

First instance determination - Netherlands | DIP EUAA

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Overview of first instance procedures

Relevant EU legislation

Netherlands is bound by the recast Asylum Procedures Directive (APR in 2026), the recast Reception Conditions Directive and the Dublin III Regulation (AMMR in 2026) and has transposed their provisions through the following legislation:

- Aliens Act 2000, Vreemdelingenwet 2000, Vw 2000, [BWBR0011823](#)
- Aliens Decree 2000, Vreemdelingenbesluit 2000, Vb 2000, [BWBR0011825](#)
- Aliens Circular 2000 (A), Vreemdelingencirculaire 2000 (A), Vc, [BWBR0012287](#)
- Aliens Circular 2000 (B), Vreemdelingencirculaire 2000 (B), Vc, [BWBR0012289](#)
- Aliens Circular 2000 (C), Vreemdelingencirculaire 2000 (C), Vc, [BWBR0012288](#)

National legislation

The types of procedures provided for by law include:

- The Regular Asylum Procedure (Articles 42 of the Aliens Act, and 3.112 up to and including 3,115 of the Aliens Decree).
- The Simplified Procedure (Aliens Decree, Article 3.109ca, Aliens Circular, Article C2.7)
- The Border Procedure (Article 3(3) and (8) of the Aliens Act and Article 3.109b of the Aliens Decree)
- Subsequent Application (Article 3.118b of the Aliens Decree)

Competent authority and other stakeholders

National authorities:

The Immigration and Naturalisation Service (*Immigratie- en Naturalisatiedienst*, IND) is the national authority responsible for examining/processing requests for international protection in the regular asylum procedure and in special procedures. It falls under the Ministry for Asylum and Migration. The IND has the following competencies: lodging of an application, Identity verification, first instance asylum procedure, assessment of an asylum application, country of origin information research, drafting of guidelines or work instructions, provision of information on the asylum procedure, provision of interpretation for a first instance asylum application and deciding on first instance asylum applications.

Staff:

The application unit of the IND is responsible for the application phase of the asylum procedure. The application phase ends with the first interview which focuses (among other subjects) on the identity, nationality, origin, documents and travel route of the applicant. The examination of the application, including the second (personal) interview and assessment of the procedure, is done by the examination unit. Several other units are involved during the asylum procedure, for example the COI unit and the unit responsible for examining documents.

Other actors:

Legal Aid Board (*Raad voor de Rechtsbijstand*): During the asylum procedure, every asylum seeker is appointed a lawyer free of charge by the state funded Legal Aid Board. Lawyers assist the applicant in all stages of the first instance asylum procedure, including by helping the applicant to prepare for the personal interview, attending the interview and responding to the written intention of the IND on the outcome of the decision.

Dutch Council for Refugees: During the official procedure, the Dutch Council for Refugees provides information about the procedure to the applicants and applicants may contact the Dutch Council for Refugees for additional counselling and advice. The applicant or his/her lawyer may also request for a representative for the Dutch Council for Refugees to be present during both interviews.

Types of procedures and case processing

For applications lodged in the territory, the IND has established a five tracks policy in order to decide which procedure is applicable depending on the applicant's profile. The five tracks include:

- Track 1: Dublin procedure.
- Track 2: 'simplified' procedure (vereenvoudigde asielprocedure), for applicants coming from safe countries of origin or who already enjoy international protection in another Member State.
- Track 3: fast track procedure for well-founded cases, when applicants are considered to be likely to receive international protection and authentic identity documents are available. This track is not yet applied in practice.
- Track 4: the general asylum procedure of 6 days which can be extended by 6,8 or 14 days. The extended procedure can be applied when applications cannot be thoroughly assessed within the regular procedure. The time limit for a decision within the general asylum procedure is six months.

- Track 5: well-founded cases, when applicants are considered to be likely to receive international protection, but authentic identity documents lack. This track is not yet applied in practice.

Based on these tracks, the applicants may be channeled into the following asylum procedures:

The General Asylum Procedure (*Algemene asielpprocedure*, AA): This is the standard process for processing asylum cases lodged in the territory. Applicants in track 4 are channelled into the General Asylum Procedure at first instance. Prior to the start of the procedure, applicants are entitled to a six day rest and preparation period following the registration/application interview, as well as a medical examination. After this, a detailed interview takes place which marks the beginning of the general asylum procedure. The procedure spreads across 6 days from the date of the asylum interview, normally taking place at an IND office close to the 'process reception centre' (procesopvanglocatie, pol) where the applicant has been accommodated. If on the 4th or 5th day, the IND decides that more time is needed to take a decision, the Extended Asylum procedure (*verlengde asielpprocedure*, VA) may be applied. The decision needs to be taken within six months from the day of registration.

The simplified procedure (*vereenvoudigde asielpprocedure*): Applicants in track 2 are channelled into the simplified procedure. There is no rest and preparation period and no mandatory medical examination in this procedure. Furthermore, only one interview is held and a decision must be taken within 8 days. In practice, unaccompanied minors are exempted from this procedure, as well as applicants from safe countries of origin considered to be risk profiles.

On the other hand, applications lodged at the border are processed through the border procedure. In the border procedure, the decision to allow the applicant into the Dutch territory is temporarily suspended, the applicant is detained, and the application is processed at the border. If a decision is not taken within four weeks, applicants are allowed to enter the territory and will be channelled into the general asylum procedure. Certain vulnerable applicants, as well as minors and families are exempted from the border procedure.

Finally, subsequent application procedure is applicable when applicants lodge another request for asylum after having received a final decision on a previous asylum application in the Netherlands. Applicants must present new elements and findings for a subsequent application to be considered admissible.

Time limit for a decision and length of the procedure

The time limit for all asylum cases in the general asylum procedure and in the extended asylum procedure is 6 months, starting from the moment the application is registered. This limit can be prolonged to a maximum of 21 months. An extension from 6 months to 15 months has been applied to applications submitted from 1 January 2023 until 1 January 2026.

In the general asylum procedure, a decision must be granted within 6 working days starting the detailed interview which is considered as the first day of the general procedure. The general procedure can be extended by 12, 14 or 20 days. In the case of an accumulation of grounds from Article 3.115(1) and 2 of the Aliens Decree, it is possible to extend the general procedure up to 21, 23 or 29 days. Grounds for extending the general procedure may include when the applicant needs special procedural guarantees, or if the IND requires additional time for further investigation. The General Asylum Procedure is preceded by the registration interview, which is followed by a six-day rest and preparation period before the detailed interview. In practice, the rest and preparation period can last months. As of December 2024, the average waiting time between the registration interview and the second interview is 63 weeks in the general asylum procedure.

When more time is required in the general procedure, the extended procedure (*verlengde asielprocedure, VA*) may be applied. Applicants are informed of extensions during the general asylum procedure in writing. In the Extended Procedure, the maximum time limit for a final decision remains 6 months. This limit can be prolonged by two subsequent extensions of 9 and 3 months (18 months in total).. The extended procedure can be triggered when: (1) the IND deems that it requires more time to examine an asylum application, (2) there is no interpreter

available, (3) the applicant has family members undergoing the extended procedure, (4) the IND is not able to deploy the necessary staff members, (5) other reasons. The decision to trigger the extended procedure cannot be appealed, and it often takes place on the fifth day of the general asylum procedure.

In the Accelerated Procedure, the Aliens Decree sets the time limit to take a decision to 8 days after the asylum interview. When the time limit in the accelerated procedure is not respected the application is channeled for assessment in the regular procedure. According to the IND website, as of December 2024, the average waiting time for the interview in the accelerated procedure is 15 weeks

As for the Border Procedure, the maximum time limit for the IND to issue a decision in the border procedure is four weeks, and there is no possibility of extension. If four weeks elapse without a decision being taken than the applicant will automatically gain access into Dutch territory.

With regards to Subsequent Applications, a one day review is carried out and if no new elements are found the subsequent application will be rejected as inadmissible. If new elements are found, a decision may be issued in either 3 or 6 days depending on whether an interview is required.

Measures to enforce the legal time limit for processing an application: If the time limit is exceeded, the applicant is able to issue a notice of default. In this notice, the applicant states that the IND has exceeded the maximum term limit and the decision should follow within two weeks. If the IND still does not issue a decision, the applicant can go to court. A judge can order the IND to issue a decision within a certain time limit under penalty of a fine.

Penalty payment for exceeding processing time: See above.

Quality assurance of first instance procedures

Who: Senior case officers of the IND.

Methods/criteria: A pool of more senior case officers conduct random quality checks. During these checks, all steps within the asylum procedure are assessed. These quality checks are conducted based on an extensive questionnaire.

Frequency: Quality checks are conducted randomly.

Interinstitutional cooperation

The Ministry of Asylum and Migration is responsible for the entire Asylum and Migration policy. There is a distinction at the organisational level between the smaller asylum chain and the larger asylum chain. The smaller asylum chain includes IND (immigration authority), COA (reception organisation) and RD&S (return organisation). The larger chain includes other relevant organisations like the national police, royal Dutch Marechaussee, the council for refugees, the legal aid council and others. Outside the smaller and larger asylum chain, there are other relevant stakeholders. There are regular meetings and coordination between all organisations on several (strategic, operational and executional) levels. Cooperation between the organizations that form the smaller asylum chain is more frequent and more intense. The inter-institutional cooperation is mostly related to the execution of the migration policy of the entire asylum chain.

Regular asylum procedure at first instance

Legal basis

The Regular Asylum Procedure is provided for by Article 42 of the Aliens Act, and 3.112 up to and including 3,115 of the Aliens Decree.

Competent authority and stakeholders

The National Authority responsible for processing applications under the regular asylum procedure is the Immigration and Naturalisation Service (*Immigratie- en Naturalisatiedienst*, IND).

Personal interview

Two interviews (one reporting interview to clarify nationality, identity and travel route and a brief statement on the reasons to seek asylum; and the second focusing on the reasons for seeking asylum) are taken with all applicants in the general procedure.

In the general procedure the reporting interview is carried out three days after registration, while the detailed interview is considered as the first day of the general asylum procedure which lasts six days. The applicant will be asked the reasons for seeking asylum in the Netherlands. An independent interpreter is present to translate. The applicant may ask the Dutch Refugee Council to be present during the interview. The interview report is given to the applicant or is sent to the legal representative of the applicant. On Day 2, the report of the interview is reviewed by the applicant together with the legal representative in order to submit potential corrections and additions to the IND.

Assessment of an application

In accordance with Article 31 of the Aliens Act, applicants are required to provide as soon as possible all the elements to support the asylum application, including statements and documentary evidence. The IND in cooperation with the applicant, assesses the relevant elements. The assessment of the application must take into account relevant country of origin information, the statements and documents submitted by the applicant as well as information on whether the applicant is at risk of persecution or serious harm in their home country. Additionally, the IND must consider the individual situation and personal circumstances of the applicant, as well

as whether the applicant has engaged in activities since leaving their country of origin to create the circumstances for the granting of asylum. Finally, the IND must assess the availability of protection in the applicant's home country.

Article 31 (5) highlights that where it has been established that an applicant has already been exposed to persecution or serious harm, or that they have been directly threatened with, the IND must view this as a clear indication that the applicant's fear is well founded, unless good reasons exist to conclude that such persecution would not recur. In cases where there is no supporting documentary or other evidence, Article 31(6) of the Aliens Act specifies that a credibility assessment must be carried out in light of five conditions as stipulated in the Qualifications Directive Article 4(5).

In the regular asylum procedure, following the personal interview, the IND assesses the application and on day 3 of the procedure, it will submit the initial decision for which there are three possibilities: (1) The asylum application has been granted. (2) The IND needs more time to investigate the application, and will deal with the application in the extended asylum procedure. (3) The IND rejects the application in an intended decision (*voornemen*). On day 4, the intended decision is discussed between the applicant and the legal representative. The legal representative can send a written response to the IND, including the reasons why the applicant does not agree with the IND's intended decision. Finally, on the fifth and sixth day, following the analysis of the written response, the IND issues its definitive decision (*beschikking*), which can entail: (1) the asylum application has been granted; (2) The IND needs more time to investigate the application and will deal with the application in the extended asylum procedure; (3) the IND rejects the application.

Scope and outcomes of a decision

As an outcome of the asylum procedure, an applicant can be issued one of the following types of decision:

1. Decision granting refugee status;
2. Decision granting subsidiary protection;

3. Decision granting a residence permit on other grounds;
4. Decision refusing to grant international protection and residence permit on other grounds accompanied by a decision on refusal of entry.

Withdrawal of an application

Competent authority to withdraw an application

The Immigration and Naturalisation Service (*Immigratie- en Naturalisatiedienst*, IND) is the national authority responsible for cases of implicit and explicit withdrawals.

Implicit withdrawal

Grounds for implicit withdrawal:

Under Article 30C.1 of the Aliens Act 2000, an application can be considered implicitly withdrawn on the grounds that: a) the applicant has failed to respond to requests to provide information essential to his or her application b) the applicant does not appear for a personal interview without providing justification within two weeks; or c) the applicant has absconded, or without authorisation has left without contacting the competent authority within two weeks.

Consequences of implicit withdrawal:

Under Article 30C.1 of the Aliens Act 2000, an application can be considered implicitly withdrawn on the grounds that: a) the applicant has failed to respond to requests to provide information essential to his or her application b) the applicant does not appear for a personal interview without providing justification within two weeks; or c) the applicant has absconded, or without authorisation has left without contacting the competent authority within two weeks.

The examination of the application will be discontinued, which equates to a rejection of the application. In the case where an applicant absconded following the conduction of a personal interview, the application may be rejected on its merits, instead of on the grounds of article 30C of the Aliens Act.

Appeal against a decision to discontinue the examination due to an implicit withdrawal:

An appeal following an implicit withdrawal has to be lodged within one week.

Explicit withdrawal

Grounds for explicit withdrawal:

Applicants can withdraw their application at any stage of the asylum procedure.

Applications are withdrawn by signing a form at the IND or at the AVIM or by providing a signed letter from the legal representative stating that the applicant wishes to withdraw the application.

Consequences of explicit withdrawal:

When an applicant indicates a wish to withdraw their application, they are put into contact with a legal advisor to ensure that they understand the consequences. If the applicant still wishes to withdraw their application, they may be interviewed to determine if there any reasons for not issuing a travel ban. If the application is withdrawn without good reasons, a two year travel ban along with a return decision will be issued.

Appeal against a decision to discontinue the examination due to an explicit withdrawal:

It is not possible to directly appeal this decision. However, if the applicant withdraws their application, a travel ban may be issued. It is possible to appeal against the travel ban. The applicant has four weeks to lodge an appeal.

Personal interview

Competent authority: Interviewers

The competent authority to conduct personal interviews are the staff of the Immigration and Naturalisation Service.

Special procedural guarantees during the interview

The IND has issued working instructions which provide guidance on how the IND identifies vulnerabilities and provides procedural support, including for the personal interview: WI 2021/19 Special Procedural Guarantees and WI 2021/12 Medical Problems and hearing and decision-making in the asylum procedure. The IND is responsible for determining how appropriate support is offered, taking into account the medical advice resulting from medical examinations during the rest and preparation period in the case of track 4 applications. In track 1 and 2, as well as subsequent applications, medical advice is not offered as a standard practice, unless a reason arises to offer such advice. Based on medical advice, it may be decided that a personal interview is not possible, or else the interview may be postponed and/or require additional support to facilitate it.

Minors: Accompanied children are only interviewed when they have individual asylum claims or when they or their parents request to have an interview.

Unaccompanied minors: Unaccompanied children go through an interview when they are older than 6 years. The presence of an unaccompanied child is not required during the interview, when their age would not allow for communication - this is presumed to be under the age of 6 years. The interview with children is conducted by a dedicated and specially trained case worker.

Victims of trafficking or other forms of violence: For applicants who have experienced trauma, the IND advises taking extra breaks, asking more closed questions or introducing more questions about a sensitive subject, amongst other suggestions.

Applicants with disabilities and/or other health issues: The IND is at the discretion to apply customised solutions on a case-by-case basis to facilitate the interview of an applicant with a disability and/or other health issues.

Possibility to omit the personal interview

The personal interview can be omitted under certain circumstances, as defined by the Aliens Decree. The decision to omit the personal interview is taken by the IND. The decision is documented in the file and the reasoning for omitting the personal interview is mentioned in the decision.

Positive decision	No
Previous meeting - essential information	No
Issues raised are not relevant or of minimal relevance	No
Safe country of origin	No
Safe third countries	No
Inconsistent, contradictory, improbable, insufficient representations	No
Subsequent application	Yes (Aliens Decree, Article 3.118b (3)). There is a possibility to omit the personal interview in the case of a subsequent application.

Application to merely delay/frustrate enforcement	No
Not reasonably practical to conduct it	No
Applicant unfit or unable to be interviewed	Yes. (Aliens Decree, Article 3.113 (6)). There is a possibility to omit the personal interview if the applicant cannot be subjected to a personal interview for medical reasons, or in the case of an unaccompanied minor under the age of twelve.

Organisational aspects

Preparation and timing of the interview:

Prior to the personal interview the IND official conducting the interview has access to:

- written report of the initial/registration interview
- the applicant's file, including all personal documents and evidence submitted, before the personal interview,
- medical examination documents.

In order to prepare for the personal interview, caseworkers have access to COI reports and COI database, and country-specific policy guidelines. They can also request COI on ad-hoc basis.

In the regular procedure the reporting interview is carried out three days after registration, while the detailed interview happens on the first day of the general asylum procedure (AA). In the accelerated procedure an interview is carried out after the 2/3 days foreseen of the application registration/lodging.

Information provision (before the personal interview)

A letter indicating the day and place of the reporting interview is given to applicants by IND staff at the end of their lodging procedure. Alternatively, applicants receive the letter from the IND, via mail, directly at the process reception centre (*proces opvanglocatie, pol*) where they have been accommodated for their rest and preparation period (*rust- en voorbereidingstijd, RVT*) or through their legal representative. The interview is always in person, and it takes place in an IND office, normally close to the applicant's pol.

Applicants are informed and prepared for the interview during their RVT by their legal adviser as well as staff members from the Dutch Council for Refugees (*VluchtelingenWerk Nederland, VWN*) and the Central Agency for the Reception of Asylum Seekers (*Centraal Orgaan Opvang Asielzoekers, COA*). Information is also provided through IND leaflets, explaining the roles of different actors, confidentiality principle, the importance of the interview, etc. Applicants are proactively informed about the fact that they can give a preference to an interviewer and an interpreter of a specific sex and that they can object to a particular interviewer or interpreter.

Modalities of carrying out the interview

There are no legal provisions on how to conduct the asylum interviews, but in practice, applicants have asylum interviews in person.

In 2022, the IND began interviewing applicants also at reception centres, in particular in emergency shelter locations.

Choice of gender of the interviewer/interpreter

The applicant can request an interviewer or interpreter of a particular gender. The applicant is informed about this possibility.. The applicant can also request to have an interpreter of a particular sex and no special justification is needed for this.

Objecting to the interviewer/interpreter

The applicant can also object to a particular interpreter on other grounds, if he/she had good reasons.

Language and interpretation

There are no specific requirements towards an interpreter, but preference is given to legally sworn or certified interpreters. Concerning their training, several education services within the Netherlands are available for interpreters and translators. In general, languages like Arabic, Farsi, Chinese, French, English, up to approximately 40 languages, can be studied at university level. Next to that, there is an institute to train interpretation skills. All the interpreters who are included in the register are obliged to invest in permanent education. So there are a lot of small institutes that provide training and education for interpreters. For interpreters who start serving in the IND, they get one day on-the-job training and information for self-study (a list with specific terminology and a schedule about the procedure for asylum). When no professional interpreter is available, a non-certified interpreter can also be used, or interpretation will be provided for another language that the applicant is reasonably expected to understand, or interpretation could be provided through phone, or, as last resort, the procedure is suspended until a suitable interpreter is identified

Persons present during the interview

Persons present during the interview include the IND officer and an interpreter (if needed). If the applicant wishes a legal representative or a representative of the Dutch Council for Refugees can also be present during the interview. A legal guardian of an unaccompanied minor may be present but the representative is only allowed to observe (silent presence). In exceptional cases, a family member can be present during the interview of a minor under the age of 15 years. Exceptionally, a family member can also be present for medical reasons or the IND can allow this on a case-by-case basis if necessary. Unaccompanied minors over the ages of 12 are joined by their guardian or VWN. Married couples have separate interviews, and so do minors over the age of 15.

Structure/steps of the interview

The average duration of a personal interview is approximately six hours, but can vary greatly. For children under 12, the interview can be no longer than two hours. For adults, the interview usually takes no longer than one day (8 hours). Breaks can be taken during the interview at the request of the applicant or the interpreter or at the interviewer's discretion, at regular intervals.

The interview follows the below structure:

Introduction: This stage involves introducing the persons present at the interview and explaining their role during the interview (interviewer, interpreter, etc.), explaining the purpose and the importance of the interview in the asylum procedure, and making sure the applicant feels at ease. The interviewer checks the personal details of the applicant, asks whether he/she understands the applicant and inquires about his/her condition.

Free reproduction: the applicant is given the opportunity to explain the reasons for applying for asylum in his/her own words. During this part of the interview, the interviewer makes limited use of the possibility to ask questions or control the interview.

Questions: after the free reproduction, the interviewer asks (relevant) questions based on the statements of the applicant during the free reproduction, aimed at establishing the need for international protection.

Closing: the interviewer summarises the statements of the applicant and asks if the summary is correct. The interviewer asks if the applicant understood all questions and if he/she was able to present his/her claim comprehensively or would like to add anything. The interviewer informs the applicant of the possibility to make a complaint against the interviewer, the interpreter or the circumstances under which the interview took place; the interviewer gives the legal representative the possibility to make remarks. If the Dutch Council for Refugees (VWN) was present during the interview, the applicant is asked whether VWN can receive a copy of the interview. If the applicant agrees, VWN can present too its own remarks on the interview report through the legal representative.

Audio/Video recording and written report

A verbatim written report is produced for each interview. Video recording is available only for unaccompanied minors under the age of 12 years. Other applicants can request to audio record their interview with the IND by contacting in advance the scheduling office of the centre where their interview will take place in advance. An

approval of the report of the personal interview by the applicant is not requested by the authorities. Every applicant has the opportunity to discuss the report with their legal representative (with the help of an interpreter) and to rectify or provide additional information on the report within a designated period after giving the report to the applicant or his legal representative. The interview reports as well as the IND's intended and definitive decisions on the application are given to the applicant and to their legal representative in written form, and through their legal representative. Other stakeholders do not have access to the report.

Postponing the personal interview

Applicants may request to postpone the interview based on justified medical grounds, when the legal counsel is not available or depending on their personal circumstances.

Failure to appear

The applicant fails to appear for the interview, they are summoned to appear again and asked about the reasons for the failure to appear. When the applicant fails to appear again, and there are no indications that he has good reasons for this failure to appear, the application may be rejected.

Other aspects

Second or follow-up personal interview: The IND caseworker can decide for an additional or follow-up interview when the collection of additional information is necessary for the assessment of the case.

Special asylum procedures at first instance

Admissibility procedure

Legal basis and grounds:

There is no separate admissibility procedure in the Netherlands. However, the outcome of the asylum procedure may be that an asylum request is rejected as inadmissible.

The IND can declare the application inadmissible within the regular procedure, when the applicant:

- has been already granted international protection in another EU Member State;
- enjoys protection in a first country of asylum;
- comes from a safe third country;
- lodged a subsequent application without any new elements;
- has already been granted an asylum residence permit.

Competent authority and other stakeholders

The Immigration and Naturalisation Service (*Immigratie- en Naturalisatiedienst*, IND) is the national authority responsible for deciding on the admissibility of applications for international protection.

Procedural aspects

There is no separate admissibility procedure in the Netherlands. However, the outcome of the asylum procedure may be that an asylum request is rejected as inadmissible.

Decision and time limits to decide

There is no separate admissibility procedure in the Netherlands. However, the outcome of the asylum procedure may be that an asylum request is rejected as inadmissible.

Appeal

Applicants can lodge an appeal against an inadmissibility decision before the District Courts within one week from receiving the decision. There is no automatic

suspensive effect (Article 82(2) [Asylum Act 2000](#)) with the exception of when a third country is considered as safe third country for the applicant. The applicant may request a provisional measure before the court, and the procedure for examining such a request is provided in Article 8:81 of the [General Administrative Law Act](#). Generally, the appellant is allowed to wait for the decision on the provisional ruling in the Netherlands (Article 7.3 of the [Aliens Decree 2000](#)). An exception applies where a previous subsequent application has been finally rejected and the applicant has not brought any new elements or findings or submitted a first subsequent application for the sole purpose of delaying or preventing the implementation of the return decision. If the person is not permitted to wait for the decision on the provisional ruling, the applicant may ask the court if faced with forced removal. The procedure for appeal in inadmissibility cases is shorter and a hearing only takes place if the court considers it necessary. The District Courts have four weeks to decide on the case and an onward appeal is possible before the Council of State.

Impact on reception conditions

There is no separate admissibility procedure, however, In principle, some groups of applicants, including for example applicants in the accelerated procedure, whose application is likely to be deemed inadmissible, will remain in a pre-process reception centre or a process reception centre, and they are not further allocated to an asylum seekers centre. They also receive their material reception conditions in kind, without cash benefits.

Accelerated procedure

Legal basis and grounds

The legal basis for the Acceleration procedures (called also simplified procedure - *eenvoudige procedure* - or track 2), is article 3.109ca of the Aliens Decree.

Competent authority and other stakeholders

The competent authority for handling cases under the accelerated procedure is the Immigration and Naturalisation Service.

Procedural aspects

The accelerated procedure is applied for applicants in track 2, namely applicants coming from a safe country of origin and applicants who already obtained international protection in another Member State.

The examination and assessment of an application within the accelerated procedure takes place in an IND Application Centre, immediately following the registration/lodging procedures. Applicants channeled into this track are therefore not entitled to the rest and preparation period (*rust- en en voorbereidingstijd*, RVT), nor to the medical and psychological examination. The IND provides the foreign national with the information leaflet "The simplified asylum procedure: You come from a safe country or you already have international protection in another Member State of the European Union".

Only one interview is carried out with the IND, where the applicant is given the opportunity to explain his views as to why his country of origin is not safe. During the interview, questions may be asked about identity, nationality, ethnicity, religion, origin, travel itinerary, documents, possible residence in third countries, and the personal details and whereabouts of family members. A copy of the written report is provided to the applicant or is sent to their legal representative. If the application is deemed inadmissible or manifestly unfounded, a written intention to reject the applicant is sent to the applicant. The applicant can provide any further information, comments and clarifications within one day after the intention has been issued. The decision must be submitted, considering the applicant's feedback, within eight days from the interview.

If more information is needed to make a decision following the interview in the simplified procedure, the applicant will be channeled into the General Asylum procedure.

This procedure is not applicable to unaccompanied minors.

Decision and time limits to decide

The Aliens Decree set the time limit to take a decision to 8 days after the asylum interview. When the time limit in the accelerated procedure is not respected the application is channeled for assessment in the regular procedure. Asylum applications may be accepted or rejected as manifestly unfounded or inadmissible. Applicants whose applications are denied because they are from a safe country of origin are ordered to leave the Netherlands immediately and are issued with an entry ban prohibiting them from entering the European Union again for two years. After receiving a rejection, they are also no longer entitled to accommodation in an asylum seekers' centre.

Appeal

In case of negative decision, the applicant can appeal to the court within one week. The court has four weeks to make a final decision. There is no automatic suspensive effect. The applicant may ask for a provisional measure. The applicant is allowed to remain in the Netherlands until the court rules on the provisional measure.

Impact on reception conditions

Whilst the application is being processed under the accelerated procedure the applicant is entitled to reception. They are given accommodation in a facility run by the Central Agency for the Reception of Asylum Seekers (COA), with very basic facilities. In principle, applicants in the accelerated procedure will remain in a pre-process reception centre or a process reception centre, and they are not further allocated to an asylum seekers centre. They also receive their material reception conditions in kind, without cash benefits. Additionally, as of 7 February 2025, a pilot project began called the 'process availability approach (PBA)', whereby applicants can be placed in a process availability location (pbl), if they cause one or more incidents with medium or major impact in or outside of the central reception centre in Ter Apel. This applies to the target group of the pba, which are applicants with little chances of being granted international protection. These applicants are obliged to stay in a limited area of the Ter Apel reception facility and their procedure is accelerated or prioritised. All essential services are ensured in this area, so that applicants do not have to leave the area. Applicants follow a mandatory programme

until 8pm every day. They may stay at this location for up to 4 weeks. If the applicant is found outside of the territory of the pbl, this may lead to a detention measure.

Border procedure

Legal basis and grounds

The Border Procedure is provided for in (Article 3(3) and (8) of the Aliens Act and Article 3.109b of the Aliens Decree.

Competent authority and other stakeholders

The Royal Netherlands Marechaussee ([Koninklijke Marechaussee](#) , KMar) is responsible for the making of the asylum application at the border, whilst the Immigration and Naturalisation Service ([Immigratie en Naturalisatiedienst](#) , IND) is responsible for processing the application.

Procedural aspects

Once an application is made at the border, the KMar postpones the decision on entry to the Schengen area and the asylum application is processed in a border procedure by the IND. During the border procedure, the asylum seeker is detained near Schiphol Airport. Applicants must register their application at the closed Application Centre (AC) at Schiphol airport.

Track 2 can be applied in the border procedure which entails that no rest period is offered, and the applicant will have only one interview. The applicant is informed by the Dutch Council for Refugees (VWN) about the procedure before the interview and has the opportunity to prepare for it with a lawyer.

As in the regular procedure, a lawyer is automatically appointed to applicants in detention (border procedure) from the start of the asylum procedure to provide legal aid related to their asylum case and for the review of detention - see Article 97 of the Aliens Act .

The IND decides whether to apply any exceptions to the application of the border procedure. The following groups are exempted from the border procedure: (a) unaccompanied minors, (b) families with children, (where there are no counter-indications such as a criminal record or family ties not found real or credible), who are transferred to an open Application Centre; (c) persons, for whom, due to individual circumstances, border detention is disproportionately burdensome; (d) persons who are in need of special procedural guarantees on account of torture, rape or other serious forms of psychological, physical and sexual violence, for whom adequate support cannot be ensured; e) persons holding a residence permit or a long-stay visa issued by a Schengen Member State. Applicants belonging to an exempted group are granted access into Dutch territory and will be referred to Ter Apel where they will submit their asylum application.

Decision and time limits to decide

During each step of the procedure, the IND can decide that the application cannot be handled in the border procedure, and redirects the applicant into the regular one, if the identity, nationality and origin of the applicant have been sufficiently established and: (a) the asylum seeker is likely to fall under a temporary “suspension of decisions on asylum applications and reception conditions for rejected asylum seekers” (*besluit en vertrekmoratorium*); (b) the asylum seeker originates from an area where an exceptional situation as referred to in Article 15(c) of the recast Qualification Directive is applicable; (c) there are other reasons to grant an asylum permit. If the examination takes longer than 4 weeks, detention is lifted and the applicant is allowed to the territory and channelled into the regular procedure.

In the border procedure, the IND can reject the asylum claim as: (a) Dublin case; (b) inadmissible; or (c) manifestly unfounded. An asylum seeker is allowed into the territory and channelled into the regular procedure as soon as the IND decides that the application cannot be rejected on the above mentioned grounds.

The maximum time limit for the IND to issue a decision in the border procedure is four weeks, and there is no possibility of extension. If four weeks elapse without a decision being taken than the applicant will automatically gain access into Dutch

territory.

If detention is lifted, and the application is transferred to Ter Apel and channeled into the regular procedure, they will receive a [Foreign Nationals Identity Document type W](#). This document is not a resident permit, but is a proof of lawful residence in the Netherlands for applicants during their asylum procedure.

Appeal

An appeal against a negative asylum decision in detention may be submitted within a week before a Regional Court.

Impact on reception conditions

Applicants in the border procedure are detained at the Justitieel Complex Schiphol. If time limits are not observed they will be allowed entry into the territory and transferred after four weeks to the Ter Apel reception centre.

Subsequent application procedure

Legal basis and grounds

The applicable legal provision for subsequent applications is article 3.118b of the Aliens Decree.

Competent authority and other stakeholders

The Immigration and Naturalisation Service (*Immigratie- en Naturalisatiedienst*, IND)

Procedural aspects

Subsequent applications must be lodged in person at the application centre in Ter Apel. A specific application form must be submitted together with all documents (translated into Dutch, English, French, or German) supporting or evidencing the existence of new elements for a subsequent application, to be taken into consideration. After lodging the subsequent application, the IND immediately checks

if the application is complete. If the application is still incomplete (also after the period of one week to rectify the omission and to complete the application), the application will be considered as implicitly withdrawn (as referred to in article 28, recast Asylum Procedures Directive). If the application is complete, the IND decides whether an interview is needed. If no interview is needed there is a 3 day procedure which begins on the day that the applicant or the lawyer receive the intended reasoned decision from the IND. The applicant or the lawyer has one day to respond to the intended decision and on the third day the IND will take its final decision. When an interview takes place, there is an option for the three-day procedure with the interview and decision communicated on day one, or else the six day procedure which allows an additional day for the applicant together with the legal representative to submit potential corrections and addition to the interview report before the intended decision is issued, and an extra day for the IND to issue a final decision.

The Administrative Law Division of the Council of State (*Afdeling Bestuursrechtsspraak van de Raad van State*, ABRvS) has issued several relevant rulings regarding subsequent applications. On January, 26, 2022, the ABRvS ruled (ECLI:NL:RVS:2022:208) that for assessing the admissibility of the application, it should not be taken in account whether new findings and elements could and should have been introduced earlier. This is due to the fact that Article 40 (4) of the recast APD has not been fully implemented into Dutch law. On September 15, 2022, the ABRvS ruled (ECLI:NL:RVS:2022:2699) that the Dutch law has a less stringent interpretation of Article 40 (3) of the recast APD. The recast APD states that the application should be further examined when the applicant presents new elements and findings that “significantly add to the likelihood of the applicant qualifying as a beneficiary of international protection.” However, the Dutch law states that the new elements and finding should merely be “relevant.” These two rulings led to the situation that more subsequent applications are deemed admissible.

If an applicant repeatedly files incomplete applications, it is possible to shorten the period for completing the application from one week to a minimum of 4 hours. The conditions for this are laid down in paragraph C1/2.9 of the Aliens Act Implementation Guidelines (*Vreemdelingencirculaire*, Vc).

Guidance on subsequent applications is found in Work Instruction WI 2023/7 Subsequent asylum applications.

Decision and time limits to decide

A one day review is carried out and if no new elements are found the subsequent application will be rejected as inadmissible. If new elements are found, the application may be accepted or rejected as manifestly unfounded or inadmissible. When the applicant is deemed “complete” the standard term limits and rules regarding these limits of the first instance procedure apply.

Appeal

The applicant must submit an appeal within one week with the Regional Court. The appeal does not have an automatic suspensive effect.

Impact on reception conditions

Applicants who have submitted a subsequent application have the right to reception.

Last-minute application pending removal

Last-minute applications lodged by first time applicants pending a removal

In the Netherlands, only subsequent applications can enter the Dutch last minute procedure. First time applicants are directed to the regular asylum procedure.

In case of a forced removal, the availability of a flight date and when an application cannot be reviewed within the normal subsequent application procedure a repeated application has priority and will in principle be handled according to the LMA method. If the repeated application for asylum is announced exceeding the 8 days before the actual departure, the application will not be processed by LMA as the general asylum procedure then provides sufficient time to process the full application.

A specific work process and work instructions are in place. In addition, a special LMA team is established as a structural part of the escort team which actually performs the forced return and is available 24/7. The LMA process also has dedicated lawyers in the event of urgent legal proceedings. Overall, the LMA work process is continuously monitored and adjusted if necessary.

Last-minute applications lodged as subsequent applications pending a removal

Cases are only treated in a last-minute procedure if the applicant's flight has been booked already and if there is no time to handle the case in a regular procedure. In case of a forced removal and the availability of a flight date, a repeated application has priority and will in principle be handled according to the LMA method. If the repeated application for asylum is announced exceeding the 8 days before the actual departure, the application will not be processed by LMA as the general asylum procedure then provides sufficient time to process the full application.

The goal of the LMA process is to avoid rejected asylum seekers from frustrating their departure by applying for a subsequent asylum procedure without new facts or circumstances. The LMA process is based on article 3.1 of the Aliens Decree 2000 (Vreemdelingenbesluit 2000). Based on this article, the departure of the alien is only canceled if the alien submits a complete subsequent application. In other words: the application needs to be supported with new facts or circumstances to be qualified as a subsequent application. If this is not the case, the departure of the alien is allowed to continue. Later, after the removal has been effectuated, a definite decision (beschikking) will be issued that explains the grounds for refusal.

A special LMA team is established as a structural part of the escort team which actually performs the forced return and is available 24/7. The LMA process also has dedicated lawyers in the event of urgent legal proceedings. Overall, the LMA work process is continuously monitored and adjusted if necessary.

Safe country concept

Safe country of origin

The Safe Country Concept is defined in Article 30b (1b) of the Aliens Act 2000. The law refers to a "safe country of origin within the meaning of Articles 36 and 37 of the Asylum Procedures Directive". The authority which proposes and adopts the lists of safe countries of origin is the Ministry of Asylum and Migration. The list is reassessed every two years.

According to article 3.105ba, a list of safe countries of origin may be drawn up by ministerial regulation within the meaning of Articles 36 and 37 of the Procedures Directive. The articles stipulates the following information sources to be used when assessing if a country is a safe country of origin including "information from other Member States, the European Asylum Support Office (EASO), the UNHCR, the Council of Europe and other relevant international organisations."

The IND cannot maintain the presumption of a safe country of origin if the applicant can demonstrate that the country of origin cannot be regarded as a safe country for him or her specifically. This, and other applicable circumstances, would allow for an asylum application to be transferred from Track 2 (accelerated procedure) to Track 4 (regular or standard procedure).

The burden of proof is with the applicant to show that a country of origin considered as safe by the Dutch authorities is actually unsafe for this particular individual.

Safe third country

The Safe third country concept is defined in article 30a (1c) of the Aliens Act. The IND assesses if a third country can be considered safe for the individual applicant. The information provided by the applicant is the starting point for this assessment. The IND assesses if the applicant has such a connection with the third country that it can reasonably be expected of the alien to go to that country. The IND and applicant share the burden of proof.

The IND at least assumes the applicant has a connection with a third country if:

- The partner or spouse of the applicant has the nationality of the third country;
- The applicant has close family living in the third country with whom he still has contact;
- The applicant has previously stayed in the third country.
- The IND only deems the country as a safe third country if the applicant is reasonably expected to be allowed access to the country.

First country of asylum

The concept of First Country of Asylum is defined in Article 30a(1b) and the Aliens Circular, C2/6.2.

The first country of asylum applies in any case in the following circumstances:

- The applicant is recognised in a third country as a refugee and he/she can still receive protection as a refugee;
- The applicant receives sufficient protection, among which protection against refoulement, in a third country because of de-facto adherence to relevant international treaties;
- The IND assumes the applicant will be readmitted to the third country in question in any case in the following situations:
 - the applicant has a still valid residence permit on international protection grounds;
 - the applicant has a still valid residence permit or visa and he/she qualifies to receive international protection;
- Information from the third country from which it follows that the applicant receives protection at present or qualifies to receive protection again; or
- Statements by the applicant from which it follows that he already receives protection in a third country, which information is confirmed by the third country in question;

The IND assumes there will be readmission in these situations, unless the applicant substantiates that this is not the case.

The only possession of a valid visa for a third country is in this context insufficient to conclude that there is 'protection' as meant in art. 30a (1) (b) Aliens Law.

European safe third country

The concept of a European safe third country is not defined in law, nor is it applied in practice.

Assessment of an application at first instance

Legal provisions relevant for an assessment

Elements related to the assessment of an application for international protection are outlined in Article 31 of the Aliens Act 2000.

Competent authority for the assessment

Required qualifications:

IND caseworkers have at least a college degree. They have comprehensive knowledge of the national asylum law as well as the European asylum and migration law. In addition, they are trained in skills such as interviewing techniques, cultural-sensitive empathy, and intercultural skills.

Training:

Caseworkers follow a training plan before they can assess applications on their own. They first undergo a training that takes about a year. They are paired to experienced caseworkers in the beginning. These experienced caseworkers provide them with on

the job training. In addition, there are several EUAA trainings which are obligatory for any caseworker such as Interviewing Techniques, Interviewing Vulnerable Persons, Evidence Assessment and Inclusion. It is not necessary that these trainings are completed before caseworkers start at the IND.

Grounds

Article 29 of the Aliens Act states that asylum may be granted to an applicant:

- who is a treaty refugee; or
- who has made it plausible that he has reasonable grounds to believe that he has in the event of eviction, there is a real risk of serious harm, consisting of:
 - 1°. death penalty or execution;
 - 2°. torture, inhuman or degrading treatment or punishment; or
 - 3°. serious and individual threat to the life or person of a citizen as a serious threat to the indiscriminate violence in the context of an international or domestic armed force. conflict.

Article 31 lists all of the elements that need to be taken into account during the assessment of the application.

Guidelines for case officers

The following guidance is available to case officers on the [website](#) of the IND:

- Work Instructions: these documents provide an explanation of a broader subject to the staff of the IND in order to implement policies correctly. There are numerous work instructions available, for example on border procedure, credibility assessment, working with an interpreter, processing of family reunification cases, on human trafficking in asylum cases, subsequent asylum applications etc.

- Information Messages, which are communicate information that are temporary in nature, providing guidance for staff on how to proceed in light of recent developments such as new jurisprudence affecting their work, policy or institutional developments
- Country information: information on various countries of origin or safe third countries is provided to guide the assessment of an asylum application, including general information related to countries or specifically focusing on a particular group living in that area.

Credibility assessment

Legal provisions related to the credibility assessment are found in article 31 of the Aliens Act and C1/4 of the Aliens Circular. The IND has also issued the following work instruction on credibility: WI 2024/6 Credibility Assessment (Asylum) ([WI 2024/6 Geloofwaardigheidsbeoordeling \(asiel\)](#)).

Assessment of facts and circumstances when aspects of the applicant's statements are not supported by documentary or other evidence

In accordance with Work Instruction WI 2024/6 on credibility assessment which sets out general guidelines to assess facts and circumstances stated by the applicant, in cases where there is no supporting documentary or other evidence, the IND must assess credibility in light of five criteria laid out in Article 31 paragraph 6 of the Aliens Act. These conditions are the same as those stipulated in the Qualifications Directive Article 4(5), which the applicant must meet including:

1. The applicant has made a sincere effort to substantiate their asylum request.
2. The applicant has submitted all relevant elements in relation their application, or provided a satisfactory explanation for the absence of other relevant elements.

3. The statements of the applicant are found to be coherent and plausible, and are not in conflict with country of origin information.
4. The applicant has submitted their asylum application as soon as possible, or provided good reasons if they did not.
5. The general credibility of the applicant has been established.

Time limit for submitting evidence during credibility

In accordance with Article 31 (2) of the Aliens Act 2000, applicants *“shall provide all the elements in support of his application as soon as possible”*.

COI research

For the purposes of assessing asylum cases, caseworkers of the IND depend on relevant, accurate and up-to-date country of origin information. Caseworkers can conduct their own independent research, taking into account with particular importance the country reports issued by the Minister. The work instructions on credibility assessment state that the most important objective sources are the official country reports of the Minister of Foreign Affairs, whilst in the absence of an official report, other objective sources may be used. Internally, the IND has a specialised COI unit called the Office for Country Information and Language Analysis (OCILA) (TOELT, Team Onderzoek en Expertise Land en Taal) which produce COI reports and may respond to specific COI-related questions by caseworkers.

Decision and outcomes

A first instance assessment may lead to a positive decision in which the applicant is granted refugee status or subsidiary protection. Alternatively, the assessment may lead to a negative decision through which the application can be rejected or deemed manifestly unfounded or inadmissible. Each decision includes a summary of the

case, as well as the motivation of the decision. Negative decisions include a return order indicating the period of time in which the applicant must leave the Netherlands, as well as information on the possibility to appeal, including information on the applicable timeframe to do so, the procedure to follow and the possibility to obtain legal aid.

Decisions are issued in writing by the IND.

As stipulated by Article 3.121a of the Aliens Decree 2000, a single decision may be taken in the case of a family unit who based their application on the same grounds. However, separate decisions may be issued for cases where the publication of the specific circumstances of the applicant may harm their interest, for example for persecution grounds related to gender, sexual orientation, gender identity or age.

In general, decisions are sent to the applicant's legal representative. However, if the applicant is not being represented, they shall receive the decisions themselves. The content of the decision is then explained to them in a language which they can be expected to understand. Paragraph C1/2.13 of the Aliens Circular C provides additional exceptions where in the regular asylum procedure, the applicant shall be notified in person in the event that:

- the legal representative of the applicant is unknown;
- the decision concerns a rejection of a repeated application for international protection which has been processed within the accelerated asylum procedure for repeated applications and for which the legal representative of the applicant is unknown, and the applicant is present at the application centre;
- the rejection also includes an entry ban that invokes the legal consequences of article 66a (6) of the Aliens Act;
- DT&V, COA, the Aliens Police, Royal Dutch Military Police or the IND have, when deemed necessary, decided in mutual consultation that issuance in person is needed.

If the IND does not know the applicant's legal representative and it is not possible to issue the decision in person, the decision shall be issued on the basis of the designated place in the application center or the applicant's last known place of

residence.

Minors and unaccompanied minors:

Accompanied minors from the age of 15 receive their own separate decision. Accompanied minors under the age of 15 do not receive a separate decision. Their decision is included within the decision of one of the parents (in general the mother).

The decision of unaccompanied minors is sent to their lawyer and to Nidos, the custody organisation.

COI units

Background information

COI unit: A special unit is dedicated to COI, the Office for Country Information and Language Analysis (OCILA) (TOELT, Team Onderzoek en Expertise Land en Taal).

Legal basis: No information is currently available.

Structure and capacity

Organisation: OCILA is based within the Immigration and Naturalisation Service. It is divided into two separate units.

Mandate and tasks: Only COI specialists and COI generalists collect and share COI with IND personnel who are dealing with asylum applicants and family reunification applicants.

Staff capacity: No information is currently available.

Requirements: Almost all COI specialists have an academic background. RIC employees completed at least graduate school; many also do have an academic

background.

Regular training and updates: COI specialists have completed language courses and the country generalists have completed specific customised courses (for example, checking ID documents). All RIC employees have followed a special internal education programme.

COI products

Type of COI products produced and frequency: Country reports by COI specialists (about 10 per year), Contribution to country reports by the Ministry of Foreign Affairs. Released Terms of References (about 10 per year), response letters on concepts of Country reports (about ten a year).

OCILA publishes country profiles for IND employees it conducts interviews with. Yearly, OCILA releases about 10 of these so called "interview profiles".

Languages: The Language of input can be various languages such as Russian, Chinese and Arabic. The language of output is Dutch or English.

Methodology and sources: OCILA uses a variety of public sources (f/e country reports and media clippings).

Quality check: All internal products are reviewed by a (senior) COI specialist. Since 2021, TOELT country reports are made public. Such reports are peer reviewed by EUAA, the Dutch Refugee Council or by CEDOCA (Belgium).

Other aspects of COI units

International activities and visits in the context of COI (EUAA, IGC etc.): about 20 visits per year.

Number of questions addressed by the COI specialists: about 3,700 per year.

Number of answers given by COI generalists and Geographic-specialists: about 12,000 per year

Lectures and courses by COI specialists (about 15 per year)

The language analysts of OCILA conduct over 6,000 short language assessments yearly. In case the short assessments justifies further research (there is doubt about the COI of the applicant), an in-debt assessment will take place. OCILIA has completed over 250 of such assessments last year.

OCILA makes fact sheets with information to be used for the assessment whether a country can be considered a safe third country. Yearly, OCILA releases about 10 of these fact sheets.

The country specialists are involved in verifying the analysis of documents, which is about for 4000 documents per year. Another IND unit verifies documents submitted by migrants who come to the Netherlands. In case a document is regarded as false, this analysis is verified by one of the country specialist of OCILA.