



ANZSOG Case Program

Delivering services in limbo: Asylum seeker reception in the Netherlands

2016-174.1

Jan Braat's job was hard and getting harder. A veteran policy advisor in the local government of Utrecht, the fourth largest city in the Netherlands, he had responsibility for the housing and integration of asylum seekers and refugees in the city environs. He was daily confronted with hundreds of people living in the territory of the city, but formally not being part of the city. They included residents of the local reception facility waiting for their asylum application to be assessed. There were also refugees (former asylum seekers) living in the city but unable to organize a living, whose lives were put 'on hold' for years while waiting for a decision on their asylum claim. They did not speak Dutch and had no network to help them get started. And, finally, he was confronted with undocumented migrants living on city streets, many of them former asylum seekers unable or unwilling to return to their country of origin.

As in many countries, asylum seeker reception in the Netherlands is surrounded by high levels of controversy on quite basic questions: who gets help, what type of help, who provides it, and for how long? Braat knew many community organisations were keen to help, by providing Dutch language classes or getting asylum seekers in contact with employers. But these efforts were actually part of the controversy. Many in the community felt these organisations should be discouraged from helping, and some believed that asylum seekers should not be in the city at all. Asylum seekers were seen as a heavy burden on the city, especially during a time of economic crisis. And some people feared fundamentalists and criminals were among them, who could pose a threat to safety. Braat was searching for new ways of working to meet desperate need, but also navigate these differences.

This case has been written by Dr Karin Geuijen, Utrecht University, Netherlands. It has been prepared as a basis for class discussion rather than to illustrate either effective or ineffective handling of a managerial situation. The assistance of Mark van Twist and Daphne Bressers is acknowledged, as are the suggestions of John Alford, Paul 't Hart and Scott Douglas.

Cases are not necessarily intended as a complete account of the events described. While every reasonable effort has been made to ensure accuracy at the time of publication, subsequent developments may mean that certain details have since changed. This work is licensed under Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International Licence, except for logos, trademarks, photographs and other content marked as supplied by third parties. No licence is given in relation to third party material. Version 14102016. Distributed by the Case Program, The Australia and New Zealand School of Government, www.anzsog.edu.au



Asylum seeker reception in the Netherlands

In 1951 the United Nations Convention Relating to the Status of Refugees was signed by 148 states, among them Western European countries, including the Netherlands. Every party to this Convention agreed to protect refugees: vulnerable people whose country of origin could not or would not protect them against persecution because of race, religion, nationality, membership of a particular social group or political opinion.

When a person turned to a state for protection against persecution – that is, when they sought ‘asylum’ – that state generally sought to ascertain whether there would be sufficient reason to grant the requested protection. In the Netherlands, the Immigration and Naturalization Office (IND) manages an elaborate assessment process to determine whether an asylum seeker could substantiate his or her claim and therefore be recognized as a refugee (*Exhibit 1*). The IND is an executive government agency accountable to the national Minister of Security and Justice.

Having entered the asylum assessment process, asylum seekers in the Netherlands reside in asylum seeker centres (ASCs) (*Exhibits 2 and 3*). The central organisation for the reception of asylum seekers (COA)¹ has charge of the housing of asylum seekers. COA is an independent administrative body at the national level and – like IND – is accountable to the Minister of Security and Justice. Its mission is to provide for the reception, supervision and departure of asylum seekers.²

Although legislation requires asylum claim processes to be finalised within six months, in practice decisions on asylum claims, as well as their stay in an ASC, could take as long as several years.³ ASCs were designed to house asylum seekers for the legally stipulated maximum six months. Because of this relatively short staying time, many of these centres were located some distance from cities and towns, with the intention of discouraging asylum seekers from seeking work, or undertaking education and other community activities during the claim period.

In 2014 there were about 25,000 asylum seekers living in about 50 ASCs spread across the Netherlands.⁴ In 2015 the numbers housed in ASCs escalated to about 48,000, and stabilized in 2016 at about 31,000. Almost 15,000 asylum seekers had already received a staying permit but were still waiting to be provided with regular housing in municipalities away from ASCs. More than half of these people had fled the conflict zone in Syria.⁵ On average, about 67% of asylum applications in the Netherlands were accepted between 2014 and 2015. In 2014 the Dutch state provided COA with €485 million to organize the reception of asylum seekers (or almost €20,000 per asylum seeker), and in 2015 this increased to €787 million (or almost €16,400 per asylum seeker).⁶

¹ <http://www.coa.nl/en>

² <https://www.coa.nl/en/asylum-seekers/reception-process>

³ <https://www.government.nl/topics/asylum-policy/contents/asylum-procedure>

⁴ Over the period 2014-15, about 600,000 asylum seekers entered the European Union (EU) (plus Switzerland and Norway). About 32% of them applied for asylum in Germany, the preferred destination in the EU. Other high preference countries were Sweden and France (both 14%). The Netherlands is ranked seventh. After the summer of 2015 the number of asylum seekers in the EU went up spectacularly to about 1.2 million <http://ec.europa.eu/eurostat/en/web/products-press-releases/-/3-04032016-AP>. For more statistics see: http://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_quarterly_report#Further_Eurostat_information.

⁵ Syrian citizens comprised about 47%, and Palestinian stateless people around 8%. All monetary figures are in Euros (€).

⁶ Not included are the costs of the legal asylum procedures. In 2014 IND spent €375 million, of which about 80% was covered by the Dutch state; in 2015 asylum processes cost €404.5 million.

Contested policy choices

The admission of asylum seekers had been a hot topic in the Netherlands since the mid-1980s, and invariably aroused fierce public debate. The majority of Dutch citizens accepted the need to protect refugees, but did not want to be confronted with asylum seekers in their neighbourhood, nor have to pay extra taxes for the legal processing of claims and for housing. In the 1990s larger numbers of asylum seekers came to the European Union (EU) and the Netherlands, most of them fleeing the Balkan wars.⁷ At that time, the Dutch government chose to house asylum seekers in concentrated locations, generally far away from villages and city centres, preventing them from having interaction either with the community or amongst themselves. Before the 1990s asylum seekers were allowed to rent rooms and apartments from private house owners. However, this led to the majority of them living in overcrowded houses in the poor neighbourhoods of big cities. Residents of these neighbourhoods protested because they felt they themselves had to take on a disproportionately large part of this burden (*Exhibit 4*).

The Dutch parliament decided that the housing of asylum seekers in central locations should be 'austere but humane'. This would be a way of preventing asylum seekers integrating into Dutch society during the period when it was not yet clear they would be allowed to stay. Another goal was for the IND to monitor the location of asylum seekers so as to more expeditiously address issues raised during the asylum procedure, and to access asylum seekers for deportation after rejection of their application. A presupposition was that the prospect of 'austere' housing and non-integration into Dutch society would prevent asylum seekers from taking the decision to come to the Netherlands in the first place. At the same time, countries within the EU started to harmonize asylum procedures and reception conditions in order to prevent asylum seekers from 'venue shopping': seeking asylum in countries where conditions were most favourable.

Some EU regulations apply to the reception of asylum seekers in the Netherlands, most importantly, minimum standards for reception conditions as set out in the EU common asylum system.⁸ These regulations include minimum living standards no worse than the receiving countries' citizens who are entitled to social security, and a general consent to work which should take effect no longer than 9 months after application for asylum. However, Member States have a generous degree of latitude in interpreting these regulations, for example in deciding whether citizens of the EU would be prioritized.

A day in the life

Asylum seekers' daily lives largely take place within the reception centre ASC: eating, sleeping, raising children, and relaxing. Asylum seekers share rooms, as well as kitchen and sanitary facilities. They receive 'living money' for their daily necessities like food, travel, and telephone cards. However, they are obliged to report weekly at the ASC which makes it difficult to stay away too long from the centre to visit people or do activities.

COA employees are present at the ASC 24 hours a day. They decide who shares rooms with whom. They staff the reception desk. They provide people with daily supplies. They check if the rooms are clean and safe. And, sometimes, they organize activities, such as sports. In the 1990s a diverse range of recreational activities were organized in ASCs, but in the early 2000s the Dutch government decided that this did not fit in with the 'austere and humane' regime they envisaged. After a change in government, COA started a project 'Activating Occupants' in 2013.

⁷ Between 1990 and 2001 the yearly numbers fluctuated between 20,000 and 50,000.

⁸ PbEU 2003, L31/18 adjusted into L180/96, 2013/33/EU by the European Parliament and the European Council, 26 June 2013.

Children between the ages of 5 to 18 attend school. Sometimes schools are located at the ASC. At other locations children visited the regular neighbourhood schools. When turning 18 youngsters were not permitted to finish their education. Adults were only allowed to learn Dutch once they learned of a successful asylum application. Many claims are rejected, and whilst many people appeal against them, only a minority have the decisions overturned. Dutch lessons were generally taught by volunteers, once or twice a week.

Asylum seekers are allowed to do voluntary work inside and outside the ASC. They are also allowed to do paid work for 24 weeks a year.⁹ However, the conditions were strict. Their asylum application needed to be in process for at least six months, and the potential employer had to apply for a working permit for every asylum seeker separately. Asylum seekers were allowed to keep 25% of their income (to a maximum of €183 per month).¹⁰ Any excess income had to be paid to COA to compensate for the cost of housing.

Day to day problems during and after the asylum process

There was little opportunity for asylum seekers to control their own lives while living in ASCs. Research showed that asylum seekers characterized their life within the centres with words like 'senseless waiting' and 'complete boredom'.¹¹ They wondered why they were provided with housing and pocket money while they were in fact very well capable of organising their own housing and earning their own money if only they would be allowed to do so. They felt 'in limbo': between the world they left and could not revisit, and the world they wanted but could not enter. They were not in prison, but did not feel free either.

A lack of privacy and security (especially for women and girls) and high levels of stress were often reported, leading to hospitalization and high costs for medical care.¹² Parents were worried about their children growing up in ASCs. Children were ashamed of their housing and avoided inviting friends over from school. Youngsters had no place to do their homework since the whole family lived in one room.

Housing asylum seekers in secluded rural areas, and discouraging their interaction with Dutch society, was driven by the fear that they would start feeling at home. The more they connected to the neighbourhood, became friends with class mates and colleagues, the more difficult it would become to deport them. Their colleagues, class mates and neighbours protested against deportation, often loudly (*Exhibit 5*). There were also many examples of mayors and aldermen getting involved in the protests against deportation of inhabitants of their city.

Not surprisingly it proved difficult for people who had lived in ASCs for an extended period to integrate into Dutch society after they had been approved for permanent residence. They had not built up connections and did not learn to speak the language. They did not know how society worked and had no network to get them started. Unemployment among refugees in the Netherlands was very high: in 2010 employment among refugees who had lived in the Netherlands for 10 years was 44% (compared to a general employment rate of 64% among citizens born within the Netherlands).¹³

⁹ This maximum is set at 24 weeks because in the Netherlands when a person works more than 24 weeks in a year they become entitled to social security. This is a provision in the Dutch welfare state.

¹⁰ This is related to the minimum standard for variable daily living expenses in the Netherlands, which would amount to €240 for a single person.

¹¹ Advisory Committee on Migration Affairs (2013). *Verloren tijd: advies over dagbesteding in de opvang voor vreemdelingen*. (Lost time: advisory report on activities in reception facilities for aliens). The Hague: ACVZ.

¹² Laban, C., Gernaat, H., Komproe, I., Schreuders, B. & Jong, J. de (2004). The impact of a long asylum procedure on quality of life, disability and physical health in Iraqi asylum seekers in the Netherlands. *Journal of Nervous and Mental Disease*, 192 (12), pp 843-851.

¹³ Ineke Bottelberghs & Marion Sterk (January 2011). *Integratiebarometer Vluchtelingenwerk, update arbeidsmarktsituatie* (Integration barometer of the Dutch Refugee Council, update on the situation on the labour market). The Hague: Central

Many people whose asylum claim was rejected – sometimes after several years – had difficulty returning to their countries of origin. Some were afraid of persecution. Others felt they had failed their relatives and creditors who had sent them to Europe to earn money. Some critics suggested that having had their lives ‘on hold’ for years and earning no money worsened this situation. Local governments were faced with problems of undocumented people living in their streets: people who lived, worked, fell in love and raised children in the Netherlands, but who were not protected from exploitation, or who were afraid to send their children to school or consult a doctor. A large proportion of the undocumented migrants living in the streets were former asylum seekers whose asylum claims were rejected. Many cities organized some basic reception for them, even though national government had forbidden it (*Exhibit 6*).

Another way?

Jan Braat was looking for alternative ways to protect and house asylum seekers. Thus far these services had been delivered mainly by the Netherlands’ own national public agencies IND and COA. At the same time, other actors worked with and provided for asylum seekers. They did not deliver housing or legal procedures, but they did provide jobs, education, entertainment, and legal and psychological support. Citizens, churches, civil society organisations, volunteers, and entrepreneurs were all doing their part, including:

- *VluchtelingenWerk* (Dutch Refugee Council) provided legal support during the asylum procedures and assisted refugees in finding their way in Dutch society after their asylum claim was accepted. Volunteers at ASCs were teaching Dutch classes.
- *De Vrolijkheid* (Cheerfulness) organized entertainment for children and youngsters in ASCs such as music projects, theatre and sports (*Exhibit 7*).
- *De Verdienstelijkheid* (Merit/being useful) assisted asylum seekers in starting their own business. They were a small group of entrepreneurs who found themselves confronted by the lot of asylum seekers having their lives ‘on hold’. To help asylum seekers get their life ‘going’, the entrepreneurs devised means to assist start-ups by asylum seekers, such introducing asylum seekers and refugees to potential employers in their network to get them internships and jobs.

At the same time, new ideas and initiatives for improving the physical and social conditions in ASCs were slowly getting traction. The Amsterdam local government discussed with COA proposals to locate a new kind of ASC at the centre of a new residential development area: Houthaven. It would be called *Ondertussen* (Meanwhile): a building for 450 asylum seekers, to be opened in 2017. The expectation was that the people who eventually live in this neighbourhood would accept the ASC as given instead of something alien to the neighbourhood because they themselves would profit from it as well as the asylum seekers.

To assist this integration, selected facilities within the ASC would be open to locals as well as asylum seekers, such as a café-lunchroom in which asylum seekers and locals could work and socialize together, and art-workshops delivered by asylum seeker artists, the products of which would be sold. There were also plans to locate a kindergarten inside the ASC that locals could access, as well as plans to facilitate voluntary work by asylum seekers at a local aged care home.¹⁴ A similar plan was

Bureau of Statistics (CBS). A 2016 report shows even worse numbers: only about one in three refugees in the age between 15 and 64 have a paid job: http://www.wrr.nl/fileadmin/en/publicaties/PDF-WRR-Policy_Briefs/WRR_Policy_Brief_-_No_time_to_lose.pdf.

¹⁴ These plans are somewhat similar to the so-called *Grandhotel Cosmopolis* in Augsburg (Germany) (www.grandhotel-cosmopolis.org/de/). This is an official ASC under the auspices of the Regierung von Schwaben (one of the German Länder or states), which provides a ‘Heimleiterin’ (manager) and a Hausmeister (porter). The building, a former aged care facility, is

launched in Utrecht (at the Einsteindreef, part of a deprived neighbourhood). Here training on entrepreneurship as well as courses on business English would be given to asylum seekers as well as local youth living in this neighbourhood. It was expected that this would allow asylum seekers to acquire 'future proof' skills which they would benefit from irrespective of whether they integrated into Dutch society as accepted refugees or departed the Netherlands when their asylum application was rejected. Both proposals were, however, met with some reluctance by locals.

It has been suggested that this idea could be expanded by encouraging the role of private businesses in delivering services for the reception of asylum seekers. Relevant private businesses, it is argued, could provide housing and security more effectively as well as more cheaply. But critics pointed to the United Kingdom experience, where the reception of asylum seekers was contracted out to conglomerate services firms like G4S and Serco. External reviews there subsequently exposed major problems, including substandard maintenance of buildings and inappropriate behaviour by some of the providers' housing staff.¹⁵

At the same time, not everybody was comfortable with the pace of this 'externalisation' of asylum seeker services, nor the policy intentions underpinning the innovations. In the Netherlands there had been protests against buildings being turned into ASCs as early as the mid-1980s, but, more recently, similar protests in other EU countries had turned violent (for example in Germany, where 67 attacks on ASCs were recorded between November 2014 and January 2015 alone). In spring 2015, the number of people fleeing conflict zones in Syria and Iraq rose alarmingly, up to 1.2 million at the end of that year. This was now dominating the daily news, framing political debate, and catalysing fierce anti-immigrant/anti-refugee sentiment.

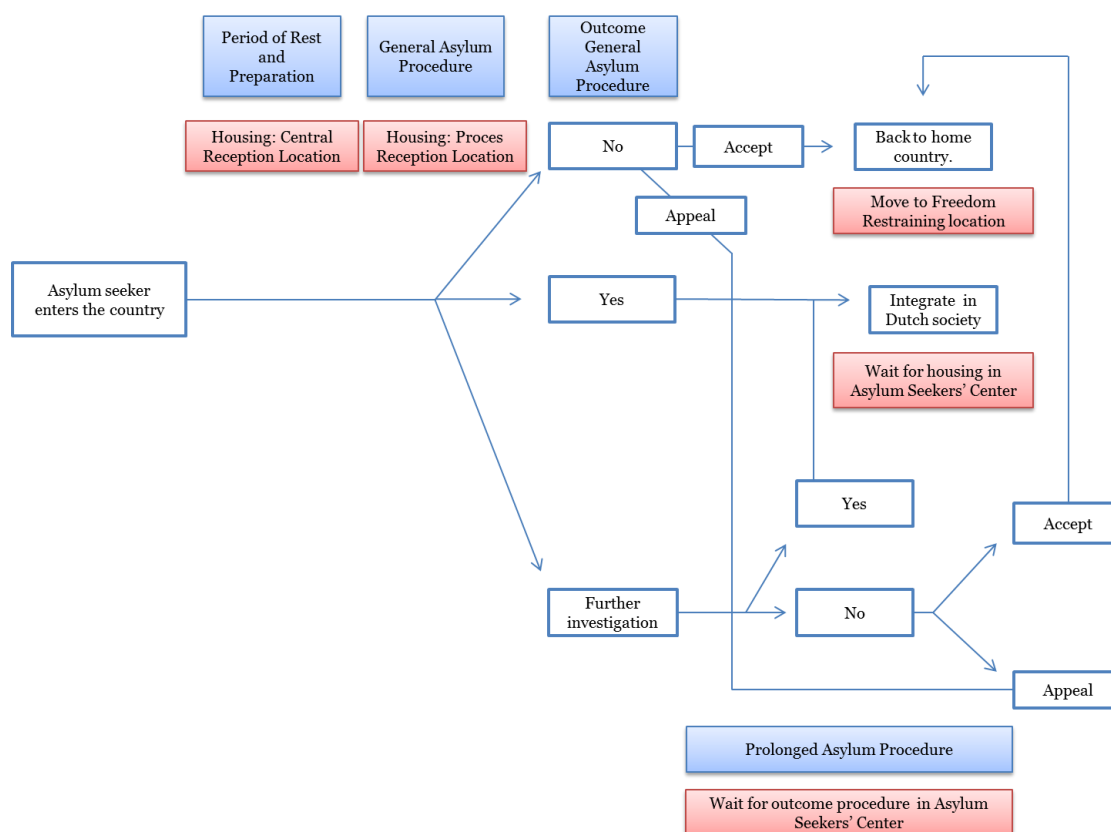
A difficult place to be

Fostering co-operation between asylum seekers, ASCs, entrepreneurs and civil society organisations had risks. Greater integration during the assessment process made adjustment, including deportation, for asylum seekers whose claims are rejected even more traumatic. It raised the prospect of other forms of community action, as class mates, colleagues, friends and mayors might protest in the media. Furthermore, collaborative forms of service provision that focus on integration might detract from other equally valid purposes of the reception system, such as security and cost containment, or give the appearance of a loss of control over an inherently governmental function (border control). But at the same time it might improve the quality of life in the ASCs. It might help former asylum seekers build their lives after the asylum procedure, either in the Netherlands or in another country. It could even lower the costs. Jan Braat pondered the risks and opportunities, wondering what he should do.

owned by a protestant church, and now maintains beds for 56 asylum seekers and 44 tourists, as well as 13 artists' studios (*Exhibit 7*). The underlying concept is to facilitate encounters between 'guests with and without asylum'.

¹⁵ www.nao.org.uk/wp-content/uploads/2014/01/10287-001.Executive-Summary.pdf

Exhibit 1 Asylum procedure in the Netherlands



When asylum seekers enter the Netherlands they first have to report their presence to the Alien Police (Vreemdelingenpolitie), who will seek to verify their identity. Then they have a period of 6 days to rest and prepare for the asylum procedure. Following this, they await the start of their General Asylum procedure (Algemene Asielprocedure, AA), administered by the Immigration and Naturalization Service (Immigratie- en Naturalisatie Dienst, IND). The outcome of the AA can be one of three decisions:

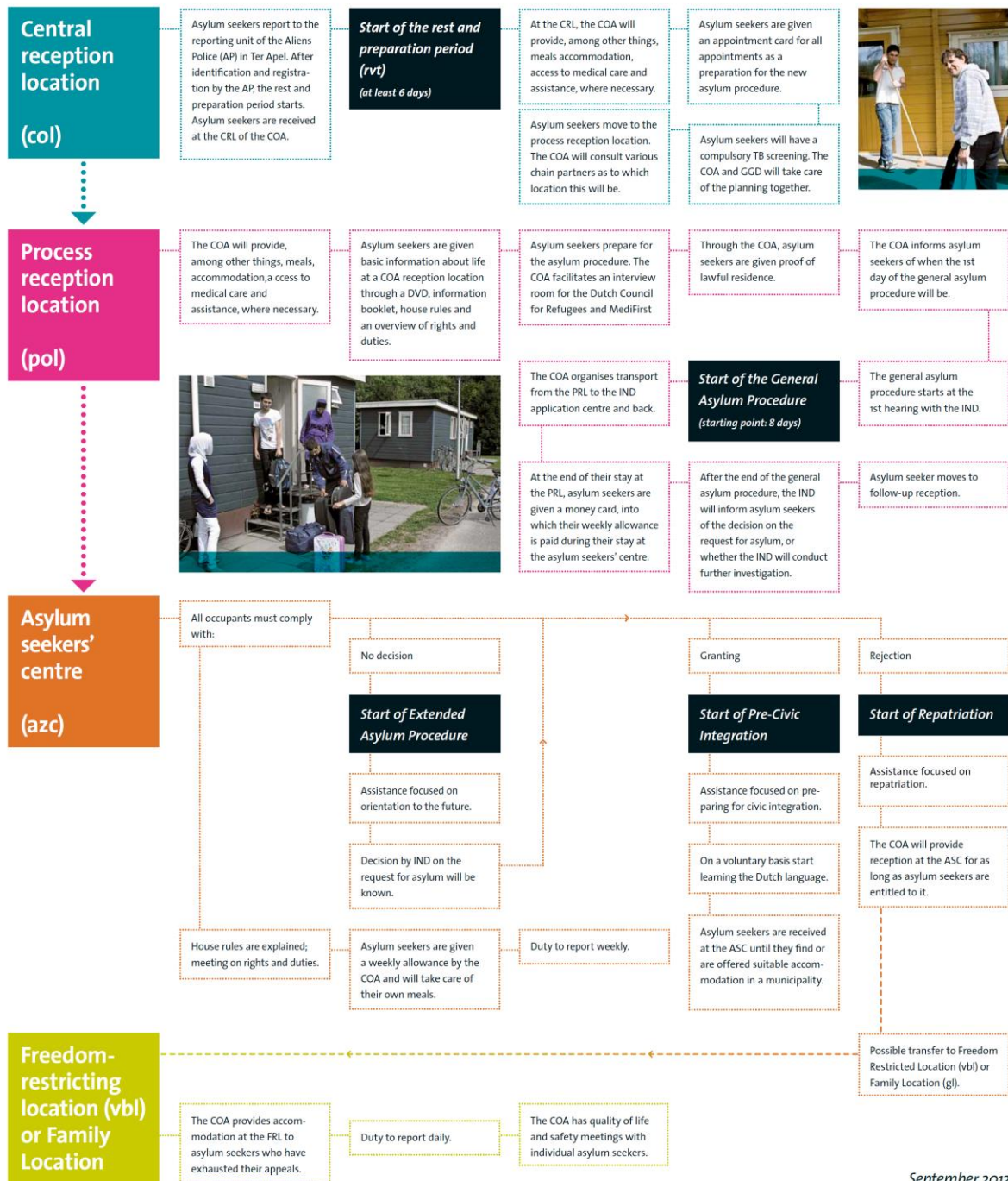
1. The IND has not been able to make a decision. In that case the Prolonged asylum procedure (Verlengde Asielprocedure, VA) starts. During this period the asylum seeker will live in an ASC. This period should take no longer than 6 months.
2. The IND can have granted the individual asylum. In this case s/he will live in an ASC while being prepared to integrate into Dutch society. Meanwhile the COA searches for suitable housing. During this period s/he can start free voluntary Dutch classes in the ASC.
3. The IND directly denies him/her asylum and s/he has to start his return. The COA provides housing at the ASC, as long as the asylum seeker has a right to it. S/he might also be sent on to a Location of restraint (Vrijheidsbepurende locatie, VBL) which is closed off housing that the COA is also responsible for. Families will not be sent to a freedom-restraining location. They are housed in basic family locations.

Exhibit 2 Reception process in the Netherlands



The reception: step by step

from July 1, 2010



September 2012

Source: https://www.coa.nl/sites/www.coa.nl/files/paginas/media/bestanden/proces_of_reception.pdf

Exhibit 3 *Asylum centres in the Netherlands*



Exhibit 4 *Campaigning against opening asylum centres in the neighbourhood*



Exhibit 5 *People campaigning for asylum seekers who have been denied permanent status*



Exhibit 6 *Provisional shelters for asylum seekers who have been denied status*



Exhibit 7 *Day-time activities for children*



Exhibit 8 Grandhotel Cosmopolis in Augsburg

