



EMN STUDY 2018

Beneficiaries of international protection travelling to their country of origin: Challenges, Policies and Practices in the EU Member States, Norway and Switzerland

Top-line factsheet – The Netherlands

*The top-line factsheet will serve as an overview of the **national reports** introducing the study and drawing out key facts and figures from across all sections, with a particular emphasis on elements that will be of relevance to (national) policy-makers. Please provide a concise summary of the main findings of Sections 1-3:*

The top-line factsheet contains a concise summary of what the applicable laws and regulations are in relation to beneficiaries of international protection who travel back¹ to their country of origin, the corresponding cessation procedure and a concise overview of the challenges. All these matters are explained in more detail in Sections 1 to 3 of the study.

General

The topic of beneficiaries of international protection travelling back to their country of origin has been an issue in the Netherlands for years. It has, however, attracted a lot of attention from the media in recent years. For example, several media reports are available on this topic. There have also been various political debates over this topic in the Netherlands. We refer to question 1 of this study for an explanation of these elements.

Responsible organisations

The main organisations in relation to beneficiaries of international protection who travel back are:

- the Ministry of Justice and Security;
- the Immigration and Naturalisation Service (the Reassessments Unit, the Strategy and Implementation Advice Department, and the IND Border Office);
- the Royal Netherlands Marechaussee;
- the Customs Administration of the Netherlands;
- the Dutch Council for Refugees.

Applicable laws and regulations

The grounds for cessation of an asylum status can be found inter alia in Article 1(C) of the Refugee Convention, Articles 11 and 16 of the Qualification Directive and Dutch policy relating to beneficiaries of international protection with a residence permit for an indefinite period in Section 35 of the Dutch Aliens Act, and beneficiaries of international protection with a residence permit for a fixed period

¹ In the template, travels back relates to (several) visits to the country of origin.

enshrined in Section 32 of the Aliens Act.

Laws and regulations of withdrawals relating to contacting authorities in the country of origin and travelling back

Having contact with the authorities of the country of origin and travelling back to the country of origin, which could give reason for revoking the asylum residence permit for a fixed period, can be viewed in the light of Section 32 (under the cessation ground 'the ground for the issuing of the permit has ceased to exist'). The cessation ground 'the ground for the issuing of the permit has ceased to exist' is also used if the situation in the country of origin has changed to such an extent that the flexible policy can be abolished and the international protection should be reassessed. This is elaborated upon further in Section 3.37 of the Aliens Regulations and in Chapter C2/10.4 of the Aliens Act Implementation Guidelines (Vc).

A distinction is made between beneficiaries of international protection with an asylum residence permit for a fixed period and those with an asylum residence permit for an indefinite period. Beneficiaries of international protection with a residence permit for a fixed period undergo consequences due to possible withdrawal on the cessation ground 'the ground for the issuing of the permit has ceased to exist'.

The withdrawal of an asylum residence permit for an indefinite period because of an established return is more difficult in Dutch practice. To start with, because the aforementioned cessation ground 'the ground for the issuing of the permit has ceased to exist' is not regulated by law for this permit. In addition, there are obstacles to the withdrawal of the residence permits for an indefinite period on other grounds for withdrawal that do exist for residence permits for an indefinite period. For example, the highest administrative court in the Netherlands ruled that merely travelling to the country of origin cannot in principle lead to the conclusion that incorrect information was provided in the asylum application.²

Documents

A travel restriction to a certain country of origin is specified in the travel document (refugee passport). A travel document for beneficiaries of international protection is valid for all countries except for the country of the holder's nationality (so-called 'limited territorial validity'). The limitation of territorial validity is included in the travel document with standard clause Xa (Uitgezonderd/Except/à l'Exception de...), which is evident from Sections 16 and 39 of the Dutch Passport Implementation Regulation. If the nationality is unknown and/or the person is stateless, the clause need not be included.

How is the process set up in the Netherlands?

It can be gathered from the preceding paragraph that contact with authorities of the country of origin can result in cessation of the residency status of beneficiaries of international protection in the Netherlands. This also applies to travelling back to the country of origin.

If a beneficiary of international protection has travelled back, as a rule the IND will start a cessation procedure. A simplified version is explained below. See the template for the comprehensive steps during the reassessment and cessation procedure.

Steps (simplified)

- Beforehand: delivery of the signal and accompanying substantiation/evidence by the border authorities to the IND in case of suspicion of travel to the country of origin.
- Step 1: assessment of whether there is substantial substantiation/evidence for the case to be able to do something with the suspicion of travel to the country of origin (initial assessment).
- Step 2: the second step of the reassessment and possible cessation procedure is issuance of the intended decision (announcement that the IND will revise the status).
- Step 3: the third step is the 'hearing', in which, in case of withdrawal of a residence permit for a fixed period or indefinite period, the third-country national is given the opportunity to be heard after the intended decision has been issued in accordance with Section 41(2) of the

² See the Administrative Jurisdiction Division of the Council of State (ABRvS) decision of 13 December 2011 (201100110/1/V1). Return is not incorrect information, as it had not occurred at the time of the decision granting the residence permit.

Aliens Act. No hearing need be held if the third-country national has not expressed any views as a result of the intended decision, if the third-country national explicitly states that he or she does not want to take the opportunity to be heard, or if the third-country national has not replied to the invitation to be heard within the period set to do so and/or has not appeared on the indicated date. It is also possible in the Netherlands to hold an *additional* hearing (an additional interview over and above the first interview).

- Step 4: the fourth step is the 'decision', in which after the hearing is assessed as to whether the intended decision to withdraw still exists. If this intended decision still exists, a cessation decision is drafted and sent.
- Step 5: Lastly, if applicable (should the permit be withdrawn) a transfer file is made for the Repatriation and Departure Services (DT&V), for the purpose of voluntary/forced return of the person concerned.

Challenges in relation to withdrawals

Various challenges can be gathered from the template. For a total overview see the relevant answers from the template.

Travelling back

Withdrawal of an asylum residence permit for a fixed period, including the corresponding status, constitutes a challenge for the IND in some cases. The challenge in many cases is that it is difficult to know if beneficiaries of international protection have actually gone back to the place where the problems occurred. Because of this, possible withdrawal often cannot be made plausible.

Another challenge is the fact that withdrawal is not legally feasible in all cases because return to the country of origin hardly ever concerns the original reason for issuing the permit.

The third challenge is that developments in case law have also regularly led to adjustments in the decision-making practice. This makes withdrawal more difficult.

Box 1 (Extra): The Dutch 'single-status system': No distinction between refugees and beneficiaries of subsidiary protection.

The Netherlands does not make a distinction in residency status between refugees and beneficiaries of subsidiary protection. Both groups receive the same type of residence permit (asylum residence permit for a fixed or indefinite period) with the same conditions and rights. The Qualification Directive, and Dutch laws and regulations in line with it, are applied in the Netherlands, therefore to both refugees and beneficiaries of subsidiary protection. In addition, regardless of whether a person has refugee status or subsidiary protection, the same elements (for example the length of return to the country of origin) logically play a part in assessing whether the residence permit can be withdrawn. International protection is given in all cases to protect against a (forced) return to the country of origin. That is also why the elements reviewed on withdrawal are in principle the same as well. Because of this, different answers to the questions in this template apply to recognised refugees as well as beneficiaries of subsidiary protection.³ This applies especially to Section 2.

Regarding the answers to the questions in the template, we also point out that terms used as well in the Netherlands are 'right of residence' (permit or authorisation on the basis of which a third-country national may reside in the country) and 'residency status' (recognition as a person who needs international protection).

Box 2 (Extra): General cessation grounds in the Netherlands

The Netherlands makes a distinction in the type of residence permit (for asylum). These are the

³ Therefore, we use the term "beneficiaries of international protection" in this template. This is in case of the Dutch translation for "asylum permit holders" (in Dutch: *asielstatushouders*) and in case the question refers to "refugees".

asylum residence permit for a fixed period (five years maximum) and the asylum residence permit for an indefinite period. Different cessation grounds apply to these residence permits, as specified in Section 32 and Section 35 of the Aliens Act (*Vw*). As the different cessation grounds are used in this study, the general cessation grounds are explained here that will put the answers in the template in context.

a. Cessation grounds of asylum residence permits for a fixed period^{4 5}

An asylum residence permit for a fixed period can be withdrawn or the application to extend the term of validity of the residence permit can be rejected in the event of a situation as defined in Section 32 of the Aliens Act 2000.

These situations are:

- a. the alien has supplied incorrect information or has withheld information in circumstances where such information would have led to the rejection of the original application to issue or renew the permit;
- b. the alien constitutes a threat to public order or national security;
- c. the ground for the issuing of the permit, as referred to in section 29, has ceased to exist;
- d. the alien has established his principal place of residence outside the Netherlands;
- e. it concerns a permit that was issued to a family member as referred to in Section 29(2), and that family member does not or does no longer maintain an actual matrimonial or family life with the alien, referred to in Section 29(1).

b. Cessation grounds of asylum residence permits for an indefinite period^{6 7}

Residence permits for an indefinite time as referred to in Section 33 can be withdrawn if:

- a. the alien has supplied incorrect information or has withheld information in circumstances where such information would have led to the rejection of the original application to issue or renew the permit;
- b. the alien has been convicted by a final judgment of a court for an indictable offence that carries a term of imprisonment of three or more years or has been given a non-punitive order within the meaning of article 37a of the Criminal Code for such an offence;
- c. the alien has established his principal place of residence outside the Netherlands;
- d. the alien constitutes a threat to national security.

⁴ E.M. Kampstra (2017). *Hoofdzaken vreemdelingenrecht* (in Dutch). Deventer: Wolters Kluwer.

⁵ Section 32, Aliens Act (*Vreemdelingenwet*) 2000.

⁶ E.M. Kampstra (2017). *Hoofdzaken vreemdelingenrecht* (in Dutch). Deventer: Wolters Kluwer.

⁷ Section 35, Aliens Act 2000.



Executive Summary [max. 5 pages]

The Executive Summary of the **synthesis report** will provide an overview of the study, as well as form the basis of an EMN Inform, which will have EU and national policy-makers as its main target audience. The Executive Summary will be prepared by the EMN Service Provider (ICF).

Section 1: Overview of national policy context [max. 3 pages]

This introductory section of the synthesis report will aim at contextualising the study by providing an overview of the national policy priorities related to beneficiaries of international protection travelling to their country of origin.

Q1. Is the topic of beneficiaries of international protection travelling to their country of origin a national policy priority in your Member State? YES/NO

- In particular, please indicate whether this topic is perceived as a matter of concern to stakeholders in your (Member) State and the reasons stated by them.
- Please indicate key points of discussion, whether they have changed over time and stakeholders involved in this debate.
- Please provide **qualitative evidence** to support your answer (e.g. case law where travels of beneficiaries of international protection led to cessation of protection status, media reports, national parliamentary debates, statements or reports of NGO/civil society organisations or International Organisations (IOs), other policy documents).

Yes, the topic of beneficiaries of international protection travelling⁸ to their country of origin is in general a national policy priority. It is a policy priority in the sense that (i) operational measures have been taken in respect of checking and enforcement; (ii) the responsible government member has been informed; (iii) attention has been drawn to the topic by the media and Parliament. In the entire asylum file there are, of course, numerous policy priorities that are urgent and important. But it is evident from this answer that pro rata the extent and gravity of the phenomenon of returning beneficiaries of international protection, an approach has been taken and a lot of attention has been paid to this (in the media as well as within the National Government).

Stakeholders

Regarding this theme, several stakeholders can be identified. The main ones are:

- Ministry of Justice and Security (JenV)
- Immigration and Naturalisation Service (IND)
- Royal Netherlands Marechaussee (KMar)
- Dutch Customs Administration
- Dutch Council for Refugees (represents the interests of the persons returning and stakeholder during implementation)

⁸ In the template travelling back concerns (several) visits to the country of origin.

Ministry of Justice and Security (JenV)

This ministry works on a safe and fair society in the Netherlands. The IND reports progress and results to the responsible government member.⁹ The Ministry of Justice and Security is a stakeholder because it is the ministry responsible for policy formation on this topic.

According to the Ministry of Justice and Security, this topic is a policy priority because the State Secretary recognises it as a problem and has been informed about it. The Ministry of Justice and Security must also answer Parliamentary questions, it plays a part in the media, and the ministry is undertaking more and more in relation to these problems with other countries such as Belgium and Germany.¹⁰ This indicates that the Ministry of Justice and Security takes the topic seriously and views it as a policy priority.

Immigration and Naturalisation Service (IND)

The IND is the organisation responsible for applications from people who want to reside in the Netherlands or want to become Dutch nationals.¹¹ The IND has executive duties in access, admission, supervision and enforcement concerning third-country nationals. Within this topic, the IND has a monitoring and detection role (together with the Royal Netherlands Marechaussee (KMar) and other partners) in the travel of beneficiaries of international protection who travel to their country of origin. In addition, the Reassessment Unit of the IND handles all withdrawals in relation to this topic.

Various departments of the IND are involved (in implementation as well as policy) concerning beneficiaries of international protection who travel back to their country of origin. As indicated above, the Reassessment Unit of the IND handles all withdrawals concerning this topic. In addition the Strategy and Implementation Department (SUA) is the department responsible for policy on this topic at the IND. In line with this, the IND Border Office is the main partner of the Royal Netherlands Marechaussee (KMar) and foreign organisations in this area. From this viewpoint, the various departments are mentioned separately, because they have different roles in the identification of persons traveling back to their country of origin. They are explained in more detail below.

- The Reassessment Unit recognises that this topic is playing more and more of a part in the media and politics. A working method has also been developed at the Reassessment Unit for persons who return voluntarily via the Repatriation and Departure Service (DT&V). This topic is nevertheless included as one of the many topics within the normal activities of the Reassessment Unit.¹² It can be specifically mentioned in this regard that besides the persons travelling back, much attention is paid to matters relating to persons who constitute a threat to public order and have provided incorrect information on their application for asylum.

- The Strategy and Implementation Advice Department (SUA) also recognises that this topic is playing more and more of a part and that more is being done about it internationally. It is included among the normal activities. The first priority of the IND is to decide and to handle applications (also within regular migration).¹³

- According to the IND Border Office, interest in the topic is becoming increasingly greater, whereby increasingly more agreements are also being made at political level. The topic has played a part for a longer time at the IND Border Office.¹⁴ *Royal Netherlands Marechaussee (KMar)*¹⁵

The KMar is a military police unit that monitors the security of the State of the Netherlands. It is a chain partner of the IND that has direct contact with third-country nationals at the border and in other day-to-day work of the police.¹⁶ The tasks of the KMar include monitoring security at the Dutch and European external borders of the Schengen Area and guarding this at airports, seaports and along the coast. The

⁹ National Government, *Ministry of Justice and Security* (in Dutch). Consulted on 17 September 2018 on <https://www.rijksoverheid.nl/ministeries/ministerie-van-justitie-en-veiligheid>.

¹⁰ Interview with an expert of the Ministry of Justice and Security on 26 September 2018 in The Hague.

¹¹ National Government, *Immigration and Naturalisation Service (IND)*. Consulted on 17 September 2018 on <https://www.rijksoverheid.nl/contact/contactgids/immigratie-en-naturalisatiedienst-ind>.

¹² Interview with experts of the IND Reassessment Unit on 2 October 2018 in Zwolle.

¹³ Interview with an expert of the IND SUA on 25 September in The Hague.

¹⁴ Interview with experts of the IND Border Office on 24 September in Amsterdam.

¹⁵ Interview with an expert of the KMar on 25 September in The Hague.

¹⁶ Defence, *Taken marechaussee (Duties of the Marechaussee)* (in Dutch). Consulted on 17 September 2018 on <https://www.defensie.nl/organisatie/marechaussee/taken>.

KMar also carries out passport control of travellers. This makes the KMar a direct stakeholder in the process of the identification of beneficiaries of international protection who travel to their country of origin.

According to the KMar, this topic is becoming more and more a policy priority. This ensues, for example from the fact that, according to the KMar, the approach to these beneficiaries of international protection is becoming increasingly more professionalised. This nevertheless seems to be a new phenomenon, but according to the KMar it has been going on for quite a long time and it is an important topic.

Dutch Customs Administration^{17 18}

The Dutch Customs Administration supervises the import, export and transit of goods in the Netherlands. The Customs Administration is a controlling authority and does not direct its controls at beneficiaries of international protection, but at goods taken along by travellers entering the Netherlands from a non-EU area or travelling from the Netherlands to a non-EU area. When the KMar checks beneficiaries of international protection, the agreement is that the KMar escorts the passenger with luggage to the 'reclaim desk' where Customs can carry out checks of the traveller's luggage. If goods are found in a traveller's luggage that do not fall within the scope of Customs, they are transferred to the responsible covenant partner, whereby Customs makes an official record of the transfer.

*Dutch Council for Refugees (represents the interests of beneficiaries of international protection who travel to their country of origin and stakeholder in implementation)*¹⁹

The beneficiaries of international protection who travel to their country of origin are the persons directly concerned. Beneficiaries of international protection are the group who undergo monitoring of their travel movements. This makes the beneficiaries of international protection stakeholders in this topic. In the Netherlands, the Dutch Council for Refugees represents the interests of refugees and beneficiaries of international protection in the Netherlands from the time of arrival up to and including their integration in Dutch society.²⁰ In addition, on commission from the Ministry of Justice and Security, the Dutch Council for Refugees provides information to asylum seekers about the asylum procedure. In about three quarters of the municipalities, the Dutch Council for Refugees provides social counselling to beneficiaries of international protection. The Dutch Council for Refugees has a national helpdesk which counsellors and the Bar can consult regarding aspects of asylum and integration of beneficiaries of international protection, including possible return to their country of origin.

Regarding this group of beneficiaries of international protection, the Dutch Council for Refugees states that it is not a policy priority, but rather a minor topic in the field of migration and asylum. According to the Dutch Council for Refugees, this is because large numbers of them do not travel to their country of origin and because their Helpdesk does not receive many questions about this. The Dutch Council for Refugees nonetheless acknowledges that support for this topic is an important element, partly because of the attention paid to this topic by the media.

Decisions in case law

There are no decisions *directly* identifying that this topic is a policy priority. A case law is nonetheless available in which an initial decision to cease the status of international protection because of travel to the country of origin was ultimately reversed. See (for example) the answer to question 37 in this template.

Media reports

Several media reports are available showing the attention paid to and questions about the Dutch policy. Some of them are explained below.

- On 9 December 2016 De Telegraaf stated that refugees who go on holiday in their country of

¹⁷ Tax and Customs Administration / Customs, *Veiligheid, gezondheid, economie, milieu (VGEM) (Safety, Health, Economy, Environment)* (in Dutch). Consulted on 17 September 2018 on https://www.belastingdienst.nl/wps/wcm/connect/bldcontentnl/belastingdienst/douane_for_bedrijven/veiligheid_gezondheid_economie_en_milieu_vgem/vgem_algemeen/algemeen/veiligheid_gezondheid_economie_milieu_vgem.

¹⁸ Input from an expert of the Customs Administration on 15 November 2018.

¹⁹ Interview with the Dutch Council for Refugees on 16 October in Amsterdam.

²⁰ Dutch Council for Refugees. *Wat wij doen (What we do)* (in Dutch). Consulted on 3 October 2018 on <https://www.vluchtelingenwerk.nl/wat-wij-doen>.

origin will be tackled more stringently. According to the newspaper, Eritreans with refugee status would go on holiday to their country of origin. These 'Dutch' refugees travel through Belgium and vice versa. The Netherlands and Belgium therefore concluded an agreement on, in collaboration with each other, revoking the residence permits of beneficiaries of international protection who travel to their country of origin.²¹

- On 30 March 2017 De Telegraaf reported that "large groups of Eritreans still go on holiday precisely to the country from which they had fled."²² According to the newspaper, the government was going to withdraw the residence permits of beneficiaries of international protection who did so, but not a single Eritrean has had his/her residence permit withdrawn for this reason.
- Next, De Volkskrant reported that they had paid a visit to *Red Sea Travel*, a travel agency in Rotterdam that sells about three hundred tickets to Eritrea annually. A spokesperson of this travel agency stated that most customers are Eritrean who have sometimes resided in the Netherlands for decades.²³
- On 8 May 2017 De Telegraaf stated that several dozens of asylum residence permits were withdrawn because people had travelled to their country of origin. No Eritreans were among them. The newspaper referred to a Letter to Parliament from the State Secretary of Justice and Security in which the State Secretary pointed out that people with an asylum residence permit for an indefinite period can travel to their country of origin without consequences.²⁴ ²⁵ According to De Volkskrant the withdrawn asylum residence permits were of asylum seekers from Afghanistan, Angola, Iraq, Iran, Lebanon, Uganda and Somalia.²⁶
- Similar news items have also been published by RTL Nieuws and NU.nl.²⁷
- On 15 September 2018 Nieuwsuur reported on the rise in the number of 'holiday-making refugees'. Nieuwsuur reported an increase in the number of suspicions regarding beneficiaries of international protection who travel to their country of origin. This does not only take place in the Netherlands, but also in the surrounding countries. In the news item, conversations were held with, among others, the Dutch State Secretary of Justice and Security and the Belgian State Secretary for Asylum Policy and Migration. Cooperation between the Netherlands, Belgium and Germany was effected in 2016. Information on beneficiaries of international protection who travel to their country of origin is exchanged between several airports. Belgium, for example, has already forwarded 100 signals regarding Dutch beneficiaries of international protection who have travelled to their country of origin. The Netherlands has also sent 36 signals to Belgium regarding Belgian beneficiaries of international protection who have travelled to their country of origin.²⁸

²¹ De Telegraaf. (2016). *Vakantievierende vluchteling aangepakt* (in Dutch). 9 December 2016, to be consulted on <https://www.telegraaf.nl/nieuws/18208/vakantievierende-vluchteling-aangepakt>.

²² De Telegraaf. (2017). *Zorgeloos in Eritrea* (in Dutch). 30 March 2017, to be consulted on <https://www.telegraaf.nl/nieuws/97356/zorgeloos-in-eritrea>.

²³ De Volkskrant. (2017). *Aanwijzingen dat sommige gevluchte Eritreeërs gewoon op vakantie gaan naar thuisland* (in Dutch). 30 March 2017, to be consulted on <https://www.volkskrant.nl/nieuws-achtergrond/aanwijzingen-dat-sommige-gevluchte-eritreeers-gewoon-op-vakantie-gaan-naar-thuisland~b0e25517/>.

²⁴ De Telegraaf. (2017). *Verblijfsvergunningen kwijt om reis naar thuisland* (in Dutch). 8 May 2017, to be consulted on <https://www.telegraaf.nl/nieuws/157005/verblijfsvergunningen-asiel-kwijt-om-reis-naar-thuisland>.

²⁵ Letter to Parliament (*Kamerbrief*) 'Intrekken verblijfsvergunningen van Eritrese asielzoekers die vakantie vieren in hun land van herkomst' (in Dutch). 8 May 2017, reference 2068909.

²⁶ De Volkskrant. *Dijkhoff: Tientallen asielzoekers uitgezet wegens bezoeken land van herkomst* (in Dutch). 9 May 2017, to be consulted on <https://www.volkskrant.nl/nieuws-achtergrond/dijkhoff-tientallen-asielzoekers-uitgezet-wegens-bezoeken-land-van-herkomst~b943c606/>.

²⁷ RTL Nieuws. (2017). *Asielzoekers verliezen verblijfsvergunning door vakantie naar thuisland* (in Dutch). 8 May 2017, to be consulted on <https://www.rtlnieuws.nl/nederland/artikel/96216/asielzoekers-verliezen-verblijfsvergunning-door-vakantie-naar-thuisland>;

NU.nl. (2016). *Justitie houdt vakantievierende Eritreeërs in de gaten* (in Dutch). 18 July 2016, to be consulted on <https://www.nu.nl/bootvluchtelingen/4294829/justitie-houdt-vakantievierende-eritreeers-in-gaten.html>.

²⁸ Nieuwsuur. *Stijging van aantal 'vakantievluchtelingen'* (in Dutch). 14 September 2018, to be consulted on <https://nos.nl/nieuwsuur/artikel/2250350-stijging-van-het-aantal-vakantievluchtelingen.html>.

National parliamentary debates

A number of parliamentary debates and documents are available indicating that this topic is a national priority in the Netherlands. Several of them are explained below.

In response to the article in De Telegraaf on 30 March 2017, five MPs sent Parliamentary questions to the former State Secretary of Justice and Security. First of all, an MP of the VVD posed written questions about the news that Eritrean refugees go on holiday to Eritrea. The State Secretary was asked for example how he assesses the travel agency *Red Sea Travels* that is said to have sold 'almost a thousand tickets' to Eritrean refugees in the Netherlands for a holiday in Eritrea. According to the State Secretary, it is not clear whether Eritreans are concerned with an asylum residence permit for a fixed period. He refers in this context to the article from the Volkskrant, in which the owner of the travel agency states that most customers are Eritreans, some of whom have resided in the Netherlands for decades. The VVD MP also asked about the collaboration of the Netherlands with Belgium and Germany. The State Secretary says in this regard that the Dutch, Belgian and German services have already been exchanging information for some time on the checking of third-country nationals with an asylum residence permit who travel to their country of origin.²⁹

Secondly, an MP of the PVV sent several written questions to the State Secretary about holiday-making Eritreans. The MP asked the State Secretary for example whether it was correct that no asylum residence permits of Eritreans who have gone back to their country of origin for holidays or family visits have been withdrawn since the summer of 2015. In reply to this, the State Secretary referred to random sampling checks carried out by the IND and KMar. The asylum residence permits of 100 permit holders were examined to see if the asylum residence permit could be withdrawn on the basis of travel to the country of origin. This led to several dozen withdrawals, among which there were no Eritreans.³⁰

Lastly, MPs of the CDA, D66 and SGP sent Parliamentary Questions about the article in the Telegraaf 'Zorgeloos in Eritrea' ('Carefree in Eritrea'). Among other things, the MPs asked whether the State Secretary shared the Telegraaf's conclusion that Eritreans with refugee status have gone on holiday to Eritrea. The State Secretary emphasised once again in this regard that the Telegraaf did not indicate whether these Eritreans have an asylum residence permit for a fixed period. The State Secretary also emphasised that Eritreans with a permit for an indefinite period or a Dutch passport may in principle travel to their country of origin. The MPs asked as well whether information was known on how many Eritreans travelled from the Netherlands to Eritrea or surrounding countries in the past few years. According to the State Secretary, this is not known.³¹

Reports by NGOs or other organisations

According to current knowledge, no reports have been published by NGOs or other organisations on this topic.

NGOs and similar organisations did report on this in articles. The Dutch Council for Refugees writes that Swiss authorities have examined Eritreans who returned to their country of origin. They conclude that these are mainly Eritrean refugees who came to Europe before 1991. This group of Eritreans did not flee from the current regime or meanwhile have a passport of a European country. The Dutch Council for Refugees reports as well that returning Eritreans could perhaps have ties with the Eritrean regime and therefore may not be entitled to refugee status.³²

OneWorld has also reported on the topic in an article. OneWorld wrote about the municipal party Leefbaar Rotterdam. The party wants more to be done to detect beneficiaries of international protection who return. A council member of Leefbaar Rotterdam supposedly wanted a list from the records of the travel agency Red Sea Travel to be put into operation to check whether Eritrean beneficiaries of international protection from Rotterdam had travelled to their country of origin. The council member does not doubt that Eritrean beneficiaries of international protection went on holiday to Eritrea, and wants to find out by way of an investigation which beneficiaries of international protection these were.

OneWorld states that it is quite possible that these Eritreans are not refugees, but migrants who came to

²⁹ Appendix to the Proceedings, session year 2016-2017, no. 1789.

³⁰ Appendix to the Proceedings, session year 2016-2017, no. 1790.

³¹ Appendix to the Proceedings, session year 2016-2017, no. 1788.

³² Dutch Council for Refugees. (2017). *Kunnen Eritrese vluchtelingen terug naar Eritrea?* (in Dutch). Consulted on 11 September 2018. <https://www.vluchtelingenwerk.nl/nieuws/kunnen-eritrese-vluchtelingen-terug-naar-eritrea>.

the Netherlands years ago. Moreover, OneWorld shares the opinion that, based on the regular and additional checks by the IND and KMar, no evidence at all has been found that even a single Eritrean beneficiary of international protection has travelled to his/her country of origin.³³

Science

Based on science (and scientific literature), it is not clear whether this is a policy priority for the Netherlands. For example, the scientist the EMN interviewed in the context of this study stated that there is little or no scientific literature available on this topic.³⁴ The (limited) scientific literature that is available is often related to border control and asylum in general, but not to beneficiaries of international protection who travel to their country of origin. It can be viewed as a topic that would be suitable for research, as little is known about it.³⁵

In summary: key points of discussion and changes over time

The following *key points of discussion* can be identified in the Netherlands:

- Beneficiaries of international protection who travel to their country of origin: why do they go back while they have protection here and have fled?
- How does that relate to Dutch policy and corresponding laws and regulations?
- Why have no asylum residence permits been withdrawn of, for example Eritreans who have travelled to their country of origin?
- How can the Netherlands enforce the policy on this topic better?
- What is the relationship between travel movements and persons with an asylum residence permit for a fixed or indefinite period?
- How does Belgian policy relate to the Netherlands?
- How does European cooperation relate to the Netherlands?

Explanation of key points of discussion

These key points of discussion are evident, among other things, from the Parliamentary Questions asked on this topic and the news articles written about this topic. For instance, an MP of the PVV wondered why nothing has been done with the promise to tackle beneficiaries of international protection who travel back to their country of origin. The Parliamentary Questions also deal with Dutch policy, for example when may an asylum residence permit be withdrawn. Moreover, the questions respond to the issue of whether this concerns Eritreans with an asylum residence permit for a fixed or indefinite period. In addition, the article by Nieuwsuur deals with the collaboration between the Netherlands and Belgium that started from 2016. Nieuwsuur mentions a rise in the number of 'holiday-making refugees'.

Changes over time

The key points of discussion have changed over time. Initially the debate addressed Eritrean beneficiaries of international protection who supposedly travelled to their country of origin and the question why they did so. The why question about Eritrean beneficiaries of international protection subsequently changed to why Dutch policy has not taken any action against this. The Parliamentary Questions also responded to the question of how European mutual cooperation works. The Nieuwsuur article elaborated further on this.

The most recent news article of Nieuwsuur deals with the suspicion that this phenomenon of beneficiaries of international protection who travel to the country of origin is increasing in the Netherlands and the surrounding countries. Nieuwsuur responded to this with a debate over how the collaboration between the Netherlands and Belgium takes shape and the results of that collaboration.

³³ OneWorld. (2017). *Vieren Eritrese vluchtelingen vakantie in Eritrea?* (in Dutch). Consulted on 11 September 2018. <https://www.oneworld.nl/movement/vieren-eritrese-vluchtelingen-vakantie-eritrea/>.

³⁴ Interview with a Leiden University scientist on 20 September 2018, The Hague.

³⁵ Interview with a Leiden University scientist on 20 September 2018, The Hague.

Q2. If available, please provide (estimated) **statistics** on the number of beneficiaries of international protection (allegedly) travelling to their country of origin registered from 2012 to 2018 (until 30 June 2018, if available).

Statistics from 2012 to 2018 on the total number of beneficiaries of international protection travelling to their country of origin are not known, as the IND and the KMar cannot identify each travel by a beneficiary of international protection to his/her country of origin. Each travel back cannot, after all, be observed by the Dutch border authorities. It can occur as well that beneficiaries of international protection travel to their country of origin from a different country. The Netherlands has no insight at all into this. That is why no statistics can be provided.

The IND works together with the KMar and others to check whether third-country nationals with an asylum residence permit travel to their country of origin. If it is ascertained that third-country nationals with an asylum residence permit for a fixed period have visited their country of origin, as a rule the IND then starts a cessation procedure. Pursuant to Section 32(1)(c) of the Aliens Act, travel to the country of origin, as one of the grounds for withdrawal/non-renewal, is not recorded separately in the registration system of the IND. Consequently, it is not possible to give figures on the number of reassessment investigations and withdrawals on the ground of visiting the country of origin.

Section 2: Travels to or contacts with national authorities of the country of origin and possible cessation of international protection [max. 12 pages]

This section of the synthesis report will provide information on beneficiaries of international protection contacting authorities of their country of origin or travelling to their country of origin, and the possible cessation of their international protection status as a result. The reasons granting protection status differ between those granted refugee status and subsidiary protection status. These are reflected in the reasons that could lead to the cessation of refugee or subsidiary protection status. This section thus draws a distinction between refugees (section 2.1 and 2.2) and beneficiaries of subsidiary protection (section 2.3).

2.1. REFUGEES CONTACTING AUTHORITIES OF COUNTRY OF ORIGIN AND RE-AVAILMENT OF THE PROTECTION OF THE COUNTRY OF NATIONALITY

This sub-section of the synthesis report will provide information on refugees contacting official authorities of their country of origin such as consulates and embassies (e.g. visits in person or other forms) of their country of nationality established in the (Member) State that granted them protection with the purpose of requesting the issuance or extension of their passports. Such acts may imply an intention to re-avail themselves of the protection of the country of nationality – a cessation ground regulated in the same manner in Article 1(C) of the 1951 Refugee Convention and Article 11(1)(a) of the recast Qualification Directive.

This section will thus consider which circumstances lead to the loss of refugee status and how they are assessed by national authorities, including jurisprudence where available. According to UNHCR, the assessment whether a refugee status can be ended on these grounds should draw a distinction between actual re-availment of protection and occasional and incidental contacts with national authorities. In case a refugee requests and obtains a national passport (or its renewal), this could amount, in the absence of contrary evidence, that the refugee intends to avail him or herself of the protection of the country of origin.³⁶ Contacting consulates or embassies of the country of origin for the issuance of other documents (birth or marriage certificates) cannot amount to re-availment of protection according to UNHCR's guidelines.

Q3. If a refugee in your (Member) State contacts official authorities of their country of origin (e.g. consulates, embassies, or other official representations of the country of origin in the State that granted protection), can this possibly lead to the cessation of his/her refugee status? YES/NO

If no, please go directly to section 2.2.

If yes, please elaborate (e.g. this can be considered as re-availment of national protection of the country of nationality in certain circumstances (see options in question 5)):

³⁶ UNHCR Handbook, 2011, para. 121. <http://www.unhcr.org/3d58e13b4.html>.

Yes, contact with the authorities of the country of origin of the beneficiary of international protection can give reason for a cessation procedure of the asylum residence permit for a fixed period.^{37 38} The IND will consider whether it can be established that the ground for granting the permit has ceased to exist and the permit can thus be withdrawn. If the beneficiary of international protection has contact with the authorities of the country of origin, this can be viewed as a signal that the beneficiary of international protection no longer needs the protection of the State of the Netherlands and/or can (perhaps) re-avail him/herself of the protection of the country of origin.

Withdrawal of the residence permit and asylum status can be done on the basis of the cessation ground 'the ground for the issuing of the permit has ceased to exist', if it has been made sufficiently plausible that this cessation ground is applicable, after contact with the authorities of the country of origin.^{39 40} This provision relates only to beneficiaries of international protection with a residence permit for a fixed period. This cessation ground does not apply to beneficiaries of international protection with a residence permit for an indefinite time.⁴¹

Beneficiaries of international protection with a residence permit for an indefinite time are in principle at liberty to have contact with the authorities of the country of origin (thus without consequences for their right of residence).⁴²

Reason for withdrawal on the basis of contact with authorities of the country of origin

A reason is needed to be able to withdraw an asylum residence permit. This reason can take the form of automated and manual signals that have consequences for the right of residence.

Several examples of signals are the following.⁴³ The signals apply for example to changes in the Personal Records Database (BRP) in relation to changes of identity (date of birth and nationality), deregistration from the BRP and tip-off letters. These changes flow in on a daily basis and generate cessation procedures at the IND. Convictions also flow in automatically to the IND.

The IND also receives signals regarding beneficiaries of international protection from the cooperating organisations in the immigration process (chain partners, Ministry of Social Affairs and Employment, Municipalities etcetera) and third parties (citizens, NGOs). These signals are recorded in INDiGO⁴⁴ and assessed for withdrawal of the asylum residence permit issued for a fixed period by the IND. In all cases, it must be made plausible enough that contact with the authorities of the country of origin can lead to 'the ground for the issuing of the permit has ceased to exist', owing to which the status and permit can be revised and withdrawn. The cessation procedure is conducted by the IND, as the organisation responsible in this area.

³⁷ In Dutch law, the same (social) rights are granted to refugees and beneficiaries of subsidiary protection, owing to the so-called 'single-status system'. It holds for both statuses that the beneficiary of international protection receives a residence permit for a fixed period for a period of five years (Section 3.105 of the Aliens Decree (Vb)). After five years, both refugees and beneficiaries of subsidiary protection can apply for Long-Term Resident Status (residence for an indefinite period) (Directive 2011/51/EU).

³⁸ In the Netherlands two types of asylum residence permit are issued, the asylum residence permit for a fixed period (VVA-bep) and the asylum residence permit for an indefinite period (VVA-onbep). A VVA-bep is issued for five years. The VVA-onbep is for persons with a VVA-bep who are eligible for it after five years of residence. (Source: www.ind.nl)

³⁹ Aliens Act, Section 32(1)(c) 'the ground for the issuing of the permit has ceased to exist' and Working Instruction 2013/5 of the IND.

⁴⁰ The cessation ground 'the ground for the issuing of the permit has ceased to exist' entails the following. The ground on which a third-country national is granted a permit can cease to exist over time. This applies in principle to all grounds for issuance. 'The ground for the issuing of the permit has ceased to exist' is a factual concept. The ground for issuance ceases to exist if the third-country national no longer needs the protection of the Netherlands against the situation in the country of origin. This can be evident for example from the fact that a change of regime has taken place in the country of origin or the third-country national has returned to the country of origin. This cessation ground can also be used if the situation in the country of origin has changed to such an extent that the flexible policy can be abolished and the international protection needs to be reassessed.

⁴¹ IND Working Instruction no. 2013/5, page 20. This working instruction will be renewed in the course of 2018 /2019.

⁴² Interview with an expert of IND/ SUA on 25 September in The Hague.

⁴³ IND Working Instruction no. 2012/3, pages 1-4.

⁴⁴ INDiGO is the client information system of the IND. All matters in which the IND plays a part are settled in INDiGO. The basis of INDiGO is division of the knowledge of the processes.

Corresponding laws and regulations

The cessation grounds of an asylum status are contained inter alia in Article 1(C) of the Refugee Convention, Articles 11 and 16 of the Qualification Directive and in the Dutch policy for a beneficiary of international protection with an asylum residence permit for an indefinite period, enshrined in Section 35 of the Aliens Act, and for a beneficiary of international protection with a residence for a fixed period embedded in Section 32 of the Aliens Act. Having contact with the authorities of the country of origin, which can be a reason for withdrawal, can be viewed in the light of Section 32 (1)(C) of the Aliens Act ('the ground for the issuing of the permit has ceased to exist'). The cessation ground 'the ground for the issuing of the permit has ceased to exist' is also used if the situation in the country of origin has changed to such an extent that the flexible policy can be abolished and the international protection should be reassessed. In relation to applying for a passport, it can be noted that it is stated under C2/10.4 of the Aliens Act Implementation Guidelines (Vc) that an asylum residence permit for a fixed period can be withdrawn if a third-country national applies for and receives a passport from his/her country of origin.

Q3a. If a refugee in your (Member) State contacts official authorities of their country of origin, can this have other consequences on his/her refugee status? YES/NO

If yes, please elaborate (e.g. this can trigger a (re)assessment of the initial application for refugee protection):

Yes, if a beneficiary of international protection has contact with the authorities of the country of origin, this can have consequences for his/her asylum status and lead to reassessment of his/her first asylum application.

As indicated under question 3, having such contact can lead to examination of the grounds on which the asylum residence permit for a fixed period was issued. If a signal is received, the IND will assess whether this gives reason to start a cessation procedure. In that case, an intended decision to withdraw the permit will be issued.⁴⁵ During examination of the circumstances, the IND will see if the laws and regulations (the cessation ground 'the ground for the issuing of the permit has ceased to exist') are applicable and it can be made sufficiently plausible that the asylum residence permit for a fixed period and accompanying status can be withdrawn. When this happens, withdrawal of the asylum residence permit for a fixed period and the accompanying status will take place with effect from the date that the protection is no longer needed. What this date is will have to be examined in each individual case.⁴⁶

Q4. If yes to Q3, is it specified:

In national legislation.

If box is marked, please specify legislation:

Yes, this is specified in national legislation. As said under question 3, contact with the country of origin should be viewed in the light of Section 32(1)(c) of the Aliens Act (Vw) in conjunction with Section 29 of the Aliens Act 2000 (grounds on which a residence permit for a fixed period may be issued). This is elaborated upon in Chapter C2/10.4 of the Aliens Act Implementation Guidelines (Vc), which includes the policy rules that apply in addition to Section 32 of the Aliens Act in relation to the renewal and withdrawal of an asylum residence permit for a fixed period.

In case law.

If box is marked, please indicate case law reference and short summary:

Not applicable.

In practice.

If box is marked, please explain practice:

⁴⁵ IND Working Instruction 2013/5, page 3. The obligation to express an intention is elaborated upon in Section 39(1) of the Aliens Act (Vw).

⁴⁶ IND Working Instruction 2013/5, page 2.

Yes, the practice in the above-mentioned cases, also relating to cessation of asylum status and withdrawal of the residence permit for a fixed period, is elaborated upon in an instruction, namely IND Working Instruction 2013/5.⁴⁷ IND Working Instruction 2012/3 can be added to this, which specifically pertains to the practice with regard to withdrawals.

According to IND Working Instruction 2013/5, the list of grounds on which permits can be withdrawn under Section 32(1)(c) of the Aliens Act is not limitative. It may be concluded on other factual grounds as well that the ground for issuance will cease to exist.⁴⁸ This can also be having contact with authorities of the country of origin.

Q5. If yes to Q3, which of the following acts (by the refugee) can lead to re-availment of protection of the country of origin:

Please tick boxes that apply.

For each of the (ticked boxes) options below, please indicate whether it is based on legislation, case law or (administrative) practice.

Frequency of contacts with national authorities over a certain period of time

Yes, the number of times of contact between the beneficiary of international protection (asylum residence permit for a fixed period) and the national authorities of the country of origin is taken into consideration and can lead to a decision to reassess the asylum residence permit and accompanying status, in the sense that the ground for issuing the asylum residence permit for a fixed period has ceased to exist for the beneficiary of international protection. This can result in the Dutch government deciding that the ground for issuing the permit has ceased to exist, for example because the beneficiary of international protection no longer needs to fear persecution by authorities of the country of origin.

The IND always reviews the facts that are put forward, including all circumstances, to see if the ground for issuing the permit has ceased to exist.⁴⁹ This practice is based on *applicable working instructions* of the IND, such as Working Instruction 2013/5.

Obtaining the issuance or renewal of a passport

Yes, when the beneficiary of international protection (with a residence permit for a fixed period) proves to have applied for and/or renewed a passport (as part of the contact with the authorities of the country of origin), this can lead to a decision to reassess the asylum residence permit and accompanying status, in the sense that the ground for issuing this asylum residence permit for a fixed period has ceased to exist.⁵⁰ In this case (requesting passports), application of the cessation ground 'the ground for the issuing of the permit has ceased to exist' must however be made sufficiently plausible.

This can result in the Dutch government deciding that the ground for issuing the permit has ceased to exist, for example because the beneficiary of international protection no longer needs to fear persecution by authorities of the country of origin. This is laid down in Section C2/10.4 of the Aliens Act

⁴⁷ Withdrawal of the asylum residence permit regularly leads to bottlenecks and questions to which legislation and regulations do not give a clear answer. The working instruction 'Withdrawal of the asylum residence permit for a fixed period and an indefinite period' envisages the effecting of a uniform working method.

⁴⁸ IND Working Instruction 2013/5, page 21. This working instruction will be renewed in the course of 2018 /2019.

⁴⁹ IND Working Instruction 2013/5.

⁵⁰ Section C2/10.4 of the Aliens Act Implementation Guidelines (Vc). The IND shall withdraw the asylum residence permit for a fixed period issued under Section 29(1), first lines and under a. of the Aliens Act, pursuant to Article 1C of the Refugee Convention, if a third-country national applies for and obtains a passport from his/her country of origin. The IND shall not withdraw the asylum residence permit for a fixed period issued under Section 29(1), first lines and under a. of the Aliens Act, pursuant to Article 1C of the Refugee Convention, if the third-country national substantiates with evidence that Article 1C of the Refugee Convention is not applicable.

Implementation Guidelines.

Requesting administrative documents *E.g. documents pertaining to family reunification or civil status such birth certificates*

Yes, when the beneficiary of international protection (with a residence permit for a fixed period) has requested administrative documents from the authorities of the country of origin, this can lead to withdrawal on the basis of cessation ground 'the ground for the issuing of the permit has ceased to exist' (Section 32 of the Aliens Act).⁵¹ This can lead to a decision to reassess the asylum residence permit and accompanying status, in the sense that the ground for issuing this asylum residence permit for a fixed period has ceased to exist.⁵² In this case (requesting administrative documents), application of the cessation ground 'the ground for the issuing of the permit has ceased to exist' must however be made sufficiently plausible. This can result in the Dutch government deciding that the ground for issuance is no longer applicable, for example because the beneficiary of international protection no longer needs to fear persecution by authorities of the country of origin.

The IND always reviews the facts that are put forward, including all circumstances, to see if the ground for issuing the permit has ceased to exist.⁵³ This practice is based *on applicable working instructions* of the IND, such as Working Instruction 2013/5.

Marriage in the country of origin

Yes, when the beneficiary of international protection (with a residence permit for a fixed period) proves to be married in the country of origin, this can lead to withdrawal on the basis of cessation ground 'the ground for the issuing of the permit has ceased to exist' (Section 32 of the Aliens Act).⁵⁴ This can lead to a decision to reassess the asylum residence permit and accompanying status, in the sense that the ground for issuing this asylum residence permit for a fixed period to the beneficiary of international protection is no longer applicable.⁵⁵ In this case, application of the cessation ground 'the ground for the issuing of the permit has ceased to exist' because of marriage must however be made sufficiently plausible. This can result in the Dutch government deciding that the ground for issuance is no longer applicable, for example because the beneficiary of international protection no longer needs to fear persecution by authorities of the country of origin.

The IND always reviews the facts that are put forward, including all circumstances, to see if the ground for issuing the permit has ceased to exist.⁵⁶ This practice is based *on applicable working instructions* of the IND, such as Working Instruction 2013/5.

Other (please specify)

Yes, as indicated in IND Working Instruction 2013/5, *any* indication from which it can be concluded that the ground for issuance of the beneficiary of international protection (with a residence permit for a fixed period) may cease to exist can lead to cessation of the status and the right of residence.⁵⁷ In this case,

⁵¹ Interview with experts of the IND Reassessment Unit on 2 October 2018 in Zwolle.

⁵² Section C2/10.4 of the Aliens Act Implementation Guidelines (Vc). The IND shall withdraw the asylum residence permit for a fixed period issued under Section 29(1), first lines and under a. of the Aliens Act, pursuant to Article 1C of the Refugee Convention, if a third-country national applies for and obtains a passport from his/her country of origin. The IND shall not withdraw the asylum residence permit for a fixed period issued under Section 29(1), first lines and under a. of the Aliens Act, pursuant to Article 1C of the Refugee Convention, if the third-country national substantiates with evidence that Article 1C of the Refugee Convention is not applicable.

⁵³ IND Working Instruction 2013/5.

⁵⁴ Interview with experts of the IND Reassessment Unit on 2 October 2018 in Zwolle.

⁵⁵ Section C2/10.4 of the Aliens Act Implementation Guidelines (Vc). The IND shall withdraw the asylum residence permit for a fixed period issued under Section 29(1), first lines and under a. of the Aliens Act, pursuant to Article 1C of the Refugee Convention, if a third-country national applies for and obtains a passport from his/her country of origin. The IND shall not withdraw the asylum residence permit for a fixed period issued under Section 29(1), first lines and under a. of the Aliens Act, pursuant to Article 1C of the Refugee Convention, if the third-country national substantiates with evidence that Article 1C of the Refugee Convention is not applicable.

⁵⁶ IND Working Instruction 2013/5.

⁵⁷ IND Working Instruction 2013/5, page 21.

application of the cessation ground 'the ground for the issuing of the permit has ceased to exist' must however be made sufficiently plausible. This can result in the Dutch government taking a decision that the ground for issuance is no longer applicable, for example because the beneficiary of international protection no longer needs to fear persecution by authorities of the country of origin.

The IND always reviews the facts that are put forward, including all circumstances, to see if the ground for issuing the permit has ceased to exist.⁵⁸ This practice is based on *applicable working instructions* of the IND, such as Working Instruction 2013/5.

Q6. If yes to Q3, are exceptions or derogations possible (e.g. if the fear of persecution emanates from non-State actors)? YES/NO

Yes, exceptions are possible. The IND always examines the reason and nature of the contact of beneficiaries of international protection with authorities of the country of origin. All circumstances are taken into consideration to see whether the ground for issuance has ceased to exist (for example the earlier ground for issuance, type of contact, etcetera).

The expert of the Reassessment Unit gave some examples of this.⁵⁹ For instance, an exception can be that a beneficiary of international protection applies to the central authorities for a passport, while the beneficiary of international protection him/herself had some problems with third parties or with a lower authority (on which the central authority does not have a grip).

The IND will conduct a review in all cases, partly due to possible reasons why no withdrawal needs to take place. The beneficiary of international protection is always given the opportunity to make plausible why he/she still fears the authorities. This practice is based on Working Instruction 2013/5.⁶⁰

Q6a. If yes to Q6, is it specified:

In national legislation?

If box is marked, please indicate legislation:

Not applicable.

In case law?

If box is marked, please indicate case law reference and a short summary:

Not applicable.

In practice?

If box is marked, please explain practice:

Yes, this is evident from practice. The IND will conduct a review in all cases, also of reasons why no withdrawal needs to take place. The beneficiary of international protection is always given the opportunity to make plausible why he/she still fears the authorities. This practice is based on Working Instruction 2013/5.⁶¹ See Q6 for a more detailed explanation Q6.

Q6b. If yes to Q6, please specify which circumstances are taken into account.

*E.g.: need to apply for a divorce in his home country because no other divorce may have the necessary international recognition.*⁶²

⁵⁸ IND Working Instruction 2013/5.

⁵⁹ Written input of experts of the IND Reassessment Unit.

⁶⁰ In WI 2013/5, however, it is not explicitly specified how you should act in these types of situations. It is only stated how the cessation procedure runs for the purpose of guiding and directing the process.

⁶¹ In WI 2013/5, however, it is not explicitly specified how you should act in these types of situations. It is only stated how the cessation procedure runs for the purpose of guiding and directing the process.

⁶² UNHCR Handbook, 2011, para. 120. <http://www.unhcr.org/3d58e13b4.html>

*E.g.: Obtaining a national passport or an extension of its validity may not involve cessation of refugee status for example where the holder of a national passport is not permitted to return to the country of his nationality without specific permission.*⁶³

The IND always examines the reason and nature of the contact of beneficiaries of international protection with authorities of their country of origin. All circumstances are taken into consideration to see whether the ground for issuance has ceased to exist (for example the earlier ground for issuance, type of contact, etcetera). The IND will conduct a review in all cases, partly due to possible reasons why no withdrawal needs to take place. The beneficiary of international protection is always given the opportunity to make plausible why he/she still fears the authorities. This practice is based on Working Instruction 2013/5.⁶⁴

Q7. If yes to Q3, what **challenges** do national authorities encounter in practice when assessing such circumstances and cessation ground?

- *For each challenge describe for whom it is a challenge (policy-maker, organisation, other), why it is considered a challenge and whether the assessment that this is a challenge based on input from experts (and if so, which experts), surveys, evaluation reports, focus groups or other sources.*
- *Please answer with examples taken from (national) **case law** if available.*

Yes, a challenge can be mentioned if a withdrawal has to take place (partly) on the basis of beneficiaries of international protection with an asylum residence permit for a fixed period having contact with the authorities of their country of origin. This is explained below.

According to the Dutch Council for Refugees, a challenge is that beneficiaries of international protection sometimes do not sufficiently realise that they are endangering their permit by contacting the authorities of or travelling to their country of origin. Beneficiaries of international protection do also not sufficiently realise either that by contact or travelling back, they could put themselves or family members in danger. This may possibly lead to withdrawal. This challenge is based on information from the expert of the Dutch Council for Refugees.⁶⁵

Q8. Is guidance or any other form of established practice on cessation on the grounds of 'voluntary re-availment of the protection of the country of nationality' available to national authorities in your (Member) State? YES/NO

If yes, please elaborate whether it takes the form of:

Internal guidelines

Please specify:

UNHCR guidelines (e.g. guidelines on cessation)

Other

Please specify:

Internal working instructions

Yes, in addition to the applicable laws and regulations, the Netherlands has a more detailed explanation of the 'the ground for the issuing of the permit has ceased to exist', including corresponding circumstances in which this can occur, and has laid down cessation procedures in internal guidelines as well as in the public IND Working Instruction 2013/5. These working instructions generally relate to the cessation procedure, but do not directly pertain to beneficiaries of international protection who seek contact with authorities in their country of origin.

⁶³ UNHCR Handbook, 2011, para. 124. <http://www.unhcr.org/3d58e13b4.html>

⁶⁴ In WI 2013/5 however, it is not explicitly specified how you should act in these types of situations. It is only stated how the cessation procedure runs for the purpose of guiding and directing the process.

⁶⁵ Interview with the Dutch Council for Refugees on 16 October in Amsterdam.

UNHCR Guidelines

Yes, in addition to the applicable laws and regulations, the Netherlands has a more detailed explanation of the 'the ground for the issuing of the permit has ceased to exist', including corresponding circumstances in which this can occur, and has laid down cessation procedures in internal guidelines as well as in the public IND Working Instruction 2012/3 and IND Working Instruction 2013/5. These are partly based on UNHCR guidelines and largely correspond.⁶⁶

Other

Not applicable.

2.2. REFUGEES TRAVELLING TO AND 'VOLUNTARY RE-ESTABLISHMENT' IN THE COUNTRY OF ORIGIN

This sub-section of the synthesis report will provide information on refugees travelling to the country of origin and whether such acts can amount to cessation of protection, such as voluntary re-establishment in the country of origin. This cessation ground is regulated in Article 1C(4) of the Refugee Convention and Article 11(1)(d) of the recast Qualification Directive in the same manner. This is the only cessation clause which takes – explicitly – into account the travels and return of a refugee to his or her country of origin. Although there are no definite criteria as to when a person could be considered as being 're-established', frequent travels to the country of origin may serve as indicators.⁶⁷ In addition, for Article 11(1)(d) to apply, it is necessary to determine whether the refugee returns voluntarily to the country of origin for the purpose of permanent residency.⁶⁸

This sub-section will consider this cessation ground taking into account refugees' right to a travel document contained in Article 28 of the Refugee Convention and Article 25 of the recast Qualification Directive. Refugee travel documents are different from the right of residence granted to international protection beneficiaries, as the latter is restricted to the country that grants protection.

Under EU law, such obligation exists only for refugees and not for beneficiaries of subsidiary protection. The duration and geographical validity of the travel document is left at the discretion of national legal frameworks.

Q9. Please describe national legislation applicable to refugees regarding their right to travel (i.e. outside the State that granted them protection).

Please note the right to a travel document for refugees set in Article 28 of the Refugee Convention and 25 of the recast Qualification Directive.

In accordance with applicable international law, beneficiaries of international protection with an asylum residence permit for a fixed or indefinite time may travel from the Netherlands to other countries by means of a travel document (passport, refugee passport or third-country national's passport).

A beneficiary of international protection has the right to a Dutch travel document for a maximum of 5 years if he/she is in possession of an asylum residence permit for a fixed or indefinite period. A travel document may be refused if the person concerned is included in the Passport Alerts Register (RPS).⁶⁹

A variety of laws and regulations are applicable to this possibility to travel. Sections 28 and 33 of the Aliens Act 2000 contain the general conditions for the residence permits for a fixed and indefinite period.⁷⁰ In the Passport Act (*Ppw*), specifically Sections 11 and 12, the rules are set out that apply to travel documents for non-Dutch nationals.⁷¹ Section 16 of the Dutch Passport Implementing Regulation 2001 contains the laws and regulations pertaining to validity (see above) and Section 39 contains the preconditions for recording the details in the travel document.⁷²

⁶⁶ Interview with experts of the IND Reassessment Unit on 2 October 2018 in Zwolle.

⁶⁷ ExCom Note 1997, para 12; EASO Judicial analysis, p. 29.

⁶⁸ *Idem*, p. 24.

⁶⁹ Applications for travel documenten for refugees, <https://www.rvig.nl/travel-documenten/aanvragen-en-verstrekken/travel-document-for-vluchtelingen>. Consulted on 7-9-2018.

⁷⁰ For more information see: <http://wetten.overheid.nl/BWBR0011823/2017-01-01>

⁷¹ For more information see: <http://wetten.overheid.nl/BWBR0005212/2017-10-01>

⁷² For more information see: <http://wetten.overheid.nl/BWBR0012811/2018-07-01#HoofdstukII>

Q10. Is a travel limitation:

- a) To the country of origin (or country of habitual residence) specified in the travel document issued to refugees in your (Member) State? YES/NO

E.g. the name of the country the refugee is not allowed to travel to is explicitly mentioned in the travel document.

Yes, a travel limitation to the country of origin or a certain country is specified in the travel document.⁷³

A travel document for beneficiaries of international protection is valid for all countries except the country of which the holder has the nationality (the so-called 'limitation of territorial validity').

A travel document for beneficiaries of international protection is not valid for the country of origin because a country has the right to determine who its nationals are, which of those nationals may obtain a travel document and use it to identify him/herself in that country. In addition, a beneficiary of international protection with a Dutch travel document cannot receive any assistance from the Dutch embassy or consulate in the country of origin. This is in fact viewed as infringement on the right of a state to determine its own rules.⁷⁴

The limitation of territorial validity is included in the travel document with standard clause Xa (Uitgezonderd/Except/à l'Exception de...), which is evident from Sections 16 and 39 of the Dutch Passport Implementation Regulations.⁷⁵ If the nationality is not known and/or someone is stateless, the clause does not have to be included.⁷⁶

If yes, please elaborate whether this limitation stems from:

- National legislation

Yes, this limitation ('limitation of territorial validity') is defined in Section 39 of the Dutch Passport Implementation Regulations 2001 (*Paspoortuitvoeringsregeling The Netherlands 2001*)(in Dutch). Subsection 2 states the following: in the application for a travel document for beneficiaries of international protection or a travel document for third-country nationals, depending on the nationality of the person to whom the travel document is issued, it must be indicated which country is excluded from territorial validity.

- Practice developed by competent authorities

Please elaborate:

Not applicable.

- Case law

Please elaborate:

Not applicable.

- Other sources

Please elaborate:

⁷³ Netherlands Office for Identity Data (RVIG.nl), applications for and issue of travel documents for refugees <https://www.rvig.nl/travel-documenten/aanvragen-en-verstrekken/reisdocument-voor-vluchtelingen>. Consulted on 7-9-2018.

⁷⁴ RVIG.nl, applications for and issue of travel documents for refugees <https://www.rvig.nl/travel-documenten/aanvragen-en-verstrekken/reisdocument-voor-vluchtelingen>. Consulted on 7-9-2018.

⁷⁵ RVIG.nl, application for and issue of travel documents for refugees <https://www.rvig.nl/travel-documenten/aanvragen-en-verstrekken/reisdocument-voor-vluchtelingen>. Consulted on 7-9-2018.

⁷⁶ RVIG.nl, applications for and issue of travel documents for refugees <https://www.rvig.nl/travel-documenten/aanvragen-en-verstrekken/reisdocument-voor-vluchtelingen>. Consulted on 7-9-2018.

Not applicable.

- b)** To neighbouring countries of the country of origin (or country of habitual residence) specified in the travel document issued to refugees in your (Member) State? YES/NO

If yes, please elaborate on the rationale behind the limitation to travel to neighbouring countries:

No, in principle, beneficiaries of international protection (asylum residence permit for a fixed or indefinite period) are free to travel to the neighbouring countries of the country of origin.⁷⁷

Q11. If refugees travel to their country of origin:

- a)** Do they need to notify in advance national authorities of the State of protection? YES/NO

If yes, please specify (i) procedures and (ii) national authority they should notify.

Please also elaborate (iii) on the consequences of non-notification.

No, in principle, beneficiaries of international protection who want to travel back to their country of origin do not have to notify the Dutch authorities, as the travel document is not valid for travel back to the country of origin (see for example question 14).^{78 79}

- b)** Do they need to request a specific permission or authorisation to do so to a designated national authority in the State that granted protection? YES/NO

If yes, please answer by indicating (i) what procedures and authorities are involved, and (ii) on what grounds they can request such authorisation.

No, in principle, beneficiaries of international protection who want to travel back to their country of origin do not need to request the Dutch authorities to grant specific permission or authorisation, as the travel document is not valid for travel back to the country of origin (see for example question 14).^{80 81}

Q12. Can refugees request their original passport from authorities of the State that granted protection? YES/NO

If yes, please elaborate on (i) procedures and (ii) circumstances in which such requests are possible:

No, this is not possible.⁸²

In addition to this, if an original passport is concerned that was submitted temporarily to the Dutch authorities for investigation during the application procedure, the beneficiary of international protection always gets his/her passport back after it has not been found to be false or has nevertheless not been investigated.

Q13. What are the most common reasons for travel to their country of origin stated by refugees to authorities in your (Member) State?

- Visits for family reasons (please specify)
- Marriage in the country of origin
- Business reasons
- Other reasons (please specify)

⁷⁷ Correndigum 01-02-2019.

⁷⁸ Interview with experts of the IND Reassessment Unit on 2 October 2018 in Zwolle.

⁷⁹ Interview with an expert of the Ministry of Justice and Security on 26 September in The Hague.

⁸⁰ Interview with experts of the IND Reassessment Unit 2 October 2018 in Zwolle.

⁸¹ Interview with an expert of the Ministry of Justice and Security on 26 September in The Hague.

⁸² Interview with an expert of the IND/ SUA on 25 September in The Hague.

In the Netherlands there is limited insight into the reasons beneficiaries of international protection present for travel back to their country of origin.

Several files have been examined in the context of this study. Interviews were also held with stakeholders. It emerged from this that all above-mentioned reasons (family visits, marriage, business trips and other reasons, such as visiting sick relatives) are mentioned by the beneficiaries of international protection who have travelled back. This is evident from their record or during reassessment by the IND.

Nonetheless, it cannot be stated which reasons are the 'most common'. This is because the IND does not systematically record the reasons beneficiaries of international protection present for travelling back to their country of origin. Therefore no statements can be made about this in the context of this study.

Q13a. Please specify if this information is recorded by national authorities (e.g. in a database).

The information on the specific reasons for travelling back to the country of origin is not stored as a separate classification/note in INDiGO (IND database).

The reasons for travelling back are derived in most cases from an interview between the Dutch authorities and the beneficiary of international protection.⁸³ If this is discussed at the time of stopping and questioning at the Dutch border/airport, it is often briefly mentioned in a document of the KMar. If the IND is subsequently given the case for assessment in the context of the assessment of a cessation procedure, a member of the IND staff will ask for this document in any case during a hearing. The reason for return can then be read in a hearing report gathered from the interview. It also occurs that the beneficiary of international protection informs the IND by way of a letter (from his/her legal representative) in the context of the cessation procedure of the reason for return (the view). All aforementioned documents are stored in the electronic file of the person in question in INDiGO.⁸⁴

Q14. If a refugee travelled to his/her country of origin, can this possibly lead to the cessation of his/her refugee status? YES/NO

If no, please go directly to Section 2.3.

If yes, please elaborate (e.g. this can be considered as re-establishment in the country of origin, etc.):

Yes, the IND may decide to reassess the residency status⁸⁵ (international protection on the basis of refugee status or subsidiary protection) and possibly cease it if someone travels back to the country of origin. For beneficiaries of international protection with an asylum residence permit for a fixed period, travel movements to the country of origin may result in revision of his/her asylum status on the basis of the cessation ground under Section 32, first lines and under c. of the Aliens Act 'the ground for the issuing of the permit has ceased to exist'. The travel movements can be viewed as a signal that the protection of the State of the Netherlands is no longer necessary and/or that the beneficiary of international protection can avail him/herself of the protection of the country of origin.

Withdrawal of an asylum residence permit for an indefinite time because of established return is more difficult in Dutch practice.^{86 87} To start with, because the aforementioned cessation ground 'the ground for the issuing of the permit has ceased to exist' is not regulated by law for this permit. In addition, there are obstacles to withdrawal of the permit on other grounds that do apply to the residence permit for an indefinite period. For example, the highest administrative court in the Netherlands ruled that merely returning to the country of origin cannot in principle lead to the conclusion that incorrect information was provided in the asylum application.⁸⁸

⁸³ Written input from the IND Reassessment Unit.

⁸⁴ Written input from the IND Reassessment Unit.

⁸⁵ Recognition as someone who requires international protection.

⁸⁶ Interview with experts of the IND Reassessment Unit on 2 October 2018 in Zwolle.

⁸⁷ Letter to Parliament *Intrekken verblijfsvergunningen van Eritrese asielzoekers die vakantie vieren in land van herkomst* (in Dutch), 8 May 2017, 2068909.

⁸⁸ See the judgment of the Administrative Jurisdiction Division of the Council of State (ABRvS) of 13 December 2011 (201100110/1/V1). Return is not incorrect information, as it had not occurred at the time of decision granting the residence permit.

The ground for the issuing of the permit has ceased to exist

In addition to the above-mentioned text, the following can be gathered from pages 21 and 22 of IND Working Instruction 2013/5. In the Netherlands any piece of evidence demonstrating return can be used, as long as this piece of evidence of return can be traced to the person. Mere return to the country of origin in itself is not sufficient to consider the cessation ground 'the ground for the issuing of the permit has ceased to exist' applicable.

For a comprehensive explanation of the procedure, see question 43 of the template.

Withdrawal takes effect as of the date that the protection is no longer necessary. What date this is examined in each individual case. It can be noted more specifically in this regard that if the circumstances of the return are such that withdrawal can be continued, the permit is withdrawn from the time the person in question has actually returned to his/her country of origin. This is often the date of the entry stamp in the passport used by the person in question.⁸⁹

Q14a. If a refugee travelled to his/her country of origin, can this have other consequences on his/her refugee status? YES/NO

If yes, please elaborate (e.g. this can trigger a (re)assessment of the initial application for refugee protection):

Yes, travel to the country of origin can have consequences for his/her refugee status.⁹⁰ This is expressed especially during the cessation procedure of someone with an asylum residence permit for a fixed period on the basis of the cessation ground 'the ground for the issuing of the permit has ceased to exist'. During this procedure, the circumstances of an established return (e.g. the reason, duration and place to which the person returned) are compared to the original reason for granting refugee status. This can ultimately lead to the conclusion that the original reason for granting the status has ceased to exist. In that case, refugee status is ceased with retroactive effect to the time that the ground for the issuing of the permit has ceased to exist. In practice, this is usually the date on which it could be established that the return traveller had entered his/her country of origin. This is often the date of the entry stamp in the passport used by the person in question.

Q15. If travelling to the country of origin may lead to cessation of protection (see question 14), is it specified:

In national legislation?

If box is marked, please specify legislation:

In case law?

If box is marked, please indicate case law reference and short summary:

In practice?

If box is marked, please explain practice:

National legislation and regulations

Yes, possible cessation is defined in national legislation. Possible cessation of asylum status due to travelling to the country of origin is not directly mentioned *in itself* as a cessation ground in laws and regulations (nor in Sections 32 and 35 of the Aliens Act (*Vw*) 2000 – cessation grounds). Travelling to the country of origin can nevertheless lead to reassessment, owing to which withdrawal of the asylum residence permit for a fixed period takes place particularly on the basis of the above-mentioned cessation ground 'the ground for the issuing of the permit has ceased to exist' (see question 14).

⁸⁹ Written input from an expert of the IND Reassessment Unit.

⁹⁰ Written input from an expert of the IND Reassessment Unit.

Case law

Yes, case law is available, for example the judgment of the Administrative Jurisdiction Division of the Council of State (ABRvS) of 13 December 2011 ([201100110/1/V1](#)).⁹¹

Practice and instructions

Yes, possible cessation of asylum status due to travel to the country of origin is defined in the instructions of the IND, such as the working instruction applicable to reassessment, IND Working Instruction 2013/5.

Q16. Which of the following circumstances are taken into account when assessing cessation of protection (e.g. *re-establishment in the country of origin*):

Please indicate which options apply. For each of the (ticked boxes) options below, please indicate whether it is based on legislation, case law or (administrative) practice.

Frequency of travels to the country of origin

Yes, the IND takes this into account in the Netherlands.⁹² This is not explicitly mentioned in IND Working Instruction 2013/5, but can indeed be concluded from it, as it is stated that each possibly relevant fact must be taken into consideration. This can also be the number of times of travel to the country of origin.

Length of stay in the country of origin

Yes, the IND takes this into account in the Netherlands. This is based on the applicable working instructions (administrative practice), such as IND Working Instruction 2013/5.

Specific place of stay in the country of origin

Yes, the IND takes this into account in the Netherlands. This is not explicitly mentioned in IND Working Instruction 2013/5, but can indeed be concluded from it, as it is stated that each possibly relevant fact must be taken into consideration. This can also be the specific place of stay.

Reasons to travel to the country of origin

Yes, the IND takes this into account in the Netherlands. This is based on the applicable working instructions (administrative practice), such as IND Working Instruction 2013/5.

Other

Please specify:

Besides the above-mentioned topics, the IND also examines other circumstances. These are:

1. The way in which the third-country national has returned^{93 94}
2. Reassessment of the original reasons put forward by the beneficiary of international protection on the basis of which the residence permit was issued.⁹⁵
3. With whom the beneficiary of international protection has stayed.
4. Actions of the person in question during return.⁹⁶
5. (New) problems that occurred during return.⁹⁷

⁹¹ Other case law is available besides this case law. A first example is the ABRvS judgment of 2 June 2016 ([201506288/1/V1](#)). This judgment does not directly affect return travellers, but is a relevant conclusion for the entire cessation practice. Another example is the ABRvS judgment of 15 June 2016 ([201508135/1/V3](#)). See the judgments for more information.

⁹² Written input from an expert of the IND Reassessment Unit.

⁹³ IND Working Instruction 2013/5, pages 21 and 22.

⁹⁴ This specifically deals with illegal border crossing in the country of origin.

⁹⁵ IND Working Instruction 2013/5, pages 21 and 22.

⁹⁶ Written input from an expert of the IND Reassessment Unit.

⁹⁷ Written input from an expert of the IND Reassessment Unit.

Q17. If travelling to the country of origin could lead to cessation of refugee protection, are there any **criteria to assess the voluntariness** and/or refugee's **intent** to re-establish himself/herself in the country of origin?

Note: For the cessation ground of re-establishment to be applicable, both the return and the stay must have been undertaken voluntarily. For example, where the return of the refugee in his/her country of origin was the result of coercion or the prolonged stay was not voluntary (e.g. imprisonment), such travels to the country of origin may not amount to cessation of international protection.

A temporary visit by a refugee to his former country of origin not with a national passport but with a travel document issued by the State that granted protection may not necessarily amount to reestablishment: travelling to the country of origin for the purpose of visiting an old sick parent is different from frequent travels to the country of origin with the purpose of establishing business relations.⁹⁸

Yes, the IND takes into account and reviews the voluntariness, purpose (of possible re-establishment) and the reasons for travel to the country of origin.⁹⁹ ¹⁰⁰ For example the manner of travel (legal or illegal) is examined. It ensues from IND Working Instruction 2013/5 for example that there is a difference between simply going on holiday and travelling back because of the death of a family member.¹⁰¹ However, this always involves a connection with the other factors the IND considers (including, for example the duration of the return, the circumstances under which the person stayed in the country of origin, the person's behaviour there and the reasons for granting the asylum residence permit).¹⁰²

Besides the purpose, duration and course of the travel, the original reasons for issuance of the permit should be included in assessing whether there are (exceptional) circumstances entailing that withdrawal should be abandoned. If there are circumstances entailing that the ground for issuance continues to exist notwithstanding return to the country of origin, no cessation procedure is started.¹⁰³ In addition, if a beneficiary of international protection wants to return voluntarily to his/her country of origin, the beneficiary of international protection can always apply to the International Organisation for Migration (IOM) to start the return process.

Q18. Do national authorities encounter any **challenges** when assessing such cases of cessation? YES/NO.

- *If yes, please elaborate e.g. **case law** (if available).*
- *For each challenge describe a) for whom it is a challenge (policy-maker, organisation, other), b) why it is considered a challenge and c) whether the assessment that this is a challenge based on input from experts (and if so, which experts), surveys, evaluation reports, focus groups or other sources.*

Yes, challenges can be mentioned if a permit must be withdrawn (partly) on the basis of travelling back by beneficiaries of international protection (with an asylum residence permit for a fixed period) to their country of origin. This is explained below.

1. The challenge for the IND in withdrawal cases is that it is difficult to know if beneficiaries of international protection have actually been back to the place where the problems occurred. Consequently, it can often not be made sufficiently plausible that the beneficiary of international protection has returned to the country of origin, and that makes it difficult to withdraw the residence permit. This challenge is based on the expert on withdrawals at the IND.¹⁰⁴

⁹⁸ UNHCR Handbook, paras. 125 and 134.

⁹⁹ Written input from IND/SUA.

¹⁰⁰ Interview with experts of the IND Reassessment Unit on 2 October 2018 in Zwolle.

¹⁰¹ IND Working Instruction 2013/5, pages 22 and 32.

¹⁰² Interview with experts of the IND Reassessment Unit on 2 October 2018 in Zwolle.

¹⁰³ IND Working Instruction 2013/5, pages 22 en 32.

¹⁰⁴ Interview with an expert of the IND/ SUA on 25 September in The Hague.

2. Another challenge for the IND is the fact that withdrawal is not legally feasible in all cases because return to the country of origin does not always by far affect the original reason for issuance of the permit. This challenge is based on the expert on withdrawals at the IND.¹⁰⁵
3. The third challenge is that developments in case law have also regularly led to adjustments to decision-making practice. This makes withdrawal more difficult. This challenge is based on the expert on withdrawals at the IND.^{106 107}

Q19. Is guidance or any other form of established practice on cessation on the grounds of ‘*voluntary re-establishment in the country of origin*’ available to authorities in your (Member) State? YES/NO

If yes, do these take the form of:

Internal guidelines

Please explain:

UNHCR guidelines on cessation

Other

Please specify:

Internal guidelines

Yes, this is laid down in internal guidelines. An example is Working Instruction 2013/5, in which the grounds for withdrawal are elaborated upon. For more information see IND Working Instruction 2013/5, pages 10-33.

UNHCR Guidelines on cessation

Yes, in addition to the applicable legislation, the Netherlands has a further explanation of the ‘the ground for the issuing of the permit has ceased to exist’, including accompanying circumstances under which this can occur, and has laid down cessation procedures in internal *guidelines* as well as in public IND Working Instruction 2012/3 and IND Working Instruction 2013/5. These are partly based on the UNHCR guidelines and are also largely the same.¹⁰⁸

Other

Not applicable.

2.3. BENEFICIARIES OF SUBSIDIARY PROTECTION TRAVELLING TO AND/OR CONTACTING AUTHORITIES OF THE COUNTRY OF ORIGIN

This sub-section will specifically collect information on beneficiaries of subsidiary protection (or equivalent standards for (Member) States not bound by the recast Qualification Directive) travelling to and/or contacting authorities of the country of origin. In the recast Qualification Directive, the grounds for granting and ceasing subsidiary protection depart from the ones applicable to refugees. Thus, this section will examine if contacts with and/or travels to countries of origin can lead to considering that the risk of serious harm and eligibility for subsidiary protection has ceased to exist.

The analysis of information in this sub-section will particularly pay attention to the concept of subsidiary protection as defined in the recast Qualification Directive, namely that it is granted to third nationals who do not qualify for refugee status but for whom substantial grounds have been shown for believing that they would face a ‘real risk of suffering serious harm’ if returned to their country of origin (Article 15 of the recast Qualification Directive). Differences with third-country nationals granted refugee status do not lie only on the grounds granting protection but also on obtaining a travel document. Of relevance for this study, beneficiaries of subsidiary protection thus must use their passports unless they are unable to

¹⁰⁵ Interview with experts of the IND Reassessment Unit on 2 October 2018 in Zwolle.

¹⁰⁶ Interview with experts of the IND Reassessment Unit on 2 October 2018 in Zwolle.

¹⁰⁷ See ABRvS judgment of 13 December 2011 (201100110/1/V1). Return is not incorrect information, as this had not occurred at the time of the decision granting the residence permit.

¹⁰⁸ Interview with experts of the IND Reassessment Unit on 2 October 2018 in Zwolle.

obtain one, in which case a travel document can also be issued to them (Article 25(2) of the recast Qualification Directive).

Contacting official authorities of the country of origin

Q20. If a beneficiary of subsidiary protection in your (Member) State contacts official authorities of his/her country of origin (e.g. consulates, embassies, other official representations of the country of origin), can this possibly lead to the cessation of the subsidiary protection status? YES/NO

If no, please go directly to question 23.

If yes, please elaborate (e.g. re-availment of national protection of the country of nationality):

The Netherlands has a 'single status model', from which it ensues that the answers to the previous questions about persons with refugee status are also applicable in this context (to persons with subsidiary protection). It holds as well that the review conducted on reassessment of refugee status contains the same elements as that of subsidiary protection. Therefore, to answer this question, the answer to Q3a is (also) applicable.

Q20a. If a beneficiary of subsidiary protection in your (Member) State contacts official authorities of his/her country of origin, can this can have *other consequences*. YES/NO

If yes, please elaborate:

The Netherlands has a 'single status model', from which it ensues that the answers to the previous questions about persons with refugee status are also applicable in this context (to persons with subsidiary protection). It holds as well that the review conducted on reassessment of refugee status contains the same elements as that of subsidiary protection. Therefore, to answer this question, the answer to Q3a is (also) applicable.

Q21. If a beneficiary of subsidiary protection contacting official authorities of their country of origin may lead to cessation of subsidiary protection, is it specified:

Please indicate whether the same legislative provisions (and/or case law or practice) are applicable to refugees and to beneficiaries of subsidiary protection in your (Member) State.

In national legislation?

If box is marked, please specify legislation:

In case law?

If box is marked, please indicate case law reference and short summary:

In practice?

If box is marked, please explain practice:

The Netherlands has a 'single status model', from which it ensues that the answers to the previous questions about persons with refugee status are also applicable in this context (to persons with subsidiary protection). It holds as well that the review conducted on reassessment of refugee status contains the same elements as that of subsidiary protection. Therefore, to answer this question, the answer to Q4 is (also) applicable.

Q22. If a beneficiary of subsidiary protection contacts official authorities of his/her country of origin, which of the following circumstances can lead to cessation of *subsidiary* protection:

Please tick options that apply. For each of the (ticked boxes) options indicated, please elaborate whether it is based on legislation, case law or (administrative) practice.

Frequency of contacts with national authorities of the country of origin

Obtaining the issuance or renewal of a passport

Requesting administrative documents

E.g. Document pertaining to family reunification or civil status such as birth certificates

Marriage

Other

Please elaborate (e.g. other administrative formalities):

The Netherlands has a 'single status model', from which it ensues that the answers to the previous questions about persons with refugee status are also applicable in this context (to persons with subsidiary protection). It holds as well that the review conducted on reassessment of refugee status contains the same elements as in that of subsidiary protection. Therefore, to answer this question, the answer to Q5 is (also) applicable.

Travelling to the country of origin

Q23. Please briefly describe national legislation on the right to travel (i.e. outside the State that granted subsidiary protection) of *beneficiaries of subsidiary protection* in your (Member) State?

The Netherlands has a 'single status model', from which it ensues that the answers to the previous questions about persons with refugee status are also applicable in this context (to persons with subsidiary protection). It holds as well that the review conducted on reassessment of refugee status contains the same elements as that of subsidiary protection. Therefore, to answer this question, the answers to Q9 and Q10 are (also) applicable.

Q24. Can a beneficiary of subsidiary protection request a travel document in your Member State?
YES/NO

Please note the provisions of Article 25 of the recast Qualification Directive on this question.

*If yes, please specify (i) its format (similar to the one issued to refugees?), (ii) duration and (iii) any **geographical limitations attached to it** (i.e. is a travel limitation to the country of origin specified in the travel document?)*

The Netherlands has a 'single status model', from which it ensues that the answers to the previous questions about persons with refugee status are also applicable in this context (to persons with subsidiary protection). It holds as well that the review conducted on reassessment of refugee status contains the same elements as that of subsidiary protection. Therefore, to answer this question, the answers to Q9 and Q10 are (also) applicable.

Q25. What are the most common reasons for travel to their country of origin stated by beneficiaries of subsidiary protection to national authorities:

- Visits for family reasons
- Marriage in the country of origin
- Business reasons
- Other reasons

Please specify:

The Netherlands has a 'single status model', from which it ensues that the answers to the previous questions about persons with refugee status are also applicable in this context (to persons with subsidiary protection). It holds as well that the review conducted on reassessment of refugee status contains the same elements as that of subsidiary protection. Therefore, to answer this question, the answer to Q13 is (also) applicable.

Q25a. Please specify if this information is recorded by national authorities (e.g. in a database).

The Netherlands has a 'single status model', from which it ensues that the answers to the previous questions about persons with refugee status are also applicable in this context (to persons with subsidiary protection). It holds as well that the review conducted on reassessment of refugee status contains the same elements as that of subsidiary protection. Therefore, to answer this question, the answer to Q13a is (also) applicable.

Q26. If a beneficiary of subsidiary protection in your (Member) State travels to his/her country of origin, can his/her protection status be ceased (*e.g. re-establishment in the country of origin*)? YES/NO

The Netherlands has a 'single status model', from which it ensues that the answers to the previous questions about persons with refugee status are also applicable in this context (to persons with subsidiary protection). It holds as well that the review conducted on reassessment of refugee status contains the same elements as that of subsidiary protection. Therefore, to answer this question, the answer to Q14 is (also) applicable.

Q26a. If yes to Q26, is it specified:

Please indicate whether the same legislative provisions (and/or case law or practice) are applicable in the same way to refugees and beneficiaries of subsidiary protection in your (Member) State.

In national legislation?

If box is marked, please specify legislation:

In case law?

If box is marked, please indicate case law reference and short summary:

In practice?

If box is marked, please explain practice:

The Netherlands has a 'single status model', from which it ensues that the answers to the previous questions about persons with refugee status are also applicable in this context (to persons with subsidiary protection). It holds as well that the review conducted on reassessment of refugee status contains the same elements as that of subsidiary protection. Therefore, to answer this question, the answer to Q14 is (also) applicable.

Q26b. If yes to Q26, which of the following circumstances are taken into account when assessing cessation of protection:

Please tick options that apply. For each of the (ticked boxes) options indicated, please specify whether it is based on legislation, case law or (administrative) practice.

Frequency of travels to the country of origin

Duration of stay in the country of origin

Specific place of the stay in the country of origin

Reason for travel to the country of origin

Other

Please specify:

The Netherlands has a 'single status model', from which it ensues that the answers to the previous questions about persons with refugee status are also applicable in this context (to persons with subsidiary protection). It holds as well that the review conducted on reassessment of refugee status contains the same elements as that of subsidiary protection. Therefore, to answer this question, the answer to Q16 is (also) applicable.

Guidance and challenges in assessing cases of cessation of subsidiary protection

Q27. Is guidance or any other form of established practice on cessation of *subsidiary* protection available to national authorities? YES/NO

If yes, please indicate whether they take the form of:

Internal guidelines

Please explain:

UNHCR guidelines on cessation

Other

Please specify:

The Netherlands has a 'single status model', from which it ensues that the answers to the previous questions about persons with refugee status are also applicable in this context (to persons with subsidiary protection). It holds as well that the review conducted on reassessment of refugee status contains the same elements as that of subsidiary protection. Therefore, to answer this question, the answer to Q19 is (also) applicable.

Q28. Based on previous answers to questions in this sub-section 2.3., what challenges do national authorities encounter when assessing cases of cessation of *subsidiary* protection?

- *Please elaborate e.g. case law (if available).*
- *For each challenge mentioned, please describe a) for whom it is a challenge (policy-maker, organisation, other stakeholders), b) why it is considered a challenge and c) whether the assessment that this is a challenge based on input from experts (and if so, which experts), surveys, evaluation reports, focus groups or from other sources (please indicate which ones).*

The Netherlands has a 'single status model', from which it ensues that the answers to the previous questions (and challenges mentioned in them) about persons with refugee status are also applicable in this context (to persons with subsidiary protection). It holds as well that the review conducted on reassessment of refugee status contains the same elements as that of subsidiary protection. Therefore, to answer this question, the answer to Q18 is (also) applicable.

Section 3: Adoption of a decision on cessation of international protection and implications on the right of residence in the (former) State of protection [max 16 pages]

This section of the synthesis report will present Member States' practices in relation to procedural aspects of the adoption of a decision on cessation of international protection based on cessation grounds examined in the previous section. This section will also present information on the procedural guarantees available to third-country nationals throughout the procedure, including the right to an effective remedy. It will also examine the implications that such decision may have on the right to stay on the territory of a Member State by the third-country national concerned by the decision, as well as on the right to stay of his/her family members.

Any difference between refugees and beneficiaries of subsidiary protection should be clearly indicated.

3.1. INFORMING BENEFICIARIES OF INTERNATIONAL PROTECTION

Q29. Are beneficiaries of international protection informed about possible consequences on their protection status if they contact authorities or travel to their country of origin? YES/NO

Yes, beneficiaries of international protection with an asylum residence permit for a fixed or indefinite period are in principle informed about possible consequences for their asylum status if they contact authorities and/or travel to their country of origin. This is done both actively (for example by way of information provided by the Dutch Council for Refugees or a brochure) and passively because a beneficiary of international protection with a question can contact the responsible authorities. An expert of the Dutch Council for Refugees states in this context that, in practice however, not every beneficiary of international protection is aware of this. See below for further elaboration.

If yes, please indicate the means by answering in the table 1 below:

Table 1 informing beneficiaries of international protection

Means used to inform beneficiaries of international protection	Contacting authorities of the country of origin	Travelling to the country of origin (or country of habitual residence)
It is indicated on beneficiaries' travel document	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Not applicable.	Yes , for travel to the country of origin this is indicated on the travel document. See question 10 for a comprehensive answer.
Beneficiaries are informed in writing by national authorities <i>Please specify language of communication used by national authorities:</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Not applicable.	Yes , via www.ind.nl and the brochure 'Rechten en plichten' ¹⁰⁹ (in Dutch), beneficiaries of international protection are informed of the fact that they may not travel back to their country of origin with a refugee passport. It is not stated in these sources that an asylum residence permit can be withdrawn as a result of travelling back.
Beneficiaries are informed orally by competent	<input type="checkbox"/>	<input type="checkbox"/>
	Not applicable.	Not applicable.

¹⁰⁹ Source: https://ind.nl/Documents/Rechten_plichten_VVAbep_Nederlands.pdf

Means used to inform beneficiaries of international protection	<i>Contacting authorities of the country of origin</i>	<i>Travelling to the country of origin (or country of habitual residence)</i>
authorities <i>Please elaborate:</i>		
Beneficiaries are informed at their request <i>Please elaborate (e.g. whether in writing or orally):</i>	<input checked="" type="checkbox"/> Yes , beneficiaries of international protection can contact the IND to ask questions about the possible consequences of contact with the authorities of their country of origin and/or travel to the country of origin (if this has not yet been done). They can do so by telephone, e-mail, online and by appointment. The counsellor of the beneficiary of international protection can also contact the Helpdesk of the Dutch Council for Refugees by telephone if a beneficiary of international protection has contacted the authorities of the country of origin. The Helpdesk will then refer the beneficiary of international protection to a lawyer. The lawyer can also consult the Helpdesk or VluchtWeb about this. ¹¹⁰	<input checked="" type="checkbox"/> Yes , beneficiaries of international protection can contact the IND to ask questions about the possible consequences of contact with the authorities of their country of origin and/or travel to the country of origin. They can do so by telephone, e-mail, online and by appointment (if this has not yet been done). The counsellor of the beneficiary of international protection can also contact the Helpdesk of the Dutch Council for Refugees by telephone if a beneficiary of international protection has travelled back or wants to travel back to the country of origin. The Helpdesk will then refer the beneficiary of international protection who has travelled to the country of origin to a lawyer. The lawyer can also consult the Helpdesk or VluchtWeb about this. ¹¹¹
Other means	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

¹¹⁰ Interview with the Dutch Council for Refugees 16 October in Amsterdam. For VluchtWeb, see: https://www.vluchtelingenwerk.nl/voor_vluchtelingen/belangrijke-informatie-je-eigen-taal.

¹¹¹ Interview with the Dutch Council for Refugees on 16 October in Amsterdam. For VluchtWeb, see: https://www.vluchtelingenwerk.nl/voor_vluchtelingen/belangrijke-informatie-je-eigen-taal.

Means used to inform beneficiaries of international protection	<i>Contacting authorities of the country of origin</i>	<i>Travelling to the country of origin (or country of habitual residence)</i>
please elaborate:	<p>Yes, The Dutch Council for Refugees gives beneficiaries of international protection information at the time they obtain an asylum residence permit. Moreover, the Dutch Council for Refugees can inform beneficiaries of international protection about this when they apply for a refugee passport. As soon as beneficiaries of international protection reside in a municipality, the Dutch Council for Refugees is often still involved in providing social counselling in a time period of usually a year and a half. As soon as beneficiaries of international protection no longer receive social counselling, the Dutch Council for Refugees can often still give advice via the regional legal protection support centres in case the beneficiary of international protection is faced with legal issues.¹¹²</p>	<p>Yes, the Dutch Council for Refugees gives beneficiaries of international protection information at the time they obtain an asylum residence permit. Moreover, the Dutch Council for Refugees can inform beneficiaries of international protection about this when they apply for a refugee passport. As soon as beneficiaries of international protection reside in a municipality, the Dutch Council for Refugees is often still involved in providing social counselling in a time period of usually a year and a half. As soon as beneficiaries of international protection no longer receive social counselling, the Dutch Council for Refugees can often still give advice via the regional legal protection support centres in case the beneficiary of international protection is faced with legal issues.¹¹³</p>

3.2. REVIEW OF PROTECTION STATUS

Q30. Is the status of beneficiaries of international protection that travelled to and/or contacted authorities of their country of origin reviewed in your (Member) State? YES/NO

Q30a. If yes to Q30, please briefly elaborate on the framework of the review in your (Member) State:

- There is a systematic review of all international protection statuses.

Please briefly elaborate on the frequency of the review:

- There is a possibility to review the international protection status upon renewal of residence permit accompanying status.

Please elaborate:

- A review can be triggered *ex officio* by national authorities.

E.g. as part of procedures to cease international protection

Yes, the international protection status of persons with an asylum residence permit for a fixed or indefinite period is reassessed.

This is done in various ways:

- If a signal is received when they have travelled back and/or have contact¹¹⁴ with authorities of the country of origin.¹¹⁵
- If a different type of signal is received (for example a change to the personal records database (BRP)) owing to which reassessment is necessary.¹¹⁶
- The asylum status under the asylum residence permit for a fixed period can also be reassessed at the time of (possible) extension of the asylum residence permit.

*Extra*¹¹⁷

Signals can be received by the IND, as the responsible authority in this area, via different ways. A signal

¹¹² Interview with the Dutch Council for Refugees on 16 October in Amsterdam.

¹¹³ Interview with the Dutch Council for Refugees on 16 October in Amsterdam.

¹¹⁴ Only for residence permits for a fixed period.

¹¹⁵ IND Working Instruction 2013/5.

¹¹⁶ Interview with experts of the IND Reassessment Unit on 2 October 2018 in Zwolle.

can come in for example via Schiphol (national airport of the Netherlands), after which the Reassessment Unit (IND) sees whether a status must be ceased.

It can happen, for example that someone reports to a Dutch diplomatic representation in a foreign country. In the Netherlands, it is also examined during the cessation procedure whether both the national residence permit and international protection status are to be withdrawn.

Q30b. *If yes to Q30, please briefly elaborate on (i) authorities involved and procedure followed (e.g. same authorities involved in the review and adoption of a decision to cease international protection), and (ii) whether a beneficiary of international protection is informed of the review.*

As indicated in question 3, many authorities (such as partners from the organisations involved in the immigration process, the Ministry of Social Affairs and Employment, municipalities etcetera) and third parties (citizens and NGOs) can give a signal that the review and cessation procedure can be started.¹¹⁸ The signals can be received at both the IND Border Office (forwards them to the Reassessment Unit) and the Reassessment Unit (IND). It is examined from there whether a review and cessation procedure must be started.

After the signals have been received, the Reassessment Unit (IND) ultimately sees whether the asylum status must be reviewed. This unit will also take the ultimate decision on asylum status.

Responsible authority in this area

Within the procedure of review and assessment of asylum status (and possible cessation) the IND is the responsible authority in this area. Specifically, reassessments are carried out by the Reassessment Unit. The IND is therefore the organisation involved in review of the status as well as the ultimate decision. Appeal can be brought against the decision of the IND at a Dutch court.¹¹⁹ Appeal can be brought against the decision of the court at the Administrative Jurisdiction Division of the Council of State (ABRvS).

Informing the asylum permit holder of withdrawal and cessation¹²⁰

If an assessment of indications of travelling back to or contacting the authorities of the country of origin actually leads to starting a procedure for withdrawal of the residence permit and cessation of status, the person concerned is informed from that time. Pursuant to Section 39(1) of the Aliens Act, when an asylum residence permit for a fixed or indefinite period is withdrawn, an intended decision must be expressed. In the intended decision, the person concerned is informed of what the grounds are that give cause to withdraw the permit (and the accompanying status). The beneficiary of international protection is thus always informed of an intended decision (to review and withdraw).

Q31. Can a review of international protection status lead to a decision to cease international protection in your (Member) State? YES/NO

Please elaborate whether this procedure leads to a decision to cease international protection directly or whether the decision to cease international protection is adopted once the review/reassessment has identified that there may be existing grounds for cessation.

Yes, a reassessment of status can lead to cessation of international protection status in the Netherlands. This happens when the IND has taken a decision to cease the status, if there are grounds on which the IND can withdraw the residence permit (status and residence right).¹²¹

3.3. CESSATION PROCEDURE

Q32. Based on circumstances that can trigger cessation grounds explored in section 2, which authorities are involved in the decision to cease international protection status in your (Member) State?

¹¹⁷ Interview with experts of the IND Reassessment Unit on 2 October 2018 in Zwolle.

¹¹⁸ IND Working Instruction 2013/5.

¹¹⁹ Aliens Division of the District Court of The Hague.

¹²⁰ IND Working Instruction, 2013/5.

¹²¹ IND Working Instruction, 2013/5.

Please elaborate:

In The Netherlands the responsible authority in the area of cessation and reassessment of international protection status is the IND.¹²²

Signals¹²³

As stated at question 3, many other authorities (such as partners from the organisations involved in the immigration process, the Ministry of Social Affairs and Employment, municipalities etcetera) and third parties (citizens and NGOs) can give a signal that the review and cessation procedure can be started. The signals can be received at the IND Border Office, the Police Information Hub (IKP) and the Reassessment Unit (IND). It is examined from there whether a review and cessation procedure must be started.

Review and cessation

After the signals have been received, the Reassessment Unit (IND) sees if the cessation should be reviewed. This unit will also take the ultimate decision on asylum status.

Q33. Can the beneficiary of international protection present contrary evidence or elements during the procedure to cease his/her protection status? YES/NO

Yes, a beneficiary of international protection can present evidence (orally and in writing) at the time of his/her reassessment and cessation procedure of his/her asylum status.¹²⁴ This basically concerns statements by the person in question. The person concerned is also given the opportunity to substantiate his or her statements with additional documents. For further elaboration, see Q33a.

Q33a. If yes to Q33, can s/he present defence:

In writing to the competent authority?

Please specify:

See below.

E.g. can the beneficiary of international protection present testimonial evidence?

Orally?

Please specify:

See below.

E.g. does the beneficiary of international protection have the right to an interview? Can s/he be accompanied by a lawyer?

Both?

Please specify:

Yes, the person in question can put forward a defence in writing as well as orally at the time of the procedure for review and cessation of his/her asylum status.

The following elements apply to this:¹²⁵

- The person in question can provide written information.
- The person in question has a right to a hearing.

¹²² Source: <https://ind.nl/over-ind/achtergrondthemas/Paginas/Handhaving%20en%20fraude.aspx>. Consulted on 20 November 2018.

¹²³ Interview with experts of the IND Reassessment Unit on 2 October 2018 in Zwolle.

¹²⁴ IND Working Instruction 2013/5.

¹²⁵ IND Working Instruction 2013/5.

- If the person in question so desires, s/he can be assisted by his/her lawyer.
- A record is made of the hearing.
- Within a period of two weeks after receipt of the report made of each hearing, the person concerned can submit corrections and additions.
- It can be stated in addition that the person concerned is given the possibility to conduct the cessation hearing with the assistance of an impartial and independent interpreter.

For the comprehensive steps during the reassessment and possible cessation procedure, see question 43.

Other?

Please specify:

Not applicable.

Q34. Is there a specific deadline set to issue the decision to (possibly) cease international protection? YES/NO

No, there is no deadline for the IND to issue a decision to cease protection (from the time the intention to cease it has started).¹²⁶

Q34a. If yes to Q34,¹²⁷ how is the decision notified to the (former) beneficiary of international protection? Is it done:

- In writing?
- Orally?
- Other means?

Please specify:

The ultimate decision of the reassessment is notified in writing. The decision contains, for example the following information:¹²⁸

- Information on the decision;
- Overview of the procedure;
- Reason for cessation;
- Legal framework (grounds, information on which they are based);
- Current convention violations;
- Eligible/not eligible for another permit;
- Legal remedies;
- (Possibly: return decision and departure information).

Q34b. If yes to Q34, does the decision include the reason(s) for cessation? YES/NO

If yes, please elaborate:

Yes, the ultimate decision also indicates the reasons for reassessment.¹²⁹

¹²⁶ Interview with experts from the IND Reassessment Unit on 2 October 2018 in Zwolle.

¹²⁷ The question is answered despite the fact that we entered 'no' at Q34. This is because of the importance of these questions and the availability of the information.

¹²⁸ Written input from an expert of IND Reassessments and the examined files used for this research.

¹²⁹ Written input from an expert of IND Reassessment Unit.

Q35. In case a decision to cease the international protection status is adopted:

a) What are the timeframes for appealing the decision?

Please elaborate:

In the Dutch cessation procedure, different timeframes apply (within the person in question can put forward that he/she does not agree with the intended decision and/or the decision to cease protection). As stated under Q34, there is no general deadline in which the cessation procedure must be completed. The different timeframes within the process are explained below.

1. In the intended decision procedure a timeframe of **six weeks**¹³⁰ applies to the beneficiary of international protection to submit his/her view on the intended decision to withdraw the permit and cease the status and right of residence.

2. After the intended decision procedure, a hearing is held. A record is made of the hearing. The beneficiary of international protection can submit additions and corrections to the hearing report within **two weeks** (see question Q33a).

3. If the IND proceeds to cease the international protection status, after the hearing a decision will be issued, with the decision on cessation. The beneficiary of international protection can appeal against the 'cessation decision', possibly followed by appeal to a higher court. This must be done within **four weeks**¹³¹ after the residence permit has been withdrawn.

b) Which authority examines the appeal application?

In the Netherlands, the IND, specifically the Reassessments Unit, examines each cessation procedure. If the beneficiary of international protection wants to appeal against the ultimate decision of the IND on cessation, the beneficiary of international protection can inform the Dutch court to that effect¹³², which will examine the appeal and give a decision on it. If appeal must be brought to a higher court after this appeal, this can be brought before the Administrative Jurisdiction Division of the Council of State (ABRvS).

Q36. When a competent authority assesses elements to cease (or not) an international protection status, does it also assess the proportionality of a removal from national territory? YES/NO

If yes, please elaborate (e.g. taking into account of the principle of non-refoulement).

Yes, the IND takes this into account. The proportionality of the cessation (and therefore the removal of the former beneficiary of international protection) is not explicitly reviewed, but this is interwoven in other official reviews.¹³³ The IND considers the 'non-refoulement principle' (implicitly or explicitly).¹³⁴

The IND always observes the principle of non-refoulement. This is expressed in the fact that the IND always compares the return with the reason for granting protection/possible problems the person concerned will have on returning. During the cessation procedure, the IND also does an ex-nunc review, in which the IND reviews the current violation at the time the IND takes a cessation decision.¹³⁵

Q37. Have there been any court decisions on appeals against a (first instance) decision of cessation of a protection status *due to travels to the country of origin* in your (Member) State? YES/NO

If yes, please briefly summarise:

a) The result of the appeal (*e.g. was the initial decision to cease international protection reversed?*)

¹³⁰ IND Working Instruction 2013/5.

¹³¹ Source: <https://www.vreemdelingen-advocaat.nl/verblijfsvergunning-advocaat/intrekking-verblijfsvergunning/> en <http://www.rebergenadvocatenkantoor.nl/vreemdelingenrecht-advocaat/verblijfsvergunning-ingetrokken/>. Consulted on 14 September 2018.

¹³² Aliens Division of the District Court of The Hague.

¹³³ Interview with experts of the IND Reassessment Unit on 2 October in Zwolle.

¹³⁴ IND Working Instruction 2013/5.

¹³⁵ Interview with experts of the IND Reassessment Unit on 2 October in Zwolle.

Yes, court decisions have been taken against (initial) decisions to cease the international protection status due to travels to the country of origin (based on 'the ground for the issuing of the permit has ceased to exist', for a person with an asylum residence permit for a fixed period). Two examples will be singled out below.

In the first example, the appeal was declared unfounded, owing to which the asylum residence permit was withdrawn. In the second example, the appeal was declared well founded, owing to which the asylum residence permit was not withdrawn.

Case A: Asylum residence permit withdrawn

In this decision it was decided on appeal to cease the international protection status. The person in question has Afghani nationality and he was issued an asylum residence permit for a fixed period on 21 January 2013. On 22 July 2015, it was decided to withdraw the asylum residence permit because, after a check at Hamburg Airport, the person appeared to have travelled twice to Afghanistan. On 7 November 2016, the District Court decided to withdraw the asylum residence permit.¹³⁶

Case B: Asylum residence permit not withdrawn

In this decision, the result on appeal, in which international protection was supposed to be ended, was reversed. The person in question has Somalian nationality and an asylum residence permit for a fixed period was issued to him on 13 October 2011. On 26 June 2014, it was decided to withdraw the asylum residence permit, as the security situation in Mogadishu (Somalia) had supposedly improved and, after a check at Schiphol Airport, the person appeared to have travelled to Somalia from 21 July 2013 to 7 September 2013. On 2 April 2015 the District Court reversed this decision on appeal.¹³⁷

- b)** The main justifications given by the Court (*e.g. reasons to uphold or quash the first instance decision*).

¹³⁶ District Court of The Hague. (2016), no. AWB 15/15419, to be consulted on <https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RBDHA:2016:13662>.

¹³⁷ District Court of The Hague. (2015), no. AWB 14/21505, to be consulted on <https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RBDHA:2015:4093>.

Case A: Asylum residence permit withdrawn

The court gave several reasons for this. First of all, the claimant submitted an application for issuance of a residence permit for a fixed period on 17 April 2012, but the claimant also contacted the Afghan authorities in the Netherlands and was put in possession of an Afghan passport on 10 June 2013. Moreover, the claimant visited Afghanistan twice because his father was ill. According to the court, this meant that the claimant should no longer be considered in need of protection against the personal risks of travel to his country of origin. The claimant stated that on return to Afghanistan he was afraid of being killed by the father of a girl with whom he had a relationship, or by the family of the man to whom she was later married off. The girl's father and the person to whom she was married off both worked at the security service. By returning, however, the respondent was not able to make plausible that the authorities were looking for him and that the claimant did not experience any problems from the girl's father and the family of the man to whom she was married off. If anyone had been searching for the claimant, as it was known that the claimant's father was ill, it would have been simple to find the claimant's father or the claimant himself during a visit to his father. In addition, the claimant stated on appeal that his partner has Dutch nationality and they have a son together, which indicates a family life. In the opinion of the court, however, there was no question of a family life in this case between the claimant, his partner and their child. In this context, it is important that the claimant and his partner did not live together, nor did they give sufficient shape to their alleged family life.¹³⁸

Case B: Asylum residence permit not withdrawn

The District Court gave several reasons for this. First of all, the fact that a third-country national in possession of an asylum residence permit for a fixed period has returned voluntarily to his or her country of origin, *is not sufficient* to withdraw this permit. (Section C2/8.4 of the Aliens Act Implementation Guidelines 2000 (Vc)). In addition, *due care was not taken in drawing up the official report*. The Somali beneficiary of international protection was said to have travelled to Mogadishu to prevent the circumcision of his daughters. It allegedly appears however from the report by the KMar of 12 September 2013 that the claimant had stated that he had travelled to Somalia to bring about family reunification by taking his daughters along to the Netherlands. This information however is not in the file and the District Court ruled that the report has not been submitted, which meant that there was a lack of careful preparation and proper substantiation. A third reason is that the general official notice of 2014 gives new information on the risk of being recognised by Al-Shabaab on return and to be suspected of espionage. Because of this, the Somali permit holder *runs an increased risk of persecution*.¹³⁹

3.4. CONSEQUENCES OF A CESSATION DECISION

Right to stay, possible change of status or return

Q38. In your (Member) State, is the decision to cease international protection issued together with the decision to end the residence permit? YES/NO

If no, when is the decision to end the residence permit taken? Please elaborate:

Yes, in the Netherlands the cessation of international protection status and the right of residence, including ending of the residence permit, is done at the same time. The asylum residence permit is ended and the status ceased with effect from the date that the protection is no longer necessary. What this date is, is examined in each individual case.¹⁴⁰ More specifically, it can be stated in this regard that if the circumstances of the return are such that cessation and withdrawal can be continued, this takes effect from the time the person in question has actually returned to his/her country of origin. This is often the date of the entry stamp of the passport used by the person in question.¹⁴¹

¹³⁸ District Court of The Hague. (2016), no. AWB 15/15419, to be consulted on <https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RBDHA:2016:13662>.

¹³⁹ District Court of The Hague. (2015), no. AWB 14/21505, to be consulted on <https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RBDHA:2015:4093>.

¹⁴⁰ IND Working Instruction 2013/5.

¹⁴¹ Written input from an expert of the IND Reassessment Unit.

Q39. What are the consequences of a decision to cease international protection in your (Member) State on the right to stay of the (former) beneficiary of international protection:

a) Automatic loss of the right to stay (in the State that granted protection). YES/NO

*If yes, is the decision to cease international protection accompanied by a return decision? YES/NO
Please elaborate:*

Yes, the Dutch residence permit is withdrawn and the international protection status ceased in principle at the same time.¹⁴² As soon as the status is ceased, a return decision is also issued.¹⁴³

After the decision has been sent, a transfer file for return is made for the Repatriation and Departure Service (DT&V).

Section 62(1) of the Aliens Act provides that the third-country national must leave the Netherlands on his/her own account within four weeks after his/her lawful residence has ended. In Section 62(2) of the Aliens Act, several exceptional cases are listed in which the departure period can be shortened.

b) Individual circumstances of the (former) beneficiary of international protection are taken into account (e.g. *the person has a right to stay on other grounds*). YES/NO

If yes, please elaborate (e.g. taking into account health or medical reasons, other humanitarian grounds, length of stay in the (Member) State, the principle of non-refoulement, etc.):

Yes, in the event of withdrawals of asylum residence permits for a fixed period, individual circumstances and other grounds for asylum, as well as Chavez, are also examined, and Article 8 ECHR, human trafficking, other special circumstances and Section 64¹⁴⁴ (the PST reviews)¹⁴⁵ are examined ex officio.¹⁴⁶ When asylum residence permits for an indefinite period are withdrawn, no ex officio PST reviews are conducted but Section 64 (medical) is reviewed if it is relied on.

Q40. Can a (former) beneficiary of international protection be granted another status? YES/NO

If yes, this can be:

Please indicate options that apply. For each option marked, please elaborate on how and when a (former) beneficiary of international protection can apply for or obtain that status.

A subsidiary protection status

Please elaborate:

A national protection status

Please elaborate:

A legal migration status

Please elaborate (e.g. based on family, social or economic links):

Other

Please specify:

If no, please elaborate:

¹⁴² Interview with experts of the IND Reassessment Unit on 2 October in Zwolle.

¹⁴³ IND Working Instruction 2013/5, pages 7 and 8.

¹⁴⁴ Section 64 refers to a section stipulating that there will be no expulsion as long as, in view of the health condition of the third-country national or that of one of his/her family members, it is inadvisable to travel.

¹⁴⁵ The PST review is a continuing review on other grounds on which the person in question could possibly stay.

¹⁴⁶ Interview with experts of the IND Reassessment Unit on 2 October in Zwolle.

Asylum^{147 148}

Yes, a person can submit a new application for asylum in the Netherlands. In the Netherlands we have a single status system (see box 1 at the beginning of the template), owing to which we do not make a distinction between refugees and beneficiaries of subsidiary protection. The renewed asylum application can be submitted by using the form 'Second or following asylum application' of the IND.¹⁴⁹ Before a person can submit an asylum application again, he/she must first inform the IND to that effect in writing. S/he does so with this form.

National protection status

Yes, a person can apply for national protection status after cessation of the earlier status and withdrawal of the residence permit. It is a fact, however, that the Netherlands starts from the system based on asylum or regular status.

Legal migration status^{150 151}

Yes, it is possible to apply for regular residence status and a regular residence permit after cessation of the earlier status and withdrawal of the residence permit.

Other

Not applicable.

Right to stay of family members and dependents

Q41. In case of a (final) decision to cease international protection status, what are the consequences on family members and dependents included in the initial application for international protection:

- Keep their international protection status
- Lose their international protection status and lose their right to stay
- Lose international protection status and keep their right to stay on other grounds

Please briefly elaborate on 'other grounds':

Not applicable, because the answer below applies.

- Case by case decision if they keep or lose their international protection status and their right to stay

Please elaborate on elements taken into account:

Yes, if family members have a permit dependent on the main person, this is also reassessed (and possibly withdrawn).¹⁵²

The IND will always do a review of the cessation grounds and possible withdrawal, whereby all relevant aspects will be reviewed. So there is always a case-by-case assessment.¹⁵³

Additional information is given below in case of withdrawal of the permit of the main person (with an asylum residence permit for a fixed period), which is applicable if a beneficiary of international protection travels to the country of origin.

¹⁴⁷ Owing to the single status system, it is assumed that in case of 'subsidiary protection' a new asylum application is presumed.

¹⁴⁸ See also the answer to Q39. To start with, the IND Reassessment Unit also ex officio examines the ex nunc/current situation to see if someone can receive international protection on other grounds.

¹⁴⁹ Form for the Second or following asylum application. Source: <https://ind.nl/Formulieren/7054.pdf>.

¹⁵⁰ IND Working Instruction, 2013/5, pagina 2-3.

¹⁵¹ See also the answer to Q39. To start with, the IND Reassessment Unit also ex officio examines the ex nunc/current situation to see if someone is eligible for a regular permit.

¹⁵² Interview with experts of the IND Reassessment Unit on 2 October in Zwolle.

¹⁵³ Interview with experts of the IND Reassessment Unit on 2 October in Zwolle.

Family members: withdrawal in case of 'the ground for the issuing of the permit has ceased to exist'¹⁵⁴

- If the beneficiary of international protection whose asylum residence permit is withdrawn owing to 'the ground for the issuing of the permit has ceased to exist' (due, for example to travel to the country of origin) has family members with asylum residence permits for a fixed period, it should be examined whether there is cause to draw the conclusion that the ground for issuance has also ceased to exist with respect to the family members as well. This is the case if family members possess an asylum residence permit for a fixed period under Section 29(2) of the Aliens Act. Should this be the case, their asylum status can also ceased.

The IND takes the following into account in this regard: although there is only a ground to withdraw the dependent residence permits of family members if the withdrawal of the main person's residence permit has become final and conclusive at law, it is preferable for practical reasons to allow the cessation procedures of the various family members to as far as possible at the same time. In the intended decision to withdraw the initial residence permit, reference can be made to the intention to withdraw the main person's residence permit.

- If the family members meanwhile have an asylum residence permit for an indefinite period, in principle this is not withdrawn.
- If the family members of said third-country national possess a regular residence permit for a fixed period for the purpose of family reunification with this third country national, this permit can be withdrawn.

Other consequences

Please elaborate:

Not applicable.

Q42. In case of a (final) decision to cease international protection status, what are the consequences on family members and dependents not included in the initial application for international protection, and who got a residence permit through family reunification with the former beneficiary of international protection.

Keep their right to stay

Please elaborate:

Not applicable.

Lose their right to stay

Please elaborate:

Not applicable.

Case by case decision if they keep or lose their right to stay

Yes, if family members have a permit independent of the main person, these are also reassessed.¹⁵⁵

The IND will always review the cessation grounds and the possible withdrawal, during which all relevant aspects will be reviewed. So there is always a case-by-case assessment.¹⁵⁶

Other consequences

¹⁵⁴ IND Working Instruction 2013/5, page 28.

¹⁵⁵ Interview with experts from the IND Reassessment Unit on 2 October in Zwolle.

¹⁵⁶ Interview with experts from the IND Reassessment Unit on 2 October in Zwolle.

Not applicable.

Summarising chart and case study(-ies)

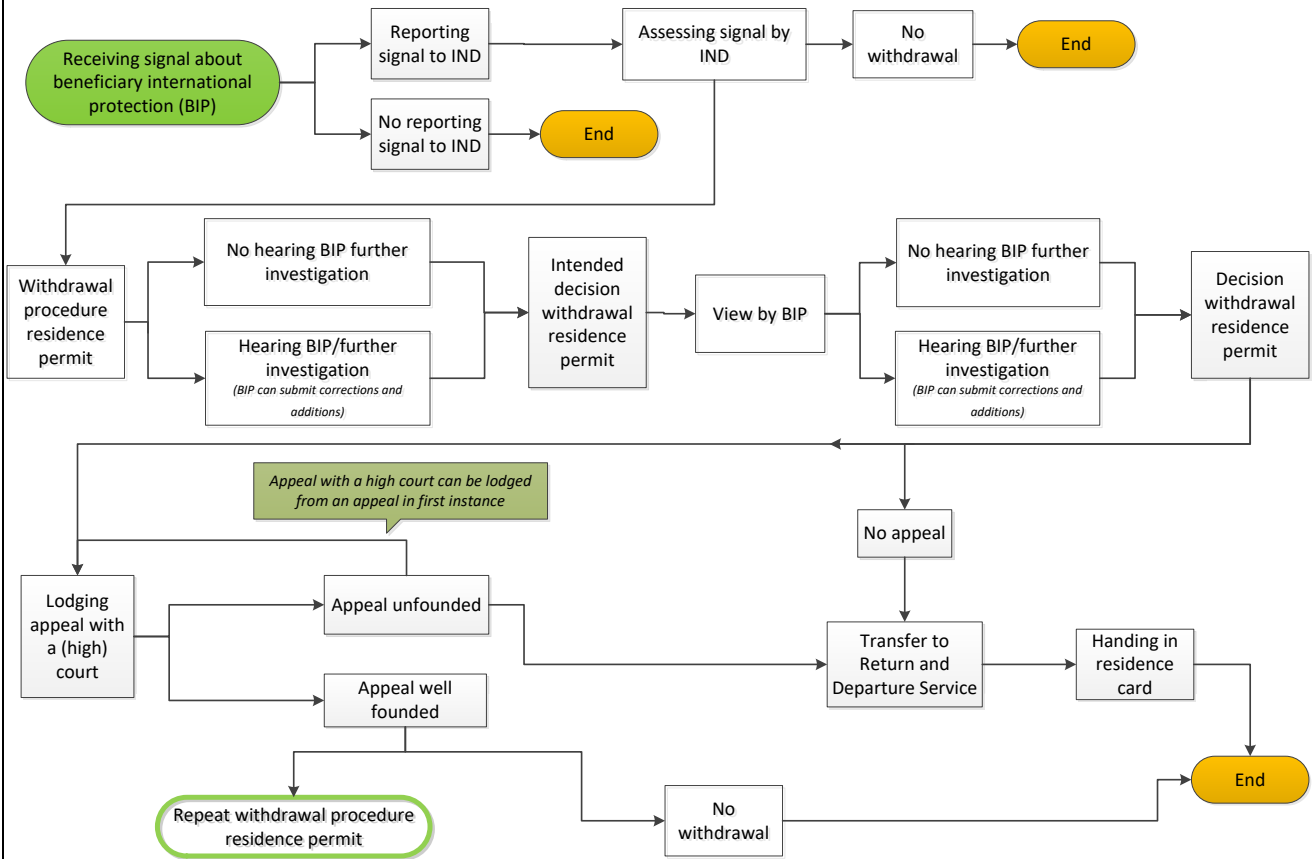
Q43. Summarising chart and illustrative examples on the adoption of a decision on cessation of international protection and implications on the right of residence in the (former) State of protection

[Possible visual element]

Please include **a chart** to visualise and describe (a) the actors involved and (b) process followed in all stages mentioned in Section 3, namely the process of adopting a decision to cease international protection status as a result of travels to the country of origin (and/or contacts with national authorities of the country of origin) and appeal procedures, possible consequences on the right of stay of the former beneficiary of international protection, his family members and issuance of a return decision. This chart can accompany and illustrate the case studies below.

Please provide **one or two illustrative (and anonymised) case(s)** of a beneficiary of international protection travelling to his/her country of origin, the consequences on his/her international protection status and procedures followed. If available, please select case studies reflecting different situations, including, for example and if available, examples where the decisions taken was not to withdraw international protection status.

Chart¹⁵⁷



A signal that a beneficiary of international protection may have travelled to his/her country of origin and/or had contact with the authorities of the country of origin can be received by several parties in the contexts of performance of their own tasks. These parties are:

- The Immigration- and Naturalisation Service (IND)
- The Royal Netherlands Marechaussee (KMar): responsible for guarding the borders and granting entry.
- The Repatriation and Departure Service (DT&V): responsible for the departure of third-country nationals who must leave the Netherlands.
- The diplomatic missions: responsible for issuing travel documents.

Should a signal have been received that a beneficiary of international protection has possibly travelled to his/her country of origin and/or has had contact with the authorities of the country of origin, this is reported to the IND. The IND is responsible for implementing the Aliens Act and the course of the cessation procedure. When signals are received, the IND assesses whether there is reason to start a procedure to withdraw the residence permit of the beneficiary of international protection. Signals that do not give sufficient reason to start a cessation procedure are recorded, after which the process ends.

If the cessation procedure is started, the beneficiary of international protection can be heard and further investigation may be done. In the event that sufficient grounds exist to withdraw the residence permit (and cease the accompanying status), an intended decision is issued in which these grounds are made known. After an intention has been issued, the beneficiary of international protection will be given the opportunity to be heard and to put his/her views forward.

No hearing need be held if, as a result of the intended decision, the beneficiary of international protection has not made any view known further to the intended decision, if the beneficiary of international

¹⁵⁷ This chart is based on IND Working instruction 2013/5 and has been coordinated with experts on this topic.

protection explicitly states that s/he does not want to take the opportunity to be heard or if the beneficiary of international protection has not responded within the applicable time limit to the invitation to be heard and/or did not appear on the indicated date.

The cessation decision will then follow, in which the withdrawal is reasoned and which deals with the view and the hearing. Appeal is possible against the decision of the IND at a Dutch court.¹⁵⁸ Both the person concerned and the IND can bring an appeal before the Administrative Jurisdiction Division of the Council of State (ABRvS). Should the judge rule in favour of the person concerned during the appeal, there will be no new cessation procedure. After the decision has been sent to the beneficiary of international protection, the case will be transferred to the Repatriation and Departure Service (DT&V) to prepare the departure from the Netherlands. Should the cessation decision be irrevocable, s/he must surrender his/her residence document and leave the Netherlands. If the court declares the appeal well founded, the IND will judge whether the cessation procedure will be restarted or that the residence permit will not be withdrawn.

Several cases have been used for this study. The cases have been anonymised by changing the names to 'the person concerned'. Other details have also been removed, on the basis of the guidelines set in the GDPR.

Case 1

An asylum residence permit for a fixed period was issued to the person concerned in the Netherlands on the basis of the general situation in the country of origin. The person concerned was checked at the Dutch airport by the Royal Netherlands Marechaussee. During the check the person concerned stated that she had stayed for one month in her country of origin and one month in the neighbouring country in connection with a cremation. The person concerned stated that she had permission to return to his country of origin. However, no documents were submitted in evidence of this. That is why the person concerned was heard by the Immigration and Naturalisation Service. Partly on the basis of this hearing, it was decided whether the person concerned could remain in possession of the asylum residence permit.

During the hearing, the person concerned stated that she together with her daughter had been visiting her granddaughter in the neighbouring country. The person concerned allegedly contracted pneumonia there. Things were going worse with the person concerned and she therefore sought contact with a doctor in the country of origin who was a friend of her son's. After having stayed for a week in the neighbouring country, the person concerned allegedly travelled to her country of origin by means of transport. The person concerned stated that this trip was necessary in connection with her health. The person concerned stated as well that her other daughter lives in the country of origin and that her daughter wanted to see her child and therefore came along. It was, however, evident from the passport of the person concerned that she had travelled to her country of origin immediately after arriving in the neighbouring country. It is also evident from the passport that the person concerned had travelled to the country of origin twice before. The person concerned confirmed this.

Because the person concerned returns annually to her country of origin and does not experience any problems in doing so, there is sufficient reason to assume that the ground for issuing the residence permit has ceased to exist. Nevertheless, on the basis of the policy applicable to that country of origin, the residence permit cannot be withdrawn. The asylum residence permit for a fixed period will therefore not be withdrawn.

Case 2

An asylum residence permit for a fixed period was issued to the person concerned in the Netherlands because of fear of terrorists and the family of his cousin in the country of origin. The Royal Netherlands Marechaussee made a report to the Immigration and Naturalisation Service about the person concerned's outward journey to the neighbouring country of the person concerned's country of origin. On his outward journey to the neighbouring country, a passport of the country of origin was found on the person concerned. The passport was issued by the consulate of the country of origin. A visa for the neighbouring country was entered in the passport. In addition, the person concerned was in possession of a booking

¹⁵⁸ Aliens Division of the District Court of The Hague.

confirmation for a return flight to the neighbouring country. The person concerned was heard because of the suspicion that the person concerned had travelled to the country of origin.

The person concerned stated during the hearing that he had not returned to his country of origin, but had visited his sister in the neighbouring country. She was allegedly in a hospital there with breast cancer. The person concerned stated that he was able to prove his stay in the neighbouring country with photographs and documents. The person concerned stated that he did not know that he was not allowed to apply for a passport from his country of origin. He allegedly applied for this passport to obtain a free visa for the neighbouring country. The person concerned was asked to take along his passport from the country of origin to the hearing, but he did not take it along. Nor did he respond to the request to copy it later at the desk of the Immigration and Naturalisation Service. The person concerned alleges that he had lost the passport during the renovation of his house. Because of this, it is suspected that the person concerned is withholding information and has returned to his country of origin.

However, there is no firm information from which the return would be evident. Consequently the asylum residence permit for a fixed period was not withdrawn.

Case 3

An asylum residence permit for a fixed period was issued to the person concerned in the Netherlands based on the stated conversion to the Christian religion and the fear of problems on the part of his family, who are strictly Islamic, because of this, and that if he returns he will run a considerable risk of persecution. The Royal Netherlands Marechaussee sent a report to the Immigration and Naturalisation Service. The person concerned was stopped and questioned during entry control of the flight to an airport in the Netherlands. After investigation, the person concerned proved to be in possession of a passport from the country of origin that was issued in the Netherlands. This passport contained a visa for a country near the country of origin and two sets of exit stamps for the country of origin. Moreover, there were entry and exit stamps present from the country of origin from previous years. The person concerned stated to the Marechaussee that he had travelled illegally to the country near the country of origin by means of transport to visit his fiancée. He had to do this illegally because he is a Christian. The Immigration and Naturalisation Service submitted an intention to notify withdrawal of the asylum residence permit.

The person concerned was informed that he would be able to put forward his view on the intended decision to withdraw the permit within six weeks. The person concerned did not take this opportunity. The illegal return trip from the country near the country of origin asserted by the person concerned is not consistent with the entry and exit stamps of the airport in country of origin. It is evident from the passport of the person concerned that after issuance of his asylum residence permit he voluntarily and on his own volition contacted the authorities of his country of origin. This is because the person concerned applied to the representation of the authorities of the country of origin in the Netherlands for a passport of the country of origin. According to the District Court, mere conversion to Christianity is not sufficient to assume that the person concerned fears persecution on return to his country of origin. This is also evident from his return to the country of origin, during which he was checked four times in total by the authorities of the country of origin. According to the District Court, there is no reason to assume that the person concerned will run a realistic risk of serious harm on return to his country of origin on the basis of individual circumstances.

It was therefore decided to withdraw the asylum residence permit for a fixed period. The person concerned, however, filed a notice of appeal, enclosing medical documents. The person concerned was admitted to hospital twice in the country of origin, because he had high stress in breathing. Hereupon, the person concerned was operated with speed on his thyroid gland. The District Court decided that which was put forward on appeal cannot lead to quashing of the decision. The appeal was declared unfounded. It was decided once again that the asylum residence permit for a fixed period will be withdrawn.

Section 4 Conclusions [max 2 pages]

This section of the Synthesis Report will draw conclusions as to the Member States' existing policies, practices and case law related to ending international protection and impacts on the right to stay of beneficiaries of international protection contacting authorities of their country of origin and or travelling to their country of origin.

Q44. With regard to the aims of this study, what conclusions would you draw from your findings reached in elaborating your national contribution? In particular, what is the relevance of your findings to (national and/or EU level) policy-makers?

General: existing policy in the Netherlands

The general conclusion that can be drawn is that this topic is important as far as enforcement in the Netherlands is concerned. Reports are made on this topic in the Netherlands as far as checking and enforcement is concerned in relation to beneficiaries of international protection who travel to their country of origin and/or contact the authorities of their country of origin. Nevertheless, no firm conclusion can be drawn as to the extent of the phenomenon, because specific statistics from 2012 to 2018 are not known. This is due to the fact that it cannot be ascertained regarding each beneficiary of international protection that s/he has travelled to the country of origin, because they sometimes come in from the border unnoticed.

What can indeed be ascertained is that while beneficiaries of international protection can be informed both actively (via provision of information) and passively (the option to ask questions about this) of the fact that travel to their country of origin or coming into contact with the authorities of the country of origin can sometimes endanger their permit or sometimes themselves or their families, which sometimes happens.

When a beneficiary of international protection travels to the country of origin and/or contacts the authorities of the country of origin, this may have consequences for his/her Dutch residence permit and international protection status. This can lead to withdrawal.

In practice, however (after careful consideration), it appears that exceptions can be made when it comes to withdrawal of the asylum residence permit if a beneficiary of international protection has travelled to and/or contacted the authorities of the country of origin. It is evident, for example from the case studies that an exception can be made if, based on the applicable policy for a country, the asylum residence permit cannot be withdrawn, or on the basis of facts and circumstances of the case.

Developments at national and European level

During the interviews with the various stakeholders, a number of topics were discussed that can be relevant at national or European level.

National level

- Although the cessation procedure is experienced as a challenge, there are also several good practices. For instance, there is good cooperation on this topic amongst the various stakeholders by way of consultation, both internally and amongst them, by which instructions and guidelines can be set out.¹⁵⁹
- At present there is no procedure that indicates beforehand whether the travel back has been approved. The Dutch Council for Refugees has stated that it would like to see a scheme in the Netherlands by which beneficiaries of international protection can orient themselves to possible return. It emerged from an interview with the Dutch Council for Refugees that this scheme already existed earlier for Bosnian beneficiaries of international protection, the so-called "look and see" scheme that entered into effect in July 1996, under which possibilities existed that they could orient themselves to returning.¹⁶⁰ An aspect of this scheme was that the Bosnians concerned were able to return to the Netherlands within a month - with retention of their refugee status.

¹⁵⁹ An expert of the Dutch Council for Refugees does, however, state that the provision of information to beneficiaries of international protection could perhaps be improved by a better explanation of possible consequences of travel to their country of origin.

¹⁶⁰ For more information, see: <https://zoek.officielebekendmakingen.nl/kst-19637-326>.

*European level*¹⁶¹

- The stakeholders would like to exchange information on this topic at European level. This is because of the challenge faced in taking the step from the burden of proof to withdrawal of the asylum residence permit in the event that a beneficiary of international protection has travelled to and/or contacted the authorities of the country of origin.
- The experts would like to hear from the other Member States what their cessation procedures entail.
- The stakeholders would like to have a 'national contact point' in each European Member State, such as an e-mail address. This could foster the exchange of information between the Member States.

¹⁶¹ These topics were presented by the representatives of the stakeholders involved in this study during a meeting on 18 October 2018.