

Your application for asylum

Information about the Asylum Procedure

Why have you been handed this leaflet?

You wish to apply for asylum in the Netherlands. Asylum means: protection in another country for 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 you are going to be given a residence permit or not.

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

Who can be granted protection (asylum) in the Netherlands?

Asylum residence permit

The Dutch Aliens Act [*Vreemdelingenwet* in Dutch] sets out when you can be granted a residence permit. You will be eligible for an asylum residence permit if any of the following situations applies to you:

- You are rightly afraid to be persecuted in your country of origin because of race, religion, nationality, political opinion or because you belong to a particular social group.
- You are rightly afraid of being given the death penalty in your country of origin or of being subject to torture or other inhuman or degrading treatment.
- You have a well-founded fear of becoming a victim of random violence from armed conflict in your country of origin.
- Your father or mother recently received an asylum residence permit in the Netherlands.

The Immigratie en Naturalisatiedienst (IND) (Immigration and Naturalisation Service) will decide whether you fulfil the conditions for an asylum residence permit.

Which organisations will you be dealing with?



Under Dutch law, a guardianship must be arranged for you if you have arrived in the Netherlands as a minor asylum seeker without your parents or other people who take care of you. **Stichting Nidos** (Nidos Foundation) is the organisation that is responsible for the guardianship of unaccompanied minor asylum seekers, and it will officially apply for guardianship over you. Nidos then appoints one of its staff to be your guardian, and this person will support you in the Netherlands. They will help you when you are faced with important decisions, they will make sure that you have a suitable place to live and they will arrange education for you. The guardian will also help you during your asylum procedure but has no influence on the IND's decision. Nidos arranges the reception of children under 15 in reception families. And of young people with a residence permit in small-scale homes. Nidos will give you further information about the guardianship. www.nidos.nl



The Central Agency for the Reception of Asylum Seekers (COA) is responsible for the reception and support of asylum seekers in the Netherlands. If you are under fifteen, you will be placed with a reception family during the asylum procedure. If you are between fifteen and eighteen, you will be housed in a special COA reception centre for young asylum seekers. COA makes sure that you have a place to stay, food and healthcare insurance. If you need help to contact a doctor, COA can help you. COA is an independent organisation and does not decide on your asylum application. www.coa.nl



GezondheidsZorg Asielzoekers (GZA) (Healthcare for Asylum Seekers) is the healthcare organisation that can help you if you are ill or if you have any questions concerning your health. There is a GZA in or near every COA reception centre. It can arrange an appointment with a doctor's assistant, nurse, mental healthcare practice nurse or a doctor. www.gzasielzoekers.nl



VluchtelingenWerk Nederland (The Dutch Council for Refugees) is an independent human rights organisation, whose aim is to protect the rights of asylum seekers. The Dutch Council for Refugees will provide you with information and explain the asylum procedure to you. The Dutch Council for Refugees will be there in person to inform 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 is not involved in the decision about your asylum application.

www.vluchtelingenwerk.nl | www.forrefugees.nl

Raad voor Rechtsbijstand legal aid

The **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 and is not employed by the Legal Aid Board. The lawyer will receive payment from the Legal Aid Board for helping you.

www.rvr.org



The **Immigration and Naturalisation Service (IND)** is part of the Dutch Ministry of Justice and Security. 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 look closely at 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. www.ind.nl



There are **security guards** employed in the IND buildings and at the COA's reception centres. You can recognise them from 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 Justitie en Veiligheid

Dienst Terugkeer en Vertrek (DT&V) (The Repatriation and Departure Service) falls under the Dutch Ministry of Justice and Security. If you are not granted a residence permit, a member of the DT&V's staff will help you to organise your return to your country of origin. 🌐 www.dienstterugkeerenvertrek.nl



The Internationale Organisatie voor Migratie (International Organization for Migration) (IOM) is an independent organisation that supports migrants throughout the world. IOM can help you if you want to leave the Netherlands on your own initiative. IOM can give you practical information about returning to and reintegrating into your own country and will assist you in arranging your departure from the Netherlands. You can ask your guardian from Nidos, someone from the Dutch Council for Refugees or your lawyer to help you in this process. 🌐 www.iom-nederland.nl

What are you expected to do?

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

If you are having difficulties at the moment and it is important that the IND knows about it, it is a good idea to tell the IND about this as quickly as possible. The IND will then try to support you as much as possible so that you can continue through the asylum procedure.

The asylum procedure from day to day

You must go to the IND office on the day of your appointment with the IND and start the general asylum procedure.

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

Day 1: initial interview

You have an official conversation with an IND officer. This is called the initial interview. The IND checks the information from the registration interview. The IND also asks you more questions if there are uncertainties. Did you not have a registration interview?

Then you will be asked questions about who you are and where you come from.

But also about the family you come from, your parents or other people who took care of you and your trip to the Netherlands. If you wish, you can ask your guardian or someone from the Dutch Council for Refugees to be present during this first interview.

During the initial interview, you will not be asked any questions about the reasons why you are applying for asylum. They will be asked during the next interview with the IND officer (see Day 3). By asking you questions, the IND officer also checks whether you are telling the truth. Prepare yourself for the initial interview as well as you possibly can. A lawyer will help you with this. You will only be given one chance to explain who you are fully and completely and where you come from. Always give your true details and your real date of birth and not those shown on a false document or travel document. Also tell the officer if you have used another name at any time. Your documents and your story will be checked to see if they are genuine. If the IND discovers that your story is not true or your documents are not genuine, this may affect its decision as to whether you will be given a residence permit or not.

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. Make it known right away 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. You will receive a copy of the report of your first interview (from your lawyer).

Day 2: preparation for the second interview

Your lawyer will discuss the report of the initial interview with you. The lawyer will use a room at the IND offices for this meeting. 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 detailed interview with the IND.

Day 3: detailed interview

The detailed interview is also with an IND officer. During this interview, you can tell this officer the reasons why you are applying for asylum. This interview will also be held at the IND office. It is important that you tell everything so that the IND has a good understanding of why 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 specific situation: the reasons why you, personally, need protection. Give as many details as possible: even little things can be very important. The IND officer will also ask you questions about what you tell.

If you have any scars or physical or medical complaints that are linked to what happened in your country of origin, it is important that you tell the IND officer about them. The IND can then decide to offer you a special kind of examination, or possibly a medical examination, if it thinks this is relevant for the assessment of your application. It's also possible for you to have a special examination of this kind carried out on your own initiative and at your own expense. Your lawyer can help you here.

It is also important that, during this interview, you say clearly who can – or who in fact cannot – look after you in the place that you have come from or where you have lived in the past. Explain to the IND officer why you think this. An interpreter will also be present at this interview.

Usually your lawyer or guardian will be present as well. You may also bring another representative with you in their place. You can also ask the Dutch Council for Refugees to be present during the interview. You will receive a copy of the report of the detailed interview (again through your lawyer).

Day 4: discussion of the detailed interview

Your lawyer will discuss the report of the detailed interview with you. An interpreter will also be assisting during this discussion to translate everything said between you and your lawyer. Your lawyer will send a letter to IND notifying them if there is anything missing in the report or something has not 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 three possibilities:

1. 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. This means that you may stay in the Netherlands, but perhaps only for a temporary period. 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 asylum application will follow later. You will be given a different leaflet with further information about the Extended Asylum Procedure.
3. According to the IND's assessment, you do not fulfil the conditions for an asylum residence permit. You will receive a letter from the IND (through your lawyer) which states that the IND is planning to refuse your asylum application. This letter is called an intended decision and states the reasons for this intended refusal and explains its consequences for you. Your lawyer will discuss this letter with you.

Day 6: written response

If the IND intends to refuse your asylum application, you can discuss this intended decision with your lawyer. Your lawyer will have already discussed the possible arrangements with you in this connection. Your lawyer can then send the IND a written 'response', outlining your views. 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.

Days 7 and 8: decision

After the IND has read your response, 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. The IND sends a letter to your lawyer with the results of this assessment. Your lawyer will explain the consequences of this to you. There are four possibilities:

1. After reading your written response, the IND is of the opinion that you fulfil the conditions for an asylum residence permit. You will receive a letter (= decision, *beschikking* in Dutch) from the IND (through your lawyer) which states that your asylum application has been granted. You may stay in the Netherlands, possibly 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. The IND still considers that you do not fulfil the conditions for an asylum residence permit. You will receive a letter (= decision, *beschikking* in Dutch) from the IND (through your lawyer) which states that your asylum application has been refused. The decision explains why your application has been refused and the possible consequences for you. It also states what you can do against the decision and what return options are available. Your lawyer will discuss the decision with you.

4. The IND will hand over your file to the DT&V. They will discuss your departure with you and they will investigate who can look after you in the country where you have come from or where you have lived in the past. If you cooperate during these discussions and investigations, and the DT&V concludes that you cannot return to your country of origin through no fault of your own, it will report this to the IND. The IND will then invite you to submit an application for a residence permit on the grounds of the 'no-fault' policy for unaccompanied minor foreign nationals.

Withdrawing your application

You can withdraw your application any time you wish. If you decide to do this, we advise you to contact a lawyer, your guardian or the IND directly. If you do withdraw your application to the IND, you will no longer be entitled to stay in the Netherlands, unless you are allowed to stay for other reasons. If you do withdraw your asylum application and you are not allowed to stay in the Netherlands for any other reason, you will have to return to your country of origin. You will be housed in a reception facility until your return is arranged and the return journey starts. It is still possible to put in another asylum application after you have withdrawn an asylum application.

After the asylum procedure

You receive a residence permit

If the IND accepts your asylum application, you may stay in the Netherlands, possibly for the time being. You will be given a residence permit. If you are fifteen or older, Nidos will arrange housing for you in a small-scale facility. When you are almost 18 years old, in consultation with your guardian, you may also find a job and your own place to live. The COA can help you look for your own place to live and you may stay at the COA reception centre until you find a place of your own. The IND will tell you about your rights and obligations once you have a residence permit. Your guardian and the staff at the Dutch Council for Refugees can help you contact all kinds of organisations, for example when you are looking for a place to live, work or study. The Dutch Council for Refugees can also help you bring other members of your family to the Netherlands.

You receive no residence permit

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, and you do not appeal against this decision in the court, you are usually given 28 days in which to leave the Netherlands. 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 DT&V will help you organise your departure and you will stay in the reception facility until your return journey is arranged.

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. Very often the IOM will have a walk-in clinic at asylum seekers centres, and you can also make an appointment with one of their employees in a number of cities. You can also turn to the Dutch Council for Refugees and your guardian for information and support after the asylum procedure.

A 'no-fault' residence permit

Regular residence permit

There is a special policy for unaccompanied minor asylum seekers. If you cannot return to your own country within three years of applying for asylum and you cannot do anything about it yourself and there is no good reception in your country, you can get a special residence permit. You have to fulfil a number of conditions in order to be eligible for this special residence permit; it is called a 'no-fault' permit.

- Your asylum application has been refused.
- You were younger than 15 years of age when you made your first application.
- You are younger than 18 years of age and are not married.
- You are here on your own in the Netherlands, so you have no parents and no guardian who has been appointed to look after you outside the Netherlands.
- There are no persons or organisations who can take care of you in the country where you come from or where you lived in the past.
- You have previously cooperated to arrange your return (either on your own or with a guardian or other adult).
- Through no fault of your own, you cannot return to the country that you have come from or to another country that you could possibly go to because, for instance, you have lived there before.

It might be clear that you fulfil these conditions even before three years have passed since your asylum application.

It is also possible that you may be eligible for a regular 'no-fault' permit even if you were older than 15 years when you applied for asylum in the Netherlands. This can be the case when you have made it sufficiently clear to the IND that it is absolutely impossible for you to return to your country of origin. These are the conditions:

- The authorities in your country of origin or the country where you have lived in the past refuse to give their permission for your return.
- You have shown your own initiative in attempting to get the cooperation of the authorities or the necessary travel documents.
- There are medical reasons why you cannot leave.

The Immigration and Naturalisation Service (IND) will decide whether you fulfil the conditions for a residence permit under the no-fault policy for unaccompanied minor foreign nationals.

Residence permit for victims of human trafficking

You can be granted a regular residence permit for a specific period of time if you are a victim of human trafficking. This is a temporary residence permit. You must fulfil the following conditions:

- You are a victim of human trafficking.
- You have reported a criminal offence or cooperated in some other way in a criminal investigation or in the prosecution of the suspect of the criminal offence.
- There is an ongoing criminal investigation or prosecution of the suspect of the criminal offence that was reported to the police or you have cooperated in some other way.

The Immigration and Naturalisation Service (IND) will decide whether you fulfil the conditions for a residence permit as a victim of human trafficking.

Processing your personal data

Personal data is all kinds of information about you. The organisations that have cooperated in this leaflet are listed below. These organisations handle personal data during the processing of your application, notification or request. They ask you for your details and also ask other organisations or people for these, if necessary. These organisations use and store your details and pass them on to other organisations if that is required by law. The privacy legislation contains obligations for organisations that process your data. For example, they must handle your data safely and with due care. The privacy laws also set out your rights, for example:

- to consult the data held by organisations;
 - to know what the organisations do with your data and why;
 - to know to which organisations your data has been passed on.
- Do you want to know more about the processing of your personal data and your rights? Check the websites of the organisations.

FAQ

When is my first interview with the IND?

After you have reported to the Aliens Police, you have at least three weeks to prepare for the asylum procedure. In practice, you usually have to wait for more than three weeks before you have your first interview with the IND. While you are at the COA's reception centre or with your foster family, you will receive a letter from the IND inviting you for this first interview.

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

The asylum procedure takes at least eight working days. IND offices are usually closed on Saturdays and Sundays: they do not count as working days. Sometimes the IND cannot decide within eight working days, for instance because you have fallen ill during the asylum procedure. In that case, the IND can take six extra working days to decide on your asylum application.

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 still 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 requesting 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 then try to arrange that a female interpreter is present at the second

interview. If you prefer to tell your story to a man, then you can say so during your 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 agree to the nurse passing on the information to the IND, the IND can take this into consideration during the interviews.

If you become ill during the asylum procedure, you must tell your guardian or 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 your guardian or 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 guardian, your lawyer or to someone from the COA, IND or the Dutch Council for Refugees.

Do you have a complaint?

All the organisations that are involved in the asylum procedure 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.

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