Senate approves two bills on return and immigration detention

On 13 October 2026, the Senate passed two laws that regulate the return and detention of foreign nationals, including the Return and Immigration Detention Act and the Novella Return and Immigration Detention Act.

The Return and Immigration Detention Act provides a legal basis for immigration detention to ensure that foreign nationals remain available for their departure from the Netherlands. Cooperation may be enforced, and if a foreign national continues to obstruct their departure, they may be imprisoned for up to three months or imposed with a fine of up to 5500 euro. Additionally, the bill makes it possible for firmer against to be taken against foreign nationals who cause serious nuisance with criminal behaviour. Foreign nationals who have committed serious criminal offences, may be declared undesirable, and must leave the Netherlands immediately and may not return. The bill also provides for more time for the police and the Royal Netherlands Marechaussee to assess whether immigration detention is necessary and can be imposed.

Through the novella, which amends the bill on the Return and Immigration Detention Act, a regime is created to respond to emergency situations with regard to nuisance causing foreign national, while sparing those which are behaving normally. It allows for the director of an immigration detention facility to impose a lockdown in the event of serious order and security problems whereby it would be possible to keep a foreign national locked in their cells for up to 23 hours a day. In addition, an amendment to the assessment framework for the restriction of freedom of foreign nationals will make it possible to maintain the Enforcement and Supervision Location (HTL) established in 2020 which is used for asylum seekers residing at a reception facility of the COA who cause serious nuisance.

The novella also includes amendments to the Aliens Act to abolish judicial penalty payments if the IND fails to decide on an asylum application within the statutory time limit.

Source(s)

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- Senate of the State General | Eerste Kamer der Staten-Generaal (13 October, 2026), Twee wetten aangenomen over terugkeer en vreemdelingenbewaring [Two laws passed on return and immigration detention], https://api.eerstekamer.nl/9370000/1/j9vvkfvj6b325az/vn1qscnmj4ig?

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