



Funded by the
European Union

ORGANISATION OF MIGRATION AND ASYLUM SYSTEM IN THE NETHERLANDS OVERVIEW

LAST UPDATED ON FEBRUARY 2023



INTRODUCTION

This document provides an indicative overview of how asylum and migration policies are organised in the Netherlands, including the organisation of the institutional and regulatory context and framework for dealing with third-country nationals coming for the purpose of legal immigration or for international protection. It is based on the information provided by the Netherlands in February 2023.



OVERVIEW OF ORGANISATION OF LEGISLATIVE AND INSTITUTIONAL FRAMEWORK

THE INSTITUTIONAL CONTEXT

Ministries and executive organisations

In the Netherlands various ministries and other organisations play a role in the development and implementation of policy in the area of asylum and migration. A division can be made in terms of actors on policy level (the Ministries) and on executive level (executive organisations and municipalities). The Ministry of Justice and Security (and the Minister of Migration) is responsible for policy development on admission, stay and the return of migrants and for the organisations accountable for the implementation and execution of related

legislation. The Immigration Policy Department (DMB) has a leading role in the development of policy on immigrations.

The main executive organisations regarding migration are the Immigration and Naturalisation Service (IND: responsible for entry, admission, and granting citizenship), the Central Agency for the Reception of Asylum Seekers (COA: responsible for the reception and housing of asylum applicants) and the Repatriation and Departure Service (DT&V: responsible for services connected to return policy).

Furthermore, the Unit Foreign National's Identification and Human Trafficking (AVIM) is responsible for supervision of (residence of) foreign nationals, identification and registration of asylum seekers and for combating migration crime/human trafficking. The executive organisation responsible for border control within the Rotterdam harbour is the Seaport Police (ZHP). The Dutch National Police plays a role in the migration system as well, as they are among other responsibilities responsible for combating all forms of serious violence and terrorism.

Next to the Ministry of Justice and Security, several other ministries and organisations are responsible for more specified fields of migration. With regard to border control, the Royal Netherlands Marechaussee (falling

under the Ministry of Defence) is a responsible actor.

The Ministry of Foreign Affairs plays a role within in the context of granting visas at embassies and consulates and the relation with third countries. Next to this, the Ministry of Social Affairs and Employment (SZW) coordinates the Employee Insurance Agency (UWV Werkbedrijf), which is the responsible actor for guiding migrants looking for work and granting work permits. Furthermore the Netherlands Enterprise Agency (RVO, part of the Ministry of Economic Affairs and Climate Policy), advises the IND on certain permit conditions for start-ups and self-employed persons. Lastly, the Custodial Institutions Agency (DJI) is an executive organisation, responsible for the arrangement of alien's detention for the purpose of removal.

Consultative actors

In the Dutch migration and asylum system, there are two actors that fulfil a more consultative role. The Advisory Council on Migration (ACM) is an independent advisory board, providing for requested and unrequested advice on migration policy and legislation to the government and parliament. Next to ACM, the Research and Documentation Centre (WODC) of the Ministry of Justice and Security conducts independent in-house research or commissions external research. The WODC contributes to the Ministry's policy development through facts and knowledge..

Non-governmental organisation

Another relevant actor is the Dutch Council for Refugees. This council offers refugees practical support during their asylum procedure and the integration process, and carries out the interests of asylum seekers in the political debate.

Other actors

Municipalities are responsible for the intake of naturalisation requests, the registration of foreign nationals, civic integration and the regional execution of the asylum policy. The International Organisation for Migration Netherlands (IOM Netherlands) assists migrants who wish to return voluntarily to

their country of origin and supports their sustainable reintegration. This inter-governmental organisation also facilitates the resettlement and relocation of selected refugees to the Netherlands. Lastly, Nidos is a foundation responsible for temporary guardianship of unaccompanied minors.

THE LEGAL SYSTEM

The most relevant legislation and regulations in relation to asylum and migration are to be found in the Aliens Act 2000, which lays down the conditions applicable regarding the entry and admission of foreign nationals, including the asylum procedure, and the removal of foreign nationals who do not have a right of residence. The Civic Integration (Preparation Abroad) Act sets out the mandatory requirement for integration of foreign nationals in the Netherlands. The Netherlands Nationality Act (RWN) lays down the conditions for obtaining and losing Dutch citizenship. The Labour Act for Aliens (WAV) regulates the admission of foreign nationals to the Dutch labour market.

Courts and legal aid

Appeals against decisions are dealt with at the independent District Court Aliens Chamber (VK), whereas higher appeals can be filed at the Administrative Law Division of the Council of State (AbRvS). The Council for Legal Aid (RvR) is responsible for the organization of subsidized legal aid and its supervision.

Links with other policies

The migration and asylum policies are related to the labour market policies and integration policies (meaning policy that promotes the amalgamation of different population groups into Dutch society), and the foreign and development policies, where this policy comprise Dutch security policy and human rights policy. The foreign and development policy contributes to the development of the most important countries of origin from which migrants come to the Netherlands.



INSTITUTIONAL CHART

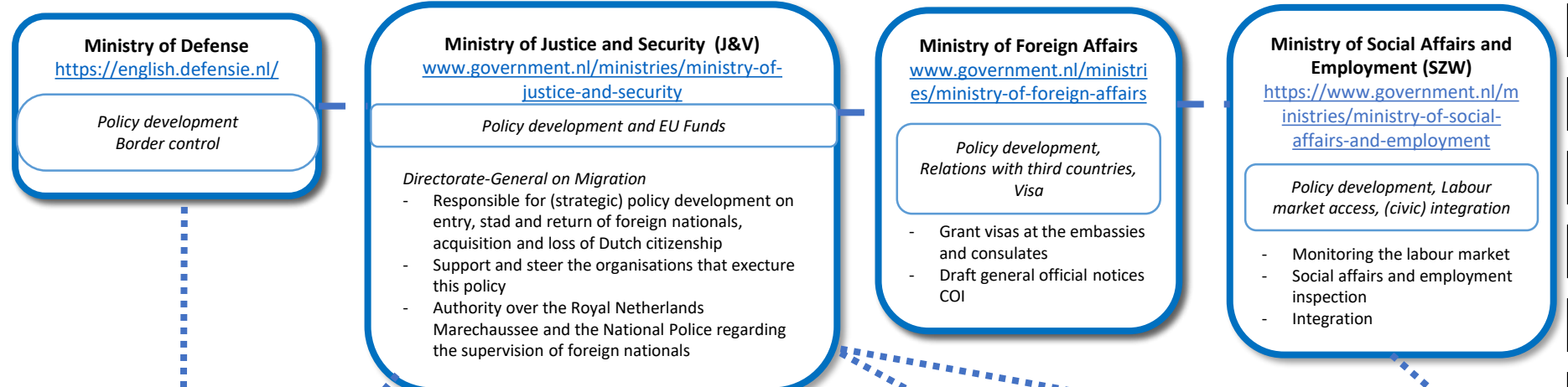
See the Annex.

Legend: Cooperation
 Coordination

The Netherlands

Institutional framework for asylum and migration policies (2023)*

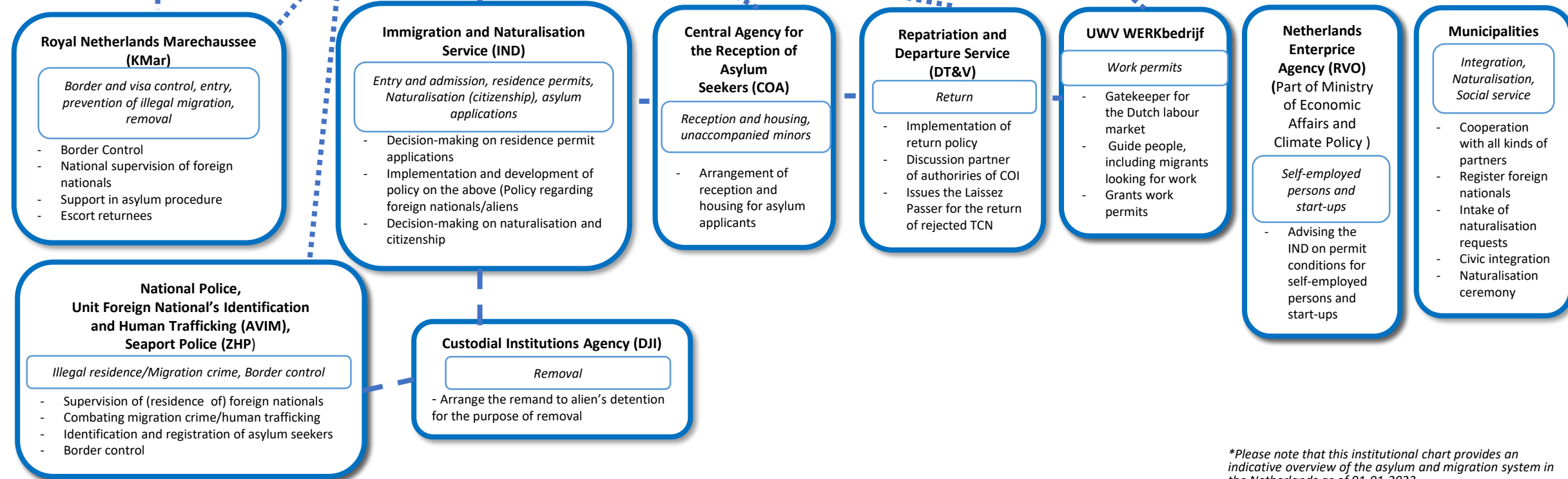
Ministries



Courts and legal aid



Executive organisations



*Please note that this institutional chart provides an indicative overview of the asylum and migration system in the Netherlands as of 01-01-2023.