

# Applying for asylum

## 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 in their own country.

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 starts when you submit your asylum application. The asylum procedure is a legal procedure in which the Dutch government decides whether to grant you a residence permit.

This leaflet explains 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?



Dutch law requires guardianship to be arranged for underage asylum seekers who arrive in the Netherlands without parents or other people to care for them. The organisation that deals with this in the Netherlands is called **Stichting Nidos**. Nidos arranges guardianship and reception for some unaccompanied minor foreign nationals. They will officially apply for guardianship over you. Stichting Nidos will appoint one of its employees as your guardian. Your guardian will provide guidance in the Netherlands. They will help you make important decisions, make sure you have a good place to live and arrange for your education, among other things. Your guardian will also assist you during the asylum procedure but has no influence on the IND's decision. Nidos arranges for the care of children under 15 in foster families and young people with a residence permit in small-scale housing. For more information about guardianship and reception centres, visit the Nidos website: [www.nidos.nl](http://www.nidos.nl)



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](http://www.coa.nl)



**GezondheidsZorg Asielzoekers** (GZA) is the organisation you go to if you are ill or have 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](http://www.gzasielzoekers.nl)



**VluchtelingenWerk Nederland** (VWN) is an independent human rights organisation that promotes the interests of asylum seekers. VWN provides information and explanations about the asylum procedure. VWN will personally inform and support you throughout the procedure and mediate in the event of any problems with other organisations. They work closely with your lawyer to this effect. VWN does not decide on your asylum application. [www.vluchtelingenwerk.nl](http://www.vluchtelingenwerk.nl)  
[www.refugeehelp.nl](http://www.refugeehelp.nl)

## Raad voor Rechtsbijstand

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



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. They will therefore ask you 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](http://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 ask them 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



The **Dienst Terugkeer en Vertrek** (DT&V) is a division of the Dutch Ministry of Justice and Security responsible for Dutch return policy. The DT&V will have a meeting with you if your asylum application is rejected. If it is still unclear whether there is suitable shelter for you in your country, the DT&V can investigate this. If you have to return to your country, the DT&V will help you arrange your departure. [www.dienstterugkeerenvertrek.nl](http://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 ask your Nidos guardian, VWN or your lawyer to help you with this. [www.iom-nederland.nl](http://www.iom-nederland.nl)

## What is expected of you?

During the procedure, it is important that you explain why you have applied for asylum. The IND also expects you to be able to prove your problems as much as possible, using documents or letters, for example. It is also important to tell the IND everything about your family, where they live and where you lived.

Before your application interview, you received a leaflet from the IND about sending documents. It explains how to provide important documents to the IND if you receive them after the application interview.

If you have physical or psychological problems and it is important for the IND to know, let them know as soon as possible. The IND will try to support you as much as possible to enable you to continue the asylum procedure.

## **Preparing for your asylum procedure**

If you are between 15 and 18 years old, the COA will arrange accommodation for you in a special reception centre for young asylum seekers after the application phase. If you are under the age of 15, Nidos will arrange for you to live with a foster family.

After the application phase, the Rest and Preparation Period (RVT) will begin. During the RVT, you will undergo a medical examination to determine whether you can tell us about your reasons for requesting asylum. VWN will also provide information about the asylum procedure during the RVT. VWN will provide 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. The detailed interview is the meeting with the IND in which you explain why you are requesting asylum. Your lawyer's help is free.

## **The asylum procedure, day by day**

On the day of your appointment with the IND, you will go to the IND office and the General Asylum Procedure (AA) will begin. 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 proceed to the AA or AA+. 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. The detailed interview takes place at an IND office. 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 will draw up a report of the detailed interview.

It is important that you explain everything to ensure that the IND understands why 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 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 details as possible: even small things can be very important. The IND will also ask you questions about such details.

If you have any scars or physical or mental complaints related to the reason for your asylum application, it is important to 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 yourself at your own expense. Your lawyer can help you with this. During the interview with the IND, it is also important to clearly state who can or cannot take care of you in the country you come from or where you lived before you came to the Netherlands. Also explain to the IND why you think that.

Your lawyer or Nidos guardian will usually attend the interview. You can also ask VWN to attend. 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 report this in a letter to the IND.

### **Day 3: Initial decision**

The IND will assess whether you satisfy the conditions for an asylum residence permit. The outcome of that 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. This means that you are allowed to live in the Netherlands temporarily or permanently. Your lawyer will explain how this affects you.
2. The IND needs more time to investigate 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. The decision will follow later. You will receive another leaflet with information about the Extended Asylum Procedure (VA).
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 in which you can officially respond to the IND's intended decision and explain why you disagree with it.

## **Day 5 and 6: Decision**

After reading your response, the IND will assess whether their decision should be amended. The outcome of that assessment determines the further course of your asylum procedure. The IND will report the outcome of the assessment in a letter to your lawyer. Your lawyer will explain the consequences for you. There are 4 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.
2. You may continue to live in the Netherlands for now. Your lawyer will explain how this affects you.
3. The IND needs more time to investigate 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.
4. The IND determines that you still 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. 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+, your 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, your Nidos guardian 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. If you withdraw your asylum application and are not allowed to stay in the Netherlands for another reason, you will have to return to your country of origin. You will remain in a reception centre until your return journey begins. You can still apply for asylum again after withdrawing your application.

## After the asylum procedure

### **You receive a residence permit**

If the IND approves your asylum application, you may temporarily or permanently remain in the Netherlands. You receive a residence permit. Nidos will arrange for you to live in a small-scale housing facility if you are 15 or older. The IND will inform you about your rights and obligations after you receive a residence permit. Your Nidos guardian and VWN employees can help you get in touch with various organisations and help you move to the municipality and find a school or job. Your guardian can also help you bring your family members to the Netherlands.

### **You do not receive a residence permit**

What happens if the IND rejects your asylum application? They must also assess whether there is suitable shelter for you in your country. This could mean your parents, relatives or a shelter. If there is suitable shelter for you, the IND will decide that you must return to your country. If the availability of suitable shelter is still unclear when the IND rejects your asylum application, the IND will ask the Dienst Terugkeer en Vertrek (DT&V) to investigate suitable shelter. You are expected to cooperate fully with this investigation. The investigation can take up to 1 year. You may remain in the Netherlands as long as the investigation is ongoing. As a minor, you will live in a small-scale housing facility or with your foster family.

If it becomes clear that there is no suitable shelter for you, the DT&V will notify the IND. You can then get a no-fault residence permit for unaccompanied minor asylum seekers from the IND. This requires that you have fully cooperated with the investigation. If you do not cooperate fully, the IND can give the DT&V more time to investigate who can take care of you in your country. If you do not cooperate and the Dutch government cannot return you to your country, you will receive care until you turn <sup>18</sup>. Once you turn 18, you will become an illegal immigrant in the Netherlands and lose your right to a place in a reception centre. You may also not attend school or get a job.

If the IND rejects your asylum application, you can appeal the decision with a Dutch court through your lawyer. This means that you officially inform the court that you disagree with the IND's decision. This may also concern appropriate a place in a reception centre and a no-fault residence permit. You can also ask the court for permission to stay in the Netherlands during the appeal procedure. Your lawyer will help you with that. The court will examine whether the IND has correctly applied Dutch law when deciding on your asylum application.

After your asylum application is rejected, DT&V not only investigates a proper place in a reception centre for you, but also helps you prepare your departure. The DT&V will therefore contact you after your asylum application has been rejected. If a suitable place in a reception centre has been found for you and the DT&V has arranged everything for your return, you will travel back to your country along with an escort who will take you to your caregiver or the shelter. If you do not cooperate with your departure from the Netherlands, the Dutch government can force you to return. In that case, you will be held in detention until an escort takes you to your country.

If you wish to return to your country of origin voluntarily, 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 (basic departure support and/or reintegration support). The DT&V and the 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 or other organisations with questions about returning and support. You can still contact your Nidos guardian and VWN for assistance and information after the asylum procedure.

## 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 details have been shared.

To find out more about your rights and how your personal data is processed, visit the respective organisation's website.

## Frequently asked questions

### **When is my detailed interview with the IND?**

You will have your first interview with the IND after registering with the police as an asylum seeker. This is called the application interview. After that, you will have at least 3 weeks to prepare for the detailed interview. You will receive an invitation to the interview from the IND at the COA reception centre or through your foster family.

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

The Asylum Procedure usually takes 6 (AA) or 9 (AA+) working days. The IND offices are usually closed on Saturdays and Sundays: these do not count as working days. In some cases, the IND may be unable to decide within that period, such as if you fall ill during the asylum procedure. In that case, the IND may extend the AA or AA+.

The IND may also decide to process your asylum application through the Extended Asylum Procedure (VA). In that case, you will receive another leaflet with 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](http://www.ind.nl/beslistermijnen) or [www.ind.nl/en/decision-periods](http://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 from the day of the asylum application to make a decision.



If the IND has not sent you a decision within the decision period, you can send the IND 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 (= 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 the 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 consent to the nurse sharing information with the IND, the IND can take any relevant information into account during the interviews. If you become sick during the asylum procedure, tell your Nidos guardian or a COA, IND or VWN employee. They can help you get the medical help you need. If you are sick on the day of a meeting with the IND or your lawyer, ask your Nidos guardian or a COA employee to tell your lawyer or the IND.

**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 guardian, lawyer or a VWN employee can help you with this.

This leaflet is a joint publication by:  
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Immigratie- en Naturalisatiedienst (IND)  
Koninklijke Marechaussee (KMar)  
Raad voor Rechtsbijstand (RvR)  
VluchtelingenWerk Nederland (VWN)  
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