

# Input by civil society to the EASO Annual Report 2019

Fields marked with \* are mandatory.

The production of EASO's *2019 Annual Report on the Situation of Asylum in the European Union* is currently underway. The yearly [annual report](#) series present a comprehensive overview of developments in the field of asylum at the regional and national levels.

The report includes information and perspectives from various stakeholders, including experts from EU+ countries, civil society organizations, the UNHCR and researchers. To this end, we invite you to submit information on developments in asylum law, policy or practice in 2019 (and early 2020) by topic as presented in the online survey.

Please note that the EASO Annual Report does not seek to describe national systems in detail but rather to present key developments of the past year, including improvements and challenges which remain. Your input can cover practices of a specific EU+ country or the EU as a whole. You can complete all or only some of the sections. It is preferred to provide your submission in bullet points to facilitate drafting.

All submissions are publicly accessible. For transparency, 2019 contributions will be published on the EASO webpage. Contributions to the 2018 annual report by civil society organisations can be accessed [here](#). All contributions should be appropriately referenced. You may include links to supporting material, such as analytical studies, articles, reports, websites, press releases or position papers. If your organisation does not produce any publications, please make reference to other published materials, such as joint statements issued with other organisations. Some sources of information may be in a language other than English. In this case, please cite the original language and, if possible, provide one to two sentences describing the key messages in English.

The content of the EASO annual report is subject to terms of reference and volume limitations. Submissions may be edited for length and clarity or may not be included in the final report. Contributions from civil society organisations feed into EASO's work in multiple ways and inform reports and analyses beyond the annual report.

Please complete the online survey and submit your contribution to the 2019 annual report by **Thursday, 12 March 2020**.

## [Instructions](#)

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Before completing the survey, please review the list of topics and types of information that should be included in your submission.

For each response, please only include the following type of information:

- New developments and improvements in 2019 and new or remaining challenges;
- Changes in policies or practices, transposition of legislation or institutional changes during 2019.

Please ensure that your responses remain within the scope of each section. Do not include information that goes beyond the thematic focus of each section or is not related to recent developments.

## Contributions by topic

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### **1. Access to territory and access to asylum procedures (including first arrival to territory and registration, arrival at the border, application of the non-refoulement principle, the right to first response (shelter, food, medical treatment) and issues regarding border guards)**

Notification: The Kingdom of the Netherlands and the International Protection of (Asylum) Migrants (March 2019)

See for more information:

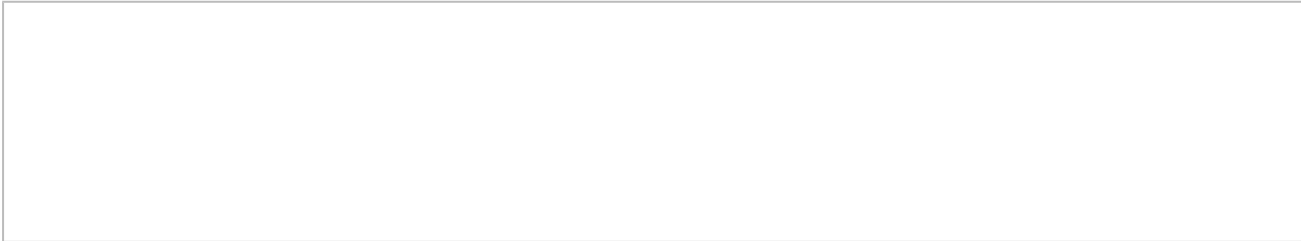
<https://www.adviescommissievoorvreemdelingenzaken.nl/publicaties/publicaties/2019/03/19/the-kingdom-of-the-netherlands-and-the-international-protection-of-asylum-migrants>

The allocation of responsibilities in the Kingdom is arranged in the Charter for the Kingdom of the Netherlands. The countries in the Kingdom have a large degree of autonomy in implementing their own migration policy and are therefore primarily responsible for this themselves. This autonomy is limited by obligations arising from international treaties and laws of the Kingdom (the Charter for the Kingdom of the Netherlands and statute laws). The Kingdom may intervene if one of the countries fails to comply with international laws or violates human rights in the process of implementing its migration policy, provided that strict assessment criteria are met.

The Charter offers ample opportunities for countries in the Kingdom to cooperate in the area of international protection and migration. Although cooperation has been discussed since 2015, it is still modest in scope with regard to the protection and reception of Venezuelan migrants.

### **2. Access to information and legal assistance (including counselling and representation)**

### **3. Provision of interpretation services (e.g. introduction of innovative methods for interpretation, increase/decrease in the number of languages available, change in qualifications required for interpreters)**



#### **4. Dublin procedures (including the organisational framework, practical developments, suspension of transfers to selected countries, detention in the framework of Dublin procedures)**

Advisory report: Increasing onward migration of asylum seekers in the EU (November 2019)

See for more information:

<https://www.adviescommissievoorvreemdelingenzaken.nl/publicaties/publicaties/2019/11/05/increasing-onward-migration-of-asylum-seekers-in-the-eu>

Main conclusions:

Measures to combat secondary movements only have a partial effect

Member States try to counter secondary movements of asylum seekers, among others by reintroducing or intensifying border controls and mobile surveillance of third country nationals, cutting-back reception facilities, introducing residence status restrictions and, where possible, applying detention measures. National policy restrictions can actually deter asylum seekers from going to or encourage them to leave a particular Member State. At the same time, this leads to secondary movements to other Member States. For the EU as a whole this is clearly not a solution.

The implementation of the EU-Turkey Statement and the closure of the Balkan route have led to a decrease of secondary movements by asylum seekers immediately after arrival in the EU. At the same time, secondary movements of rejected asylum seekers (including onward migration in anticipation of a negative decision) have increased. The Dublin system, implemented to determine which Member State is responsible for processing an asylum application, is not functioning efficiently to combat secondary movements. Especially the way Member States deal with manifestly unfounded applications from asylum seekers coming from so-called safe countries of origin is problematic. Besides that, Member States are not very successful in returning rejected asylum seekers to their country of origin.

Call for a more comprehensive approach

Secondary movements cannot be entirely prevented. However, they can be better managed. This requires:

- A more convincing focus on addressing the root causes of asylum-related migration, both outside and within the EU
- A fundamental reform of the Dublin system by introducing positive incentives to encourage both asylum seekers and Member States to abide by the rules and differentiate between types of asylum seekers, i.e. those who already have social, economic or cultural ties with Member States, those from safe countries of origin who submit manifestly unfounded applications and other asylum seekers

Continue to focus on improving the return policy at the EU level, among others by not solely focusing on countering irregular migration in the relationship with countries of origin.

#### **5. Special procedures (including border procedures, procedures in transit zones, accelerated procedures, admissibility procedures, prioritised procedures or any special procedure for selected caseloads)**





**6. Reception of applicants for international protection (including information on reception capacities – increase/decrease/stable, material reception conditions - housing, food, clothing and financial support, contingency planning in reception, access to the labour market and vocational training, medical care, schooling and education, residence and freedom of movement)**

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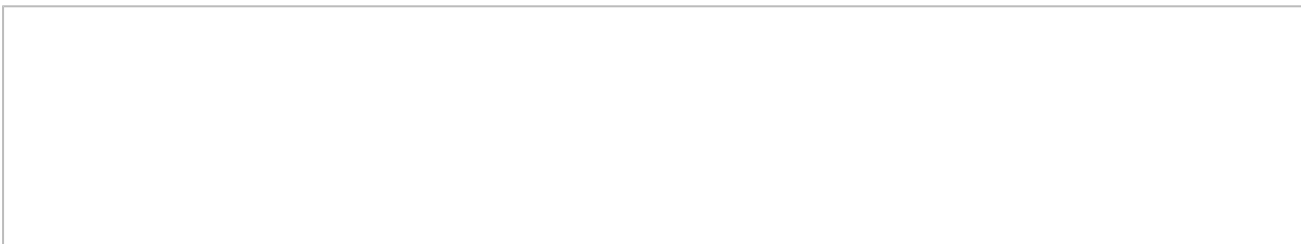
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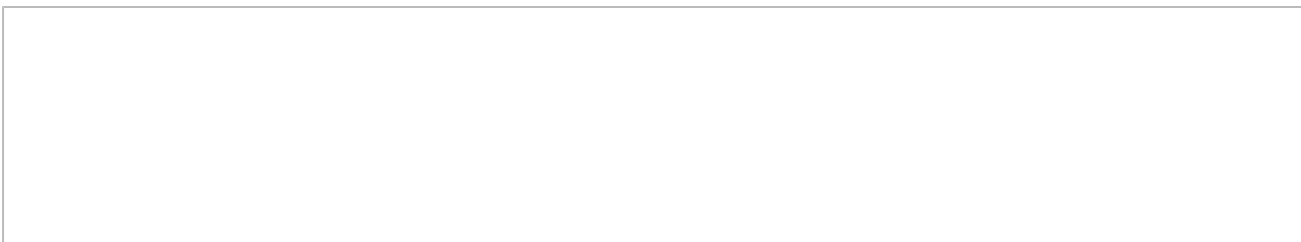
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**7. Detention of applicants for international protection (including detention capacity – increase /decrease/stable, practices regarding detention, grounds for detention, alternatives to detention, time limit for detention)**



**8. Procedures at first instance (including relevant changes in: the authority in charge, organisation of the process, interviews, evidence assessment, determination of international protection status, decisionmaking, timeframes, case management - including backlog management)**



**9. Procedures at second instance (including organisation of the process, hearings, written procedures, timeframes, case management - including backlog management)**

**10. Availability and use of country of origin information (including organisation, methodology, products, databases, fact-finding missions, cooperation between stakeholders)**

**11. Vulnerable applicants (including definitions, special reception facilities, identification mechanisms/referrals, procedural standards, provision of information, age assessment, legal guardianship and foster care for unaccompanied and separated children)**

**12. Content of protection (including access to social security, social assistance, healthcare, housing and other basic services; integration into the labour market; measures to enhance language skills; measures to improve attainment in schooling and/or the education system and/or vocational training)**

Published (only in Dutch):

Integration scheme for newcomers (September 2019)

<https://www.adviescommissievoorvreemdelingenzaken.nl/publicaties/publicaties/2019/09/11/wet-inburgering>

Where it is stated that the policy focus should be more on encouragement, reward and adequate support instead of coercion and punishment, and where the coordinating role of municipalities is emphasized

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-Market forces integration education (March 2019)

<https://www.adviescommissievoorvreemdelingenzaken.nl/publicaties/publicaties/2019/03/13/marktwerking-inburgeringsonderwijs>

For this advisory report the advisory committee has investigated the manner in which the market for integration education was structured in recent years and how it has functioned. It concluded that the structure of the system was inadequate, due to the fact that citizens who are obliged to integrate often have

often been unable to properly fulfill their role as consumers on this 'market'.

### 13. Return of former applicants for international protection

### 14. Resettlement and humanitarian admission programmes (including EU Joint Resettlement Programme, national resettlement programme (UNHCR), National Humanitarian Admission Programme, private sponsorship programmes/schemes and ad hoc special programmes)

### 15. Relocation (ad hoc, emergency relocation; developments in activities organised under national schemes or on a bilateral basis)

### 16. National jurisprudence on international protection in 2019 (please include a link to the relevant case law and/or submit cases to the [EASO Case Law Database](#))

### 17. Other important developments in 2019

Exploratory study: Legal labour migration channels (June 2019)

See for more information:

<https://www.adviescommissievoorvreemdelingenzaken.nl/publicaties/publicaties/2019/06/13/legal-labour-migration-channels>

This exploratory study by the Advisory Committee shows, amongst other things, that there are indications that developing legal labour migration channels do contribute to a reduction of uncontrolled migration.

Furthermore the Committee concludes that the middle sector of the labour market is, in contrast to the top sector, not supported by a labour migration policy. The study does not only sketches out the existing rules and regulations on the different forms of legal labour migration, but it also provides an overview of bottlenecks, opportunities, dilemmas and directions for solutions.  
(The full translation in English of this report is due in April 2020)

Advisory report: Changing Parenthood and Migration (February 2019)

See for more information:

<https://www.adviescommissievoorvreemdelingenzaken.nl/publicaties/publicaties/2019/02/18/changing-parenthood-and-migration>

If the Netherlands decide to implement regulations on multi-parenting and multi-parent custody, according to the Advisory Committee it is not necessary to exclude certain groups of migrants who would like to become a multi-parent.

However the ACVZ does advice to only open up the surrogacy procedure to Union citizens and third-country nationals who have permanent residence status in the Netherlands. The imposition of such further requirements can contribute to the prevention surrogates travelling to the Netherlands for the sole purpose of being a surrogate.

In December of 2016 the Government Committee on the Reassessment of Parenthood (hereinafter referred to as the Government Committee) published its report entitled 'Kind en ouders in de 21ste eeuw' (Child and Parents in the 21st century). In it, the Government Committee proposed regulations on multi-parenting and multi-parent custody arrangements for a maximum of four individuals. The reason for this is that current regulations do not adequately address the various forms of social parenthood that exist within society (such as stepparent families and same-sex parents). In addition, the Government Committee put forward proposed regulations for surrogacy arrangements with legal safeguards. The aim of these regulations is to prevent Dutch parents from seeking a surrogate in countries that do not offer adequate protection for the rights of the surrogate and the child.

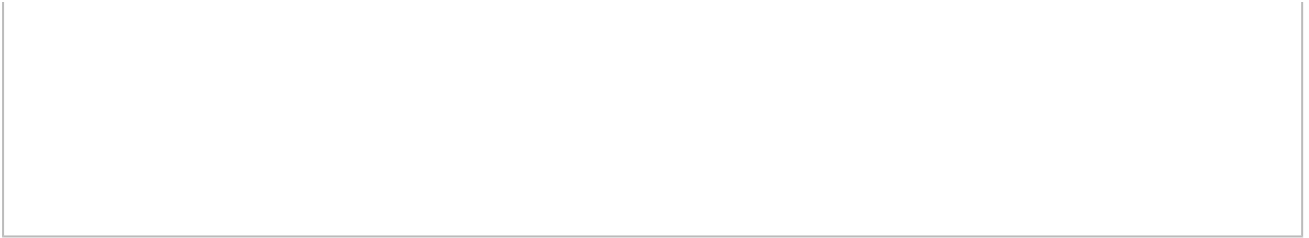
In her report the Advisory Committee advises on the impact of the Government Committee's proposals on migration law. The ACVZ concludes that implementation of the proposals of the Government Committee will have an impact on migration law. In the interest of legal uniformity and legal protection, the ACVZ considers that the amendments as regards the concept of a 'family' in parentage law urgently needs to be implemented in migration law as well. It is also necessary to regulate the residence status of individuals in these new family structures.

## References and sources

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### 18. Please provide links to references and sources and/or upload the related material in PDF format

### 19. Feedback or suggestions about the process or format for submissions to the EASO Annual Report



Please upload your file

The maximum file size is 1 MB

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**/2019\_EASO\_YEARBOOK\_contributions\_of\_the\_Dutch\_Advisory\_Committee\_on\_Migration\_Affairs\_\_ACV.pdf**

## Contact details

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\* Name of organisation

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### Contact

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