

Which country is responsible for your asylum application?

The Dublin procedure

Why have you been handed this leaflet?

You have applied for asylum in the Netherlands. It appears from the investigation made by the Vreemdelingenpolitie (Aliens Police) (Aliens Police Department, Identification and People Trafficking, abbreviated to AVIM) and/or the Royal Netherlands Military Constabulary, however, that another country might be responsible for dealing with your asylum application.

There can be various reasons for this. For example:

- You have submitted documents to the Aliens Police or the Royal Netherlands Military Constabulary which show that you went to another European country first before you came to the Netherlands or that you have a visa for another European country. This may mean that that country is responsible for dealing with your asylum application.
- The Aliens Police or the Royal Netherlands Military Constabulary has taken your fingerprints and checked whether they appear in Eurodac or EUVIS. Eurodac and EUVIS are computer systems that contain all the fingerprints of those persons who have applied for asylum or a visa in a European country. In this way, it's possible to check whether you have applied for a visa or for asylum in another European country. In consequence, that country may be responsible for dealing with your asylum application.

The IND now has to investigate whether another country is indeed responsible for dealing with your application for asylum. As a result, your asylum procedure will take a different course from the one described in the leaflets called "Before your asylum procedure begins" and "Your application for asylum". This leaflet explains those differences to you.

The Dublin interview

You will have an official interview with an IND officer about your identity, nationality and your journey to the Netherlands. The officer will tell you the results of the examination of your documents and fingerprints and also ask you a number of questions about these. These questions will not be about the reasons why you left your country of origin. In this interview you can say why you think the Netherlands should deal with your application for asylum and make known any objections you may have to being transferred to another country.

An interpreter will be present at the IND interview. The IND officer will ask the questions in Dutch. The interpreter will translate these questions into a language you understand. The interpreter will then translate your answers into Dutch. The interpreter is independent and has no influence over the decision about your asylum application. Make it known right away if you and the interpreter can't understand each other properly. The IND will then arrange a different interpreter. It is important that no misunderstandings arise because you haven't understood the questions properly.

After this interview the IND will assess whether another country is responsible for dealing with your asylum application. The result of this assessment is decisive for the further course of your asylum procedure. There are two possible outcomes:

1. The IND considers that the Netherlands is responsible for dealing with your application for asylum. Your asylum procedure will then proceed as described in the leaflet called "Your application for asylum".
2. The IND considers that another country is responsible for dealing with your application for asylum. The IND will then ask this other country to take over the process of dealing with your asylum application. You can read below how, in that event, your Dublin procedure will now continue in the Netherlands.

Intended decision

You will receive a letter from the IND (through your lawyer) which states that the IND does not intend (= is not planning) to deal with your asylum application. This means that the IND will not deal with the substance of your asylum application but another country will have to do this instead. This letter will also state the reasons for this intended refusal and explains its consequences for you.

Discussion of interview and viewpoint

Your lawyer will discuss the report of the interview and the intended decision 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 something has been recorded incorrectly.

Your lawyer can also send a written viewpoint to the IND. This is a letter in which you give your official response to the IND's intended decision and in which you state the reasons why you disagree with it.

The IND's decision

After the IND has read your reaction to its intended decision, it will decide whether this intended decision needs to be amended. The result of this assessment is decisive for the further course of your asylum procedure. There are two possibilities:

1. The IND still considers that another country is responsible for dealing with your asylum application, and this other country is prepared to take over the matter of dealing with your asylum application from the Netherlands.
You will receive a letter (= decision, *beschikking*) from the IND (through your lawyer) which states that your asylum application is not going to be dealt with in the Netherlands. You will also be given separate information with this letter, informing you about the consequences of this refusal, what steps you can take and what the possibilities for return are open to you. This decision also states the reasons for this refusal and explains its consequences for you. Your lawyer will discuss this decision with you.
2. After reading your viewpoint, the IND considers that the Netherlands is responsible for dealing with your asylum application after all. The IND will start to deal with your asylum application in the General Asylum Procedure. You will then be given a different leaflet with further information about the General Asylum Procedure.

After the Dublin decision

If another country is responsible for dealing with your asylum application, then the IND will ask that other country to take over the process of dealing with your asylum application. This is called a 'referral or return request'. If this country complies with that request, the IND will then ask the Repatriation and Departure Service to arrange your journey to that country; this means that you will be taken to that country. This will be arranged for you within six months after that country has agreed to the referral or return request. You can discuss with your lawyer whether you wish to appeal against the IND's decision to transfer your asylum application to another country. Appeal means that you officially tell the court that you do not agree with the IND's decision. It is not possible, in principle, to stay in the Netherlands while waiting for the court's decision, but 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 and the Dublin Regulation correctly when deciding on your asylum application.

Which organisations will you be dealing with?



COA Centraal Orgaan opvang asielzoekers

The **Centraal Orgaan opvang asielzoekers** (Central Agency for the Reception of Asylum Seekers, COA) is responsible for the accommodation and guidance of asylum seekers in the Netherlands. The COA makes sure that you are provided with a roof above your head, meals and healthcare insurance. The COA can also assist you if you need help to contact a doctor. The COA is an independent organisation and does not decide on your asylum application.



GezondheidsZorg Asielzoekers (GZA) (Healthcare for Asylum Seekers) is the healthcare organisation that can help you if you are ill or if you have any questions concerning your health. There is a GZA in or near every COA reception centre. It can arrange an appointment with a doctor's assistant, nurse, mental healthcare practice nurse or a doctor. They have a 24-hour helpline, the *Praktijklijn*, which you can call if you have any medical questions: 088 112 21 12. You can also call this number for other medical questions from Monday to Friday, for example if you need a referral to a specialist.



VluchtelingenWerk Nederland (Dutch Council for Refugees) is an independent human rights organisation, whose aim is to protect the rights of asylum seekers. The Dutch Council for Refugees can give you information and explain the asylum procedure to you, and is there in person to inform and support you as you pass through the asylum procedure; it can also help you if there are any problems with other organisations. It works in close cooperation with your lawyer. The Dutch Council for Refugees takes no part in the decision about your asylum application.

Raad voor Rechtsbijstand *legal aid*

The **Raad voor Rechtsbijstand** (Legal Aid Board) makes sure that you get the help of a lawyer if you can't pay for one yourself. The lawyer is an independent legal assistance counsellor who is there to assist you during your asylum procedure and is not employed by the Legal Aid Board. The lawyer will receive payment from the Legal Aid Board for helping you.



Immigratie- en Naturalisatiedienst
Ministerie van Veiligheid en Justitie

The **Immigratie- en Naturalisatiedienst** (Immigration and Naturalisation Service, IND) is part of the Dutch Ministry of Security and Justice. The members of staff at IND will conduct interviews with you about your identity, nationality, your journey to the Netherlands and the reasons why you left your own country. They will consider your personal story and the situation in your country of origin. They will then decide whether you can stay in the Netherlands - sometimes for a temporary period - or whether you must return to your own country.



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



Dienst Terugkeer en Vertrek
Ministerie van Veiligheid en Justitie

The **Dienst Terugkeer en Vertrek** (Repatriation and Departure Service, DT&V) is part of the Dutch Ministry of Justice and Security. If your asylum application is refused by the IND, a member of DT&V's staff will help you arrange repatriation to your country of origin.



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

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.

FAQ

Where will I be staying during the Dublin procedure?

After you have passed through the procedure at the application centre, you will be staying at an asylum seekers' centre. If, later on, the IND decides to deal with the substance of your application, you will be transferred to a Process Reception Location (POL) after which you will follow the General Asylum Procedure.

Do you still have any questions after reading this leaflet?

You can put these questions to your lawyer or one of the members of staff 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, but you can put in a complaint if you feel that you haven't been treated properly by one of the organisations. Your lawyer or someone from the Dutch Council for Refugees can help you with this.

This publication is a joint production of:

The Central Agency for the Reception of Asylum Seekers | www.coa.nl
The Repatriation and Departure Service | www.dienstterugkeerenvertrek.nl
The Immigration and Naturalisation Service | www.ind.nl
The Legal Aid Board | www.rvr.org
The Dutch Council for Refugees | www.vluchtelingenwerk.nl

Commissioned by:

The Directorate for Migration Policy of the Ministry of Justice and Security
www.rijksoverheid.nl

No rights may be derived from the contents of this publication. If the translation leads to differences in interpretation, the Dutch version takes precedence.