

Your asylum application

Information on the Border Procedure

Why have you received this leaflet?

You have entered the Netherlands through an airport or seaport and want to apply for asylum here. 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 after you submit your asylum application; this is a legal procedure in which the Dutch government decides whether to grant you a residence permit. Your asylum application will be processed through the border procedure. In the border procedure, the IND must decide on your application within 28 days.

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

When will you receive an asylum residence permit?

The Dutch Aliens Act states the conditions under which you can obtain an asylum residence permit. You can obtain a residence permit if one of the following descriptions applies to you:

- You have well-founded reasons to fear persecution in your country of origin due to your race, religion, nationality, political convictions or because you belong to a particular social group.
- You have well-founded reasons to fear the death penalty or execution, torture or other inhuman or degrading treatment in your country of origin.
- You have well-founded reasons to fear that you will become a victim of random violence due to an armed conflict in your country of origin.
- Your spouse, partner, father, mother or minor child recently received an asylum residence permit in the Netherlands. The IND will assess whether you satisfy the conditions for an asylum residence permit.

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).

If there are any personal circumstances that the IND should take into account, you can specify this. The IND can then take any appropriate measures, possibly during the interviews or in the secure reception centre. The IND will try to support you as much as possible.

Which organisations will you encounter?



Koninklijke Marechaussee

The **Koninklijke Marechaussee** (KMar) guards the borders of the Netherlands. They also examine whether documents such as passports are genuine. They can also register your details in the system.



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 are assisted by 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



Immigratie- en Naturalisatiedienst
Ministerie van Justitie en Veiligheid

The **Immigratie- en Naturalisatiedienst** (IND) is part 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



You will have a meeting with a nurse from **Argonaut Advies** (formerly Medifirst) at the reception centre. The nurse will ask you whether you wish to undergo a medical examination. The examination is intended to determine whether you have any psychological or physical problems that may affect your interviews with the IND.



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 and responsible for the execution of the Dutch return policy. 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



Dienst Justitiële Inrichtingen
Ministerie van Justitie en Veiligheid

The **Dienst Justitiële Inrichtingen** (DJI) is part of the Dutch Ministry of Justice and Security.

You are staying in secure border accommodation because you have been refused entry to the Netherlands. The building is a secure reception centre. The DJI manages the building. DJI employees wear a uniform. They will provide care and assistance during your stay in the border accommodation.

www.dji.nl

Step 1: Reporting, identification and registration

You will report to the Dutch border guards. This is usually the Koninklijke Marechaussee (KMar). KMar employees establish who you are (identification) and enter your personal information, such as your name, date of birth and nationality, into a national computer system (registration). They also store your asylum application. They will also search your clothing and luggage and take photos and fingerprints. You have received a leaflet explaining the reason for taking your fingerprints. You must also sign your asylum application at the KMar. The KMar may ask you questions about:

- Your travel route.
- Whether you have previously applied for asylum in the Netherlands or elsewhere in Europe.
- Whether you have family here or elsewhere in Europe.

The Dutch government will never inform the authorities of your country of origin that you have applied for asylum in the Netherlands.

Secure reception centre

Within a few hours of reporting, identification and registration, you will be taken to a closed reception centre near Schiphol Airport. This facility is called the Schiphol Justice Complex (JCS). The JCS reception centre is a secure facility because you do not have permission to enter the Netherlands. You will remain here throughout the procedure. You are not permitted to leave this facility on your own. There is also an IND office at the JCS.

Step 2: Information by VWN and introduction to lawyer

VWN will provide information about the asylum procedure. VWN staff will inform and support you throughout the asylum procedure. VWN's services are free of charge. VWN handles your information with care.

You will usually have an introductory meeting with your lawyer a day later. The lawyer will be assigned to you when you apply for asylum. The lawyer does not work for the Dutch government. You do not have to pay for the lawyer.

Step 3: Application interview

- The first meeting with the IND is called the application interview. In certain situations, you may not have a application interview. In the application interview, the IND will ask you questions to get information about the following topics: Who you are.
- Where you come from.
- How you traveled here.
- Which documents you have.
- Whether another country in Europe should process your asylum application (the Dublin procedure).

During the application interview, you will be asked questions 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.
- Your reason for seeking asylum.

You only need to give a short answer about why you are applying for asylum. The IND uses this information for a proper and speedy asylum procedure. You will have the opportunity to provide a detailed explanation of the reasons for your asylum application during the detailed interview.

The IND will draw up a report of the interview. You will receive a copy of the report from the IND or through your lawyer.

Always provide your real details and not those from a false document. Also notify the IND if you have used an alias. Providing false information or data to the IND may affect the outcome of your asylum application.

Documents

Documents are very important for assessing your asylum application. If you have documents that prove your identity, such as a passport, identity card, birth certificate or driving licence, or documents that can support your claimed travel route or asylum story, such as airline tickets, boarding passes, diplomas, court ruling or newspaper

article, submit them as soon as possible during your registration with the KMar or the application interview with the IND. You can also submit documents later, such as during the detailed interview. A VWN employee at the closed reception centre can help you with this. Experts will examine the authenticity of your documents. The IND will use these documents to assess your asylum application.

Your personal details and documents are important for assessing your asylum application. Provide all the required information and verify that the information is written down completely and correctly. Never throw away personal documents.

Interpreter

An interpreter will attend the interviews with the IND. The IND official 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 does not work for the IND and has no influence on the decision concerning your asylum application. 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.

Step 4: Rest and preparation period

After the application interview, you will have a 6-day rest and preparation period (RVT). During the RVT, you can rest and prepare for the asylum procedure. VWN will continue to help you gather evidence and documents. In consultation with your lawyer, you can ask the IND to shorten the RVT.

In some cases, the IND may decide that you will not be given an RVT. This may be the case if you have come from a safe country, for example, or if you already have an asylum residence permit in another EU Member State, Norway, Iceland, Liechtenstein or Switzerland.

Medical advice

If the IND determines that you will have an interview to explain your reasons for seeking asylum as part of the border procedure, you will first undergo a short examination by a nurse from MediFirst who will ask you questions. The nurse will write a medical opinion. If necessary, the nurse will refer you to a doctor for further examination. If any points of interest emerge from the examination that are important to the IND's interview or decision, the nurse or doctor will notify the IND. During the asylum procedure, the IND will take the information about your state of health into account.

It is important to be honest about any mental and physical problems you have. Talk about such problems with the nurse or doctor.

The medical examination report is confidential. You are not required to undergo a medical examination. You do not have to pay for the medical examination.

If you do not wish to undergo the medical examination, you can tell the nurse. In that case, the IND will be unable to properly take your state of health into account during your asylum procedure.

Tuberculosis test

Tuberculosis is a serious disease that is common in many parts of the world, possibly also in the country you come from. People with open tuberculosis can infect others by coughing or sneezing, for example.

An employee of the medical service of the closed reception centre will ask you a number of questions about tuberculosis. This will usually happen during the RVT but can also be sooner. If you are suspected of having tuberculosis, you will undergo a full tuberculosis test. You will be taken to a hospital for testing. If you have tuberculosis, you will be treated with medication in the Netherlands. The asylum procedure will start after the medical treatment.

Help from a lawyer

The lawyer will meet with you to prepare you for the interview with the IND about your reasons for seeking asylum. This preparatory meeting with your lawyer will be held in the building where you are staying. Your lawyer will handle your information with care.

Step 5: The asylum procedure day by day

After the RVT, the General Asylum Procedure (AA) will begin. The AA takes 6 days and will take place in the building where you are staying. There is also a longer version of the AA – 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. The following is a description of the 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. An interpreter will be present at the interview. If you wish, you can also ask for someone from VWN to attend the detailed interview with you.

If you and your spouse have applied for asylum together, you will each have a separate interview with the IND. If you have children aged 15 years or above, they will have a separate interview.

It is important that you explain all the facts that prove you need protection. Be honest, thorough and clear about what 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 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.

Day 2: Discussion of detailed interview

Your lawyer will discuss the report on 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 usually three possibilities:

1. You satisfy the conditions for an asylum residence permit. You will receive a letter from the IND (through your lawyer) stating that the border procedure is complete and you will be allowed into the Netherlands. Your asylum application will be approved as soon as possible in consultation with your lawyer. You will be allowed to live in the Netherlands permanently or temporarily. Your lawyer will explain what this means for you.
2. The IND needs more time for its investigation and cannot decide on your asylum application within 28 days. The IND will continue to process your asylum application in the Extended Asylum Procedure (VA). The VA takes place in an open reception centre. The decision on your asylum application will follow later. You will receive another leaflet with information about the 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 intention should be amended. The outcome of that 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 what this means for you. There are usually three possibilities:

1. You satisfy the conditions for an asylum residence permit. You will receive a letter from the IND (through your lawyer) stating that the border procedure is complete and you will be allowed into the Netherlands. Your asylum application will be approved as soon as possible in consultation with your lawyer. You will be allowed

to live in the Netherlands permanently or temporarily. Your lawyer will explain what this means for you.

2. The IND needs more time for its investigation and cannot decide on your asylum application within 28 days. The IND will continue to process your asylum application in the VA. The VA takes place in an open reception centre. The decision on your asylum application will follow later. You will receive another leaflet with information about the VA.
3. The IND determines that you still do not satisfy the conditions for an asylum residence permit. You receive a decision letter from the IND (through your lawyer) stating that your asylum application has been rejected and that you must return to your country of origin. The letter also states the reasons for the decision and what the consequences are. The letter also explains what to do if you disagree with the decision and what possibilities there are for you to return 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.

Border procedure, max. 28 days

As explained above, the AA is 6 days and the AA+ is 9 days. In certain cases, the IND can extend the border procedure to a maximum of 28 days. In the border procedure, Saturdays, Sundays and public holidays also count as working days.

The IND will keep the border procedure as short as possible to avoid keeping you in a secure reception centre unnecessarily. Your asylum procedure will end as soon as it becomes clear that your asylum application cannot be processed any further in the border procedure. As explained above, your application will continue to be processed in the AA outside the border procedure or in the VA. You will be moved to an open reception centre run by the Centraal Orgaan opvang asielzoekers (COA) in both cases.

The simplified asylum procedure

If you come from a safe country, or are a citizen of a country in the European Union or the European Economic Area, 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.

There is a separate leaflet about 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

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 some other reason. You may also be given an 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 an entry ban.

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 examine whether the IND has correctly applied Dutch law when deciding on your asylum application. In many cases, you will be allowed to await the court's decision in the Netherlands. You will stay in the secure reception centre until the court has made a decision. You will also usually receive a European entry ban. You may reapply for asylum after rejection even if you are subject to an entry ban.

Return

You are personally responsible for your return to your country of origin. 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. You will stay in the secure reception centre during the return procedure.

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 also contact VWN with questions about returning 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 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 first interview with the IND?

You will have your first interview with the IND after registering as an asylum seeker. This is called the application interview. You will usually have 6 days after the application interview to rest and prepare for the asylum procedure during the rest and preparation period (RVT). If you want a shorter RVT, you can discuss it with your lawyer and inform the IND.

What happens if the IND cannot make a decision within 6, 9 or 28 days in the border procedure?

The IND may decide to process your asylum application through the Extended Asylum Procedure (VA). You will receive another leaflet with information about the VA. You will stay at an open reception centre during the extended 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 you have not received a decision within 6 months of submitting your asylum application 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, notify the Medical Services at the airport. Also notify the nurse during the examination for medical advice. 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, notify the 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 a security guard or a VWN employee to notify your lawyer or the IND.

Questions

If you have any questions after reading this leaflet, please talk to your lawyer or an 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
Dienst Justitiële Inrichtingen (DJI)
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

No rights can be derived from the contents of this publication. In the event of differences in interpretation between the original and the translation, the Dutch version will prevail.