

Your asylum application

Information on the Border Procedure

Why have you been handed this leaflet?

You have entered the Netherlands through an airport or seaport. Now you wish to apply for asylum here in this country. 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 you are going to be given a residence permit or not. Your asylum application will be dealt with according to the Border Procedure. The maximum duration of the Border Procedure is 28 days.

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

Step 1: reporting and registering

You report to the Dutch border control, usually the Koninklijke Marechaussee (Royal Netherlands Military Constabulary).

Their officers establish your identity and they record your personal details, such as your name, date of birth and nationality. They will examine your clothing and luggage, and take photos of you and record your fingerprints. You have already received a leaflet explaining why your fingerprints are needed. You also sign an asylum application.

They can also ask you questions about:

- your journey;
- whether you have previously applied for asylum here or elsewhere in Europe;
- the presence of family members here or elsewhere in Europe.

Documents

Documents are very important for the assessment of your asylum application. Do you have any documents with you with which you can prove your identity, such as a passport, ID card, birth certificate or a driving licence? Or do you have any documents that can provide evidence of the journey you have made or the reasons why you are applying for asylum, such as plane tickets, a boarding pass, diplomas, a judgment from the court or a newspaper article? Submit these documents when you register or try to get these



The VluchtelingenWerk Nederland (Dutch Council for Refugees) is an independent human rights organisation whose aim is to stand up for the rights of asylum seekers. The Dutch Council for Refugees can give you information and explain the asylum procedure to you and is 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 takes no part in the decision about your asylum application.

📞 www.vluchtelingenwerk.nl | www.forrefugees.nl

Please note: your personal details and your documents are important when your asylum application is being assessed. Keep nothing back and check whether the details have been noted fully and correctly. Never throw any personal documents away.

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

documents before your asylum procedure begins. A staff member of the Dutch Council for Refugees in the secure reception centre can help you with this.

Experts from the Royal Netherlands Military Constabulary will examine your documents to see whether they are genuine. The IND will use these documents when assessing your asylum application.

Step 2: the rest and preparation period

The asylum procedure does not start immediately on your arrival in the Netherlands. You are given six days' time to rest from your journey and to prepare for the procedure. This is called the rest and preparation period (RVT). After consulting your lawyer, you can ask the IND to shorten this period if you wish.

Accommodation

A few hours after you have reported and registered, you will be taken to a secure reception centre close to Schiphol airport, where you will stay during the entire Border Procedure. You may not leave this centre on your own initiative. The Immigratie- en Naturalisatiedienst (Immigration and Naturalisation Service) (IND) has an office in this building too.



Immigratie- en Naturalisatiedienst
Ministerie van Justitie en Veiligheid

The Immigratie- en Naturalisatiedienst (Immigration and Naturalisation Service) (IND) is part of the Dutch Ministry of Justice. The 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 on a temporary basis - or whether you will be transferred to another European country.

📞 www.ind.nl

Tuberculosis screening

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

A member of the Medical Service staff from the secure reception centre will ask you a number of questions about this. If there is any suspicion that you have TB, you will undergo a full TB examination. You will be taken to the hospital for this. If you have TB, you will be given a course of medication as treatment. The asylum procedure will only begin once any medical treatment has started.

Information

A staff member of VluchtelingenWerk Nederland (Dutch Council of Refugees) will give you further information and explain the asylum procedure and the medical report to you.

The staff of the Dutch Council of Refugees will also assist you and support you during the asylum procedure. The services of the Dutch Council of Refugees are given free of charge. Your information will be treated confidentially.



FMMU

At the reception centre, you will have an appointment with a nurse from the Forensisch Medische Maatschappij Utrecht (Utrecht Forensic Medical Service) (FMMU). This nurse will ask you if you are willing to undergo a medical examination. The aim of this examination is to ascertain whether you have any mental or physical problems that could have an influence on your interviews with the IND.

Medical examination

The nurse will ask you a number of questions during the medical examination. If necessary, the nurse will refer you to a doctor for a further examination. The nurse or the doctor will pass the results of the examination on to the IND - but only with your consent. The IND will take your state of health into consideration during the asylum procedure.

It is important that you are honest about any mental and physical problems you may have and that you tell the nurse or the doctor about them. It is also important that you tell the nurse of any scars you may have. The report of the medical examination is confidential. The medical examination is not compulsory, and you do not have to pay for it.

Tell the nurse if you do not want to have the medical examination. If you do this, the IND will not be able to take your state of health into consideration during the asylum procedure.

Help from a lawyer

A lawyer will assist you during your asylum procedure. This lawyer works independently of the Dutch government. The lawyer will have a meeting with you to prepare you for the interviews with the IND. You will have this preparatory meeting with your lawyer in the building where you are staying.

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 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

You do not have to pay for your lawyer's assistance. Your information will be treated confidentially.

Step 3: the asylum procedure a day at a time

The asylum procedure will begin after you have had a period of rest and preparation. The asylum procedure will take place in the building where you are staying. You will also have the meetings with your lawyer in that building. Both your lawyer and the IND staff also have rooms in the building where you are staying.

The information below explains 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 but 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. The Dutch Council for Refugees can also help you to have important documents sent to you from abroad.

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 back into Dutch. The interpreter is independent and has no influence over the decision about your asylum application. Make it known 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. You will be given a copy of the report of your first interview (through your lawyer).

Day 2: preparation for the detailed interview

Your lawyer will discuss the report of the first interview with you. The lawyer will use a room at the secure reception centre 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 person the reasons why you are applying for asylum. The IND officer will again be putting questions to you during this interview.

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 detailed interview as well. You will be given a copy of the report of your detailed interview.

Day 4: discussion of the detailed interview

Your lawyer will discuss the report of the detailed 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 IND notifying them if there is anything missing in the report or something has been recorded incorrectly. IND.

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 four possibilities:

1. You fulfil the conditions for an asylum residence permit. You will receive a letter from the IND (through your lawyer) that states that the Border Procedure has come to an end and that you will be allowed to enter the Netherlands. Your asylum application will be granted as quickly as possible in consultation with your lawyer. You may then stay in the Netherlands (for the time being). Your lawyer will explain the further consequences this will have for you.
2. The IND needs more time to investigate your application and cannot make a decision on your asylum application within twenty-eight days. The IND will deal with your asylum application in the Extended Asylum Procedure. This procedure will be conducted in another place, possibly an open reception centre. The decision on your asylum application will be made later. You will be given a different leaflet with further information about the Extended Asylum Procedure.
3. The IND considers that you probably do not fulfil the conditions for an asylum residence permit, but that your asylum application should be dealt with in the General Asylum Procedure. This procedure usually starts one week later and it is possible that it will take place in an open reception centre. You will be given a different leaflet with further information about the General Asylum Procedure.
4. In the assessment of the IND, you do not fulfil the conditions for an asylum residence permit. You will receive a letter from the IND (through your lawyer) within the Border Procedure, stating that the IND intends to refuse your asylum application. The decision also states the reasons for this intended refusal and explains its consequences for you. Your lawyer will discuss the decision with you.

Day 6: written response

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 response. 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 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. You will receive a letter (through your lawyer) in which the IND gives the result of this assessment. Your lawyer will explain the further consequences this will have for you. There are four possibilities:

1. You fulfil the conditions for an asylum residence permit. You will receive a letter from the IND (through your lawyer) that states that the Border Procedure is ended and that you will be allowed to enter the Netherlands. Your asylum application will be granted as quickly as possible in consultation with your lawyer. You may then stay in the Netherlands (for the time being). Your lawyer will explain the further consequences that this will have for you.
2. The IND needs more time to investigate your application and cannot make a decision on your asylum application within twenty-eight days. The IND will deal with your asylum application in the Extended Asylum Procedure. It is possible that this procedure will take place in an open reception centre. The decision on your asylum application will come later. You will be given a different leaflet with further information about the Extended Asylum Procedure.
3. The IND considers that you probably do not fulfil the conditions for an asylum residence permit, but that your asylum application should be dealt with further in the General Asylum Procedure. It is possible that this procedure will take place in an open reception centre. You will be given a different leaflet with further information about the General Asylum Procedure.
4. In the IND's assessment, you do not fulfil the conditions for an asylum residence permit. You will receive a letter (decision) from the IND (through your lawyer) within the Border Procedure. It states that your asylum application has been denied by the IND. It also states the reasons for this refusal and explains its consequences for you. Your lawyer will discuss this decision with you.

Please note: Earlier in this document it was explained that the Border Procedure lasts eight days in theory. Sometimes, the IND cannot decide within these eight days because further investigation is necessary, for example. For this reason, the period of eight days can be extended to a period of 28 days at the most. So, in certain cases, the IND can take extra time within the Border Procedure to decide about your asylum application. Saturdays, Sundays and public holidays are also classed as working days in the Border Procedure.

The IND aims to keep the Border Procedure as short as possible so that your stay in a secure reception centre lasts no longer than necessary. As soon as it is clear that your asylum application cannot be dealt with in the Border Procedure, this procedure stops. Your application will then be dealt with in the General Asylum Procedure or the Extended Asylum Procedure. You will then stay in an open reception centre.

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 (UMFN) recently received an asylum residence permit in the Netherlands. The Immigration and Naturalisation Service (IND) will decide whether you fulfil the conditions for an asylum residence permit.

Which other organisations will you be dealing with?



Dienst Terugkeer en Vertrek
Ministerie van Justitie en Veiligheid

The **Dienst Terugkeer en Vertrek** (Repatriation and Departure Service) (DT&V) is part of the Dutch Ministry of Justice and Security. 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. 🌐 www.dienstterugkeerenvertrek.nl



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 to 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. 🌐 www.iom-nederland.nl



Dienst Justitiële Inrichtingen
Ministerie van Justitie en Veiligheid

The **Dienst Justitiële Inrichtingen** (Custodial Institutions Agency) (DJI) is part of the Dutch Ministry of Justice and Security. You stay in closed border accommodation because you have been denied access to the Netherlands. The border accommodation is a secured reception location. The DJI manages this building. DJI employees wear a uniform. They take care of you and guide you during your stay in the border accommodation. 🌐 www.dji.nl

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.

Tell the IND if there are any personal circumstances that need to be taken into account, so that measures can be put in place during the interviews, for example, or at the reception centres. The IND will give you the best possible support.

Withdrawing your application

You can withdraw your application at any time you wish. If you decide to do so, it is advisable to contact the 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.

It is still possible to apply for asylum again after you have withdrawn your asylum application.

After the asylum procedure

If the IND refuses your asylum application in the Border Procedure, you can discuss with your lawyer the possibility of appealing against this decision in a Dutch court. 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 reject your asylum application, it will be assessed whether there are reasons to place you in aliens detention. You will stay there until the court has made a decision and awaiting your departure from the Netherlands. Are there no reasons to put you in aliens detention? Then you can await the court's decision in an open reception location. You are usually given an entry ban for most countries in Europe, which means that you may no longer enter or live in those countries. You may apply for asylum again even if an entry ban has been imposed on you.

Return

It is your own responsibility to return to your country of origin. The Repatriation and Departure Service (DT&V) will help you to organise and discuss your departure with you. If the IND refuses your asylum application, you will be given a separate leaflet with information about the departure for 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. You can also turn to the Dutch Council for Refugees for information and support after the asylum procedure.

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 first registered, you have six days to prepare for your asylum procedure. If you want to have a shorter rest and preparation period, you can discuss this with your lawyer and inform the IND. After that, you will have your first interview with the IND.

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

Earlier in this document, it was explained that the Border Procedure lasts eight days in theory. Sometimes, the IND cannot decide within these eight days because further investigation is necessary, for example. For this reason, the period of eight days can be extended to a period of 28 days at the most. So, in certain cases, the IND can take extra time within the Border Procedure to decide about your asylum application. Saturdays, Sundays and public holidays are also classed as working days in the Border Procedure.

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. Then you will stay in an open reception location. 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. What if you have not received a decision by the IND or it has not sent you any notification 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 also try to arrange that a female interpreter is present at the detailed 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 detailed interview as well as a male interpreter.

What must I do if I am ill or pregnant?

If you are ill or pregnant, inform the Medical Services at the airport of this. And tell the nurse this when you are being examined for the medical report. You can read more about this in the leaflet called 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 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 one of the security personnel or someone from the Dutch Council for Refugees 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 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

This publication is a joint production of:

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The Legal Aid Board (RVR)
The Dutch Council for Refugees (VWN)
Aliens Police, Identification and Human Trafficking Department (AVIM)
Royal Netherlands Marechaussee (KMar)
International Organisation for Migration (IOM)

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www.rijksoverheid.nl

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