 9 March 2022, available in Dutch at: https://bit.ly/3iubcHC and VWN, Third Quickscan, 19 October 2022, https://bit.ly/3ZseCuT.
883 Ibid.
884 VWN, VluchtelingenWerk spant kort geding aan tegen het Rijk en het COA vanwege opvangcrisis, 17 August 2022, available in Dutch at: https://bit.ly/3IBnuIz.
885 Regional Court The Hague (civil department), ECLI:NL:RBDHA:2022:10210, 6 October 2022, available in Dutch at: https://bit.ly/3wikDjE, para. 7.4.
886 Guide for Crisis Emergency Locations, 2 December 2020, available in Dutch at: https://bit.ly/3XSRbJi.

- A maximum of 55 unaccompanied minors may stay in Ter Apel for a maximum of five days, within two weeks.
- Minor asylum applicants must be given access to play facilities and education within four weeks.
- All asylum applicants residing in (crisis) emergency reception locations must receive a financial allowance, within four weeks.
- Vulnerable asylum applicants may no longer be placed in an emergency reception location in four weeks' time, unless their specific special reception needs are met in that location.

The overall situation had to be improved within nine months. On 20 December 2022, the Hague Court of Appeal upheld the essence of the earlier ruling: the reception conditions in which thousands of asylum applicants are forced to live and do not meet minimum legal requirements.[887] The 'reception crisis' is a self-made crisis caused by the government's policies.[888] Therefore, the State and COA could not invoke the *force majeure* situation of Article 18(9) Reception Conditions Directive. However, although the Court expects the State and COA to fulfil their legal obligations as soon as possible, the deadline given to the State to improve all reception conditions was revoked. The State and COA still need to provide with immediate effect that:

- Asylum applicants are no longer left in the streets or sleeping outdoors in Ter Apel.
- Vulnerable asylum applicants should not be placed in (crisis) emergency locations unless their special needs are met there.
- The State and COA must make every effort to screen asylum applicants medically as far as possible before they are transferred from Ter Apel to another reception centre – especially if that other facility is an (crisis)emergency location; if the screening could not take place immediately, it should take place as soon as possible thereafter.
- Access to necessary health care is be provided.
- Asylum applicants in crisis emergency locations must be provided with a weekly financial allowance in accordance with Article 14 Rva 2005.
- Children in (crisis) emergency locations should have access to playing facilities and education. An exception can only be made if there is no way to meet this condition immediately due to a shortage of teachers, and then only as long as the State continues its efforts to make education accessible to minor asylum applicants.

Moreover, the Court ruled that the State treats displaced persons from Ukraine and asylum applicants from other countries unequally. The Court rejected VWN's request to order the State and COA to treat all asylum applicants equally, based on the fact that the goal of ensuring that reception conditions meet the State's minimum legal obligations ,was deemed impossible to achieve within a short period of time. The Court also does not consider it their role to instruct the State on how to ensure that the State ensures equal treatment of all asylum applicants. None of the parties appealed this decision, so the judgement is final.

In August 2023, one year after the start of the tort procedure, the Dutch Council for Refugees investigated the extent to which the living conditions in the (crisis) emergency locations align with European obligations as explained in the court ruling.[889] In the months of June and July 2023, 22 (crisis) emergency locations were visited, and 92 residents were interviewed. The report concluded that the majority of the (crisis) emergency locations still largely fail to meet the State's obligations under European law. While some (crisis) emergency locations have adequate facilities, these are exceptions, and conditions elsewhere are equally distressing, if not worse than in 2022.

In January 2024, the Dutch Council for Refugees (VWN) released its second report which expanded on these findings.[890] 20 (crisis) emergency locations were visited, and 94 residents were interviewed. In

887 The Hague Court of Appeal (civil department), ECLI:NL:GHDHA:2022:2078, 20 December 2022, available in Dutch at: https://bit.ly/3li2iX0.

888 This has also been confirmed by the ACVZ and ROB (*Raad voor het Openbaar Bestuur*). In their report they state that the reception crisis is a self-made crisis by the Dutch government: 'Asielopvang uit de crisis', 14 June 2022, available in Dutch at: https://bit.ly/3ik1OGw.

889 VWN, *Gevlucht en vergeten?*, August 2023, available in Dutch at: https://bit.ly/4205TBR.

890 VWN, *Gevlucht en Vergeten? No. 2*, January 2024, available in Dutch at: https://bit.ly/4hfWkVP.

line with the findings of the first report, the results again show that a significant amount of the (crisis) emergency locations still fail to meet the minimum standards for humane reception and the State's obligations under European law. In half of the visited locations, sleeping spaces do not meet the EUAA reception guidelines and residents experience a lack of privacy and tranquillity. Only half of the locations meet the EUAA reception guidelines for sanitary facilities. The facilities often function poorly or not at all, are far away from the bedrooms or even outside, and are unhygienic, causing children to avoid using them. Health care is present at 15 out of 20 locations, but in 7 out of 20 locations residence experience obstacles to access it due to very limited availability and long waiting times. Nutrition also remains problematic: there is a lack of variation, some residents receive insufficient food and it is only possible for applicants to cook themselves on 2 out of 20 locations. This while residents on all locations express a strong desire to cook, both to have more diverse meals and as a daily activity. Weekly allowances are considered insufficient to cover basic needs, especially in remote locations where the applicants have high travel costs. Children have limited access to education, and more than half of the locations lack play areas or leisure activities for children.

Furthermore, residents experience difficulties accessing medical care. There are still vulnerable people residing at the (crisis) emergency locations even though their specific needs cannot be met there. Lastly, residents experience a difficult relationship with the location management, often due to miscommunication, strict house rules and in some cases aggressive behaviour. The long stay in such dire circumstances leads to stress and depression, and the significant differences between locations demonstrate that asylum applicants are subject to arbitrariness when it comes to receiving adequate reception in the Netherlands. In December 2024, the Dutch Council for Refugees conducted another research on the situation in (crisis) emergency locations, asking residents what they find important for good reception conditions.[891] 92 residents were interviewed individually and in focus groups, and 696 gave their responses through an online survey. This research confirmed the previous findings that privacy and the possibility to cook are very important for residents. It also illustrated that the lengthy stay in inadequate reception locations, in combination with uncertainty about the asylum procedure, is detrimental to the residents' mental health. Furthermore, the residents stressed that they want to be able to make a reception location their home. Privacy is important for this, but this also requires less transfers and less remote locations, so that the residents can connect and integrate with the local community.

Other organisations also reported on the conditions in the (crisis) emergency locations. The findings on privacy, nutrition, education and play areas for children, and the detrimental (mental) health effects of such conditions are confirmed by the Dutch Inspection of Justice and Security[892] and the Dutch Inspection of Health and Youth Care.[893] Furthermore, the National Ombudsperson and the National Children's Ombudsperson concluded in a report that human rights and children's rights are put under pressure.[894] The whole situation keeps being handled in crisis mode, whereas it is a long-lasting issue. This is also confirmed by the Dutch Inspection of Justice and Security, which points out that the lack of buffer capacity and the continuous occupation of over 100% at COA locations is a structural problem, but the solutions provided (such as 'pre-registration locations' and *portakabins* at Ter Apel) are treating it as a temporary one.[895] The National Ombudsperson and the National Children's Ombudsperson also consider that the government does not sufficiently take into consideration the necessity for asylum applicants to be able to exercise self-determination and autonomy. Finally, as the Dutch Council for Refugees (VWN) also concluded, the Ombudspersons highlighted the arbitrariness of the reception system and concluded that the principle of non-discrimination is not respected.

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891 VWN, *Onderzoek naar ervaringen en behoeften van vluchtelingen in de opvang*, December 2024, available in Dutch at: https://bit.ly/40jjZ0F.

892 Inspectie Justitie en Veiligheid, Brief Toezicht Inspectie Justitie en Veiligheid Ter Apel, 15 January 2024, available in Dutch at: https://bit.ly/3WmsWoR.

893 Inspectie Gezondheidszorg en Jeugd, 'Het risico op blijvende gezondheidsschade vereist nu verbetering voor de meest kwetsbare asielzoekers', 26 February 2025, available in Dutch at: https://bit.ly/4pEIlao.

894 Nationale ombudsman en Kinderombudsman, *De crisis voorbij*, 27 June 2023, available in Dutch at: https://bit.ly/40k5rhm.

895 Inspectie Justitie en Veiligheid, Brief Toezicht Inspectie Justitie en Veiligheid Ter Apel, 15 January 2024, available in Dutch at: https://bit.ly/3WmsWoR.

Pharos, the Dutch Red Cross and Doctors of the World (Dokters van de Wereld) also published several reports on the lack of sufficient medical care at (crisis) emergency locations (see Reception conditions - Health Care).[896]

Without structural measures, the dire situation in which residents find themselves at the (crisis) emergency locations continues to be without a foreseeable resolution so as to provide adequate and humane accommodation for asylum applicants in the Netherlands.

2.2 Conditions in AZCs

Residents of a regular reception centre usually live with 5 to 8 people in one unit. Each unit has several bedrooms and a shared living room, kitchen and sanitary facilities. At the time of writing, there are no reports of serious deficiencies in the sanitary facilities that are provided in the reception centres. Residents are responsible for keeping their habitat in order.[897] Unaccompanied children generally live in small-scale shelters, which are specialised in the reception of unaccompanied children. They are intensively monitored to increase their safety (see section on Special Reception Needs). However, due to the reception crisis, unaccompanied children are also sheltered in (crisis) emergency locations where standards are not always met.

Adults can attend programmes and counselling meetings, tailored to the type and stage of the asylum procedure in which they are. Next to this, it is possible for asylum applicants to work on maintenance of the centre, cleaning of common areas, etc. and earn a small fee of up to € 14 per week doing this.[898] It is also possible for children as well as adults to participate in courses or sports at the local sports club. Children of school age are obliged to attend school. To practice with teaching materials and to keep in touch with family and friends, asylum applicants can visit the Open Education Centre (*Open Leercentrum*) which is equipped with computers with internet access. Children can do their homework here. There is supervision by other asylum applicants and Dutch volunteers.

AZC are so-called open centres. This entails that asylum applicants are free to go outside if they please. However, there is a weekly duty to report (*meldplicht*) in order for the COA to determine whether the asylum applicant still resides in the facility and whether he or she is still entitled to the facilities.[899] Some reception centres such as HTL, as well as centres for rejected asylum applicants, have a stricter regime. The WODC (Dutch Research and Data Centre) monitors incidents and crimes committed in Dutch reception centres. In 2024, of the 106,065 persons residing in a COA (including (crisis) emergency locations) or TGO location, 11% was involved in an aggression or violence incident and 3% were suspected of a crime. Total occupancy in these locations has never been as high as in 2024.[900] Various factors play a role in such behaviour by asylum applicants, including the reception conditions.[901] Other incidents are related to Dutch citizens protesting the establishment of a reception centre in their city. Protests have increased significantly since the implementation of the 'Dispersal Act' and the subsequent unclarity about the Act's future coming from the previous government installed in 2024.[902]

Residents can use the MyCOA-application - available in 10 languages – to obtain extensive information on their stay in an AZC. For example, they receive a message when post arrives; they can obtain information on the job market in the Netherlands.

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896 Pharos, Rode Kruis en Dokters van de Wereld, *Zorgen in tijden van crisis*, available in Dutch at: https://bit.ly/3TUvbiW.

897 For more information, see COA, available in Dutch at: https://bit.ly/41XxH9U.

898 Article 18(1) and (3) RVA.

899 Article 19(1)(e) RVA.

900 WODC, 'De monitor incidenten en misdrijven onder bewoners van COA-locaties' available in Dutch at https://bit.ly/4sIpP9s.

901 WODC, 'Inzicht in oorzaken overlast en criminaliteit door COA-bewoners biedt aanknopingspunten voor verbeterde aanpak', 3 November 2025, available in Dutch at https://bit.ly/3ZaxyPY.

902 Nu.nl, 'Gemeenteraden doelwit van azc-protesten: 'Ze maken zich grote zorgen', 17 oktober 2025, available in Dutch at: https://bit.ly/4aXg6FT.

C. Employment and education

1. Access to the labour market

Indicators: Access to the Labour Market

1. Does the law allow for access to the labour market for asylum applicants? ☒ Yes ☐ No
   - ❖ If yes, when do asylum applicants have access the labour market? 6 months
2. Does the law allow access to employment only following a labour market test? ☐ Yes ☒ No
3. Does the law only allow asylum applicants to work in specific sectors? ☐ Yes ☒ No
   - ❖ If yes, specify which sectors:
4. Does the law limit asylum applicants' employment to a maximum working time? ☐ Yes ☒ No
   - ❖ If yes, specify the number of days per year
5. Are there restrictions to accessing employment in practice? ☒ Yes ☐ No

The Aliens Labour Act and other regulations lay down the rules regarding access to the labour market for asylum applicants. Before the asylum applicant can start working, the employer must request an employment-licence for asylum applicants (*tewerkstellingsvergunning*). To acquire an employment-licence, the asylum applicant must fulfil the following cumulative conditions:[903]

- ❖ The asylum application has been lodged at least 6 months before and is still pending a (final) decision;
- ❖ The asylum applicant is staying legally in the Netherlands on the basis of Article 8(f) or (h) of the Aliens Act;
- ❖ The asylum applicant is provided reception conditions as they come within the scope of RVA, or under the responsibility of Nidos;
- ❖ The intended work is conducted under general labour market conditions;
- ❖ The employer submits a copy of the 'W document' (identity card).

Despite the fact that Dutch legislation provides for access to the labour market to asylum applicants, in practice, it is hard for an asylum applicant to find a job. Labour market shortages and long waiting times in reception centres have led to an increasedpoliticafocus on granting asylum applicants early access to the labour market in the Netherlands. On behalf of the Ministry of Social Affairs and Employment, Regioplan researched the legal and practical barriers that asylum applicants face in accessing the Dutch labour market, and concluded that the limitation allowing asylum applicants to work only 24 weeks per year (in effect from 1998 to 2023) was the primary obstacle.Other barriers include the employment-licence requirement and the employers' unfamiliarity with the application procedure. Additionally, it often takes months for asylum applicants to register in the Municipal Personal Records Database (*BRP*)[904], which is necessary to open a bank account in order to receive wages and to pay taxes. Other identified barriers include a lack of support for job placement, limited knowledge of the Dutch language, refugee-related psychological problems and cultural differences. *Regioplan* states that most of these obstacles fall within the sphere of influence of the central government, making it their responsibility to take action.[905] In response to this report, the then minister indicated a willingness to explore possible solutions. Unfortunately, due to the current political situation and the outgoing government, this issue is on hold.[906]

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903 Article 6.2 Aliens Labour Decree and paragraph 8.2 Annex I Aliens Act Implementing Regulation 2022.

904 Antwoord op vragen van het lid Van Nispen over het bericht dat 18.000 asielzoekers niet kunnen werken omdat de wachtlijsten voor een bsn torenhoog zijn at: https://bit.ly/3DLwHhb.

905 Regioplan, Belemmeringen asielzoekers bij het toetreden tot de arbeidsmarkt, 11 April 2023.

906 Ministry of Social Affairs and Employment, KST 29544, nr. 1213, 14 July 2023.

By the end of 2023, one of the main barriers to effective labour market access for asylum applicants had been removed. Up until that point, asylum applicants in the Netherlands were permitted to work for only 24 weeks per year makjng them unattractive to employers. In November 2023, the Council of State determined on appeal that this time restriction is contrary to Article 15 of the Reception Conditions Directive.[907] This means that the 24-week limitation is null and void, and, as a result, the Dutch government must adjust its policy. Since this ruling, asylum applicants with a valid employment-licence are allowed to work as long as their asylum procedure is ongoing, and they have lawful residence in the Netherlands. The legal provision had not yet been updated as of December 2025.

Despite this significant breakthrough, employers still face administrative hurdles because a valid employment-licence is still required. The employer applies for the licence. It is valid specifically for the employee, the nature of the work the employee will perform and the place where it will be performed. Since the abolition of the 24-week limitation, the employment-licence remains valid as long as the asylum applicant's temporary residence permit (W-document) is valid. If the asylum applicant is granted a residence permit or exhausts all legal remedies, the employment-licence will expire in line with the validity of the temporary residence permit. The procedure for applying for an employment licence at the Dutch Employees Insurance Agency takes in practice about 2 weeks, which is within the time limit foreseen in law.[908] However, due to a significant increase in permit applications following the abolition of the 24-week requirement, the waiting time at one point extended to 10 weeks. Between December 2023 and October 2024, the number of applications surged from 3,450 before the 24-week requirement to 10,260 after its abolition, representing a 197% increase.[909] This sharp rise in applications created the temporary backlog, which has since been successfully cleared. Moreover, although access to the labour market is granted 6 months after the application has been lodged, before the employer can apply for the employment-licence, a declaration of reception must be obtained. In conclusion, the moment the asylum applicant has the right to perform paid labour differs significantly from the moment they can in fact exercise it.

If asylum applicants are employed and stay in the reception facility arranged by the COA, they are required to contribute a certain amount of money towards the accommodation costs, regardless of how little or how much they earn. Asylum applicants are allowed to keep 25% of their income with a maximum of € 273 per month.[910] If their monthly income exceeds the required contribution for accommodation costs, they may retain any surplus income.[911] However, this amount can never exceed the economic value of the accommodation facilities. Once an asylum applicant surpasses this threshold, the financial allowance may be withdrawn. A related issue is that the calculation by the COA regarding how much an asylum applicant is required to pay for facilities, primarily housing costs, is not sufficiently transparent. Due to the lack of clear information and insight into the calculation method, it is often difficult for asylum applicants to understand what they owe. As a result, beneficiaries of international protection frequently receive financial reclamation from the COA only after they have been housed in a municipality. This complicates their integration and financial stability.

Good practices

A good practice is the '*Meedoenbalies*' (Participation Desks) established by the COA in collaboration with the Association of Dutch Volunteer Organizations (Vereniging Nederlandse Organisaties Vrijwilligerswerk (NOV). Asylum applicants and refugees in reception centres can register at a Meedoenbalie for activities such as volunteering, sports, recreation, and paid employment. The goal is to enable people to participate in society, as this improves the well-being and health of the residents. Additionally, it helps them enhance their knowledge of the Dutch language and culture, gain work

907 Council of State, ECLI:NL:RVS:2023:4418, 29 November 2023, available in Dutch at: https://bit.ly/3OzSmLS.
908 Article 6 Aliens Labour Act.
909 UWV, Tewerkstellingsvergunningen voor asielzoekers, één jaar na de afschaffing van de 24-wekeneis, available in Dutch via: https://bit.ly/4fH8p5i.
910 Article 5, lid 3 Reba 2008 jo. Article 31, lid 2 sub n Participation Act.
911 Article 5(4) Regeling eigen bijdrage asielzoekers met inkomen (Reba).

experience, and interact with Dutch citizens. This, in turn, may contribute to increasing support for newcomers in society. Out of nearly 180 COA locations, 38 have a *Meedoenbalie*, where COA collaborates with NOV. Additionally, a *Meedoenbalie Light* has been set up at over 50 other COA locations. According to the Ministry of Social Affairs, more than 56,000 matches have already been made.[912] In this context, "matches" refer to successful connections between asylum seekers or refugees and specific activities facilitated through the so-called *Meedoenbalies*. These matches include placements in volunteering roles, sports clubs, language courses, cultural programs, internships, or paid employment opportunities. By creating these connections, the *Meedoenbalies* help participants integrate into Dutch society while gaining valuable experience and expanding their social networks.

Another good practice is the platform RefugeeWork. This initiative was launched by the Dutch Council for Refugees in collaboration with the Start Foundation and is now administered by the Refugee Talent Hub. RefugeeWork is a national platform that connects employers with refugees by making matches based on skills. On this platform, asylum applicants, refugees, and Ukrainians can register. In addition to providing practical information for employers and job applicants, a guidance tool is being developed and will be added to the platform in the future. RefugeeWork also allows municipalities and other social organisations to join.[913]

Voluntary Work

Asylum applicants are also allowed to take part in voluntary work. This is possible from the moment the asylum application has been lodged. The employer needs a 'volunteer's declaration' form from the Dutch Employees Insurance Agency. Work usually needs to be unpaid, non-profit and of social value.[914] A few years ago the government simplified the procedure to acquire a volunteering permit. Since then, an asylum applicant can start its voluntary work as soon as the Employee Insurance Agency confirmed the application for a volunteering permit done by the employer.[915]

Internships for minors

Minor asylum applicants are allowed to do an internship when this is an obligatory part of their study path. The rules explained above (after six months in procedure and with a permit ('*tewerkstellingsvergunning*') do not apply to them. The internship is allowed directly after lodging the asylum application and a permit is not required.[916]

2. Access to education

Indicators: Access to Education

1. Does the law provide for access to education for asylum-seeking children? ☒ Yes ☐ No
2. Are children able to access education in practice? ☒ Yes ☐ No

According to Article 3 of the Compulsory Education Act, education is mandatory for every child under 18, including asylum applicants.[917] Children who are asylum applicants have the same rights to education as Dutch children or children who are treated in the same way e.g. children with a residence permit. This includes children with special needs, for whom arrangements will be made to ensure they receive the necessary attention wherever possible.[918] All children residing in the Netherlands, including those seeking asylum, are entitled to primary and secondary education under the Compulsory Education Law,

912 Ministry of Social Affairs and Employment, KST 32824, nr. 389, 11 July 2023 and the COA website: https://bit.ly/49tiakP.
913 Ministry of Social Affairs and Employment, KST 32824, nr. 370, 28 September 2022 and the RefugeeWork website: https://bit.ly/3UyPeDI.
914 Article 1a(b) Aliens Labour Decree.
915 Paragraph 3.6 Annex I Aliens Act Implementing Regulation 2022.
916 Article 3.2 Aliens Labour Decree.
917 Law of 30 May 1968 houdende vaststelling Leerplichtwet 1969, available in Dutch at: http://bit.ly/2kKXQpV.
918 Available at: http://www.lowan.nl/.

Article 3.[919] Education is mandatory from the age of 5 to 16, and from 16 to 18 students are required to achieve a minimum qualification level, such as a diploma at havo, vwo, or mbo 2 level.[920] Havo (hoger algemeen voortgezet onderwijs in Dutch) is a five-year general secondary education program that prepares students for higher professional education (hbo). Vwo (voorbereidend wetenschappelijk onderwijs in Dutch) is a six-year pre-university education program that prepares students for university (wo). Mbo (middelbaar beroepsonderwijs in Dutch) is a vocational education track that provides practical training for various professions. Mbo is divided into four levels, with level 2 being the minimum qualification requirement for students aged 16-18. Children seeking asylum can start attending school after arrival in the Netherlands, and this must happen within three months.[921]

Education for children under 12 is generally provided at elementary schools located near AZCs or sometimes directly at the AZCs.[922]

Every AZC is in touch with and has arrangements with an elementary school nearby. However, if the parents wish to send their child to another school, they are free to do so. Children aged 12 to 18 typically attend special international classes at secondary schools (ISK). These classes are designed to teach the language and prepare them for integration into the regular Dutch education system. When their level of Dutch is considered as sufficient, they enrol in the suitable education programme.[923]

Children in temporary (crisis) reception centres often face significant obstacles in accessing education due to long waiting lists and frequent relocations. These disruptions result in many children being unable to attend school for extended periods, which affects their right to education. The Dutch Education Inspectorate has observed that the quality of education for children in these centres often falls below minimum standards.[924]

Children with special needs, such as physical or mental disabilities, learning difficulties, or trauma-related challenges, are entitled to special education. Special provisions are made to ensure they can participate in the Dutch education system. However, in practice, not all children who require special education have access to it, and the effectiveness of these provisions varies across locations.[925] Although facilities exist for children with special needs, access to appropriate education is not always guaranteed. The availability and quality of special education for asylum-seeking children can differ depending on the location and specific circumstances. The Dutch government acknowledges that all children, including asylum seekers and refugees, have the right to education, but the implementation varies across municipalities. Special education is available for children with learning difficulties, behavioural challenges, or disabilities, but access is not always ensured and depends on local resources. Schools specifically designed for asylum-seeking children, such as AZS De Wissel, provide tailored education, but challenges remain in ensuring inclusive education for all.[926] Therefore, it is crucial to pay close attention to the individual needs of these children and strive for an inclusive educational environment that provides them with the necessary support.

According to the RVA, the COA provides access to educational programmes for adults at AZCs.[927] These programmes vary depending on the stage of the asylum application and often focus language

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919 wetten.nl - Regeling - Leerplichtwet 1969 - BWBR0002628 at: https://bit.ly/4hkYoeZ.

920 The Ministry of Education, Culture *and* Science (OCW), *Informatiedocument onderwijs aan asielzoekerskinderen,* available in Dutch at: https://bit.ly/3DVKSAf.

921 Dutch Government, *Gaan kinderen van asielzoekers naar school?,* available in Dutcht at: https://bit.ly/4kYf4fe.

922 Dutch Government, *Waar leren kinderen van asielzoekers Nederlands?,* available in Dutch at: https://bit.ly/40meZK3.

923 For more information, see the Agreement of 28 April 2016 concerning the increased influx of asylum applicants as Annex to Minister of Internal Affairs, Letter No 19637/2182, 28 April 2016, available at: http://bit.ly/2miTkiV; and the website of the COA, available at: http://bit.ly/2IBa5Ht.

924 The Dutch Education Inspectorate, Factsheet Kinderen in de (nood)opvang, available in Dutch via: https://bit.ly/40cIFbs.

925 Werkgroep Kind in AZC, Onderwijs, available in Dutch at: https://bit.ly/4a3z6jr.

926 AZC De Wissel. *Schoolgids 2023-2024,* available in Dutch at: https://bit.ly/42e7wxu.

927 Article 9(3)(d) RVA.

training and information about Dutch society and the labour market. Refugees with residence permits may also participate in these programs.[928]

Despite the theoretical availability of vocational training for adults, practical barriers such as insufficient Dutch language skills, limited financial study aid, and the reliance on volunteer-led language courses hinders access. Eligible asylum applicants[929] can participate in a professional 24-hour language program to improve their Dutch proficiency, but these opportunities are not universally accessible. Access to these programmes is restricted on the basis of specific eligibility criteria. According to the Dutch government, asylum seekers who have a strong chance of receiving a residence permit can voluntarily participate in 24-hour Dutch as a Second Language (NT2) courses. However, not all asylum seekers meet these criteria, limiting their access to intensive language programs. As a result, those who do not qualify face greater obstacles in acquiring Dutch language skills, which in turn affects their ability to engage in vocational training and integration programs.[930]

Early childhood education and care opportunities for asylum-seeking children are the responsibility of municipalities, which must define target groups for these services.[931] While these opportunities are aimed at addressing language deficiencies, research indicates that over 40% of municipalities housing asylum seekers do not currently offer such services.[932]

Finally, while asylum seekers who turn 18 are not obligated to pursue further education,[933] they face higher costs to access higher education compared to status holders or EU citizens.[934] Although some organizations provide support to asylum seekers wishing to continue their education, these opportunities are limited, and financial assistance, such as scholarships, is not widely available.

D. Health care

Indicators: Health Care

1. Is access to emergency healthcare for asylum applicants guaranteed in national legislation?
   ☒ Yes ☐ No
2. Do asylum applicants have adequate access to health care in practice?
   ☐ Yes ☒ Limited ☐ No
3. Is specialised treatment for victims of torture or traumatised asylum applicants available in practice?
   ☐ Yes ☒ Limited ☐ No
4. If material conditions are reduced or withdrawn, are asylum applicants still given access to health care?
   ☒ Yes ☐ Limited ☐ No

The COA is responsible for the provision of health care in the reception centres. The general health care organisation GZA (Gezondheidszorg Asielzoekers)[935] is contracted by COA to provide access to health care. They provide information about health care and the health care system in the Netherlands. General practitioners and nurses under contract of GZA organise consulting hours in most reception centers. GZA also provides a health care information line with interpreter services. The general Public Health Service (GGD) provides information and training for asylum seekers on preventive health care and sexual and reproductive health. The Arrangement for Medical Care for Asylum applicants deals with the rules on medical insurance for asylum applicants (*Regeling Medische zorg Asielzoekers (RMA) Healthcare*).

928 Article 12(1) RVA.
929 'Eligible' asylum applicants are those who, based on their nationality, have at least 70% chance to be granted a residence permit and are originally from a country of origin with more than 50 asylum applicants a year that are granted a permit in the Netherlands, see: http://bit.ly/3YcDtS0.
930 Dutch Government, *Moeten asielzoekers Nederlands leren?,* available in Dutch at: https://bit.ly/421yPK6.
931 Dutch Government, Voorschoolse educatie, available in Dutch at: https://bit.ly/4gNZBMs.
932 GOAB, Handreiking: Voorschoolse educatie voor peuters in de asielopvang, available in Dutch at:https://bit.ly/404RFiG.
933 Leerplichtwet 1969 (Compulsory Education Act 1969), available at: https://bitly.cx/8J6Q.
934 Wet op het Hoger Onderwijs en Wetenschappeppelijk onderzoek (Higher Educatuon and Research Act), available at https://bitly.cx/T1Wpf.
935 See for information in English: https://bit.ly/3LrlnLi.

As addressed above, issues connected to the lack of accessible health care services in emergency locations and crisis emergency locations emerged in 2022. On 3 August 2022, the Inspection of the Ministry of Health Care and Youth warned the Minister of Health Care and Youth and the (then) State Secretary of Justice and Security (now Minister of Asylum) about the alarming situation with regard to access of health care in crisis emergency locations.[936] The Inspection reported that the quality of health care on these locations was severely inadequate and sometimes limited to only emergency care. This was due to the rapid growth of crisis emergency locations, to a lack of personnel and to the fact that many of the asylum applicants staying at these locations had not yet been registered – making it difficult to arrange the health insurance.

In 2023, many of these problems remained. In March, the Inspection of the Ministry of Health Care and Youth warned that crisis emergency locations are not suited for long term stay, but are being used as such, resulting in urgent risks for the individual health of asylum applicants, public health, and the continuity of health care.[937] A report from the VWN also confirmed regular absences of medical screening to identify vulnerable people and medical needs.[938]

In 2024, according to a report from Doctors of the World, Pharos and the Red Cross, some minor improvements have taken place as residents are registered and almost all residents have received a medical screening.[939] However, residents continue to experience deterioration of their mental and physical health due to living conditions, such as unsuitable locations, poor sleep, a lack of privacy and activities, and problems with hygiene and nutrition, as in most emergency shelters residents are not able to cook their own meals. According to a follow-up report from VWN, residents on seven out of twenty researched (crisis) emergency locations experience difficulties accessing health care.[940]

In 2024 scientific publications brought attention to the still-existing increased risk of perinatal mortality for asylum applicants, which is up to seven times as high compared to the national population.[941] According to the Inspection of Health Care and Youth, this risk is due to political and policy causes as well as the provided healthcare. In nearly half of the cases researched, pregnant asylum applicants only saw healthcare providers after twelve weeks of pregnancy, therefore missing crucial tests.[942] Additionally, health care providers often lose sight of pregnant applicants because of the numerous transfers; 70% of women in reception centres are transferred to a different location at least once, and nearly a third are transferred two or more times.

The 2025 report of the Inspection of Health Care and Youth concluded that there were improvements in relation to the medical screening, hygiene and the specific youth health care for asylum seekers, but reported still high risks for health damages of vulnerable groups like pregnant women and asylum seekers with chronic diseases and mental health care needs.[943]

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936 Inspection Health Care and Youth, 'Medische zorg in crisisnoodopvang asielzoekers onder enorme druk', 3 August 2022, available in Dutch at: https://bit.ly/3Qp954k.

937 Inspection Health Care and Youth, 'Factsheet Urgente risico's voor gezondheid asielzoekers in crisisnoodopvang, 9 March 2023, available in Dutch at: https://bit.ly/3vtviYy, 1.

938 VluchtelingenWerk, *Gevlucht en vergeten?*, August 2023, available in Dutch at: https://bit.ly/4205TBR.

939 Dokters van de Wereld, Pharos en Rode Kruis, *Uitzichtloos in de opvang*, 18 December 2024, available in Dutch at: https://bit.ly/3BZS9Pb.

940 VWN, *Gevlucht en Vergeten? No. 2*, January 2024, available in Dutch at: https://bit.ly/4hfWkVP.

941 J.B. Tankink, J.P. de Graaf, P.J.A. van der Lans, and A. Franx, 'Aanbevelingen voor persoonsgerichte gezondheidszorg voor asielzoekers en statushouders in Nederland', October 2024, Erasmus MC, available in Dutch at: https://bit.ly/4fYyZXB; Inspection Health Care and Youth, 'Brief IGJ aan VSV-besturen over geboortezorg aan zwangeren in asielopvang', 11 April 2024, available in Dutch at: https://bit.ly/42cz8DB.

942 NOS, 'Geboortezorg voor asielzoekers van 'onacceptabel' niveau, concluderen onderzoekers', 27 November 2024, available in Dutch at: https://bit.ly/4hjjIBJ; J.B. Tankink, J.P. de Graaf, P.J.A. van der Lans, and A. Franx, 'Aanbevelingen voor persoonsgerichte gezondheidszorg voor asielzoekers en statushouders in Nederland', October 2024, Erasmus MC, available in Dutch at: https://bit.ly/4fYyZXB.

943 Inspection Health Care and Youth. Uitkomsten toezicht asielopvang 2024 at: https://bit.ly/49nskqd.

In reaction to the alarming publications in 2024 about the lacking care for pregnant women, the Government took specific measures to improve their situation.[944] These concerned the medical screening in two days after arrival, contact person in each reception facility for pregnant women, placement in durable locations where self-cooking is available and the promotion of more 'centering pregnancy groups' where pregnant women receive extra guidance from birthcare professionals in group setting.

The relevant legal provision on health care for asylum applicants can be found in Article 9(1)(e) RVA. This provision is further elaborated in the Healthcare for Asylum Applicants Regulation (Regeling Medische Zorg Asielzoekers). According to the latter, asylum applicants have access to basic health care. This includes, *inter alia*, hospitalisation, consultations with a general practitioner, physiotherapy, and dental care (only in extreme cases). The GZA has specialised nurses for mental health issues who can provide preventive mental health care and referrals to specific mental health care interventions, psychologists or mental health services specialised for refugees. However, there are long waiting lists for mental health care. The expertise centre Pharos provides first line medical care takers with specific information to promote the health and wellbeing of asylum seekers and refugees.

When an asylum applicant stays in a reception facility but the RVA is not applicable, health care is arranged differently. Asylum applicants in the COL, as well as rejected asylum applicants in the VBL and adults in the GL only have access to emergency health care.[945] In medical emergency situations, there is always a right to healthcare, according to Article 10 of the Aliens Act. For this group, problems can arise if there is a medical problem that does not constitute an emergency. Care providers who do help irregular migrants who are unable to pay their own medical treatment can declare those costs at a special government-mandated organisation, the Centraal Administratie Kantoor (CAK) which then pays up to 80 percent of the costs, or 100 percent in case of pregnancy-related care.[946]

There is no publicly available information about gender-sensitive healthcare opportunities for victims of violence, except for the general availability of prenatal health care and psychological support.[947] There is a possibility to make use of a translator, usually by phone, during health care visits.[948] The main obstacles in access to health care for asylum applicants lie in the situation at (crisis) emergency locations, as described above.

Since 2014, the Centre for Transcultural Psychiatry Veldzicht (CTP Veldzicht), a TBS clinic, has also provided reception to COA-residents and undocumented asylum claimants who required acute psychiatric care.[949] At the start of 2025, COA and CTP Veldzicht renewed their collaboration agreement.[950] This is partially due to an increase in TBS sentences, for which CTP Veldzicht needs to create extra capacity. Additionally, it is seen as disproportionate to have applicants who require psychiatric care but pose no serious security threat reside at such a high-security location. Applicants whose care and security needs are aligned with the high-security environment of CTP Veldzicht will continue to be treated there for the time being, although alternative healthcare providers are being looked into. Applicants who require no or low-level security will no longer be treated at Veldzicht, but will be transferred to regular health care providers.

944 Brief Minister van Asiel en Migratie, Zorg voor zwangere asielzoekers in de opvangketen, 25 juli 2025 athttps://bit.ly/4qLJWSq.
945 Article 10(2) Aliens Act.
946 CAK, 'Regeling onverzekerbare vreemdelingen', available in Dutch at: https://bit.ly/41XAOid.
947 Regeling Medische zorg Asielzoekers, 'Geboortezorg', available in Dutch at: https://bit.ly/41UUhjy; Regeling Medische zorg Asielzoekers, 'Geestelijke Gezondheidszorg', available in Dutch at: https://bit.ly/47w3ccr.
948 GZA healthcare, 'Veelgestelde vragen', available in Dutch at: https://bit.ly/3vF2MDb.
949 KST 24587, nr. 1007, available in Dutch at: https://bit.ly/4aggrkF.
950 KST 24587, nr. 1007, available in Dutch at: https://bit.ly/4aggrkF.

E. Special reception needs of vulnerable groups

Indicators: Special Reception Needs

1. Is there an assessment of special reception needs of vulnerable persons in practice?
☒ Yes ☐ No

Article 18a RVA refers to Article 21 of the recast Reception Conditions Directive to define asylum applicants considered vulnerable.

With regard to the (crisis) emergency locations, the problem with fulfilling special reception needs of vulnerable groups was that medical screening was not consistently and adequately offered in Ter Apel. Therefore, many cases of vulnerable people being placed in insufficient emergency locations have taken place. For example, someone who had recent breast surgery and back problems and for whom it is not suitable to sleep on a stretcher, a girl with severe kidney disease who needed urgent treatment and heavily pregnant women.[951] The Hague Court of Appeal judgement of 20 December 2022 states that medical screening always needs to be offered and that special needs of vulnerable groups need to be provided.[952]

In 2024, the Dutch Council for Refugees (VWN) conducted research in twenty (crisis) emergency locations, and found that in eleven of these locations vulnerable people whose special reception needs could not be taken care of were present, including pregnant women, chronically ill individuals and survivors of physical and sexual violence.[953] In eight out of twelve mixed-gender (crisis) emergency locations, women, children, and in one case LGBTQ+ individuals, feel unsafe during their stay due to inappropriate behaviour by other (male) residents. Many did not report these incidents out of fear or a belief that no action would be taken. Additionally, obligations imposed upon the State in the court proceedings of the Dutch Council for Refugees (VWN) versus the State are still being violated, particularly regarding the welfare of children and vulnerable people.[954]

Health care NGOs Doctors of the World, Pharos and the Red Cross reported that in 2024 applicants residing in (crisis) emergency locations had generally received a medical screening.[955] However, applicants with special reception needs are still regularly placed in (crisis) emergency locations that cannot fulfil their needs. The report gives the example of a wheelchair user in a location that is not fully wheelchair-accessible. On 26 February 2025, the Inspection of Healthcare and Youth of the Ministry of Health, Welfare and Sports released a report calling attention to the high risks of permanent health damage among vulnerable people due to the long length of stay at (crisis) emergency locations and the many transfers.[956] The fact that vulnerable groups are still placed in unsuitable locations is further evidenced by the 'pre-registration' or 'waiting room' locations surrounding Ter Apel. Families with children were placed in an overnight shelter consisting of tents, and in July 2024 a doctor reported several children staying at the Assen location (in an event hall) became underweight due to unsuitable nutrition and could not sleep because of the noise.[957] The Inspection of Justice and Safety has stressed that the facilities at 'waiting room' locations are insufficient for children.[958] Children's rights NGOs report

951 VWN, Third Quickscan, 19 October 2022, available at: https://bit.ly/3ZseCuT.
952 The Hague Court of Appeal (civil department), ECLI:NL:GHDHA:2022:2078, 20 December 2022.
953 VWN, *Gevlucht en Vergeten? No. 2*, January 2024, available in Dutch at: https://bit.ly/4hfWkVP.
954 Ibid; The Hague Court of Appeal (civil department), ECLI:NL:GHDHA:2022:2078, 20 December 2022, available in Dutch at: https://bit.ly/3li2iX0.
955 Dokters van de Wereld, Pharos en Rode Kruis, *Uitzichtloos in de opvang*, 18 December 2024, available in Dutch at: https://bit.ly/3BZS9Pb.
956 Inspection Healthcare and Youth, Uitkomsten toezicht asielopvang 2024: Het Risico op blijvende gezondheidsschade vereist nu verbetering voor de meest kwetsbare asielzoekers, 26 February 2025, https://bit.ly/4iw3Xbs.
957 RTV Drenthe, 'Brandbrief heeft effect: opvang in Expo Hal aangepast voor kinderen', 6 November 2024, available in Dutch at: https://bit.ly/40jQXhL; RTV Drenthe, 'Crisisnachtopvang asielzoekers naar 2e Exloërmond verhuisd: 'Een uitkomst voor Ter Apel'', 6 February 2024, available in Dutch at: https://bit.ly/3BTQTNw; De Groene Amsterdammer, 'Asielzoekers in Kijkduin: Een sigaretje op het balkon', 10 January 2024, available in Dutch at: https://bit.ly/4ak8Ota.
958 Inspectie Justitie en Veiligheid, Brief Toezicht Inspectie Justitie en Veiligheid Ter Apel, 15 January 2024, available in Dutch at: https://bit.ly/3WmsWoR.

that in 2024 there are 65% more children residing in (crisis) emergency locations compared to last year: 5,556 in July 2024 compared to 3,378 in July 2023.[959] This has further increased to more than 8,500 as of December 2025.[960] They stress that children should not be residing at such locations due to the many transfers involved (six to eight times during an asylum procedure), insufficient access to education, and a lack of privacy, safety, healthcare and support for children. The Minister has admitted that due to the current lack of reception capacity, it is not possible to adhere to the premise that children should not reside at emergency locations.[961] The Dutch Research Council for Safety (*Onderzoeksraad voor Veiligheid*) has announced that it will conduct a research into the safety and mental and physical health of children in emergency locations.[962] Transfers to suitable reception centres for vulnerable applicants should be available, but due to the lack of reception capacity this is often difficult to achieve and the process is slow.[963] In July 2025, the Inspection for Justice and Security, the Inspection for Education, and the Inspection for Health and Youth Care observed insufficient improvements in the situation of children in emergency shelters. They argued that the situation of children in emergency shelters must be improved so that it once again meets statutory quality standards and the safety and well-being of children are once again guaranteed. The inspectorates called on the Ministry of Asylum and Migration to clarify how and within what timeframe the reliance on emergency shelter would be reduced and, thus, asylum reception would be organized sustainably again. They pointed out the importance of a stable multi-year funding for the COA as a prerequisite for this.[964] The Minister of Asylum and Migration responded to the joint call from the inspections in a letter, debriefing the state of affairs surrounding children in Dutch reception centres and next steps.[965] The previous Minister claimed that new legislation that is pending in the Senate and aims to curtail the arrival of new asylum seekers will improve the situation in the reception centres.

With the exception of specialised accommodation for unaccompanied children, the COA does not provide separate reception centres for women, LGBTQI+ persons or other categories – although there have been calls for their creation. There are regular reports of homophobic incidents, including severe violence against LGBTQI+ persons, at reception centres, especially at Ter Apel.[966] An investigation into the treatment of LGBTQI+ persons and of converts and apostates has been completed in 2021. The researchers concluded that COA does not pursue a target group policy, but that the organisation does pay structural attention to vulnerable groups in reception.[967] With regard to LGBTQI+ asylum applicants, the COA has developed a policy to increase the quality of life at COA locations. Special LGBTI attention officers are available at various COA locations to assist LGBTQI+ asylum applicants and to whom employees can appeal. In addition, COA is committed to promoting the expertise of its employees on the topic.[968] The report concludes that, in comparison to the LGBTQI+ policy, there is less attention in reception for converts and apostates and attention to issues connected to religious freedom is still limited.[969] The researchers recommended opening special LGBTQI+ units, but the COA does not consider it a priority. Additionally, were the COA willing to consider their wishes (e.g. having a room for themselves or living in the same building as other LGBTQI+ persons), it is impossible to address them

959 Kinderrechtencollectief, '65% meer kinderen in noodopvang is onacceptabel', 22 October 2024, available in Dutch at: https://bit.ly/4jkDDlC.
960 Internal COA monitoring.
961 Aanhangsel van de Handelingen, 2024-2025, nr. 962, available in Dutch at: https://bit.ly/4gXGU92.
962 Onderzoeksraad voor Veiligheid, 'Kinderen in de asielketen', October 2024, available in Dutch at: https://bit.ly/42gZdBB.
963 Dokters van de Wereld, Pharos en Rode Kruis, *Uitzichtloos in de opvang*, 18 December 2024, available in Dutch at: https://bit.ly/3BZS9Pb.
964 Inspectie Justitie en Veiligheid, 'Nog onvoldoende verbeteringen in situatie kinderen in noodopvang', 29 July 2025, available in Dutch at: https://www.inspectie-jenv.nl/actueel/nieuws/2025/07/29/nog-onvoldoende-verbeteringen-in-situatie-kinderen-in-noodopvang.
965 Ministry of Asylum and Migration, 'Kinderen in de asielopvang', 19 September 2025, available in Dutch at: https://open.overheid.nl/documenten/c5112949-d036-4db1-813a-1f4beceb6827/file.
966 See for example LGBT Asylum Support, 'Brandbrief nalatige overheid - Waar ben je veilig als bescherming niet langer gegarandeerd is?', 12 August 2024, available in Dutch at: https://bit.ly/42frh8f.
967 Regioplan and Free University, LGBTIs, converts and apostates in asylum reception, 6 October 2021, available in Dutch at: https://bit.ly/3nhpc6K.
968 COA, 'Lhbtiq+', available in Dutch at: https://bit.ly/3PGMq3G.
969 Regioplan and Free University, LGBTIs, converts and apostates in asylum reception, 6 October 2021, available in Dutch at: https://bit.ly/3nhpc6K.

given the current reception crisis.[970] Since 2021, there have been developments on this front. Several COA locations provide LGBTQI+ rooms or units to ensure extra privacy. Research conducted by COC Nederland in 2024, and published in October 2025, among LGBTQI+ asylum seekers shows that separate rooms and units are experienced positively by respondents and increase their feelings of safety.[971] Having said this, half of the 54 respondents felt unsafe at their COA location, with locations such as COL Ter Apel causing greatest insecurity. 42% of respondents experienced this unsafety daily, and 57% of respondents had faced incidents and discrimination. This was mostly caused by other residents at the COA location, but incidents were also reported caused by COA employees, security or neighbourhood residents. COC recommended providing LGBTQI+ rooms or units, as well as a LGBTQI+ contact person, in every COA location as well as opening separate COA locations for LGBTQI+ asylum seekers and ensuring sufficient knowledge and sensitivity among COA staff.

Employees of the COA have to make sure that a reception centre provides an adequate standard of living as the COA is responsible for the welfare of the asylum applicants.[972] In practice, this means that the COA considers the special needs of the asylum applicants. For example, if an asylum applicant is in a wheelchair the room will be on the ground floor. Besides that, if asylum applicants cannot wash themselves, they are allowed to make use of the regular home care facilities; the asylum applicant is entitled to the same level of health care as a Dutch national.

1. Reception of unaccompanied children

Unaccompanied minors are especially affected by the reception crisis. In the COL location in **Ter Apel** there is capacity for guidance of 120 unaccompanied minors.[973]

Since 2022, unaccompanied minor facilities in Ter Apel have been overcrowded. In 2022, the Ombudsperson for children, the Inspections of the Ministries of Justice and Security, and Healthcare and Youth, and the Working Group 'Child in AZC' raised concern on the situation of unaccompanied minors in Ter Apel multiple times.[974] In first instance at the Court proceeding on the reception conditions initiated by VWN, the court ruled that COA and the government needed to make sure that no more than 55 unaccompanied minors would stay in Ter Apel within two weeks.[975] Although confirming the seriousness of the situation of unaccompanied minors and the responsibility (and blame) of the government, the court in second instance decided to squash the time limits that were given to the government in first instance.[976]

Reports of overcrowding continued in 2023. The Inspections of the Ministries of Justice and Security, Healthcare and Youth and Education as well as the Dutch Labour Inspection concluded that the reception for children does not meet minimal quality requirements, as access to education and health

970 Reaction by the State Secretary (now Minister) to the Research on LGBTIs, converts and apostates in asylum reception, 7 December 2021, KST 19637, No 2801, available in Dutch at: https://bit.ly/3tl7JOr.

971 COC Nederland; Lisa Menke, 2025, *'Welcoming Equality 2023-2025'*, available in Dutch at: https://coc.nl/wp-content/uploads/2025/10/250724-Welcoming-Equality-2023-2025-DEF-EMBARGO.pdf.

972 Article 3 Reception Act.

973 Inspection Health Care and Youth, 'Inspecties: Situatie in Ter Apel is uiterst kritisch' 31 October 2023; AD, 'Trauma's, uitzichtloosheid en tussendoor een balletje trappen: een kijkje bij de minderjarigen in Ter Apel', 4 April 2024, available in Dutch at: https://bit.ly/3WnkJAR.

974 Kinderombudsman, 'Nog steeds sprake van kinderrechtenschendingen in Ter Apel', 7 November 2022, available in Dutch at: https://bit.ly/3Qq9B1U; Kinderombudsman, 'Brief aan staatsecretaris Van der Burg over onveilige en stressvolle opvang amv's in Ter Apel' 10 October 2022, available in Dutch at: https://bit.ly/3GNMzOj; Kinderombudsman in newspaper NRC, 'Kinderen in Ter Apel worden verwaarloosd', Andreas Kouwenhoven, 14 April 2022, available in Dutch at: https://bit.ly/3GQWaVt; Inspectie JenV en Inspectie Gezondheidszorg en Jeugd, 'Signaalbrief Kinderen in de opvang', 16 June 2022, available in Dutch at: https://bit.ly/3Qqel7I and Factsheet Emercency Locations asylum applicants, available in Dutch at: https://bit.ly/3k2tjVw; Werkgroep kind in AZC (o.a. UNICEF en VWN), 'Noodsituatie op Noodlocaties – Quickscan naar de leefomstandigheden van kinderen in de (nood)opvang', 20 June 2022, available in Dutch at: https://bit.ly/3GRXesl.

975 Regional Court The Hague (civil department), ECLI:NL:RBDHA:2022:10210, 6 October 2022, available in Dutch at: https://bit.ly/3wikDjE, para. 7.4.

976 Court The Hague (appeal; civil department), ECLI:NL:GHDHA:2022:2078, 20 December 2022, available in Dutch at: https://bit.ly/3Ozwn7V.

care are insufficiently guaranteed, the child's individual best interests receive inadequate attention and the overcrowding of locations leads to safety issues.[977]

In 2024 there was less explicit attention to the overcrowding of the housing of unaccompanied minors in Ter Apel, but the occupation still continued to surpass the capacity.[978] At the start of the year, the Minister already expressed her concern for the shortage of sufficient structural reception places for unaccompanied minors.[979] In December 2024, the Minister stressed that, in the context of the broader lack of reception capacity, there is also a serious lack of reception places for unaccompanied minors.[980] This situation has continued into 2025. While extra space became available in the reception facilities for unaccompanied minors in early 2025 as a result of less arrivals of unaccompanied minors in the first quarter of 2025,[981] the Minister of Asylum and Migration reported in September 2025 that the dependency on emergency facilities remains as great as ever.[982] Also unaccompanied minors are placed in emergency facilities due to capacity shortages at regular COA and Nidos locations. The Minister notes that the pressure on the reception facilities for unaccompanied minors is caused by several stagnations in movements to adequate housing.

Due to the shortage of reception places for unaccompanied minors, unaccompanied minors from the age of 17 years and 9 months are placed among adults in regular AZC's or emergency locations.[983] In April 2025 the Minister of Asylum and Migration announced that it had stopped this emergency policy due to extra room becoming available in shelters for unaccompanied minors as mentioned in the previous paragraph.[984] There might also be minors placed among adults if the IND does not believe that they are underage (see also section 2.1.1. Application of the Dublin criteria).

Unaccompanied minors from the age of 16 can be placed in the Enforcement and Supervision location (see section above) if they broke the rules.

Unaccompanied children younger than 15 are accommodated in foster families and are placed with those families immediately.

Unaccompanied children between 15 and 18 years old are initially accommodated in a special reception location (POL-amv). Children are guided by their guardian of Stichting Nidos, the guardianship agency, and by the Dutch Council for Refugees. They stay in this POL-amv during their procedure for a maximum of 7 weeks. If their application is rejected, they go to small housing units (*kleine woonvoorziening*). The small housing units fall under the responsibility of the COA and are designed for children between the age of 15 and 18 years old, often of different nationalities. These small housing units are located in the area of a larger AZC, at a maximum distance of 15km. The capacity of the small housing units is between 16 and 20 children. The total number of children housed in the small housing and the AZC cannot exceed 100.

977 Inspection Justice and Security, Inspection Health Care and Youth, Inspection Education, Dutch Labour Inspection, 'Kinderen in de noodopvang en crisisnoodopvang' 19 April 2023, available in Dutch at: https://bit.ly/3O07tOr, 2.

978 Trouw, 'Binnen bij de opvang voor minderjarige asielzoekers in Ter Apel: 'Het zijn gewoon pubers, met puberstreken'', available in Dutch at: https://bit.ly/40BrhOE.

979 KST 27 062, nr. 13, available in Dutch at: https://bit.ly/3Wo3f7A.

980 KST 19637, nr. 3320, available in Dutch at: https://bit.ly/3CiXYHm.

981 Ministry of Asylum and Migration, 'Stand van zaken over de verbetering van de situatie van kinderen en amv in de asielopvang, nr. 3089', 23 April 2025, available in Dutch at: https://open.overheid.nl/documenten/ecb519ef-b64d-44f3-99c4-ec3da05f477d/file.

982 Ministry of Asylum and Migration, 'Kinderen in de asielopvang', 19 September 2025, available in Dutch at: https://open.overheid.nl/documenten/c5112949-d036-4db1-813a-1f4beceb6827/file.

983 This was the case from November 2021 – May 2022 and from November 2022 on, see KST 30573, nr. 195, available in Dutch at: https://bit.ly/3VGp9Qb. The measure was continued in January 2024, see KST 27 062, nr. 13, available in Dutch at: https://bit.ly/3Wo3f7A.

984 Ministry of Asylum and Migration, 'Stand van zaken over de verbetering van de situatie van kinderen en amv in de asielopvang, nr. 3089', 23 April 2025, available in Dutch at: https://open.overheid.nl/documenten/ecb519ef-b64d-44f3-99c4-ec3da05f477d/file.

A mentor is present 28.5 hours a week.[985] If unaccompanied children receive a residence permit, Nidos is responsible for their accommodation.

The COA had accommodated 5,054 unaccompanied children by the end of 2025. This represents a small decrease compared to the 5,212 unaccompanied children by the end of 2024 and 5,557 at the end of 2023. Until 2023, the numbers had increased from 597 in 2020, 1,305 in 2021, and 3,246 in 2022.[986]

In December 2023, the Directorate-General on Migration published a quantitative analysis of the high number of unaccompanied minors arrivals since the summer of 2021.[987] The analysis was based on figures from EUROSTAT, IND figures and the answers to an EMN-questionnaire, and it was accompanied by a qualitative report on the reasons for (increased) arrival unaccompanied minors in the Netherlands.[988] In 2023 (until September), the Netherlands received 13% of the arriving unaccompanied minors in the EU. Other Member States also saw a high influx of unaccompanied minors with an even bigger jump compared to previous years than the Netherlands – for example Germany. The qualitative research identified no clear overarching reason for unaccompanied minors to come to the Netherlands as opposed to other EU countries.[989]

Protection reception locations (*beschermde opvang*)

Unaccompanied asylum-seeking children are extra vulnerable with regard to human smuggling and trafficking. Children who have a higher risk of becoming a victim, based on the experience of the decision-making authorities, are therefore placed in protection reception locations (*beschermde opvang*). The children live in small locations, with 24/7 professional guidance available. When a child arrives at Ter Apel, the organisation Nidos decides whether they should be placed in the protection reception location, under the responsibility of the NGO XONAR, contracted by COA.[990] In 2023, the investigative journalist platform *Argos* reported that at least 360 unaccompanied minors had left reception centres without reason between January 2022 and March 2023, of which 237 disappeared from Ter Apel and 36 from (crisis) emergency locations.[991] Counting from January 2018 to March 2023, a total of 1,807 unaccompanied minors have disappeared from reception locations.[992] New numbers show that 551 unaccompanied minors had left reception centres with unknown destination in 2024 and 373 in 2025 (until 29 October).[993] The total number of unaccompanied minors disappearing from reception centres between 2022 and 205 is 1,783.

985 COA, 'Alleenstaande jongeren', available in Dutch at: https://bit.ly/3O2gwhL; Nidos, 'Opvang in vertrouwde handen', available in Dutch at: https://bit.ly/3PBgUnS.

986 COA, 'Personen in de opvang uitgesplitst naar leeftijd en land van herkomst', available in Dutch at: https://bit.ly/3KiETqB, accessed at 23 December 2025.

987 Directoraat-Generaal Migratie, Kwantitatieve analyse alleenstaande minderjarige vreemdelingen (amv), December 2023, available in Dutch at: https://bit.ly/3HfTvnL.

988 WODC, *Kennisbericht Alleenstaande minderjarige vreemdelingen naar Nederland*, December 2023, available in Dutch at: https://bit.ly/3RXluO1.

989 Ibid; Directoraat-Generaal Migratie, *Kwantitatieve analyse alleenstaande minderjarige vreemdelingen (amv)*, December 2023, available in Dutch at: https://bit.ly/3RXluO1.

990 XONAR, 'Opvang voor alleenstaande minderjarige vreemdelingen', available in Dutch at: https://bit.ly/3WkLCpa.

991 Argos, 'Opnieuw honderden vluchtelingenkinderen spoorloos verdwenen uit opvang', 26 May 2023, available in Dutch at: https://bit.ly/3O1EucW.

992 Ibid.

993 EenVandaag, 'Afgelopen 4 jaar verdwenen bijna 1.800 alleenstaande minderjarige asielzoekers uit asielopvang: 'Niemand voelt zich echt verantwoordelijk', 1 December 2025, available in Dutch at: https://eenvandaag.avrotros.nl/artikelen/afgelopen-4-jaar-verdwenen-bijna-1800-alleenstaande-minderjarige-asielzoekers-uit-asielopvang-niemand-voelt-zich-echt-verantwoordelijk-162089.

F. Information for asylum seekers and access to reception centres

1. Provision of information on reception

Article 2(3) and (4) RVA is the legal basis for the provision of information to asylum applicants. Article 2(3) states that the COA provides information concerning benefits and obligations with regard to reception, legal aid, and reception conditions within 10 days after the asylum application has been lodged. Article 2(4) states that 'The COA provides information in writing in the form of brochures in a language that is understandable for the asylum applicant.' In practice, asylum applicants are informed of the house rules of the reception centre and provide their agreement by signature.

The exact content and the modalities of the information provision vary from one reception centre to another. For instance, in some centres, information meetings on health care and security in the reception centre are organised in groups, whereas the rights and duties of the asylum applicant in the centre are usually discussed individually.[994]

Finally, there is a website that everyone can access that contains information for applicants staying at reception centres from COA.[995] It provides information about every location (e.g., the opening times), the asylum procedure itself and possibilities to join activities or work.

2. Access to reception centres by third parties

Indicators: Access to Reception Centres

1. Do family members, legal advisers, UNHCR and/or NGOs have access to reception centres?
   ☒ Yes ☐ With limitations ☐ No

Article 9(3)(b) RVA states that, during a stay in the reception centre, the asylum applicant must have the opportunity to communicate with family members, legal advisers, representatives of UNHCR and NGOs. There are no major obstacles in relation to access of UNHCR representatives or other legal advisers at reception centres known to the author of this report.

G. Differential treatment of specific nationalities in reception

In general, no distinction is made on grounds of nationality in the Netherlands. However, asylum applicants from safe countries of origin and third country nationals who have already been granted an international protection status and whose asylum application is dealt with in 'Track 2' will only be entitled to 'austere reception conditions', see Access and forms of reception conditions. In September 2023 the austere reception conditions were extended to Dublin claimants, only to be applied that are suited for this scheme.[996]

994 COA, *Infosheets*, available in Dutch at: http://bit.ly/2IfnQXG.
995 COA, *MyCOA*, available at: https://bit.ly/3N8WfJT.
996 Stcrt 2023, 26411, available in Dutch at: https://bit.ly/3O3Jk9C.

Immigration Detention

A. General

Indicators: General		
1.	Total number of persons detained in immigration detention in 2025:	4,190
2.	Number of detention centres:	3
3.	Total capacity of detention centres:	Not available

There are two types of detention of asylum applicants. Either a person is detained at the external border, trying to access the Schengen area in the Netherlands (border detention), or they can be detained in case they are undocumented and subjected to a return decision (territorial detention).

Statistics published by the Ministry of Justice and Security do not distinguish asylum applicants from other categories of persons in immigration detention:

Immigration detention in the Netherlands						
	2020	2021	2022	2023	2024	2025
Total	2,550	3,190	2,920	3,710	4,440	4,190

Source: Repatriation and Departure Service, Inflow and departure figures, available in Dutch at: https://bit.ly/3CuZi6Y.

Border detention: Pursuant to Article 6(1) and (2) of the Aliens Act, the third-country national who have been refused entry when they wanted to enter the Schengen area at the Dutch border, are obliged 'to stay in a by the border control officer designated area or place, which can be protected against unauthorised departure.'[997] Border detention can be extended with the aim of transferring asylum applicants to the Member State that is responsible for the assessment of their asylum application according to the Dublin Regulation.[998]

If an asylum applicant makes an asylum application at an external border of the Netherlands, their application will be assessed in the Border Procedure. Consequently, these asylum applicants can be detained based on Article 6(3) of the Aliens Act.

There is one border detention centre for detaining asylum applicants. Asylum applicants who enter the Netherlands via airplane or boat are required to apply for asylum at the detention centre at **Justitieel Complex Schiphol**. During this procedure, the asylum applicant will be placed in detention and the whole asylum procedure will take place in detention. Both of the personal interviews (*aanmeldgehoor* - registration interview and *nader gehoor*-second interview) take place in the detention centre. The Dutch Council for Refugees will prepare the asylum applicants for these interviews; moreover, a staff member of the Dutch Council for Refugees can be present at the personal interview. This depends on whether the asylum applicant requests this and whether there is enough staff available. The lawyer is also allowed to be present at the hearing but in practice, this rarely happens, as lawyers do not receive a remuneration for this activity. During the interview, there are IND accredited interpreters present.[999] Following the *Gnandi* judgement of the CJEU,[1000] the grounds for detention during the appeal procedure have been altered in the Aliens Act, see Border Procedure.

997 Article 6 Aliens Act.
998 Article 6a Aliens Act.
999 Regional Court Haarlem, ECLI:NL:RBDHA:2018:11260, 19 September 2018, available in Dutch at: https://bit.ly/3BVvIus; ECLI:NL:RBDHA:2018:13276, 6 November 2018, available in Dutch at: https://bit.ly/401qwx9.
1000 CJEU, Case C-181/16 *Sadikou Gnandi v Belgium*, Judgment of 19 June 2018, available at: https://bit.ly/3wi2O4e.

Territorial detention: Asylum applicants may also be detained in the course of the asylum procedure on the territory, in accordance with Article 59b of the Aliens Act, which transposes Article 8 of the recast Reception Conditions Directive. Article 59a of the Aliens Act foresees the possibility to detain an asylum applicant for the purpose of transferring them under the Dublin Regulation. This Article refers to Article 28 of the EU Dublin Regulation.

Territorial detention is also applicable to persons without a right to legal residence under Article 59 of the Aliens Act. Detention based on Article 59 cannot be applied to asylum applicants during their asylum procedure or if the appeal procedure has suspensive effect – following the *Gnandi* judgment – while they are waiting for the result of their appeal.[1001]

B. Legal framework of detention

Grounds for detention

Indicators: Grounds for Detention

1. In practice, are most asylum applicants detained?
   - ❖ on the territory: ☐ Yes ☒ No
   - ❖ at the border: ☒ Yes ☐ No
2. Are asylum applicants detained in practice during the Dublin procedure?
   ☐ Frequently ☒ Rarely ☐ Never
3. Are asylum applicants detained during a regular procedure in practice?
   ☐ Frequently ☒ Rarely ☐ Never

1.1 Border detention

The legal grounds for refusing entry to the Dutch territory at the border are laid down in Article 3(1)(a)-(d) of the Aliens Act. In addition, the asylum applicant can be detained on the basis of Article 6(1) and (2) of the Aliens Act. In practice, this leads to an initial systematic detention of all asylum applicants at the external Schengen borders of the Netherlands.

According to Article 3(1) of the Aliens Act, in cases other than the Schengen Border Code listed cases, access to the Netherlands shall be denied to the alien who:

- ❖ Does not possess a valid document to cross the border, or does possess a document to cross the border but lacks the necessary visa;
- ❖ Is a danger to the public order or national security;
- ❖ Does not possess sufficient means to cover the expenses of a stay in the Netherlands as well as travel expenses to a place outside the Netherlands where their access is guaranteed;[1002]
- ❖ Does not fulfil the requirements set by a general policy measure.

These grounds are further elaborated in Article 2.1 to 2.11 of the Aliens Decree and Paragraph A1/3 of the Aliens Circular.

Migrants are mostly detained because they do not fulfil the requirements as set out in Article 3(1)(a) and (c) Aliens Act.[1003] Migrants, who, after arriving to the Netherlands, apply for asylum, can be detained as well. This is based on Article 6(3) read in conjunction with Article 3(3) of the Aliens Act. They are kept in detention throughout their asylum procedure. IND Work Instruction 2022/15 lists the cases of

1001 State Secretary of Justice and Security (now Minister of Asylum): *Memorie van antwoord Wet terugkeer en vreemdelingenbewaring,* 13 December 2018, available in Dutch at: https://bit.ly/2I580Po, 7. There was also a decision from the Regional Court of the Hague, Decision NL18.11194, 26 June 2018, with the same conclusion.

1002 The Aliens Circular stipulates in paragraph A1/4.5 that the condition of sufficient means will be fulfilled if the asylum applicant disposes of at least € 34 per day.

1003 Article 6(1)-(2) Aliens Act.

exceptions under which the asylum applicant is not subject to the border procedure and is already allowed entry during the asylum procedure (see further Detention of Vulnerable Applicants).[1004]

In 2021-2022, Courts discussed whether beneficiaries of international protection from other Member States can be detained at the border. According to the Regional Court Amsterdam, they should be released from border detention after the IND run its checks on EURODAC, from which emerged they were recognised international protection in another Member State.[1005] One of the reasons for this exemption is that Article 6(5)(a) of the Schengen Borders Code states that beneficiaries of protection or third country nationals with a visa should be authorised to enter the territory of the Member States for transit purposes to the Member State which granted them a residence permit. The Council of State upheld its previous judgements, ruling that EU law does not prohibit automatic application of the border procedure and border detention to everyone who applies for asylum at the border (with the exception of vulnerable persons).[1006]

1.2 Territorial detention of asylum applicants

There are three forms of territorial detention: (a) the detention of third country nationals who have no right of residence (Article 59 of the Aliens Act); (b) the detention of Dublin claimants (Article 59a Aliens Act); and (c) the detention of asylum applicants (Article 59b Aliens Act). They are based respectively on Article 15 of the Return Directive, Article 28 of the Dublin Regulation and Article 8 of the Recast Reception Conditions Directive. Different rules and terms apply to each form, which will be discussed below.

Detention for the purpose of removal

Detention for the purpose of removal can be imposed on both third country nationals (TCNs) with and without lawful residence on the basis of Article 59 of the Aliens Act. However, third country nationals who can be detained with lawful residence on the basis of Article 59(1)(b) of the Aliens Act are considered as asylum applicants, but, for example, as third country nationals who have applied for a regular permit. Only the detention of third country nationals without lawful residence will be discussed in the following paragraph.

Conditions

It follows from the Return Directive that TCNs without lawful residence can be detained if the following cumulative (added together, ed.) conditions are met:

- Return decision
- Risk of absconding / hampering return procedure
- A reasonable prospect of removal
- Removal arrangements are in progress and executed with due diligence
- No other sufficient but less coercive measures can be applied

The Council of State ruled on 2 June 2021 that, as established by the CJEU judgements,[1007] a country of return must be mentioned in the return decision.[1008] The country of return can also be deduced from

1004 Article 5.1a(3) Aliens Decree. See IND, *Work Instruction 2012/15*, available in Dutch at: https://bit.ly/48UAT8R.

1005 E.g. Regional Court Amsterdam, ECLI:NL:RBDHA:2021:12551, 7 October 2021, available in Dutch at: https://bit.ly/48edFcV.

1006 Council of State, ECLI:NL:RVS:2021:1648, 28 July 2021, available in Dutch at: https://bit.ly/49xbbrh; based on ECLI:NL:RVS:2016:1452, 3 June 2016, available in Dutch at: https://bit.ly/49xbgez; see also Council of State, ECLI:NL:RVS:2021:2870, 22 December 2022, available in Dutch at: https://bit.ly/3SwKXOM.

1007 CJEU, *FMS, FNZ (C-924/19 PPU), SA, SA junior (C-925/19 PPU) v Országos Idegenrendészeti Főigazgatóság Dél-alföldi Regionális Igazgatóság, Országos Idegenrendészeti Főigazgatóság*, 14 May 2020, available at: https://bit.ly/49r9Kug and CJEU, C-673/19, *M, A, Staatssecretaris van Justitie en Veiligheid v Staatssecretaris van Justitie en Veiligheid, T,* 24 February 2021, available at: https://bit.ly/3HV1p6A.

1008 Council of State, ECLI:NL:RVS:2021:1155, 2 June 2021, available in Dutch at: https://bit.ly/3SStGRm.

the asylum decision and it is possible to add several countries of return. This is mostly relevant for asylum applicants whose claim of holding a certain nationality was not believed, leaving them with no country to return to.

Beneficiaries of international protection from other EU Member States whose asylum application has been declared inadmissible will not receive a return decision, as it refers to return to a country outside the EU – usually the country of origin of the applicant – while it is clear for EU beneficiaries that they run a risk of refoulement upon return to their country of origin. However, the Court of Justice ruled that this group of TCNs can be detained on national grounds with a view to deportation, without a return decision being imposed on them.[1009] Therefore, the beneficiaries of protection in another Member State will not be issued a return decision after their asylum application was declared inadmissible; regardless, they have an obligation to leave. If they do not comply with this departure obligation, they can be forcibly deported on the basis of the general deportation authority of Article 63 of the Aliens Act. The beneficiary can also be detained for deportation on the basis of Article 59, paragraph 2 of the Aliens Act (the fiction that the interest of public order demands detention, if the documents necessary for return are available in the short term).

Risk of absconding

According to Article 59 of the Aliens Act, a foreign national can be detained on the grounds of being a potential threat to the interests of public order or national security. Whether there is a risk of absconding is determined based on light and serious grounds for detention as described in paragraphs 3 and 4 of Article 5.1b Aliens Decree. If at least two of these grounds are met, the risk of absconding can be assumed. However, the IND still needs to substantiate why these grounds entail a risk of absconding. A serious ground is for example 'illegal entry'. In the detention case of a Moroccan national, for example, the Regional Court Den Bosch ruled that to assess the risk of absconding it was sufficient to establish the factual occurrence of his illegal entry into the Netherlands.[1010] With that, one of the serious grounds had been met, which is enough to accept the risk of absconding. The fact that he once illegally crossed the border as an asylum applicant is not relevant, according to the court in this matter. These grounds are formulated in a generic and open way, which, in practice, makes it easy to meet enough grounds for any situation of third country nationals who have no legal stay.[1011]

A reasonable prospect of removal

The condition ‘reasonable prospect of removal’ requires the indication of a reasonable period of time within which the removal can be carried out. If forced deportations are not at all foreseeable for the future, such in the case of Eritrea, there is no prospect of deportation, and as such, detention is not possible. Courts usually look at whether embassies issue laissez passers and whether presentations are possible at the embassy. For example, the Council of State ruled that there was no reasonable prospect of removal to Guinee, because forced return with a laissez-passer was impossible. The mere possibility of presentation at the Embassy was not enough.[1012]

On 14 November 2022, the Council of State ruled that there is a reasonable prospect of removal to Morocco, after having been ruled out since 2 April 2021.[1013] The Council of State considered that a reasonable prospect of removal can be envisioned due to a political process between the Netherlands

1009 CJEU, C-673/19, *M, A, Staatssecretaris van Justitie en Veiligheid v Staatssecretaris van Justitie en Veiligheid, T,* 24 February 2021, available at: https://bit.ly/3HV1p6A.

1010 Regional Court Den Bosch, ECLI:NL:RBDHA:2023:8257, 5 June 2023, available in Dutch at: https://bit.ly/42ycWly.

1011 See also Annemarie Busser, Revijara Oosterhuis en Tineke Strik, ‘Vreemdelingendetentie (II) Gronden getoetst aan wetsvoorstel en aan Europees en internationaal recht’, A&MR 2019, nr. 9, available in Dutch at: https://bit.ly/47DWpNL.

1012 Council of State, ECLI:NL:RVS:2023:3490, 14 September 2023, available in Dutch at: https://bit.ly/4jbTUt4.

1013 Council of State, ECLI:NL:RVS:2022:3269, 14 November 2022, available in Dutch at: https://bit.ly/3wifLeo, overruling Council of State, ECLI:NL:RVS:2021:695, 2 April 2021, available in Dutch at: https://bit.ly/3UAVBGK.

and Morocco that was expressed in an Action Plan made public on 29 November 2022.[1014] One of the agreed statements is as follows: 'Both countries are bound to respect each other's sovereignty and institutions and not to interfere in internal affairs'. According to Moroccan experts interviewed by the newspaper NRC, the Action Plan shows that the Netherlands will no longer openly criticize the human rights situation in Morocco in exchange for being able to deport and detain Moroccan nationals.[1015]

There is no prospect of removal once a so-called Postponement of Decision and Departure (*besluit-en vertrekmoratorium*) has been activated. In 2025, there was a Postponement of Decision for Syria (until June) (see Differential treatment of specific nationalities in the procedure).

Removal arrangements are in progress and executed with due diligence

Numerous rulings analysed this condition. Case law does not clearly specify how many days does the Minister has to start deportation acts, however. More than usual diligence is required if the third country national is in possession is of a valid passport. Deportation arrangements include conducting departure interviews, investigating the deportation process, applying for the laissez passer and taking fingerprints.

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No other sufficient but less coercive measures can be applied

Finally, pursuant to Article 59c of the Aliens Detention, detention may only be used as an *ultimum remedium*. Case law is however scarce on this matter. The Council of State often follows the IND position in arguing that the risk of absconding does not allow for alternatives.[1016]

Detention of Dublin applicants

Dublin claimants can be detained for the purpose of transferring them to the responsible Member State.[1017] Two conditions apply: (1) a concrete starting point for a Dublin transfer and (2) a significant risk of absconding. A EURODAC hit and a Dublin claim are both concrete starting points. For the risk of absconding Article 5.1b, paragraph 2 Aliens Decree is also used in Dublin cases. At least two grounds need to apply and at least one needs to be a serious ground.

Detention of asylum applicants

The Aliens Act also provides a basis for the detention of asylum applicants during the asylum procedure (Article 8 Reception Directive). This form of detention may be imposed when:[1018]

a. Detention is necessary for ascertaining the identity and nationality of the asylum applicant. This is the case when the identity or nationality of the asylum applicant are insufficiently known to the authorities and at least two of the grounds for detention are applicable.
b. Detention is necessary for acquiring information that is necessary for the assessment of the asylum application, especially when there is a risk of absconding. This condition is fulfilled when information that is necessary for the assessment of the asylum application can be obtained and at least two of the grounds for detention are applicable.

1014 Action Plan Netherlands-Morocco, 8 July 2021, available in Dutch at: https://bit.ly/3vv1WFV.
1015 NRC, The Netherlands can again deport migrants to Morocco — but may no longer criticize the country, 1 October 2022, available in Dutch at: https://bit.ly/3IcBMOl.
1016 E.g. Council of State, ECLI:NL:RVS:2020:1546, 1 July 2020, available in Dutch at: https://bit.ly/3UzdqpK.
1017 Article 59a Aliens Act.
1018 Article 59b Aliens Act.

c. The asylum applicant has already been detained in the context of a return procedure, has previously had the chance to make an asylum application and has only made the asylum application to delay the return procedure. This assessment considers all circumstances.
d. The asylum applicant is a threat to public order or national security. This condition is in any case fulfilled if Article 1F of the Refugee Convention is probably applicable.

The above-mentioned grounds are further elaborated in Article 5.1c Aliens Decree. In principle, detention of third country nationals with lawful residence may not last longer than four weeks. However, an extension can be given for two weeks if the third country national submits an asylum application and the intention procedure of Art. 39 Aliens Act is followed. The Minister must process the asylum application expeditiously. It appears from a decision by the Council of State that Article 59b (1)(b) of the Aliens Act can no longer be used as a basis for the detention measure on appeal, but only in the administrative phase.[1019]

In a case concerning the immigration detention of a Syrian asylum seeker following 10 months criminal law detention for participation in a terrorist organisation, the ECtHR ruled that the immigration detention was unlawful, arbitrary and contrary to Article 5(1) of the ECHR.[1020] In this case, the ECtHR considered the immigration detention disproportionate, even unnecessary, as many of the steps required to assess the asylum application could have been taken during the criminal law detention without the need to subsequently keep the applicant in immigration detention. The Court specifically ruled that the fact that the Reception Conditions Directive permits detention of migrants to protect public order does not negate the fact that the ECHR only allows immigration detention to prevent unauthorised entry and to effect deportation.

Alternatives to detention

Indicators: Alternatives to Detention

1. Which alternatives to detention have been laid down in the law?
   - ☒ Reporting duties
   - ☐ Surrendering documents
   - ☒ Financial guarantee
   - ☒ Residence restrictions
   - ☐ Other
2. Are alternatives to detention used in practice? ☐ Regularly ☒ Rarely ☐ No

Detention is supposed to be a matter of last resort.[1021] This is also laid down in policy rules.[1022] Consequently, one alternative to detention is the limitation of freedom based on Article 56 of the Aliens Act. This includes reporting duties and restriction of freedom of movement, for instance within the borders of one specific municipality (see Freedom of Movement).

According to an EMN report on Alternatives to Detention, the following alternatives to detention are used in the Netherlands: (1) Reporting obligations, (2) Requirement to reside at a designated area, (3) Obligation to surrender a passport, travel document or identity document, (4) Deposit or financial guarantee, (5) Accommodation in return and asylum facilities.[1023] Other alternatives to detention, such as electronic monitoring or return counselling are not used.

Clear data on such practices are however often not available, as it is impossible to determine whether the measure is used as an alternative to detention, or just used in general. This has been criticised by the Advisory Council on Migration (*Adviesraad Migratie*), that recommended in 2021 that the government should start registering the use of alternatives to detention and should also experiment

1019 Council of State, ECLI:NL:RVS:2021:230, 4 February 2021, available in Dutch at: https://bit.ly/3Sr3awQ.
1020 ECtHR, 71008/16 (M.B. v. the Netherlands), 23 April 2024, available at: https://bit.ly/40w96dt.
1021 Article 59c Aliens Act.
1022 Paragraph A5/1 Aliens Circular.
1023 EMN, 'Detention and alternatives to detention in international protection and return procedures', May 2022, available at: https://bit.ly/3HVgOng.

more with lighter alternative methods to detention.[1024] An important 'alternative to detention' as discussed in the EMN report is the 'Requirement to reside at a designated area'. The period 2015-2020 saw between 450 and 2,890 persons each year subject to reside at the Freedom Restricted Location (VBL) in the return procedure, see Freedom of Movement.[1025] However, the question is whether residing at the Freedom Restricted Location can really be viewed as an alternative to detention. Rejected asylum applicants who are willing to cooperate in their return procedure can stay at this location for a maximum period of 12 weeks. As these people are already willing to cooperate in their return procedure, they would probably not have been detained as they do not qualify for the condition of risk of absconding/ hampering the return procedure. The same goes for 'Obligation to surrender a passport', travel document or identity document as all asylum applicants need to surrender their passport, which will only be given back upon return or if a residence status is granted.[1026]

A draft Decree relating to a Bill regarding return and detention of aliens, specifies the circumstances in which alternatives to detention can be applied.[1027] However, the adoption of this Bill had been delayed (see below). The Bill has been presented to the Senate of the Dutch Parliament, which is assessing it.

Some courts ruled that detention in a specific case was unlawful due to a lack of investigation by the IND into alternatives to detention.[1028]

Detention of vulnerable applicants

Indicators: Detention of Vulnerable Applicants

1. Are unaccompanied asylum-seeking children detained in practice?
   ☐ Frequently ☒ Rarely ☐ Never
   - ❖ If frequently or rarely, are they only detained in border/transit zones? ☐ Yes ☒ No

2. Are asylum seeking children in families detained in practice?
   ☐ Frequently ☒ Rarely ☐ Never

3.1 Border detention of vulnerable applicants

Article 5.1a (3) of the Aliens Decree stipulates that border detention is not imposed or prolonged if there are special individual circumstances that make the detention disproportionate. As IND Work Instruction 2020/9 indicates, border detention cannot be applied to:

- ❖ Unaccompanied children,[1029] whose detention is only possible when doubt has risen regarding their minority;[1030]
- ❖ Families with children, where there are no counter-indications such as a criminal record or family ties not found real or credible;[1031]
- ❖ Persons for whose individual circumstances border detention is disproportionately burdensome;[1032]
- ❖ Persons who need special procedural guarantees on account of torture, rape or other serious forms of psychological, physical and sexual violence, for whom adequate support cannot be ensured within the border procedure.[1033]

1024 ACVZ, *Advice: Working together on Retun*, April 2021, available at: https://bit.ly/3HsoxHP.
1025 EMN, 'Detention and alternatives to detention in international protection and return procedures', May 2022, available at: https://bit.ly/3HVgOng, 19.
1026 Par. C1/2.1 Aliens Circular.
1027 Bill regarding return and detention of aliens (2015-2016), 34309/2, available in Dutch at: https://bit.ly/3SPU8uW.
1028 E.g. Council of State, ECLI:NL:RVS:2022:1667, 13 June 2022, available in Dutch at: https://bit.ly/49v4RjI (Dublin case), Regional Court Haarlem, Decision No NL21.19757, 28 December 2021; Regional Court Den Bosch, Decision No NL21.5216 and NL21.5248, 21 April 2021.
1029 Article 3.109b(7) Aliens Decree.
1030 Also in paragraphs A5/3.2 and A1/7.3 Aliens Circular.
1031 Also in paragraph A1/7.3 Aliens Circular.
1032 Article 5.1a(3) Aliens Decree.
1033 Article 3.108b Aliens Decree.

For the cases of applicants in need of special procedural guarantees or for whom detention at the border would be disproportionately burdensome, IND Work Instruction 2022/15 clarifies that vulnerability does not automatically mean that the applicant will not be detained at the border. The central issue remains whether the detention results into a disproportionately burdensome situation in view of the asylum applicants' 'special individual circumstances' as mentioned in the Aliens Decree. Whether there are such 'special individual circumstances' must be assessed on a case-by-case basis. The IND Work Instruction provides two examples of such circumstances: where a medical situation of an asylum applicant leads to sudden hospitalisation for a longer duration, or where the asylum applicant has serious mental conditions.[1034] The only other circumstance systematically taken into consideration, according to what the Dutch Council for Refugees (VWN) sees in practice, is the age of asylum applicants. Asylum applicants might be exempted if they are over 70 or 80 years old – but cases of 70+ asylum applicants detained at the border have occurred in the past. Other vulnerable groups such as traumatised asylum applicants, transgenders or pregnant women (they will be transferred to the Detention Centre in Zeist) do often not meet the level of 'special individual circumstances'. Also the CPT noted that initial screening at border detention does not include a standard procedure for identifying vulnerabilities or assessing any signs of mental disorders, or previous experience of traumatisation, violence or abuse.[1035]

The Dutch Council for Refugees (VWN) does not know of any cases in which children who are awaiting or undergoing age assessment continue to be detained during this process.

The decision to detain at the border has to contain the reasons why the IND, though considering the individual and special circumstances produced by the asylum applicant, is of the opinion to detain the asylum applicant concerned (for example, the IND is of the opinion the border security interest should prevail above the individual circumstances).

If during the detention at the border special circumstances arise, which are disproportionately burdensome for the asylum applicant concerned, the detention will end and the asylum applicant will be placed in a regular reception centre. This means that during the detention it has to be monitored whether such circumstances arise.

3.2 Territorial detention of vulnerable applicants

In principle, no group of vulnerable third country nationals is automatically and *per se* excluded from detention. According to Amnesty International and *Stichting LOS,* vulnerable aliens sometimes end up in detention because there are no legal safeguards with regard to specific groups of vulnerable aliens.[1036] However, families with minor children and unaccompanied minors are in principle not detained. A policy with regard to the exclusion of other categories of vulnerable aliens to detention has not been adopted.

Families with children and unaccompanied children who enter the Netherlands at an external border are redirected to the Application Centre in **Ter Apel**.

Territorial detention of minors and families with minor children takses place at the closed family detention centre in Zeist (*Gesloten gezinsvoorziening*, GGV). Exceptions in the context of territorial detention are made for unaccompanied children that are suspected of or convicted for a crime, that have left the reception centre or that have not abided by a duty to report or a freedom restrictive measure. Territorial detention is also possible for unaccompanied minors when there is a prospect of removing the minor within 14 days.[1037] Territorial detention of families with children is possible when the conditions of Articles

1034 IND, *Work Instruction 2022/15*, available in Dutch at: https://bit.ly/48UAT8R.

1035 *Report to the Government of the Netherlands on the periodic visit to the Kingdom of the Netherlands carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 25 May 2022*, CPT/Inf (2023) 12, 23 June 2023, available at: https://bit.ly/3vnTE65, 32.

1036 Amnesty International, Doctors of the World and LOS, *Opsluiten of beschermen? Kwetsbare mensen in vreemdelingendetentie*, April 2016, available at: http://bit.ly/2f5t3QI.

1037 Paragraph A5/2.4 Aliens Circular.

5.1a and 5.1b of the Aliens Decree are fulfilled for all family members, i.e. risk of absconding, obstruction the return procedure, additional information needed for the processing of an application, public order grounds, or significant risk of absconding in Dublin cases. In addition, it must be clear that at least one of the family members is not cooperating in the return procedure.[1038] Defence for Children strongly opposes detention of children on these grounds and in general.[1039] Amnesty International and LOS have also pointed out that detention of children with insufficient balancing of interest has occurred several times.[1040]

In 2025, no unaccompanied children were placed in detention, compared to the period from 2020 to 2024, when there were less than 5 unaccompanied minors detained per year. Their average stay was 7 days in 2020, 9 days in 2021, 14 days in 2022, 9 days in 2023 and around 5 days in 2024.[1041] Children are detained at the closed family location in **Zeist**.

In 2020, 50 families were detained at Zeist, their average stay was 9 days. In 2021, 75 families were detained at Zeist, their average stay was 8 days. In 2022, 55 families were detained at Zeist, their average stay was 9 days. However, in 2022, there was one case of an Iranian family with a 9-year old daughter, detained for more than five weeks in Zeist.[1042] In 2023, 40 families were detained at Zeist, their average stay was 9 days. In 2024, 70 families were detained at Zeist, their average stay was around 5 days. In 2025, 55 families were detained at Zeist, and their average stay was around 5 days.[1043]

Duration of detention

Indicators: Duration of Detention

1. What is the maximum detention period set in the law:
   - Border detention: 4 weeks
   - Territorial detention: 18 months
   - Territorial detention of asylum applicants: 4.5 to 15 months

2. In practice, how long in average are asylum applicants detained in 2025?
   - Border detention: 70 days[1044]
   - Territorial detention: 40 days[1045]

The law provides different maximum time limits for detention depending on the applicable ground.

- The maximum time limit for territorial detention is 18 months.[1046]
- Border detention may be imposed for a maximum of four weeks. In case the asylum request is denied and entry is refused the border detention can be prolonged. As a consequence, if an asylum request at the border is not rejected within four weeks, the detention is lifted and the asylum applicant is allowed entry during their further asylum procedure.[1047] In case the asylum request is denied and entry is refused the border detention can be prolonged during the

1038 Paragraph A5/2.4 Aliens Circular.
1039 Defence for Children, *Vreemdelingenbewaring*, available in Dutch at: http://bit.ly/2jTIOyZ.
1040 Amnesty International, Doctors of the World and LOS, *Opsluiten of beschermen? Kwetsbare mensen in vreemdelingendetentie*, April 2016.
1041 Statistics in this paragraph from 2020 on are based on questions answered by Repatriation and Departure Service (DT&V), received on 12 January 2026. Numbers are rounded to the nearest five.
1042 Meldpunt Vreemdelingendetentie, 'Gezin ruim vijf weken in detentiecentrum Zeist', 11 November 2022, available in Dutch at: https://bit.ly/3VFnhHw.
1043 Statistics in this paragraph from 2020 on are based on questions answered by Repatriation and Departure Service (DT&V), received on 13 January 2025.
1044 This concerns asylum applicants detained in border detention who were originally detained in the border procedure but that might have changed to pre-removal detention afterwards. The average duration of border detention only based on Article 6 of the Aliens Act in 2025 was 50 days. These figures are based on answers provided by the Repatriation and Departure Service (DT&V), received on 3 March 2026, the figures only reflect cases that were part of the caseload of *DT&V*.
1045 These figures are based on answers provided by the Repatriation and Departure Service (DT&V), received on 3 March 2026, the figures only reflect cases that were part of the caseload of *DT&V*.
1046 Article 59(7) Aliens Act
1047 Article 3(7) Aliens Act.

appeal procedure. The asylum applicant has 1 week to appeal the decision and the court has 4 weeks to make a decision. The prolonging should therefore not last more than 5 weeks.

- Territorial pre-removal detention under Article 59 of the Aliens Act may be imposed for a maximum of 18 months.[1048]
- Territorial detention of asylum applicants under Article 59b of the Aliens Act may be imposed initially for four weeks, subject to the possibility of extension by another two weeks.[1049]
- Territorial detention of asylum applicants on grounds of public order may be ordered for a period of up to 6 months, with the possibility of an extension for another 9 months in the case of complex factual and legal circumstances, or an important issue of public order or national security.[1050]

The available figures for the duration of detention do not distinguish asylum applicants from other immigrants. The average duration for territorial detention was 41 days in 2019, 34 days in 2021, 29 days in 2022, 39 in 2023, 45 in 2024 and 40 in 2025.[1051]

C. Detention conditions

1. Place of detention

In principle, asylum applicants are not detained in prisons for the sole purpose of their asylum procedure. Asylum applicants may be detained during their procedure.

(Rejected) asylum applicants with psychological problems can be transferred to a specialised institution called **Veldzicht**, which offers psychological care.[1052] The transfer can be carried out voluntarily because the asylum applicant wants intensive psychological help, or involuntarily as a crisis measure. This option is also included in the Bill regarding the return and detention of aliens, which is still in the legislative process.[1053] This is only possible when the detention or the asylum applicants centre cannot offer adequate care and at the condition that the asylum applicant is kept separate from (foreign) criminal detainees.

Even though asylum applicants are not detained with criminals or in prisons, the facilities for their detention managed by the Custodial Institutions Service (*Dienst Justitiële Inrichtingen*, DJI) are very similar.

During the border procedure, adults are detained at the Justitieel Complex Schiphol. They stay in a separate wing at the detention centre. At Schiphol, detained women and men are accommodated together. In its 2023 report on the periodic review of the Netherlands, the CPT considered that women should, as a matter of principle, be accommodated in an area which is physically separate from that holding men at the same establishment.[1054] The Minister did not adopt this recommendation because he believes that segregating men and women only makes the regime stricter and because the 'common areas' are already essentially separated.[1055]

1048 Article 59(5) -(6) Aliens Act.
1049 Article 59b(2)-(3) Aliens Act.
1050 Article 59b(4)-(5) Aliens Act.
1051 DJI, *Vreemdelingenbewaring* 2019, available in Dutch: https://bit.ly/3inAiTO; the figures of 2022 and 2024 are based on questions answered by Repatriation and Departure Service (DT&V), received on 3 March 2026; figures of 2023: DJI, *Vreemdelingenbewaring* 2024, available in Dutch at: https://bit.ly/3BIOuFI.
1052 For more information see the website of Veldzicht: https://www.ctpveldzicht.nl/.
1053 Bill regarding return and detention of aliens (2015-2016), 34309/2.
1054 *Report to the Government of the Netherlands on the periodic visit to the Kingdom of the Netherlands carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 25 May 2022*, CPT/Inf (2023) 12, 23 June 2023, available at: https://bit.ly/3vnTE65, 28.
1055 Response of the Kingdom Authorities to the Report of the European Committee for the Prevention of Torture (CPT), 8 June 2023, available at: https://bit.ly/3H5SMFC.

Territorial detention takes place in Rotterdam for men and in Zeist for women, families with children and unaccompanied minors.

In November 2020 and July 2022, the Council of State ruled that DC Rotterdam was to be considered a special detention facility within the meaning of Article 16 of the Return Directive.[1056] The underlying intention of Article 16 is to ensure that immigrants are separated from criminal detainees in detention. In its 2011 visit report, the CPT was critical of the fact that immigration detention in the Netherlands was not covered by specific rules reflecting the administrative nature of immigration detention. Instead, deprivation of liberty of foreign nationals in detention centres was governed by the same rules and restrictions as those applicable to persons detained under criminal law in prisons. More than a decade later, in its 2023 periodic review, this situation remains unchanged, and the same prison legislation still applies to persons held in territorial detention: the Penitentiary Principles Act (*Penitentiaire beginselenwet*) continues to regulate all aspects of detention, notably when it comes to the applicable regime and restrictions.[1057] Moreover, in its 2023 report on the periodic review of the Netherlands, the CPT recalled its position, according to which a prison is – by definition – not a suitable place in which to detain someone who is neither suspected nor convicted of a criminal offence. With regard to the use of the same legal framework in this regard, the CPT has made it clear that care should be taken in the design and layout of such premises to avoid, as far as possible, any impression of a carceral environment.[1058]

The three centres have the following capacity:

Average detention capacity in the Netherlands: May – August 2025			
Detention centre	Maximum capacity	Maximum capacity immediately available	Occupancy
Schiphol	482	402	348
Rotterdam	640	532	481
Zeist[1059]	371	244	203

Source: DJI[1060]

2. Conditions in detention facilities

Indicators: Conditions in Detention Facilities

1. Do detainees have access to health care in practice? ☒ Yes ☐ No
   - ❖ If yes, is it limited to emergency health care? ☐ Yes ☒ No

The Bill regarding return and detention of aliens was introduced in 2015 but is still being debated and will enter into force once it is accepted by the Senate.[1061] In 2022, the file was still pending because an addition to the Bill had been presented to Parliament and because the Bill is already outdated so it needs a revision that still has not been presented.[1062] The addition concerns specific measures for nuisance-causing third country nationals. The Bill stresses the difference between criminal detention and

1056 Council of State, ECLI:NL:RVS:2020:2795, 25 November 2020, available in Dutch at: https://bit.ly/3OCrOK7 and ECLI:NL:RVS:2022:2103, 21 July 2022, available in Dutch at: https://bit.ly/3wfq2IA.

1057 *Report to the Government of the Netherlands on the periodic visit to the Kingdom of the Netherlands carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 25 May 2022*, CPT/Inf (2023) 12, 23 June 2023, available at: https://bit.ly/3vnTE65, 25.

1058 Ibid, 26.

1059 This is the capacity for all of the detention centre in Zeist, but only a part of it contains the GGV (*Gesloten Gezinsvoorziening*) for unaccompanied minors and families. There are 12 'family houses' for 6 individuals per house and 10 places for unaccompanied minors. The other places are for criminal detention purposes.

1060 DJI, Capacity and occupancy statistics, May – August 2025, available in Dutch at: https://bit.ly/3PuEG86.

1061 Bill regarding return and detention of aliens (2015-2016), 34309/2. Information on the current state of affairs can be found on the website of the Senate at: https://bit.ly/2DY5WoF.

1062 KST 35 501, nr. 29, 11 April 2022, available in Dutch at: https://bit.ly/3vM4Ru0.

immigration detention, which does not have a punitive character. It proposes an improvement in detention conditions for aliens who are placed in detention at the border and on the territory. For instance, third country nationals would be free to move within the centre for at least twelve hours per day. At the end of 2024,[1063] the Bill was updated again At the moment of writing this report, there is no update yet.

Persons in detention have a right to health care, either provided by a doctor appointed by the centre or by a doctor of their own choosing. In March 2022, newspaper *Trouw* reported that due to a lack of qualified personnel and the right resources, the men detained in the Rotterdam immigration detention centre have been receiving poor medical care for years.[1064] In one example a detainee needed to wait four months in order to see a doctor for a growing bump on his chin, because the nurse recorded his request as 'no emergency'. The Custodial Institutions Agency replied in the newspaper and denied the lack of access to adequate care, neither physical nor mental.[1065]

There are no known problems of overcrowding. Due to a reserve both on the short term and on the long run, overcrowding is highly unlikely. However, the Custodial Agency does have a shortage of staff. As a result, the detention centres are not overcrowded, but this does mean that detainees sometimes have to spend more hours in their cells. Additionally, in 2024, there was a one-time intake freeze, during which no new migrants were detained for one week in September (except for those who had committed crimes).[1066]

Detained asylum applicants and migrants are normally held in a cell with another detainee. Only upon medical recommendation, an individual can obtain a cell of their own. Detainees are allowed to leave their cells to stay in the living areas within the detention centre between 8 am and 10 pm, with the exception of two hours during which meals are to be consumed in the cell. During these hours, activities are offered. Detained asylum applicants are able to make phone calls, go to the recreational area of the detention centre, receive visitors (two hours a week), access spiritual counselling, visit the library, watch movies, and do sports and other recreational activities. Moreover, they are allowed to go outside for at least one hour a day. All units have access to the internet but detainees are not allowed to go on social media websites, e-mail or any other website with chat functions.

Article 44 of the Penitentiary Principles Act (that applies to all detainees in the Netherlands, including third country nationals) states a duty for the State to make sure that detainees are able to properly take care of one's appearance and physical hygiene. Article 4.4 of the Regulation Model House Rules for Penitentiary Institutions stipulates that an inmate is allowed to shower a minimum of two times per week. Additionally, it is determined that the institution must provide at least: shampoo, soap, toothpaste, toothbrush, comb, toilet paper, shaving equipment for male detainees, and sanitary pads for female detainees.

As opposed to criminal detainees, migrant detainees are not allowed to access work or education inside the detention centre.

Isolation

A report from Amnesty International, Doctors of the World and Immigration Detention Hotline (*Meldpunt Vreemdelingendetentie*) shed light on the frequent use made of isolation cells in detention centres.[1067] According to the report, detainees were put in isolation 1,176 times in 2019. In response to questions of

1063 Novelle bij Wet terugkeer en vreemdelingenbewaring, 23 December 2024, available in Dutch at: https://bit.ly/3C6mjjC.
1064 Trouw, 'Gezond erin, ziek eruit: de gebrekkige zorg in de vreemdelingendetentie' (Healthy in, sick out: the lack of care in immigration detention), 14 March 2022, available in Dutch at: https://bit.ly/3VUj5nd.
1065 Ibid.
1066 NRC, 'Detentiecentrum voor uitgeprocedeerden overvol: uitzettingen gaan niet door', 2 October 2024, available in Dutch at: https://bit.ly/3BVxewF.
1067 Amnesty International, Doctors from the World, Meldpunt Vreemdelingendetentie (2020): *Isolatie in Vreemdelingendetentie,* available in Dutch: https://bit.ly/3nQgkCh.

a regional court, DJI said that in 2021, isolation measures have been carried out 504 times in total.[1068] In 2025, 720 isolation measures were carried out in total.[1069] Isolation is an order measure for the safety of the personnel, other detainees or the detainee themselves, but also a punishment. Detainees are put in a cell with nothing but a mattress, a stool, and an iron toilet wearing a 'non-tearable dress' for 23 hours a day, up to 14 days in a row (with possibility to prolong). The organisations give a few recommendations to reduce isolating detainees: isolation should not be used for punishment, nor as a collective measure, it should also be used less and for a shorter period. A following report from the Immigration Detention Hotline from 2021 shows that the isolation measure is still being used as punishment for minor violations, such as refusing to stay in a multi-person cell.[1070] Isolation is also used as a 'protective measure' in cases of hunger strike, self-mutilation and based on potential risk of committing suicide.

In its 2023 report on the period review of the Netherlands 'the CPT recommends that the Dutch authorities carry out a review of the policy and legal framework on the use of segregation as a measure and as a disciplinary sanction in immigration detention centres. While the 14-day maximum period should never be exceeded, the aim should be to reduce the resort to solitary confinement as a public order/security measure and no longer apply solitary confinement as a disciplinary measure in an immigration detention context. The house rules and the applicable disciplinary rules should be amended accordingly. Further, the CPT recommends that, at Rotterdam DC, segregation and disciplinary sanctions be applied proportionately in practice and that staff are provided with training in this regard.'[1071] In response the Minister stated that 'current practice follows these recommendations, in so far as it aims to avoid as much as possible the need to resort to measures or disciplinary punishments within detention centres. To minimise the use of disciplinary powers for ensuring order, peace and safety in the facility, the living environment and the taking of de-escalating action by staff are essential. In immigration detention, the principle of minimum restrictions always applies: this means that detainees have as much independence, freedom and autonomy as possible'.[1072]

Border detention

In late 2024, the government authorities in charge of the detention facilities for applicants in the border procedure instated a new policy that increases the amount of time that applicants are locked up in a cell. Normally, applicants are free to move within the border procedure reception facilities until it is time to sleep (from 21:30h onwards). After that, the cell where they reside is locked and it is opened again in the morning. According to the new policy, applicants are locked in their cell from 16:30h onwards. Authorities claim that these restrictions are necessary due to personnel shortages and a large influx of applicants. According to national stipulations on conditions in border detention (*Reglement Regime Grenslogies)* locking applicants up is only allowed in nightly hours. The Regional Court of Amsterdam ruled on 12 December 2024 that the detention conditions for applicants in the border procedure were unlawful, citing among others the increased hours under lock-up and the fact that the detention facilities are in essence not different to those in criminal detention.[1073] The Minister appealed the ruling shortly after, and the Council of State approved the request for an injunction, meaning that the applicants are allowed to be detained in the same manner until the Council of State makes a ruling on the merits of the

1068 Regional Court Den Bosch, ECLI:NL:RBDHA:2022:5970, 22 June 2022, available in Dutch at: https://bit.ly/42C5x4A.

1069 375 times as a disciplinary measure and 345 as an orderly measure. Statistics from 2025 are based on questions answered by Repatriation and Departure Service (DT&V) and were received on 3 March 2026.

1070 Meldpunt Vreemdelingendetentie (2021): *Gebroken in vreemdelingendetentie,* available in Dutch at: https://bit.ly/3WJMlOM.

1071 *Report to the Government of the Netherlands on the periodic visit to the Kingdom of the Netherlands carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 25 May 2022*, CPT/Inf (2023) 12, 23 June 2023, available at: https://bit.ly/3vnTE65, 35.

1072 *Response of the Kingdom Authorities to the Report of the European Committee for the Prevention of Torture (CPT)*, 8 June 2023, available at: https://bit.ly/3H5SMFC.

1073 Regional court of Amsterdam, ECLI:NL:RBDHA:2024:20962, 12 December 2024, available in Dutch at: https://bit.ly/3C3CWws.

appeal. On 4 September 2025, the Council of State approved the appeal and ruled that the detention conditions meet the requirements of the Reception Conditions Directive.[1074]

After visiting the border detention facilities itself and conducting an on-site investigation, the Regional Court of Amsterdam requested a preliminary ruling from the CJEU, asking in essence whether the facilities are to be considered a specialized detention facility in line with the Reception Conditions Directive.[1075] The case is still pending before the CJEU.

3. Access to detention facilities

Indicators: Conditions in Detention Facilities			
1. Is access to detention centres allowed to			
❖ Lawyers:	☒ Yes	☐ Limited	☐ No
❖ NGOs:	☒ Yes	☐ Limited	☐ No
❖ UNHCR:	☒ Yes	☐ Limited	☐ No
❖ Family members:	☒ Yes	☐ Limited	☐ No

According to the Bill on return and detention of aliens (which still has to enters into force, as previously specified), contact with the outside world is guaranteed through certain people, amongst which the National Ombudsperson, the legal counsellor of the alien, members of parliament and relevant NGOs.[1076]

Current policies do not specify the capacity of visitors, but Paragraph A5/6.10 of the Aliens Circular grants detained migrants the right to receive visitors, to make phone calls and to send and receive correspondence. However, these rights may be restricted by the managing director of the detention facility when the person in question abuses them to abscond or obstruct their return procedure. There is however no information on how often this occurs.

The Dutch Council for Refugees has an active branch in the Schiphol detention centre, which enables the Dutch Council for Refugees (VWN) to support asylum applicants during their asylum procedure. Asylum lawyers are also present on a regular basis at the Schiphol detention centre. The Dutch Council for Refugees (VWN) is available for consulting for asylum applicants at least one day a week in the detention centre of Rotterdam. Legal assistance and information to asylum applicants in Zeist is normally provided by phone.

Moreover, Stichting *LOS* visits the detention centres. Stichting *LOS* is an NGO that strives for improving immigration detention conditions.[1077] They support detainees for instance with files of complaints against detention conditions. Stichting *LOS* also has an 'Immigration Detention Hotline' that detainees can call (using their right to make phone calls) free of charge.

D. Procedural safeguards

1. Judicial review of the detention order

Indicators: Judicial Review of Detention		
1. Is there an automatic review of the lawfulness of detention?	☒ Yes	☐ No
2. If yes, at what interval is the detention order reviewed?	4 weeks	

1074 Council of State, 9 September 2025, ECLI:NL:RVS:2025:4267, available in Dutch at: https://bit.ly/49HWiFc.
1075 Regional Court Amsterdam, 20 March 2025, ECLI:NL:RBDHA:2025:4570, available in Dutch at: https://bit.ly/49zcE1Y. For the CJEU referral, see: CJEU, C-218/25.
1076 Bill regarding return and detention of aliens (2015-2016), 34309/2.
1077 Full name: Stichting Landelijk Ongedocumenteerden Steunpunt. See http://www.stichtinglos.nl/ and https://bit.ly/2WMaB4g.

Before a detention order is issued, or as soon as possible after this, the detainee has to be interviewed so that they can give their opinion about the (intended) detention.[1078]

According to Article 93 of the Aliens Act, an asylum applicant is entitled to lodge an appeal at any moment they are detained on the basis of territorial detention or border detention.

There is also an automatic review by a judge of the decision to detain, regardless of whether it concerns border detention or territorial detention. According to Article 94 of the Aliens Act, the authorities have to notify the Regional Court within 28 days after the detention of a migrant is ordered, unless the migrant or asylum applicant has already lodged an application for judicial review themselves. The hearing takes place within 14 days after the notification or the application for judicial review by the migrant,[1079] and the decision on the detention is taken within 7 days.[1080] When the Regional Court receives the notification, it considers this as if the migrant or asylum applicant has lodged an application for judicial review.

In 2022, the CJEU ruled,[1081] in response to preliminary questions from the Council of State and the Regional Court Den Bosch,[1082] that Courts are obligated to assess *ex officio* whether all criteria for detention (derived from EU law) have been met. Dutch courts became divided over the question of whether it was also permissible, in detention cases, to examine the risk of *refoulement ex officio*. In 2025, the CJEU ruled that this is indeed the case.[1083]

In the same reasoning from 2022, the CJEU also determined that detention must be reviewed periodically at 'reasonable intervals'. After a 'long period', the Minister's decision must be submitted to judicial review. While it was initially unclear what constituted a 'long period', several Dutch courts have now established that this is three months.[1084] The Minister must notify the Court about the continuation of detention within 75 days, as is already the case when the detainee does not initially appeal the detention.[1085] In the proposed Return and Aliens Detention Act, a period of 68 days is included.[1086]

The first judicial review examines the lawfulness of the grounds for detention – whether the conditions for detention were fulfilled – whereas further appeals against immigration detention review the lawfulness of the continuation of detention.[1087]

If the Court is convinced that the detention is unreasonably burdensome because the decision-making authorities have not sufficiently taken into account the interests of the individual, detention can be lifted.[1088] Article 59c Aliens Act stipulates: 'Our Minister shall only detain an alien on the basis of Article 59, 59a or 59b, insofar as no less coercive measures can be applied effectively' and 'Detention of an alien is waived or terminated if it is no longer necessary with a view to the purpose of the detention'.

1078 Article 59(2) Aliens Decree. The importance of this procedural condition was stressed in the following judgments: Council of State, Decision No 201506839/1/V3, 30 March 2016, available in Dutch at: https://bit.ly/4bteSQl; and Council of State, Decision No 201801240/1/V3, 2 May 2018, available in Dutch at: https://bit.ly/3uwCZNt. The Council of State referred to EU law, including to the CJEU's judgment *Mukarubega* of 5 November 2014 (Case C-166/13).

1079 Article 94(2) Aliens Act.

1080 Article 94(5) Aliens Act.

1081 CJEU, *Staatssecretaris van Justitie en Veiligheid v C, B (C-704/20), and X v Staatssecretaris van Justitie en Veiligheid (C-39/21)*, 8 November 2022, available at: https://bit.ly/3OCsclz.

1082 Council of State, ECLI:NL:RVS:2020:3061, 23 December 2020, available in Dutch at: https://bit.ly/3usJKjn and Regional Court Den Bosch, ECLI:NL:RBDHA:2021:466, 26 January 2021, available in Dutch at: https://bit.ly/3BUgw0s.

1083 CJEU, *Adrar (C-313/25),* 4 September 2025, available at: http://bit.ly/49c0gGb.

1084 Regional Court Arnhem, ECLI:NL:RBDHA:2023:2726, 6 March 2023, available in Dutch at: https://bit.ly/4a1SRI4 and Regional Court The Hague District Court, ECLI:NL:RBDHA:2023:2533, 1 March 2023, available in Dutch at: https://bit.ly/3C2nnVC.

1085 Article 94 Aliens Act.

1086 Article 96 Aliens Act (new).

1087 Article 96 Aliens Act.

1088 Article 94(5) Aliens Act.

Paragraph A5/1 of the Aliens Circular states that the interests of the person need to be weighed against the interests of the government in keeping them available for the return procedure. This is stressed in the specific context of the detention of asylum applicants.[1089] The weighing of interests is not mentioned explicitly in policy with regard to border detention.

Detainees have the right to be informed about the reason for their detention; this is laid down in the Aliens Decree.[1090] Usually this information is provided to the individual concerned by the government official who issues the detention order, or by a lawyer. In all cases, the detention order has to be given in writing and state the reasons for detention. More practical rules on how the information should be provided, are laid down in policy guideline Aliens Circular.[1091]

2. Legal assistance for review of detention

Indicators: Legal Assistance for Review of Detention

1. Does the law provide for access to free legal assistance for the review of detention?
   ☒ Yes ☐ No
2. Do asylum applicants have effective access to free legal assistance in practice?
   ☒ Yes ☐ No

Asylum applicants are provided legal aid in detention and it is paid for by the State.[1092] Individuals who claim asylum upon their arrival at the border and who are subsequently detained, will be assigned a lawyer / legal aid worker specialised in asylum law. For the communication between migrant detainees and their lawyer, an 'interpreter telephone' is used, through which interpretation is provided by phone. This service is provided by *AVB Vertaaldiensten* and Global Talk and paid for by the Legal Aid Board.[1093] Because of the existence of these state funded lawyers, NGOs in general do not intervene in such cases before the Regional Court.

1089 Paragraph A5/6.3 Aliens Circular.
1090 Article 5.3 Aliens Decree.
1091 Paragraph A5/6.6 Aliens Circular.
1092 Article 100 Aliens Act.
1093 Legal Aid Board, information on interpretation services, available in Dutch at: https://bit.ly/3HUJvkg.

Content of International Protection

A. Status and residence

1. Residence permit

Indicators: Residence Permit	
1. What is the duration of residence permits granted to beneficiaries of protection?	
❖ Refugee status	5 years
❖ Subsidiary protection	5 years
❖ Humanitarian protection	5 years

Duration of the residence permits granted with different forms of international protection

Refugees and beneficiaries of subsidiary protection are granted temporary asylum status for 5 years.[1094] Material rights are the same. The residence permit also has a validity of 5 years.[1095]

Regardless of the ground on which the permit is granted, the permit entitles the status holder to the same rights and entitlements.

Procedure for granting a permit

The IND is responsible for issuing a residence permit. Asylum applicants who are granted temporary asylum (i.e. refugee status and subsidiary protection) status during their stay at the Application Centre should be registered immediately in the Persons' Database at the so called 'BRP-*straat*' (BRP stands for *Basisregistratie Personen*, the Persons' Database of the municipality) and will receive their temporary residence permit from the IND. There are no problems known to the Dutch Council for Refugees regarding this procedure itself, but there is a backlog in registration at the BRP-*straat*.

Beneficiaries who already have been transferred to a Centre for Asylum Applicants (AZC) when granted temporary asylum status will, within a few weeks after the status has been granted, will be invited to pick up their residence permit at one of the offices of the IND. There are no problems known to the Dutch Council for Refugees regarding this procedure.

There is a backlog in registration at the BRP-*straat*. This problem continues in 2024, having gone on for a few years, since the period of COVID-19. The 'BRP-*straat*' was temporarily closed on several occasions in 2020 and from that time on there has been always a backlog.[1096] Due to limited capacity, logistical problems (the COA must transport people from the reception centres to the 'BRP-straat', but the service is not functioning well, so people cannot reach the 'BRP-straat' for their appointments), the duration of the asylum procedure (people are waiting longer so the identification process of the IND takes place at a later moment than before), the backlog was still present at 2024. The Dutch authorities are trying to reduce the backlog by increasing the capacity of the BRP-straat and by presenting a better process of planning the appointments.[1097] In 2024, the government made more money available for the registration of asylum applicants and beneficiaries with a permit in the BRP straat. Two new BRP straten have been opened and since November, attempts have been made to eliminate the backlog. At the reference date of 1 October 2024, approximately 15,600 asylum applicants who have lived in the Netherlands for more than six months still had to be registered. At the reference date of 1 October 2024, approximately 1,700 beneficiaries with a permit still had to be registered in the BRP.[1098]

1094 Article 28(2) Aliens Act.
1095 Article 4.22(2) Aliens Decree.
1096 For more information see the previous updates from 2020, 2021 and 2022 available at: https://bit.ly/3SMHHji.
1097 Kamerstuk 19 637, nr. 3114, available in Dutch at: https://bit.ly/3TZGhmC.
1098 Kamerstuk 36600-XX-5, 24 Oktober 2024, Vaststelling van de begrotingsstaat van het Ministerie van Asiel en Migratie (XX) voor het jaar 2025 | Tweede Kamer der Staten-Generaal, available here.

The backlog decreased in 2025 due to the additional capacity that was deployed. On 1 December 2025, the backlog of status holders who still needed to be registered in the BRP was 420, while the backlog among asylum seekers was 3,068. These figures were communicated to VluchtelingenWerk by the authorities.

Due to the backlog, priority is given to the registration of beneficiaries with a permit, who will be entitled to a house in a municipality. There is an emergency procedure for beneficiaries in need of a BSN-number for medical reasons or for people that have found a job. Priority is also given to family members of beneficiaries who came to the Netherlands through family reunification. No priority is given to asylum applicants who want to be registered, unless they provide a specific reason. For example, medical reasons or if they have found a job and the employer has asked for a permission to work for them.

In 2024 there were no big delays in the issue of residence documents by the IND. Also in 2025, there have been no indications of any delays in the issuance of residence documents.

Procedure for renewing a residence permit

The first issuance of the temporary residence permit for refugees is free of charge. In case the residence permit is stolen or lost, the beneficiary is requested to report this to the police.[1099] In order to acquire a new permit, a form, which can be found on the website of the IND, has to be completed and sent to the IND. A copy of the police report has to be included. Costs for renewing a residence permit are € 171 for an adult and € 85 for a child.

New measures regarding validity of residence permit*s*

The current Dutch government has proposed a new law that reduces the validity of an asylum residence permit from five years to three years, both for individuals granted refugee status and for those granted subsidiary protection status, thereby eliminating the possibility of applying for a permanent asylum permit.[1100] The residence permit must then be renewed every three years. This proposal still needs to be approved by Parliament.

Starting date of the validity period

The Dutch Aliens Act stipulates in Article 44 (2) that if the application for the granting of a temporary residence permit, as referred to in Article 28 (1), under (a),[1101] is granted, the residence permit shall be issued with effect from the date on which the application was received. This is because the permits are granted from the date the application is received, and with the amended rules from five to three years, it may be the case that the permits are almost expired by the time they are officially issued. If the permit has already expired at the time of issuance, the IND can extend the permit *ex officio*. Article 28, paragraph 1, under (f) of the (new) Aliens Act provides the legal basis for this. It is already the case that, in some instances, the asylum procedure takes much longer (more than five years) and consequently, the permit would have expired by the time it is issued. In such cases, the IND indicates upon granting asylum that an extension application must be submitted as soon as possible and will be processed as a priority.[1102]

It is noteworthy to mention that a preliminary reference was lodged by the Court of Noord-Holland (Netherlands) to the CJEU regarding the question as to the effective date on which a residence permit is to be deemed to have been granted in the context of Article 6 of the Asylum Procedures Directive. After the conclusion of the Advocate General, this request was, however, taken back by the domestic

1099 Article 4.22 Aliens Decree; Article 3.43c(1) Aliens Regulation.
1100 Draft legislative proposal *Asielnoodmaatregelenwet*, available in Dutch at: https://bit.ly/40nxVIm.
1101 Article 28(1)(a) stipulates that the Minister is authorised to grant, reject, or not process the application for a residence permit for a fixed period.
1102 Work Instruction 2022/21 Reassessing Asylum, under '5.8 Extension following the granting of asylum'), available at https://bitly.cx/aXnJ.

court because the applicant revoked his request for an appeal decision, so the CJEU struck it out of its registry by Order of 12 June 2025.[1103]

With the new measure, to reduce the validity of the residence permit, the Dutch government aims to emphasise the temporary nature of asylum protection, in line with a number of other EU Member States that apply a duration of less than five years. This change aligns Dutch asylum policy more closely with that of other Member States, with the goal of ensuring that the Netherlands is not seen as a more attractive destination than other countries.

2. Civil registration

Registration in the BRP

Every person who is legally present in the Netherlands is registered in the Persons Database (*Basisregistratie personen*, BRP). [1104] That means that asylum applicants and beneficiaries of international protection also have to be registered in the BRP. Normally, the registration takes place in the municipality where the person resides. Asylum applicants and beneficiaries of international protection are registered at the BRP-*straat* as mentioned before.

The following personal details are registered at the BRP:

- Civil status: name, date of birth, marriage, child birth certificates;
- Address;
- Nationality;
- Legal status;
- Registration of travel documents;
- Official identity number;
- Parental authority; and
- Information on voting rights.

The registration of foreigners is based on family documents and identity documents. If there are no documents available, a person can be registered based on a sworn statement. [1105] However, it is not possible to register a person's nationality with a sworn statement. A person's nationality can only be registered based on an identity document.

Sometimes asylum applicants do not exactly know when they were born, because no registration of the date of birth takes place in the country of origin. In that case, the IND uses a (partly) fictious date of birth in the asylum procedure based on the information that was known at that time. For the registration at the BRP, the IND can make a declaration on the day of birth that they determined and used in the asylum procedure. The IND can do the same when someone has no documents to prove their nationality. The municipality can use the declaration of the IND to register the day of birth and/or the nationality in this way if necessary.[1106]

The registration in the Persons Database is necessary to obtain an official identity registration number ('*burgerservicenummer*'). Having an official identity registration number is an administrative requirement in order to access social welfare, housing, health care insurance and other public provisions.

The registration of asylum applicants and beneficiaries of international protection takes place at the so called BRP-*straat* at Application Centres. At the end of 2015, the so called 'BRP-*straat*' (the Persons' Database of the municipality) was introduced in Application Centres nationwide. As a result, asylum applicants who are granted temporary asylum status during their stay at the Application Centre are

1103 Case C-656/23, *Karaman*: Request for a preliminary ruling from the Rechtbank Noord-Holland (Netherlands) lodged on 7 November 2023 — B v Staatssecretaris van Justitie en Veiligheid. The Order of the CJEU of 12 June 2025 is available here.
1104 Persons Database Act, available in Dutch at: http://bit.ly/2Bx1lFu.
1105 Article 2 (8) Persons Database Act.
1106 Article 2(17) Persons Database Act.

registered immediately in the Persons' Database and will receive their temporary residence permit. This means that, once they are assigned to a local authority, their registration can quickly and easily be processed by that new local authority. Additionally, they will have quicker access to social security benefits. Currently, organisations contributing to the BRP-*straat* are IND, COA, Royal Netherlands Marechaussee (KMar) and DISA. Currently, there are five locations of the BRP-*straat,* in the municipalites Westerwolde, Gilze-Rijen, Arnhem, Budel-Cranendonck and Amsterdam.

The BRP-*straat* is working well in practice. Refugees with a permit as well as asylum applicants are registered. The only problem is, again, the backlog. Although the backlog has decreased in 2025 (as mentioned above).

There are a few conditions asylum applicants must meet before they can be registered. The identity of the asylum applicant must be determined. As soon as the identity of the asylum applicant is determined, the IND notifies the municipality stating that this person can be registered.[1107] If there are any doubts about the identity the IND will not send a notification to the municipality. First the identification must be clearly determined. Further, the IND does not notify the municipality for people falling under the Dublin Procedure (Track 1) or the Accelerated Procedure (Track 2).These applicants cannot register at the BRP early in the asylum procedure. People falling under the Dublin Procedure can register at the BRP-straat once the Dublin Procedure is finished, the person can stay in the Netherlands and they will be accepted to the Dutch asylum procedure.

Childbirth registration

When a child of an asylum applicant or beneficiary of international protection is born in the Netherlands, the child will be registered at the BRP even if the parents are not registered at the BRP. The child can obtain a birth certificate.

Marriage registration

The registration of a marriage is based on a marriage certificate. Some applicants and beneficiaries do not have a marriage certificate from their country of origin. In this case the instrument of sworn statement can provide a solution, provided that: (a) a marriage certificate cannot be produced; and (b) it is very clear for the municipality that the person concerned will not be able to obtain a marriage certificate within six months.[1108]

Dutch authorities do not, as a rule, recognise a traditional/ religious marriage. However, a traditional/ religious marriage contracted in the country of origin can be recognised if it is perceived as legally valid in the country of origin. Sometimes the law of the country of origin requires a formal registration of the traditional / religious marriages before these become legal.

3. Long-term residence

Indicators: Long-Term Residence	
1. Number of EU long-term residence permits issued to beneficiaries in 2025:	10

EU long term residence permit

Pursuant to Article 45b(1)(d) and (e) of the Aliens Act, beneficiaries can obtain an EU long-term residence permit if they meet the requirements of Article 45b(2) of the Aliens Act:

- The applicant must have had legal stay for five continuously years and immediately preceding the application. In the aforementioned period, the applicant is not allowed to stay outside the Netherlands for six consecutive months or more, or in total ten months;

[1107] Article 24a Persons Database Decree.
[1108] Article 2(10) Persons Database Act.

- ❖ Whether or not together with their family members, the applicant must have means which are independent, sustainable and sufficient;
- ❖ Is not convicted for a crime threatened with imprisonment of three years or more;
- ❖ Should not constitute a risk for national security;
- ❖ Must have adequate medical insurance for them and their family members; and
- ❖ Must have passed the integration test.

However, most beneficiaries do not apply for EU long-term resident status, but for permanent asylum status on the basis of Article 33 of the Aliens Act (*verblijfsvergunning onbepaalde tijd asiel*). This status gives basically the same rights and entitlements as the EU long-term resident status with regard to a stay in the Netherlands. The permanent asylum status is obtainable without proving that sufficient means are available.

In each 2022, 2023 and 2024, 10 or less EU long-term residence permits were issued to beneficiaries of international protection. In 2025, 10 EU long-term residence permits were issued to beneficiaries of international protection.[1109]

Permanent asylum residence permit

After five years of holding a temporary asylum permit in the Netherlands, both refugees and subsidiary protection beneficiaries may be eligible for a permanent asylum residence permit. The conditions that apply to the permanent residence permit application are the following:

1. The status holder has lawful residence in the Netherlands on the basis of a temporary asylum residence permit.
2. The status holder has resided lawfully in the Netherlands for more than 5 years without interruption.
3. The status holder has not provided incorrect information or concealed any information that could have caused the IND to reject the asylum application.
4. The status holder is not a threat to public order or national security.
5. The status holder meets the conditions of their permit. This means that the ground for asylum must still exist. This is examined on a case by case basis.
6. The status holder has fulfilled the integration requirement.
7. The status holder must be registered in the Personal Records Database (BRP) of their place of residence (municipality).
8. The status holder must pay legal fees. The legal fee for adults is € 243 and for children € 81.[1110]

If the IND finds that the status holder no longer meets the conditions of the asylum permit (condition number 5 above), revocation of the temporary residence permit will also follow (see Cessation and review of protection status). As only 110 temporary asylum permits have been revoked in total in 2024, this condition is not often an issue for the application of permanent asylum residence permits.[1111]

1109 This number is based on questions answered by IND, received on 12 February 2026.
1110 Article 3.43b(1) and 3.43e Aliens Regulation.
1111 This number is based on questions answered by IND, received on 14 January February 2025.

The integration condition is often the most difficult condition to meet, as it takes considerable time to pass all the integration exams. However, when it is already clear that the status holder is not going to meet the integration condition, it is better to apply for an extension of the temporary asylum status. There are no legal fees for the application of an extension. The permanent asylum status can be requested at any time after extending the temporary asylum status when the conditions are met.

The former government has proposed abolishing the permanent asylum permit. On 24 December 2024, the government published a draft of the legislative proposal for abolishing the permanent asylum permit.[1112] On 3 July 2025, this proposal has been approved by the Second Chamber (*de Tweede Kamer*) but it still needs to be approved by the First Chamber (*de Eerste Kamer*). Moreover, this proposal has also been included in the legislative proposal to implement the EU Migration Pact.[1113] Therefore, two legislative processes with partly overlapping proposals are currently being carried out. If enacted, the issuance of new permanent asylum permits will no longer be possible. Instead, individuals granted international protection will only be eligible for temporary asylum permits, which must be renewed every three years. Should the proposal come into effect, no new permanent asylum permits will be issued, even to individuals who have already requested one. However, according to the proposal, beneficiaries who are already in possession of a permanent asylum permit are allowed to keep it and this permit will not cease if the circumstances in the country of origin will change. With this proposal, the Dutch government aims to limit immigration by aligning Dutch asylum policy more closely with that of other Member States.[1114]

4. Naturalisation

Indicators: Naturalisation	
1. What is the waiting period for obtaining citizenship?	5 years
2. Number of citizenship grants to beneficiaries in 2025:	Not available

Criteria and conditions for naturalisation

The conditions for obtaining Dutch citizenship are to be found in Articles 8 and 9 of the Act on Dutch Citizenship.[1115] When a holder of an asylum residence permit wants to obtain Dutch citizenship, they must have a permanent residence permit. There are no different criteria for recognised refugees and those granted subsidiary protection.

To fulfil the conditions for Dutch citizenship, a beneficiary must:

1. Be 18 years old or older.

2. Have lived uninterruptedly in the Netherlands for at least 5 years with a valid residence permit. The person must always extend their residence permit on time. There are a number of exceptions to the 5-years rule. If, however, the beneficiary is officially recognised as a stateless person, they can apply for naturalisation after at least 3 years living in the Netherlands with a valid residence permit.

3. Have a valid residence permit immediately prior to the application for citizenship. This must be a permanent residence permit or a temporary residence permit with a non-temporary purpose of stay. At the time of the decision on the application, the permanent residence permit must still be valid. There is an exception for recognised stateless persons: they can apply for naturalisation after at least 3 years even if they still have an asylum residence permit that is not yet permanent.

1112 Draft legislative proposal *Asielnoodmaatregelenwet*, available in Dutch at: https://bit.ly/40nxVIm.
1113 KST 36871 nr. 2, Legislative proposal to implement the EU Migration Pact, available in Dutch at: https://bit.ly/4bnm42M.
1114 Kamerstuk 36704 Wijziging van de Vreemdelingenwet 2000 en de Algemene wet bestuursrecht in verband met maatregelen om de asielketen te ontlasten en de instroom van asielzoekers te verminderen (Asielnoodmaatregelenwet), available at: https://bit.ly/43v7eUb.
1115 Act on Dutch Citizenship, available in Dutch at: http://bit.ly/2lfqBbe.

4. Be sufficiently integrated. This means that they can read, write speak and understand Dutch. In order to show that sufficient integration, the beneficiary had to take the civic integration examination at A2 level. The civic integration examination has been changed various times. As of 1 January 2015, its examination consists of the following parts: reading, listening, writing and speaking skills in Dutch, knowledge of Dutch society and orientation in the Dutch labour market. Since 1 October 2017, a new part was added: the Declaration of Participation. This is a part of the civic integration examination. One must sign the participation statement after attending a workshop on Dutch core values. Since 1 January 2022, a new Civic Integration Act was introduced.[1116] The language level requested to undergo the civic integration examination was raised at a B1 level. Instead, no changes were made regarding the conditions set to evaluate 'sufficient integration', necessary to obtain Dutch nationality, so that the requisite in terms of language knowledge remains at an A2 level. No changes were foreseen for 2022, regardless of the introduction of the new Civic Integration Act.[1117] The conditions remained the same in 2022 and 2023. Early 2024, it was announced that there would be changes in 2025.[1118] However, at the time of writing this report, no changes have been made. The rules of the new Civic Integration Act, that was introduced in 2022, will be incorporated into the legislation for naturalisation. In 2025, the language level has still not been raised to B1. It is still unknown when a change in the regulations will occur.

If the beneficiary holds certain diplomas or certificates, e.g. education in the Dutch language certified by a diploma based on a Dutch Act such as the Higher Education and Research Act, Higher Professional Education Act, Secondary Act Education Professions Act or Apprentice Act, they can be exempt for the obligation to pass for the civic integration examination.

When someone suffers from severe permanent physical problems or serious mental health limitations, they may get an exemption on the civic integration examination. One has to prove that due to a psychological or physical impairment or a mental disability, one is permanently unable to pass the civic integration examination. One needs an advice about that from an independent doctor. At this moment one has to undergo a medical examination done by a medical adviser from Argonaut, which is the Medical Advisor assigned by the Minister of Social Affairs and Employment.

It is possible to get an exemption on non-medical grounds for example in case of illiteracy. Therefore, the person needs to prove that they made sufficient efforts to pass the civic integration examination. In 2024, the following elements are considered:

- Showing participation for at least 600 hours in a civic integration course; a combination of a civic integration course and a (adult) literacy course and at least 200 hours of attending a civic integration course; a course preparing for the State Exam Dutch as a second language (NT-2), level I or II, or a combination of both courses. The course must have been taken at a language institution with a quality mark of an organisation called Blik op Werk and that the person has not passed parts of the civic integration examination at least 3 times. Maximum two of those parts can be parts of the State Exam Dutch as a second language (NT-2), level I or II;
- Showing participation for at least 600 hours in a (adult) literacy course at an institution with a quality mark of Blik op Werk and having demonstrated through a learning ability test taken by the Education Executive Agency (DUO) that he or she does not have the learning ability to pass the civic integration examination.
- Showing participation for at least 600 hours in an (adult) literacy course and a following civic integration course, both at a language institution with a quality mark of Blik op Werk. At least

1116 Stb. 2021, 35, Wet inburgering 2021.

1117 KST 32824, nr.346, Brief Voorbereiding ontwerp- algemene maatregelen van bestuur tot wijziging van het Vreemdelingenbesluit 2000 en het Besluit naturalisatietoets in verband met een overgangssituatie na de inwerkingtreding van de Wet inburgering 2021 (Letter from the then State Secretary (now Minister) to the Parliament on the consequences of the new Civic Integration Act for obtaining long term permit or the Dutch nationality).

1118 It was announced at the Q&A on the establishment of the budget of the Ministry of Justice and Security for 2024: Vaststelling van de begroting van het Ministerie van Justitie en Veiligheid (VI) voor het haar 2024, Verslag houdende een lijst van vragen en antwoorden, 36410V! nr. 27, available in Dutch at: https://bit.ly/49pcMQ6.

300 hours of attending a (adult) literacy course and it has been demonstrated - with a learning ability test taken by DUO, that the person does not have the learning ability to pass the civic integration examination.
- ❖ In addition to the existing assessment criteria, DUO may issue a recommendation for exemption in the context of customisation on the basis of Article 6 paragraph 4 of the Dutch Naturalisation Test Regulations, if there is a combination of demonstrably significant efforts with very special personal circumstances. In this case, other possibilities for exemption or other customised solutions must have been exhausted.

5. Not having received a prison sentence, training or community service order or paid or had to pay a large fine either in the Netherlands or abroad in the previous 5 years before the application for naturalisation (up until 1 May 2018 this period was 4 years). A large fine is a fine with an amount of € 900 or more. Someone must also not have received multiple fines of € 450 or more, with a total amount of € 1350 or more. With regard to the imposition of a community service order, the following applies. A sanction is: a community service order in respect of an offence has been imposed or carried out for 36 hours or more, or multiple community service orders of 18 hours or more, amounting in total to 54 hours or more. At the time of the application, there must also be no ongoing criminal proceedings against the person. There also must not be a suspicion on violation of human rights or the suspicion that someone is a danger to society.

6. Renounce their current nationality. There are some exceptions to this rule. One of the exceptions is the following. When a person obtains a (permanent) asylum residence permit, they do not have to renounce their nationality.

7. Make the declaration of solidarity. One is obligated to go to the naturalisation ceremony and to make the statement of allegiance. They agree that the laws of the Netherlands also apply to them. The statement of allegiance must be done in person.

A child can only apply for naturalisation together with the parent ('*medenaturalisatie*'). The child under the age of 16 years must live in the Netherlands and must have a residence permit.[1119] This must be a permanent residence permit or a temporary residence permit with a non-temporary purpose of stay. Children of holders of a permanent asylum residence permit must have the same permit or an asylum residence permit dependent on the permanent asylum residence permit of the parents.

Children of the age of 16 or 17 years old must have been living uninterruptedly in the Netherlands for at least 3 years with a valid residence permit. This must be a permanent residence permit or a temporary residence permit with a non-temporary purpose of stay. Children of holders of a permanent asylum residence permit must have the same permit or an asylum residence permit dependent on the permanent asylum residence permit of the parents. The child must be present for the application and they must indicate that they agree with the application. Children of 16 and 17 years old must also meet the condition mentioned here above under 5 and 7.

The naturalisation procedure

A person has to submit the application for naturalisation in the municipality where they live. The municipality has to check whether the application is complete. When someone submits the application in regular cases one has to show a legalised birth certificate and a valid foreign passport. Holders of a permanent asylum residence permit are exempt from this (only in very specific situations the IND can ask for document). The municipality also looks at whether the person meets all the conditions for naturalisation and gives a recommendation to the IND (Immigration and Naturalisation Service). The municipality sends the application to the IND.

The IND is the service that makes the decision. The IND checks whether a person meets all the conditions required and must decide within 12 months.

1119 Article 11 Act on Dutch Citizenship.

The beneficiary has to pay a fee for the application for naturalisation. Holders of an asylum residence permit pay less than holders of a regular residence permit.

Fees for citizenship applications					
Category of applicant	2021	2022	2023	2024	2025
A single stateless person or a holder of an asylum residence permit	€688	€703	€722	€760	€811
Plural application stateless persons or holders of an asylum residence permit (e.g. married couples)	€945	€965	€991	€1044	€1114
A request for a child younger than 18 years-old obtaining the Dutch citizenship together with their parents	€137	€139	€143	€151	€161

How many beneficiaries of international protection obtained citizenship?
There are no data available on the number of people who obtained Dutch citizenship in 2025. According the CBS (Centraal Bureau voor de Statistiek), in 2024 37,126 adults obtained the Dutch nationality via an independent application. 14,930 minors obtained the Dutch nationality via '*medenaturalisatie*' (obtaining Dutch nationality together with their parents). In total, 50,486 people obtained Dutch nationality.[1120] It is unknown how many of the applications were by beneficiaries of international protection.

In 2025 , 51,760 applications for naturalisation were submitted.[1121] The IND took 50,730 decisions on applications for naturalisation of which 98 % was positive.[1122] The top 3 nationalities applying for naturalisation were Syrian, Indian and Turkish n.[1123] It is unknown how many of the applications were sent by beneficiaries of international protection.

5. Cessation and review of protection status

Indicators: Cessation

1. Is a personal interview of the beneficiary in most cases conducted in practice in the cessation procedure? ☒ Yes ☐ No
2. Does the law provide for an appeal against the first instance decision in the cessation procedure? ☒ Yes ☐ No
3. Do beneficiaries have access to free legal assistance at first instance in practice? ☒ Yes ☐ With difficulty ☐ No

5.1 Grounds for cessation of status

Article 32 of the Aliens Act provides the grounds for revocation of temporary asylum statuses. This Article applies to recognised refugees as well as to beneficiaries of subsidiary protection. It states that temporary asylum statuses can be revoked, and the request to extend the period of validity can be denied, in case the legal ground for granting protection status has ceased to exist. The temporary asylum status of a recognised refugee will be revoked in case any of the grounds of Article 32 Aliens Act

1120 Nationaliteitswijziging; geslacht, leeftijd, soort regeling, verblijfsduur | CBS at https://bitly.cx/wlyWX.
1121 IND, Annual figures 2024, available in Dutch at: https://bit.ly/4qbZXBe https://bit.ly/3TTfeJw.
1122 IND, Annual figures 2024, available in Dutch at: https://bit.ly/4qbZXBe https://bit.ly/3TTfeJw.
1123 IND, Annual figures 2024, available in Dutch at: https://bit.ly/4qbZXBe https://bit.ly/3TTfeJw.

applies,[1124] as will be the case for the temporary asylum status of a beneficiary of subsidiary protection.[1125]

Revocation of refugee status or subsidiary protection is further explained in Paragraph C2/10.4 of the Aliens Circular.

Within the Dutch system, there is no distinction between the cessation and the withdrawal of asylum status. Moreover, the Dutch system does not differentiate between revocation of the asylum status and the asylum permit. Therefore, revocation of the asylum permit means that the status is automatically revoked.

Temporary asylum statuses/permits revoked[1126]						
2019	2020	2021	2022	2023	2024	2025
250	170	190	Not available*	110	110	380

Permanent asylum statuses/permits revoked[1127]					
2020	2021 (Jan-Sept)	2022	2023	2024	2025
20	30	Not available*	10	10	20

* In 2022, a total of 360 asylum statuses/permits were revoked, it is unknown how many temporary or permanent statuses this number entails.

The grounds of revocation from Article 32 Aliens Act are:

a) False information
b) Danger to public order or national security
c) Ceased circumstances
d) [Change of main residence outside the Netherlands]*
e) End of the family bond (for family reunification statuses – not discussed further)

* Article 32(1)(d) of the Aliens Act provides that, where the beneficiary of international protection changes their main residence outside the Netherlands, the temporary asylum status can be revoked. This is not in accordance with the limitative grounds for revocation in the recast Qualification Directive. It remains a revocation ground by law for regular migration permits but can no longer be used for asylum permits. This is also reflected in the Aliens Circular, which states that moving the main residence outside the Netherlands does not constitute a ground for withdrawal of asylum statuses.[1128] Given this policy, this revocation ground is no longer used in practice. Nevertheless, when a beneficiary of international protection moves their main residence outside the Netherlands, according to policy, the Dutch authorities assess whether the legal ground for granting protection has ceased to exist. This is laid down in paragraph C2/10.5 of the Aliens Circular.

1124 Article 3.105d Aliens Decree.
1125 Article 3.105f Aliens Decree.
1126 KST 36200-VI, no. 12, List of questions and answers for the determination of the budget of the Ministry of Justice and Security 2023, 2 November 2022, available in Dutch at: https://bit.ly/48aE0Zp. KST 36410-VI-27, no. 27, List of questions and answers for the determination of the budget of the Ministry of Justice and Security 2024, available in Dutch at: https://bit.ly/3P3eajd. These figures are partly based on questions answered by IND, received on 12 February 2025, 27 February 2024 and 13 January 2025.
1127 KST 36200-VI, no. 12, List of questions and answers for the of the budget of the Ministry of Justice and Security 2023, 2 November 2022, available in Dutch at: https://bit.ly/48aE0Zp. These figures are partly based on questions answered by IND, received on 12 February 2025, 27 February 2024 and 13 January 2025.
1128 Paragraph C2/10.5 Aliens Circular.

❖ False information

The withdrawal ground of false information is applicable to both temporary (Article 32 Aliens Act) and permanent statuses of international protection (Article 35 Aliens Act). This means that this ground can be invoked as a reason of withdrawal even after living over 20 years in the Netherlands.[1129]

After receiving reports of fraud, the IND started to reassess statuses from homosexual status holders from **Uganda** in 2018.[1130] The IND had reasons to believe that there were organisations helping the Ugandans to get asylum in the Netherlands. Of the 253 inspected cases, one status was withdrawn, while 35 cases were still pending as of November 2020. There was no public serious follow up on these cases.

On 25 January 2023, the Council of State ruled that not all omissions of facts lead to revocation. Asylum permits do not have to be withdrawn if incorrect identity details, were provided, if they were not decisive for granting asylum.[1131] Subsequently, on August 2 2023, the Council of State ruled that the Minister, in revocations based on 'false information' (that was decisive for granting asylum), must examine within the revocation decision whether the person is entitled to a new permit.[1132] It is not allowed to simply refer to the possibility of a subsequent asylum request. What the start date of the new permit would be is still unclear.

In 2025, a total of 40 asylum permits (temporary and permanent) have been revoked because of the provision of false information.[1133] In 2024, a total of 20 asylum permits (temporary and permanent) have been revoked because of false information; in 2023 10 were revoked and in 2022 40 permits were revoked because of false information.[1134]

❖ Danger to public order or national security

The withdrawal ground of being a danger to public order or national security is applicable to both temporary (Article 32 Aliens Act) and permanent statuses of international protection (Article 35 Aliens Act). This means that this ground can be used for withdrawal even after living over 20 years in the Netherlands.

In 2019 and 2020, the status and residence permit of 30 persons with international protection had been revoked, in 2021 and 2022 there were 20 revocations, in 2023 there were 10, in 2024 there were 20 and in 2025 there were 20.[1135]

Article 3.86 Aliens Decree gives a number of 'sliding scales'. The Article establishes a link between the duration of the irrevocable punishment for a crime and the duration of lawful residence in the Netherlands. Although the matter is highly complex, in short, the longer the foreign national legally resides in the Netherlands, the heavier the penalty must be in order to reject the application for extension or to terminate the legal residence.[1136]

1129 For example Council of State, ECLI:NL:RVS:2020:2953, 14 December 2020, available in Dutch at: https://bit.ly/497ohvz (the applicant had an asylum status for over 14 years).

1130 KST 19637, nr. 2670 and appendix, LGBTI in the asylum procedure.

1131 Council of State, ECLI:NL:RVS:2023:248, 25 January 2023, available in Dutch at: https://bit.ly/3STiPGX.

1132 Council of State, ECLI:NL:RVS:2023:2922, 2 August 2023, available in Dutch at: https://bit.ly/3UASEpQ.

1133 These figures are based on questions answered by IND, received on 12 February 2026.

1134 These figures are based on questions answered by IND, received on 27 February 2024 and 13 January 2025.

1135 Ministry of Justice and Security, De Staat van Migratie 2022, 7 July 2022, available in Dutch at: https://bit.ly/3Z6t8Zf, 135 and Ministry of Justice and Security, *De Staat van Migratie 2023*, available in Dutch at: https://bit.ly/3RUo0FO and Ministry of Justice and Security, *De Staat van Migratie 2024*, 117, available in Dutch at: https://bit.ly/4fmZwh1, Ministry of Justice and Security, De Staat van Migratie 2025, 105, available in Dutch at: https://bit.ly/3KewDub. Statistics from 2025 are from questions answered by IND, received on 12 February 2026

1136 Work Instruction 2020/12 *De toepassing van de glijdende schaal*, available in Dutch at: https://bit.ly/3wiiym0.

However, the 'sliding' scale only applies if a minimum threshold of '(particularly) serious crimes' is reached. The asylum status and permit of a refugee can be revoked when the refugee commits a 'particularly serious crime' (Article 14(4)(b) Qualification Directive). In Dutch policy, a crime is considered 'particularly serious' when the refugee received a prison sentence for at least 10 months. On 6 July 2023, the CJEU ruled on a preliminary reference by the Council of State on 15 June 2022,[1137] about the interpretation of 'particularly serious crimes'.[1138] The CJEU ruled firstly that the degree of seriousness cannot be attained by a combination of separate offences, none of which constitutes per se a particularly serious crime by itself. Secondly, while it is in particular open to the Member States to establish minimum thresholds intended to facilitate the uniform application of that provision, such thresholds must necessarily be consistent with the degree of seriousness and must not, under any circumstances, make it possible to automatically establish that the crime in question is 'particularly serious' without the competent authority having carried out a full examination of all the circumstances of the individual case concerned.

In response to the above mentioned CJEU ruling, the policy (Aliens Circular) has been adjusted.[1139] However, the Aliens Circular still states that the assessment of 'a (particularly) serious crime' is based on whether the *total sum* of imposed sentences is at least the applicable norm. Additionally, the 10-month prison sentence for a particularly serious crime is still being applied. In 2024, several courts ruled that this policy change is not in line with the CJEU judgements of 6 July 2023. For instance, the Grand Chamber of the Court of Amsterdam ruled that paragraph C2/7.10.3.1 of the Aliens Circular is not in line with the CJEU judgements of 6 July 2023. The Court ruled that the IND had cumulated the prison sentences for a violent home burglary and a street robbery, which is contrary to the CJEU judgements. Additionally, the court ruled that these crimes, when considered separately, do not constitute a 'particularly serious crime'.[1140]

The asylum status and permit of persons with subsidiary protection can be revoked if a 'serious crime' (Article 17(1)(b) Qualification Directive) is committed. In Dutch policy, a crime is considered 'serious' when the person received a prison sentence of more than 6 months.

Moreover, unique in the public order policy, only for subsidiary protection statuses also suspended sentences have to be calculated.[1141]

- **Ceased circumstances**

While considering whether a temporary asylum status - granted to a recognised refugee or a beneficiary of subsidiary protection - will be revoked because the legal ground for granting status is no longer applicable, Dutch authorities shall have regard to whether the change of circumstances is of such significant and non-temporary nature that the fear of persecution or the real risk of serious harm can no longer be regarded as well-founded.[1142] The legal basis for granting protection status has not ceased to exist if the beneficiary can state compelling grounds arising out of previous persecution or former serious harm, to refuse to request protection of the country of their nationality or their former place of residence.[1143] It will be stated in the country-based asylum policy whether the IND considers a change of circumstances in the overall situation in (a particular area of) a certain country to be significant and non-temporary for the purposes of cessation.[1144]

1137 Council of State, ECLI:NL:RVS:2022:1703, 15 June 2022, available in Dutch at: https://bit.ly/3w5JBmi; and CJEU, C-402/22, *Staatssecretaris van Justitie en Veiligheid v M.A.*, 6 July 2023, available at: https://bit.ly/3STghbS.

1138 CJEU, C-402/22, *Staatssecretaris van Justitie en Veiligheid v M.A.*, 6 July 2023, available at: https://bit.ly/3STghbS.

1139 WBV 2023/25, available in Dutch at: https://bit.ly/3S3k3Pi.

1140 District Court Amsterdam, ECLI:NL:RBDHA:2024:2884, 5 March 2024, available in Dutch at: https://bit.ly/3FBW4my. See also District Court Middelburg, ECLI:NL:RBDHA:2025:718, 31 January 2025, available in Dutch at: https://bit.ly/41Frosa.

1141 Paragraph C2/10.3 and C2/10.7 Aliens Circular.

1142 Article 3.37g Aliens Regulation.

1143 Article 3.37g Aliens Regulation.

1144 Paragraph C2/10.4 Aliens Circular.

In 2025, 270 asylum permits (temporary and permanent) have been revoked because of ceased circumstances; compared to 70 in 2024, 90 in 2023, and 270 in 2022.[1145]

If the IND finds that the legal ground for granting a temporary asylum status has ceased to exist, and the change of circumstances is of a significant and non-temporary nature, it investigates in any case:[1146]

- Whether at the time of granting temporary asylum status another legal ground for granting protection status, provided for in Article 29(1) or (2) of the Aliens Act, applied;
- Whether at the time of review of the temporary asylum status another ground for granting protection status, as provided for in Article 29(1) or (2) of the Aliens Act, applies;
- Whether the beneficiary status holder can state compelling grounds arising out of previous persecution or former serious harm to refuse to return to their country of origin.

If at least one of these conditions applies, the IND does not revoke temporary asylum status.

If the beneficiary has a permanent status of international protection, ceased circumstances do not lead to the revocation of the status.[1147]

In January 2020, the IND decided that it would no longer consider certain parts of Sudan to be in a conflict that reaches the Article 15c Qualification Directive-standards. At the same time, the IND announced starting a reassessment of all subsidiary protection statuses that were granted in line with the country policy stating that there was a 15c-situation in some parts of Sudan. The IND announced that around a hundred statuses were going to be reassessed because they believed that the change of circumstances in Sudan had such a significant and non-temporary nature that the fear of persecution or the real risk of serious harm could no longer be regarded as well-founded within the meaning of Article 3.37g Aliens Regulation.[1148] The reassessment project terminated in 2021. According to the Evaluation of the IND, the reassessment resulted in 0 revocations on the ground of ceased circumstances.[1149] Most of the beneficiaries kept their permits on other grounds as many groups were considered to be at risk in Sudan.

No extension of the residence permit

The IND also assumes that the ground for cessation 'ceased circumstances' applies if the beneficiary of international protection has neither applied for an extension of the period of validity of his or her status nor for a permanent asylum residence permit (paragraph C2/10.4 Aliens Circular). This hypothetical policy exists since 2018.[1150] Before, if the beneficiary did not renew their residence permit on time, it would be possible they were not entitled to legal stay for a short time. This was problematic for certain allowances and for employment contracts. In practice, people who do not renew their residence permit timely are also often homeless, which means that they are treated as if they have left the Netherlands, see next paragraph.

Change of main residence outside the Netherlands

The IND also assumes that the revocation ground 'ceased circumstances' applies if the beneficiary of international protection has left the Netherlands. If the beneficiary is no longer registered in the Municipal Personal Records Database (BRP) it is assumed that they have left the Netherlands. This is particularly worrying, given that people who become homeless are also unregistered from the BRP. A few cases concerning beneficiaries who became homeless and lost their asylum status and permit have been

1145 These figures are based on questions answered by IND, received on 12 February 2025, 27 February 2024 and 13 January 2025.
1146 Paragraph C2/10.4 Aliens Circular.
1147 Article 35 Aliens Act.
1148 Decree WBV 2020/1 of 12 January 2020, Stb. 2020, 3262, amending the Aliens Circular 2000, available in Dutch at: https://bit.ly/3i9r1yB.
1149 *Evaluatierapport Herbeoordelingen Soedan*, October 2021, available in Dutch at: https://bit.ly/3VPy7uh, 21.
1150 Decree WBV 2018/10 of 20 September 2018, Stb. 2018, 52887, available in Dutch at: https://bit.ly/38FLDLM.

assessed by Regional Courts.[1151] Often, these people realised that their status had been revoked when it was already too late to apply for review and appeal. This means that the courts cannot decide on their cases and the revocation becomes final. One court decided that the *Bahaddar-exception* was applicable: an Article 3 ECHR-risk was very clear, which made it possible to set the final terms for appeal aside.[1152] The court then ruled that the IND could not revoke the status merely because the person was unregistered from the BRP, rather the IND needed to assess whether a change of circumstances in the overall situation in (a particular area of) a certain country was applicable and was also significant and of non-temporary nature.

Voluntary return

The Aliens Circular stipulates that voluntary return to the country of origin is not a sufficient ground for the IND to revoke temporary asylum status. In case the IND finds that a recognised refugee or a beneficiary of subsidiary protection has, of their own free will, returned to their country of origin, the IND will conduct an interview concerning this journey. It is then up to the beneficiary to prove that they are still in need of protection.

Voluntary re-availing

Considering Article 1C of the 1951 Refugee Convention, it is stipulated that a temporary asylum status of a recognised refugee shall be revoked in case they request and receive a passport from the authorities of the country of origin. Temporary asylum status is not revoked in case the recognised refugee can prove that Article 1C of the Refugee Convention does not apply.[1153]

5.2 Cessation procedure

The Aliens Act provides that the intention procedure is applicable in case a temporary asylum status is revoked.[1154] Under the intention procedure, the beneficiary is informed in writing of the intention to revoke their temporary asylum status. The letter of intention will not be sent to the previous asylum lawyer, only to the beneficiary.[1155] Within 6 weeks, the beneficiary can put forward their view on the intention to revoke temporary asylum status.[1156] In case the IND still intends to revoke temporary asylum status, the beneficiary will be allowed an interview.[1157] During the interview, the beneficiary will be given the opportunity to react on the intention to revoke temporary asylum status and explain their view on this. The legal representative can attend the interview.

In the decision to revoke temporary asylum status, the IND considers on its own accord, on the basis of Article 3.6a of the Aliens Decree, whether the beneficiary can be granted a temporary regular residence permit, or whether there are sufficient grounds for granting delay of departure from the Netherlands on medical grounds.[1158]

The cessation decision states that there is an obligation to leave the country within 4 weeks.[1159] Within 4 weeks the beneficiary can appeal the decision to revoke the temporary asylum status before the Regional Court.[1160] In case a timely appeal has been made, the beneficiary retains their right to lawful residence in the Netherlands based on Article 8(c) of the Aliens Act. This means that the beneficiary

1151 Regional Court Den Bosch, 21 July 2021, Decision No NL20.18837 and Regional Court Utrecht, 14 September 2020, ECLI:NL:RBDHA:2020:9086, available in Dutch at: https://bit.ly/3wdJBRu.
1152 Regional Court Den Bosch, 21 October 2021, Decision No NL20.22228.
1153 Paragraph C2/10.4 Aliens Circular.
1154 Article 38 Aliens Act and Article 41(1) Aliens Act.
1155 The legality of this practice has been confirmed by the Council of State, ECLI:NL:RVS:2022:2203, 1 August 2022, available in Dutch at: https://bit.ly/3HWKWPb.
1156 Article 3.116(2)(b) Aliens Decree.
1157 Article 41(2) Aliens Act.
1158 Article 64 Aliens Act.
1159 Article 62(1) Aliens Act.
1160 Article 69(1) Aliens Act.

retains their material rights, until the court's decision, including the right to a residence permit. The beneficiary has a right to legal assistance during the procedure.

The IND can review protection status at any time. As the temporary asylum status is valid for 5 years (soon it will be 3 years, see chapter on Residence Permit), the refugee or beneficiary of subsidiary protection must apply to either extend the period of validity of their status or apply for a permanent asylum residence permit. During this application the IND can review the asylum status, but it only does so if there is a reason for it – not systematically.

6. Withdrawal of protection status

See Cessation and review of protection status.

B. Family reunification

1. Criteria and conditions

Indicators: Family Reunification

1.	Is there a waiting period before a beneficiary can apply for family reunification? ☐ Yes ☒ No	
	❖ If yes, what is the waiting period?	
2.	Does the law set a maximum time limit for submitting an application?	☒ Yes ☐ No
	❖ If yes, what is the time limit?	3 months
3.	Does the law set a minimum income requirement?	☐ Yes ☒ No

A holder of an asylum residence permit based on international protection can apply for family reunification. Family members eligible for family reunification are the beneficiary's spouse, registered or unregistered partner with whom the sponsor maintains a sustainable and exclusive relationship, minor children, and dependent adult children who still belong to their parent's family. Foster and adoptive children, and children from a previous marriage of one of the parents are also eligible for family reunification. Lastly, the parents of an 'unaccompanied minor' within the meaning of Article 2(f) of the Family Reunification Directive qualify for family reunification as well. Since the CJEU judgment of 12 April 2018,[1161] if an unaccompanied minor applies for asylum, but has reached the age of 18 once they are eventually granted their asylum residence permit, for the purpose of family reunification with their parents they will still be considered to be a minor within the meaning of Article 2(f) of the Family Reunification Directive (Directive 2003/86).

On 7 November 2025, the Council of State ruled that the right to family reunification remains intact if the sponsor obtains the Dutch nationality during the family reunification procedure.[1162] The relevant reference point for the sponsor's residence status for the purpose of the right to family reunification is the date of the (subsequent) application.

On 12 March 2025, a legislative proposal titled *"Asylum Emergency Measures Act"* was submitted.[1163] One of the measures proposed is to narrow the category of eligible family members who may qualify for family reunification with the sponsor in the Netherlands. If the proposal enters into force, unmarried partners will no longer qualify. Children who were already adults at the time the sponsor entered the Netherlands will also no longer be eligible for family reunification, nor will foster children and adopted children. A positive development, however, is that minor siblings of an unaccompanied minor holding an asylum residence permit will henceforth fall under the more favourable framework for family

1161 CJEU, judgment in case C-550/16 *A and S*, of 12 April 2018; available at https://bit.ly/4kR4Ugy
1162 Council of State, ECLI:NL:RVS:2025:5376, 7 November 2025, available in Dutch at: https://bit.ly/3LuEx2V.
1163 KST 36704, nr. 2, Wijziging van de Vreemdelingenwet 2000 en de Algemene wet bestuursrecht in verband met maatregelen om de asielketen te ontlasten en de instroom van asielzoekers te verminderen (Asielnoodmaatregelenwet), Voorstel van wet, 12 maart 2025, available in Dutch at: https://bit.ly/4sCrFsw

reunification. For them, currently, the regular framework applies (see below). Unlike the current situation, they will then also be eligible for an asylum residence permit. In the legislative proposal 'Implementation and Enforcement Act for the 2026 Asylum and Migration Pact 2026', this restriction of the category of eligible family members is also included. [1164]

The judicial framework for family reunification for beneficiaries of international protection that is laid down in the Alien's Act and policy rules is supplemented by a number of so-called Work instructions and Internal information messages. These are not policy rules, but instructions for employees of the IND to effectuate policy in an unambiguous manner.[1165] In 2023, the IND published the general instructions for handling applications for family reunification by holders of an asylum permit, in order to become more transparent.[1166]

Waiting period

There is no waiting period before a beneficiary of international protection can apply for family reunification. Although Dutch legislation applies different assessment frameworks for refugee status and subsidiary protection status, the rights attached to these asylum residence permits are equal, including the right to family reunification. For this reason, the current practice refers to a single-status system.

However, on 12 March 2025, a new legislative proposal titled *"Introduction of a Two-Status System"*[1167] was submitted, which, upon entry into force, aims to introduce a distinction in the right to family reunification. The waiting period proposed in the legislative proposal for holders of an asylum permit that is based on subsidiary protection status would be two years. In the legislative proposal 'Implementation and Enforcement Act for the 2026 Asylum and Migration Pact 2026', this waiting period is also included. [1168]

Three-month time limit

Holders of an asylum residence permit can make use of a more favourable framework for family reunification. This framework contains less strict conditions for family reunification in comparison to the regular framework. In order for an application to be considered within this framework, the beneficiary has to apply for family reunification within 3 months after being granted asylum. For example, under the favourable framework, the beneficiary does not have to meet an income requirement.[1169]

If the beneficiary fails to apply for family reunification within 3 months, they will have to apply for regular family reunification, meaning they will have to meet stricter requirements like a minimum income. [1170] To secure/ safeguard this three-month-term the application has to be filed timely, even if it is incomplete. An application can be completed after it has been filed. However, after the sponsor receives a 'rectification of omission' letter stating what information and supporting documents are missing, the application must be completed within 4 weeks.[1171]

1164 KST 36871, nr. 2, Wetsvoorstel Uitvoerings- en implementatiewet Asiel- en migratiepact 2026, Voorstel van wet, 17 December 2025, available in Dutch at: https://bit.ly/4qQWZ57

1165 The majority of these work instructions are publicly available. IND, Werkinstructies, informatieberichten en landeninformatie van de IND openbaar, available in Dutch at: https://bit.ly/4bUhSpf.

1166 IND, *WI 2023/2 Instructies behandeling nareisaanvragen (asiel)*, available in Dutch at: https://bit.ly/3SzujOv, 7-8. Most recent version: WI 2024/4 Instructies behandeling nareisaanvragen (asiel), available in Dutch at: https://bit.ly/4ahAhM4

1167 KST 36703, nr. 2, Wijziging van de Vreemdelingenwet 2000 in verband met de introductie van een tweestatusstelsel en het aanscherpen van de vereisten bij nareis (Wet invoering tweestatusstelsel), Voorstel van wet, 12 maart 2025, available in Dutch at: https://bit.ly/4syIbtc.

1168 KST 36871, nr. 2, Wetsvoorstel Uitvoerings- en implementatiewet Asiel- en migratiepact 2026, Voorstel van wet, 17 December 2025, available in Dutch at: https://bit.ly/4qQWZ57

1169 The application is free of charge. Also, there are no integration requirements for family members of refugees.

1170 In the regular framework there are no integration requirements for family members of refugees. However, there is an application fee.

1171 Due to huge backlogs at IND it can take up to 20 months or more after submission before the sponsor receives the 'rectification of omission' letter, see below.

In its judgment of 7 November 2018, the CJEU ruled that the time limit of three months in which the application has to be lodged in order to enjoy the more favourable provisions for refugees, is in accordance with the Family Reunification Directive. The Court further established that no individualised assessment as in Article 17 of the Directive has to be made when the time limit has been exceeded.[1172] However, the Court also ruled that legislation should lay down rules in which particular circumstances render the late submission of the initial application objectively excusable. In addition, Member States should ensure that sponsors recognised as refugees continue to benefit from the more favourable conditions for the exercise of the right to family reunification applicable to refugees, specified in Articles 10 and 11 or in Article 12(2) of the Directive.

In accordance with this judgement of the CJEU, a legislative proposal was submitted in April 2023.[1173] This proposal extends the decision period from 6 to 9 months and establishes a legislative basis to determine a late submission of an application objectively excusable. The new legislation entered into force on 28 March 2025. [1174] The following Work instructions apply:

- Work instruction 2024/4 stipulates that a late submission may be considered excusable. Factors taken into account are: the number of days of exceedance (less than two weeks is excusable), the efforts the sponsor has demonstrated to file the application and the exceptional circumstances causing the late submission.[1175]
- Work instruction 2025/5 stipulates that when the sponsor has an asylum residence permit and applies for family reunification under the regular family reunification framework, the requirements for proving family and identity ties shall be the same as in the more favourable procedure for holders of an asylum status.[1176]
- Work instruction 2021/7 stipulates that if beneficiaries of international protection submit an application for family reunification under the regular (non-favourable) framework, but within the three-month time limit, they still have to be exempted from the income requirement.[1177]

In practice, there can be difficulties in applying for family reunification within the three-month-time limit, for example due to misinformation, a high influx of asylum applicants, and relocations to numerous accommodation centres. According to UNHCR, imposing this term does not sufficiently take into account the specific situation of beneficiaries of international protection and the circumstances that have led to the separation of the family.[1178] UNHCR primarily recommends that no time limit for submission should be imposed. In case a time limit is maintained, the IND should adopt a flexible approach, such as allowing the sponsor to submit a partial application or timely notification which can be completed at a later stage.[1179] In the Dutch context this proposed flexible approach is being applied.

Material requirements

There are no material requirements for beneficiaries of international protection.

As mentioned above under “waiting period,” a legislative proposal has been submitted to introduce a two-status system. In addition to a waiting period, the holder of a residence permit based on subsidiary protection will also have to meet an income requirement and a housing requirement before becoming

1172 CJEU, Case C-380/17, ECLI:EU:C:2018:877, *K and B v. the Netherlands*, 7 November 2018, available at: https://bit.ly/48gJS3g.

1173 KST 36349, nr. 2, Wijziging van de Vreemdelingenwet 2000 in verband met verlenging van de beslistermijnen in asiel- en nareiszaken, Voorstel van wet, 2 May 2023, available in Dutch at: https://bit.ly/3w8SgVc.

1174 Staatsblad 2025, 79, Wet van 12 maart 2025 tot wijziging van de Vreemdelingenwet 2000 in verband met verlenging van de beslistermijnen in asiel- en nareiszaken, 27 maart 2025, available in Dutch at: https://bit.ly/4pp7RFX.

1175 IND, *WI 2024/4 Instructies behandeling nareisaanvragen (asiel)*, available in Dutch here, 6-7.

1176 IND, *WI 2025/5 Nader onderzoek in de nareisprocedure, inclusief DNA-onderzoek in de asielprocedure*, available in Dutch at: https://bit.ly/4br5TBF , p1.

1177 IND, *WI 2021/7 Middelen van bestaan*, available in Dutch at: http://bit.ly/3Rj7LAe, 21.

1178 UNHCR, *No family torn apart, Challenges refugees face securing family reunification in the Netherlands and recommendations for improvements*, 1 September 2019, available at: https://bit.ly/3nUI1wJ, 66.

1179 UNHCR, *No family torn apart, Challenges refugees face securing family reunification in the Netherlands and recommendations for improvements*, 1 September 2019, available at: https://bit.ly/3nUI1wJ, 71.

eligible for family reunification. In the legislative proposal 'Implementation and Enforcement Act for the 2026 Asylum and Migration Pact 2026', these additional requirements are also included. [1180]

Refugees versus subsidiary protection beneficiaries

No differences exist between refugees and subsidiary protection beneficiaries. The rights attached to these asylum residence permits are equal, including the right to family reunification. For this reason, the current practice refers to a single-status system.

Adult Children policy

The Alien's Act and policy rules contain a provision for family reunification of a parent (sponsor) with their adult child. Until 16 July 2024, this was the young adult policy.[1181] On 16 July 2024 a new, stricter policy for adult children came into effect.[1182]

Young adult children policy (until 16 July 2024)
For applications submitted before 16 July 2024, young adult children and special-need adult children are eligible for family reunification in accordance with the young adult children policy. A young adult is eligible for family reunification if they (1) are a young adult, (2) live/lived with the family at the time the sponsor entered the Netherlands, (3) do not provide for their own income, and (4) have not formed their own family or take care of a child.[1183] If one of these conditions are not fulfilled, the young adult policy does not apply, unless this is caused by reasons beyond the child's control, such as a forced flight of the person involved. However, the Council of State ruled that the then State Secretary (now Minister) may also consider a family tie to be broken if a young adult child – who was forced to flee – has been living separately for a long time and has been able to 'shape' their life independently without too much effort.[1184] An adult child with special needs that does not meet the requirements of the young adult children policy is eligible for family reunification if there are additional elements of dependency with the parent within the meaning of Article 8 ECHR.

Adult children policy (since 16 July 2024)
For applications submitted on or after 16 July 2024, an adult child is eligible for family reunification with the parent(s) if they are genuinely dependent on the parent within the meaning of Article 10 (2) of the Family Reunification Directive. This means that child is unable to support themselves and the sponsor (the parent) actually provides the necessary material support for the adult child, or that the sponsor appears as the family member most able to provide the material support required.

Proof of identity and family ties

In its judgment of 26 January 2022,[1185] the Council of State set out a new integral assessment framework for proving identity and family ties in family reunification cases. Until this judgment, identity and family ties had to be proven or at least made plausible by official documents, and in absence thereof, with sufficient unofficial documents or explanations as to why no official documents were available. Only if there were sufficient unofficial documents or plausible explanations, DNA-research would be done and/or interviews would be held. However, if unofficial documents were not sufficient and/or explanations were not considered plausible, the immigration service would reject the application without further research. In an earlier judgment, the Council of State ruled that this policy was in accordance

1180 KST 36871, nr. 2, Wetsvoorstel Uitvoerings- en implementatiewet Asiel- en migratiepact 2026, Voorstel van wet, 17 December 2025, available in Dutch at: https://bit.ly/4qQWZ57
1181 C2/4.1.2.1 Vc and IND, WI 2024/4 Instructies behandeling nareisaanvragen (asiel), available in Dutch at: https://bit.ly/4ahAhM4, 15.
1182 C2/4.1.2.1 Vc and IND, *IB 2024/54 Gewijzigd nareisbeelid voor meerderjarige kinderen: ten laste komen van,* available in Dutch at: https://bit.ly/3CfrRIz.
1183 Council of State, ECLI:NL:RVS:2019:4122, 9 December 2019, available in Dutch at: https://bit.ly/3Sxuzxi.
1184 Council of State, ECLI:NL:RVS:2023:1417, 13 April 2023, available in Dutch at: https://bit.ly/3wbCTvn.
1185 Council of State, Decision no. 202006519/1/V1 ECLI:NL:RVS:2022:245, 26 January 2022, available in Dutch at: https://bit.ly/3SSw7U0.

with the ruling of the CJEU of 13 March 2019.[1186] However in its judgment of 26 January 2022 the Council of State set out a new assessment framework, entailing the followings:

- The Minister can no longer differentiate between official and unofficial documents. All documents, regardless of their nature or status, must be included in the assessment. However, the Minister may, with motivated reasons, assign a different probative value to the documents submitted and attach different importance to explanations given for the lack of documents.
- The Minister has to make an integral assessment of all the documents submitted and statements made, and other relevant elements of the case like for example the age and gender of the family member and the administrative practice in the country of origin. The requirements set by the IND for the evidence provided, must be proportional to those elements.
- Unlike before, the IND has to make a motivated assessment whether there is reason to give the sponsor the benefit of the doubt. Like for example in a situation where there is only a beginning of evidence, but there are no contraindications (like a false document) and other relevant elements are in favour of the sponsor. The benefit of the doubt can lead to two outcomes: the approval of the application or further investigation of the application (such as DNA research or an interview).
- The ***interests of minor children*** play an important role in this. This means that unlike before, if the application cannot be approved, further investigation (such as DNA research or an interview) is indicated. National policy was adapted to this judgement,[1187] and a new Work instruction has been published.[1188]

There are still issues in cases where the documents submitted are considered as most likely not real, not originally issued, not authentic, false or falsified. Documents are examined by the office of the IND specialised in document research, the Identity and Document Investigation Unit (*Bureau Documenten*).

In line with the new integral assessment, the negative outcome of document examination is taken into account as a contraindication in the assessment of all elements. How much weight is given to this contraindication depends upon, inter alia, the conclusion of the Identity and Document Investigation Unit (which established whether the document is real, false, falsified, issued unauthorized etc.) and the administrative practice in the country of origin. In principle, a false or falsified document heavily weights in detriment of the sponsor.

There are three ways to dispute the conclusion of the Identity and Document Investigation Unit. First, it is possible to consult a contra-expert that can research the document and provide a conclusion about its authenticity. However, this is not possible if there are no contra-experts available for documents from a certain country. This is the case for example for Eritrean documents. In a case before the Regional Court Zwolle,[1189] the court ruled that the sponsor had made plausible that no contra-expert was available to research the documents from Eritrea. Considering the principle of equality of arms, the Minister had to perform an ID-interview to compensate for the imbalance between the two parties. However, this decision was overruled by the Council of State.[1190] According to the Council, the principle of equality of arms does not require to compensate the sponsor, as there were additional ways to dispute the conclusion of the Identity and Document Investigation Unit.

Secondly, a way to dispute the conclusion of the Identity and Document Investigation Unit, is to give a plausible explanation on how the document was obtained. However, according to the policy, the mere statement that the sponsor was not aware that the document was false or forged, or that the document

1186 CJEU, Case C-635/17, ECLI:EU:C:2019:192, *E v Staatssecretaris van Veiligheid en Justitie*, 13 March 2019, available at: https://bit.ly/3SWgNpC.
1187 Decree WBV 2022/11 of 1 April 2022 Amending the family reunification policy, available in Dutch at: https://bit.ly/49akptt.
1188 IND, *WI 2022/7, Nader onderzoek in de nareisprocedure, inclusief DNA-onderzoek in de asielprocedure*, available in Dutch at: http://bit.ly/3WOKVSo.
1189 Rechtbank Zwolle, 8 June 2020, AWB 19/3561, not published on a publicly available website.
1190 Council of State, ECLI:NL:RVS:2021:598, 17 March 2021, available at: https://bit.ly/48dlxvp.

was obtained through a third party, is not considered as a valid justification.[1191] This sets the threshold to oppose the conclusion at a very high level. The sponsor has to provide a detailed and plausible explanation that they have acted in good faith and had no reason to expect that the intermediate party they approached would provide false documentation. This explanation has only been considered plausible in limited cases, which did not reach the court.

The third way to oppose the conclusion is to give concrete reasons to doubt on the merits of the negative conclusion of the document. However, the reports from the Identity and Document Investigation Unit contains very limited information for reasons of public order. Because of the limited information provided, it is very hard to give concrete leads for doubt about the report. Only if the sponsor has given concrete reasons to doubt of the report, the Minister has the obligation to verify how the Identity and Document Investigation Unit drew the conclusion on the authenticity of the document, by requesting access to the underlying documents. The Minister may also need to verify how the conclusions were drawn, to assess whether the reasoning therein is understandable and the conclusions drawn are consistent with it. The Minister is not required to share the confidential information with the sponsor. He does have to inform the sponsor, if - and to what extent - he endorses the conclusions of the Identity and Document Investigation Unit after examining the underlying documents, or obtaining further information from the Unit. As the underlying documents are not shared with the sponsor, the process' transparency is limited, and the final decision is difficult to oppose.

Restoration of a broken family tie

In its judgement of 20 November 2024,[1192] the Council of State ruled that a broken family tie between a parent and child may be restored. Prior to this judgment, the policy of the IND was that a broken family tie between parents and children could never be restored for the purpose of falling under the favourable framework for family reunification of beneficiaries of international protection. The Council of State ruled however, that this policy is not in accordance with the Family Reunification Directive and the CJEU ruling *XC* on the interpretation of real family life.[1193] According to *XC* the assessment of the requirements for finding that there is a real family relationship requires an appraisal to be carried out on a case-by-case basis, using all the relevant factors in each case. A policy that precludes the restoration of a broken family tie is not in accordance with the meaning of real family life.[1194]

The Council of State furthermore ruled that, in order to reunite within the more favourable framework for family reunification, there should be an actual family tie on the date the sponsor entered the Netherlands. This can mean that (a) the family tie was broken and restored before this date of entry; or (b) the family tie was broken and restored after this date, as long as the family tie exists (again) on the date of the decision on the application for family reunification.

Family reunification procedure continues even if the family member enters the Netherlands during the procedure

In October 2023, the Council of State ruled that the mere fact that a family member arrives in the Netherlands during the family reunification procedure and applies for asylum upon arrival, does not constitute grounds for rejection of the application for family reunification.[1195] In other words, the family reunification procedure continues and may lead to approval and issuance of the derivative asylum permit to the family member.

1191 IND, *Werkinstructie 2022/7, Nader onderzoek in de nareisprocedure, inclusief DNA-onderzoek in de asielprocedure*, available in Dutch at: https://bit.ly/3PyXFvd.

1192 Council of State, Decision no. 202307672/1 ECLI:NL:RVS:2024:4631, 20 November 2024, available in Dutch at: https://bit.ly/4ajspKm.

1193 CJEU, C-279/20, ECLI:EU:C:2022:618, *Bundesrepublik Deutschland v XC*, 1 August 2022, available at: https://bit.ly/3UAKXzH.

1194 Ibid.

1195 Council of State, ECLI:NL:RVS:2023:3886, 20 October 2023, available in Dutch at: https://bit.ly/3UAkDpj and Information message *IB 2023/59 Nareiziger is tijdens de nareisprocedure Nederland ingereisd*, available in Dutch at: https://bit.ly/3HRlzOC.

Backlog in processing applications for family reunification

The IND is currently not able to process applications for family reunification within the decision period of 9 months. This has caused an enormous backlog. As of November 2025, there are 53,550 outstanding applications for family reunification filed by beneficiaries of international protection under the favourable framework, 32,820 of which have exceeded the maximum decision period of 6 months.[1196]

The IND provides an estimate of the expected waiting period before the start of the procedure: On the webpage 'When will the IND start with my application for family reunification?', the IND gives an estimate of the month in which the application is expected to be taken into consideration. Currently it shows that IND will start processing applications that were filed in November 2023, in January 2026. Applications that were filed in November 2025, are expected to be processed starting August 2028.[1197] The backlog is nearly three years.

The website also shows a category of applications that will be taken into consideration faster. This applies to applications of complete families (parents and their minor children).

Visa issuance

In 2025 problems regarding waiting times for visa issuance at the Dutch embassies did not occur to the same extent as the years before.

Visa issuance at the Dutch embassy in Sudan is still suspended due to the security situation since April 2023.

The Dutch Ministry of Foreign Affairs started preparations to get family members out of Gaza in December 2023. At the beginning of January 2024, the first families were allowed to cross the border into Egypt by the Israeli/Palestine/Egyptian authorities. Within 72 hours from the moment of entry, the family members had received their travel documentation and had left Egypt for the Netherlands. In this context, it is noteworthy that IND gave priority treatment to the applications for family reunification of Gazan beneficiaries of international protection, because of the security situation in Gaza. The applications were approved by IND within 1-2 months after the war started.

Between March 2024 and March 2025, the Netherlands was not able to help evacuate any more family members of beneficiaries of international protection out of Gaza, because the border between Gaza and Egypt was closed. Since March 2025, the Ministry of Foreign Affairs successfully helped facilitate several more evacuations via Israel and Jordan. The IND has therefore resumed the processing of these applications with priority.[1198]

1196 A monthly survey (e.g. November: https://bit.ly/3LhW7at) can be found on IND webpage 'The IND in figures', available at: https://bit.ly/49oZ4Ol

1197 IND webpage, 'When will the IND start with my application for family reunification?', available at https://bit.ly/49jKDuQ , d.d. 9 January 2026

1198 Conflict Israel and Palestinian Territories: Updates Foreign Affairs | Ministries | Rijksoverheid.nl, available in Dutch at: https://bit.ly/4bqsfTP

Total number of family members arriving in 2025

Total number of applications submitted in 2025 by a beneficiary of international protection are not available at the time of writing this report. The report 'The State of Migration 2025' provides figures of the year 2024. [1199] In 2024, 30,850 family reunification applications were submitted. The total number of applications submitted in 2024 was 37% higher than in 2023. In 2024, 86% of the family reunification applications decided at first instance met the conditions and were granted. According to the report, in 2024 a total number of 13,250 applications were approved in first instance or on appeal.

According to the monthly survey of the IND, up to and including November 2025, a total number of 13,560 family reunification applications were submitted in 2025 (this figure also includes the number of applications for siblings of unaccompanied minors). In that same period, the IND decided upon 25,200 applications for family reunification.[1200]

The following table presents the numbers of persons arrived in the Netherlands in the context of family reunification with the holder of an asylum residence permit:

Family reunification with beneficiaries of protection in the Netherlands: 2025	
Country of origin	Number
Syria	12,132
Yemen	1,476
Turkey	462
Somalia	397
Pakistan	361
Unknown	360
Eritrea	313
Iraq	252
Afghanistan	192
Iran	88
Palestinian Territory, Occupied	68
Others	395
Total	16,496

Source: Asylum Trends, December 2025 main report, available here.

Subsequent application: If family reunification could not take place during the first application
For adult sponsors it is possible to file a subsequent application for family reunification with their core family members if the first application was either rejected or approved, but for some reason could not take place. The IND applies the concept of 'securing' the set time limit for family reunification as long as the sponsor holds an asylum permit. If the sponsor has acquired Dutch nationality before or during the (subsequent) application, the IND will no longer apply the favourable framework for family reunification. The sponsor must lodge an application within the regular framework.

1199 De Staat van Migratie 2025, d.d. 4 July 2025, available in Dutch at: https://bit.ly/3Lyafwl
1200 A monthly survey (e.g. November: https://bit.ly/3LhW7at) can be found on IND webpage 'The IND in figures', available at: https://bit.ly/49oZ4OI.

An unaccompanied minor's subsequent application for family reunification can be problematic. This is the case when the unaccompanied minor at the time of the subsequent application has reached the age of majority or is no longer considered to be unaccompanied. The Council of State ruled that unaccompanied minors cannot lodge a subsequent application for family reunification within the favourable framework if they no longer meet the age condition or 'unaccompanied' condition. The Council ruled that a former unaccompanied minor can only file an application within the *regular* framework, in which the circumstances as to why family reunification could not take place during the first application should be taken into account.[1201]

Other situations in which the regular framework applies

Apart from the abovementioned subsequent applications by (former) unaccompanied minors, there are other situations in which a sponsor needs to submit an application for their family member within the regular framework, even though they are beneficiaries of international protection. This applies for example to the unaccompanied minor who submits applications for not only their parents, but also for their siblings. The latter applications always need to be submitted within the regular framework.

Another example is the reunited family member, who in turn wishes to submit an application for family reunification with a family member who was left behind. In this case, an application can only be submitted in the regular framework, unless the (new) sponsor first obtains their 'independent' asylum status, not derived from their initial sponsor.

2. Status and rights of family members

Family members are granted the same status and rights as the sponsor. Their status however, is derived from the status of the sponsor. This entails that if the relationship between the sponsor and the family member ends within the first 5 years after the family member receives the permit, the permit can be revoked. There is an exception for children. If the family life between minor or adult children and their parents ends within the first year after reunification (e.g. because the child forms a family of their own or lives independently), this may lead to withdrawal of the dependent family member's permit (either the child itself or the parent of the unaccompanied minor). After this first year, severing of family ties has no consequences for the residence permit.[1202] In practice, these asylum permits are rarely revoked. In accordance with CJEU ruling *XC*,[1203] a reunited child is not obliged to cohabit with the parent. Regular contact or occasional visits are sufficient to maintain family life.

There are also no consequences for dependent family members, if a child lives separately from its parents for reasons related to their studies or due to a lack of suitable options to house an entire family. In these cases, family ties will not be considered to have been severed.

C. Movement and mobility

1. Freedom of movement

Beneficiaries of international protection are not restricted in their freedom of movement within the Netherlands. For the housing of beneficiaries, the COA takes into account four placement criteria (see section on Housing).

1201 Council of State, ECLI:NL:RVS:2020:2780, 23 November 2023, available in Dutch at: https://bit.ly/3wkhEqX (about the age requirement) and ECLI:NL:RVS:2020:2779, 23 November 2020, available in Dutch at: https://bit.ly/49uJ9wA (about requirement: unaccompanied).

1202 This is laid down in paragraph C2/10.6.1 Vc and *Working instruction WI 2022/21 Herbeoordelen asiel*, 24. (not publicly available).

1203 CJEU, C-279/20, ECLI:EU:C:2022:618, *Bundesrepublik Deutschland v XC*, 1 August 2022, available at: https://bit.ly/3UAKXzH.

2. Travel documents

Holders of an asylum residence permit or a permanent asylum residence permit can apply for a refugee passport (*vluchtelingenpaspoort*) issued by the Netherlands. There are no differences between refugees and subsidiary protection beneficiaries.

The duration of validity of the passport for refugees issued to a holder of a permanent asylum residence permit is 5 years. The duration of validity of the passport of a holder of a non-permanent asylum residence permit depends on the validity of the residence permit. There is a minimum duration of validity of 1 year and a maximum duration of validity of 3 years of the passport for refugees. Therefore, if the residence permit has a duration of validity less than a year, it is not possible to obtain a passport for refugees.

The possibility for obtaining a passport for refugees is provided in the Act of Passports (*Paspoortwet*). Holders of a (permanent) asylum residence permit can apply for a passport for refugees in the municipality where they live and where they are registered at the BRP. The municipality issues passports for refugees. The application must be done in person. The person must show their residence document and must bring two passport photos. Fingerprints will also be taken. The municipality must issue the passport as soon as possible, which means most of the time in 5 days. The municipality officially has 4 weeks to decide to issue the passport. The fee for a passport for refugees in 2025 is maximum €65.70. The refugee passport contains a travel limitation, prohibiting travel to the country of origin.

The application for a travel document is filed by an automated system at the municipality; the beneficiary does not need to apply. As far as the Dutch Council for Refugees is aware, there are no obstacles in the recognition of travel documents for beneficiaries of international protection issued by other countries. There are no statistics available on the number of travel documents issued.

D. Housing

Indicators: Housing

1. For how long are beneficiaries entitled to stay in reception centres?
   Until housing is available (no set time)

2. Number of beneficiaries staying in reception centres as of January 2026: 18,420

The main forms of accommodation provided to beneficiaries of international protection are:

- Reception centres;
- Temporary placements; and
- Housing.

Asylum applicants who are granted a residence permit are allowed to stay in the reception centre until COA has arranged housing facilities in cooperation with a municipality. When COA makes an offer for a house, the asylum applicant is obliged to make use of the offer of the COA in the sense that the right to reception facilities will end at the moment housing is offered.

Since beneficiaries are allowed to stay in the reception centre until housing is available, the law does not state a maximum period for the stay of beneficiaries in reception centres. The aim of the Dutch government is to have a maximum stay of 3.5 months in the reception centre after the granting of a residence permit.[1204] Unfortunately, many beneficiaries of international protection wait longer than 3.5 months in the reception centre for housing. In 2022, half of the people waited longer than 3.5 months and still a lot of people are waiting longer than 3.5 months. There is a backlog in housing for beneficiaries of international protection. At the end of the first half of 2024, the backlog consisted of 10,800

[1204] Kamerstuk II, 2017-2018, 34775 VI, No 17,answer 595, available in Dutch at: https://bit.ly/3tSWkrN.

beneficiaries of international protection waiting in COA facilities to be housed by a municipality.[1205] The main reason for the backlog is a shortage of social rental housing.[1206]

In 2025 there is still a backlog in housing for beneficiaries of international protection waiting in COA facilities to be housed by a municipality. In May 2025, the backlog of status holders still to be housed amounted to 12,500.[1207]

In January 2026, there were 18,420 refugees with a permit residing in COA reception centres.[1208]

The right to reception ends on the date that adequate housing – outside the reception centre – can be realised. The notion of 'adequate housing' is assessed by the COA.[1209] Together with municipalities, the COA has the obligation to arrange housing for beneficiaries.[1210] Two times per year, the authority lets the municipalities know how many beneficiaries they have to house. The COA matches the beneficiaries with a certain municipality. This is called the housing allocation target ('huisvestingstaakstelling')

For the housing of beneficiaries, the COA takes into account four placement criteria, which are:

1. Education, provided that the study is location-specific;
2. Work, provided that the beneficiary can prove that they have a labour contract with a duration of minimum 6 months and for 20 hours of more per week;
3. Medical and/or psychosocial indications, provided that the beneficiary can prove that the medical treatment can only be done by the current care provider, or that a customized home is necessary;
4. The presence of first-degree family in the Netherlands.

If one of these indications occurs, the COA tries to place the beneficiary in a radius of 50km of the municipality concerned. If the COA does not take into account the aforementioned indications and the beneficiary refuses the house on justifiable grounds, then a new offer will be done.

A beneficiary can refuse an offer for placement. The COA will assess within 14 days whether the refusal is justifiable. If the COA is of the opinion that the accommodation is suitable and the refusal unjustified, then the beneficiary is awarded a 24 hour to reconsider its position and to accept the accommodation. If the beneficiary continues to refuse the housing, then COA does not provide for a new offer. As a consequence, the beneficiary is summoned to leave the centre and the benefits granted by COA are terminated.

Logeerregeling (LodgingScheme)

The country experienced a first reception crisis in 2015, due to the high number of asylum applications. It was therefore decided that beneficiaries who were awaiting housing could also temporarily stay at families and friends. The so-called Lodging Scheme ('*Logeerregeling*') was introduced. The scheme is still in place, being renewed during the last years. The arrangement was last renewed in December 2023. The scheme is extended and besides status holders also asylum applicants in the general asylum procedure or the prolonged asylum procedure can make use of the Lodging Scheme if they would like to stay with friends, family, or a host family. In principle, they can stay there for up to 3 months. In some cases, this period can be extended, if an agreement is reached with the COA. The agreement ends when the status holder obtains a house. The arrangement gives status holders aged 21 years and over an additional payment of, in principle, € 25 per week. However, as of 22 March 2021, the additional payment of the COA temporarily increased to € 75 per week, to encourage more status holders to access the Scheme. During 2023, and the following years, the additional payment still consisted of € 75 per

1205 Kamerstuk 36600-XX-5, 24 October 2024, https://bitly.cx/UBRD.
1206 For more information see this information from EMN: https://bitly.cx/XanC.
1207 Kamerstuk 36600 XX, https://bit.ly/4qNK049.
1208 COA, Capaciteit en besetting, see https://bitly.cx/Xsba9.
1209 Article 7(1)(a) RVA.
1210 Article 3(1)(c) RVA; Articles 10(2) and 12(3) Housing Act.

week (when a whole family makes use of this scheme, the first person receives €75, the second person of the family receives €25, the third €12,50 up to a maximum of €125 for a whole family). The 'Logeerregeling' still exists. The conditions for making use of the Lodging Scheme ('*Logeerregeling*') can be found in English in a short version on the site of COA.[1211]

HAR ('Hotel en Accommodatieregeling')

In 2021, reception centres registered a new shortage of places, partly due to the COVID-19 pandemic and partly to the generalised shortage of rented houses in the Netherlands. Since 1 November 2021, the so-called '*Hotel- en accomodatieregeling*' (Hotel and Accommodation Arrangement) was introduced.[1212] Status holders awaiting regular housing at a municipality had the opportunity of accessing temporary accommodation at the same municipality responsible for their regular housing. A temporary accommodation might be a hotel, a holiday bungalow or a B&B, and would host the status holder for a maximum of 6 months. After that time, the municipality must have found a permanent house/accommodation; in any case, the municipality would then become financially responsible for the status holder. The HAR was amended in June 2024. In exceptional cases, the HAR can be extended once by 6 months if, despite efforts by the municipality, transfer to permanent housing is not yet possible. The change will take effect on July 5, 2024.[1213]

First the arrangement was only open to single beneficiaries without children. The beneficiary also may not be vulnerable. The status holders remain entitled to the COA's basic provisions, such as a weekly allowance and access to medical care. The status holder receive an additional payment of € 75 per week from the COA. The benefits granted by the COA will stop as soon as the municipality regular housed the status holder. The municipality receives a payment (€ 8,280 plus € 1,000 for guidance) for every status holder participating in this arrangement.

As previously described, in 2022 and 2023 there also was shortage of places at reception centres. In May 2022, 'Hotel- en accomodatieregeling' (HAR), was therefore prolonged for 3 months, and the target group covered by the measure was extended.[1214] The arrangement is now also open for status holders with children, status holders who still wait for family reunification and status holders who received a positive decision about their request for family reunification. The status holder still receives an additional payment of € 75 per week from the COA. If it concerns a whole family, the first person receives € 75, the second person of the family receives € 25, the third € 12,50 up to a maximum of € 125 for a whole family. The municipality still receives a payment (€ 8,280 plus € 1,000 for guidance) for every status holder participating in this arrangement. The arrangement was prolonged again throughout 2022. The HAR was supposed to continue up until 1 July 2023 only. Until then it was arranged that the HAR would continue until 2,500 status holders had left the reception of the COA by means of this arrangement. However, on 1 July 2023 the HAR was again prolonged and this time until 1 January 2025. It is now arranged that until 1 January 2025, every six months up to a maximum of 5,000 people can be placed in this arrangement.[1215] The COA has the supervision. There are no figures available.

The Minister announced in a letter dated 18 December 2024 that the HAR will be extended until 1January 2026. The arrangement and conditions under which the HAR can be used have remained the same. Beneficiaries with a permit are now obliged to make a personal contribution to the temporary accommodation during temporary accommodation - just like people in asylum reception. They report their income and assets to the COA. Furthermore, the maximum number of beneficiaries per six months who can receive temporary accommodation through the HAR has been reduced to 2,000.[1216]

1211 Explanation of the Logeerregeling available in Dutch at: https://bit.ly/3INAuIj.
1212 Stcrt. nr. 45592, 2021.
1213 Stcrt nr. 22291, 2024: Stcrt 2024 at: https://bitly.cx/jtP5L.
1214 Stcrt. nr. 12550, 2022.
1215 Stcrt nr. 16727, 2023.
1216 Kamerbrief van 18 december 2024, Kamerbrief over diverse onderwerpen op het gebied van migratie at: https://bitly.cx/jg6G.

HAR+ (Scheme to Encourage the Exit of Permit Holders from Asylum Reception 2025)

In August 2025, the Scheme to Encourage the Exit of Permit Holders from Asylum Reception 2025 ('Regeling stimuleren uitstroom vergunninghouders uit de asielopvang 2025') was published.[1217] This scheme retroactively extends the existing Hotel and Accommodation Arrangement, which was in effect until 1 January 1 2025. The scheme was also expanded and will run until 1 January 1 2026. It is already known that HAR+ will be extended until 1 July 2026, but, at the time of writing this report, the regulation for that extension has not yet been published.

The scheme extends the existing HAR, with the purpose of relieving the reception facilities by allowing status holders, while waiting for regular housing, to be accommodated in their future place of residence. The municipality to which the status holder is assigned for housing by the COA can temporarily (for a maximum of twelve months) provide shelter in (recreational) locations not intended for permanent residence, such as a hotel, guesthouse, holiday home, or Bed & Breakfast, and immediately count this towards fulfilling the housing allocation target. The principle is that the municipality ensures regular housing within twelve months. Under the previous HAR, the period was six months. The target group remains the same.

The COA provisions continue for a maximum of 12 months. After that, the municipality takes over the costs if regular housing has not yet been arranged. In addition to the COA provisions, the permit holders also receive an extra allowance similar to the "Logeerregeling" the Lodging Scheme.

Doorstroomlocatie (transit location)

In 2024, a new method was introduced to temporarily house refugees with a residence permit in a municipality responsible for their regular housing. These are called 'transit locations' (*doorstroomlocaties*). Refugees can stay there for a maximum of one year. After that, the municipality must have arranged permanent housing. Refugees staying in a transit location fall under the municipality's provisions. The municipality can choose which building they want to use as a transit location. The location must meet the requirements for buildings with a residential function. These requirements are outlined in the Building Decree. There are no statistics available on how many refugees with a residence permit are staying in a transit location.

The introduction of the transit location "doorstroomlocatie" started as a pilot. In 2025, the official regulation for this form of temporary housing was implemented.

In April 2025, the Funding Scheme for Housing Permit Holders in Transit Locations was published ('Bekostigingsregeling huisvesting vergunninghouders in doorstroomlocatie').[1218] This scheme outlines the reimbursements municipalities can receive when they open a transit location. It also describes how they can apply for this reimbursement. Municipalities will receive a transition allowance and, in addition, € 60 per day per permit holder for an entire year (if it is a regional transition location, the municipality will receive € 8 more). If the permit holder has not been housed in regular accommodation after that year, the reimbursement from the government will cease. The permit holder can therefore stay in a transit location for longer than a year if the municipality has not yet found other housing. That is a difference compared to the previous setup from the pilot phase. A transit location itself can exist for a maximum of three years. A status holder can therefore stay there for a maximum of three years.

Municipalities are allowed to charge rent for staying in the transition location through a temporary rental contract or a fee via a user agreement. Permit holders are no longer under the responsibility of COA.

1217 Staatscourant 2025, nr.28170. https://bit.ly/453T8ZY.
1218 Staatscourant , 2025, nr. 11378 https://bit.ly/45J4HWy.

E. Employment and education

1. Access to the labour market

The rights and duties for beneficiaries with regard to employment are included in the Aliens Labour Act.[1219] This law is based on international and European legislation.[1220] In the Netherlands, refugees and subsidiary protection beneficiaries with a residence permit have free access to the Dutch labour market as soon as they receive their residence permit. The residence permit must contain a notification stating: 'free access to the labour market, no work permit required' (*arbeid vrij toegestaan, tewerkstellingsvergunning niet vereist*). Free access means in this context: free access to employment, the right to entrepreneurship, to follow an internship or to do voluntary work. There is no work permit or a so-called 'volunteer's declaration' required. Dutch law makes no distinction between refugees or subsidiary protection beneficiaries in this regard.

According to several studies, the position of beneficiaries of international protection within the Dutch labour market is highly vulnerable, with limited improvements made through time.[1221] Although legal access to labour participation is granted, the effective access is limited as they face practical obstacles, such as psychological and physical distress, lack of documentation proving qualifications, lack of a social network, low educational levels, lack of language proficiency, etc. Therefore, beneficiaries are in a more disadvantageous position than other immigrants or Dutch nationals.[1222] The number of beneficiaries with paid employment increased in 2022 compared to the previous year. Among the beneficiaries who were granted residence permits in 2014, 45 percent had a job by mid-2022. Looking at the characteristics of the most recent jobs, the majority of beneficiaries have part-time employment (53 percent) and a temporary contract (79 percent). Among those employed, 5 percent work as self-employed individuals.[1223] Specific figures on the number of beneficiaries with paid employment in 2023 are not yet available. The Central Bureau of Statistics (CBS) updates these figures annually; the most recent update includes data up to 1 July 2023. In the first half of 2023, 10% of beneficiaries had secured employment within three months of receiving their residence permit.[1224] Furthermore, research demonstrates an upcoming trend where municipalities support beneficiaries in maintaining their jobs; one third of the municipalities continue their guidance after beneficiaries started a job.[1225] The decrease in number of beneficiaries actively working during the pandemic seems to be resolved, this is mainly because they also benefit from the high labour demand in the Netherlands at the moment.[1226]

The Dutch government adopts a hybrid approach to employment-related support measures, by combining generic initiatives for migrants with specific, tailored assistance for beneficiaries of international protection. Examples include Dutch integration courses, support for obtaining recognition of professional qualifications and housing assistance.[1227] Employment services are legally anchored in the Participation Act (*Participatiewet*).[1228] For asylum applicants the government also tends to improve the labour participation by focussing on participation at an earlier stage, i.e. while people are still in AZCs. An example of this is the so-called 'screening and matching' process, during which the COA conducts a screening of labour skills and matches individuals with municipalities that offer better

1219 Aliens Labour Act.
1220 See Articles 17, 18, 19 and 24 Refugee Convention, Article 6 ICESCR, Article 26(1) recast Qualification Directive, Article 14 Family Reunification Directive, Article 1 European Social Charter, etc.
1221 KIS and Divosa, KIS-Monitor 2023, *Gemeentelijk beleid arbeidstoeleiding en inburgering statushouders en gezinsmigranten*, September 2023.
1222 European Migration Network (EMN), *The integration of beneficiaries of international / humanitarian protection into the Dutch labour market: Policies and good practices*, February 2016, available here, 3.
1223 CBS, *Cohortonderzoek asielzoekers en statushouders, Asiel en integratie 2023*, April 2023, see in Dutch : https://bit.ly/4bzIZpe.
1224 CBS, Dashboard Asylum and Intergeration, in Dutch via: https://bit.ly/4fT3XR4.
1225 EMN, *The integration of beneficiaries of international / humanitarian protection into the Dutch labour market: Policies and good practices*, February 2016, available here, 4.
1226 KIS and Divosa, Factsheet statushouders: rapportage werk, onderwijs en inburgering 2021, Octobre 2022.
1227 *Ibid*, 4.
1228 Wet van 9 oktober 2003, houdende vaststelling van een wet inzake ondersteuning bij arbeidsinschakeling en verlening van bijstand door gemeenten (Wet werk en bijstand).

employment opportunities. Additionally, COA provides language classes in the reception centres for asylum applicants likely to receive international protection (currently limited to individuals from Syria, Eritrea, Turkey, Yemen and, stateless persons).[1229]

For many job opportunities, professional qualifications are required. In order to obtain recognition of these qualifications, the Cooperation Organisation for Vocational Education, Training and the Labour Market (*Stichting Samenwerking Beroepsonderwijs Bedrijfsleven* SBB) jointly compare foreign diplomas with the Dutch educational system.[1230] In case a refugee follows a compulsory Dutch integration course, this is provided for free. The main obstacle is that many refugees lack any credible documents to prove their qualifications. Furthermore, a low educational level form impede access to language courses or vocational educational training.[1231]

On 29 January 2024, the Dutch government announced that five municipalities and regions have initiated a pilot program to offer paid employment directly to status holders (recognized refugees) as they transition from asylum centres to their new municipalities. The aim of this ongoing initiative is to enhance integration by enabling status holders to participate in the workforce immediately, facilitating language acquisition and improving their position in the labour market. Lessons learned will be shared with other municipalities to promote similar employment opportunities for status holders nationwide. This effort is part of the *'Plan van aanpak Statushouders aan het werk'* (Action Plan: Status Holders to Work), funded by the Ministry of Social Affairs and Employment, and will be continued in 2026.[1232]

Good practices

Part of the integration requirement for beneficiaries of protection is the MAP module (Training Module Labor Market and Participation). The purpose of the MAP is to familiarise and prepare those obliged to integrate with the Dutch labour market. A good practice is the MAP module developed and provided by the Dutch Council for Refugees (VWN) in close cooperation with the municipality of Hilversum and so called 'employer service points'. Six weeks after housing in the municipality of Hilversum, refugees receive an intake, where their work and educational background, language level, family situation, motivation, interests and ambitions are discussed with an employee of the municipality and the Dutch Council for Refugees (VWN). After that, the person is placed in a group training MAP Start or MAP Deepening. In addition, refugees receive an individual employment coach; a carefully recruited and trained volunteer. This MAP module aims to contribute to the empowerment of the target group and offers appropriate support for early participation and employment.

2. Access to education

According to the Compulsory Education Act,[1233] all children in the Netherlands from the age of 5 to 16 should have access to school, education is compulsory for them. The abovementioned right to education is applicable to Dutch children as well as to children with refugee status or with subsidiary protection under similar conditions.[1234]

Since the implementation of the Civic Integration Act 2021, municipalities are obligated to consider the family composition and the potential need for pre-school or early childhood education (*voorschoolse- of vroegschoolse educatie* (VVE) during the intake process that determines the integration course. Pre-school education is provided for children aged two and a half to four years old who would benefit from additional attention and support in their development, particularly in areas such as language skills. This preparation aims to ensure that children are as well-prepared as possible when they start primary

1229 Ministry of Social Affairs, KST 32 824, nr. 303, 4.
1230 See website of *Internationale Diplomawaardering* IDW, available in Dutch at: https://bit.ly/3TR81ta.
1231 EMN, *The integration of beneficiaries of international / humanitarian protection into the Dutch labour market: Policies and good practices*, February 2016, available here, 4.
1232 Rijksoverheid, Gemeenten starten proef om statushouders direct aan werk te helpen | Nieuwsbericht | Rijksoverheid.nl available in Dutch at: https://bit.ly/3PrnBc5.
1233 Law of 30 May 1968, houdende vaststelling Leerplichtwet 1969, available in Dutch at: http://bit.ly/2kKXQpV.
1234 Article 27 recast Qualification Directive.

school. The Dutch government has established the framework of VVE, while municipalities are responsible for ensuring there is an adequate and accessible supply of pre-school education within their jurisdiction. For this purpose municipalities receive funding from the central government. However, the scope and delivery of VVE programs can vary by municipality, with some municipalities integrating these programs into broader support strategies for newcomers. Early childhood education is not an independent form of education but refers to the additional support provided by primary schools to children in groups 1 and 2 who require it. Many primary schools, for instance, focus on enhancing language and reading skills for these children. Furthermore, municipalities are not obligated to arrange childcare, but they recognise that childcare is a prerequisite for enabling parents to participate in integration activities. In some cases, municipalities may offer financial support or collaborate with local childcare providers to meet this need.[1235]

Municipalities and schools are tasked with ensuring timely access to education. For children of international protection status holders, municipalities must arrange suitable schooling and educational facilities as part of their integration process. Funding mechanisms are available to support schools, including regular and supplementary grants for newcomer students. COA plays a role in facilitating transportation, infrastructure, and additional school costs. Transition classes and language support are provided to help children integrate into the regular education system. A regional approach is encouraged to coordinate efforts, pool expertise, and ensure continuity in educational pathways. Support organisations like LOWAN provide advice and training to schools and municipalities on meeting the specific needs of newcomer children, including language acquisition and educational planning. Stakeholders can seek further assistance from established support networks or government representatives.[1236]

According to the recast Qualification Directive all minor children have the same access to education regardless their legal status. The Dutch Council for Refugees is not aware of any obstacles in practice for children to access education. There are preparatory classes, also known as international intermediate classes.

From the age of 16 and 17, 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 Dutch nationals are the same as those for aliens.

Adults with a residence permit have the same access to education as Dutch nationals. Nevertheless, research shows that this group of beneficiaries encounters significant barriers to being admitted to education programmes. According to municipalities, whereas for 40% of the status holders the best way to integrate would have been starting an education programme, only 17% had started one in 2020. Reasons are among other an insufficient knowledge of Dutch or subjects such as mathematics or English, financial barriers or a lack of (soft) study skills.[1237] Research shows that, looking at the percentage of studying beneficiaries and their period of time having a permit, a higher number of younger beneficiaries start an education programme, and they begin sooner after obtaining their permit than in past years.[1238]

Municipalities are obligated to create early childhood education and care opportunities. They can define their own target group for these opportunities.[1239] However, it follows within reason that asylum seekers would fall within the target group, as these opportunities are focused on groups with a risk of deficiencies

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1235 Answers from the Minister of Social Affairs and Eployment to question Parliamentary Questions, KST 35483-51, 19 September 2023.

1236 Ministry of Education, Culture, and Science. (2020). Information document on education for asylum seekers' children. Available in Dutch at: https://bit.ly/4h7eA3O.

1237 KIS and Divosa, *Monitor gemeentelijk beleid arbeidstoeleiding vluchtelingen 2020*, November 2020, available in Dutch at: https://bit.ly/3tYN3d8.

1238 KIS and Divosa, *Monitor gemeentelijk beleid arbeidstoeleiding vluchtelingen 2020*, November 2020, available in Dutch at: https://bit.ly/3tYN3d8.

1239 Rijksoverheid. Voorschoolse educatie (Pre-school education), available at: https://bitly.cx/qXx1.

in the Dutch language. However, research indicates that in over 40% of municipalities housing asylum seekers, these opportunities are currently unavailable.

F. Social welfare

Dutch law provides access to social welfare for beneficiaries of international protection under the same conditions as nationals. There is no special legislation for beneficiaries of international protection beyond general legislation valid for every resident legally present in the Netherlands, except for asylum applicants whose rights are regulated by RVA. No distinction is made between refugees and subsidiary protection beneficiaries.

1. Types and conditions of social assistance

Beneficiaries of international protection between the age of 18 and 67 can apply for:

- Social assistance (*algemene bijstand*): social assistance is meant to financially support people who are not able to make their own living and cannot rely on other social facilities until a job has been found;[1240]
- Allowances (*toeslagen*), which have a different aim than social assistance; and
- Child benefit (*kinderbijslag*).

There are four types of allowances *(toeslagen*), each contributing towards specific costs. Beneficiaries of international protection can apply for:

1. Health care allowance;[1241]
2. Rent allowance;[1242]
3. Child care allowance;[1243]
4. Supplementary child care allowance.[1244]

Municipalities are responsible for providing social assistance for their residents. The Tax Office provides the allowances and the Social Security Bank allocates the child benefit.

On 1 January 2022, the Civic Integration Act 2021 entered into force.[1245] Part of this new system is that beneficiaries of international protection will no longer be entitled to social assistance during the first six months of their legal stay in a Dutch municipality. Instead, the municipality will pay their costs for housing, the energy bills and health insurance, as far as the social assistance reaches. The beneficiaries will receive the rest of the amount as a monthly allowance, besides the additional allowances provided by the Tax Office and the Social Security Bank. The goal of this system that is called 'ontzorgen' (or 'to relieve') is to support refugees with their start in the Netherlands so they can focus more on their integration in Dutch society. Municipalities are encouraged to provide trainings about the Dutch financial system and budget coaching so beneficiaries become more financially self-sufficient during these six months.[1246] After almost two years, it became evident that for municipalities, the mandatory *ontzorgen* is challenging to organise in practice, and as a result, municipalities either do not execute it or only do so partially. Part of the reason for this is that the group that needs to be supported is not homogeneous and therefore often requires an individual approach. Additionally, the amount of social assistance is often insufficient to cover the fixed expenses. Sometimes *ontzorgen* even proves counterproductive, leading to unpaid or double-paid bills. The Ministry of Social Affairs and Employment is currently collaborating with municipalities to explore ways to enhance the support system.[1247]

1240 Article 11(2) Participation Act.
1241 Articles 2-2a Healthcare Allowance Act.
1242 Articles 8-15 Rent Allowance Act.
1243 Article 1.6(1)(g) Child Care Act.
1244 Article 2(1) Supplementary Child Care Act.
1245 Stb 2021, nr. 38.
1246 Ministry of Social Affairs, KST II 2019/20, 35483, nr. 3.
1247 KIS and Divosa, KIS-Monitor 2023, *Gemeentelijk beleid arbeidstoeleiding en inburgering statushouders en gezinsmigranten*, September 2023.

Conditions for obtaining social welfare

Apart from certain financial requirements, the beneficiary of international protection must also meet benefit-specific conditions:

- **Childcare allowance:** the person must: (a) have a paid job; or (b) attend a civic integration course, provided that the course is compulsory. In a judgment, the Council of State decided that, in exceptional cases, non-paid jobs could also suffice.[1248] If the beneficiary has a spouse, both persons have to meet one of the aforementioned conditions in order to be eligible for the childcare allowance together.

- **Rent allowance:** The person concerned must: (a) rent a house; (b) have a signed rental contract; (b) be registered in the Municipal Persons Database (BRP) of the municipality where the property is located; and (d) have a rental contract of durable nature. Since the first of January 2022, having a minor child without a residence permit no longer affects the right to receive rent allowance for the rest of the family.[1249]

- **Child benefit:** The child benefit is not dependent on the income of the beneficiary. In principle, each resident who is legally present in the Netherlands and has a child is eligible. However, the person must demonstrate that there is a durable bond of personal nature between them and the Netherlands. This bond is presumed in the case of beneficiaries of international protection, but can be problematic for other foreigners who become eligible only after a certain period of time e.g. six months or one year.

The allowances and child benefit are not tied to a requirement to reside in a specific place or region within the Netherlands. Social assistance as such is not bound by a requirement of residence either. However, the person concerned can only apply for social assistance at the municipality in whose BRP he or she is registered.

2. Obstacles to accessing social assistance in practice

Processing times

After the beneficiary has applied for social assistance, the processing time for the allocation and payment can run up to 8 weeks. Municipalities can grant an advance payment but this does not always cover the whole period. To prevent further delay, it is of utmost importance to apply for social assistance timely. The processing time for the application can be even longer for young adults below the age of 27, who are subject to a statutory waiting period of 4 weeks if the municipality requires so. In these 4 weeks the young adult has to try to find a paid job. If they are not successful, the municipality starts processing the application. In this situation, after these 4 weeks, municipalities have 8 weeks to process the allocation and payment of the application.

Issues related to social assistance in shared households

Another known problem is the situation of collective housing of multiple, unconnected, beneficiaries. Collective housing was an important instrument especially in 2016, in order to cope with high housing demand due to the large influx of arrivals. The so-called '*kostendelersnorm*' was introduced in the Participation Act in 2015 and applies to persons aged 27 to 67.[1250] Its aim is to prevent a stack of social assistance within one household. The rationale is that family, friends and/or roommates can share costs and that less assistance is therefore needed. The '*kostendelersnorm*' also applies in the situation of the

[1248] See Council of State, Decision No 201800817/1/A2, 12 December 2018, available in Dutch at: https://bit.ly/3SQqKoo.
[1249] Article 9 (3) Algemene Wet inkomensafhankelijke regelingen [Staatsblad 2021, nr. 651, 22 December 2021].
[1250] Staatsblad 2022, nr. 500, 6 december 2022, available in Dutch at: https://bit.ly/3Tjqrmj.

'*logeerregeling*'. However, the Ministry of Social Affairs and Employment agreed that municipalities may decide themselves whether or not they apply the '*kostendelersnorm*' or not.

More concretely, this means that the group as a whole gets more social assistance, although the individual pro rata sum is lower. However, beneficiaries who do not have a link with one another do not share costs in practice. This can lead to situations in which the income of beneficiaries is so low that it falls under the poverty line. Due to the current scarcity of houses in the Netherlands, this problem might present itself again in the future. Since municipalities have more difficulties with housing beneficiaries, it is more likely that individuals will be placed together in one house, without having a link or sharing a household. Nevertheless, the '*kostendelersnorm*' will be applied.

Single parent allowances

Beneficiaries can also be confronted with the so-called '*ALO-kopproblematiek*'. The 'ALO-*kop*' is part of the supplementary childcare allowance and can be seen as an additional financial compensation for single parents. In practice, problems arise when the spouse of the beneficiary is still living abroad awaiting family reunification.

A spouse residing abroad cannot be recorded in the computer system of the Tax Office as spouses cannot be registered in the Municipal Personal Records Database (BRP) at that particular stage and therefore do not have a BSN.

Previously, in order to obtain allowances, including the supplementary childcare allowance, the Tax Office proposed that beneficiaries register themselves as single parents. However, the supplementary childcare allowance and the ALO-*kop* are linked in the computer system of the Tax Office and cannot be granted separately. As a result, by applying for the supplementary childcare allowance, the beneficiary also automatically received the ALO-*kop*, even though the beneficiary was not entitled to the ALO-*kop*. When family reunification is been finalised and the spouse is registered into the BRP, the Tax Office will automatically be notified. The Tax Office would then legally be obliged to recover the ALO-*kop*. It regularly occurred that the beneficiary became aware of this fact too late and had already spent the ALO-*kop*, resulting in debt. The Dutch Council for Refugees addressed this issue, which resulted in a new procedure.

Since the end of 2023, there is a new procedure in place for applying for allowances with a partner without a BSN. If the beneficiary applies for the supplementary childcare allowance while the spouse is still abroad, the Tax Office will ensure that the ALO-kop is not granted. This is because there is no entitlement to the ALO-kop, as the beneficiary is not a single parent. This new procedure prevents the ALO-kop from being recovered by the Tax Office when the partner arrives in the Netherlands as part of family reunification. However, it also results in a parent missing out on an important amount of money that is necessary to provide for the family's maintenance, as the spouse abroad effectively cannot financially contribute. Municipalities are required to compensate these parents for the loss of the ALO-kop by increasing social assistance by the amount of the ALO-kop.

G. Health care

Under the Health Insurance Act (Zorgverzekeringswet), every resident is obligated to obtain health insurance. Beneficiaries of international protection are obligated to obtain health insurance from the moment they receive a positive decision on their asylum application. This also applies to the beneficiary still residing in a reception centre. However, in that case, the beneficiary is insured under the Regulation on Medical Care for Asylum Seekers (RMA; Regeling Medische zorg Asielzoekers) as part of the RVA scheme. After being housed in a municipality, they are obliged to insure themselves privately for health care.

Beneficiaries are entitled to the same health care as nationals. Both groups fall under the Health Insurance Act and the Long-Term Care Act and, therefore, have access to all sorts of health care,

including specialised treatments. As far as the authors of this report are aware, beneficiaries of international protection do not experience any specific obstacles in accessing health care in the Netherlands. Beneficiaries are provided with an interpreter should they need one.

Like every national, beneficiaries have to pay health insurance fees. Every resident whose income does not reach a threshold of an annual income of € 39,719 per year is entitled to health care benefits in 2025. The threshold for a household (2 partners) is € 50,206 per year. In practice, most beneficiaries of international protection receive these benefits during the first years after being granted their residence permit, as their income is usually insufficient.

In The Netherlands the preparations for the Pact coincide with numerous national legislation proposals that sometimes overlap.

It is first to be noted that the Aliens Act, in particular Article 82, has still not been adjusted to incorporate the *Gnandi* judgment, and will likely not happen because of the implementation of the EU Pact on Migration and Asylum.

Regarding reception conditions, among others, the Dutch National Implementation Plan for the Pact on Migration and Asylum recognizes that the recast Reception Conditions Directive explicitly requires the daily expenses allowance to always include a monetary amount.[1251]

The legislative proposal for abolishing the permanent asylum permit and lowering the duration of the asylum permit from 5 to 3 years. has also been included in the legislative proposal to implement the EU Migration Pact.[1252]

On 12 March 2025, a legislative proposal titled *"Asylum Emergency Measures Act"* was submitted.[1253] One of the measures proposed is to narrow the category of eligible family members who may qualify for family reunification with the sponsor in the Netherlands. If the proposal enters into force, unmarried partners will no longer qualify. Children who were already adults at the time the sponsor entered the Netherlands will also no longer be eligible for family reunification, nor will foster children and adopted children. A positive development, however, is that minor siblings of an unaccompanied minor holding an asylum residence permit will henceforth fall under the more favourable framework for family reunification. For them, currently, the regular framework applies. Unlike the current situation, they will then also be eligible for an asylum residence permit. In the legislative proposal '*Implementation and Enforcement Act for the 2026 Asylum and Migration Pact 2026*', this restriction of the category of eligible family members is also included. [1254]

However, on 12 March 2025, a new legislative proposal titled *"Introduction of a Two-Status System"*[1255] was also submitted, which, upon entry into force, aims to introduce a distinction in the right to family reunification. The waiting period proposed in the legislative proposal for holders of an asylum permit that is based on subsidiary protection status would be two years. In addition to a waiting period, the holder of a residence permit based on subsidiary protection will also have to meet an income requirement and a housing requirement before becoming eligible for family reunification. Again, in the legislative proposal '*Implementation and Enforcement Act for the 2026 Asylum and Migration Pact 2026*', this waiting period is also included.[1256]

1251 KST 32317, nr. 908, *Implementatie van het EU Migratiepact*, 6 December 2024, available in Dutch at: https://bit.ly/4fQZHSc. Attached to this document is the Implementation Plan itself, available in Dutch at: https://bit.ly/40sgs1z.

1252 KST 36871 nr. 2, Legislative proposal to implement the EU Migration Pact, available in Dutch at: https://bit.ly/4bnm42M.

1253 KST 36704, nr. 2, Wijziging van de Vreemdelingenwet 2000 en de Algemene wet bestuursrecht in verband met maatregelen om de asielketen te ontlasten en de instroom van asielzoekers te verminderen (Asielnoodmaatregelenwet), Voorstel van wet, 12 maart 2025, available in Dutch at: https://bit.ly/4sCrFsw

1254 KST 36871, nr. 2, Wetsvoorstel Uitvoerings- en implementatiewet Asiel- en migratiepact 2026, Voorstel van wet, 17 December 2025, available in Dutch at: https://bit.ly/4qQWZ57.

1255 KST 36703, nr. 2, Wijziging van de Vreemdelingenwet 2000 in verband met de introductie van een tweestatusstelsel en het aanscherpen van de vereisten bij nareis (Wet invoering tweestatusstelsel), Voorstel van wet, 12 maart 2025, available in Dutch at: https://bit.ly/4sylbtc.

1256 KST 36871, nr. 2, Wetsvoorstel Uitvoerings- en implementatiewet Asiel- en migratiepact 2026, Voorstel van wet, 17 December 2025, available in Dutch at: https://bit.ly/4qQWZ57.

ANNEX I - Transposition of the CEAS in national legislation

Directives and other CEAS measures transposed into national legislation

Directive	Deadline for transposition	Date of transposition	Official title of corresponding act	Web Link
Directive 2011/95/EU Recast Qualification Directive	21 December 2013	1 October 2013	Wet van 29 oktober 2008 wijziging van de Vreemdelingenwet 2000 ter implementatie van richtlijn 2004/83/EG van de Raad van 29 april 2004 betreffende minimumnormen voor de erkenning en de status van onderdanen van derde landen en staatlozen als vluchteling of als persoon die anderszins internationale bescherming behoeft, en de inhoud van de verleende bescherming (PbEU L 304)	
Directive 2013/32/EU Recast Asylum Procedures Directive	20 July 2015	20 July 2015	Wet van 8 juli 2015 wijziging van de Vreemdelingenwet 2000 ter implementatie van Richtlijn 2013/32/EU van het Europees parlement en de Raad van 26 juni 2013 betreffende gemeenschappelijke procedures voor de toekenning en intrekking van de internationale bescherming (PbEU 2013, L 180) en Richtlijn 2013/33/EU van het Europees parlement en de Raad van 26 juni 2013 tot vaststelling van normen voor de opvang van verzoekers om internationale bescherming (PbEU 2013, L 180)	http://bit.ly/1CSh5md (NL)
Directive 2013/33/EU Recast Reception Conditions Directive	20 July 2015	20 July 2015	Wet van 8 juli 2015 wijziging van de Vreemdelingenwet 2000 ter implementatie van Richtlijn 2013/32/EU van het Europees parlement en de Raad van 26 juni 2013 betreffende gemeenschappelijke procedures voor de toekenning en intrekking van de internationale bescherming (PbEU 2013, L 180) en Richtlijn 2013/33/EU van het Europees parlement en de Raad van 26 juni 2013 tot vaststelling van normen voor de opvang van verzoekers om internationale bescherming (PbEU 2013, L 180)	http://bit.ly/1CSh5md (NL)