

Your asylum application

Information on the General Asylum Procedure

Why have you been given this leaflet?

You wish to apply for asylum in the Netherlands. Asylum means: protection in another country for those people who can find no safety or protection in their own country.

When you apply for asylum, you are officially asking the Dutch government for a residence permit. You need this permit to be allowed to live in the Netherlands. The asylum procedure begins after you have put in your application. It is a legal procedure during which the Dutch government decides whether or not you are going to be given a residence permit.

This leaflet explains the course of your asylum procedure. It tells you what you are expected to do (your obligations) and what you can expect from the Dutch government (your rights).

When will you be given an asylum residence permit?

The Dutch Aliens Act (Vreemdelingenwet in Dutch) outlines the conditions for you to be granted an asylum residence permit. You will be eligible for a residence permit if any of the following situations applies to you:

- You have a well-founded fear of persecution in your country of origin because of race, religion, nationality, political opinion or because you belong to a particular social group.
- You have well-founded reasons to fear the death penalty or execution, torture or another form of inhumane or humiliating treatment in your country of origin.
- You have well-founded reasons to fear becoming a victim of random violence from 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 Immigratie- en Naturalisatiedienst (the Immigration and Naturalisation Service) (IND) will decide whether you comply with the conditions for an asylum residence permit.

Please note. If you have already applied for asylum at the Dutch border – at an airport or harbour – you may be refused admission to the Netherlands: officially, you are not yet allowed to enter the Netherlands. In that case, a different asylum procedure applies to you, a different one from the one described in this leaflet. A separate leaflet is available for this Border Procedure.

Which organisations will you be dealing with?



COA Centraal Orgaan opvang asielzoekers

COA – **Centraal Orgaan opvang asielzoekers** (the Central Agency for the Reception of Asylum Seekers) is responsible for the accommodation and guidance of asylum seekers at the reception centres in the Netherlands. The COA makes sure that you are provided with a roof above your head, meals and healthcare insurance. If you need help to contact a doctor, the COA can help you. The COA is an independent organisation and does not decide on your asylum application.



Gezondheidscentrum Asielzoekers (GCA) (Healthcare Centre for asylum seekers) is the organisation that can assist you if you are ill or need medical care. GCA can help you with any medical matters and can advise you on health, or it can arrange an appointment with the doctor's assistant, family doctor, practice nurse or a mental healthcare adviser from the Dutch mental healthcare service. There is a GCA in or near every COA reception centre and there is a 24-hour helpline you can call: 088 112 21 12.



VluchtelingenWerk Nederland (The Dutch Council for Refugees) is an independent human rights organisation, whose aim is to stand up for the rights of asylum seekers. The Council for Refugees can give you information and explain the asylum procedure to you and is there in person to assist and support you as you pass through the asylum procedure; it can also help you if there are any problems with other organisations. It works in close cooperation with your lawyer. The Dutch Council for Refugees takes no part in the decision about your asylum application.

Raad voor Rechtsbijstand *legal aid*

The **Raad voor Rechtsbijstand** (Legal Aid Board) makes sure that you get the help of a lawyer if you can't pay for one yourself. The lawyer is an independent legal assistance counsellor who is there to assist you during your asylum procedure. The lawyer is not employed by the Legal Aid Board but receives a payment from the Legal Aid Board for helping you.



Immigratie- en Naturalisatiedienst
Ministerie van Veiligheid en Justitie

The **Immigratie- en Naturalisatiedienst** (Immigration and Naturalisation Service) (IND) is part of the Dutch Ministry of Security and Justice. The members of staff at IND will conduct interviews with you about your identity, nationality, your journey to the Netherlands and the reasons why you left your own country. They will examine your personal story and the situation in your country of origin. They will then decide whether you can stay in the Netherlands - sometimes for a temporary period - or whether you must return to your own country.



There are **security guards** present in the IND buildings and at the COA's reception centres. You can recognise them by their uniform. They are there for your safety. You can also ask them questions about what you may or not do on the COA and IND premises and in their buildings. These security guards have no influence on the decision about your asylum application.



Dienst Terugkeer en Vertrek
Ministerie van Veiligheid en Justitie

The **Dienst Terugkeer en Vertrek** (Repatriation and Departure Service) (DT&V) is part of the Dutch Ministry of Security and Justice. If your asylum application is refused by the IND, a member of DT&V's staff will help you arrange repatriation to your country of origin.



IOM International Organization for Migration
IOM Internationale Organisatie voor Migratie

The **Internationale Organisatie voor Migratie** (International Organization for Migration) (IOM) is an independent organisation that supports migrants throughout the world. It will help you if you want to leave the Netherlands on your own initiative. IOM can give you practical information about returning and reintegrating in your own country and will assist you in arranging your departure from the Netherlands. You can ask one of the assistants from the Dutch Council for Refugees or your lawyer to help you contact them.

What are you expected to do?

During the procedure, it is important that you provide statements to substantiate the reasons why you are applying for asylum. You are also expected to let the IND see all the proof you have or you can get, such as your documents or any letters, for example, that support your statements.

Are there any specific personal circumstances that IND should take into account? Then tell the IND about them. The IND can then include these in their preparations, such as during the interviews or at the COA's reception centres. The IND will try to support you in the best way possible.

Withdrawing your application

You can withdraw your application any time you wish. If you decide to do so, it is advisable to contact IND directly or your lawyer. One consequence of withdrawing your application from the IND is that you will no longer be entitled to stay in the Netherlands, unless you are allowed to stay for other reasons. Nor will you be entitled to accommodation and related facilities.

The asylum procedure a day at a time

You must go to the IND office on the day of your appointment with the IND. This is the place where the asylum procedure begins. Sometimes, you will stay at the same reception location during the asylum procedure as the one where you stayed during your preparation for the procedure. It is also possible that you will be moved to a reception location closer to the IND office after the rest and preparation period. You will be brought to the office where you have the interviews with the IND unless the distance is so close that you can walk there yourself.

The following information explains to you the course of the asylum procedure from day to day.

Day 1: initial interview

You have an official interview with an IND officer about your identity, nationality and your journey to the Netherlands. This is called the initial interview. During this interview, you will not be asked any questions about the reasons why you are applying for asylum. They will be asked in the next interview with the IND officer (see Day 3). The IND officer will ask you many detailed questions about your identity, nationality and your journey so that these are clear and also to check whether you are speaking the truth. Prepare yourself for this interview as well as you possibly can. You will only be given the one opportunity to explain who you are fully and clearly. Always give your true details and not those of a false document or travel document. Also tell the officer if you have used an alias at any time. Your documents and your story will be checked to see if they are genuine. If the IND establishes that your story is incorrect or your documents are not genuine, this can have a negative effect on your asylum application. If you wish, you can ask someone from the Dutch Council for Refugees to be present at this first interview.

An interpreter will be present at the IND interviews. The IND officer will ask the questions in Dutch. The interpreter will translate these questions into a language you understand. The interpreter will translate your answers into Dutch. The interpreter is independent and has no influence over the decision about your asylum application. You must say if you and the interpreter can't understand each other properly. The IND will then arrange a different interpreter. It is important that no misunderstandings arise because you haven't understood the questions properly.

If you have put in an asylum application together with your spouse or partner, you will each have a separate interview with an IND officer. If you have any children over the age of 15 years, they will have a separate interview as well. You will be given a copy of the report of your first interview (through your lawyer).

Day 2: preparation for the second interview

Your lawyer will discuss the report of the first interview with you. The lawyer will use a room at the IND offices for this interview. An interpreter will also be available during this meeting to translate everything said between you and your lawyer. Your lawyer will send a letter to the IND notifying them if there is anything missing from the report or if something has been recorded incorrectly. Your lawyer will also prepare you for the second interview with the IND.

Day 3: second interview

The second interview is also with an IND officer. During this interview, you can tell this person the reasons why you are applying for asylum. The IND officer will again be putting questions to you during this interview.

This interview will also be held at the IND office. It is important that you tell them everything that shows that you need protection. Be clear, honest and exhaustive in telling what has happened to you and the reasons why you can't expect any protection in your country of origin. If you can't remember a particular event too well, tell the IND officer this. The IND officer is aware of the general situation in your country, but it is important that you explain your own situation: the reasons why you, personally, need protection. Give as many relevant details as possible. If you have any scars or physical or mental complaints that have a connection with the reasons why you are applying for asylum, it is important that you tell the IND officer about them. The IND can then decide to offer you a forensic medical examination if it thinks this is relevant for the assessment of your application. You could also have an investigation of this kind carried out on your own initiative and at your own expense. An interpreter will also be present at this interview. If you wish, you can ask someone from the Dutch Council for Refugees to be present at the second interview as well. You will be given a copy of the report of your second interview (through your lawyer).

Day 4: discussion of the second interview

Your lawyer will discuss the report of the second interview with you. An interpreter will also be on hand during this meeting to translate everything said by you and your lawyer. Your lawyer will send a letter to the IND notifying them if there is anything missing from the report or something has been recorded incorrectly.

Day 5: intended decision

The IND assesses whether you fulfil the conditions for an asylum residence permit. The result of this assessment is decisive for the further course of your asylum procedure. There are the following three possibilities:

1. You fulfil the conditions for an asylum residence permit. You will receive a letter from the IND (through your lawyer) which states that your asylum application has been granted. You may stay in the Netherlands (for the time being). Your lawyer will explain the consequences of this to you.
2. The IND needs more time to investigate your application and cannot make a decision on your asylum application within eight days. The IND will deal with your asylum application in the Extended Asylum Procedure. The decision on your application will come later. You will be given a different leaflet with further information about the Extended Asylum Procedure.
3. In the assessment of the IND, you do not comply with the conditions for an asylum residence permit. You will receive a letter from the IND (through your lawyer) which states that the IND intends (= is planning) to refuse your asylum application. This letter also states the reasons for this intended refusal and explains its consequences for you. Your lawyer will discuss this letter with you.

Day 6: viewpoint

If the IND intends to refuse your asylum application, you will discuss this intended decision with your lawyer. Your lawyer will already have discussed the possible arrangements with you in this connection. Your lawyer can then send the IND a written 'viewpoint'. This is a letter in which you give your official response to the IND's intended decision and you can state why you disagree with it.

Day 7 and 8: decision

After the IND has read your viewpoint, it will decide whether the intended decision needs to be amended. The result of this assessment is decisive for the further course of your asylum procedure. You will receive a letter (through your lawyer) in which the IND gives the result of this assessment. Your lawyer will explain the consequences of this to you. There are three possibilities:

1. After reading your viewpoint, the IND is of the opinion that you fulfil the conditions for an asylum residence permit. You will receive a letter (= decision) from the IND (through your lawyer) which states that your asylum application has been granted. You may stay in the Netherlands (for the time being). Your lawyer will explain the consequences of this to you.
2. The IND needs more time to investigate your application and cannot make a decision on your asylum application within eight days. The IND will deal with your asylum application in the Extended Asylum Procedure. You will be given a different leaflet with further information about the Extended Asylum Procedure.
3. In the assessment of the IND, you do not fulfil the conditions for an asylum residence permit. You will receive a letter (= decision) from the IND (through your lawyer) which states that your asylum application has been refused. This letter also states the reasons for this intended refusal and explains its consequences for you. Your lawyer will discuss this letter with you.

After the asylum procedure

After the General Asylum Procedure you will be moved to a different COA reception centre.

If the IND has granted your asylum application, you may stay in the Netherlands (for the time being). You will be given a residence permit, you may work and you may allow family members to join you. The COA will also help you in finding somewhere to live. You will have an interview with the COA during which your housing needs will be discussed and identified, after which a suitable municipality will be found for you. That municipality will then look for suitable living accommodation for you. This offer of a place to live is once-only and you have to accept it. You may stay in the COA's reception centre until you have your own place to live. The IND will inform you of your rights and obligations after your asylum application has been granted. Staff at the Dutch Council for Refugees can help you integrate into Dutch society. They can help you to contact all kinds of organisations, for example when you are looking for a place to live, study or work.

If the IND refuses your asylum application, you can discuss the possibility of appealing against this decision in a Dutch court with your lawyer. Appeal means that you officially tell the court that you do not agree with the IND's decision. You can also ask the court whether you may stay in the Netherlands during the appeal procedure. Your lawyer will help you to do this. The court will then examine whether the IND has applied Dutch law correctly when deciding on your asylum application. It is often possible to stay in the Netherlands while waiting for the court's decision.

If the IND refuses your asylum application, you will be taken to another asylum seekers' centre. You will then have 28 days, in principle, to arrange your departure from the Netherlands from that centre. After this period of time has expired, you are no longer entitled to accommodation and reception. You will no longer be allowed to live at the asylum seekers' centre.

It is your own responsibility to return to your country of origin. If you do not leave the Netherlands on your own initiative after the period of time you have been given, your departure to your country of origin will be compulsory. The Repatriation and Departure Service (DT&V) will help you to organise your departure. If the IND has turned down your asylum application, you will be given a separate leaflet with information about going back to your country of origin. If you want to return to your country of origin of your own free will, you can contact the International Organization for Migration (IOM). The IOM can help you with practical information and assist your departure. The IOM often has a walk-in clinic at the asylum seekers' centre. You can also turn to the Dutch Council for Refugees for information and support after the asylum procedure.

FAQ

When is my first interview with the IND?

After you have first registered, you have at least six days to prepare for your asylum procedure. In reality, it will often take longer than this before you have your first interview with the IND. While you are at the COA's reception centre, you will receive a letter from the IND inviting you to this first interview.

How long do I have to wait for a decision from the IND?

The General Asylum Procedure generally takes eight working days. Sometimes the IND cannot decide within eight working days, for instance because you have become ill during the asylum procedure. In that case, the IND can take six extra working days to decide on your asylum application. IND offices are usually closed on Saturdays and Sundays: they do not count as working days. The IND can also decide to deal with your asylum application in the Extended Asylum Procedure. In that case, it will take six months at the most from the time you sign your asylum application until the IND takes a decision on your asylum application. You will then be given a different leaflet with further information about the Extended Asylum Procedure. The IND will notify you if it cannot come to a decision within that six month period. Has the IND not sent you its decision or notified you about this within the six months after you submitted your asylum application? Then you can send a letter to the IND in which you request a decision on your asylum application within two weeks. Your lawyer can help you here. On your lawyer's application, a judge can then decide whether the IND has to pay a penalty for every day that no decision has been taken on your asylum application.

I would prefer to explain the reasons for my application for asylum to a woman. Is that possible?

In the Netherlands you cannot refuse contact with men or women in daily life. Men and women are treated equally in Dutch society. We expect this of you too. But if you prefer to talk about the reasons why you are applying for asylum with a female member of IND staff, you can say so during the first interview with the IND. The IND will also try to arrange that a female interpreter is present at the second interview. Do you prefer to tell your story to a man? You can tell them this during the first interview with the IND. In that case, the IND will try to arrange a male member of IND staff to be present at the second interview as well as a male interpreter.

What must I do if I am ill?

If you are ill or pregnant, tell the nurse this when you are being examined for the medical report (see the leaflet: Before your asylum procedure begins). This is especially important if you have or suspect you have an infectious disease such as: TB, scabies or hepatitis B. Everything you tell the nurse will be treated confidentially. The nurse will never pass on information about your health to other people without your consent. If you become ill during the asylum procedure, you must tell someone from the COA, the IND or the Dutch Council for Refugees. They can help you to get the right kind of help, including medical care. If you are ill on the day you are due to have an interview with the IND or your lawyer, ask someone from the COA to pass this information on to your lawyer or the IND.

Do you still have any questions after reading this leaflet?

You can put these questions to your lawyer or to one of the members of staff of the COA, IND or the Dutch Council for Refugees.

Do you have a complaint?

All the organisations that are involved in the asylum procedure try to work professionally and carefully, but you can put in a complaint, if you feel that you haven't been treated properly by one of the organisations. Your lawyer or someone from the Dutch Council for Refugees can help you with this.

This publication is a joint production of:

The Central Agency for the Reception of Asylum Seekers | www.coa.nl

The Repatriation and Departure Service | www.dienstterugkeerenvertrek.nl

The Immigration and Naturalisation Service | www.ind.nl

The Legal Aid Board | www.rvr.org

The Dutch Council for Refugees | www.vluchtelingenwerk.nl

Commissioned by:

The Directorate for Migration Policy of the Ministry of Security and Justice

www.rijksoverheid.nl

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