

# The simplified asylum procedure

You are from a safe country of origin or you already have international protection in another Member State of the European Union

## **Why have you been handed this leaflet?**

You wish to apply for asylum in the Netherlands. Asylum means: protection for those people who can find no safety or protection in their own country.

When you apply for asylum, you are asking the Dutch government for a residence permit. You need this permit to be allowed to live and work in the Netherlands.

The asylum procedure starts after you have submitted your asylum application: a legal procedure during which the Dutch government will assess whether or not you will be granted a residence permit.

This leaflet explains the course of your asylum procedure. It also tells you what you are expected to do (your obligations) and what you may expect from the Dutch government (your rights).

## When will you be given a temporary asylum residence permit?

The Dutch Aliens Act outlines the conditions under which you can be granted an asylum residence permit. You will be eligible for a residence permit if:

- You have a well-founded fear of persecution in your country of origin because of your race, religion, nationality, political opinion or because you belong to a specific social group, or;
- You have well-founded reasons to fear the death penalty or execution, torture or another form of inhumane or humiliating treatment in your country of origin, or;
- You have well-founded reasons to fear becoming a victim of random violence from armed conflict in your country of origin, or;
- Your spouse, partner, father, mother or minor child has recently received an asylum residence permit in the Netherlands.

Because you come from a safe country of origin, or you already have international protection in another Member State of the European Union, the IND is likely to conclude that you do not meet these conditions. Your asylum application will therefore be processed in a simplified and accelerated procedure.

## List of safe countries

Albania, Algeria, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Hungary, Iceland, Ireland, India, Italy, Jamaica, Japan, Kosovo, Latvia, Liechtenstein, Lithuania, Luxemburg, Macedonia, Malta, Morocco, Monaco, Mongolia, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, San Marino, Senegal, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Togo, Trinidad en Tobago, Tunisia, Ukraine, United Kingdom, United States, Vatican City

*This list is subject to change; countries may be added or removed, depending on the security situation in a country.*

## Which organisations will you be dealing with?



COA Centraal Orgaan opvang asielzoekers

The **Central Agency for the Reception of Asylum Seekers (COA)** is responsible for the reception and guidance of the stay of asylum seekers in the Netherlands during the asylum procedure. The COA makes sure that you are provided with a place to stay, meals and the necessary healthcare. COA staff support you when you are making choices that have an impact on your future. The COA is an independent organisation and does not decide on your asylum application.



The **Dutch Council for Refugees** is an independent human rights organisation, whose aim is to stand up for the rights of asylum seekers. The Dutch Council for Refugees can provide you with further information on the asylum procedure and explain it to you. The Dutch Council for Refugees is also there in person to assist and support you as you pass through the asylum procedure; it can also help you if there are any problems with other organisations. The Council works in close cooperation with your lawyer. The Dutch Council for Refugees does not decide on your asylum application either.

### Raad voor Rechtsbijstand *legal aid*

The **Legal Aid Board** makes sure that you get the help of a lawyer if you cannot pay for one yourself. The Legal Aid Board pays your lawyer a fee for helping you. The lawyer is not employed by the Legal Aid Board. The lawyer is an independent legal assistance counsellor who is there to assist you during your asylum procedure, but who does not decide on your asylum application.



The **Aliens Police Department, Identification and People Trafficking** (abbreviated to AVIM) is part of the Dutch national police force, and is responsible for establishing and registering your identity. For this, they examine your luggage, carry out a search, ask for your personal details and papers, and take your photo and your fingerprints. The AVIM is also responsible for your safety.



Immigratie- en Naturalisatiedienst  
Ministerie van Veiligheid en Justitie

The **Immigration and Naturalisation Service (IND)** is part of the Dutch Ministry of Justice and Security. The staff members at IND will conduct interviews with you about your identity, nationality, your journey to the Netherlands and the reason why you left your own country. They will examine your personal story and the situation in your country of origin. They will then decide whether you can stay in the Netherlands, possibly on a temporary basis, or whether you must return to your own country.



There are **security guards** present in the IND buildings and at the reception centres of the COA. You can recognise them by their uniform. They are there for your safety. You can ask the security guards questions about what you may or may not do on the COA and IND premises and in their buildings. These security guards have no influence on the decision on your asylum application.



Dienst Terugkeer en Vertrek  
Ministerie van Veiligheid en Justitie

The **Repatriation and Departure Service (DT&V)** is part of the Dutch Ministry of Justice and Security. If the IND refuses your asylum application, a member of staff at DT&V can help you arrange repatriation to your country of origin. If you do not leave the Netherlands voluntarily, DT&V can proceed to compel you to depart.



The **International Organization for Migration (IOM)** is an independent organisation that supports migrants throughout the world. The IOM can help you if you want to leave the Netherlands on your own initiative. The IOM can give you information about returning to and reintegrating in your own country and will assist you in arranging your departure from the Netherlands. You can ask the Dutch Council for Refugees or your lawyer to help you with this.

## What are you expected to do?

During the procedure, you have to explain the reasons why you are applying for asylum. It is important that you provide detailed statements to substantiate the reasons why you need protection. You are also expected to let the IND see all the documents that support your statements. For example identity documents or letters.

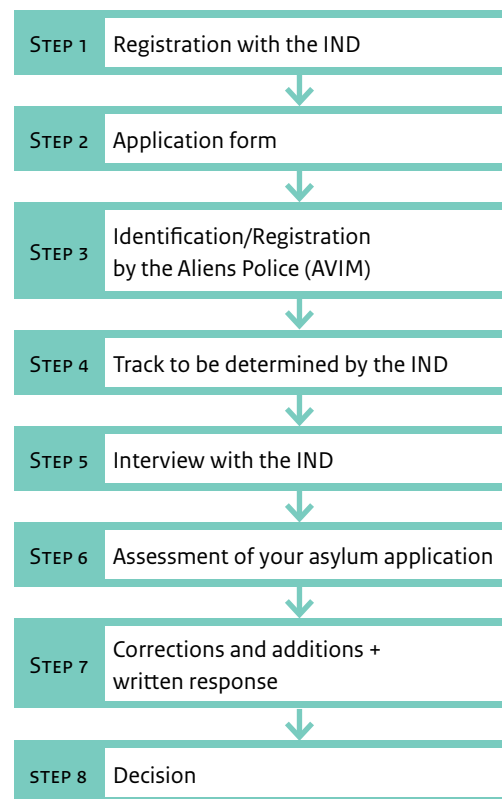
Are there any specific personal circumstances that the IND should take into account? If so, you can tell the Dutch Council for Refugees, or state this during your interview with the IND. The IND can then take these into account, for example during the interviews or at the reception centres of the COA. The IND will try to support you in the best way possible, taking your personal circumstances into account.

## Your asylum procedure step-by-step

The following information explains to you the course of the asylum procedure from day to day. As you originate from a country that, according to the Dutch government, is a safe country, the IND will deal with your asylum application in a simplified procedure.

During your asylum procedure, you may possibly stay at the same reception location as the one where you stayed during the preparation for the procedure. The interviews with the IND are held at the IND office.

The following information explains the course of the asylum procedure.



### **Step 1: Registration with the IND**

You have reported to the IND in Ter Apel. IND staff have registered you and you are now waiting to submit your asylum application.

### **Step 2: Application form**

You have completed an application form, including information about yourself. This helps the IND to assess your situation so that it can be taken into consideration during the asylum procedure. The data you filled in on the application form serve as a starting point for the IND for your further procedure.

### **Step 3: Identification/Registration by the Aliens Police (AVIM)**

You have also reported to the Aliens Police. They have identified and registered you and you have signed your asylum application with them, enabling the IND to process your application.

### **Step 4: Procedure determined by the IND**

Based on the information from steps 1, 2 and 3, the IND will determine in which asylum procedure your asylum application will be processed. During your asylum procedure, it may become evident that your asylum application has to be dealt with in another procedure, at which point, you will change procedures. You will then be given a new leaflet that explains the procedure to be taken. If you stay in the simplified procedure, a staff member of the Dutch Council for Refugees will explain the procedure to you. You will have a lawyer free of charge who will help you prepare for the interview with the IND and give you legal advice.

### **Step 5: Interview with the IND**

You will see an IND officer just the once and give information about your identity, nationality and your journey to the Netherlands. This is called an interview. If you are from a safe country of origin, during this interview, questions will also be asked about the reasons for your asylum application. If you wish, you can ask someone from the Dutch Council for Refugees to be present at this interview. If possible, someone from the Dutch Council for Refugees will then be present at this interview. If, on the other hand, you already have protection in another Member State of the European Union, no questions will be asked about the reasons for your asylum application. If you wish, you can ask for someone from the Dutch Council for Refugees to be present at this interview.

Prepare yourself for this interview as well as you possibly can. You will only be given the one opportunity to explain who you are fully and clearly. Always give your true details and not those of a false (travel) document. Also state if you have used an alias (= a different name) at any time. Your documents and your statements will in fact be checked to see if they are genuine. If the IND establishes that your statements are incorrect or that your documents are not genuine, this may have a negative effect on your asylum application.

It is important that you tell everything that shows that you need protection. Be clear, honest and exhaustive in telling what has happened to you and the reason why you cannot expect any

protection in your country of origin. If you cannot remember a particular event too clearly, tell the IND officer this. The IND officer is aware of the general situation in your country. It is important that you explain your own situation: why you, personally, need protection. Give as many relevant details as possible. If you have any scars, physical or mental complaints that have a connection with the reason why you are applying for asylum, then it is important that you tell the IND officer about them. The IND may decide to offer you a forensic medical examination. You could also have an examination of this kind carried out on your own initiative and at your own expense.

An interpreter will also be present during the interviews with the IND. The IND officer will ask the questions in Dutch. The interpreter will translate these questions into a language you understand. The interpreter will translate your answers into Dutch. The interpreter is independent and has no influence over the decision on your asylum application. Make it known right away if you and the interpreter cannot understand each other properly. The IND will then try to arrange a different interpreter. It is important that no misunderstandings arise because you have not understood the questions properly.

If you have submitted an asylum application together with your spouse or partner, you will each have a separate interview with an IND officer. If you have any children over the age of 15, they will have a separate interview as well. You will be given a copy of the report of your first interview through your lawyer, who was previously allocated to you.

### **Step 6: Assessment of your asylum application**

The IND will check your file and assess whether you fulfil the conditions for an asylum residence permit. The result of this assessment is decisive for the further course of your asylum procedure. There are two possibilities:

1. The IND needs more time to examine your application and cannot yet make a decision on your asylum application. The IND will further deal with your asylum application in the General Asylum Procedure. You will be given a different leaflet with further information about the General Asylum Procedure.
2. In the assessment of the IND, you do not comply with the conditions for an asylum residence permit. Through your lawyer, you will receive a letter from the IND (= intended decision, voornemen) which states that the IND intends to refuse your asylum application. This letter also states the reasons for this intended refusal and explains its consequences for you. Your lawyer will discuss this letter with you. The letter can also contain an entry ban.

An entry ban forbids you from entering or staying in the European Union for the time stated in the letter. Violation of this entry ban is a criminal offence. Only asylum seekers of full age are given an entry ban.

### Step 7: Corrections and additions + written response

If the IND intends to refuse your asylum application, you will discuss this intended decision with your lawyer. Your lawyer will already have made arrangements with you in this connection. Your lawyer can then send the IND a written response. This is a letter in which you give your response to the IND's intended decision. In the response, you can state the reasons why you disagree with the intended decision of the IND. Your lawyer will also discuss the report of the interview with you. An interpreter will also be on hand during this meeting to translate everything said by you and your lawyer. Your lawyer will send a letter to the IND notifying them if there is anything missing from the report or if something has been recorded incorrectly. You must make your response to the intended decision known and give your corrections and additions to the interview to the IND within two days.

### Step 8: Decision

After the IND has read your response, it will decide whether the intended decision needs to be amended. The result of this assessment is decisive for the further course of your asylum procedure. Through your lawyer, you will receive a letter in which the IND gives the result of this assessment. Your lawyer will explain the consequences of this to you. There are two possibilities:

1. The IND needs more time to examine your application and cannot yet make a decision on your asylum application. The IND will further deal with your asylum application in the General Asylum Procedure or the Extended Asylum Procedure. You will be given a different leaflet by the IND with further information about the General Asylum Procedure or the Extended Asylum Procedure.
2. The IND still considers that you do not fulfil the conditions for an asylum residence permit. Through your lawyer, you will receive a letter from the IND (= decision, *beschikking*) which states that your asylum application has been refused. This letter also includes separate information about the consequences of the refusal, the steps you can take, and the possibilities of return open to you. The decision also states the reasons for this refusal and explains its consequences for you. Your lawyer will discuss this decision with you. The decision can also impose an entry ban on you. If this is the case, you will be given separate information.

## After the asylum procedure

If the IND refuses your asylum application, you can discuss the possibility of appealing against this decision in a Dutch court with your lawyer. This means that you officially tell the court that you do not agree with the IND's decision. You can also ask the court whether you may stay in the Netherlands during the appeal procedure. Your lawyer will help you to do this. The court will then examine whether the IND has applied Dutch law correctly when deciding on your asylum application.

If you are from a safe country of origin and the IND rejects your asylum application, you are no longer entitled to reception facilities and you are given an entry ban. You have to leave the Netherlands immediately. The Repatriation and Departure Service (DT&V) can assist you. You will be taken to a location where your freedom will be restricted (VBL) or a family centre (GL). The GL is only for families with minor children. VBLs and GLs focus on return to your country of origin. Or you will be placed in detention pending deportation if the authorities can deport you. If you are not taken to a VBL, GL or in detention, you have to leave the Netherlands independently. If you are returning to a safe country of origin, you will usually not be given any financial help. Nor if you withdraw your asylum application.

You are personally responsible for the return to your country of origin. If you do not leave voluntarily, DT&V can force your departure/removal. If the IND has refused your asylum application, DT&V will give you a leaflet with information about returning to your country of origin. If you want to return to your country of origin voluntarily, you can contact the International Organization for Migration (IOM). The IOM can help you with practical information and assist your departure. You can consult the IOM at the reception centre of the COA. You could also turn to the staff members of the Dutch Council for Refugees or to a lawyer for questions about a possible return and support.

## Withdrawing your asylum application

You may withdraw your application at any time you wish. In that event, you are advised to contact a lawyer, the Dutch Council for Refugees or DT&V directly. If you withdraw your application with the IND, you are no longer allowed to stay in the Netherlands. And you are no longer entitled to accommodation and related facilities. And the government can impose an entry ban on you. After withdrawing your asylum application, you can apply for asylum once more even if an entry ban has been imposed on you.

A staff member of the Central Agency for the Reception of Asylum Seekers or the Dutch Council for Refugees can put you into contact with a supervisor departure of the DT&V or you can submit a special application form available on the website of the DT&V:  
<https://www.dienstterugkeerenvertrek.nl/VertrekitNederland/Eigenverantwoordelijkheidvreemdeling/Ikwilterugkeren/index.aspx>

The DT&V can help you arrange your departure from the Netherlands. You are free to choose whether you want to make use of this assistance or not. If you make use of this, a Departure Supervisor will help arrange your repatriation. The Departure Supervisor will ask you why you want to leave voluntarily, and will discuss the options for your departure from the Netherlands, such as plane tickets and travel documents. Furthermore, the Departure Supervisor will point out to you that it is possible to contact the Dutch Council for Refugees or a lawyer to further help you to decide if you really want to withdraw your asylum application.

If you have submitted an asylum application and you do not have any travel documents, you will be responsible for requesting (replacement) travel documents from the embassy or consulate. As long as your asylum application is ongoing, the DT&V cannot assist you with your request for (replacement) travel documents.

## Processing your personal data

Personal data is all kinds of information about you. The organisations that have cooperated in this leaflet are listed below. These organisations handle personal data during the processing of your application, notification or request. They ask you for your details and also ask other organisations or people for these, if necessary. These organisations use and store your details and pass them on to other organisations if that is required by law. The privacy legislation contains obligations for organisations that process your data. For example, they must handle your data safely and with due care. The privacy laws also set out your rights, for example:

- to consult the data held by organisations;
  - to know what the organisations do with your data and why;
  - to know to which organisations your data has been passed on.
- Do you want to know more about the processing of your personal data and your rights? Check the websites of the organisations. You can find the web addresses below.

## Frequently asked questions

### ***When is my asylum interview with the IND?***

After you have first registered, you have your interview with the IND within the next couple of days. You only have one interview with the IND. This is different for other asylum seekers. Because you are from a safe country of origin, or you already have international protection in another Member State of the European Union, your asylum application will be processed in a fast-track procedure.

### ***I come from a safe country of origin. Why can I tell my reasons for applying for asylum to the IND at an earlier date?***

Because you come from a safe country of origin, your interview will be brought forward. There is a real chance that you will not be given an asylum residence permit. In this way, more reception places remain available for asylum seekers who stand more chance of being granted asylum.

### ***I would prefer to explain the reasons for my asylum application to a woman. Is that possible?***

In the Netherlands, you cannot refuse contact with men or women in daily life. Men and women are treated equally in Dutch society. We expect this of you, too. However, if you prefer to talk with a female or a male IND officer about the reasons why you are applying for asylum, you can indicate this on the application form. You can also tell a staff member of the Dutch Council for Refugees. The IND will then try to arrange for a female or a male IND officer and interpreter to be present at the interview.

### ***What must I do if I am ill?***

If you are ill, tell the IND officer or a staff member of the Dutch Council of Refugees. This is especially important if you have or suspect that you have an infectious disease, such as: TB, scabies or hepatitis B. Please also tell the IND officer or a member of staff of the Dutch Council for Refugees if you are pregnant. Everything you tell the nurse will be treated confidentially. The nurse will never pass on information about your health to other people without your consent. If you fall ill during the asylum procedure, you must tell someone from the COA, the IND or the Dutch Council for Refugees. They can help you to get the right kind of (medical) care. If you are ill on the day you are due to have an interview with the IND or with your lawyer, ask someone from the COA to pass this information on to your lawyer or the IND.

### ***I want to voluntarily return to my country of origin***

If you want to return to your country of origin on your own initiative, you can contact the International Organization for Migration (IOM). The IOM can help you with practical information and assist your departure. You can make an appointment by contacting them at their office near you: 088 746 44 66 or via [www.iom-nederland.nl](http://www.iom-nederland.nl). You can also contact the DT&V for information. You can also apply to the Dutch Council for Refugees for information and support after the asylum procedure. Do you come from a safe country of origin and are you returning voluntarily? In most cases, you will not be given any financial help to help you return. Nor if you withdraw your asylum application.

### ***I want to go back to my country of origin. How do I get my passport back?***

If you want to have your travel and/or identity documents returned to you, because you want to go back to your own country, for instance, you have to tell DT&V this and they will ask the IND to return your documents. The IND will then send your documents to DT&V. The documents will only be returned to you on your actual departure. Only those travel and identity documents will be returned to you that have been found to be genuine.

### ***What happens with asylum seekers who cause a nuisance?***

The Dutch government expects good behaviour from you and every other foreign national. Are you causing a nuisance in or near the reception centres during or after your asylum procedure? Be aware that immediate steps can be taken. These can include: the imposition of an area ban or being placed in immigration detention. A court can also impose a prison sentence.

**Do you still have any questions on the procedure after reading this leaflet?**

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

**Do you have a complaint?**

All the organisations that are involved in the asylum procedure work professionally and carefully. If you feel that you have not been treated properly by one of the organisations, you may file a complaint. Your lawyer or a staff member of the Dutch Council for Refugees can help you with this.

**This publication is a joint production of:**

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The Immigration and Naturalisation Service | [www.ind.nl](http://www.ind.nl)  
The Legal Aid Board | [www.rvr.org](http://www.rvr.org)  
The Dutch Council for Refugees | [www.vluchtelingenwerk.nl](http://www.vluchtelingenwerk.nl)

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