



WHAT YOU NEED TO KNOW ABOUT THE ASYLUM & MIGRATION MANAGEMENT REGULATION

Type B
**THIRD COUNTRY NATIONALS FOUND ILLEGALLY
STAYING IN AN EU+ COUNTRY**



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WHY ARE YOU RECEIVING THIS BROCHURE?

You have been found to be staying in this country without permission, for this reason your fingerprints and photograph were taken, this information was transmitted to the Eurodac database and it was found that you had either:

- Previously made an application for international protection (also known as asylum) in another EU+ country.
- Been relocated to an EU+ country other than the one you are currently present in.
- Been resettled under a European or national resettlement or humanitarian admission scheme to another EU+ country other than the one you are currently present in.

As it has been found that you may be required to be present in another EU+ country you have been placed into a procedure to determine which EU+ country you should be transferred to.

You will find all the necessary information in this brochure.

You are now in the Netherlands, which is an EU+ country.

The EU+ countries are:



the 27 Member States of the European Union (EU): Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Republic of Ireland, Romania, Slovakia, Slovenia, Spain, Sweden and



4 other countries: Iceland, Liechtenstein, Norway, Switzerland.

▶ WHAT IS THE ASYLUM AND MIGRATION MANAGEMENT REGULATION?



The EU+ countries have agreed upon a common law called the Asylum and Migration Management Regulation (AMMR). This law helps to decide which country is responsible for examining an application for international protection. It also provides rules for situations whereby a person who was relocated or resettled to an EU+ country but is found to be staying without permission in another EU+ country.

If you have previously made an application for international protection you are guaranteed that one of the EU+ countries will examine your application but you cannot choose which EU+ country will be responsible. The country that examines your application will be decided by the rules of the AMMR law.

If there is anything in this brochure that you do not understand, you can ask an immigration officer.



At this time, the EU+ countries are only deciding which of them is responsible for examining your application or if you are required to be present in another EU+ country

If it is decided that another EU+ country is responsible for examining your application, or you are required to be present in another EU+ country, you will likely be transferred to that country.

➤ YOUR RIGHTS WHILE YOU REMAIN IN THE AMMR PROCEDURE



You also have the right to request an update on the procedure to decide which EU+ country will examine your application. If you would like to request an update, you can contact the authorities by calling the AMbV department of the IND: 088 043 16 64.



You have the right to contact and communicate with the United Nations Refugee Agency (UNHCR) in any step of the asylum procedure .

UNHCR protects the interests and rights of asylum seekers and refugees.

UNHCR contact details and information on the asylum procedure can be found on the UNHCR webpage: <https://help.unhcr.org/>.

➤ WHERE SHOULD YOU STAY WHILE YOU REMAIN IN THE AMMR PROCEDURE



- You are obliged to stay in this country for the time being.
- If the authorities decide that another EU+ country is required to examine your application, the authorities will arrange your travel to that country.

➤ WHAT IS EXPECTED OF YOU IN THIS PROCEDURE?

You must:

- ✔ Present all ID documents you have to prove your identity.
If you had an ID document but you no longer have it with you, you should still inform the authorities that you were provided one in the past by the government in your country.
- ✔ Let the authorities know of any time you have travelled to another EU+ country.
- ✔ Inform the authorities if you have stayed in an EU+ country without permission.
- ✔ Inform the authorities about any close family you have in this country or another EU+ country.
- ⚠ **IMPORTANT!** You are obliged by law to give your fingerprints and have your photograph taken.

➤ WHY ARE YOU OBLIGED TO GIVE YOUR FINGERPRINTS AND PHOTOGRAPH?



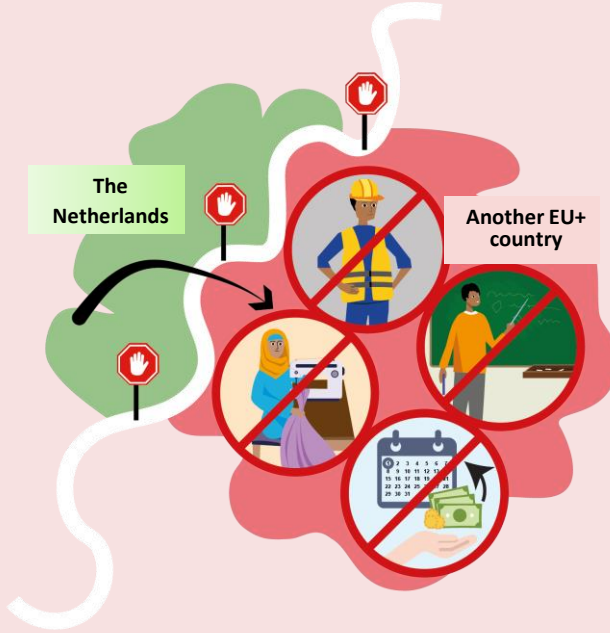
The authorities in this country will take your fingerprints and photograph. This data, together with information on your identity and other relevant information, will be transmitted to a shared European database called Eurodac.

This database is used by all 31 EU+ countries who can process your data to retrieve your information. If you move to another EU+ country without permission and your fingerprints are taken again, all of your data that is stored in Eurodac will be seen by the authorities of that country.

More information on the Eurodac database is provided in a separate brochure.



➤ WHAT ARE THE CONSEQUENCES IF YOU DO NOT MEET YOUR OBLIGATIONS?



If you travel to another EU+ country without permission or apply for international protection in a different EU+ country, it is likely you will be returned to the EU+ country that is responsible for examining your application.

If you are present in an EU+ country other than the one where you are required to be present, your freedom may be restricted and you may receive less support.

➤ WHAT DOES DETENTION MEAN?

Detention means that you are placed in a specific facility that you cannot leave freely. The authorities must have a valid reason to detain you. They must be sure that no other option is possible in your case. The authorities will evaluate your personal situation before making a decision. The reasons for detention can be, for example:



- you did not respect the obligation to stay in a specific place, or there is a risk you run away again and the authorities cannot reach you
- You receive or have received a decision to be transferred to the EU + country responsible for examining your asylum application and there is a risk you run away before the transfer
- you pose a security risk.

If you are detained, a judge will review the decision within two weeks, to decide whether the decision was made correctly. You can ask for legal assistance and representation free of charge.

! **IMPORTANT!** If you travel to another EU+ country without permission, it will increase the risk that you will be detained in the future.



HOW WILL I KNOW IF I WILL BE TRANSFERRED TO ANOTHER EU+ COUNTRY?

If it is confirmed that you are required to be present in another EU+ country, you will be provided with a **transfer decision** stating which EU+ country you will be transferred to.

If you are required to be present in another EU+, the authorities might not carry out a personal interview with you.

If you believe you should not be transferred to the other EU+ country, you or your lawyer must send a letter about this. Send this letter to Team AMMR via www.ind.nl/en/send-documents. Explain in the letter why you believe you should not be transferred to the other EU+ country.

Do this as soon as possible. The IND will continue its investigation. If a different country is responsible, the IND will also make the decision.

▶ HOW LONG WILL THE PROCESS TAKE?



The communication between the countries usually takes up to **1 month**.



If another EU+ country confirms they will examine your application, you will be transferred **within 6 months** of the date they accepted the request to transfer you.



If you are currently **detained or are detained in the future**, your case will be **treated with urgency**. Your transfer should be organised within **5 weeks**. If the transfer is not carried out within 5 weeks, you will be released from detention. However, your transfer will still be arranged **within 6 months** from the date the EU+ country is responsible for examining your application accepted the request.

If you are in prison for committing a crime, the time limit for the transfer can be **increased to a maximum of 1 year**.



! **IMPORTANT!** If you run away, hide from or do not cooperate with the authorities in the organisation of the transfer, **the time limit for the transfer can be increased up to a maximum of 3 years**.

▶ WHAT HAPPENS IF YOU DISAGREE WITH THE TRANSFER DECISION?



If it is decided that another EU+ country is responsible for examining your application, you will receive a **transfer decision**. This decision will inform you which country you will be transferred to.

If you disagree with a transfer decision, you can provide your reasons to the court. This is called lodging an appeal. When you appeal a decision, a court or tribunal will make the final decision.

There are only three reasons for appealing a transfer decision:

- you claim it would be against your human rights to be transferred to that particular EU+ country
- there is new information that was not available at the time of the transfer decision which could have affected that decision
- you have family in another EU+ country who you should be reunited with instead.

If you cannot afford to hire your own legal adviser, a legal adviser will be provided to help you with the appeal free of charge.

You will be supported by an interpreter who speaks a language you can understand throughout this process.





WHAT YOU NEED TO KNOW ABOUT THE APPEAL WHEN SUSPENSIVE EFFECT AND SUBSTANTIVE APPEALS ARE COMBINED

The time limit, where and how to lodge an appeal will be explained in the transfer decision provided to you.

You should give the reason or reasons why you disagree with the decision to transfer you to another EU+ country.

You should also give the reason or reasons why you should not be transferred to the EU+ country that is responsible for examining your application while your appeal is ongoing..

The court will first decide whether you may wait for the outcome of the appeal in this country whilst your appeal is ongoing within **1 month**. This is known as the appeal on suspensive effect.

If the court decides that you cannot wait for the outcome of the appeal in this country, you will be transferred to the EU+ country that is responsible for examining your application whilst your appeal is ongoing.

If the court decides that you should be allowed to remain in this country whilst your appeal is ongoing, the court will try to provide a final decision on whether you should be transferred to the EU+ country that is responsible for examining your application within 1 month of the date of the decision on suspensive effect.

If your appeal is not accepted, you will be transferred to the EU+ country that is responsible for examining your application. The transfer should take place within 6 months of the date that the court made its final decision.

If you are currently detained or are detained in the future, your case will be treated with urgency. Your transfer should be organised within 5 weeks. If the transfer is not carried out within 5 weeks, you will be released from detention. However, your transfer will still be arranged within 6 months from the date the EU+ country that is responsible for examining your application accepted the request.

IMPORTANT! You must cooperate with the authorities and travel to the EU+ country that is responsible for examining your application.

➤ WHAT PERSONAL DATA WILL BE COLLECTED?



The officers in the EU+ country where you are staying will collect certain information, including the below:

- Your personal details and those of family members travelling with you (name, nationality, date and place of birth). If you have previously used different names and details, they will ask you about that.
- Information about your identity and travel documents.
- Any other information that can confirm your identity, such as your fingerprints.
- Details about any family members residing in another EU+ country, such as their personal details, the last time you were in contact, their location and their legal status .
- Details about any documents you have that have allowed you to live in an EU+ country if this applies in your case.
- Information on documents that show you studied in an EU+ country for more than a year.
- Information about which countries you travelled through to reach this country.
- Your personal circumstances.
- The date of any previous applications for international protection and the outcome of those applications.

➤ WHAT ARE YOUR RIGHTS IN RELATION TO YOUR PERSONAL DATA?

You have the right to access any data you provided to the authorities.

If you believe any of your personal data is inaccurate or not lawfully processed, you can request access to your personal data by contacting the data controller to ask inaccurate data to be corrected or unlawfully processed data to be deleted.

You can contact the data controller in this country using the information below.

Visit www.ind.nl/en/privacy to find out how the IND handles your personal data, and how you can have your data corrected or deleted.

MY NOTES



Immigration and Naturalisation Service
Ministry of Justice and Security

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