



Asylum inflow in the Netherlands in 2014-2016: a cohort of asylum seekers

2018





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1 About this audit

1.1 Background

In 2015, Europe was suddenly confronted with an influx of large numbers of asylum seekers from war zones in the Middle East and Africa, Syria and Eritrea in particular. When hundreds of boat refugees drowned in the Mediterranean Sea within the space of a single week in April 2015, the situation was officially designated as a 'refugee crisis'. With the crisis dominating the news over a prolonged period, humanitarian concerns grew. Day in, day out, TV viewers were presented with dramatic scenes of boat refugees and overflowing refugee camps. A growing number of commentators began to wonder whether, given the scale of the problem, Europe would actually be capable of receiving all these people.

Figure 1 (overleaf) shows the total number of asylum applications in Europe in 2014-2016. The figures – from Statistics Netherlands – clearly show that there were wide discrepancies between individual European countries. The country receiving by far the most asylum applications in 2014-2016 was Germany, where over 1.4 million asylum applications were registered.

After a period with only a fairly moderate intake of asylum seekers, the Netherlands also saw a sharp rise in the number of asylum seekers in 2015. The two largest groups of asylum seekers applying for asylum in the Netherlands in 2014-2016 were Syrians and Eritreans. A wide range of organisations, both government agencies and NGOs, found themselves having to cope with this sudden surge in numbers.





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Influx of asylum seekers in 2014-2016: largest number of applications in Germany

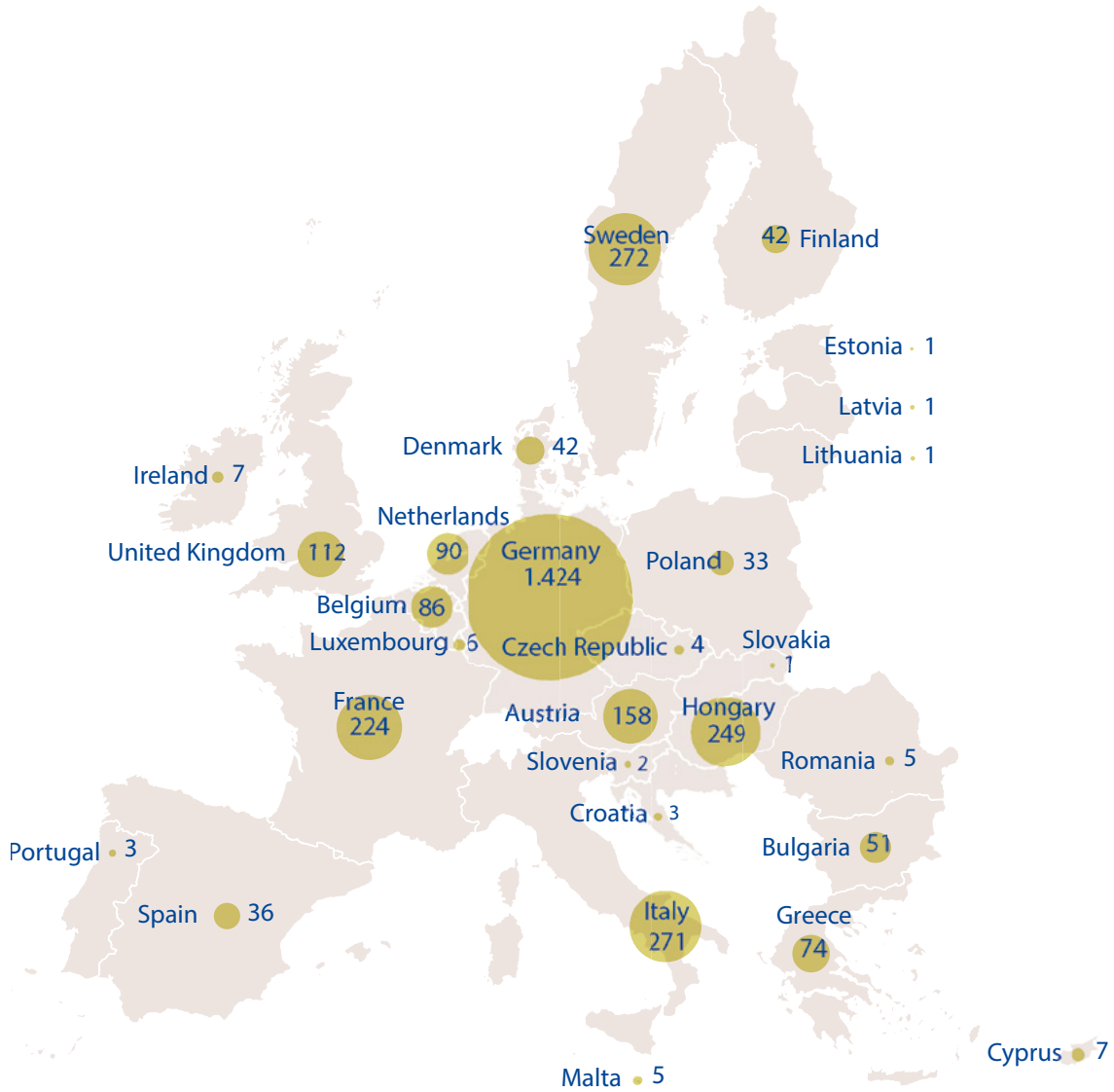


Figure 1 Total number of asylum applications in the European Union (first and repeat applications) In thousands, source: Statistics Netherlands

It was not the first time that the Netherlands had been confronted with large numbers of asylum seekers. The previous spike had been in 1994, when over 52,000 asylum seekers arrived in the Netherlands, many of them fleeing from the war in the former Yugoslavia.

Figure 2 shows the trend in asylum applications in the Netherlands during the past 40 years.





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Several surges in influx of asylum seekers in the Netherlands since 1975

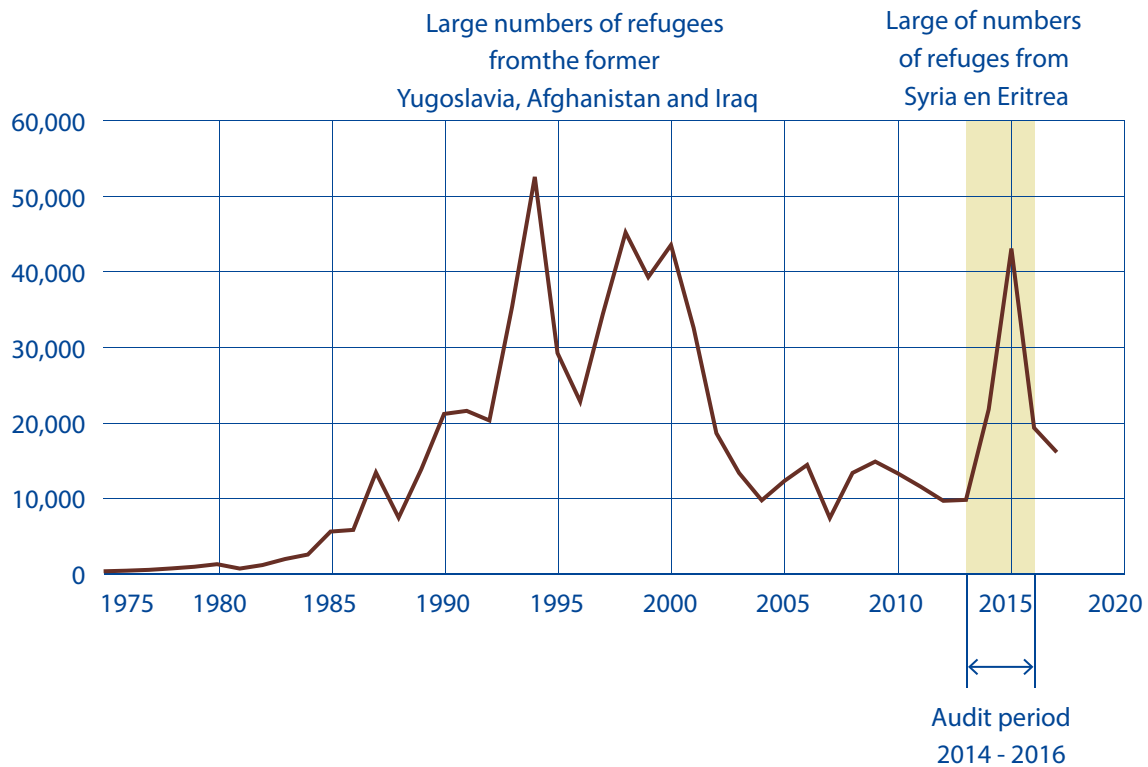


Figure 2 Total number of asylum applications in the Netherlands (first and repeat applications)

Source: Statistics Netherlands¹

1.2 What did we audit?

The 2015 refugee crisis prompted us to examine the facts and figures surrounding the influx of asylum seekers. To this end, we analysed the data on a cohort of asylum seekers first applying for asylum in 2014-2016. We chose to view the issue from a different angle from that adopted by the asylum and immigration authorities in their annual report on asylum and immigration. During the course of our audit, it became clear that the most interesting information came from data on asylum seekers whose applications had been rejected. We then decided to concentrate on this particular data. As a result, our audit focused on the following four specific aspects:





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1. How did the Dutch asylum system handle this relatively sudden increase in the number of asylum applications? Were the *organisations responsible for processing* the applications sufficiently resilient? We analysed this aspect by examining the data on (a) throughput times, (b) the length of time taken to decide on asylum applications, and (c) expenditure by the asylum and immigration authorities.
2. What was the level of *EU cooperation on asylum and immigration*, and how did this affect the situation in the Netherlands? The key issue here is the implementation of the EU's Dublin Regulation, which states that the EU member state through which an asylum seeker first enters the EU is responsible for examining his or her asylum application.
3. What is the position regarding *asylum applications from 'safe countries'*? This is a relevant question, given that, if the Dutch authorities were to be required to handle large numbers of such clearly unfounded applications, this might well overburden the Dutch system.
4. What do we know about the numbers involved in the *repatriation and departure* of failed asylum seekers?

1.3 How did we set about the audit?

Asylum procedures revolve around decisions taken about individuals and families, all of whom have their own stories to tell about how they had to flee from their homes. It seems reasonable to assume that, although certain things went right during the course of these procedures, other things probably went wrong. However, this is not an aspect that we included in our audit, which is why this report does not include any pronouncements on the merits of individual cases.

We sought to identify patterns in the procedural data on asylum seekers in the Netherlands. To this end, we asked various organisations that play a role in the asylum process to provide us with quantitative information, and then used this data to track the process followed by the asylum seekers. What we wanted to do was to see what happens, as from the point at which they arrive in the Netherlands to the point at which they are issued with a residence permit or, as the case may be, the point at which their asylum application is turned down and they leave the Netherlands. We asked a number of the organisations involved in the asylum process to help explain the findings of our data analysis. We also made use of parliamentary papers and studies performed by others.





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Audit population

We used the unique ‘alien registration numbers’ assigned to all asylum seekers as soon as they arrive in the Netherlands to link up the data obtained from different organisations. We focused on the cohort of asylum seekers who made a first asylum application in the Netherlands during the period between the beginning of 2014 and the end of 2016, representing a total of 82,958 people.² This means that we were able to track asylum seekers who made a first application in 2014 over a longer period than those asylum seekers who made a first application in 2016. This is clearly illustrated by Figure 3.

We tracked the progress through the asylum procedure of asylum seekers making a first application in 2014, 2015 or 2016

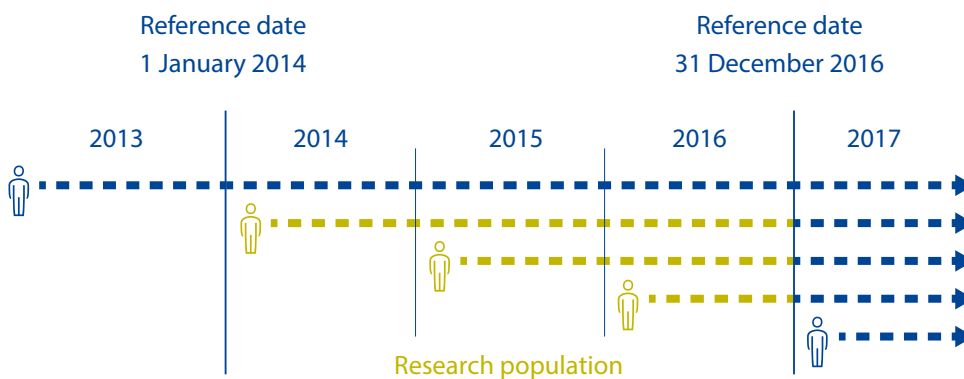


Figure 3 Audit population: asylum seekers making a first application between 2014 and 2016

The quality of the data

This audit involves large quantities of data sourced from a range of asylum and immigration agencies. The bulk of the data are from the INDiGO system operated by the Immigration and Naturalisation Service (IND). We also obtained data from the Central Agency for the Reception of Asylum Seekers (COA) and the Repatriation and Departure Service (DT&V). We used a method of our own for consolidating the data from the various databases, and used this new database as the input for a series of analyses.

We did not perform any extensive research into the reliability of the underlying data. Instead, we examined reports compiled by two of the agencies in question, i.e. the Immigration and Naturalisation Service and the Repatriation and Departure Service





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(who provided most of our data), during the audit period on the quality of the data held in their own databases. The quality of the data held by both these agencies is a matter of concern to them. Internal monitoring has shown that the digital files regularly become corrupted. Both the Ministry of Justice and Security (which until 26 October 2017 was known as the Ministry of Security and Justice)³ and other organisations have taken steps to improve the situation. There was an improvement in the quality of the internal reports produced by the Immigration and Naturalisation Service during 2014-2016; however, the same cannot be said of the quality of the data published by the Repatriation and Departure Service in the same period.

It is hard to identify the precise impact of data errors on the results of our analyses. In the light of the scale of the audit population, i.e. 82,958 first asylum claimants, we believe that there is a low risk of our analyses being materially affected by such errors.

1.4 The structure of this report

After briefly outlining the Dutch asylum procedure in chapter 2, we go on to discuss, in four separate chapters, the four aspects of the asylum procedure on which this audit focuses:

- Chapter 3 looks at the way in which the asylum and immigration authorities handled the huge influx of asylum seekers between the beginning of 2014 and the end of 2016. The specific points discussed here are the throughput times, the length of time taken to decide on asylum applications, and the expenditure incurred by the agencies involved in the asylum procedure.
- European cooperation on asylum and immigration matters is the subject matter of chapter 4. We describe the main thrust of the Dublin Regulation and its consequences for the asylum process in the Netherlands.
- Chapter 5 examines the problems surrounding asylum applications from 'safe countries'. We calculated the number of asylum seekers arriving in the Netherlands from safe countries during the audit period, i.e. between 2014 and 2016, and identified their countries of origin.
- In chapter 6, we look at the question of the repatriation and departure of failed asylum seekers. We outline the problems faced by the government in implementing the policy on the repatriation of failed asylum seekers and we look for reasons that could explain the differences between nationalities in terms of the numbers of failed asylum seekers who are known to have left the country.





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We summarise our conclusions in chapter 7.

We would like to conclude this introduction by pointing out that the government sent a ‘comprehensive migration agenda’ to the House of Representatives in March 2017 (Ministry of Justice and Security, Ministry of Foreign Affairs, Ministry of Foreign Trade & Development Cooperation, Ministry of Social Affairs and Employment & Ministry of the Interior and Kingdom Relations, 2018). As we had already completed the practical stage of our audit at that time, our research findings do not take account of this agenda.





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2 The Dutch asylum system

Under the terms of international agreements such as the UN Refugee Convention, the Netherlands is obliged to receive asylum seekers and assess whether they are entitled to protection. A number of organisations in the Netherlands are responsible for ensuring that these agreements are respected. This chapter outlines the Dutch asylum system and the various parties that play a role in it.

Asylum seeker, refugee, alien: a terminological aside

Although the terms ‘alien’, ‘asylum seeker’ and ‘refugee’ are often used more or less interchangeably, there are nonetheless important differences in their meanings:

- ‘*Alien*’ is the legal term for a person who does not possess Dutch nationality. Such people are not necessarily asylum seekers.
- An ‘*asylum seeker*’ is an alien who applies for asylum.
- A ‘*refugee*’ is an asylum seeker who is recognised as a refugee under the UN Refugee Convention. If an asylum seeker is recognised as a refugee and is permitted to remain in the Netherlands, he or she is issued with a residence permit (which may also be referred to as an ‘asylum residence permit’).

2.1 Organisations involved in the asylum process

The government organisations that asylum seekers have dealings with in the Netherlands are shown in Figure 4.





Outline of the asylum process

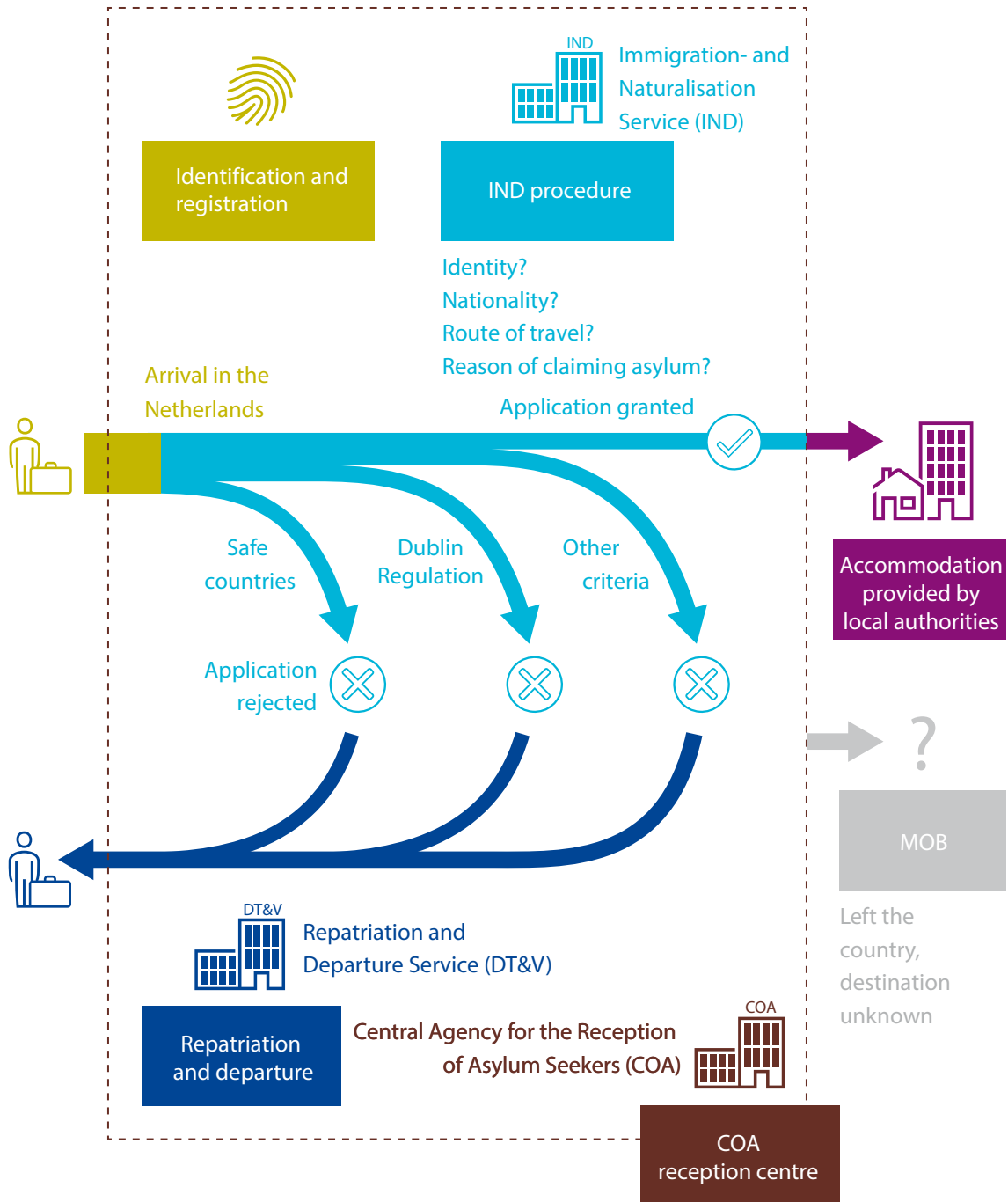


Figure 4 Outline of the asylum process in the Netherlands





A wide range of organisations are involved in the asylum procedure in the Netherlands. Figure 4 does not paint a full picture, as it shows only the three organisations that together form the core of the asylum system: the Immigration and Naturalisation Service (IND), the Central Agency for the Reception of Asylum Seekers (COA) and the Repatriation and Departure Service (DT&V). An asylum seeker may have to deal with a number of other organisations, agencies and people in addition to these three. These include the Aliens Police⁴ and the Border Police⁵ (whose work includes investigating the identity of asylum seekers, checking their baggage and taking fingerprints), the International Organization for Migration (IOM, which helps asylum seekers who are voluntarily repatriated to reintegrate in their country of origin), the Dutch Refugee Council (which provides information to asylum seekers), lawyers (who provide legal aid to asylum seekers during the asylum procedure) and the courts (which handle appeals). Further details on the procedure outlined in Figure 4 are provided in section 2.2.

2.2 The various stages of the asylum process



A person applying for protection in the Netherlands as a result of certain incidents or circumstances in his or her own country is entitled to apply for asylum.⁶ This would apply, for example, to someone fleeing from the civil war in Syria. The Dutch government is required to assess whether the person in question is indeed who he or she claims to be, and also that he or she does indeed come from Syria. Generally speaking, the process of **identifying and registering** asylum seekers takes place as soon as possible after their arrival in the Netherlands. It is generally performed either by the Aliens Police or by the Border Police. Officers from these agencies check whether the alien in question has any identity or other documents with him or her, and take fingerprints.



The **Immigration and Naturalisation Service (IND)** is responsible for the next step, which is the asylum procedure itself.⁷ The asylum seeker is interviewed by IND staff, who question him or her about their identity and nationality, their route of travel, and their reasons for claiming asylum. If the IND concludes that the asylum seeker is indeed entitled to asylum in the Netherlands, he or she is granted asylum by the IND and issued with a residence permit.⁸





Application granted



Once the applicant has been **granted asylum**, he or she is entitled to remain in the Netherlands and is given accommodation under the responsibility of a local authority.

Application rejected



The IND may also decide **not to grant** the application for asylum. This may be the outcome, for example, if the asylum seeker is from what is known as a *safe country*,⁹ such as Albania or Algeria, unless certain special circumstances are deemed to apply. If the IND concludes that the asylum seeker has already applied for asylum in another European country,¹⁰ it will not process the application. This is because the EU's *Dublin Regulation* states that the country where the asylum seeker first enters the EU is responsible for processing the asylum application (see chapters 4 and 5).



If the IND does not grant¹¹ the asylum application, the asylum seeker is obliged to leave the Netherlands. Before doing so, however, he or she is entitled to appeal against the IND's decision. He or she is also entitled to submit a repeat or multiple application. If the appeal is dismissed or if the asylum seeker decides not to make a repeat or multiple application, he or she is no longer entitled to remain in the Netherlands. This is the point at which the **Repatriation and Departure Service (DT&V)** comes into the picture to make arrangements for the asylum seeker's departure from the country.¹² This may take the form either of a voluntary departure or a deportation (see chapter 6).



When they arrive in the Netherlands, asylum seekers are entitled to shelter from the point at which they apply for asylum either until the IND grants their application and they are offered accommodation by a local authority, or until they are required to leave the country. The **Central Agency for the Reception of Asylum Seekers (COA)** is responsible for providing accommodation, food and drink and medical care for asylum seekers.¹³





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3 The impact of the massive influx of asylum seekers on the Dutch asylum system

Our audit team concluded that the asylum and immigration authorities showed resilience in coping with the large numbers of asylum seekers entering the country between 2014 and 2016. Judging by the length of time during which asylum seekers had to wait for a decision on their asylum application and also by the level of expenditure, the asylum and immigration authorities were indeed able to handle the massive influx of asylum seekers. Although throughput times necessarily lengthened and the authorities also incurred extra expenditure, there was a decline in the duration and cost of the asylum procedure once the inflow of asylum seekers had peaked, at which point they both fell back to a level that was in fact lower than that before the peak.

3.1 First asylum applications during 2014-2016

A total of 82,958 asylum seekers submitted a first asylum application to the Immigration and Naturalisation Service (IND) during the period between the beginning of 2014 and the end of 2016. The number peaked sharply in the autumn of 2015. During the busiest month, i.e. October 2015, 9,945 people submitted a first asylum application. The comparative figure had been 1,929 just a year before, in October 2014.





Number of first asylum applications peaked in the autumn of 2015

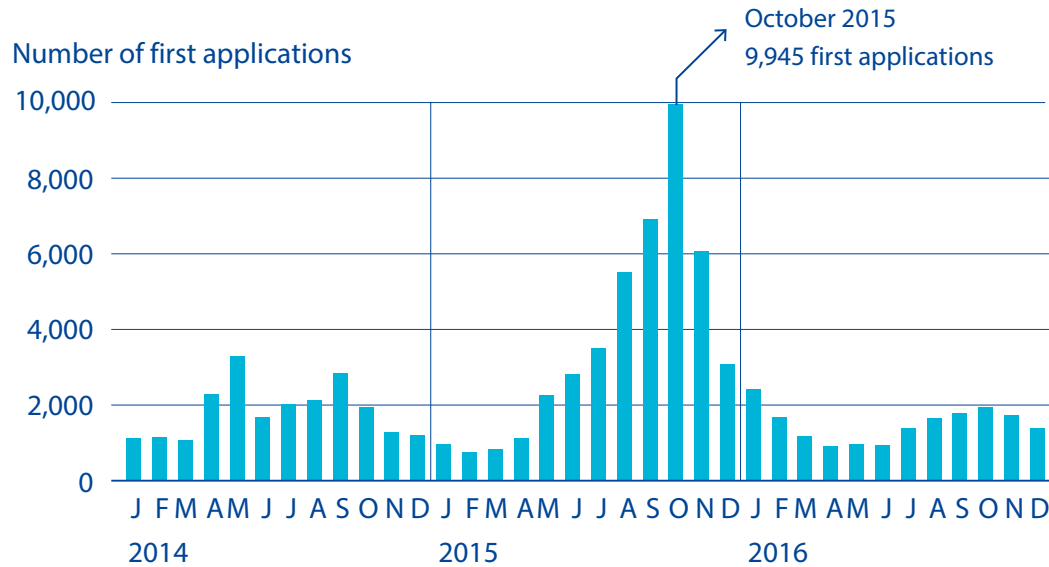


Figure 5 Numbers of first asylum applications, by month, 2014-2016

Of the applications submitted during 2014-2016, 57% (47,537) were granted in the first instance by the IND and 31% (25,982) were turned down in the first instance. The IND had not yet reached a decision on the remaining 11% by the end of 2016. This represents a total of 9,439 people.

An asylum seeker is entitled to appeal against a decision to reject his or her asylum application. He or she is also entitled to make a repeat or multiple application. A second or repeat application may be granted if new information has become available during the intervening period, for example, or if there has been a change in the situation in the applicant’s country of origin.

Some of the applicants who had seen their applications rejected, resubmitted their applications to the IND between 2014 and 2016. We found that the IND decided to grant 921 applications that had initially not been granted. In the case of 1,066 asylum seekers whose first applications had not been granted, the IND had not yet decided on their repeat or second application by our reference date of 31 December 2016.¹⁴ⁱ

Figure 6 is a graphic representation of the asylum applications processed between 2014 and 2016.





Approximately 60% of asylum applications granted (2014 - 2016)

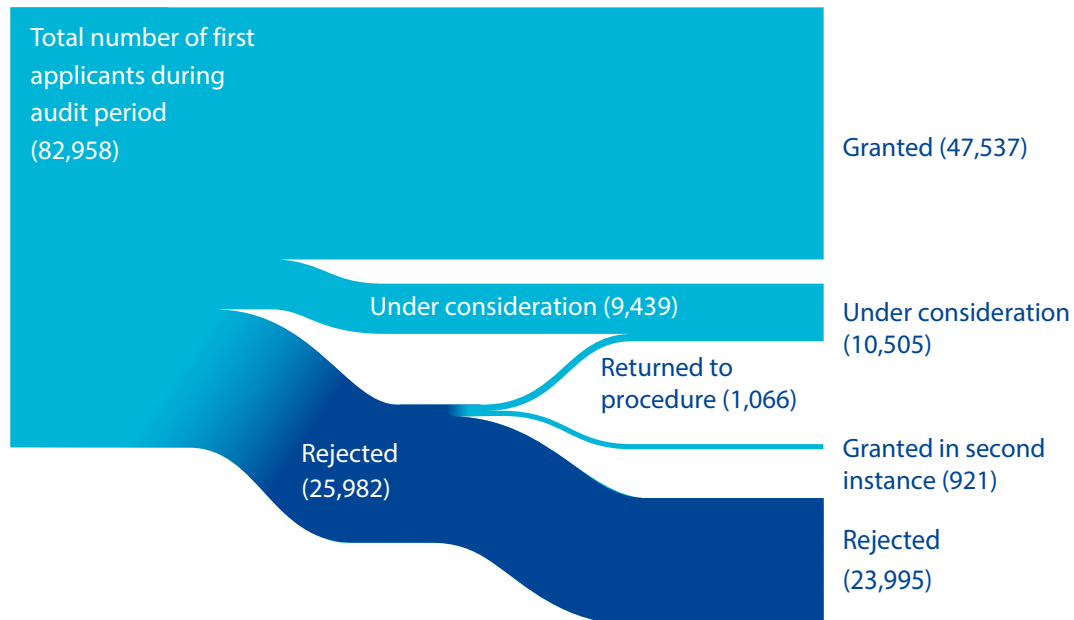


Figure 6 Number of first asylum applications granted and turned down, 2014-2016; position as at 1 January 2017

3.2 Duration of the asylum procedure

We sought to establish how long it took the IND, on average, to process an asylum application between 2014 and 2016. In other words, what was the average throughput time¹⁵ of the IND procedure? As Figure 7 shows, the average duration of the asylum procedure rose between 2014 and 2016, in line with the rising inflow of asylum seekers, and then declined again once the influx of asylum seekers had peaked. In the case of asylum seekers arriving in the Netherlands at the height of the crisis, i.e. October 2015, the procedure lasted an average of 27.4 weeks. This compares with an average duration of 18.5 weeks just a year earlier, in October 2014. Asylum seekers applying for asylum in the Netherlands in mid-2016 had to wait an average of 9.1 weeks for the IND to take a decision on their case.¹⁶ In other words, by mid-2016, the average duration of the procedure was shorter than it had been before the inflow of asylum seekers peaked in 2015.





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Duration of asylum procedure changes in line with influx of asylum

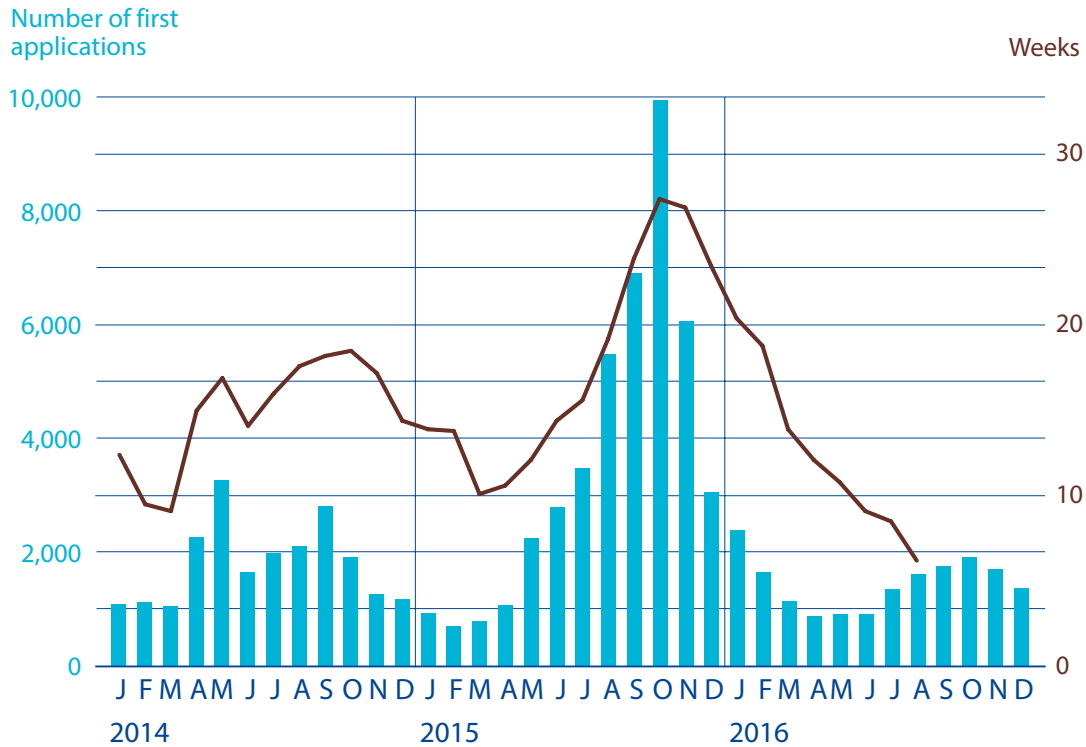


Figure 7 Average duration of the IND asylum procedure in 2014-2016, compared with the trend in the number of first asylum applications ¹⁷

Between 2014 and 2016, the IND took longer to grant applications than to turn them down. A procedure culminating in the granting of asylum lasted 19 weeks on average during this period (28 weeks during the peak in October 2015). Asylum seekers whose application was not granted had to wait 16 weeks on average for a decision (25 weeks during the peak in October 2015).

Statutory time limit

Section 42 (1) of the Aliens Act states that, in theory, the IND should take no more than six months to decide on an asylum application. However, the law also offers the possibility of extending this time limit by nine months, if “a large number of aliens have made applications at the same time, thus rendering it very difficult in practice to complete the procedure within the six-month time limit.”¹⁸ The State Secretary for Security and Justice





invoked this clause in February 2016, on the grounds of the unusually large numbers of asylum seekers arriving in the country. With effect from 11 February 2016, the clause applied to all asylum applications currently being processed, which meant that it also covered applications made before 11 February 2016.¹⁹

We were not able to ascertain, on the basis of the audit data, whether the IND observed the statutory time limit in every single case. This is because, in extending the duration of the procedure, the State Secretary decided that the extension should apply retroactively; and also because the law also affords the IND an opportunity to ignore the statutory time limit in individual cases.

What we can say, however, is that, when the numbers of incoming asylum seekers peaked, i.e. in October 2015, the procedure lasted 27.4 weeks on average, or just over six months. Writing in the 2016 annual report, the State Secretary for Security and Justice quoted the number of cases involving aliens in which a decision had been taken within the statutory time limit (Ministry of Security and Justice, 2016a). The annual report makes clear that, during the period between 2014 and 2016, the average percentage in relation to asylum applications was 93%.²⁰

Separate procedures for specific categories of asylum seekers

The State Secretary for Security and Justice took a series of measures in 2015 and 2016 to cope with the large numbers of asylum seekers arriving in the country. On 1 March 2016, for example, the Ministry of Security and Justice adopted a ‘multi-track policy’ (Ministry of Security and Justice, 2015a) enabling the IND to follow different procedures in relation to different categories of asylum seekers:

- there is one procedure for applications made by asylum seekers who, under the Dublin Regulation, are probably required to submit their application in another EU member state (known as ‘track 1’);
- another procedure applies to applications made by asylum seekers from a safe country or who have already been granted asylum in another EU member state (‘track 2’);
- another procedure applies to asylum applications that stand a good chance of being granted (‘track 3’);
- ‘track 4’ is the standard asylum procedure (the eight-day ‘General Asylum Procedure’); and
- yet another procedure is followed for asylum applications that are likely to be successful but for which further enquiries need to be made about the asylum seeker’s identity or nationality (‘track 5’).²¹





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In announcing the new multi-track policy on 27 November 2015, the State Secretary said that, in the light of the large numbers of asylum seekers, he did not expect waiting times to decline in the near future. Nonetheless, he claimed that the multi-track policy would enable the IND to work more efficiently and act more quickly in turning down asylum applications from aliens abusing the asylum procedure (Ministry of Security and Justice, 2015a, p. 2). A year later, on 17 November 2016, the State Secretary reported that the multi-track policy had enabled the IND to reduce to an average of 10 days the period in which it was able to reach a decision on whether to reject an application from an asylum from a safe country (Ministry of Security and Justice, 2016b, p. 2). The Ministry's 2016 annual report also stated that the multi-track policy had resulted in a sharp decline in the length of the average period spent in official reception centres by asylum seekers who were not eligible for a residence permit (Ministry of Security and Justice, 2016a, p. 101).

But do the facts bear out the claims made by the State Secretary for Security and Justice about the impact of the multi-track policy on the duration of the asylum procedure? Although we tried to find this out, the audit data did not allow us to reach any conclusions about this. This is mainly because there was only a relatively brief period between the date on which the multi-track policy was adopted, i.e. 1 March 2016, and the end of the audit period on 31 December 2016.²² Secondly, fewer asylum seekers arrived in the Netherlands in 2016 than had entered the country in 2015. This may also have had the effect of speeding up procedures. Finally, in addition to adopting a multi-track policy, the State Secretary took a large number of other measures all of which affected the duration of the asylum procedure (Ministry of Security and Justice, 2015a). For example, IND officials were asked to work at weekends, so that they were able to process more applications in less time. These various factors make it difficult to identify the precise effect of the multi-track policy.

Our data shows that the average duration of the IND procedure for asylum seekers from safe countries applying for asylum in January 2016 was just over 14 weeks. Three months after the adoption of the multi-track policy in June 2016, the average duration had declined to just over 7 weeks. By another three months later, in September 2016, the average duration had declined yet further, to 5.5 weeks.

In other words, it is irrefutable that the average duration of asylum procedures for asylum seekers from safe countries declined following the introduction of the government's multi-track policy. However, it is impossible to say whether this decline was due to the multi-track policy.





3.3 Length of time spent in COA accommodation

Pending the IND decision on his or her asylum application, an asylum seeker is entitled to accommodation and other facilities provided by the Central Agency for the Reception of Asylum Seekers (COA).²³ Asylum seekers also receive a 'living allowance' and have access to certain basic facilities such as medically necessary care.

We sought to ascertain how long, on average, asylum seekers spent in COA accommodation during the period between 2014 and 2016. For the purpose of this part of the audit, we divided asylum seekers into two categories: those whose asylum application was granted and those whose application was not granted.

We found that those asylum seekers whose applications were granted spent a longer period of time in COA accommodation than those asylum seekers whose applications were rejected. The data for 2014-2016 show that successful asylum seekers spent an average of 41.7 weeks in COA accommodation, whereas failed asylum seekers spent an average of 23.7 weeks in such accommodation.²⁴

The following are interesting findings if we compare the figures with the average duration of the IND procedure (see section 3.2):

- On average, the length of time spent by successful asylum seekers in COA accommodation was twice the length of the average IND procedure (duration of IND procedure: 19 weeks; time spent in COA accommodation: 42 weeks).
- Failed asylum seekers were much less likely to spend longer in COA accommodation than the length of the average IND procedure (duration of IND procedure: 17 weeks; time spent in COA accommodation: 24 weeks).

The relatively long period that successful asylum seekers spent in COA accommodation was probably due to the difficulty encountered by local authorities in finding alternative accommodation at short notice for the growing number of asylum seekers holding a residence permit. By way of illustration, the State Secretary for Security and Justice reported on 26 May 2016 that a total of 16,000 asylum seekers in possession of residence permits were waiting to be accommodated by a local authority (Ministry of Security and Justice, 2016c).





3.4 Expenditure on asylum policy

The Dutch government incurs expenditure as a result of asylum seekers arriving in the Netherlands. The sharp increase in the inflow of asylum seekers resulted accordingly in a sharp increase in the level of expenditure. The latter is most clearly evidenced by the level of spending by the COA, which is responsible for the bulk of expenditure on the government's asylum policy. However, the rise in the number of asylum seekers also resulted in an increase in spending at the Immigration and Naturalisation Service (IND) and the Repatriation and Departure Service (DT&V); see Figure 8.

Biggest rise in expenditure at the COA

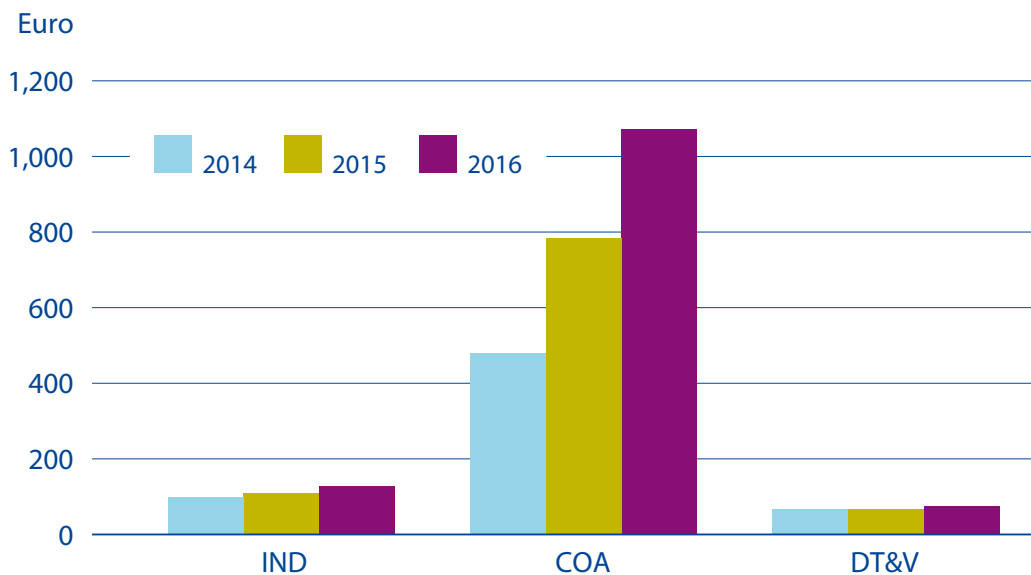


Figure 8 Expenditure by IND, COA and DT&V, 2014-2016.²⁵ In millions of eurosⁱ

COA expenditure on the accommodation of asylum seekers doubled during the period from 2014 to 2016, rising from €0.5 billion in 2014 to over €1.1 billion in 2016. The annual reports published by the COA make clear that the main causes of this rise in spending were a higher level of expenditure on staff and accommodation facilities. The capacity of government reception centres increased from 20,734 beds in 2014 to 53,881 beds in 2016; staff expenditure rose from €118 million to €332 million in the same period.





The COA had no choice but to try and keep step with the rapid fluctuations in the numbers of asylum seekers arriving in the country. Having seen its staff complement rise by 523 FTEs in the first half of 2016, it was forced to lay off staff in the second half of the same year, to the tune of 854 FTEs. The COA gained its flexibility in staffing levels from a practice of making use of temping agencies and employing staff on temporary contracts; together, these were responsible for the bulk of the growth in its capacity.

It was more difficult, however, to achieve the same kind of flexibility in accommodation facilities. The COA was forced to rent a number of additional facilities when the influx of asylum seekers peaked, but the terms of the rental contracts meant that the COA could not simply give notice when the numbers began to decline. As a result, the COA found itself with an accommodation overcapacity early in 2016, a situation that lasted until well into 2017 (Central Agency for the Reception of Asylum Seekers, 2017a). The situation today is that staff numbers at the COA and the number of its accommodation centres are both on the decline (Central Agency for the Reception of Asylum Seekers, 2017b).

The asylum and immigration authorities are currently preparing a plan to enable them to respond flexibly to sudden fluctuations in the influx of asylum seekers.

3.5 Conclusions

A total of 82,958 asylum seekers submitted a first asylum application to the IND between 2014 and 2016, with the number of monthly applications peaking at 9,945 in October 2015. The IND granted over half (58%) of these applications, issuing the asylum seekers in question with a temporary residence permit.

We found that the asylum and immigration authorities displayed resilience in coping with the large numbers of asylum seekers. The average duration of the IND procedure during the period between 2014 and 2016 fluctuated in line with the changes in the number of asylum applications. As the influx grew, so asylum seekers had to wait longer for the IND to take a decision on their application. However, the average duration of the procedure declined rapidly again after October 2015, falling back to below the level prior to the surge in numbers.

The government took a series of measures to manage the large numbers of asylum seekers. One of these was the multi-track policy adopted in March 2016, which resulted in the introduction of a fast-track procedure for dealing with applications from asylum seekers





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from safe countries. Although there was indeed a decline in the average duration of the procedure for this particular category of asylum seekers, we were not able to ascertain whether this was the result of the government's multi-track policy. There are two reasons for this. Firstly, there was only a brief period between the adoption of the multi-track policy and the end of the audit period. Secondly, fewer asylum seekers arrived in the Netherlands in 2016 than had entered the country in 2015, and other measures were taken that also affected the duration of the asylum procedure. In sum, these factors make it difficult to assess the precise impact of the multi-track policy.

On average, asylum seekers whose asylum applications were granted spent much longer in COA accommodation than those whose applications were rejected. This was caused by problems in finding accommodation for asylum seekers who had been issued with a residence permit.

The massive influx of asylum seekers compelled the COA to invest large sums of money in staff and accommodation facilities. The COA employed staff on temporary contracts and expanded the number of accommodation facilities. Staffing numbers have fallen once again, since the number of asylum seekers started to decline.





4 EU cooperation on asylum issues

It was not only the Dutch asylum system that came under pressure in the wake of the arrival of large numbers of asylum seekers. The 2015 refugee crisis sparked disagreement among EU member states about how best to manage the massive inflow of asylum seekers. We found that the agreement reached by the EU members states in Dublin in 1990 is not being respected.

4.1 The Dublin agreement

On 15 June 1990, the 12 member states of what was then the European Community, including the Netherlands, signed an agreement in Dublin setting out a common system for dealing with asylum applications. This was known as the Dublin Convention.²⁶ The idea was that, from then on, aliens would apply for asylum in just one EU member state, i.e. the country in which they were first registered. This would prevent people from going ‘asylum shopping’ – applying for asylum in the country where they believed that their application was most likely to be successful – and also from applying for asylum in several countries at the same time.

The Dublin Convention entered into force in 1997. The ‘Dublin procedure’ is outlined in Figure 9, which starts from the point at which an asylum seeker arrives in the Netherlands.

Under the Dublin Regulation, an asylum seeker must apply for asylum in the country in which he or she enters the EU



1. Asylum seeker arrives in the Netherlands.



2. A check of the asylum seeker’s fingerprints and story causes the authorities to suspect that he or she is already registered in another EU member state.



3. The Dublin procedure is set in motion. The Dutch government calls upon the other EU member state to take charge of the applicant (this is known as a ‘Dublin claim’).



4. The Dutch government’s claim is either accepted or rejected.

Figure 9 Summary of the Dublin procedure





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The principle at the heart of the Dublin agreement is that the EU member state where an asylum seeker is first registered is responsible for examining his or her asylum application. If an asylum seeker subsequently claims asylum in another member state, the latter can ask the state where he or she was first registered to take charge of the asylum seeker without being required to examine his or her application. This is known as a 'Dublin claim'. If the claim is accepted by the other country, the asylum seeker is then transferred to the country in question. If the claim is not accepted and the asylum seeker therefore cannot be transferred, the Dutch government then becomes responsible for examining the asylum application.

The need for the Dublin agreement arose as it became clear, in the course of the 1980s, that it was becoming increasingly easy to travel between European countries, particularly within the 'Schengen area' created in 1985.²⁷ As there were no longer any internal borders between the countries in the Schengen area, there was a need for agreement on all sorts of policy areas, including asylum (Fratzke, 2015).

The talks on the terms of the Dublin Convention were overshadowed by a rise in the number of refugees heading for Europe as they sought to get away from various conflicts, particularly those in Afghanistan, Somalia and the former Yugoslavia. Together, these engendered a flow of refugees on a scale as yet unprecedented in post-war Europe. This was a problem to which the EU was keen to come up with a common response (Research and Documentation Centre), 2015).

In practice, though, this was easier said than done. An evaluation performed in 2007 showed that, although the Dublin Convention revealed that asylum shopping was a problem, it was much less effective in returning asylum seekers to those countries that were responsible for handling their asylum application (Research and Documentation Centre), 2015, p. 80).

Matters were further complicated by the expansion of the European Union between 2004 and 2007. A number of new member states, such as Poland, Hungary, Bulgaria and Romania, joined the existing member states in pledging to observe the Dublin Convention (Research and Documentation Centre, 2015, p. 21).

The contents of the agreement have been adjusted over the years. The original Dublin Convention was superseded by the 2003 Dublin Regulation (Dublin II), which was itself





subsequently replaced by the 2013 Dublin Regulation (Dublin III). Most of the changes made to the agreement involved the improvement of asylum procedures and the legal protection of asylum seekers. The basic principle remained the same, i.e. that the country where an asylum seekers is first registered is obliged to examine his or her asylum application. This rule remains a vital building block in the attempt to design a fully fledged, common European asylum system.

4.2 The implementation of the Dublin Regulation in the Netherlands

In accordance with the Dublin Regulation, the IND seeks to ascertain, as soon as an asylum seeker applies for asylum in the Netherlands, whether another EU member state is responsible for examining his or her application. To this end, officials from the IND, the Aliens Police or the Border Police compare the asylum seeker's fingerprints with the data in EU VIS (the European visa information system) and EURODAC (the European fingerprints database). If there is any evidence – and this generally takes the form of a match in EURODAC – that the asylum seeker in question has already been registered in another EU member state, the 'Dublin procedure' is set in motion.²⁹

This means that the IND does not examine the substance of the asylum application, and instead holds the other member state responsible for examining the application. In other words, the Dutch government presents a 'Dublin claim' to the other member state, i.e. a request to transfer the asylum seeker. If the other member state accepts the claim, it then becomes responsible for the asylum application and the Repatriation and Departure Service (DT&V) has to make sure that the asylum seeker travels to the country in question. However, if the other member state rejects the claim, the Netherlands then becomes responsible for the asylum application. Similarly, other EU member states may also present a Dublin claim to the Dutch authorities if it is suspected that an asylum seeker claiming asylum in the country in question has already been registered in the Netherlands.

Poor registration procedures in transit countries undermine the Dublin system

We found that over a quarter (25.9%) of asylum seekers making a first asylum application in the Netherlands between 2014 and 2016 were eligible for a Dublin procedure. The Dutch government lodged a total of 19,979 claims³⁰ with other EU member states on behalf of these asylum seekers. Other EU member states lodged 1,448 claims³¹ with the Dutch government.





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A large number of asylum seekers in the Netherlands (in both relative and absolute terms) were subject to a Dublin procedure. However, bearing in mind that the vast majority of asylum seekers (around 90%) arrive in the Netherlands by car, train or boat (which means that they have entered the EU via another member state), the number of Dutch Dublin claims should actually have been much higher (Research and Documentation Centre, 2015, p. 74). The relatively small number of Dublin claims – viewed from this perspective – would appear to be the result of poor registration procedures in countries such as Hungary, Italy and Greece (Immigration and Naturalisation Service, 2015, p. 15). These problems have the effect of undermining the Dublin system. Addressing the Dutch Senate in March 2016, the State Secretary for Security and Justice admitted that the authorities had been aware of these problems for some time. However, the relatively small number of asylum seekers entering the country prior to 2014 meant that it had not previously been regarded as urgent (Ministry of Security and Justice, 2016d).

Increase in number of Dutch Dublin claims in 2014-2016

There was a rise between 2014 and 2016 in the number of asylum seekers in relation to whom the Dutch government lodged a claim with another EU member state (or vice versa). Not only was this an increase in absolute terms, it also – and more significantly – translated into a rising proportion of the total number of asylum seekers in the Netherlands. 51.0% of the asylum seekers making a first application in 2016 were involved in a Dublin procedure.





Rising proportion of asylum seekers subject to a Dublin claim

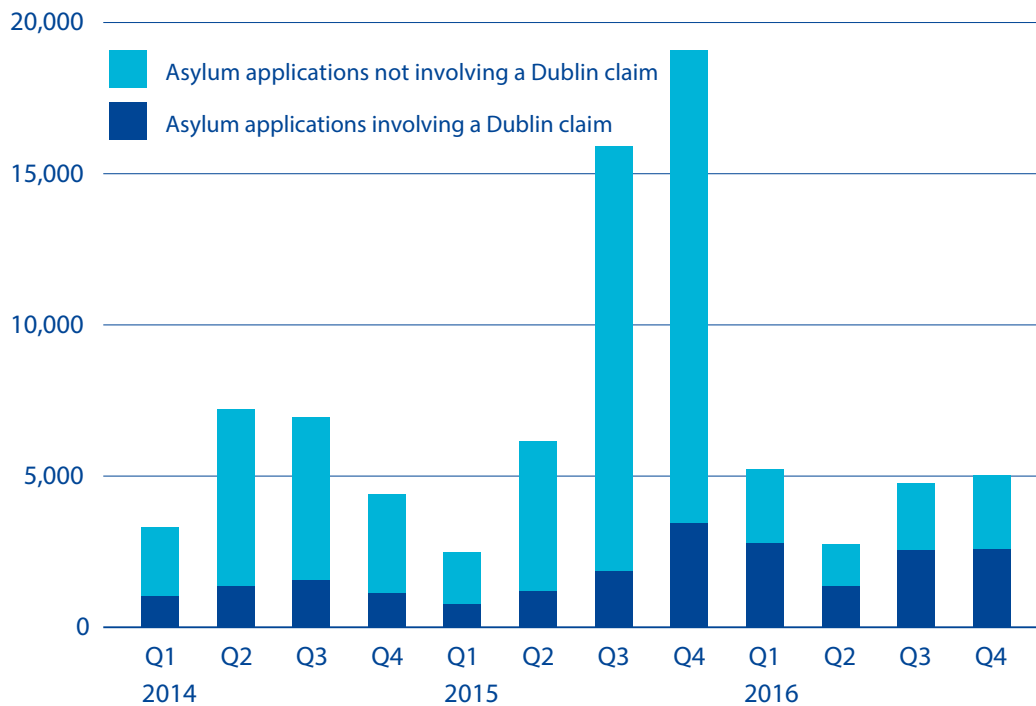


Figure 10 Number of first asylum applications for which Dublin claims were and were not lodged, per quarter, 2014-2016

Our analysis shows that the rise in the number of Dublin claims is associated with a rise in the number of asylum seekers from ‘safe countries’ arriving in the Netherlands as from the second half of 2015. This point is discussed in more detail in chapter 5. A second contributory factor was the quality of registration procedures for asylum seekers in other EU countries. The fact that procedures for registering asylum seekers in the EU improved during our audit period may well explain why more fingerprint matches were found in the EURODAC system, resulting in a larger number of Dublin claims lodged by the Dutch authorities.

Low conversion rate for Dublin claims

Our audit revealed problems in putting the Dublin Regulation into effect. Out of the total of 19,979 claims lodged by the Netherlands with other EU member states between 2014 and 2016, just 2,953 (14.8%) had been put into effect by the end of 2016, i.e. it is clear from



the records that the asylum seeker in question was transferred (or agreed to be transferred) to the Dublin partner.

Not many Dutch Dublin claims resulted in transfers

Previous studies performed in the Netherlands have already examined the difficulties encountered in putting the Dublin agreement into effect. The WODC (Research and Documentation Centre) concluded in 2015 that the number of actual transfers of asylum seekers was far smaller than the number of claims lodged (Research and Documentation Centre, 2015, p. 81). The problem has also been raised in the Dutch parliament, where the State Secretary for Security and Justice informed the House of Representatives that the Dutch government had lodged 4,170 Dublin claims with other EU member states in 2014. Although 3,060 (63.3%) of these claims had been accepted by the countries in question, only 950 actual transfers subsequently took place (Ministry of Security and Justice, 2016e, Ministry of Security and Justice, 2016f). This equates with 22.8% of the total number of claims and is more or less in line with the situation for the EU as a whole (for which the figures show that around a quarter of all Dublin claims result in the transfer of the asylum seeker in question to another EU member state, European Commission, 2016, pp. 10-11).

One of the possible explanations for the small number of accepted Dublin claims resulting in actual transfers is the fact that a number of the asylum seekers concerned left the country for unknown destinations. A large number of asylum seekers are reported as disappearing off the radar as soon as a date is set for their transfer (Ministry of Security and Justice, 2016g).

4.3 Differences between European countries in terms of willingness to accept transfers of asylum seekers

When we examined the outcome of Dutch Dublin claims in 2014-2016, we found there to be wide differences between individual member states in terms of their willingness to accept transfers of asylum seekers. In other words, not all EU member states responded in the same measure to Dutch Dublin claims. In certain cases, however, the difficulty of converting a claim into an actual transfer was the result of the limited legal opportunities available to the Dutch government for pursuing Dublin claims.





Wide differences between European countries in terms of honouring of Dublin claims

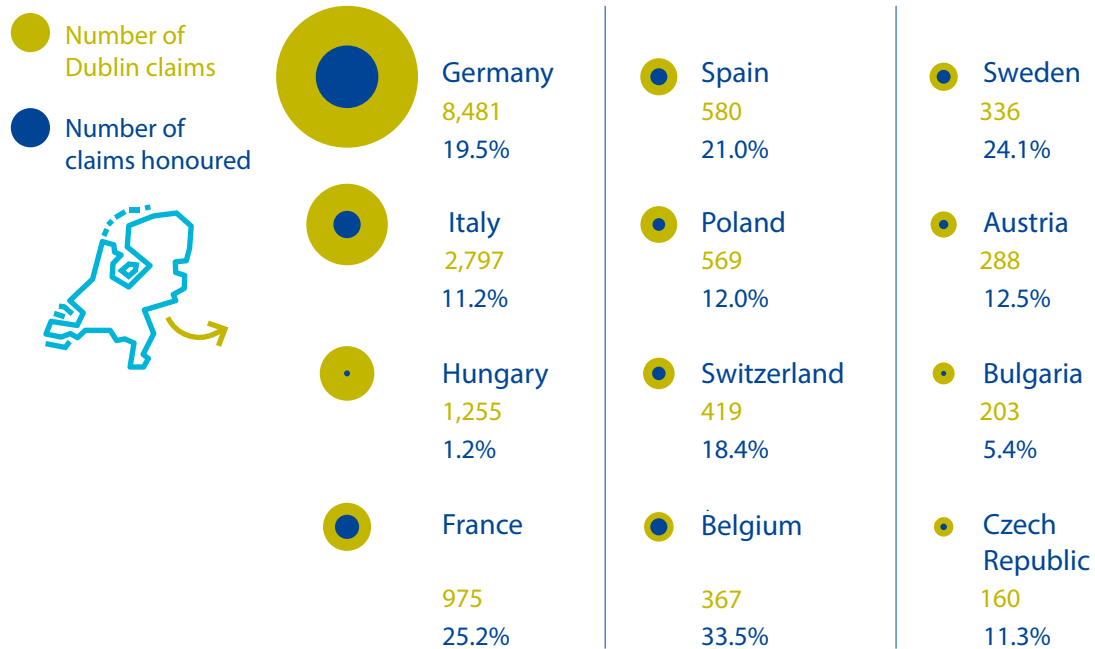


Figure 11 Number of Dublin claims lodged with other EU countries and percentage of claims honoured

Lowest number of Dublin transfers in Central and Eastern Europe

The EU member states in Central and Eastern Europe accounted for the lowest number of Dutch Dublin claims that were put into effect in 2014-2016. A popular route taken by refugees in 2015 was the Western Balkan route, which ran from Serbia (which is not an EU member state) deeper into Europe through *Hungary* (which is an EU member state) (Research and Documentation Centre, 2015, p. 35). This explains why Hungary, with 1,255 claims, ranks third on the list of countries with which the Dutch government lodged a Dublin claim in 2014-2016 (see Figure 11). These claims relate to people who it transpired, during the subsequent asylum procedure in the Netherlands, had already been registered as asylum seekers in Hungary.

Nevertheless, it is interesting to see that the EU member state honouring by far the smallest proportion of Dutch Dublin claims, i.e. 1.2%, was Hungary. This is due in part to a difference of opinion between the Dutch and Hungarian governments about asylum seekers entering the EU through Greece, whom the Hungarian government believed should be sent back to Greece. The latter asylum seekers represent 21% of all Dutch Dublin



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claims lodged with the Hungarian government, in connection with which the Dutch government has now offered to start a mediation procedure. Hungary has rejected this offer, howeverⁱ (Ministry of Justice and Security, 2017a; Ministry of Security and Justice, 2018).

However, a more important cause of the failure to honour the Dublin claims in question is the fact that the Hungarian government's acceptance of 655 of these claims (52.2%) has now 'lapsed'. This means that the transfer of the asylum seekers in question was not effected in good time after the Hungarian government had accepted the claim. Hungary is the only EU member state in which this category is higher than 6%. The fact that this problem would seem to affect Hungary in particular is probably connected with the doubts surrounding the reception centres and living conditions for asylum seekers, as well as asylum procedures, in Hungary. In November 2015, the Dutch Council of State decided that, before any more asylum seekers were transferred to Hungary, the Dutch government should make further enquiries about the conditions for asylum seekers there.³² In response to this move, the State Secretary suspended all claims and transfers to Hungary (Ministry of Security and Justice, 2017a). It seems reasonable to assume that this was the point at which the time limits applying to existing claims expired.

As a result, the situation in relation to transfers to Hungary became comparable with that relating to Greece as a 'transit country' for refugees: in 2011, the Dutch government ceased lodging any Dublin claims with the Greek government, after a Dutch court ordered it to stop doing so on account of the situation in Greece.

Relatively few Dutch Dublin claims were put into effect by other Central and Eastern European countries in the period between 2014 and 2016. The percentage for *Bulgaria* is 5.4%, although it should be said that only a small number of claims were actually lodged there, i.e. 203. *Poland* received a total of 569 claims from the Netherlands, of which just 12.0% were put into effect.

Relatively few Dublin transfers to the Alpine countries

A relatively large proportion of the Dutch Dublin claims lodged with the Alpine countries in 2014-2016 were also not put into effect. The percentage for *Austria* is 12.5%, and the figure for *Switzerland* (which is not an EU member state, although it is a signatory to the Dublin Convention) is 18.4%. There is no obvious explanation for this.





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Majority of Dublin transfers went to Belgium, France and Sweden

Compared with other countries, Belgium accepted the largest number of transfers of asylum seekers resulting from Dutch Dublin claims in 2014-2016. Of the Dublin claims lodged with the Belgian government, 33.5% were put into effect. *Belgium* is followed by *France* (at 25.2%) and *Sweden* (24,1%).

At the end of 2016, both Germany and Italy were still examining a large proportion of the Dublin claims lodged by the Dutch government. The respective percentages are 39.3% and 36.6%. These are also the countries that received the most requests from the Netherlands to accept asylum seekers under the terms of the Dublin agreement.

4.4 The future of the Dublin agreement

The refugee crisis in the European Union led to deep divisions among the EU member states on asylum policy. One of the issues was whether the Dublin Convention was any more than a paper tiger, now that so few countries observed it in practice. As is indeed confirmed by our own analysis: many of the commitments made in the Dublin agreement were not actually honoured.

In September 2015, the EU heads of state and government activated an emergency procedure by majority vote (Council of the European Union, 2015). At that point, the huge numbers of refugees flooding into Greece and Italy in particular meant that the basic principle underlying the Dublin Convention, i.e. that the country where an asylum seeker was first registered would be responsible for the asylum procedure, was no longer tenable. The idea was that the other member states would take over tens of thousands of asylum seekers from Greece and Italy, in accordance with an agreed 'distribution key'.

Although the Dutch government supported this 'provisional mechanism', the Council Decision was fiercely opposed by a number of countries, Hungary, Poland, Slovakia and the Czech Republic in particular. These four countries refused to cooperate with the EU's emergency relocation of asylum seekers, which meant that the measures could not be put into effect.³³ A series of legal proceedings ensued.³⁴

In an attempt to break the stalemate, the European Commission put forward a fresh proposal in December 2017. It suggested making a number of adjustments to the Dublin Regulation ('Dublin IV') that would result in a fair method of distributing asylum seekers among the member states. The Commission proposed that, in normal circumstances,





migrants would be relocated and resettled on a voluntary basis. Only in 'serious crisis situations' would EU member states be obliged to accept asylum seekers from countries on the Union's external borders that were facing a massive influx of asylum seekers.³⁵ A decision is due to be taken on these proposals at a European summit meeting scheduled for June 2018.

4.5 Conclusions

In order to prevent 'asylum shopping', i.e. a situation in which asylum seekers travel around the European Union to find a country that is prepared to accept their claim for asylum, the EU member states (and other countries) signed the Dublin Convention. This contains a number of agreements as to how asylum seekers should be dealt with. The basic principle is that an asylum application must be examined in the country of entry. However, the refugee crisis has demonstrated that, for a variety of reasons, these agreements are not respected in practice.

The number of asylum seekers on behalf of whom a Dublin claim was lodged by the Dutch government in 2014-2016 rose, both in absolute terms and as a percentage of the aggregate inflow of asylum seekers. However, only a small proportion (viz. 14.8%) of these Dublin claims made by the Dutch government vis-à-vis other EU member states were actually put into effect. This percentage is in fact lower than had been generally assumed to date. There were wide discrepancies between individual member states in terms of the number of asylum seekers transferred to them from the Netherlands between 2014 and 2016.





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5 Asylum seekers from safe countries

In 2016, shortly after the big surge in the number of refugees arriving in the Netherlands, there was a sharp increase in the number of asylum seekers from 'safe countries'. Of the 82,985 asylum seekers who entered the Netherlands between 2014 and 2016, a total of 13,789 (16.6%) came from safe countries. This category of asylum seekers – the vast majority of whom were not entitled to asylum – followed in the wake of asylum seekers from unsafe areas such as Syria and Eritrea. Many of them had already tried to apply for asylum in other European countries. The arrival, in the second half of 2016, of large numbers of asylum seekers from safe countries without any right to asylum prompted the State Secretary for Security and Justice to take a series of extra measures.

5.1 Rise in number of asylum seekers from safe countries

There is no accepted international consensus on what exactly constitutes a 'safe country'. Although the European Union is keen to harmonise the definition, the member states use different lists of countries whose citizens, in the light of the situation in the country in question, do not in principle qualify for protection. This audit was based on the Dutch list, which now consists of 59 safe countries.³⁶ It is worth pointing out that a number of countries on the Dutch list have within their borders regions that the Dutch government does regard as being unsafe.

The fact that the Netherlands uses a list of safe countries does not mean that all asylum applications from nationals of the countries in question are automatically rejected. The safe countries are treated as a separate category in the Dutch asylum system and, since the government's multi-track policy was introduced in March 2016 (see section 3.2), asylum applications from nationals of these countries have been subject to a fast-track procedure. Nonetheless, the Netherlands is obliged by international treaties to examine each asylum application on an individual basis. The fact is that, even if a particular country is officially categorised as 'safe', asylum seekers from the country in question may still be at risk due to their political or religious beliefs, or on account of their sexual orientation. In such cases, people from safe countries may still qualify for protection. However, it is clear from our analysis that, in practice, asylum seekers from safe countries have very little chance of having their application granted. Of the total of 13,789 first asylum applications made by nationals of safe countries, the IND granted just 227 after assessing their merits. In other words, the vast majority of such applications (98.4%) were turned down.





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Despite this, there was a gradual increase in the number of asylum seekers from safe countries during the period between 2014 and 2016; see Figure 12.

Asylum seekers from safe countries arrive in the wake of the surge in asylum seekers

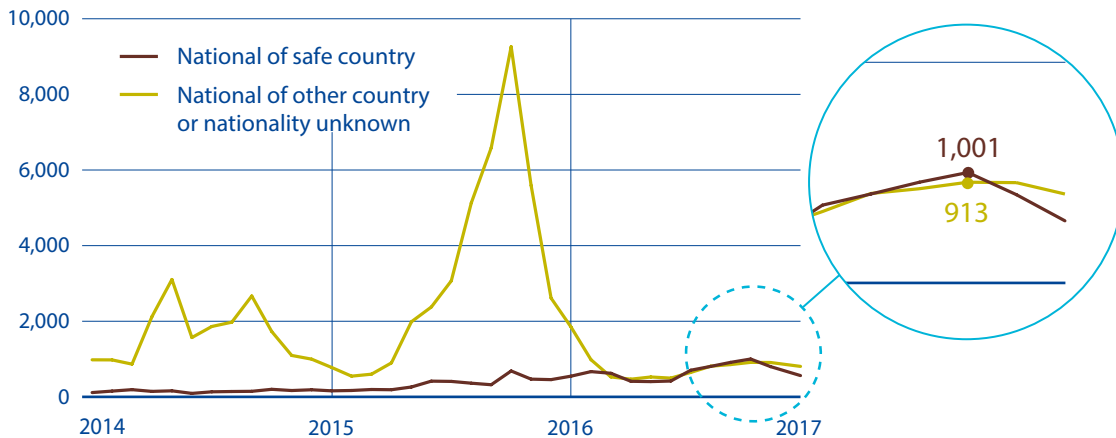


Figure 12 Number of asylum seekers making a first application, 2014-2016, by country of origin (safe or unsafe)

Our figures for the Netherlands show that a relatively large number of asylum seekers from safe countries arrived in 2016, following on from the larger peak in the number of asylum seekers from unsafe countries in 2015. In other words, many asylum seekers from safe countries arrived in the Netherlands in the wake of the influx of refugees from unsafe countries. In 2016, following a sharp decline in the number of asylum seekers from unsafe countries, the number arriving from safe countries was actually more or less the same as the number originating from unsafe countries.

The arrival, late in 2016, of large numbers of asylum seekers from safe countries without any right to asylum prompted the State Secretary for Security and Justice to take a series of extra measures. He described the situation as placing an 'undesirable burden on Dutch society' that undermined public support for the government's asylum policy (Ministry of Security and Justice, 2016b; 2016h). By taking the measures in question, the government wished to speed up the examination of asylum applications from this particular category of asylum seekers, speed up the departure of failed asylum seekers and reduce the amount





of nuisance they caused. We are not able to make any pronouncements about the impact of these measures, as most of them were taken outside the audit period.

5.2 The Netherlands as a second choice

The increase in the number of asylum seekers arriving in the Netherlands from safe countries followed the surge in the number of refugees in 2015. However, it is clear from European asylum records that the majority of asylum seekers from safe countries had already reached Europe before the big influx of asylum seekers from war zones and other unsafe countries. Many of them had already applied for asylum in other EU countries, notably in Germany. They decided to move on to the Netherlands only after their application had been rejected or after finding that living conditions in the reception centres were not to their liking (Advisory Committee on Migration Affairs, 2018).

This is a pattern reflected by our figures. We found that a relatively high percentage of asylum seekers from safe countries were involved in a Dublin procedure. This applies, for example, to 91.0% of all Kosovars applying for asylum in the Netherlands, 87.4% of Georgians and 80.5% of Algerians. This means that, before applying for asylum in the Netherlands, these people had already applied for asylum in another EU country or had in any event been registered there. In many cases, the other country was Germany, which is the country to which the Netherlands sent the majority of people with Dublin claims (see section 4.2).

Asylum seekers from safe countries have a variety of nationalities. The ten most frequently occurring nationalities are shown in Figure 13.





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Top-ten nationalities of asylum seekers from safe countries arriving in the Netherlands, 2014 - 2016

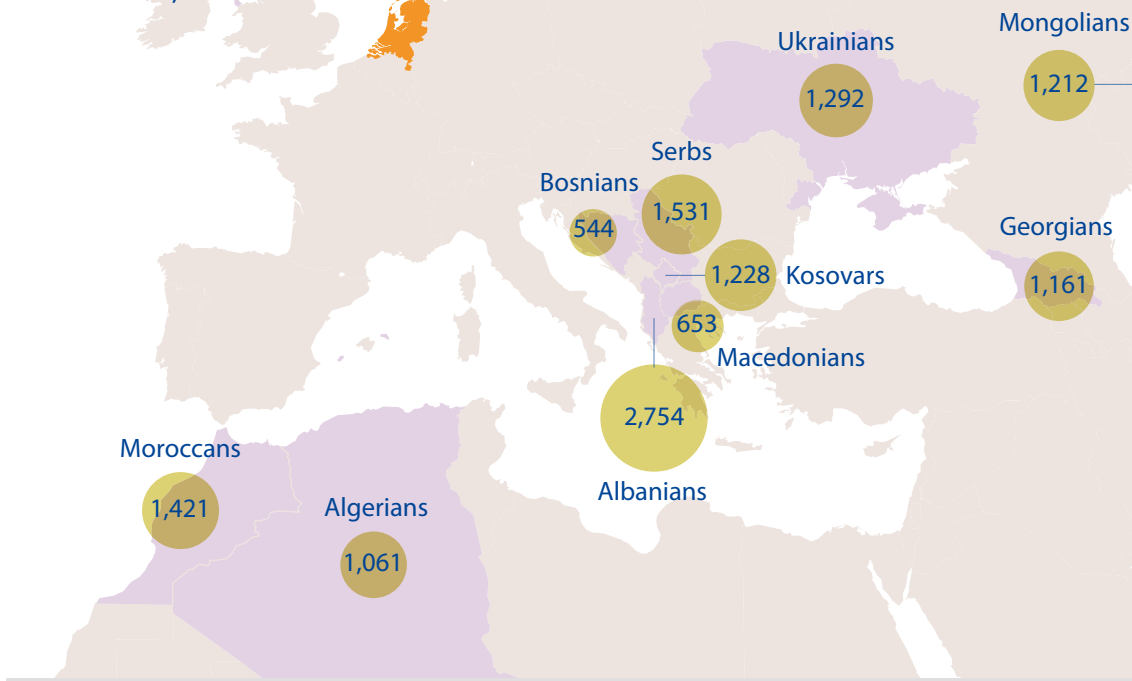


Figure 13 Number of asylum seekers from safe countries making a first application, 2014-2016

5.3 Wide range of nationalities and motives

There was no steady flow of asylum seekers from safe countries. It is clear from the figures that the Netherlands was an attractive destination for people from specific countries during specific periods between 2014 and 2016. A study by the Advisory Committee on Migration Affairs showed that these fluctuations were caused by a range of factors. The study centred specifically on asylum seekers from Albania, Georgia and Morocco, and the researchers concluded that the 'push factors' causing the people in question to leave their home countries were generally more important than the 'pull factors' taking them to the Netherlands. In most cases, the lack of economic prospects was the main reason for leaving the country of origin (Advisory Committee on Migration Affairs, 2018).

The same study showed that, for all three groups of asylum seekers, the Netherlands was not usually the first-choice destination, but that the perceived quality of the reception facilities was one of the reasons for deciding to go to the Netherlands after all. The Advisory Committee also claimed that other factors were involved, such as the positive image of the Netherlands in terms of security and freedom, tolerance, and





non-discrimination. Finally, the Advisory Committee’s report also suggests that repatriation support, financial or otherwise, may also have played a role (Advisory Committee on Migration Affairs, 2018).

The following section examines the influx of asylum seekers from a number of safe countries, i.e. Kosovo and Mongolia (Figure 14), Ukraine and Georgia (Figure 15), the Western Balkan (Figure 16) and North Africa (Figure 17).

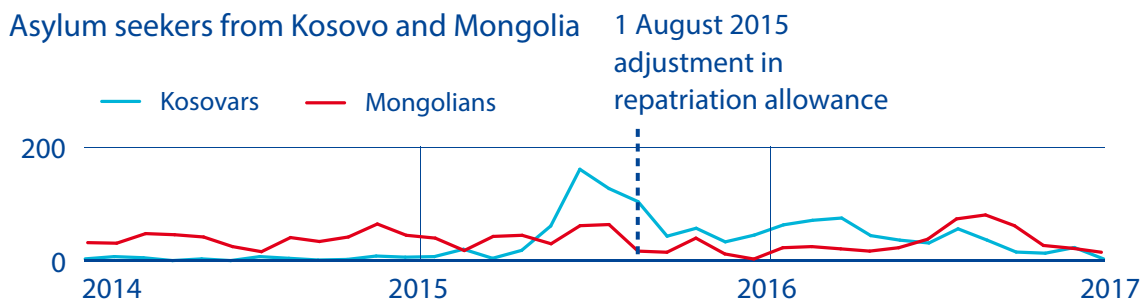


Figure 14 Number of first applications by Kosovar and Mongolian asylum seekers, 2014-2016

The rise in the number of asylum seekers from safe countries in our audit period began with the fairly sudden arrival of Kosovars in the spring of 2015. It was already known that tens of thousands of Kosovars had left their country, one of Europe’s poorest, when their neighbours, the Serbs, decided to relax travel restrictions in 2014. However, it took some time for asylum seekers from Kosovo to reach the Netherlands. The State Secretary for Security and Justice said that an analysis by the Repatriation and Departure Service (DT&V) suggested that the repatriation allowance was the main reason why Kosovars came to the Netherlands. These findings prompted the State Secretary to impose restrictions on the repatriation scheme for Kosovars with effect from 1 August 2015ⁱ (Ministry of Security and Justice, 2015b). Our figures show that the declining trend in the number of first asylum applications by Kosovars that had already begun before 1 August, continued after this date. At the same time, the actual number of applications, totalling 1,228 during our audit period, remained higher than before the peak.

The State Secretary also decided to clamp down on repatriation allowances for asylum seekers from *Mongolia* as of the same date. Although the number of asylum seekers from Mongolia had not risen as fast as those from Kosovo, they still remained one of the main



groups of asylum seekers from safe countries, accounting for several dozen applications per month as from 2014. A total of 1,112 Mongolian asylum seekers arrived in the Netherlands between 2014 and 2016.

The Mongolian asylum seekers also made plentiful use of the repatriation scheme.³⁷ However, the amount they received from the International Organisation for Migration (IOM) was in many cases much lower than the amounts they claimed to have paid to middlemen. For this reason, it is unlikely that the repatriation allowance could have been the main reason for their decision to come to the Netherlands. Shortly after the State Secretary decided to tighten up the repatriation scheme, there was a decline in the number of asylum applications by Mongolians. The number continued to decline for some time, before rising again in 2016. It should be said that the State Secretary’s decision only affected applicants with a Dublin claim. As three-quarters of the Mongolians had travelled direct to the Netherlands, the majority remained entitled to a repatriation allowance.

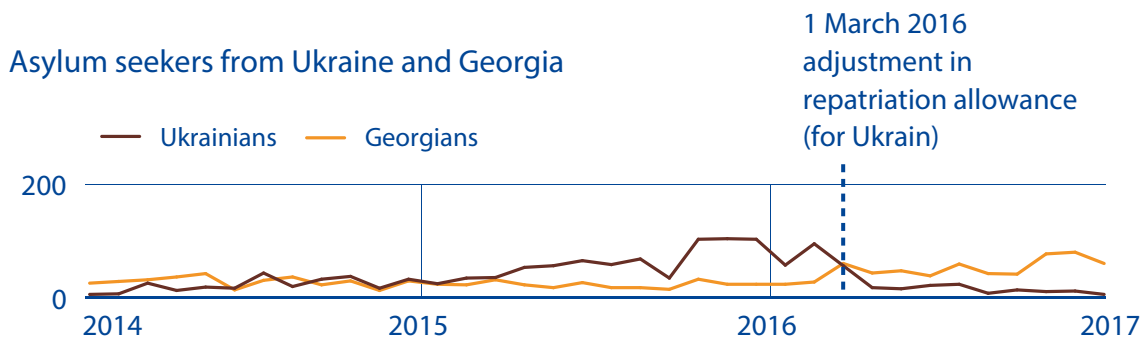


Figure 15 Number of first applications by Ukrainian and Georgian asylum seekers, 2014-2016

The number of asylum seekers from *Ukraine* started to gradually rise at the beginning of 2015. According to the State Secretary for Security and Justice, the vast majority came from a ‘safe’ part of western Ukraine and many of them had travelled to the Netherlands on a Polish Schengen visa. Shortly after applying for asylum, they began making preparations for leaving of their own accord – which they then generally did, with support from the IOM. Ukrainian asylum seekers were the second largest group of asylum seekers to leave the Netherlands in 2015 with the support of the IOM (Ministry of Security and Justice, 2015c). When the State Secretary decided in March 2016 to restrict the allowances paid to Ukrainians, the declining trend in the number of asylum seekers (which had already started) continued. The number of asylum applications made during our audit period





subsequently remained low. The total number of asylum seekers arriving in the Netherlands from Ukraine was 1,292.

As far back as 2012, the Dutch government had already decided that asylum seekers from Georgia would not be eligibleⁱ for a repatriation allowance. The allowance could not therefore have been a motive for Georgians to come to the Netherlands during the period that followed. Our figures show that there was a gradual increase in the number of asylum seekers from Georgia as from 2016, with a total of 1,161 first applications in our audit period.

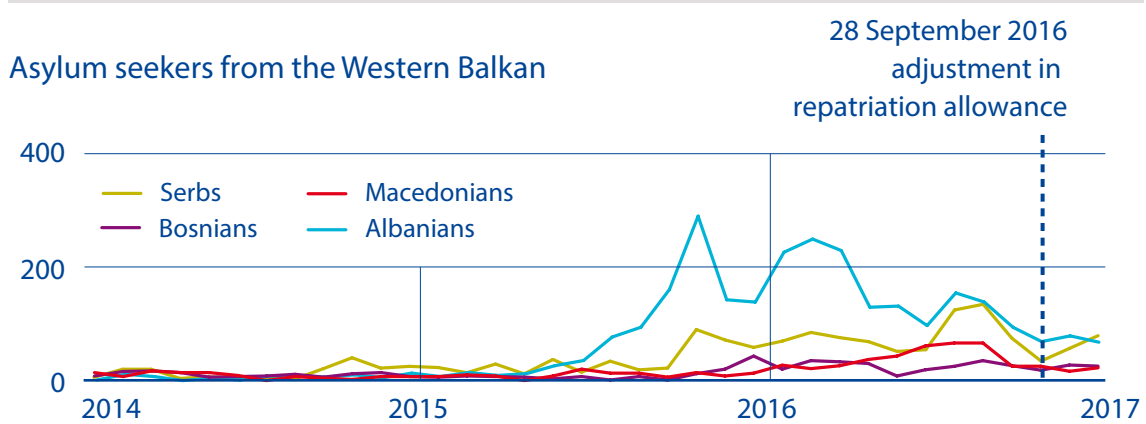


Figure 16 Number of first applications by Serbian, Bosnian, Macedonian and Albanian asylum seekers, 2014-2016

After the inflow of Kosovars had peaked early in 2015, more groups of people from other former Yugoslav republics came to the Netherlands to seek asylum later on in the year. These were *Serbs*, *Macedonians* and *Bosnians*. According to our data, the total number of people involved during the period between 2014 and 2016 was 2,728. There was also a sharp increase in the number of *Albanians*, who suddenly started to arrive in the Netherlands in the late summer of 2015. Between September of that year and August 2016, the Albanians in fact represented, on a monthly basis, the largest group of asylum seekers from safe countries. Albanians made a total of 2,754 asylum applications during our audit period.

The findings of a case study of Albanian asylum seekers by the Advisory Committee on Migration Affairs indicate that this group of asylum seekers most probably included people whose applications had been rejected by the German authorities before they came to the Netherlands. Although most Albanians travelled overland via Italy, some took direct flights





from the Albanian capital, Tirana. These were entirely legal routes, given that the visa requirement for Albanians in Schengen countries had been scrapped in 2010 (Advisory Committee on Migration Affairs, 2018, pp. 109-111). The Advisory Committee on Migration Affairs concluded on the basis of another study (2018) that economic motives, in some cases in combination with other motives, were the main reasons why Albanians decided to leave their home country.

Asylum seekers from the Balkan – and Albanians in particular – were keen users of the limited repatriation support provided by the IOM.³⁸ The State Secretary for Security and Justice felt that this placed a heavy burden on the IOM, in terms of both cost and pressure of work, and so he decided to terminate the repatriate allowances for these nationalities with effect from 28 September 2016 (Ministry of Security and Justice, 2016ⁱ). Our data shows that the number of asylum seekers from Albania and Serbia was already on the decline prior to this date. This trend was also identified by the Advisory Committee on Migration Affairs in its report on asylum seekers’ motives; the Committee wrote that the Dutch government had also taken a number of other specific measures that could have affected the inflow of asylum seekers (Advisory Committee on Migration Affairs, 2018, p. 115). Our data shows that there was a decline in the number of Albanian asylum seekers following the introduction of the government’s multi-track policy. However, the trend is not replicated in the case of Serbian asylum seekers, for example.

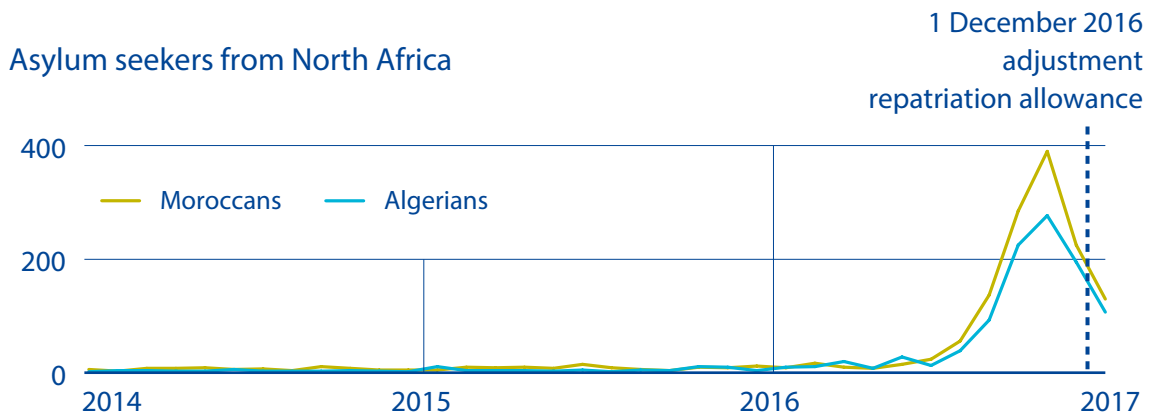


Figure 17 Number of first applications by Moroccan and Algerian asylum seekers, 2014-2016

Shortly after the number of asylum seekers from the Western Balkan had peaked, relatively large numbers of asylum seekers from safe North African countries such as *Morocco*, *Algeria* and – albeit to a lesser extent – *Tunisia* fairly suddenly began to arrive in the





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Netherlands. The Immigration and Naturalisation Service claims there are reasons to believe that they initially spent a long period of time in other EU countries, principally Germany (Immigration and Naturalisation Service, 2017). A total of 1,421 Moroccans and 1,061 Algerians applied for asylum in the Netherlands during our audit period. Based on an examination of case files, the Immigration and Naturalisation Service believes that a large proportion of the Moroccans and Algerians had already left their home country in the second half of 2015. A large number of them entered the EU by the eastern Mediterranean route, which was a popular route among Syrian refugees at the time.

Our data shows that very few Moroccan and Algerian asylum seekers who arrived in the Netherlands between 2014 and 2016 had a passport or other ID document on them. 91.7% of Moroccan asylum seekers did not have any official ID or any other identify papers on them. The comparative figure for Algerians is 96.0%.

The group of Moroccan and Algerian asylum seekers arriving in 2014-2016 included a relatively large number of single men between the ages of 18 and 35. We did not seek to establish their precise motives for leaving their home countries.³⁹ Our data shows that there was already a declining trend in the number of Algerians and Moroccans entering the country when the State Secretary announced that he would be limiting the repatriation allowances for them as from 1 December 2016.

5.4 Conclusions

In the wake of the massive inflow of refugees from war zones, 13,789 asylum seekers from safe countries arrived in the Netherlands during the period between 2014 and 2016. This is 16.6% of the total influx of asylum seekers in the same period. Many of these asylum seekers had already travelled to other EU countries, where their asylum applications had been rejected. The rejection of an asylum application in another EU country may well have been why they travelled to the Netherlands and applied for asylum here. There was, however, very little prospect of their being granted asylum in the Netherlands: 98.4% of asylum applications by asylum seekers from safe countries were turned down during the audit period.

There was no steady flow of asylum seekers from safe countries to the Netherlands. This was due to differences in the motives of these asylum seekers, and in the routes they followed, which tended to vary from one nationality to another. We were not able to ascertain whether the speeding up of procedures for this category of asylum seekers (i.e. the government's multi-track policy) helped to reduce the inflow.





6 Problems surrounding the repatriation of failed asylum seekers

In theory, asylum seekers whose applications for asylum are rejected are obliged to leave the Netherlands. However, this is easier said than done for the government. The repatriation of failed asylum seekers often runs into problems due to a lack of cooperation on the part of the authorities in the country of origin. And the asylum seekers themselves often try and thwart the government's attempts to repatriate them. In practice, they can simply disappear off the radar. Our data shows that less than half of all asylum seekers who were not entitled to asylum can be proven to have left the country.

6.1 Different figures on the number of failed asylum seekers known to have left the country

The Repatriation and Departure Service is responsible for ensuring that asylum seekers and other aliens who are not in possession of a residence permit, leave the Netherlands. Asylum seekers whose application for asylum has been rejected are expected to leave the country of their own accord. The Repatriation and Departure Service offers them help, for example in obtaining the necessary travel documents. Failed asylum seekers can also seek help in this connection from the IOM, an organisation with which the Repatriation and Departure Service works in close collaboration.

If a failed asylum seeker who has exhausted all possible avenues of appeal does not leave the Netherlands, he or she may be forced to do so. If there are signs that a failed asylum seeker whose repatriation procedure the authorities have set in motion, is planning to go underground, he or she may be held in detention.

Ministry of Justice and Security figures

The results of the government's repatriation policy are set out in the annual report on asylum and immigration published by the Ministry of Justice and Security. For the purpose of this report, the Ministry divides failed asylum seekers into two categories: those who are known to have left the country, and those who are not known to have left the country. The former category consists not only of people who have been deported from the Netherlands, but also of those who have left of their own accord, i.e. on a voluntary basis. Where an asylum seeker is not known to have left the country, this may be because he or she has stopped reporting to the authorities despite being under a formal duty to do so, or because he or she is no longer living at the most recently registered address (Ministry of





Security and Justice, 2017b, p. 38). In these cases, the alien in question may well have left the country, but it is equally possible that he or she may still be in the country.

The annual report includes figures from the government's Repatriation and Departure Service on the number of aliens who have left the country, as well as figures from other organisations involved in the departure of aliens, such as the IOM and the Border Police. The report states, in percentages, the ratio between the number of aliens who are known to have left the country and the number who are not known to have left the country. Taking account of the figures from all the various asylum and immigration authorities, the percentage of aliens who were known to have left the country fluctuated between 52% and 54.4% during the period between 2014 and 2016. The figures from the Repatriation and Departure Service show a similar percentage: apart from in 2014, the percentage has consistently been over 50%.

Court of Audit figures

As it is important to know whether asylum seekers who are not entitled to remain in the Netherlands actually (i.e. demonstrably) leave the country, we made this calculation for the our audit population. We found that the percentage of failed asylum seekers (in our specific cohort) who demonstrably left the country was 46.5%.⁴⁰





Some failed asylum seekers already off the radar before start of departure procedure

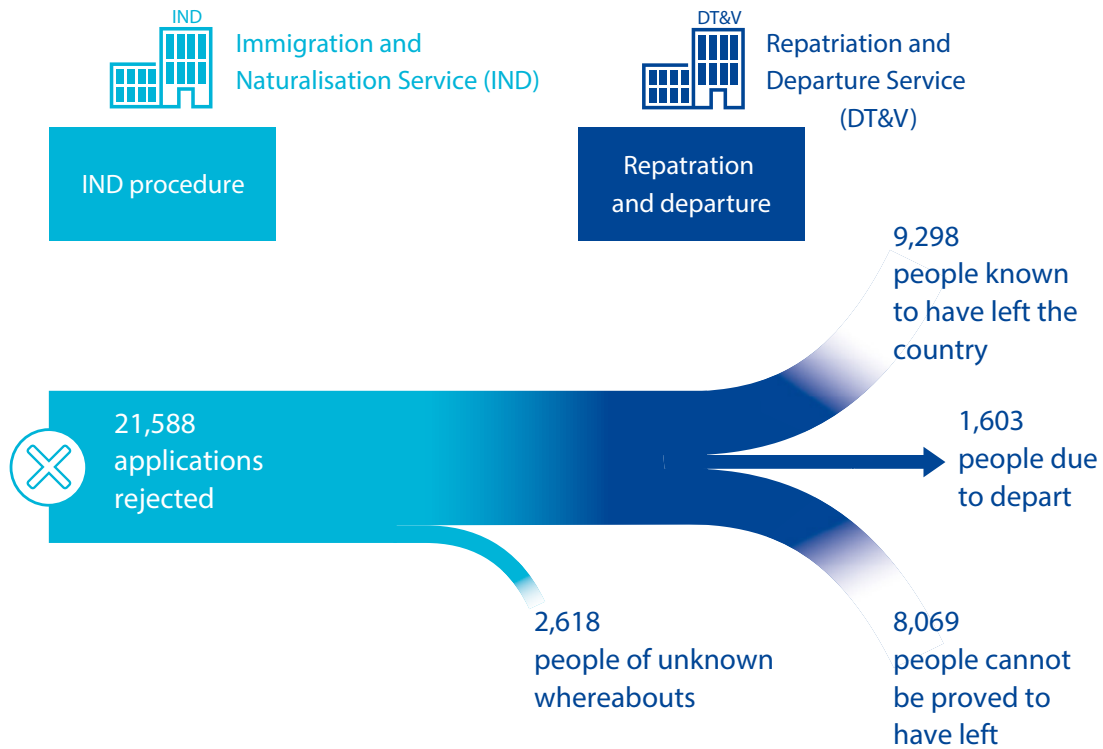


Figure 18 Number of failed asylum seekers known and not known to have left the country, 2014-2016⁴¹

The main reason why our own figure for the percentage of failed asylum seekers who are known to have left the country is lower than the figure quoted in official reports is the fact that our audit is based exclusively on asylum seekers. The figure quoted in the annual report on asylum and immigration published by the Ministry of Justice and Security is the figure for the *total number of aliens* repatriated to their countries of origins, irrespective of whether or not they are asylum seekers. In other words, the figure covers a wider range of people all of whom were deported from the Netherlands, including illegal aliens who had been arrested and aliens who had committed crimes, as well as aliens who did not apply for asylum but who were turned back at the Dutch border by the Border Police. These groups of people are not included in the figures in our audit.

To a certain extent, the discrepancy is also the result of our decision to base our audit on a specific cohort of asylum seekers. In other words, we did not restrict ourselves to an annual reference date, and sought instead to track a group of asylum seekers throughout the





entire asylum procedure, starting at the beginning.⁴² This generated a series of fresh insights. For example, we saw that a group of 2,618 asylum seekers whose asylum applications had been turned down by the IND did not enter the departure procedure. The vast majority of this group consisted of people who had already left the country, destination unknown.

6.2 Differences among nationalities

Our data revealed wide differences among nationalities in terms of the proportion of asylum seekers who were known to have left the country. Although the routine reports published by the Ministry of Security and Justice also point to such differences, these reports do not go beyond a categorisation of the two populations, i.e. 'known to have left' and 'not known to have left', into different nationalities. We therefore know, for example, based on the figures provided by all the various asylum and immigration authorities, that 6% of the aliens who were known to have left the country in 2016 were Iraqis and 5% of the aliens who were not known to have left the country in 2016 were Kosovars (Ministry of Security and Justice, 2017b, p. 39).

However, apart from the fact that these figures relate to more than just asylum seekers, they also fail to provide any information on the effectiveness of the government's deportation policy in relation to individual nationalities.





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Proportion of failed asylum seekers known to have left the country differs from one nationality to another

 Known to have left the Netherlands

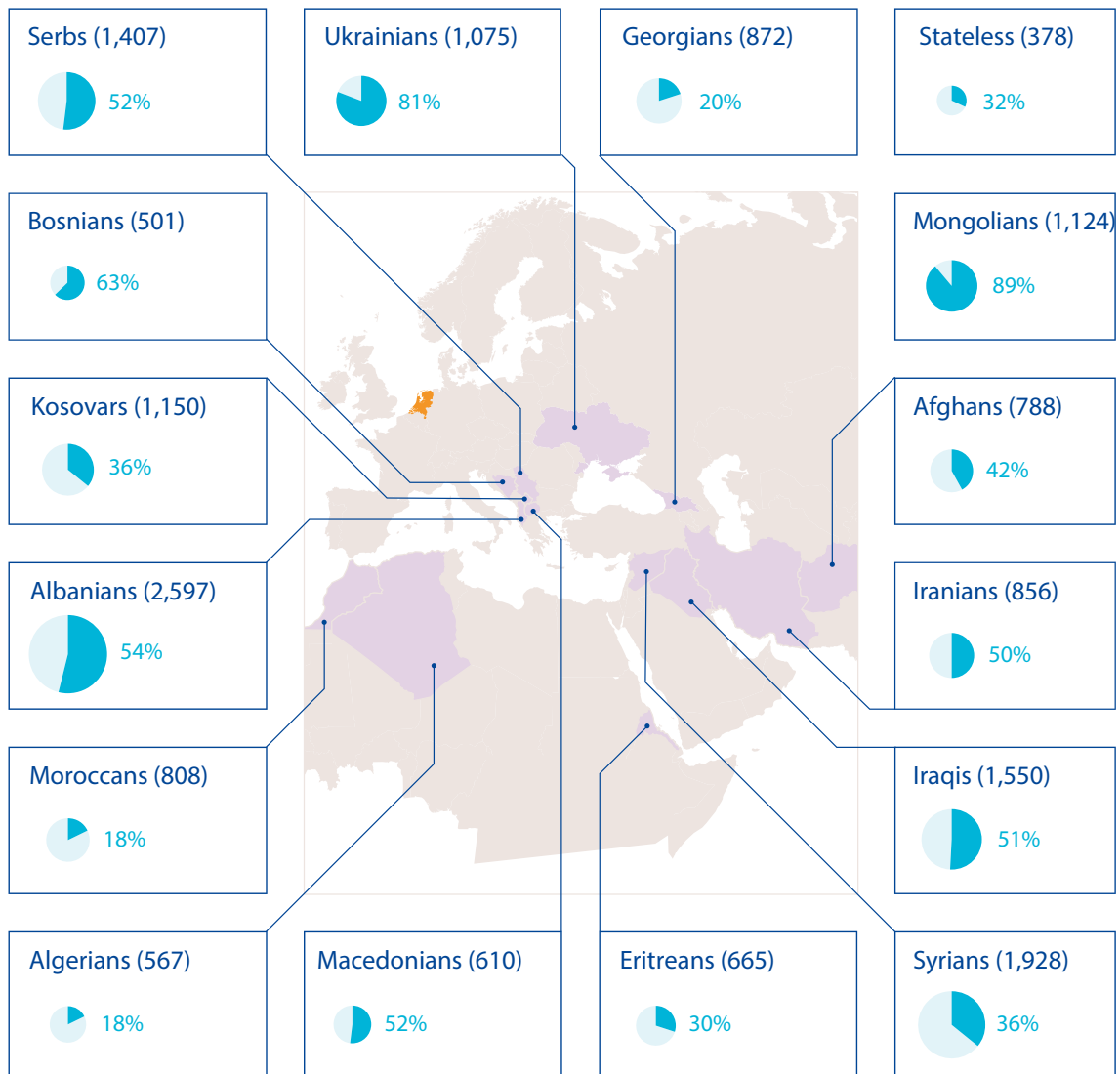


Figure 19 Failed asylum seekers who had exhausted all possible avenues of appeal and are recorded as having left the country (including the percentage known to have left), by nationality, 2014-2016

North Africa

The proportion of failed North African asylum seekers who are known to have left the country is particularly low. Only 18% of failed asylum seekers from both Morocco and Algeria are known to have left the country; this is the lowest proportion out of all the





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various nationalities. This means that 82% of these asylum seekers are not known to have left the country. In other words, the authorities do not know where they are. The Ministry of Security and Justice claimsⁱ that many of the Moroccans and Algerians who are known to have left the country went to other EU member states. A large number of these were the subject of a Dublin claim because they had already applied for asylum in another EU country.

One of the reasons for the very small proportion of Moroccans and Algerians who are known to have left the country is the thorny nature of the relationship between the Netherlands and their countries of origin. The Moroccan and Algerian governments were generally unwilling to assist with the forced repatriation of Moroccan and Algerian citizens whose asylum applications had been rejected in the Netherlands.⁴³ As far as Morocco and Algeria are concerned, this was often reflected by a reluctance to issue *laissez passers* for failed asylum seekers without any papers,⁴⁴ as was frequently the case with Moroccans and Algerians.

Whether or not failed asylum seekers in the Netherlands can be successfully repatriated to their country of origin depends to a certain extent on the 'return and readmission agreements' that the European Union and the Benelux countries try to sign with non-member states. In the case of Algeria and Morocco, no such agreement has been signed to date (Advisory Committee on Migration Affairs, 2015, pp. 10-60 and part C, pp. 59-84).⁴⁵ In order to find another way of improving the repatriation of undesirable aliens, the first Rutte government decided in 2011 to place Algeria and Morocco on a list of what were known as 'Cabinet countries'.⁴⁶ These countries spearheaded the government's 'strategic country-based approach' to migration, the thrust of which was that the Netherlands would try to induce partner countries, for example with the aid of development cooperation or trade deals, to show more willingness to accept their repatriated citizens (Ministry of Security and Justice, 2013). The Advisory Committee on Migration Affairs was highly critical in its evaluation of this policy in 2015: "Even where an assessment is made of the interests of repatriation as compared with other Dutch interests, the balance is generally tipped against repatriation" (Advisory Committee on Migration Affairs, 2015, p. 11).

One of the complicating factors is the fact that the countries of origin can adopt a similar strategy. For example, when the Minister of Social Affairs and Employment announced in 2015 that the Dutch government was planned to abrogate the social security treaty with Morocco, the Moroccan government immediately suspended all forms of assistance with forced repatriations. When the Dutch government subsequently scrapped its plans for revoking the treaty, the Moroccan government announced that it would be assisting once





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again with forced repatriations (Ministry of Social Affairs and Employment, 2015; Ministry of Foreign Affairs, 2015). The Advisory Committee on Migration Affairs claimed that Morocco used the issue of the repatriation of Moroccan citizens as a bargaining chip to squeeze concessions out of the Dutch government on other issues (Advisory Committee on Migration Affairs, 2015, p. 44).

In response to the Advisory Committee on Migration Affairs' evaluation report, the Dutch government acknowledged that the strategic country-based approach could have a counterproductive effect, particularly where issues with no bearing on migration were at stake (Ministry of Security and Justice, Ministry of Foreign Affairs & Ministry of Foreign Trade and Development Cooperation, 2015). The fact that very few failed Moroccan and Algerian asylum seekers can be shown to have left the country is a clear pointer to the lack of success of the 'strategic country-based approach', in any event in relation to Morocco and Algeria.

On 29 March 2018, the government presented its 'comprehensive migration agenda' to the House of Representatives. As we have already mentioned (in section 1.4), we were not able to include this document in our audit. In it, the government proposes adopting a comprehensive, broad-based approach in which its policy plans are distributed over six pillars, the details of which have yet to follow. One of these pillars is 'less illegality, more repatriation'. The idea here is for the government to adopt a more strategic approach, in which 'both positive (more for more) and negative (less for less) incentives are used to induce countries of origin to accept their citizens' (Ministry of Justice and Security, Ministry of Foreign Affairs, Ministry of Foreign Trade & Development Cooperation, Ministry of Social Affairs and Employment & Ministry of the Interior and Kingdom Relations, 2018).

Western Balkan

Albanians make up the largest group of failed asylum seekers from the Balkan. Our data indicates that 54% of failed Albanian asylum seekers are known to have left the country, whether by compulsion or voluntarily (under supervision). Other than is the case with Morocco and Algeria, the European Union has managed to sign a return and readmission agreement with Albania⁴⁷ and there is close cooperation between the Dutch and Albanian governments.

It is clear from our data that the majority of Albanians (61.8%) arrive with ID documents on them. Where this is not the case, it is fairly easy to obtain the documents in question from





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the Albanian authorities. In May 2016 and February 2017, the Netherlands organised special flights to Albania in order to deport failed Albanian asylum seekers who had exhausted all their rights of appeal (Advisory Committee on Migration Affairs, 2018, pp. 42-45).⁴⁸

The same applies to failed asylum seekers from *Serbia*, *Macedonia* and *Bosnia*, the majority of whom are known to have left the Netherlands. The respective figures are 52%, 52% and 63%. The Netherlands has entered into return and readmission agreements with these former Yugoslav republics, either through the European Union or through the Benelux. Serbia, for example, is generally prepared to issue replacement travel documents when asked to do so by the Netherlands (Advisory Committee on Migration Affairs, 2015, part C, p. 94). The only country among the former Yugoslav republics which differs significantly from the rest in terms of the percentage of failed asylum seekers who are known to have left the Netherlands is Kosovo, in relation to whose nationals the percentage is just 36%. It is not known why such a relatively small percentage of failed Kosovar asylum seekers are known to have left the country. The Benelux group of countries have now signed a return and readmission agreement with Kosovo which took effect in April 2014 (European Migration Network, 2014, p. 26).⁴⁹

Because the track 2 procedure (i.e. return to a safe country) works fairly well in connection with the majority of asylum seekers from the Western Balkan, the Immigration and Naturalisation Service decided in August 2016 to make a special exception for safe countries in the Western Balkan. This would exempt them from the basic rule that a Dublin procedure always takes precedence over a host country's own asylum procedure. In the case of asylum applications by nationals from the Balkan, the Immigration and Naturalisation Service now makes its own assessment for efficiency reasons.⁵⁰ The situation now is that, where asylum seekers from these particular countries are concerned, track 2, i.e. return to a safe country, takes precedence over track 1, i.e. a Dublin procedure.

Ukraine, Georgia and Mongolia

The Netherlands has signed an agreement with *Ukraine* on the repatriation of failed asylum seekers. Our data shows that 81% of failed Ukrainian asylum seekers are known to have left the country during the period between 2014 and 2016.

The same applies to *Mongolians*, the majority of whom left the Netherlands with support from the IOM. No fewer than 89% of failed Mongolian asylum seekers are known to have





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left the country. Although no return and readmission agreement has been signed with Mongolia, the Benelux is now in talks on an agreement with the Mongolian government.⁵¹

The situation is rather different with regard to asylum seekers from *Georgia* whose asylum application had been turned down. Although the Netherlands has signed a return and readmission agreement with Georgia, and although cooperation with Georgia on *laissez passers* is good (Advisory Committee on Migration Affairs, 2018, p. 45), our figures make clear that just 20% of failed asylum seekers from Georgia are actually known to have left the Netherlands. The majority of Georgians leave the country without any supervision, and the Advisory Committee on Migration Affairs reports that a particularly large number of them leave the country before the start of any repatriation procedure. In many cases, they do not return to Georgia, but travel on to another EU member state. This is demonstrated by the fact that the Dutch government received Dublin claims from other EU member states for half the number of Georgians who left the country ‘destination unknown’ (Advisory Committee on Migration Affairs, 2018, p. 124).

6.3 Conclusions

By tracking the progress of a cohort of asylum seekers over a period of time, we were able to gain a number of additional insights over and above the information contained in the regular reports submitted to the House of Representatives. The government is keen to ensure that failed asylum seekers who have exhausted all avenues of appeal not only leave the country, but can be shown to have done so. The annual report on asylum and immigration published by the Minister of Justice and Security quotes a percentage figure for aliens who are known to have left the country. However, this figure also includes non-asylum seekers, such as aliens who have committed crimes and aliens who were turned back at the Dutch border by the Border Police. Our analysis shows that, of the asylum seekers whose first applications were not granted, 46.5% are known to have left the country.

We also found there to be wide differences in the nationalities of asylum seekers, in terms of the percentages of those who are known to have left the country. This is due in part to the arrangements made by the Dutch government with the relevant countries of origin about the repatriation of their citizens (whether in the form of multilateral or bilateral arrangements). In view of the differences in the willingness of countries of origin to accept the repatriation of their citizens, and in asylum seekers’ reasons for applying for asylum, it might be worth supplying the House of Representatives with more precise information on the results of repatriation procedures in relation to specific countries





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7 Conclusions

Despite the fact that the Dutch asylum system has proved capable of withstanding the ups and downs of the refugee crisis, our audit nonetheless reveals a number of problems: a failure to comply with EU agreements, the influx of asylum seekers from safe countries, and problems with the departure of failed asylum seekers.

The asylum system proved resilient; but European cooperation has been under pressure

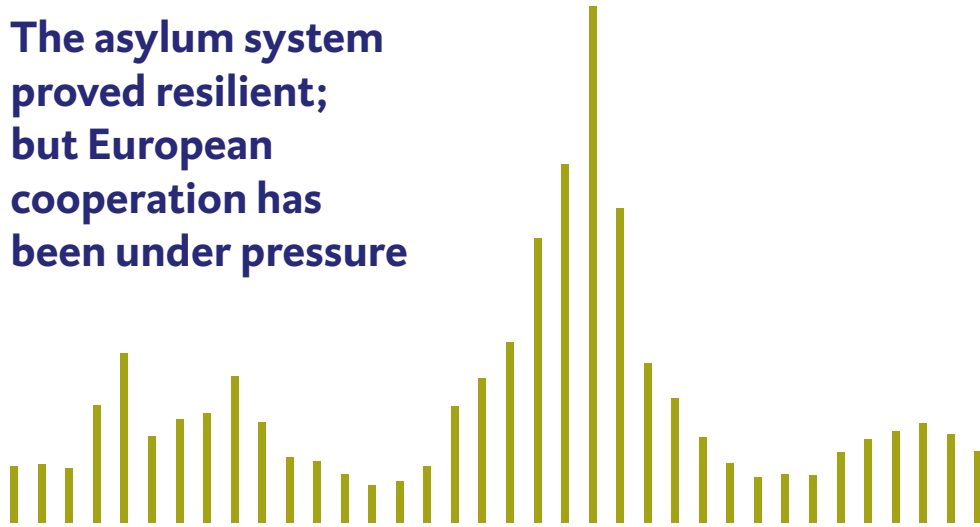


Figure 20 *The asylum system proved resilient, but European cooperation has been under pressure*

The asylum system has shown resilience in processing the influx of asylum seekers

- Between 2014 and 2016, a total of 82,958 people made a first asylum application in the Netherlands. The numbers peaked in October 2015. The Dutch government granted over half of these applications (57%).
- Between 2014 and 2016, the average duration of the procedure at the Immigration and Naturalisation Service (IND) increased in line with the increase in the number of applications. There was a sharp decline in the duration of the procedure once the inflow of asylum seekers peaked, at which point it fell back to a level lower than that before the peak.
- The State Secretary for Justice and Security took a range of measures to gain better control of the large influx of asylum seekers. These included speeding up the procedure for asylum seekers from safe countries, since when there has been a decline in the average duration of the procedure for this category of asylum seekers. However, we





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were not able to ascertain whether this decline has come as a result of the multi-track policy pursued by the ministry or of other factors.

- On average, asylum seekers whose applications had been granted spent longer in COA accommodation than those asylum seekers whose applications had been turned down. Among the reasons for this was the difficulty of finding accommodation for asylum seekers holding a residence permit.
- The Central Agency for the Reception of Asylum Seekers in particular had to invest large sums in staffing and accommodation facilities. The organisation has been downsizing since the influx of asylum seekers began to decline in 2016.

European cooperation on asylum seekers under pressure

- In order to prevent asylum seekers from going ‘asylum shopping’ in Europe, the EU member states have agreed (under the Dublin Convention) that asylum applications should be processed in the country where asylum seekers first enter the Union. The refugee crisis has shown that, for a variety of reasons, this policy is not effective.
- Between 2014 and 2016, there was an increase in the number of asylum seekers in the Netherlands who were subject to a ‘Dublin procedure’, in both absolute and relative terms.
- At 14.8%, however, the percentage of the Dutch Dublin claims that are put into effect by other countries is low – lower than was known to date.
- There are wide differences between individual member states in terms of the extent to which they put Dublin claims into effect. This is partly due to the willingness of countries to accept each other’s asylum seekers.

Large numbers of applications from asylum seekers from safe countries

- In the wake of the massive inflow of refugees from war zones, 13,789 asylum seekers from safe countries arrived in the Netherlands during the period between 2014 and 2016. This is 16.6% of the total influx of asylum seekers in the same period.
- Many of these asylum seekers had already been in other EU countries before arriving in the Netherlands. There was, however, very little prospect of their being granted asylum in the Netherlands: during the audit period, 98.4% of asylum applications by asylum seekers from safe countries were not granted.
- There was no steady flow of asylum seekers from safe countries to the Netherlands. The motives of these asylum seekers, and the routes they took, tended to vary.
- We were not able to ascertain whether the speeding up of procedures for this category of asylum seekers (i.e. the government’s multi-track policy) helped to reduce the inflow.





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Less than half the number of failed asylum seekers are known to have left the Netherlands

- By focusing exclusively on asylum seekers, and tracking the progress of a particular cohort over a given period of time, we were able to gain a number of additional insights over and above the information contained in the regular reports submitted to the House of Representatives on the repatriation and departure of failed asylum seekers.
- Our analysis shows that 46.5% of asylum seekers with no right of residence are known to have left the country in 2014-2016.
- There are wide differences in the nationalities of asylum seekers, in terms of the percentages known to have left the country. This is due in part to the arrangements made by the Dutch government with the countries in question about the repatriation of their citizens.





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8 Response of the State Secretary and Court of Audit afterword

The State Secretary for Justice and Security responded to our audit on 23 May 2018. The response follows below, together with our own afterword.

8.1 Response of the State Secretary for Justice and Security

“Asylum seekers from safe countries

The draft version of the audit report warns that a relatively large number of asylum applications are made by people from safe countries. The influx of asylum seekers from these countries is undesirable, since the examination of their asylum applications places an unnecessary burden on the asylum and immigration authorities. Moreover, if these asylum seekers also cause problems or commit criminal offences, their presence may undermine public support for the granting of asylum in general. An assertive government response is therefore called for.

During the course of 2016, the government took action to speed up the examination of these applications, to curtail the improper use of reception facilities and to remove the incentives for the people in question to come to the Netherlands. Measures were also taken to combat both the inconvenience caused by and the criminal activities perpetrated by asylum seekers from safe countries. These include intensifying the level of cooperation with the criminal justice system and local authorities. Despite the fact that we have taken these measures, however, this remains an area on which we must continue to focus our attention. For this reason, I am now looking at the possibility of taking further action targeted at this specific group of asylum seekers.

Although action has been taken in recent years to reduce the influx of asylum seekers from safe countries, both your own audit report and the report entitled *Op zoek naar veilige(r) landen* (‘Looking for safer safe countries’) published by the Advisory Committee on Migration Affairs make clear that this is easier said than done. The problem is that we are dealing with a disparate range of nationalities, motives and travel routes. Moreover, as the Advisory Committee on Migration Affairs also makes clear in its report, major efforts need to be made in the long term to deal with the ‘push factors’ affecting this particular group. For this reason, the government is proposing to adopt a more comprehensive approach to the migration issue. In conjunction with other ministries, the Ministry of Justice and Security is now looking at ways and means of improving cooperation with the countries of





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origin, in part with a view to reducing the level of undesirable migration. Where possible, we are also taking action together with our EU partners. I refer you in this connection to the letter of 29 March 2018 to the House of Representatives on the subject of the Comprehensive Migration Agenda.

However, even where asylum seekers from safe countries are concerned, the asylum and immigration authorities need to remain alert to individual circumstances. You point out in your report that the vast majority of applications made by asylum seekers from safe countries are turned down, viz. 98.4%. The fact that 227 asylum seekers from safe countries were nevertheless issued with a residence permit shows that the Immigration and Naturalisation Service is aware of the position of vulnerable population groups (such as LGBT+s) in certain safe countries. The fact is that, even where an asylum seeker is from a safe country, his or her asylum application is still treated as an individual case.

The draft report discusses the possible role played by the provision of financial support for prospective repatriates as a 'pull factor' encouraging asylum seekers from safe countries to head for the Netherlands. I will be informing the House of Representatives in the near future about the government's plans for reviewing the policy on repatriation allowances.

International cooperation (Dublin Regulation and repatriation)

Your comments both on European cooperation (the Dublin Regulation) and on the repatriation of aliens to their country of origin have a close bearing on the state of international cooperation on migration. I am able to report in response to your comments that the government believes that the best way of meeting these challenges is by strengthening cooperation, not only within the Kingdom of the Netherlands but also throughout Europe.

As far as repatriation is concerned, the Dutch government favours adopting a strategic approach, preferably in conjunction with our European partners. On the domestic front, government policy is geared to the country as a whole. We wish to create both positive and negative incentives to induce countries of origin to accept the repatriation of their citizens. These incentives may affect all sorts of different aspects of our bilateral relationship with the country in question, not just migration, but also (for example) development cooperation, capacity-building in relation to the police and border controls, visa policy, and so forth.





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With a view to improving European cooperation, there is a need to review the Dublin Regulation. This regulation makes clear which EU member state is responsible for examining an asylum application. In order to make the Dublin system more effective, the European Commission presented a proposal for reviewing the Dublin Regulation in May 2016. Apart from improving the effectiveness of the system, the new regulation is also intended to ensure that the asylum burden is shared more fairly among the member states. Although the Dutch government supports these aims, the EU member states have yet to reach political agreement on the proposal. Nor has agreement been reached between the member states (represented by the Council of the European Union) and the European Parliament. I wrote to the Dutch Senate on 9 April 2018 setting out the aims of the Dutch government in this respect.

The effects of the EU-Turkey Statement of 18 March 2016 clearly show that international cooperation can indeed be highly effective in regulating migratory flows. The active stance adopted by the Netherlands in shaping European cooperation on migration forms part of the resilience you refer to in your report.

Resilience

You state in your draft report that the asylum and immigration authorities demonstrated resilience in coping with the massive influx of asylum seekers, both in upsizing in order to cope with the rise in numbers, and in downsizing when the numbers of asylum seekers began to fall off once again. I regard your conclusion on this point as a tribute to all the staff of the asylum and immigration authorities who worked so hard to display this resilience. And the asylum and immigration authorities were not alone in this. They were able to show resilience thanks to the close cooperation with and dedication of their partners, i.e. local authorities, provincial councils and civil-society organisations such as the Red Cross, Nidos, the Dutch Refugee Council, and the Salvation Army. They were also helped by the countless offers of help from all reaches of society. In other words, your words of tribute apply to a much larger group than the organisations you audited for the purpose of this report, i.e. the asylum and immigration authorities.

The effects of the massive influx of asylum seekers between 2014 and 2016 are still being felt. A large number of asylum seekers who were members of the cohort you followed in your audit and who have been issued with residence permits have now applied for their family members to join them. The Immigration and Naturalisation Service has done its best, during the period up to the end of April 2018, to clear the backlog of family





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reunification requests. There are now just over 2,000 such requests waiting to be dealt with, compared with around 20,000 on 1 January 2017. The Immigration and Naturalisation Service is now trying to clear the backlog of appeal cases.

In order to be even more resilient in coping with fluctuations in the number of asylum seekers, and also so that asylum seekers can know more quickly where they stand, the asylum and immigration authorities are now working on a programme, based on the terms of the current government's coalition agreement, that will enable them to be even more flexible. The aim is to review and speed up the asylum procedure, to introduce a planning system to cover all those involved in the asylum system, and to create a number of 'shared alien facilities'. The government is also working hard together with organisations outside the immediate scope of the asylum and immigration authorities to cope with the effects of the massive inflow of asylum seekers. Citizenship courses and programmes for helping asylum seekers holding residence permits to enter the Dutch job market are in full swing. Statistics Netherlands regularly publishes cohort studies showing how much progress has been made in these areas."

8.2 Court of Audit afterword

We would like to thank the State Secretary for his detailed response.

Our aim in performing this audit is to build up a clear, fact-based picture of the asylum procedure as it is experienced in all its complexity. Our cohort study generates facts and figures that can be used to inform a broad-based public debate in which images often trigger ready conclusions. Against this background, we tracked all those asylum seekers who made a first asylum application during the period between 2014 and 2016, thus adding a new element to the existing pool of data. The cohort studies performed by Statistics Netherlands centre on the process following the granting of an asylum application. Our own cohort study goes beyond this, and also includes the process up to the point at which the Immigration and Naturalisation Service takes a decision on an asylum seeker's application, as well as the process after an application has been rejected, i.e. including repatriation or departure.

Other dimensions – including international dimensions – are also involved in the issue underlying the facts outlined in this report. Decision-making in this context revolves around more than just cold facts and figures. Every asylum seeker in our cohort has a unique story to tell. Nonetheless, we believe that using facts and figures to assess the effectiveness of government policy remains a relevant challenge.





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End notes

1. There are a number of trend breaks in the data. For example, the data for 2007 could not be broken down into first and repeat asylum applications. There is a similar problem with 2013, a year in which no distinction could be made between first asylum applications and family reunifications. In other words, the peak in the inflow in the mid-1990s also contains family members travelling later, unlike the peak in the inflow in 2015, which is made up exclusively of first asylum applications.ⁱ
2. The total number of asylum seekers given in Figure 1 is 90,000. This is the aggregate number of asylum applications including repeat applications (source: Statistics Netherlands). However, the cohort we used for our audit consists exclusively of first applicants.
3. When the third government under Prime Minister Mark Rutte took office on 26 October 2017, the Ministry of Security and Justice was renamed as the Ministry of Justice and Security.
4. Full name: Aliens Police, Identification and Human Trafficking Department (AVIM).
5. Officially known as the Royal Netherlands Military Constabulary.
6. The grounds for admission to the Netherlands are set out in section 29 of the Aliens Act.
7. The IND assesses all applications from aliens wishing to remain in the Netherlands or applying for Dutch nationality.
8. Asylum seekers are first given temporary residence permits. They can apply for a permanent residence permit after a period of five years has elapsed.
9. The Ministry of Justice and Security has drawn up a list of safe countries. In theory, asylum seekers from these countries are not entitled to asylum, although exceptions may be made for certain areas or in certain situations.
10. This is often the conclusion that is drawn after the asylum seeker's fingerprints have been entered in the European fingerprints database (EURODAC). A match in the database means that the person in question has already been registered in another EU country.
11. 'Not granting' an application is a more broad definition than 'rejection'. If the IND doesn't take in an asylum application, because of the Dublin agreement, we use the term 'not granting'.
12. DT&V handles the departure of both asylum seekers and other aliens.
13. There are various directives, regulations and laws covering accommodation and care facilities for asylum seekers. The EU-wide standards for the reception and care of





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asylum seekers in the EU member states are set out in the Reception Conditions Directive. The two most important pieces of Dutch domestic legislation are the Central Reception Organization for Asylum Seekers Act and the Asylum Seekers and Other Categories of Aliens (Provisions) Regulations 2005.

14. Situation on the reference date, i.e. 31 December 2016.
15. The calculation of average throughput times is based on the date on which the asylum procedure formally started and the date on which a decision was taken.
16. We were not able to reach any reliable conclusions on the basis of the audit data about the average throughput time after July 2016. This is because, at the time when we completed our audit, a large proportion of the asylum applications made after July 2016 were still being processed. This is clear from the percentages: at the end of 2016, the IND had reached a decision on 82.4% of the applications made in June 2016. Only 53.8% of the applications made in October 2016 had been processed by the end of 2016.
17. The figures do not include asylum applications on which a decision had yet to be taken, as (obviously) it was not possible to calculate the duration of the procedure.
18. Section 42 (preamble and b). Under paragraph 5, the time limit may be extended by a further three months, taking the maximum duration of the asylum procedure to 18 months.
19. Order of 9 February 2016, Government Gazette 2016, no. 7573; order of 11 January 2017, Government Gazette 2017, no. 5487. The IND subsequently dropped this extended time limit for asylum applications submitted on or after 1 February 2017.
20. The percentages for each year were as follows: 2014: 93%, 2015: 96%, 2016: 91% (Ministry of Security and Justice, 2016a, p. 100).
21. A report published by the Ministry of Security and Justice states that tracks 3 and 5 are not being used at the moment (Ministry of Security and Justice, 2017b).
22. Asylum applications being processed under the 'slow' procedure were still under review at that point, which meant that they were not included in the calculation of the average duration of the asylum procedure. This had the effect of distorting the results and lowering the average.
23. Under articles 5, 6 and 7 of the Asylum Seekers Regulations.
24. We based our calculation of the average length of time spent in COA accommodation on the date of the 'accommodation contract'. Where a single asylum seeker started and completed more than one accommodation contract, we added up the number of days applying to each contract.
25. Based on figures from the IND and the DT&V. In the case of the IND, the figures do not





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include spending on operational management. The DT&V figures include all forms of expenditure and not just spending on asylum policy.

26. See [http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:41997A0819\(01\)&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:41997A0819(01)&from=EN).
27. The Schengen area originally comprised the Netherlands, Belgium, Luxembourg, Germany and France. It was gradually extended and now consists of 22 EU member states plus Iceland, Norway, Switzerland and Liechtenstein.
28. See <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R0604&from=EN>.
29. In some cases, a suspicion that an asylum seeker has already been in another EU member state does not arise until a later stage. This is then the point at which the Dublin procedure is set in motion.
30. This is the number of 'outgoing claims'. A further 30 cases feature in the 'other outgoing claims' category.
31. This is the number of 'incoming claims'. A further 19 cases feature in the 'other incoming claims' category.
32. See <https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RBDHA:2015:7071>.
33. See the press release issued by the European Commission on 16 May 2017 (European Commission, 2017a).
34. See the press release issued by the European Commission on 7 December 2017 (European Commission, 2017b) and the judgment of the Court of Justice of the European Union of 6 September 2017 (Court of Justice, 2017).
35. See the press release issued by the European Commission on 7 December 2017 (European Commission, 2017b).
36. See <https://www.rijksoverheid.nl/onderwerpen/asylumbeleid/vraag-en-antwoord/lijst-van-veilige-landen-van-herkomst>. We based this audit on the list published on 27 April 2017 (Ministry of Security and Justice, 2017c). We should point out that the data we used related to nationalities rather than countries.
37. Mongolians were the biggest group of asylum seekers leaving the Netherlands in 2015 with the support of the IOM (Ministry of Security and Justice, 2016h, p. 43).
38. In 2016, 17% of the asylum seekers receiving financial support from the IOM were Albanian and 9% were Serbian (Ministry of Security and Justice, 2017b, p. 41).
39. The Advisory Committee on Migration Affairs did examine this aspect, undertaking three case studies of asylum seekers from three safe countries, i.e. Albania, Georgia and Morocco (Advisory Committee on Migration Affairs, 2018).





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40. This is the percentage adjusted to account for asylum seekers who are still in the departure procedure.
41. The 'input' in Figure 18 does not correspond with the 'output' in Figure 6. This is because we have not included in the input those asylum seekers on whose claims the IND reached a decision in December 2016. We did not do so because the decision in question might not yet have triggered a departure procedure. The total number of asylum applications involved is 1,436. Also, the input does not include asylum claims that the Repatriation and Departure Service decided to grant in the second instance (78) and 'other' claims (893) that the Repatriation and Departure Service said it was re-examining for other reasons (on medical grounds, for example).
42. One big drawback of annual reports is that they may include double counts, given that asylum procedures can easily last a number of years. However, there is also a drawback inherent to the method we chose to adopt, i.e. the figures for the final asylum applications in 2016 may well be unreliable, as we were only able to track these for a brief period. The figures have been slightly adjusted to take account of this possibility. We should also point out that we only looked at first asylum applications, and this may also have affected the outcome.
43. Although we do not have access to exact figures on this, a number of reports have been presented to the Dutch House of Representatives about the problems surrounding the repatriation of failed asylum seekers to Morocco (and Algeria). See, for example, House of Representatives, 2016; House of Representatives, 2017; Ministry of Security and Justice, 2016h. See also Advisory Committee on Migration Affairs, 2018, p. 9/45.
44. Ministry of Foreign Affairs, 2015; Advisory Committee on Migration Affairs, 2015, p. 40. See also part C of the latter report, p. 59.
45. See the website of the Repatriation and Departure Service for a list of countries with which a return and readmission agreement has been signed: <https://www.dienstterugkeerenvertrek.nl/Werkindeuitvoering/Reismogelijkheden/terug-en-overnameovereenkomst.aspx>.
46. The other countries involved, apart from Algeria and Morocco, were Afghanistan, China, Egypt, Ghana, India, Iraq and Somalia/Somaliland.
47. See the (mainly Dutch-language) website of the Repatriation and Departure Service: <https://www.dienstterugkeerenvertrek.nl/Landeninformatie/albanie/010Reisdocumenten/005TerugenOvernameverzoek/index.aspx>.
48. Our figures show that 150 Albanians underwent forced repatriation in the period between 2014 and 2016. This puts Albania at the top of the rankings in this respect. Iraqis account for the second largest number of forced repatriations, at 57.





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49. See also: <http://wetten.overheid.nl/BWBV0005360/2014-04-01> (scroll down for an English translation).
 50. Source: process description received from the Immigration and Naturalisation Service, with reference to an operating guideline issued in 2016.
 51. See Benelux Official Gazette, 2016, no. 2, p. 41.
 52. The figure relates to decisions taken by the Dutch Immigration and Naturalisation Service in response to first applications. This means that it does not include applications granted on appeal or after a repeat asylum application.
 53. When the third government under Prime Minister Mark Rutte took office on 26 October 2017, the Ministry of Justice and Security was renamed as the Ministry of Security and Justice.
- i Adapted as compared with the version of the report presented to the State Secretary for comment, based on a suggestion made by the State Secretary in relation to the facts.



Information

The Netherlands Court of Audit
Communications Department
P.O. Box 20015
2500 EA The Hague
The Netherlands

T: +31-70-342 44 00

E: voorlichting@rekenkamer.nl

I: www.rekenkamer.nl

Translation

Tony Parr Business Translation

Cover

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