Forms of protection - Netherlands

Overview

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Relevant EU legislation

The Netherlands is bound by the Qualification Regulation and the family reunification directive.

National legislation

Refugee status	Article 29 of the Aliens Act
Subsidiary protection	Article 29a of the Aliens Act
Temporary protection	Chapter 8 of the Aliens Circular C

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National forms of protection	There are no other national forms of protection. Not considered to be a form of protection in legal terms, but the IND can grant the following six temporary residence permits, based on humanitarian grounds: • Residence for victims of human trafficking or witness reporting to the police • Residence for children under supervision • Residence for children place temporarily in a foster home or institution based on The Hague Child Protection Convention • Residence for persons who are unable to leave the Netherlands through no fault of their own • Residence for westernised Afghan girls and their family • Residence for persons with a terminal illness Besides the temporary residence permit on humanitarian grounds, there is also a non-temporary residence called the 'humanitarian non-temporary' (humanitair niet-tijdelijk). Persons who can apply for this kind of residence must have previously held a residence permit for one of the following purposes: • Residence with a family member or relative • Residence as a minor child with a child protection order • Residence as a victim or witness of human trafficking • Residence as a victim of domestic or honour-related violence • Residence because the person cannot leave the Netherlands through no fault of your own • Residence for medical treatment Different requirements exist for each type of purpose listed above, for the individual to be eligible for the humanitarian non-temporary residence. The specific requirements are listed here, on the website of the IND.

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Competent authority and stakeholders

Refugee status	Immigration and Naturalisation Service | Immigratie- en Naturalisatie Dienst (INS | IND)
Subsidiary protection	Immigration and Naturalisation Service | Immigratie- en Naturalisatie Dienst (INS | IND)
Temporary protection	Immigration and Naturalisation Service | Immigratie- en Naturalisatie Dienst (INS | IND)
National forms of protection	There are no national forms of protection

Renewal and withdrawal of international protection and national forms of protection

Refugee status

- **Legal provisions relating to review, renewal and withdrawal of refugee status**: Article 28 of the Aliens Act grants the power to the Minister of Asylum and Migration to review, renew or withdraw residence permits.
- **Length of the first and subsequent residence permits**: According to Article 9 of the Aliens Act, the period of validity for an asylum residence permit is three years, which commences on the date of granting the residence permit. Following a renewal, it may be extended for a further period of three years.
- **Review of the status**: The IND can review protection status at any time. The IND systematically reviews protection status upon application for renewal. For a renewal to be granted, the following conditions must be met: the reason why the status holder was granted asylum must still exist, their main residence must be the Netherlands, no false information was provided when applying for the residence permit, and no information was withheld, and the beneficiary must not be a danger to public order of national security.
- **Renewal of the status**: The competent authority to renew status is the IND. Status holders must approach the IND to renew their temporary asylum residence permit within three months before its expiry. The application is

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free of charge and the IND must make a decision within eight weeks. If needed, the concerning applicant can be interviewed again. For instance: in the case of the applicant returned to their home country during the time they have a temporary asylum residence permit. Legal aid is provided free of charge and the legal representative can attend the interview. The decision is communicated in a letter.

- **Withdrawal of the status**: The competent authority to withdraw status is the IND. The intention to withdraw status will be communicated to the beneficiary, who will have the opportunity to submit a written opinion opposing the intention. The applicant can request the assistance of a lawyer. Following the opinion, if the IND intends to proceed with the withdrawal of the status, the applicant shall be given the opportunity for a withdrawal hearing. After that the IND will issue a final decision to withdraw status. The decision can be appealed.
- **Grounds for withdrawal of the status**: According to e Article 32 of the Aliens Act, the Minister shall revoke refugee status in accordance with Articles 65 and 66 of the Procedures Regulation and article 14 (refugee status) and article 19 (subsidiary protection) of the Qualification regulation.
- **Consequences of the withdrawal of the status**: The cessation decision contains an obligation to leave the country in 4 weeks. Return has to be immediately affected in case the status is withdrawn because the beneficiary represents a danger to public order or national security. It is possible for the status holder to start a case at the Dutch Administrative Court. Following a withdrawal, the person concerned may apply for another residence status, as mentioned in the previous section. The national authorities have no obligation to assess ex-officio whether they may be eligible for another residence status.

Subsidiary protection status

Same as for refugee status

National forms of protection

In the Netherlands there are no other national forms of protection.

Content of protection

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Overview

- Status holders have the right to housing by the municipalities under the Housing Act 2014 | Huisvestingswet 2014.
- Rights related to employment are laid down in the Foreign Nationals Employment Act | Wet arbeid vreemdelingen.
- The Participation Act | Participatiewet regulates support provided by the Government to guarantee that persons with the right to work have access to employment.
- The right to education is governed by the Compulsory Education Act 1969 | Leerplichtwet 1969.
- Article 11 of the Act of Passports | Paspoortwet provides the possibility for status holders to receive a travel document.
- Access to health care is regulated by the Health Insurance Act | Zorgverzekeringswet and the Long-Term Care Act | Wet langdurige zorg. The latter provides for intensive care for vulnerable elderly people, people with disabilities and people suffering from a mental illness.
- Mandatory civic integration is regulated by the Civic Integration Act 2021 | Wet inburgering 2021.

Provision of information on the content of protection

When applicants receive the final decision on the asylum application, the IND will provide some basic information on rights and obligations in the form of a brochure. A few days later, the applicant has a conversation with his/her caseworker of the reception agency to discuss the next steps.. At this stage, the information received includes how to receive the permit, the obligations to inform the IND on any major changes, the right to housing and other basic necessities.

The provision of information is governed by Article 22 of the Qualification Regulation. In national legislation there is Article 13.2 of the Civic Integration Act 2021 which applies to beneficiaries of international protection, which stipulates that social guidance shall, at a minimum, comprise the following elements: (a) practical assistance with arranging basic services; and (b) information on basic services available within Dutch society.

Additionally, Civic Integration Decree 2021 Article 5.1 provides further detail on the obligation laid down in Article 13. It provides that social guidance must cover

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the following areas:

1. Practical assistance - Assistance with housing, healthcare, employment, income, insurance and education
2. Local integration - Familiarization with the local living environment
3. Information provision - Information on housing, income, employment, healthcare, education and parenting
4. Social participation- Introduction to local community organisations

The IND website contains a brochure in various languages that explains the implications of being granted international protection: Uw verblijfsvergunning asiel | IND.

Residence permits

The authority responsible for delivering the residence permits is the IND. The validity period of the permits is three years. If possible, the residence permit is granted at the same time as the positive decision. If the residence permit has not been made yet, the beneficiary receives a letter as soon as the residence document is ready at the IND desk. The residence document can only be collected on appointment (Asiel aanvragen in Nederland | IND). When collecting the residence document, the beneficiary hands in their Foreign Nationals Identity Document.

Travel documents

A passport is provided to beneficiaries of refugee status and subsidiary protection by the municipality where the applicant is registered in the Personal Records Database (BRP). The validity of the passport depends on the validity of the residence permit in case of non-permanent asylum residence permit.

Status holders must apply in person by showing their residence document and providing two passport photos. They must also pay a fee of maximum €63.42. The passport must be issued as soon as possible (5 days max.).

Passports for refugees contain a travel limitation, prohibiting them to travel to their country of origin.

After a person is granted protection, the national passport that was originally surrendered to the authorities is returned to the third country national.

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Freedom of movement

Beneficiaries of international protection enjoy freedom of movement within the Netherlands, including the right to choose their place of residence, pursuant to Article 26 of Regulation (EU) 2024/1347. There are no specific restrictions on their freedom of movement within the Netherlands based on their protection status.

Access to employment and employment-related education

Refugees and beneficiaries of subsidiary protection:

Free access to the Dutch labour market is guaranteed as soon as a beneficiary of international protection receives their residence permit. At the back of the identification card (W-document) the following text is written: ‘free access to the labour market, no work permit required’ ('arbeid vrij toegestaan, tewerkstellingsvergunning niet vereist’).

Free access refers to the free access to employment, the right to entrepreneurship, to follow an internship or to do voluntary work.

In line with the Participation Act, the COA supports access to employment-related educational opportunities for adults and vocational training. Status holders residing in reception centres have support interviews with their case manager. In these interviews, they prepare themselves for their future and discuss the integration and participation options in and nearby the reception centre. For instance volunteer work, on-the-job training programmes, and programmes focussing on integration and participation. About 40 reception centres have got a Meedoen-balie (a participation desk) where volunteering and work activities are offered. Applicants can also find information about employment in the Netherlands on MyCoa.

Access to education

Refugees and beneficiaries of subsidiary protection:

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Minors' right and conditions to access education (pre-school, primary school, secondary school, post-secondary and tertiary education): According to the Compulsory Education Act, education is compulsory for children between 5 and 16 years old. Thus, minor status holders have the same rights to access education as dutch nationals. Minors from the age of 16-18 have the right to continue their education to obtain the 'basic qualification' (startkwalificatie hebben).

Additional support provided to minors for education, including access to grants and loans: Schools and municipalities receive compensation for their costs or funding to provide specialised education, including pre-school education for children under four years old to prepare them for primary school.

Adults' right and conditions to access education: Adults have the same rights as Dutch citizens to access educations.

Additional support provided to adults for education, including access to grants and loans: Adult status holders may consult with their case manager at the reception centre for information on how to access education.

Access to procedures for recognition of qualifications and validation of skills

The Information Centre for Credential Evaluation (Informatiecentrum DiplomaWaardering, IcDW) handles applications for the recognition of international diplomas. Status holders can request one credential evaluation free of charge. An application can be submitted on the website My IDW.nl where it is possible to fill in necessary information and upload all the required documentation. The IDW check whether applications are complete within 5 working days and then send a confirmation email to applicants. Another email will be sent when the credential evaluation is complete, and the evaluation will be available for download. Applications are processed within six working weeks.

Social security and social assistance

Access to social welfare is under the same conditions as for nationals. There are various social welfare benefits available:

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- General Social Assistance Benefit (algemene bijstand): Status holders with a valid residence permit, above the age of 18, who do not have enough income or assets to live on, and are not eligible for any other form of help or benefit and are not in prison or detained, are entitled to general assistance. Further information on social assistance is available on the website of the Government of the Netherlands. Social assistance can be applied for from the municipality or via werk.nl. The municipality has 8 weeks to decide on the application.
- Information on other benefits (toeslagen) are available on the website of the Ministry of Finance
- The following benefits may be available to status holders:
    - Health care allowance (Zorgtoeslag): this allowance is a contribution towards the cost of health insurance. To be eligible for the health allowance, in 2026, beneficiaries must not have an income exceeding €40,857 per year, or assets exceeding €146,011.
    - Rent allowance (Huurtoeslag): Status holders with a low income can receive rent allowance. A part of the rent must always be covered by the beneficiary. The amount of rent allowance received depends on the amount of income. Rent allowance can be applied for online via Myallowances.
    - Childcare allowance (Kinderopvangtoeslag): This allowance contributes to the costs of childcare, registered with the National Childcare Register. To meet the conditions for childcare allowance, the status holder and the child must live at the same address and must both be registered with the municipality at this address. There is a mandatory personal contribution to the costs.
    - Child budget (Kindgebonden budget): This is a contribution to the child's maintenance costs. Status holders with low income and minimal assets who have the child benefit in their name with the Social Insurance Bank are entitled to child-related budget. Child budget can be applied for online on Myallowances. Status holders who are receiving one of the above allowances do not need to apply for child budget, ad they will be automatically notified by the relevant authorities if they are entitled to it.

Healthcare

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Status holders have the same entitlement to access public health care as nationals, as regulated by the Health Insurance Act and Long-Term Care Act. Beneficiaries are obliged to seek private health insurance from the moment they are granted with a residence permit. Status holders may receive health care benefits to cover the health insurance costs provided their annual income is less than a set threshold.

Access to accommodation

Conditions and restrictions to access accommodation as a refugee: Status holders have the right to housing provided by the municipalities with the support of COA. Together with municipalities COA has the obligation to arrange housing for beneficiaries. The right to reception ends on the date that adequate housing - outside the reception centre - can be realised. What 'adequate housing' is, is assessed by COA.

Type of accommodation facilities available to refugees:

Status holders can be housed in regular social housing. If regular housing is not available, status holders can be accommodated in intermediate facilities in the region of their municipality. Intermediate housing may include the transformation of large office building, or smaller temporary single-family homes.

Currently, a large proportion of reception places is occupied by recognised beneficiaries, who are not able to transition to their assigned municipality, due to a general lack of housing.

The Hotel and Accommodation Regulation (HAR) was launched to decrease the pressure on the Dutch reception system. Municipalities are invited to use this regulation, which allows them to arrange for temporary accommodation for beneficiaries of international protection who are still in reception. Municipalities receive a one-off fixed amount per person.

Furthermore, a hosting scheme (Logeerregeling), allows for status holders to stay temporarily with families, friends, or host families who sign up to participate in this scheme. This type of accommodation is offered for a period of 3 months, which can be extended.

Further information on the housing of status holders can be found on the website of the Ministry for Housing and Spatial Planning.

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National dispersal mechanism for refugees: The Municipal Asylum Reception Conditions Act (The Distribution Act) which entered into force on February 1st 2024 aims to distribute the number of reception places in the country in a balanced manner. Municipalities have to provide the support for sufficient reception places for asylum seekers and status holders. The COA remains responsible for organizing the capacity.

Additional support provided for accommodation: There are no additional support measures in place.

Access to integration measures

In accordance with the Civic Integration Act, status holders between the age of 18 and 67 are obliged by law to integrate into Dutch society by learning Dutch, understanding the local culture, and preparing for work or education. Within 8 weeks from receiving their residence permits, beneficiaries receive a letter from Dienst Uitvoering Onderwijs (DUO) informing them of their requirement to undergo civic integration, and for how long. Civic integration is completed with the successful performance in a civic integration exams. Status holders can be fined for not completing the learning track on time. In general, 3 years are granted to complete the process. There are two different civic integration systems. The first one is regulated by the Dutch Civic Integration Act 2013, and the second by the Dutch Civic Integration Act 2021.

Under the Dutch Civic Integration Act 2021, After receiving the letter from DUO, status holders will receive an invitation for an interview with the municipality. During this interview, a mandatory test must be taken for the municipality to assess which method of integration is most suitable. The interview and test are known as the ‘broad intake’. Following this, the municipality will draw up a personal integration and participation plan (PIP) outlining which learning track must be followed for integration and which exams the status holder must take.

There are 3 tracks. The first is the B1 tracks wherein a language proficiency level of B1 must be achieved within 3 years, with the possibility to scale down to level A2 if this proves impossible. Additionally, this track includes knowledge exams. The second track is called the education track for which the target group is young people. The third tracks is the self-reliance track for persons for whom the previous two tracks are too challenging. Persons in this track will learn Dutch at A1 level and language exams are not compulsory. Knowledge exams remain

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mandatory within this track. In contrast, the system under the Dutch Civic Integration Act 2013 requires language exams at a language proficiency level of A2 as well as knowledge exams.

The municipalities choose the school for asylum status holders under the 2021 act. Status holders are responsible to choose their own school under the 2013 Act. Schools can be chosen from the zoekinburgerschool.nl website. Beneficiaries can get a loan from DUO for the integration course which is paid directly to the institute. If beneficiaries pass the integration exam within the integration period of 3 years then they do not have to repay.

The COA supports status holders residing in reception centres to integrate. Shortly after arrival in the reception centre, asylum seekers and status holders have support interviews with their case manager. In these interviews, they prepare themselves for their future and discuss the integration and participation options in and nearby the reception centre. For instance volunteer work, on-the-job training programmes, and programmes focussing on integration and participation. Here, status holders will also look at the options available in the municipality where they will be living. Among other things, status holders can take lessons in 'Dutch as a second language' (NT2), 'Knowledge of Dutch Society', and introMAP as part of the Preparation for Civic Integration Programme. Asylum seekers whose prospects of getting a residence permit are promising will already start their Dutch language lessons in the process reception centre.

Integration support is also provided by NGOs such as the Dutch Council for Refugees.

Family reunification for beneficiaries of international protection

Right to family reunification for refugees: The Family Reunification Directive is applied for both refugees and beneficiaries of subsidiary protection.

A work instruction, WI 2024/4, of the IND on the processing of family reunification (Instructies behandeling nareisaanvragen (asiel)) was published on 29 May 2024. Another relevant work instruction is WI 2022/7, on further investigation in the family reunification procedure, including DNA testing in the asylum procedure.

Time period for which exceptions apply for refugees: According to Article 29c, pursuant to Article 13 of the Family Reunification Directive, an asylum residence permit may be granted to the family members of a recognised refugee,

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provided that they formed part of the beneficiaries' family at the time of their entry, and joined the beneficially within three month s after the asylum reside permit was granted, or that, within those three months, an application for family reunification was submitted by or on behalf of that family member. Article 29c(2) nevertheless notes that a request may not be refused if the time limit could not be respected due to objectively excusable special circumstances.

Eligible family members:

Article 29c stipulates that eligible family members include:

- The adult spouse
- The biological or adopted minor child
- The parents, if the foreign national is an unaccompanied minor
- The minor brother or sister, if the foreign national is an unaccompanied minor, provided that the brother or sister submitted the application at the same time as the parents, and is dependent on that parent.

Conditions for family reunification: Sponsor's requirements

The sponsor must have received a decision from the IND stating that they will receive an asylum residence permit. They must apply for family reunification within 3 months after receiving this decision. The residence permit, and the entrance visa, referred to as the provisional residence permit (machtiging tot voorlopig verblijf, mvv) for their family member must be applied for at the same time. A request can only be made for the family members listed above, and the family must have been established before the applicant's arrival in the Netherlands. If the applicant is applying for their partner or spouse, then both parties concerned must be over the age of 18. Furthermore, the family member must have not committed a criminal offense or a crime. The applicant must also make a declaration that they are sponsoring their family member to come to the Netherland. In addition, if a minor is being sponsored to come to the Netherlands and leaves behind a parent who has custody over the child, that parent must sign a declaration of consent allowing their child to leave for the Netherlands. Finally, the sponsor must prove the identity of their family members and their relationship with documentation.

If beneficiaries of international protection fail to apply for family reunification within three months, they can still apply for reunification, but their family will receive a regular residence permit. This means that there are stricter requirements for the reunification (e.g. income requirement, age limit, exclusion

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of children over 18 years, language test abroad etc.) Furthermore, all third-country nationals that have a residence permit in the Netherlands may apply for a residence permit based on article 8 of the European Convention on Human Rights (ECHR) for their family members. This possibility can for example be used if they do not fulfil the requirements for asylum family reunification or regular family reunification.

Brief description of the procedure to follow (documents from country of origin, fees and costs, procedure):

If the above conditions are met, the applicant must submit an application with the IND and apply for the MVV either online or in writing by post within 3 months from receiving the asylum decision. Family members may also submit the application to the Dutch representation abroad. Applications are available here, on the IND website. There is no fee for submitting an application. The IND has a maximum of 9 months to issue a decision, although this may be extended if more time is required to reach a decision. If insufficient documentation is provided, the IND can perform a DNA test or an interview with the sponsor or their family member. The final decision is communicated in a letter. A negative decision can be appealed. Following a positive decision, a family member has 3 months to apply for the mvv visa sticker by making an appointment with a Dutch embassy or representation. They must have a passport valid for at least six months, or if not, they may apply for a Dutch laissez-passer at the Dutch embassy or representation. When applying for the visa sticker, family members must also provide biometric data including fingerprints. Travel to the Netherlands must be undertaken within 90 days. Upon arrival, family members must report within 3 days to the family reunification desk in Zevenaar by making an appointment where they will receive the residence permit. Family members must also register with the municipalities in the personal records database and may need to undergo a tuberculosis examination.

Reunified family members' rights (in particular, length of first and subsequent residence permits, access to integration programmes/measures):

Family members receive a derived asylum residence permit. With this permit, they are allowed to work freely in the Netherlands without requiring a work permit. The residence permit is valid for 5 years. A family member can apply for a permanent residence permit after the 5 years elapse. A family members' residence permit can also be revoked by the IND if there is no longer a family

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relationship with the sponsor. They also have the possibility to apply for an independent asylum residence permit.

Right to family reunification for beneficiaries of subsidiary protection:

Article 29d regulates family reunification for beneficiaries of subsidiary protection. Additional conditions are applied for holders of this status. In this regard, Article 29d(2) notes that a permit may be refused if:

“a. less than two years have elapsed since the asylum residence permit referred to in Article 29a was granted to the foreign national referred to in paragraph 1;

b. the foreign national does not independently and on a sustainable basis have sufficient means of subsistence;

c. the foreign national does not have accommodation, which also includes residence at a transit/accommodation facility.”

Conditions b and c do not apply if the foreign national is an unaccompanied minor.

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