

The simplified asylum procedure

You have come from a safe country or already have international protection

Why have you received this leaflet?

You wish to apply 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 asking the Dutch government for a residence permit. You need a residence permit to live and work in the Netherlands.

The asylum procedure starts after 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 this asylum 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 are eligible for a residence permit if:

- 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.

If you come from a safe country, or you are a citizen of the European Union or the European Economic Area, or already have an asylum residence permit in the Netherlands, another EU Member State, Norway, Iceland, Liechtenstein or Switzerland, the IND will likely determine that you do not meet the requirements. As such, your asylum application will be processed more quickly in the simplified 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

Which organisations will you encounter?



The **Afdeling Vreemdelingenpolitie, Identificatie en Mensenhandel** (AVIM) is a department of the Nationale Politie. The AVIM is responsible for establishing and registering your identity. AVIM officials do this by examining your luggage and clothing (body search). The AVIM will also ask for your personal details and documents and take your photo and fingerprints. The AVIM is also responsible for your safety.



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, and 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



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. VWN works 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 the 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 but does not decide on your asylum application.
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



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 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 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

What is expected of you?

During the procedure, you will be asked to explain why you are applying for asylum in the Netherlands. It is important that you explain in detail why you need protection. You must also show the IND all documents that support your statements, or other documents important to your asylum application such as identity documents or letters.

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 try to support you in your situation as much as possible.

The asylum procedure, day by day

Below is a description of all the steps you will go through during your asylum procedure.

During the asylum procedure, you may stay at the same reception centre you stayed in during the preparation of the procedure. The interviews with the IND take place at the IND office.

The following is a description of the asylum procedure on a day-to-day basis.

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| Step 1 | Initial registration by the IND |
| Step 2 | Identification/registration by the Vreemdelingenpolitie (AVIM) |
| Step 3 | Procedure selection by the IND |
| Step 4 | Interview with the IND |
| Step 5 | Assessment of your asylum application |
| Step 6 | Interview report discussion + response |
| Step 7 | Decision |

Step 1: Initial registration by the IND

You have reported to the IND in Ter Apel. The IND officials have registered you and you are now awaiting the submission of your asylum application.

You may be asked to complete an application form with information about yourself. The IND will use the data you enter on the application form as the starting point for processing your application. In certain situations, such as when it is busy, the IND may decide not to use an application form. After the initial registration, you may be temporarily taken to another location where you will stay until your procedure resumes.

Step 2: Identification/registration by the Vreemdelingenpolitie (AVIM)

You also reported to the AVIM. They determined who you are (identification) and entered your information in a national system (registration).

You signed the asylum application at the Vreemdelingenpolitie to allow the IND to process your asylum application. After the initial registration, you may be temporarily taken to another COA reception centre where you will stay until your procedure resumes.

Step 3: Procedure selection by the IND

Based on the information from the previous steps, the IND will select the asylum procedure with which to process your application. While your asylum application is being processed, it may become apparent that it needs to be processed in a different procedure. Your case will be transferred to a difference procedure and you will receive a new leaflet which explains the steps of the new procedure. If you remain in the simplified procedure, a VWN employee will explain the procedure to you. A lawyer will prepare you for your interview with the IND and provide legal advice free of charge. In the simplified procedure, you will only receive basic accommodation from the COA. You will also be housed separately from other asylum seekers.

Step 4: Interview with the IND

You will have one meeting with the IND about your identity, nationality and travel route. This is called an interview. If you come from a safe country, the IND will also ask questions about the reasons for your asylum application during this interview. You can ask VWN to attend the detailed interview with you. Prepare for the interview as well as possible. You only get one opportunity to clearly and fully explain who you are. Always provide your real details and not those from a false document. Also notify the IND if you used an alias, as the IND checks that your documents are genuine and reviews your story for accuracy. If the IND establishes that your statements are incorrect or your documents are not genuine, it may adversely affect your asylum application.

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 or in the country where you have international protection. If you cannot remember a certain event exactly, tell the IND. They are aware of the general situation in your country of origin or in the country where you have international protection. 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 special medical examination. You can also have a medical examination carried out at your own expense. Discuss this with your lawyer.

An interpreter will attend the interviews with the IND. 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 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.

If you applied for asylum with your spouse or partner, you will each have a separate interview with an IND official. If you have children aged 15 or above, they will also have a separate interview. You will receive an interview report through your lawyer.

Step 5: Assessment of your asylum application

The IND will examine your case and 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 two possibilities:

1. The IND needs more time for its investigation and cannot yet decide on your asylum application. The IND will continue processing your asylum application in the General Asylum Procedure (AA). You will receive another leaflet with information about the AA.
2. 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. The letter will also explain the reasons for rejection and the consequences for you. Your lawyer will discuss the letter with you. The letter may also state that you are receiving an entry ban.

An entry ban means you cannot travel to or be in the European Union (EU), Norway, Iceland, Liechtenstein and Switzerland for a certain period. Violation of the entry ban is punishable by law. Entry bans are only given to adult asylum seekers.

Step 7: Interview report discussion + response

If the IND intends to reject your asylum application, your lawyer will discuss the decision with you. 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. Your lawyer will send the letter to the IND no later than the next day. Your lawyer will also discuss the interview report with you. An interpreter will be available to translate the conversation with your lawyer. If anything is missing from the report or has not been written down correctly, your lawyer will report it in a letter to the IND within two days after the interview.

Step 8: Decision

After considering your response, the IND will assess whether its intended decision 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 stating the outcome of the assessment. Your lawyer will explain the consequences for you. There are two possibilities:

1. The IND needs more time for its investigation and cannot yet decide on your asylum application. The IND will continue to process your asylum application in the AA or the Extended Asylum Procedure (VA). The IND will provide you with another leaflet with information about the AA or VA.
2. 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 what it means 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 or the country where you already have an asylum residence permit. 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. The

letter may also include an entry ban. If you receive an entry ban, you will receive information about that separately.

After the asylum procedure

If the IND rejects your asylum application, you can appeal the decision with a Dutch court through your lawyer. An appeal means that you notify 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. If the IND determines that you come from a safe country, or that you already have an asylum residence permit in another EU Member State, Norway, Iceland, Liechtenstein or Switzerland, you will usually retain your right to a place in a reception centre. If you come from an EU Member State, you will not be given a place in a reception centre. The court will consider whether the IND has correctly applied Dutch law when deciding on your asylum application.

If the court rules that the IND has made the right decision and the period to leave the Netherlands has expired, you will lose your right to a place in a reception centre. If you come from a safe country, you will also be given an entry ban. You will be required to leave the Netherlands immediately. The Dienst Terugkeer en Vertrek (DT&V) can assist you with this. You may be moved to a freedom-restricting location (VBL). Families with underage children will be sent to a VBL or family location (GL). The VBL and GL are focused on your departure from the Netherlands.

You are personally responsible for your return to your country of origin. The DT&V can help you prepare your departure. The DT&V will contact you after your asylum application has been rejected. If you do not leave the Netherlands independently on time, the DT&V can take measures to force you to leave the country.

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 tell you how to do that 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.

Withdrawing your asylum application

You may withdraw your asylum application at any time. If you wish to do so, we recommend contacting a lawyer or the VWN. If you withdraw your asylum application with the IND, you will no longer be allowed to stay in the Netherlands. You will also no longer be entitled to a place in a reception centre. You may also be given an entry ban. You may reapply for asylum after withdrawing your application, even if you are subject to an entry ban.

If you wish, the DT&V can help you prepare for your departure from the Netherlands. COA or VWN employees can put you in contact with the DT&V. You can also contact the DT&V yourself by sending an email to ilc@dtv.minvenj.nl

The DT&V will ask you why you want to leave independently. They will also discuss with you what you need for your departure from the Netherlands, such as plane tickets and travel papers. The DT&V will also point out the option to contact VWN or a lawyer to help you decide whether you really want to withdraw your asylum application.

If you have applied for asylum and do not have any travel documents, you must apply for travel documents at your embassy or consulate. As long as your asylum application is pending, the DT&V cannot assist you with applying for travel documents.

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 interview with the IND?

You will have your interview with the IND a few days after you submit your asylum application. It may take longer during busy periods. Unlike asylum seekers in the other procedures, you will only have one interview with the IND. Your asylum application will be processed in a faster procedure because you have come from a safe country, are an EU citizen, or already have international protection.

I come from a safe country of origin. Why do I get to explain my reasons for requesting asylum sooner?

Because you have come from a safe country, you will have your interview sooner. There is a good chance that you will not be granted an asylum residence permit, and the faster procedure helps keep the accommodation at the reception centre free for other asylum seekers.

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

If you prefer to talk to a female or male IND official about the reason for your asylum application, you can indicate this on the application form. You can also notify VWN. The IND will try to arrange a male or female IND official and interpreter to attend the interview.

What should I do if I am sick or pregnant?

If you are sick, notify the IND, COA or VWN. 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 a COA staff member to notify the IND or your lawyer.

I want to return to my country of origin. How do I get my passport back?

If you wish to have your travel and/or identity documents returned during the procedure – because you want to return to your country of origin, for example – you must notify the DT&V. The DT&V will ask the IND to return your documents. The IND will send your documents to the DT&V. They will be returned to you when you leave. Only genuine travel and identity documents will be returned to you.

What happens to asylum seekers who cause a nuisance?

The Dutch government expects good behaviour from all asylum seekers. If you cause a nuisance in and around reception centres during or after your asylum procedure, measures may be taken immediately. Measures may include mandatory reporting to a specific location, transfer to the Enforcement and Supervision location or immigration detention, or a prison sentence.

Questions

If you have any questions about the contents of this leaflet, please talk to the IND, your lawyer or VWN.

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)

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