

Applying for asylum

Information about the General Asylum Procedure

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 officially asking the Dutch government for a residence permit. You need a residence permit to live in the Netherlands. The asylum procedure starts when you submit your asylum application. The asylum procedure is a legal procedure in which the Dutch government decides whether to grant you a residence permit.

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

Which organisations will you encounter?



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



The **Centraal Orgaan opvang asielzoekers (COA)** is responsible for the reception and support of asylum seekers in the Netherlands during the asylum procedure. The COA also makes sure you have food and health insurance, 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



GezondheidsZorg Asielzoekers (GZA) is the organisation you go to if you are ill or have medical questions. There is a GZA health centre at or near every COA reception location. GZA can arrange appointments for you with a doctor's assistant, nurse, GGZ practice support worker or general practitioner. www.gzasielzoekers.nl



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

Raad voor Rechtsbijstand

The **Raad voor Rechtsbijstand (Raad voor Rechtsbijstand, RvR)** ensures that you are assisted by a lawyer if you cannot afford one yourself. The RvR will pay the lawyer a fee for the services provided. The lawyer does not work for the RvR but is an independent legal aid provider who assists you during your asylum procedure. 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 employees will look into whether you are entitled to asylum in the Netherlands. For that purpose, they will ask you about who you are and why you have applied for asylum in the Netherlands. They will investigate your personal story and the situation in the country you came from, and decide whether you are permitted to 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 ask them questions about what is and is not permitted in the IND and COA buildings and premises. The security guards have no influence on the decision about your asylum application



The **Internationale Organisatie voor Migratie** (IOM) is an independent organisation that supports migrants worldwide. The IOM can help you if you want to leave the Netherlands independently. The IOM provides practical information about your return and reintegration and can assist you in arranging your departure from the Netherlands. You can ask your Nidos guardian, a VWN employee or your lawyer to help you with this. www.iom-nederland.nl



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. If your asylum application is rejected, the DT&V will help you arrange your return to your country of origin. www.dienstterugkeerenvertrek.nl

What is expected of you?

During the procedure, it is important that you explain why you have applied for asylum. The IND also expects you to be able to prove your problems as much as possible, using documents or letters, for example.

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

If you currently have a problem that the IND should know about, let them know as soon as possible. The IND will try to support you as much as possible to enable you to continue the asylum procedure.

Preparing for your asylum procedure

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

After the application phase, the Rest and Preparation Period (RVT) will begin. During the RVT, you will undergo a medical examination to find out whether you can tell us about your reasons for requesting asylum. A VluchtelingenWerk (VWN) employee will also provide information about the asylum procedure. VWN will provide assistance and support during the asylum procedure. This help is free. You will meet your lawyer shortly before the start of your asylum procedure. Your lawyer knows the laws and regulations on asylum, and will help you prepare for your detailed interview. The detailed interview is the meeting with the IND in which you explain why you are requesting asylum. Your lawyer's help is free.

The asylum procedure, day by day

On the day of your appointment with the IND, you will go to the IND office and the General Asylum Procedure (AA) will begin. The AA usually takes 6 days. There is also a longer General Asylum Procedure: the AA+, which usually takes 9 days. The AA+ is intended for asylum applications that require more investigation by the IND, and asylum seekers who need more attention due to mental or physical problems. After the RVT, the IND will decide whether you will proceed to the AA or AA+. Given below is a description of your asylum procedure on a day-to-day basis.

General Asylum Procedure (AA)

Day 1: detailed interview

The detailed interview is a meeting with an IND employee. During this interview, you can provide a detailed explanation of the reasons for your asylum application. The IND employee will also ask you questions. The detailed interview takes place at an IND office. An interpreter will attend the detailed interview. The IND employee will ask the questions in Dutch. The interpreter will translate the questions into a language you understand and translate your answers into Dutch. The interpreter is independent, does not work for the IND and has no influence on the decision concerning your asylum application. Please note: if you and the interpreter have trouble understanding each other, it is important to say so straight away. In that case, the IND will try to arrange a different interpreter. It is important that there are no misunderstandings caused by not understanding the questions correctly. The IND employee will draw up a report of the detailed interview.

It is important that you explain everything to ensure that the IND understands why you need protection. Be honest, complete and clear about what has happened to you and why you cannot get protection in your country of origin. Tell the IND employee if you cannot remember a specific event exactly. They are aware of the general situation in your country. It is important that you explain your situation: why do you personally need protection? Provide as many details as possible—even small things can be very important. The IND employee will also ask you questions about such details.

If you have any scars or physical or mental complaints related to the reason for your asylum application, it is important that you tell the IND employee. The IND may decide to offer you a medical examination if it considers this useful for assessing your application. You can also have a medical examination carried out yourself at your own expense. Your lawyer can help you with this. During the interview, it is important that you also clearly state who can or cannot take care of you in the country you come from or where you lived before you came to the Netherlands. Also explain to the IND employee why you think that.

Your lawyer or guardian will usually attend the interview. You can also ask VWN to attend. You will receive the report of the detailed interview from the IND or your lawyer.

Day 2: discussion of detailed interview

Your lawyer will discuss the report of the detailed interview with you.

An interpreter will be present to translate everything you and your lawyer say. If anything is missing from the report or has not been written down correctly, your lawyer will report this in a letter to the IND.

Day 3: initial decision

The IND will assess whether you satisfy the conditions for an asylum residence permit. The outcome of that assessment determines the further course of your asylum procedure. There are 3 possibilities:

1. You satisfy the conditions for an asylum residence permit. You will receive a decision letter from the IND (through your lawyer) stating that your asylum application has been approved. This means that you are allowed to live in the Netherlands temporarily or permanently. Your lawyer will explain how this affects you.
2. The IND needs more time to investigate and cannot decide on your asylum application within 6 days (or 9 for the AA+). The IND will continue to process your asylum application in the Extended Asylum Procedure. The decision will follow later. You will receive another leaflet with information about the Extended Asylum Procedure (VA).
3. The IND determines that you do not satisfy the conditions for an asylum residence permit. You will receive a letter from the IND (through your lawyer) stating that the IND intends to reject your asylum application. This is called an intended decision. The letter will also explain the reasons for rejection and the consequences for you. Your lawyer will discuss the letter with you.

Day 4: reaction to decision: response

If the IND intends to reject your asylum application, you will discuss the matter with your lawyer. Your lawyer can send the IND a written response in which you can officially respond to the IND's intended decision and explain why you disagree with it.

Day 5 and 6: decision

After reading your response, the IND will assess whether their decision should be amended. The outcome of that assessment determines the further course of your asylum procedure. The IND will report the outcome of the assessment in a letter to your lawyer. Your lawyer will explain the consequences for you. There are 4 possibilities:

1. After reading your response, the IND believes that you satisfy the conditions for an asylum residence permit. You will receive a decision letter from the IND (through your lawyer) stating that your asylum application has been approved. You may

continue to live in the Netherlands for now. Your lawyer will explain how this affects you.

2. The IND needs more time to investigate and cannot decide on your asylum application within 6 days (or 9 for the AA+). The IND will continue to process your asylum application in the VA. You will receive another leaflet with information about the Extended Asylum Procedure.
3. The IND determines that you still do not satisfy the conditions for an asylum residence permit. You will receive a decision letter from the IND (through your lawyer) stating that your asylum application has been rejected. The letter will also explain the reasons for rejection and the consequences for you. For example, you will no longer be allowed to stay in the Netherlands and will have to return to your country of origin. 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.
4. The IND will transfer your file to the DT&V. The DT&V will conduct departure interviews with you. They will also look into who can care for you in the country you come from or lived in before coming to the Netherlands. If you participate in these interviews and investigations and the DT&V finds that there is nothing you can do about not being able to return to your country, the DT&V will inform the IND. In that case, the IND will invite you to submit an application for a residence permit under the 'no-fault' policy for unaccompanied minors.

General Asylum Procedure 9 days (AA+)

If the IND processes your asylum application in the AA+, your asylum procedure will usually take 9 days:

- Day 1 and 2: detailed interview;
- Day 3 and 4: discussion of the detailed interview with your lawyer;
- Day 5: initial decision;
- Day 6 and 7: reaction to decision (response) by lawyer;
- Day 8 and 9: second decision.

Withdrawing your application

You may withdraw your application at any time. In that case, you should contact a lawyer, your guardian or the IND directly. If you withdraw your asylum application with the IND, you will no longer be allowed to stay in the Netherlands unless you are allowed to be here for another reason. If you withdraw your asylum application and are not allowed to stay in the Netherlands for another reason, you will have to return to your country of origin. You will remain in a reception centre until your return journey begins. You can still apply for asylum again after withdrawing your application.

After the asylum procedure

Your application is approved

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

Your application is rejected

If the IND rejects your asylum application, you can appeal the decision with a Dutch court through your lawyer. This means that you officially inform the court that you disagree with the IND's decision. You can also ask the court for permission to stay in the Netherlands during the appeal procedure. Your lawyer will help you with that. The court will consider 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.

If the IND rejects your asylum application and you do not appeal the decision, you will no longer be allowed to stay in the Netherlands. In some cases the IND will tell you how long you have to leave the Netherlands. Officially, you are personally responsible for your return to your country of origin. However, the Dienst Terugkeer en Vertrek (DT&V) will help you arrange your departure. The DT&V will contact you after your asylum application has been rejected. If you do not leave on your own within the designated period, you will be deported. You will stay in a small COA reception centre as long as your return journey to your country has not yet been arranged and you are still a minor.

If you wish to return to your country of origin voluntarily, you can contact the Internationale Organisatie voor Migratie (IOM). The IOM can provide practical information and assist you with your departure. The IOM often has a walk-in consultation at the asylum seekers' centre. You can also make an appointment with an IOM employee in certain cities. You can still contact your guardian and VWN for assistance and information after the asylum procedure.

No-fault residence permit

Regular residence permit

There are special rules for unaccompanied minor asylum seekers. If within 3 years of applying for asylum, you are unable to return to your own country through no fault of your own and there is no adequate shelter available in your country, you may be eligible for a special residence permit, known as a no-fault residence permit. To obtain a no-fault residence permit, you must meet certain conditions:

- your asylum application has been rejected;
- your statements about your identity, nationality, parents and other family members are believable;
- you were under the age of 15 when you first applied for asylum;
- you are under the age of 18 and not married;

- you are alone in the Netherlands, without parents or an appointed guardian abroad;
- there are no people or organisations who can take care of you in your country of origin or where you lived before;
- you previously cooperated in your return (alone or with your guardian or another adult);
- you cannot return to your country of origin through no fault of your own; you cannot return to another country because you have lived there before.

It may become clear that you satisfy these conditions sooner than 3 years after your asylum application.

The Immigratie- en Naturalisatiedienst (IND) will decide whether to grant you a no-fault residence permit for unaccompanied minor foreign nationals.

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 carefully and securely. The privacy law also establishes your rights, such as:

- the right to access your data stored by organisations;
- the right to know what organisations are doing with your data and why;
- the right to know with which organisations your details have been shared.

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

Frequently asked questions

When is my detailed interview with the IND?

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

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

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

The IND may also decide to process your asylum application through the Extended Asylum Procedure. In that case, it can take up to 6 months from the date on which

your asylum application was signed for the IND to make a decision. You will receive another leaflet containing information about the Extended Asylum Procedure. If the IND is unable to decide within 6 months, you will be notified of this. If the IND has not decided on your asylum application within 6 months and has not notified you about it, you can send the IND a letter requesting a quick decision on your asylum application. Your lawyer can help you with this.

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

Yes, you can specify this during the reporting interview (interview with the IND). The IND will try to arrange a female IND employee and interpreter to attend the detailed interview. If you would rather tell your story to a man, you can also specify this during the reporting interview. In that case, the IND will try to arrange a male IND employee and male interpreter for the detailed interview.

What should I do if I am sick or pregnant?

If you are sick or pregnant, tell the nurse during the examination for medical advice (see leaflet: Before the asylum procedure) This is especially important if you have or think you may have a contagious disease such as tuberculosis, scabies or hepatitis B. Anything you tell the nurse will be kept confidential. The nurse will never share information about your health with others without your permission. If you consent to the nurse sharing information with the IND, the IND can take any relevant information into account during the interviews. If you become sick during the asylum procedure, tell your guardian or a COA, IND or VWN employee. They can help you get the medical help you need. If you are sick on the day of a meeting with the IND or your lawyer, ask your guardian or a COA employee to tell your lawyer or the IND.

Questions

If you have any questions after reading this leaflet, please talk to your lawyer or a COA, IND or VWN employee.

Complaints

All organisations involved in the asylum procedure are professional and meticulous. If, nevertheless, you feel that you have not been treated properly by an organisation, you can file a complaint. Your guardian or lawyer or a VWN employee can help you with this.

This leaflet is a joint publication of:
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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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