

September 2026

100 days of the EU Pact and implementing legislation

Experiences from practice and recommendations for improvement

VluchtelingenWerk Nederland

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On 12 June, the EU Pact on Migration and Asylum and the Dutch legislation implementing it entered into application. The Pact aims to strike a 'balance between responsibility and solidarity' in EU asylum policy. It is intended to lead to faster procedures, more effective border control and a fairer, more solidary system. The Dutch Council for Refugees previously raised concerns about the new rules.

A hundred days have now passed. That is too short a time to evaluate how the new system is working or to draw firm conclusions about its effects and impact. However, it is long enough to give an impression of the first experiences and early signs.

Through our European network, we know that pressure on reception systems in countries such as Italy, Greece and Spain has not eased, and that neither reception nor procedures have improved. Not all EU member states are participating fully. Violent pushbacks show no sign of ending. In fact, they have increased in recent months.

Dutch Council for Refugees staff are at work in many places across the Netherlands. Every day, we speak with asylum seekers and refugees, and we are in contact with lawyers, implementing organisations, agencies and local authorities. In this report, we share some of their experiences and observations and make recommendations for improvement.

Putting a new asylum system into practice is not finished once the legislation has been passed. It requires ongoing maintenance and development. Adjusting, amending or reversing rules and policies is a sign of decisiveness and realism. A well-functioning, fair and just asylum system in the Netherlands and Europe is in the interests of refugees, member states and local communities alike.

Vulnerability screening

A preliminary assessment of an asylum seeker's vulnerability is part of the screening phase of the new asylum procedure. In addition, Article 20 of the Asylum Procedure Regulation requires member states to assess, for each individual and throughout the asylum procedure, whether an asylum seeker needs 'special procedural guarantees', such as additional support or adjustments. This is important because, without these safeguards, vulnerable asylum seekers may be less able to give a full account of their experiences, which can lead to an incorrect decision on their asylum application.

Experiences from practice

Limited opportunity to discuss medical circumstances. Asylum seekers at the day reception in Ter Apel say that they are generally asked about their health at the start of the procedure, but there are no follow-up questions. Some feel they have too little time or opportunity to explain their situation in more detail.

Vulnerabilities are not identified in time. Dutch Council for Refugees team leaders and lawyers are concerned that vulnerabilities are not always identified or shared early enough. This particularly concerns less visible vulnerabilities, such as mental health problems or illiteracy. The standard medical advice on hearing and decision-making is not obtained.

Speed over thoroughness. After a short screening and information session, asylum seekers must use a tablet to register themselves. The new procedure moves so quickly that it is difficult for a lawyer or Council staff to identify vulnerabilities in time. During the interview, it sometimes emerges that a person is unable to give a statement and that a medical assessment is needed first. Then the interview must be stopped and resumed on another day.

A boy from Yemen, a minor, is forced to fight in the war and is wounded. Several soldiers fighting alongside him are killed. He is treated in hospital and, on being discharged, flees straight to the Netherlands. His asylum interview takes place within four weeks of his arrival in Ter Apel. Just before the interview, he has no idea what to expect and is still haunted by traumatic memories. No medical advice on hearing and decision-making was requested in his case. As a result, it is unclear whether the IND will be able to obtain all the information it needs to make the right decision on his asylum application.

Recommendations for improvement

1. Ensure that the initial screening systematically includes follow-up questions on less visible vulnerabilities, such as mental health problems, trauma, intellectual disabilities, illiteracy and experiences of human trafficking or torture. Where vulnerabilities are suspected, further examination is needed, for example in the form of medical advice on hearing and decision-making.

2. Record relevant signs of vulnerability at an early stage and share them – within the applicable privacy frameworks – between the organisations involved so that appropriate follow-up steps can be taken. In addition, make agreements with lawyers on how they can share signs of vulnerability with the Dutch Immigration and Naturalisation Service 'IND'.

3. Monitor the use of special procedural guarantees. Keep track of how often vulnerabilities are identified, which guarantees are then put in place, and whether they are available in time.

Legal counselling

The Asylum Procedure Regulation requires member states to provide free legal counselling. This includes 'guidance on and an explanation of the administrative procedure', 'assistance on the lodging of the application', and guidance on 'the different procedures' and 'legal issues arising in the course of the procedure'. Legal counselling must be provided by legal advisers or NGOs admitted or permitted under national law. Member states are free to designate the organisation that carries out these tasks. In the Netherlands, the minister has asked the IND to do so.

Experiences from practice

Early indications relate mainly to the limited information provided by legal counsellors from the IND:

The scope of information is limited. The IND's counsellors work from a script that mainly focuses on the possibility of the application being processed in another European country.

Additional information sessions are needed. After the general legal counselling, there is often still a need for additional, personalised information. We receive many questions about the asylum procedure and next steps at the day reception in Ter Apel and at AZCs.

Applicants are unaware that they have received legal counselling. It is not uncommon for applicants to say that they do not know they have received legal counselling. This calls into question whether asylum seekers receive enough information to understand what is expected of them in the rest of the asylum procedure. Fewer people than before know what services they can seek from the Dutch Council for Refugees.

A team leader explains::

'Clients did not know that legal counselling had been offered, the purpose of the counselling was unclear and the information was felt to be insufficiently helpful. The explanation lasted less than three minutes and the Dutch Council for Refugees was barely mentioned.'

Recommendations for improvement

1 Improve the quality of legal counselling and inform applicants about the agencies and organisations they can turn to for further support.

2 Consider adding a one-on-one information session where asylum seekers can ask questions that arise after the general information session.

3 Consult with partners in the support chain on how organisations can reinforce each other's information.

Waiting times

To implement the new rules from the Pact and national legislation quickly, the government has decided to allocate 70% of IND capacity to processing new applications. This means that people who applied before 12 June will often have to wait years longer. The Pact does not require new applications to be given priority. On 5 June, the minister presented a plan to address the backlog of pending asylum applications at the IND. This affects more than 50,000 people, many of whom have been waiting for years because the IND has not yet decided on their application. The aim is to issue an initial decision on as many pending applications as possible within three years.

Experiences from practice

The new approach is not yet in place. The IND will begin using the new approach for these 50,000 cases in October. The practical consequences are not yet visible.

Growing unease and frustration. However, there is growing unease and frustration among longer-term asylum seekers who see that people who applied after 12 June are receiving a hearing and even a decision within a few weeks, while they have already been waiting for a long time.

Difficult to explain. Dutch Council for Refugees staff report that it is difficult to explain the differences between the old and new procedures. This may mean that prioritising new cases will increase the frustration people are experiencing.

An asylum seeker who arrived before 12 June says:

'Many people have been waiting for clarity for a very long time, while living in asylum reception centres where conditions are not suitable for such long stays. We have reached the end of our patience. Prolonged uncertainty about the future also affects behaviour, between residents and between parents and children. People become frustrated and anxious. The new group is being given priority. But what about people who have already been waiting for years? They should be given priority.'

Communication with applicants. So far, the IND has not managed to inform people personally about when they can expect their application to be processed. This information is extremely important to applicants.

Recommendations for improvement

1 Ensure applicants receive timely, accurate and personalised information about the plan for addressing the backlog and when they can expect their application to be processed. This can reduce stress among asylum seekers and create a calmer atmosphere at reception locations.

2 Enable asylum seekers to participate in society while they wait, regardless of whether their application is considered likely or unlikely to succeed. Preferably, this should include access to language learning, education or work, so people can contribute to their own lives and to society, while also preparing for a possible return to their country of origin.

Family reunification

With the start of the Pact, family reunification policy has also became much stricter. The definition of the nuclear family has been limited to married partners and their minor children. A two-status system has also been introduced. As a result, a large group of refugees must immediately meet three new conditions: an income requirement, a housing requirement and a two-year waiting period. For many refugees, this makes it practically impossible to be reunited with family members who often still live in unsafe areas.

Experiences from practice

Impact on mental wellbeing. For thousands of refugees with an ongoing family reunification procedure, 12 June came as a major shock. They were confronted with new rules and the prospect that it may take much longer to be reunited with their family members–if that ever happens at all. This is harming their mental health. The Municipal Public Health Service (GGD) has received reports of refugees experiencing suicidal thoughts because they remain separated from their families.

No urgent procedure in cases of exceptional hardship. Some pending cases involve an emergency, such as a seriously ill child. Previously, an urgent procedure could be requested in these situations. Under the new rules, however, these families may no longer meet the three new conditions, so the urgent procedure offers no solution. We know of several particularly distressing cases.

Considerable uncertainty. There is great uncertainty now that the IND has suspended all family reunification cases affected by the new legislation, pending several test cases being brought before the courts. It will take several months before it becomes clear whether the far-reaching new rules may be applied to refugees' existing cases at all.

Following the death of her parents, a Somali refugee applied for family reunification for her 11-year-old brother and 13-year-old sister. It recently became clear that her sister has a tumour and is seriously ill. The woman does not meet the income requirement or the waiting period. In addition, the children are formally considered foster children and are now excluded from family reunification. There is a high likelihood that the application will be rejected. If so, a new application will have to be submitted, placing them at the back of the queue and forcing them to wait years for a new decision.

Negative impact of the income requirement on civic integration. A worrying effect of the new income requirement is that many municipalities and language schools are already seeing refugees struggle with their civic integration programme. Some are even dropping out because working enough to meet the high and strict income requirement cannot be combined with civic integration classes. Due to shortages of teachers of Dutch as a second language and limited funding, municipalities offer few evening classes.

Recommendations for improvement

1. Allow the IND to issue expedited positive decisions in urgent family reunification cases, such as those where a child is seriously ill or has been left behind alone.
2. Apply the income requirement differently, so that participation in the civic integration programme is taken into account.

Legal status of residence permit

The new legislation has abolished the permanent residence permit and reduced the validity of temporary residence permits to three years. Parliament has not yet started to consider the new naturalisation legislation, which would make naturalisation possible after six years of residence. This is creating a large group of people who want to become Dutch citizens but are now unable to do so.

Experiences from practice

The abolition of permanent residence permits also affects refugees with pending applications. For thousands of refugees who had held a temporary residence permit for almost five years, the possibility of obtaining a permanent asylum permit suddenly disappeared. Many had completed their civic integration requirements and applied for a permanent asylum residence permit well in advance so that they could apply for naturalisation shortly afterwards. They have received a letter from the IND stating that their application will instead be converted into an application to extend their temporary asylum residence permit. Even refugees whose five-year period had already ended before 12 June received this letter.

Consequences for participation in society. The new residence permit is valid for only three years and must be renewed every three years thereafter. From experience, we know that a temporary residence permit, particularly when its expiry date approaches, can create barriers in practice. We receive reports that refugees are, for example, unable to get a permanent employment contract, a loan to start a business or a mortgage. Even taking out a telephone or internet contract can be a problem.

The 'naturalisation gap'. Now that the permanent asylum residence permit has been abolished with immediate effect, naturalisation has become much more difficult. The questions and reports we receive show that many refugees cannot meet the requirements for other types of permits, and this is leading to distressing situations.

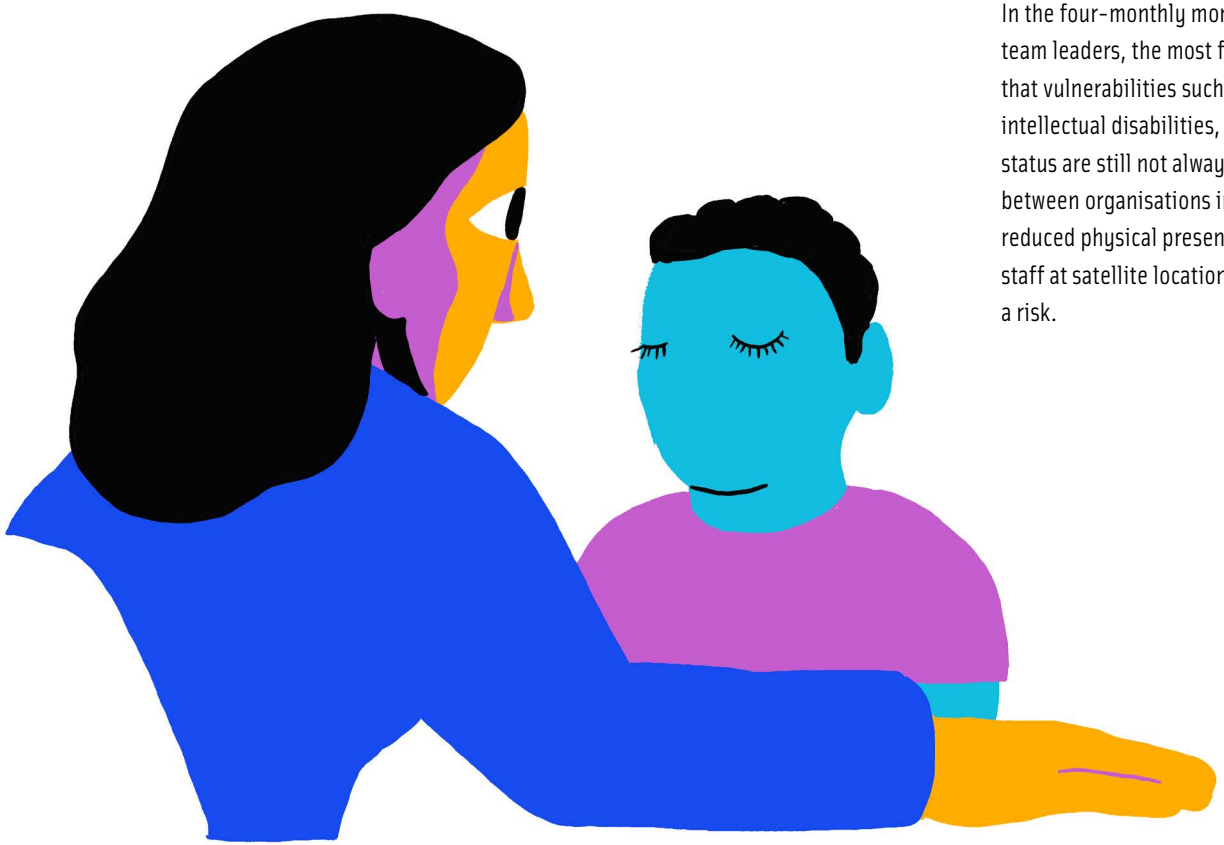
The Afghan evacuees who came here in the summer of 2021 have narrowly missed the opportunity to obtain a permanent asylum residence permit following the changes introduced on 12 June – in some cases, by only a few days. As a result, they cannot naturalise. This has serious negative consequences for them and their children. The possibility that their temporary residence permit could be withdrawn continues to hang over them. They are deeply concerned that their children may have fewer opportunities in the Netherlands with a temporary residence permit.

Recommendations for improvement

1 Provide a way for refugees to obtain a permanent residence permit without an additional income requirement.

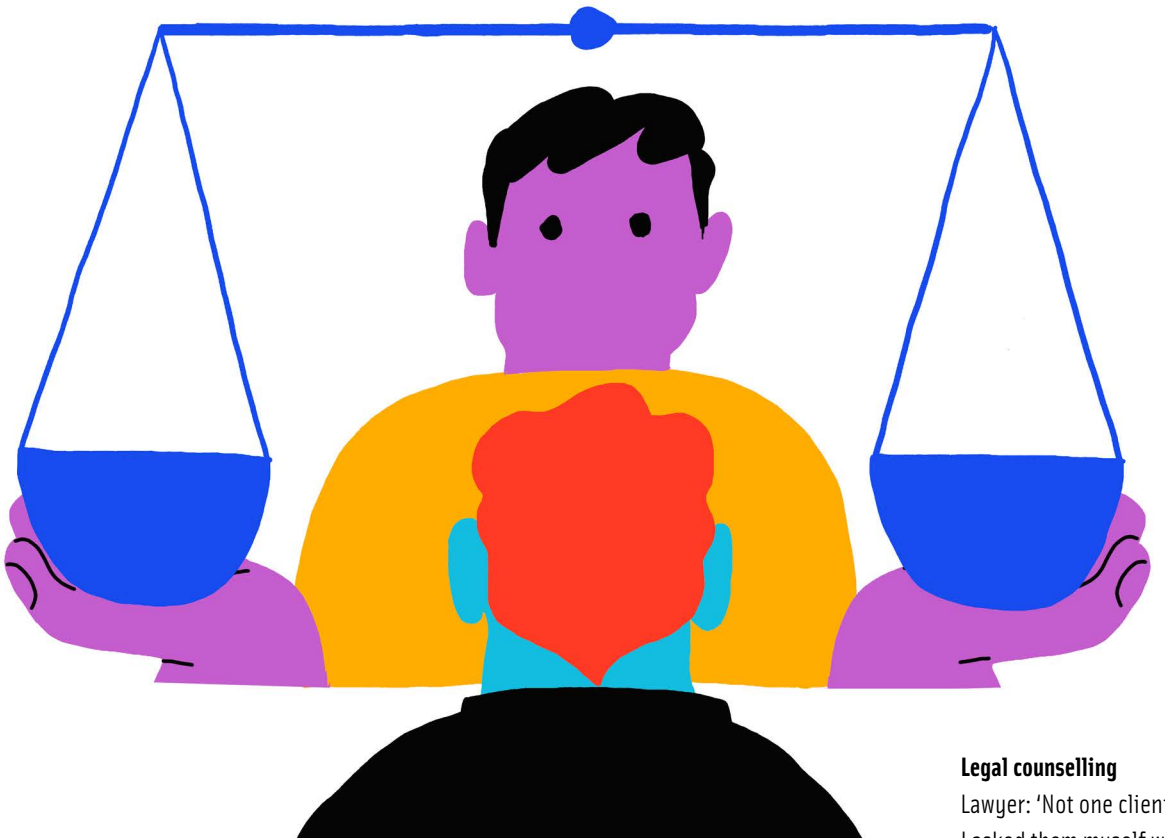
2 Introduce the promised amendment to the Kingdom Act on Dutch Nationality without delay, so that the 'naturalisation gap' is closed, and refrain from introducing a general increase in the language requirement for naturalisation.

3 Introduce a temporary policy measure allowing naturalisation for refugees who have already held a temporary asylum residence permit for five years, in addition to the existing exceptions.



Vulnerability screening

In the four-monthly monitoring report completed by 88 team leaders, the most frequently reported concern is that vulnerabilities such as mental health problems, mild intellectual disabilities, medical problems and LGBTI+ status are still not always identified in time or shared between organisations involved in the asylum process. The reduced physical presence of Dutch Council for Refugees staff at satellite locations is also frequently mentioned as a risk.



Legal counselling

Lawyer: 'Not one client mentioned having received legal counselling. I asked them myself whether they had received it, and the answer is invariably no. It is in my meeting with them that clients hear for the first time how an asylum procedure works.'



Residence status and rights

The new naturalisation legislation that would make naturalisation possible after six years of residence has not yet entered the parliamentary process. As a result, a growing group of people want to become Dutch citizens but are currently unable to do so.

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