

Your asylum application

Information on the Border Procedure

Why have you received this leaflet?

You have entered the Netherlands through an airport or seaport and wish to apply for asylum here. Asylum means protection in another country for people who are not safe in their own country and cannot get protection in there.

When you apply for asylum, you are officially asking the Dutch government for a residence permit. You need a residence permit to live in the Netherlands. The asylum procedure will start after you submit your asylum application; this is a legal procedure in which the Dutch government decides whether to grant you a residence permit. Your asylum application will be processed under the border procedure. In the border procedure, the IND must decide on your application within 28 days.

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

When will you receive an asylum residence permit?

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

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

What is expected of you?

It is important that your statements during the procedure support the reasons for your asylum application. You will also be expected to show the IND any evidence you have or can obtain (such as your documents or letters supporting your statements).

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

Which organisations will you encounter?



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

www.vluchtelingenwerk.nl

www.forrefugees.nl

Raad voor Rechtsbijstand

The **Raad voor Rechtsbijstand** (RvR) ensures that you get help from 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.

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 will investigate whether you are entitled to asylum in the Netherlands. They will ask you about who you are and why you have requested asylum in the Netherlands. They will investigate your story and the situation in your country of origin to decide whether you are permitted to temporarily or permanently stay in the Netherlands.

www.ind.nl



You will have an appointment with a **MediFirst** nurse at the reception centre. The nurse will ask you to undergo a medical examination. The examination is intended to determine whether you have any psychological or physical problems that may affect your interviews with the IND.



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. Ask 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 the IND denies you asylum, the DT&V will help you arrange your return to your country of origin.

www.dienstterugkeerenvertrek.nl



Dienst Justitiële Inrichtingen
Ministerie van Justitie en Veiligheid

The **Dienst Justitiële Inrichtingen** (DJI) is part of the Dutch Ministry of Justice and Security. You are staying in secure border accommodation because you have been refused entry to the Netherlands. The building is a secure reception centre. The DJI manages the building. DJI employees wear a uniform. They will care for and assist you during your stay in the border accommodation.
www.dji.nl

Step 1: reporting and registration

You will report to the Dutch border guards. This is usually the Koninklijke Marechaussee (KMar). Members of the KMar will establish your identity. The KMar will record your personal details, such as your name, date of birth and nationality. They will also search your clothing and luggage and take photos and fingerprints. You have received a leaflet explaining the reason for taking your fingerprints. You must also sign your asylum application at the KMar. The KMar may ask you questions about:

- your travel route;
- whether you have previously applied for asylum in the Netherlands or elsewhere in Europe; and
- whether you have family here or elsewhere in Europe.

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

Secure reception centre

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

Step 2: application interview

The first meeting with the IND is called the application interview, during which the IND will ask you questions. The main goals of the application interview are to:

- obtain information on:
 - who you are;
 - where you come from; and
 - how you travelled here.
- see which documents you have;
- look into whether another country in Europe should process your asylum application (the Dublin procedure).

During the application interview, you will be asked questions about:

- your identity, nationality, origin and place of residence;
- family;
- documents;
- education;
- work and military service;
- residence in other countries;
- your journey to the Netherlands; and
- your reason for seeking asylum.

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

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

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

Documents

Documents are very important for assessing your asylum application. If you have documents that prove your identity, such as a passport, identity card, birth certificate or driving licence, or that support your claimed travel route or asylum story, such as airline tickets, boarding passes, diplomas, a court ruling or newspaper articles, please submit them as soon as possible during your registration or the application interview with the IND. You can also submit documents later, possibly during the detailed interview. A VWN employee at the secure reception centre can help you with this. Experts will examine the authenticity of your documents. The IND will use these documents when assessing your asylum application.

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

Interpreter

An interpreter will attend the interviews with the IND. The IND 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 does not work for the IND and has no influence on the decision concerning your asylum application. If you and the interpreter have trouble understanding each other, it is important to say so straight away. In that case, the IND will try to arrange a different interpreter. It is important that there are no misunderstandings caused by not understanding the questions correctly.

Step 3: the rest and preparation period

After the application interview, you will have a 6-day rest and preparation period (RVT). During the RVT, you can rest and prepare for the asylum procedure. In consultation with your lawyer, you can ask the IND to shorten the RVT. In some cases, the IND may decide that you will not be given an RVT. This may be the case if you have come from a safe country, for example, or if you already have an asylum residence permit in another EU Member State, Norway, Iceland, Liechtenstein or Switzerland.

Information by VWN

A VWN employee will provide information and an explanation of the asylum procedure and medical advice. VWN staff will also inform and support you throughout the asylum procedure. VWN's services are free of charge. Your information will be treated confidentially.

Medical Advice

A MediFirst nurse will ask you some questions during a short examination. The nurse will write a medical opinion. If necessary, the nurse will refer you to a doctor for further examination. The nurse or doctor will report the results of the examination to the IND. This will only be done with your consent. During the asylum procedure, the IND will take the information about your state of health into account.

It is important to be honest about any mental and physical problems you have. Talk about such problems with the nurse or doctor. If you have any scars, report them to the nurse or doctor as well. The medical examination report is confidential. You are not required to undergo a medical examination. You do not have to pay for the medical examination.

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

Tuberculosis test

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

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

Help from a lawyer

A lawyer will assist you during your asylum procedure. The lawyer will be assigned to you when you apply for asylum. The lawyer does not work for the Dutch government. Your lawyer will meet with you to prepare you for the asylum procedure. This preparatory meeting with your lawyer will be held in the building where you are staying. You do not have to pay for the assistance of your lawyer. Your information will be treated confidentially.

Step 4: the asylum procedure day by day

After the RVT, the General Asylum Procedure (Algemene Asielprocedure, AA) will begin. The AA takes 6 days and will take place in the building where you are staying. There is also a longer version of the AA—the AA+—which usually takes 9 days. The AA+ is intended for asylum applications that require more research by the IND, and asylum seekers who need more attention due to mental or physical problems. 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 during the interview. An interpreter will be present at the interview. If you wish, you can also ask for someone from VWN to attend the detailed interview with you.

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

It is important that you explain all the facts that prove you need protection. Be honest, complete and clear about what has happened to you and why you cannot get protection in your country of origin. If you cannot remember a specific event exactly, tell the IND employee. 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 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 employee. The IND may then 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.

Day 2: discussion of detailed interview

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

Day 3: initial decision

The IND will assess whether you satisfy the conditions for an asylum residence permit. The outcome of this assessment determines the further course of your asylum procedure. There are 4 possibilities:

1. You satisfy the conditions for an asylum residence permit. You will receive a letter from the IND (through your lawyer) stating that the border procedure is complete and you will be allowed into the Netherlands. Your asylum application will be approved as soon as possible in consultation with your lawyer. You will be allowed to live in the Netherlands permanently or temporarily. Your lawyer will explain what this means for you.
2. The IND needs more time for its investigation and cannot decide on your asylum application within 28 days. The IND will continue to process your asylum application in the Extended Asylum Procedure (VA). The VA takes place in an open

reception centre. The decision on your asylum application will follow later. You will receive another leaflet with information about the VA.

3. The IND determines that you are unlikely to meet the conditions for an asylum residence permit but that there are no reasons to keep you in a secure reception centre any longer. Your asylum application will continue in the AA, but no longer through the border procedure. The AA will stop and usually resumes in an open reception centre after one week.
4. The IND determines that you do not satisfy the conditions for an asylum residence permit. You will receive a letter from the IND (through your lawyer) stating that the IND intends to reject your asylum application. This is called an intended decision. The letter will also explain the reasons for rejection and the consequences for you. Your lawyer will discuss the letter with you.

Day 4: reaction to decision: response

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

Day 5 and 6: decision

After reading your response, the IND will assess whether their intention should be amended. The outcome of that assessment determines the further course of your asylum procedure. You will receive a letter from the IND (through your lawyer) to report the outcome of the assessment. Your lawyer will explain what this means for you. There are 4 possibilities:

1. You satisfy the conditions for an asylum residence permit. You will receive a letter from the IND (through your lawyer) stating that the border procedure is complete and you will be allowed into the Netherlands. Your asylum application will be approved as soon as possible in consultation with your lawyer. You will be allowed to live in the Netherlands permanently or temporarily. Your lawyer will explain what this means for you.
2. The IND needs more time for its investigation and cannot decide on your asylum application within 28 days. The IND will continue to process your asylum application in the VA. The VA takes place in an open reception centre. The decision on your asylum application will follow later. You will receive another leaflet containing information about the VA.
3. The IND determines that you are unlikely to meet the conditions for an asylum residence permit but that there are no reasons to keep you in a secure reception centre any longer. Your asylum application will continue in the AA, but no longer through the border procedure. The AA will end and usually resumes in an open reception centre after one week.
4. The IND determines that you do not satisfy the conditions for an asylum residence permit. You receive a decision letter from the IND (through your lawyer) stating that your asylum application has been rejected and that you must return to your country of origin. The letter also states the reasons for the decision and what the consequences are. The letter also explains what to do if you disagree with the decision, and what possibilities there are for you to return to your country of origin. Your lawyer will discuss the letter with you.

General Asylum Procedure, 9 days (AA+)

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

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

Border procedure, max. 28 days

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

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

The simplified asylum procedure

If you come from a safe country, it is unlikely that you will be granted asylum. The IND will process your application in a simplified and accelerated procedure. You will only have one interview with the IND during this procedure. This also applies if you already have an asylum residence permit in the Netherlands, another EU Member State, Norway, Iceland, Liechtenstein or Switzerland.

Please note: There is a separate leaflet about the simplified asylum procedure.

List of safe countries

Albania, Algeria, Andorra, Australia, Belgium, Bosnia-Herzegovina, Brazil, Bulgaria, Canada, Cyprus, Denmark, Estonia, Finland, France, Germany, Georgia, Ghana, Greece, Hungary, Ireland, India, Italy, Jamaica, Japan, Kosovo, Croatia, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Morocco, Monaco, Mongolia, Montenegro, Netherlands, New Zealand, North Macedonia, Norway, Ukraine, Austria, Poland, Portugal, Romania, San Marino, Senegal, Serbia, Slovenia, Slovakia, Spain, Trinidad and Tobago, Czech Republic, Tunisia, Vatican City, United Kingdom, United States, Iceland, Sweden and Switzerland..

This list is subject to change. Countries may be added or removed depending on the security situation in a country. The latest version of the list of safe countries can be found on the Dutch government's website: www.rijksoverheid.nl

Withdrawing your application

You may withdraw your application at any time. In that case, you should contact a lawyer 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. You may also be subjected to an entry ban. This means that you may not travel to or be in the Netherlands and most other countries in Europe. You may reapply for asylum after withdrawing your application, even if you are subject to an entry ban.

After the asylum procedure

If the IND rejects your asylum application, you can appeal the decision with a Dutch court 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 this. The court will examine whether the IND has correctly applied Dutch law when deciding on your asylum application. In many cases, you will be allowed to await the court's decision in the Netherlands. You will stay in the secure reception centre until the court has made a decision. You will usually also be given an entry ban for most countries in Europe.

If you are rejected, you will usually also be given an entry ban. You may reapply for asylum after rejection, even if you are subject to an entry ban.

Return

You are personally responsible for your return to your country of origin. However, the Dienst Terugkeer en Vertrek (DT&V) will help you prepare your departure. DT&V will contact you after your asylum application has been rejected. If you do not leave of your own volition within the designated period, you will be deported. You will stay in the secure reception centre during the return procedure.

If you wish to speak with the DT&V about your return sooner, your lawyer or a VWN employee can put you in touch with them. You can also contact the DT&V yourself using a special form on the DT&V website:

- Dutch: <https://www.dienstterugkeerenvertrek.nl/ondersteuning-bij-terugkeer/hulp-van-dtv>
- English: <https://english.dienstterugkeerenvertrek.nl/return-assistance/documents/leaflets/2016/12/22/if-you-no-longer-want-to-stay-in-the-netherlands>

If you wish to voluntarily return to your country of origin, you can contact the Internationale Organisatie voor Migratie (IOM). The IOM can provide practical information and assist you with your departure.

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 handling 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 first interview with the IND?

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

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

The IND may decide to process your asylum application through the Extended Asylum Procedure (VA). In that case, it can take up to 6 months from the date on which your asylum application was signed before the IND makes a decision. You will stay at an open reception centre during the procedure. You will receive another leaflet with information about the VA.

If the IND is unable to decide within 6 months, you will be notified of this. If the IND has not sent you a decision 6 months after you submitted your asylum application and you have not received a message from the IND about the matter, 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 application interview (= first interview with the IND). The IND will try to arrange a female IND employee and interpreter to attend the detailed interview. If you would prefer to tell your story to a man, you can also specify this during the application 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, notify the Medical Services at the airport. Also notify the nurse during the examination for medical advice (see earlier in this leaflet). 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 an IND or VWN employee. They can help you get the medical help you need. If you are sick on the day of your meeting with the IND or your lawyer, ask a security guard or a VWN employee to notify your lawyer or the IND.

Questions

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

Complaints

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

This leaflet is a joint publication of:
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Dienst Justitiële Inrichtingen (DJI)
Centraal Orgaan opvang asielzoekers (COA)
Immigratie- en Naturalisatiedienst (IND)
Koninklijke Marechaussee (KMar)
Raad voor Rechtsbijstand (RvR)
VluchtelingenWerk Nederland (VWN)
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