



Evaluation of changes to the asylum procedure *Executive summary*

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Management summary

1. Introduction

In this study, we evaluate three amendments to the asylum procedure enacted in June 2021. These are:

- 1) The merging of the registration interview and initial interview;¹
- 2) Formalization of the registration interview and the inquiry into the reason(s) for requesting asylum during the registration interview;
- 3) The possibility to prolong the General Asylum Procedure (AA) by three days beforehand to the General Asylum Procedure Plus (AA+).

This evaluation is executed by the Research and Analysis Unit of the Immigration and Naturalization Service (IND) and is commissioned by the at the time acting director-general Migration.

The intended purpose of the three changes was to increase the effectiveness and flexibility of the asylum system. Merging the registration interview and initial interview is thought to result in efficiency gains, because it would free up the capacity that was previously used for the initial interview. The inquiry into the reason(s) for requesting asylum is intended to contribute to a more efficient planning of the asylum procedure and to the preparation for the detailed interview by the IND employee. Based on the information retrieved in the inquiry, asylum cases that are expected to be complex and require additional time can be identified early. Complex cases can then be handled in the AA+ procedure, so that a decision can be made within the framework of the AA with a limited amount of extra time.

The aim of the implementation of the AA+ was to prevent a case from going into the Extended Asylum Procedure (VA). If fewer cases are handled in the VA, this will have a positive effect on the IND's workload. In addition, this has a positive effect both on the processing times and from a humane perspective, because applicants do not have to wait longer than necessary for a decision on their application and will gain clarity faster about when this decision will be made.

Research questions

The main research question of this evaluation is: *How does the execution of the changes in the asylum procedure unfold for the IND and the cooperating organizations, do the changes have the intended effects and do employees of the IND and cooperation organizations see any points of improvement?*

This research is focused on the perspective of both the IND as well as the cooperating organizations (Central Agency for the Reception of Asylum Seekers, COA; the Dutch Council for Refugees, VWN; Council for Legal Aid, RvR; The Netherlands Bar, NOvA and Nidos – child protection for refugees). Through the perspective of these organizations, we also reflect on the consequences for the applicants, as to be mindful of the human dimension.

Methods

In this evaluation, we use the following methods:

- Desk research: We started with a review of policy reports, news articles and legislation relevant to the changes in the asylum procedure.

¹ The registration interview is conducted in the registration phase. The registration phase is followed by the rest and preparation time (RVT), after which the AA starts. Previously the AA started with the initial interview. In both the registration interview and the initial interview, questions were asked about identity, nationality and travel route. This created a duplication in the process. To eliminate duplication, the registration interview and the initial interview were merged. Therefore, the initial interview has been deleted.

- **Data analysis:** An analysis of registration data of the IND was carried out. For this purpose, a selection of 'Track 4'² cases was made that entered the system between April 1st of 2020 and October 1st of 2022 and completed the registration phase.³
- **Interviews:** We conducted individual interviews as well as group interviews with different units and locations of the IND and the aforementioned cooperating organizations.

Context

During the research period many applications for asylum were submitted, while there was a considerable shortage of places at reception centers. Meanwhile, the IND and the cooperating organizations have been dealing with large backlogs and insufficient capacity to handle the current influx of asylum seekers. Applicants have often had to wait for a long time for their registration interview and for the start of their asylum procedure. The outcome of this evaluation should be considered in light of these developments.

2. Implementation and execution of the changes

2.1 Preconditions for implementation and execution

Before the changes were implemented, an ex ante-evaluation⁴ was carried out setting out the preconditions for the implementation. Interviews in the current study with professionals of the IND and cooperating organizations show that most of the preconditions for implementation have been met. Stakeholders also mention a number of additional preconditions. An overview of the preconditions and the extent to which these are met for each policy change is given in the table below.

Preconditions for implementation of the changes		
Integration of registration interview and initial interview		
1	Communication with the RvR about extending the meeting with the lawyer during the rest and preparation period (RVT).	✓
2	The preparation with the lawyer takes place immediately before the start of the General Asylum Procedure, to ensure the applicant still remembers the information at the beginning of their procedure.	✓
3	High quality of the registration interview.	✓/X
4	Early supply of documents for the purpose of document examination by the Identity and Document Investigation Unit (BDoc).	X
5	Early supply of necessary information for the investigation into the origin of the applicant (HIS-check) to the Regional Information Center (RIC) (previously by means of the registration form).	X
Formalization of the registration interview and inquiry into the reason(s) for requesting asylum in the registration interview		
6	Good implementation of the registration process: a. There is sufficient capacity to process applications in timely manner. b. Applicants are sufficiently informed about the asylum process before the start of the procedure.	X ✓/X
7	The inquiry into the reason(s) for requesting asylum during the registration interview is kept succinct and to the point.	✓
8	Good training and supervision of employees, and room for them to keep their knowledge up-to-date.	✓/X
Possibility to prolong to the AA+		

2 The channelling policy was introduced in 2016, in which asylum cases are divided in tracks immediately upon registration. Every track contains its own procedure. Track 4 is the General Asylum Procedure, in which all asylum applications that cannot be processed in another track are processed. Unaccompanied minors are always treated substantively, so that all nationalities automatically fall into track 4.

3 For some figures, we made a selection based on cases that have been discharged during the entire research period (24,155) or cases that have been discharged after the implementation of the changes or are still being processed (18,452 and 16,124 respectively; 34,576 combined).

4 Source: IND (March 2020). *Rapport EAUT aanpassingen asielpprocedure*.

9	The AA+ procedure should not become the standard, but rather an exception to the standard General Asylum Procedure (AA).	✓
10	Selection of cases for the AA+ by the supervisory group (regietafel) is executed well.	✓/X
11	Teams responsible for decentralized planning are informed early about the type of procedure (AA or AA+) selected.	✓

2.2 Experiences of professionals with the merging of the initial and registration interviews and the formalization of the registration interview

Professionals are glad that the initial interview has been dropped, as this prevents double work and thus saves capacity. The inquiry into the reason(s) for requesting asylum is well executed. IND employees also recognise the benefits of early identification of possibly complex cases and of the ability to anticipate on them early on.

The interviews with professionals show a number of additional issues:

- The abolition of the initial interview is sometimes felt as the loss of a back-up for the registration interview. This is particularly the case in relation to aspects of the procedure that already presented an issue before the changes, i.e. document examination, the HIS-check⁵ of origin and language indications (taalindicatie) for unaccompanied minors.
- Due to the formalization of the registration phase, there is less flexibility at the beginning of the procedure. When the IND is confronted with a peak in asylum applications filed on a daily basis, it is no longer possible to increase the processing speed in the registration phase by conducting more and shorter registration interviews, because questions can no longer be moved from the registration interview to the initial interview. Although it is possible to resort to the detailed interview, this is not desirable as this would leave less time for the asylum statement, resulting in a greater chance that the case will have to be decided on in the VA. Some flexibility in time has been built into the formalized registration phase because the timing of the registration hearing is not fixed. However, if there are a large number of applications per day, this puts heavy pressure on Ter Apel and Budel, because these are the only locations where the registration interviews can be held.
- There is no medical check to determine if the applicant is able to conduct an interview prior to the registration interview. Lawyers and VWN believe that this check should be performed now that questions about the reason(s) for requesting asylum have been added. The IND does not think the medical check prior to the registration interview is necessary.
- Lawyers and VWN criticize the absence of legal counseling in the registration phase. The IND does not agree with this criticism. This debate was already existed prior to the changes, but has become more relevant now that an interview with legal counseling (the initial interview) has been abolished, while its content has been moved over time to an interview without legal counseling (the registration interview). The shift of the content was already in practice before the implementation of the change, but with the formalization of the registration interview this practice is official, and also the inquiry of the reason(s) for requesting asylum has been added.

2.3 Application of the AA+

The AA+ has not been applied in many cases during the research period. Of all cases that have been completed (or are still under review) after implementation of the changes, 0.6% are handled in the AA+. The majority of cases handled in the AA+ cases are assigned to this procedure because of the expected complexity of the case. Less frequently, cases are assigned to the AA+ because procedural guarantees are needed.

2.4 Experiences of professionals with the AA+

Professionals of the IND and cooperating organizations see potential in the AA+, but notice that the procedure is rarely applied. They appoint two reasons for the limited application of the AA+. Firstly, the selection criteria used by the supervisory group for the AA+ are stricter than intended under the policy.

⁵ The HIS check consists of a number of questions about the place of birth and/or place of residence of the applicant. On the basis of the HIS check it can be stated whether it is plausible whether the person actually comes from the area where he/she claims to come from. The HIS check is standard for foreign nationals without valid documents and for applicants from certain nationalities.

Secondly, the supervisory group has had insufficient capacity throughout the research period to discuss all cases. In addition, the professionals indicate the following issues:

- Medical advice is only given after the decisions about the procedure (AA/AA+) has been made, so the AA+ is rarely applied for medical reasons. Before implementation, procedural agreements with the Directorate Asylum and Protection of the IND had been made that the planning department would check cases four weeks before the start of the AA to see whether medical advice had been included and whether this would give cause to change the AA to the AA+. However, the planning departments we interviewed have not indicated that they use this method.
- A specific problem for AC Schiphol is that given the short processing time of the border procedure, the AA+ is more difficult to plan there than at the other locations. It is also difficult for them to schedule hearings at weekends.
- Lawyers indicate that the communication by the IND with lawyers about the chosen procedure could be improved. They often found out a case was assigned to the AA+ on the day before the start of the procedure (day -1), which made it difficult for them to plan two subsequent days for interviews on such short notice.
- The moment at which the decision for the AA(+) is made, is not optimal according to some IND professionals, because there can be a lot of time between the decision and the actual start of the AA(+). Therefore, the circumstances can change in the meantime.

3. The human dimension

Professionals of the IND, VWN, Nidos and lawyers mention both positive and negative consequences of the policy changes for the applicant.⁶

3.1 Positive consequences for the applicant

The following positive consequences are mentioned:

- Dropping the first interview means less burden is put on the applicant;
- According to the professionals, the questions about the reason(s) for requesting asylum are not burdensome for the applicant. Applicants appreciate that they are given the opportunity to explain why they apply for asylum.
- The information about the reason(s) for requesting asylum can be applied to plan extra time for potentially complex cases.
- The AA+ can provide a shorter procedure with a clear ending point, as long as transfer to the VA can be prevented;
- The AA+ offers applicants more time to tell their story and makes it possible to take breaks during the interviews when desirable.

3.1 Negative consequences for the applicant

The following negative consequences are mentioned:

- By dropping the first interview, of which many questions were moved to the registration interview already before the changes in the procedure were made, a larger part of the procedure is conducted without legal aid. Lawyers consider this to be problematic, but the IND does not share this concern. According to the Procedures Directive, free legal assistance is only mandatory in the appeal phase.
- VWN indicates that currently not all applicants receive information about the registration interview from VWN prior to the registration interview. According to VWN, it is important that this does happen. It should be noted that the IND provides information prior to the interview, and applicants receive folders with information about the registration interview upon arrival in Ter Apel.
- Lawyers indicate that without legal aid in the registration interview, applicants are more prone to give an incorrect testimony of their reason(s) for requesting asylum, for example because they misunderstood the question. The IND indicates that a lawyer is given the opportunity to submit corrections and additions.

⁶ Because we did not interview applicants for this study, we base our findings on the perspective of professionals who are in close contact with applicants (IND, VWN, Nidos, lawyers). Professionals indicated what they perceive to be the perspective of applicants, which makes these findings subjective; we were not able to confirm with applicant if this is really what they experienced.

- According to lawyers and VVN it may happen that applicants with a medical condition (for example persons with psychological problems or an intellectual disability) are exposed to a registration interview that they are unable to cope with because a full medical examination has not yet taken place. The IND indicates that the applicant is in contact with the police (AVIM) and border control (KMar), COA, VVN and a healthcare agency for asylum seekers (GZA)⁷ before the interview, who can also identify any vulnerabilities. Moreover, the IND official who conducts the registration interview must also always be alert to any vulnerabilities. However, these are not medical professionals who specifically check for this, and there is also a dependency relationship.
- With the implementation of the changes the registration interview is introduced for children. Nidos finds it even more worrisome for minors, especially unaccompanied minors, that they do not receive a full medical check and legal assistance and that they are subjected to an interview shortly after arrival.
- Employees of VVN wonder whether it might be unsatisfactory for applicants that they are only given a short period of time to explain their reason(s) for requesting asylum in the registration interview and suggest that a closed-ended question might prevent this feeling. However, IND employees indicate that this is not the case in their experience.

4. Effectiveness of the policy changes

4.1 Effectiveness of combining the registration and initial interview

Combining the registration and initial interview resulted in a considerable gain in capacity for the IND. Conducting the initial interview takes 2 hours of an IND employee's and an interpreter's time at a total price of 380 euros per case.⁸ However, those involved indicate that they do not yet notice capacity is gained by this change due to the high workload.

4.2 Effectiveness of the inquiry into the reason(s) for requesting asylum in the registration interview

IND employees indicate that they think the reasons for requesting asylum offer a relevant starting point for efficient processing of asylum procedures. However, this opportunity was only scarcely taken advantage of during the research period: only few cases were channeled into the AA+ and the reasons for requesting asylum were not yet applied for a targeted approach.

4.3 Effectiveness of the AA+

Employees of the IND as well as cooperating organizations endorse the objectives of the AA+ and see potential in this change. However, due to the limited application of this procedure the objectives have not been achieved to their full extent.

Registration data shows that most AA+ cases are still in the rest and preparation period (RVT). If we exclude these pending cases, we see that one third of the remaining cases have already been settled in the AA+ and two thirds have been transferred to the VA. The AA+ was thus unable to prevent prolongations in most cases. The primary reason (excluding 'other') for prolongations was the need for additional interview time and additional research. This applies to both former AA and former AA+ cases. Hence, the extra time for interviews and research offered in the AA+ has still proven insufficient for part of the cases. It should be noted, however, that the AA+ has been applied very limitedly, namely for the most complex cases, for which the likelihood of extension is larger.

4.4 Quality of the asylum procedure

Professionals consider the fact the duplication is removed from the interviews by dropping the initial interview as an improvement of the quality of the asylum procedure. However, without the initial interview

⁷ GZA sees the applicants prior to the registration interview and performs a TB screening. This screening is mainly intended to see whether someone can be placed in the reception center of the COA.

⁸ These costs only include the personnel costs for the direction A&B (e.g. including the costs for employees of the planning department); other costs (e.g. the costs of accommodation and ICT resources) are not included. The costs for the interpreter include his/her travel costs.

there is less time to complete missing parts of the registration interview. This time pressure does not benefit the quality of the detailed interview.

Because the content of the registration interview is no longer verified and complemented in the initial interview, it has become even more important that the quality of the registration interview is adequate. Lawyers and IND employees mention that during the research period the quality was not always on point for various reasons. According to the (albeit non-representative) IND quality check around 90 percent of the studied registration interviews were conducted correctly.⁹ There are no obvious differences between the quality before and after implementation of the amendments.

Interview officers indicate that they have a better starting point for the detailed interviews due to the information about the reasons for requesting asylum that is retrieved in the registration interview, which benefits the quality of the detailed interview. However, during the research period there was not much time for preparation, so this possibility was not taken advantage of so much.

Finally, all professionals thought the AA+ provides opportunities to improve quality. Especially the additional day that is provided for the detailed interview benefits the quality of the procedure. Furthermore, according to professionals, the supervisory group could add to the quality of the procedure by checking if files are complete before the start of the AA or AA+. Currently, interviewers indicate that this does not happen often.

5. Conclusion and recommendations

5.1 Implementation and recommendations

All professionals consulted for this study are positive about the abolishment of the initial interview, because it removed a duplication from the procedure. However, at times of high influx of applications, the initial interview is missed as back-up for the registration interview. It is therefore crucial that the registration interview is conducted correctly. The inquiry into the reasons for requesting asylum is going well. This information has, however, not yet been used much to channel applications into the General Asylum Procedure (AA+). Professionals do expect that the AA+ can benefit the IND process as well as the applicant.

Our recommendations are:

- ➔ **Deploy as IND interventions to prevent obstacles concerning the analysis of documents, the investigation into the origin of applicants (HIS-check) and, specifically for minors, the language indication.**
- ➔ **Ensure as IND that employees are less cautious to apply the AA+ procedure.**

5.2 Effectiveness

By combining the registration and initial interview the IND has gained capacity. Not conducting the first interview, saves the IND 380 euros.¹⁰ However, professionals do not perceive this yet due to the persistently high workload. According to professionals, removing the time between the initial and detailed interview did lead to a several more VA cases for cases where parts of the registration interview were missing.

With the *formalization of the registration phase* the possibility to move questions from the registration interview to the initial interview was removed and, thus, also the possibility to relieve the pressure from the registration centers in Ter Apel and Budel in times of a high asylum influx. There is some flexibility in the timing of the registration interview, as it has not been determined when the interview has to take

⁹ The sample of checked hearing reports is not big enough to be representative.

¹⁰ These costs only include the personnel costs for the direction A&B (e.g. including the costs for employees of the planning department); other costs (e.g. the costs of accommodation and ICT resources) are not included. The costs for the interpreter include his/her travel costs.

place. The *inquiry into the reasons for requesting asylum* in the application interview has not been fully taken advantage of to improve the planning of procedures, although professionals think it would provide a good starting point to do so.

the fact that the information about the reasons for requesting asylum has not been used optimally, is manifested in the very limited number of applications of the AA+. Most AA+ are still in the rest and preparation phase (RVT). Of the cases that are closed, the largest share has been handled in the VA. For most AA+ cases it remains unclear why they were still sent to the VA despite the changes.

Our recommendations are:

- ➔ **Improve the functioning of the supervisory group by ensuring enough capacity and priority at the IND, COA and AVIM and stimulate further improvement of the supervisory group.**
- ➔ **Investigate as IND by means of a case file analysis why AA+ cases are still sent to the VA, in order to gain more insight into the type of cases for which the AA+ can offer a solution.**

5.2 Conclusion

The studied changes were implemented in a hectic period with high influx of asylum applications and significant shortages of capacity within the IND and cooperation organizations. Due (in part) to this context, these changes have not always achieved the objectives they were set out to. Professionals who were interviewed for this study still see potential in these changes; none of them thought the changes should be reversed. It is therefore important to further improve the interventions, ensure the preconditions are met and continue to monitor if these interventions contribute to a more efficient asylum procedure.

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