



State of Performance

3

June 2024

Dear reader,
Deciding on applications from people seeking protection or (temporary) residence in the Netherlands for study, work or family is the primary task of the IND. Despite the complexity that arises during the execution of our duties and limits in our organisational capacity, we have nevertheless managed to exceed performance levels. We must continue this in the coming years as everyone benefits from a quicker processing of applications. You will read how we intend to do this and the subsequent requirements in this third edition of the State of Performance (*in Dutch: Stand van de Uitvoering*).

The themes in this State of Performance are not new: The number of applications still remains higher than that for which the IND is equipped to process, and the complexity of the work continues to increase. These developments contribute to the long wait time for applicants.

Meanwhile, the IND has, once again, succeeded in processing more applications each year by working smarter and more efficiently. We will continue to do so, particularly in light of major external developments which too will impact our work. The European Migration Pact that was recently adopted has resulted in a system-wide change with significant consequences for our operations. At the time of publication, the four coalition parties have yet to expand upon the proposed migration policies in their Outline Agreement. Therefore, while we realise the consequences for our organisation can be profound, it is nevertheless too soon to elaborate upon at this time.

For the IND to sustain its performance in a responsible and composed fashion, ample time and opportunity are required to implement the envisioned changes. Straightforward and unambiguous national policy frameworks are also necessary for the IND to fulfil its mandate and, most importantly, sustainable and predictable financing to ensure the continuity of our work.

We shall have to make a greater effort to work smarter and more efficiently. It is our responsibility to simplify our own processes, but we also need support from other parties who also contribute to the viability of our work. For example, support for less complex policies and feasible legislation and regulations are key, as well as resources to implement a future-proof IT-infrastructure. In addition, we need support of a clear policy framework in order to mitigate the impact of jurisprudence on our daily operations which currently adds to

the parameters of complexity within which we can issue decisions on individual applications.

The realisation of the plans in the coalition's Outline Agreement will ideally prioritize viable and feasible policy. The relevance of implementing agencies such as the IND is acknowledged, but more is needed to fulfil our mandate and at the same time take on the changes implicated by both the Outline Agreement as well as the EU Migration Pact. Naturally finance remains an important precondition, but new, implementable legislation and regulations and enough time to introduce policy adjustments step-by-step are just as important. Consequently, it is crucial for the IND to be involved in the development of policy, legislation and practice from the start.

The IND and the work of the IND will change. Our aim is to give shape to those changes in a deliberated manner, aware of our mandate and responsibility: correct and timely decisions on who is allowed to stay in the Netherlands and who is not, and providing the applicants with reliable information on the status of their applications. That is the purpose of our work and the ambition that belies the improvements we have initiated as well as those we intend to pursue in the future.



Rhodia Maas
DG IND

High number of applications and increasing backlog



In 2023 the number of applications remained high and the IND was under continuous pressure to perform. The number of first time applications for work, family reunification/creation, students and naturalisation requests was 140,210. The number of first asylum

applications ended at approximately 38,000 in 2023.

Both the applications for legal migration and the asylum applications are expected to rise in 2024. For the total number of applications see the [IND Annual Figures 2023](#).

Our dedicated staff members processed a significant number of applications last year. The IND proved able to do more and exceed the projected productivity based on the structure of the organisation. But that is not enough to provide everyone with a timely decision. There remains a large discrepancy between the number of applications and the number we are able to process resulting in a backlog and too many applicants wait too long for a decision on their application.

It is hard to predict when the measures proposed in the Outline Agreement will be enforced. That is why, in addition to intensified effort, capacity and innovation in the work process to reduce waiting times, we will continue to make substantial efforts to ensure the provision of accurate information so that applicants know where they stand.



Scan or click on the QR-code to read more about how we 'do more with less' (only available in Dutch).



New planning system gives applicant more control

Invitations to interview appointments sometimes arrive too late or at the wrong location. As a result, one in five applicants currently do not show up for their hearing. To make it easier for applicants to keep their appointments, and at the same time reduce the high number of cancellations, the IND is developing an Online Appointment Planner (OAP).

The name says it all: applicants can schedule their own appointment online. This gives them more control and we no longer have to send invitations. "With the OAP we provide applicants more control over their procedure," says Joël Schoneveld, project manager for accelerating asylum processing.

The system is currently being tested. 'The applicants who already participated in the trial responded positively. They indicate they have more control over their schedule.' The same applies to the first test results: These applicants all showed up to their appointments. The introduction of the OAP is expected this summer.

Consequences of the Penalty Payments Act



The constant delays incurred in the work of the IND give rise to the number of legal proceedings.* The existing Penalty Payments (Failure to Give Timely Decisions) Act (*in Dutch: Wet dwangsom*) intends to ensure that an administrative body adheres to statutory

decision time limits. But this Act mainly has a disruptive effect on the IND. This does not serve the IND nor our applicants. Processing penalty payment proceedings requires valuable time and capacity thereby hampering opportunities for the IND to forge a structural solution. Therefore the IND would prefer penalty payments cannot be imposed in asylum cases.

On 30th November 2022, the Council of State (*in Dutch: Raad van State*) ruled that under European law, judicial penalty payments cannot be abolished. However, this does not apply to administrative penalty payments. The draft bill 'Reform of the rules on untimely decisions in foreign national cases Act' (*in Dutch: 'Wet herziening regels niet tijdig beslissen in vreemdelingen-zaken'*), that was submitted to the House of Representatives (*in Dutch: Tweede Kamer*) on 3 March 2021 contains a proposal for abolishing administrative penalty payments in cases of foreign nationals. A legislative proposal to abolish only the administrative penalty payment but maintain the judicial penalty payment provides a partial solution, but does not go far enough. The core issue for the IND remains the disruptive effect of those proceedings on the capacity of the IND. That is

why the IND would like to see that all penalty payments in this context are abolished. At minimum, the IND would like to see the penalty payments reduced to minimize the financial consequences. This is a political decision. The coalition parties have stated their intention to abolish or limit penalty payments in the Outline Agreement.

Meanwhile, parliament has enacted the bill 'Extension of the Decision Period in Asylum and Family Reunification Cases' (*in Dutch: 'Verlenging van de beslistermijn in asiel- en nareiszaken'*), thereby extending decision periods in asylum and family reunification cases. Against the backdrop of the large number of applications, this will provide some relief though the extension for family reunification will only apply for a period of 3 years. In various proceedings at the Council of State, the legality of the current extension is under review.

* In 2023 the IND paid 11.3 million euros in penalty payments for notices of default and cases of reliance on decisions not taken in a timely manner. In total we received 28,670 notices of default in 2023 versus 19,830 a year earlier. The expectation for 2024 is that these numbers and this sum will be many times higher (up to 1 April 2024: 7,870 notices of default).



Scan or click on the QR-code how the IND enlists datamining to expedite processes (*only available in Dutch*).

What are we doing now, and in the coming years



We constantly aim to improve. In doing so we have one goal in mind: issuing correct and timely decisions on who is allowed to stay in the Netherlands and who is not. By seizing opportunities in the whole organisation to work smarter and more efficiently, renew

support systems, improve internal management and, where necessary, also recruit new staff, we expect to be able to process more applications by 2026. Unless effects of the Outline Agreement materialize earlier, we expect to need two to four years for our measures to show tangible results.

The changes, improvements and increase of capacity require stability and time to further improve the IND. We know what we have to do. Meanwhile the IND also remains dependent on national and European development, such as the EU Migration Pact and partnerships with other countries. Effects which will become visible in the longer term.

We have the ambition to decide on applications in a timely manner by 2028. To this end, we are working on a Multi-year Implementation Plan that will result in a substantial rise in productivity. We are doing this by:



Scan or click on the QR-code to see what the IND does to improve the application process for regular migrants and their families (only available in Dutch).

1. Reducing complexity. Processing an application increasingly takes more time. Court judgments, complex legislation and regulations, and internal processes have contributed to an increased [complexity of our work](#). This may not be unique to the IND, but the processes within the IND can be simplified. We are reviewing our own processes. Meanwhile, to counteract the complexity in the implementation of legislation and regulations, it is desirable, where possible, to formulate national policy frameworks to limit far-reaching impact of jurisprudence. Examples of this could be a framework based on Article 8 of the ECHR and repeated asylum applications.

2. Working smarter. We aim to process more applications by working smarter, more efficiently, based on a more realistic planning. The further development of an information-based/risk-based approach could also result in greater efficiency. Technological innovations can equally contribute to a more efficient work process as will our ambition to place the applicant at the centre of our application procedures and services.

3. Attracting more personnel. Where necessary, we will recruit more personnel. This in itself will not eliminate the backlog of applications. Even in the absence of new applications, we still have enough work for quite some time in processing the outstanding applications. A substantial growth in personnel, however, is not realistic in view of the scarcity on the labour market, while training new staff members is also subject to limitations.

Recognised sponsor takes a central place in the provision of information

We are working on a digital environment for recognised sponsors, such as employers and educational institutions. In this environment they can easily find all information related to recognition or residence. And they only need to enter their details once. That is the ultimate aim of the regular division Study, Knowledge, Talent and Exchange that is improving the provision of its services step-by-step.

Very necessary, we find, as these recognised and other sponsors currently have to repeatedly provide details. Recognised sponsors now also receive different letters at different times. This results in many questions and therefore many telephone calls and emails to the IND.

If recognised sponsors take a more central place, the provision of services can be streamlined. This way we improve, for example, the processing of applications based on the experiences of the recognised sponsors themselves. In addition, we are working on a system in which all those party to an application examine the same current data and in which we reuse the data. 'The purpose of all of this is to create a process that, supported by information provision, delivers maximum value for all parties involved, but also makes the work of the IND easier and more efficient', according to Roelof Triemstra, Director of Services.

What we need from others



We must reverse the trend where our work is growing more complicated and labour intensive. The simplification of existing policy and advanced impact assessments of new policy are key to achieve considerable improvement. This requires clear regulation

and policy instead of unclear compromises that increase complexity and the pressure on our work. We require the awareness of politicians and policymakers. We are largely dependent on amendments of EU- and other legislation and regulations. Experience shows that international coordination requires time and diligence, so too will simplifying procedures.



Sustainable and predictable financing is a precondition for the optimal functioning of the IND. This is required to allow the IND to develop multi-year planning and production agreements and will increase the predictability and regularity of our work.

This is crucial for our internal operations. Meanwhile it is even more important the IND also acts as an important link in the migration chain in view of, for example, the reception of asylum seekers, housing of asylum permit holders and the return of rejected asylum seekers. The IND budget will fluctuate sharply in the next few years. For instance, in 2027 the budget will decrease by almost €3 00 million with respect to 2025. In view of the substantial task and mandate, this decrease would have a disastrous impact on the IND and the migration domain. Rather, a structural increase of the IND budget of € 300 million from 2027 is needed. Finally, clear multi-year agreements enable the IND to invest seriously in increasing productivity to, among other things, further process optimisation and digital innovations. [The Netherlands Court of Auditors](#) also recently confirmed an annual trend where more budget was needed than allotted to the IND.

End

Financial stability and time will allow the IND to make long-term improvements in its performance over the next few years. For instance, we will be able to make a genuine difference by processing applications in a more timely manner, so that applicants will not have to wait as long for a decision. We are nevertheless referring to the longer term, unless the measures in the Outline Agreement have the intended effect earlier.

To be able to mitigate the migration challenges for the Netherlands in the next few years, we also need support from politicians and policymakers. It is essential that the practical implementation will be the point of departure in creating and developing new policies. This way we will be able to perform our work better and more efficiently and we will be able to focus on our core tasks.

Conclusion

The present situation in which the IND conducts its work is undesirable and requires structural improvements that enable smarter and more efficient working. Building time and installing financial stability are required.

At present we are working within our means and sphere of influence to innovate and improve internal processes in order to shorten processing times. At the same time we are working on providing applicants reliable information on the progress of their applications. Due to the increasing wait times this is not always good news, but it does provide clarity. Applicants like to know that they have not been forgotten and where they stand.



Scan or click on the QR-code to see how interviews on location contributes to speedy processes (only available in Dutch).

In order to achieve this, besides political choices and assistance from policy departments, sufficient time and investments are also required to successfully implement new policies and practices. Considering the ambition and potential of the IND, when the above preconditions are met it should be possible to process more applications in a correct and timely manner.