

Your asylum application

Information about the General Asylum Procedure

Why have you received this leaflet?

You have applied for asylum in the Netherlands. Asylum means protection in another country for people who are not safe in their own country and cannot get protection there.

When you apply for asylum, you are officially asking the Dutch government for a residence permit. You need a residence permit to live in the Netherlands. The asylum procedure will start once you submit your asylum application. The asylum procedure is a legal procedure in which the Dutch government determines whether you can be granted a residence permit.

This leaflet explains the steps of the asylum procedure. It also explains what you have to do (your obligations) and what you can expect from the Dutch government (your rights).

Which organisations will you encounter?



The **Centraal Orgaan opvang asielzoekers** (COA) is responsible for the reception and support of asylum seekers in the Netherlands during the asylum procedure. The COA also makes sure you have food and health insurance. The COA can help you contact a doctor, if necessary. The COA is an independent organisation and does not decide on your asylum application.

www.coa.nl



GezondheidsZorg Asielzoekers (GZA) provides assistance if you are ill or have any medical questions. There is a GZA health centre at or near every COA reception centre. GZA can arrange appointments for you with a doctor's assistant, nurse, GGZ senior practice nurse or general practitioner.

www.gzasielzoekers.nl



VluchtelingenWerk Nederland (VWN) is an independent human rights organisation that promotes the interests of asylum seekers. VWN will provide information about the asylum procedure, inform and support you throughout the procedure, and mediate in the event of problems with other organisations. They work closely with your lawyer to this effect. VWN does not decide on your asylum application.

www.vluchtelingenwerk.nl

www.refugeehelp.nl

Raad voor Rechtsbijstand

The **Raad voor Rechtsbijstand** (RvR) ensures that you get help from a lawyer if you cannot afford one yourself. The RvR will pay your lawyer a fee for the services provided. The lawyer does not work for the RvR. The lawyer is an independent legal aid provider who assists you during your asylum procedure.

www.rvr.org



The **Immigratie- en Naturalisatiedienst** (IND) is a division of the Dutch Ministry of Justice and Security. The IND investigates whether you are entitled to asylum in the Netherlands. IND officials will therefore ask you questions about who you are and why you have applied for asylum in the Netherlands. The IND will investigate your story and the situation in the country you came from to determine whether you can temporarily or permanently stay in the Netherlands.

www.ind.nl



There are **security guards** in the IND buildings and COA reception centres. You can recognise them by their uniforms. They are there for your safety. You can also ask them any questions about what is and is not permitted in the IND and COA buildings and premises. The security guards have no influence on the decision about your asylum application.



Dienst Terugkeer en Vertrek
Ministerie van Justitie en Veiligheid

The **Dienst Terugkeer en Vertrek** (DT&V) is part of the Dutch Ministry of Justice and Security. If the IND denies you asylum, the DT&V will talk to you about your return to your country of origin.

www.dienstterugkeerenvertrek.nl



The **Internationale Organisatie voor Migratie** (IOM) is an independent organisation that supports migrants worldwide. The IOM can help you if you want to leave the Netherlands independently. The IOM provides practical information about your return and reintegration and can assist you in arranging your departure from the Netherlands. You can contact IOM, the DT&V, VWN or your lawyer directly to help you with this.

www.iom-nederland.nl



According to the Dutch Civil Code, Nidos is the official guardianship institution for unaccompanied and separated minor foreign nationals in the Netherlands. Nidos manages children's development toward self-reliance and intervenes when that development is at risk of stagnating. The professionals at Nidos are committed and put the interests of the individual child first, while respecting their cultural background. Nidos also supervises children receiving care from the COA due to a poor family environment. In that case, Nidos supports the parents to restore the child-rearing environment.

www.nidos.nl



Dienst Justitiële Inrichtingen
Ministerie van Justitie en Veiligheid

The **Dienst Justitiële Inrichtingen** (DJI) is part of the Dutch Ministry of Justice and Security. If you are in immigration detention, you stay in a secure building. The DJI manages the building. DJI employees wear a uniform. They will care for and assist you during your stay in the secure building.

www.dji.nl

What is expected of you?

During the procedure, it is important that you explain why you need asylum in the Netherlands. You will be expected to provide the IND any evidence you have or can obtain (e.g. your documents or letters supporting your statements).

Before the application interview, you received a leaflet from the IND about sending documents. If you receive documents that are important to your asylum application after the registration, the leaflet explains how to provide them to the IND.

If there are any personal circumstances that the IND should take into account, you can report this to VluchtelingenWerk (VWN) or the IND.

The IND can then take appropriate measures, if necessary, such as during the interviews or in the reception centre by the COA. The IND will offer as much support as possible.

Preparing for your asylum procedure

During the Rest and Preparation Period (RVT), you will live in a COA reception centre.

During the RVT, you will usually undergo a medical examination to determine whether you are fit to tell us about your reasons for requesting asylum. A VWN employee will also provide information about the asylum procedure during the RVT. VWN provides assistance and support during the asylum procedure. This help is free. You will meet your lawyer shortly before the start of your asylum procedure. Your lawyer knows the laws and regulations on asylum, and will help you prepare for your detailed interview. This is the interview with the IND in which you explain why you are requesting asylum. Your lawyer's help is usually free.

If you have children aged 15 or above, they will have a separate detailed interview. If you have children aged 12–15 who have their own reasons for applying for asylum, they can have their own detailed interview with the IND if they wish. You can notify your lawyer of this.

The asylum procedure, day by day

On the day of your appointment with the IND, you must go to the IND office. This is where the General Asylum Procedure (Algemene Asielprocedure, AA) begins. The AA usually takes 6 days. There is also a longer General Asylum Procedure: the AA+, which usually takes 9 days. The AA+ is intended for asylum applications for which the IND expects a longer detailed interview or investigation. It is also for asylum seekers who need more attention due to mental or physical problems. After the RVT, the IND will decide whether you will follow the AA or AA+ procedure.

During the asylum procedure, you may stay at the same reception centre you stayed in during the preparation of the procedure. In some cases, you may be moved to a reception centre closer to the IND office after the RVT. You will be taken to the IND office for the interviews with the IND unless it is so close that you can go on foot. Below is a description of your asylum procedure on a day-to-day basis.

General Asylum Procedure (AA)

Day 1: Detailed interview

The detailed interview is a meeting with an IND official. During this interview, you can provide a detailed explanation of the reasons for your asylum application. The IND will also ask you questions during the interview. If you wish, you can ask VWN to attend the detailed interview with you. You can also arrange this through your lawyer.

An interpreter will attend the detailed interview. The IND will ask the questions in Dutch. The interpreter will translate the questions into a language you understand and translate your answers into Dutch. The interpreter is independent, does not work for the IND and has no influence on the decision concerning your asylum application. Please note: If you and the interpreter have trouble understanding each other, it is important to say so straight away. In that case, the IND will try to arrange a different interpreter. It is important that there are no misunderstandings caused by not understanding the questions correctly. The IND official will draw up a report of the detailed interview. If you and your spouse have applied for asylum together, you will each have a separate interview with the IND.

It is important that you explain all the facts that prove you need protection. Be honest, complete and clear about what has happened to you and why you cannot get protection in your country of origin. Tell the IND official if you cannot remember a specific event exactly. They are aware of the general situation in your country. It is important that you explain your situation: why do you personally need protection? Provide as many relevant details as possible. If you have any scars or physical or mental complaints related to the reason for your asylum application, it is important that you tell the IND. The IND may decide to offer you a medical examination if it considers this useful for assessing your application. You can also have a medical examination carried out at your own expense.

An interpreter will also be present at the examination. You will receive the report of the detailed interview from the IND or your lawyer.

Day 2: Discussion of detailed interview

Your lawyer will discuss the report of the detailed interview with you. An interpreter will be present to translate everything you and your lawyer say. If anything is missing from the report or has not been written down correctly, your lawyer will notify the IND in a letter.

Day 3: Initial decision

The IND will assess whether you satisfy the conditions for an asylum residence permit. The outcome of this assessment determines the further course of your asylum procedure. There are 3 possibilities:

1. You satisfy the conditions for an asylum residence permit. You will receive a decision letter from the IND (through your lawyer) stating that your asylum application has been approved. You may continue to live in the Netherlands permanently or temporarily. Your lawyer will explain how this affects you.
2. The IND needs more time for its investigation and cannot decide on your asylum application within 6 days (or 9 for the AA+). The IND will continue to process your asylum application in the Extended Asylum Procedure (VA). The decision on your asylum application will follow later. You will receive another leaflet with information about the Extended Asylum Procedure.
3. The IND determines that you do not satisfy the conditions for an asylum residence permit. You will receive a letter from the IND (through your lawyer) stating that the IND intends to reject your asylum application. This is called an intended decision. The letter will also explain the reasons for rejection and the consequences for you. Your lawyer will discuss the letter with you.

Day 4: Reaction to decision: response

If the IND intends to reject your asylum application, you will discuss the matter with your lawyer. Your lawyer can send the IND a written response. This is an official

response to the IND's intended decision in which you can explain why you disagree with it.

Day 5 and 6: Decision

After reading your response, the IND will assess whether the intended decision should be amended. The outcome of this assessment determines the further course of your asylum procedure. You will receive a letter from the IND (through your lawyer) to report the outcome of the assessment. Your lawyer will explain the consequences for you. There are 3 possibilities:

1. After reading your response, the IND believes that you satisfy the conditions for an asylum residence permit. You will receive a decision letter from the IND (through your lawyer) stating that your asylum application has been approved. You may continue to live in the Netherlands permanently or temporarily. Your lawyer will explain the consequences for you.
2. The IND needs more time for its investigation and cannot decide on your asylum application within 6 days (or 9 for the AA+). The IND will continue to process your asylum application in the VA. You will receive another leaflet with information about the Extended Asylum Procedure.
3. The IND determines that you do not satisfy the conditions for an asylum residence permit. You will receive a decision letter from the IND (through your lawyer) stating that your asylum application has been rejected. The letter will also explain the reasons for rejection and the consequences for you. For example, you will no longer be allowed to stay in the Netherlands and will have to return to your country of origin. The letter also explains what to do if you disagree with the decision and outlines your options for returning to your country of origin. Your lawyer will discuss the letter with you.

General Asylum Procedure, 9 days (AA+)

If the IND processes your asylum application in the AA+, the asylum procedure will usually take 9 days:

- Day 1 and 2: Detailed interview.
- Day 3 and 4: Discussion of the detailed interview with your lawyer,
- Day 5: Initial decision.
- Day 6 and 7: Reaction to decision (response) by lawyer.
- Day 8 and 9: Second decision.

Withdrawing your application

You may withdraw your application at any time. If you wish to do so, we recommend contacting a lawyer or the IND. If you withdraw your asylum application with the IND, you will no longer be allowed to stay in the Netherlands, unless you are allowed to be here for another reason. You will also no longer be entitled to a place in a reception centre. If you withdraw your asylum application, you may be subject to a re-entry ban. A re-entry ban prohibits you from traveling to and being in the European Union (EU), Norway, Iceland, Liechtenstein and Switzerland for a certain period of time. You may reapply for asylum after withdrawing your application, even if you are subject to a re-entry ban.

After the asylum procedure

After the AA or AA+, you will move to another COA reception centre.

Your application is approved

If the IND approves your asylum application, you may temporarily or permanently remain in the Netherlands. You will receive a residence permit, are allowed to work, and can bring your family members to the Netherlands. The COA will help you find housing. Important information regarding your home will be documented in a meeting with the COA. Based on that information, you will be assigned a municipality in the Netherlands. That municipality will look for a suitable home for you. The municipality only offers you housing once, and you usually have to accept it. You may stay at the COA reception centre until you have your own accommodation. The IND will inform you of your rights and obligations after your asylum application has been granted. VWN employees can help you integrate into Dutch society. They will help you establish contact with various organisations, and can assist you in moving to the municipality and finding schooling or work. VWN can also help you move your family members.

Your application is rejected

If the IND rejects your asylum application, you can appeal the decision at a Dutch court through your lawyer. This means that you officially inform the court that you disagree with the IND's decision. You can usually remain in the Netherlands during the appeal process. If this is not allowed, you can ask the court for permission to stay in the Netherlands during the appeal procedure. Your lawyer will help you with this. The court will consider whether the IND has correctly applied Dutch law when deciding on your asylum application.

If the IND rejects your asylum application, you will be taken to a different asylum seekers' centre. You will usually have 28 days to arrange your departure from the Netherlands. After that period, you are no longer entitled to a place in a reception centre, and may no longer live in the asylum seekers' centre. You can still contact VWN for assistance and information after the asylum procedure.

Return

You are personally responsible for your return to your country of origin. However, the Dienst Terugkeer en Vertrek (DT&V) will help you prepare for your departure. The DT&V will contact you after your asylum application has been rejected. If you do not leave independently within the specified period, the DT&V may take measures to force you to leave the Netherlands.

If you would like to speak with the DT&V about returning sooner, your lawyer or VWN can put you in touch with them. You can also contact the DT&V yourself by sending an email to ilc@dtv.minvenj.nl

If you wish to voluntarily return to your country of origin, you can contact the DT&V or the Internationale Organisatie voor Migratie (IOM). Their websites explain how to do so and provide information about returning and the support you may be able to receive (return assistance and/or reintegration support). The DT&V and IOM can provide practical information and assist you with your departure. You can visit the

IOM at the COA reception centre. You can also contact VWN staff or other organisations with questions about a possible return and support.

Personal data processing

Personal data is any kind of information about you. The organisations that collaborated on this leaflet are listed below. They process personal data while processing your application, notification or request. They will ask you for your details and will also ask other organisations or individuals if necessary. These organisations use and store your data and share it with other organisations if required to do so by law. Privacy legislation sets out obligations for organisations that process your data. For example, they must handle your data accurately and securely. Privacy legislation also establishes your rights. For example, you have the right to the following, on request:

- The right to access your data stored by organisations.
 - The right to know what organisations are doing with your data and why.
 - The right to know with which organisations your data has been shared.
- To find out more about your rights and how your personal data is processed, visit the respective organisation's website.

Asylum application in immigration detention

If you are not allowed to stay in the Netherlands and you do not leave the Netherlands, you may be placed in immigration detention. Immigration detention means being held in a secure facility (detention centre). Its purpose is to keep people available for deportation when they are not allowed to stay in the Netherlands.

If you are in immigration detention and applying for asylum, or if you have applied for asylum and were then placed in immigration detention, your asylum application will be processed at the Justitieel Complex Schiphol (JCS). The IND must decide on your application within six weeks.

You will usually be taken to the JCS building, but you may also stay where you are now. If you go to the JCS and are applying for asylum for the first time, an IND official will have you fill in a paper or digital questionnaire upon arrival. This is called an application form. In certain situations, such as when it is busy, the IND may decide not to use an application form.

You will have an initial interview with the IND, called the application interview. The application interview is an important meeting, during which the IND asks questions. The goal of this interview is to obtain information about who you are, where you have come from, your journey and your reason for being in the Netherlands. You will be asked about:

- Your identity, nationality, origin, place of residence and living environment.
- Family.
- Documents.

- Education.
- Work and military service.
- Residence in other countries.
- Your journey to the Netherlands.
- A brief explanation of your reason for seeking asylum.

Be honest and always give your real details. Do not use details from a false document. Also notify the IND if you have used an alias. Providing incorrect or incomplete information to the IND may adversely affect the decision on your asylum application.

The IND will draw up a report of the interview. You will receive a copy of the report through your lawyer. You will be assigned a lawyer who will help you prepare for the asylum procedure. You can also find a lawyer yourself. Your lawyer knows the laws and regulations on asylum, and is aware of the importance of the detailed interview. The detailed interview is the meeting with the IND in which you explain why you are requesting asylum. You do not usually have to pay for the lawyer; the Raad voor Rechtsbijstand does this for you.

The General Asylum Procedure (AA or AA+) in immigration detention is the same as for asylum seekers who are not in immigration detention. The beginning of this leaflet describes the AA or AA+ procedure day by day.

The simplified asylum procedure

If you have come from a safe country or already have international protection, it is unlikely that you will be granted asylum. The IND will process your application in a simplified and accelerated procedure. You will only have one interview with the IND during this procedure. This also applies if you already have an asylum residence permit in the Netherlands, another EU Member State, Norway, Iceland, Liechtenstein or Switzerland. The IND will assess the reasons you have provided for requesting asylum and decide whether you will be granted an asylum residence permit. Read more information in the leaflet on the simplified asylum procedure.

List of safe countries

Albania, Armenia, Bosnia and Herzegovina, Brazil, Georgia, Ghana, India, Jamaica, Kosovo, Morocco, Mongolia, Montenegro, North Macedonia, Senegal, Serbia, Trinidad and Tobago, Tunisia, United States.

This list is subject to change; countries may be added or removed. This depends on the security in a country. The latest version of the list of safe countries can be found on the Dutch government's website: www.rijksoverheid.nl

After the asylum procedure

If the IND rejects your asylum application, you can appeal the decision with a Dutch court in consultation with your lawyer. This means that you officially inform the court that you disagree with the IND's decision.

You can also ask the court for permission to stay in the Netherlands during the appeal procedure. Your lawyer will help you with this.

The court will consider whether the IND has correctly applied Dutch law when deciding on your asylum application. In many cases, you will be allowed to wait in the Netherlands for the court's decision. However, you will have to remain in the secure facility.

Return

If you are not allowed to stay in the Netherlands, you are personally responsible for leaving the country.

However, the Dienst Terugkeer en Vertrek (DT&V) can help you prepare for your departure. The DT&V will contact you after your asylum application has been rejected. If you do not leave independently within the specified period, the DT&V may take measures to force you to leave the Netherlands. If you would like to speak with the DT&V about returning sooner, your lawyer or the COA can put you in touch with them. You can also contact the DT&V yourself by sending an email to ilc@dtv.minvenj.nl

If you wish to voluntarily return to your country of origin, you can contact the DT&V or the Internationale Organisatie voor Migratie (IOM). Their websites explain how to do so and provide information about returning and the support you may be able to receive (return assistance and/or reintegration support). The DT&V and IOM can provide practical information and assist you with your departure. You can usually visit the IOM at the detention centre. You can also contact VWN with questions about returning and support.

Frequently asked questions

When does the General Asylum Procedure begin?

You will have your first interview with the IND after registering with the police as an asylum seeker. This is called the application interview. You will have at least 6 days to prepare for the asylum procedure (AA or AA+) after the application interview. In practice, it usually takes longer before the asylum procedure starts. In some cases, you may not be given any preparation time. At the COA reception centre, you will receive an invitation from the IND for the detailed interview.

How long will I have to wait for a decision by the IND?

The General Asylum Procedure usually takes 6 (AA) or 9 (AA+) working days. Sometimes, the IND may be unable to decide within that period, for example, if you fall ill during the asylum procedure. In that case, the IND may extend the AA or AA+ by 6 or more additional working days. The IND offices are usually closed on Saturdays and Sundays: these do not count as working days. The IND may also decide to process your asylum application through the Extended Asylum Procedure. In that case, you will receive another leaflet with more information about the Extended Asylum Procedure. The amount of time the IND has to decide on your asylum application is determined by law; this is called the statutory decision period. To find out what the statutory decision periods are, visit www.ind.nl/beslistermijnen or www.ind.nl/en/decision-periods. The decision period can be extended in some cases. However, the IND should never take longer than 21 months to make a decision.

If the IND has not sent you a decision within the decision period, you can send them a letter requesting a quick decision on your asylum application. Your lawyer can help you with this.

I would prefer to tell my asylum story to a man/woman. Is that possible?

Yes, you can specify this during the application interview (= first interview with the IND). The IND will try to arrange a male or female IND official and interpreter to attend the detailed interview.

What should I do if I am sick or pregnant?

If you are sick or pregnant, tell the nurse during your examination for medical advice (see leaflet: Before the asylum procedure). This is especially important if you have or think you may have a contagious disease such as tuberculosis, scabies or hepatitis B. Anything you tell the nurse will be kept confidential. The nurse will never share information about your health with others without your permission. If you become sick during the asylum procedure, tell the COA, IND or VWN. They can help you get the medical help you need. If you are sick on the day of your meeting with the IND or your lawyer, ask the COA to notify the IND or your lawyer.

Questions

If you have any questions after reading this leaflet, please talk to your lawyer or a COA, IND or VWN employee.

Complaints

All organisations involved in the asylum procedure are professional and meticulous. If, nevertheless, you feel that you have not been treated properly by an organisation, you can file a complaint. Your lawyer or VWN can help you with this.

This leaflet is a joint publication by:
Afdeling Vreemdelingenpolitie, Identificatie
en Mensenhandel (AVIM)
Nidos
Centraal Orgaan opvang asielzoekers (COA)
Immigratie- en Naturalisatiedienst (IND)
Koninklijke Marechaussee (KMar)
Raad voor Rechtsbijstand (RvR)
VluchtelingenWerk Nederland (VWN)
Internationale Organisatie voor Migratie
(IOM)
Dienst Terugkeer en Vertrek (DT&V)

Commissioned by:
Ministerie van Justitie en Veiligheid,
directie Migratiebeleid
www.rijksoverheid.nl

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