

The Extended Asylum Procedure

Why have you been given this leaflet?

You have applied for asylum in the Netherlands. The Immigratie- en Naturalisatiedienst (Immigration and Naturalisation Service) (IND) assesses whether you fulfil the conditions for an asylum residence permit. This is called the General Asylum Procedure and it generally takes eight days. In your case, however, the IND needs more time to investigate matters and, in consequence, the IND will deal with your asylum application in the Extended Asylum Procedure. This leaflet will explain to you what happens in the Extended Asylum Procedure.

The asylum procedure

You have already had interviews with the IND about your identity and your journey to the Netherlands. You have probably also had a second interview in which you told the IND the reasons why you left your country of origin. If the IND has no further questions it wishes to ask you, you will not need to come back to the IND office again during the Extended Asylum Procedure. If you have not yet had a second interview with the IND, or if the IND wants to ask you more questions, they will contact you to arrange an additional interview. You will also be able to have the assistance of a lawyer during the Extended Asylum Procedure: this legal assistance is also free of charge. You may stay in the Netherlands while waiting for the decision on your asylum application. During this period, you will be staying at a COA reception centre. Have you been told that you are entering the Extended Asylum Procedure? Then it's possible that you will be moved to another reception centre.

Intended decision

You will receive a letter from the IND within six months, informing you of the result of their investigation. There are two possible outcomes:

1. You fulfil the conditions for an asylum residence permit. You will receive a letter (= decision, *beschikking*) from the IND (through your lawyer) telling you that your asylum application has been granted. You may stay in the Netherlands (for the time being). Your lawyer will explain the consequences of this to you.
2. In the IND's assessment, you do not fulfil the conditions for an asylum residence permit. The IND's letter will inform you that the IND plans to refuse your asylum application. This letter is referred to as an intended decision (*voornemen*). The decision also states the reasons for this intended refusal and explains its consequences for you. Your lawyer will discuss the decision with you.

Written response

If the IND intends to refuse your asylum application, you can discuss this intended decision with your lawyer. 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 the reasons why you disagree with it.

Decision

After the IND has read your response, it will assess 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 will send a letter to notify your lawyer of the result of this assessment. Your lawyer will explain the consequences of this to you. There are two possibilities:

1. After reading your response, the IND considers that you fulfil the conditions for an asylum residence permit after all. You will receive a letter (= decision, *beschikking*) from the IND (through your lawyer) which states that your asylum application has been granted. You may stay in the Netherlands (for the time being). Your lawyer will explain the consequences of this to you.
2. The IND still considers that you do not fulfil the conditions for an asylum residence permit. You will receive a letter (= decision, *beschikking*) from the IND (through your lawyer) telling you that your asylum application has been refused. The decision also states the reasons for this refusal and the consequences there will be for you. It also states what you can do against the decision and what the return options are. Your lawyer will discuss this decision with you.

After the asylum procedure

You receive a residence permit

If the IND has accepted your asylum application, you may stay in the Netherlands, possibly on a temporary basis. You will be given a residence permit, you may work and you may have family members come and join you. The COA will also help you in finding somewhere to live. You will have an interview with the COA during which you can discuss what kind of housing would suit your needs, after which a suitable municipality will be found for you. That municipality will then look for appropriate living accommodation for you. This offer of a place to live is once-only and you have to accept it. You may stay in the COA's reception centre until you have found your own place to live. Now that your asylum application has been granted, the IND will explain your rights to you, including having the family members who you left behind join you, and your obligations. People from the Dutch Council for Refugees can help you with your integration into Dutch society and with the procedure for family reunification. They can help you to contact a number of organisations, for example when you are looking for a place to live, study or work.

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. The court will then examine whether the IND has applied Dutch law correctly when deciding on your asylum application. In some cases, it is possible to stay in the Netherlands while waiting for the court's decision; in others, you can ask the court whether you may still stay in the Netherlands during the appeal procedure. Your lawyer will help you to put in this request.

If the IND refuses your asylum application, you will probably be moved to another asylum seekers' centre, where you can prepare to return to your country of origin. The IND's decision will also tell you the length of time you have before you must leave the Netherlands, usually 28 days. After this period of time has expired, you are no longer entitled to accommodation and reception. You will no longer be allowed to live at the asylum seekers' centre.

It is your own responsibility to return to your country of origin. If you do not leave the Netherlands on your own initiative after the period of time you have been given, your departure to your country of origin can become compulsory.



If you want to return to your country of origin of your own free will, you can contact the International Organization for Migration (IOM). The IOM can help you with practical information and assist your departure. The IOM often has a walk-in clinic at the asylum seekers' centre.

www.iom-nederland.nl



The Repatriation and Departure Service (DT&V) of the Dutch Ministry of Justice and Security will help you organise your departure. If the IND refuses your asylum application, you will be given a separate leaflet with information about returning to your country of origin.

www.dienstterugkeerenvertrek.nl

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

What will happen if I don't go to the interview at the IND?

It's possible that you are not able to attend the interview at the IND but you must have important reasons for this. Ask your lawyer to pass these on to the IND. If the IND considers that you do have a valid reason, you will be given a new appointment. Failing to appear for an appointment with the IND can have consequences for your asylum application.

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

The IND must make its decision within six months after you have submitted your asylum application. This period is called the decision period. The IND sometimes extends this period in order to perform further investigation for example.

The IND will inform you if it cannot come to a decision within that six-month period. What if the IND has not sent you its decision or notified you about this within the six months after you submitted your asylum application? Then you can send a letter to the IND in which you request a decision on your asylum application within two weeks. Your lawyer can help you here. On your lawyer's application, a judge can then decide whether the IND has to pay a penalty for every day that no decision has been taken on your asylum application.

Do you still have any questions after reading this leaflet?

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

Do you have a complaint?

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

This publication is a joint production of:

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