

Ministry of Justice and Security

> Return address Postbus 20301 2500 EH The Hague

Commissioner for Human Rights
Dunja Mijatović

Council of Europe
Office of the Commissioner for Human Rights
67075 Strasbourg Cedex
FRANCE
Via e-transmission only

**Directorate-General for
Migration**

International Migration
Department

Turfmarkt 147
2511 DP The Hague
Postbus 20301
2500 EH The Hague
www.rijksoverheid.nl/jenv

Our reference

4183682

Your reference

CommHR/DM/sf 026-2022

Date 1 September 2022, The Hague
Subject Your letter of 26 August 2022

Dear Commissioner,

Allow me to express my gratitude for your letter regarding the current asylum reception situation in the Netherlands. I would like to take this opportunity to inform you about the situation and the latest measures being taken to deal with the ongoing challenges.

In recent months, the Netherlands has witnessed a situation in which circumstances at the crowded Ter Apel reception centre have worsened. As you are aware, a large group of asylum seekers have been sleeping outside the centre, in subpar living conditions, without a roof over their heads.

The Dutch government announced several measures on 26 August aimed at immediately alleviating the distressing situation and once again ensuring safe and dignified reception for all who apply for asylum in the Netherlands.¹

As a short-term solution, all persons staying outside the Ter Apel reception centre are being transferred to other locations in the Netherlands and given clarity regarding their identification and registration appointments. We will open a large emergency shelter (provided by the Ministry of Defence) in a nearby municipality as soon as possible, where people can stay pending the start of their identification and registration procedure at Ter Apel. The Ministry of Defence will also assist in setting up the location and providing transport. In this way we aim to prevent large numbers of asylum seekers having to sleep outside. Every effort is being made to have this site operational next week. Of course, it is our highest priority to provide safe conditions and ensure access to adequate shelter, food, drinking water and sanitation at these facilities. In particular, we aim to provide appropriate accommodation for vulnerable persons as soon as possible. For the medium-term, a comprehensive package of measures and an accompanying budget of €730 million have been agreed. The plan is to create a large number of additional emergency shelters, and to build additional housing for beneficiaries of international protection. Municipalities will have to provide extra

¹ A copy of this letter is attached (in Dutch). A courtesy translation in English will be provided shortly.

housing as well. This will allow us to move refugees out of the reception centres and free up space for new applicants.

In addition, the government is planning to present a bill soon which will confer on municipalities a statutory duty to provide reception. The new legislation will also give central government a set of legal instruments for taking the lead in these processes. Further measures include an intensified approach to tackling crime among asylum seekers at reception centres, accelerated procedures for those who clearly do not qualify for asylum (in order to free up capacity for more complex cases involving vulnerable persons) and increased spot checks at the border by the Royal Military and Border Police (Koninklijke Marechaussee, KMAR) to tackle migrant smuggling and document fraud. In addition, measures will be taken with regard to unaccompanied minors (UAMs). The influx of UAMs into the Netherlands has been exceptionally high. Additional funding is being made available to facilitate a form of extended reception and guidance for UAMs with international protection status in order to better enable them to transition into adulthood and independence, and to alleviate some of the financial burden on municipalities.

Furthermore, measures of an explicitly temporary nature have been introduced. They will be in effect until the end of 2023 and are subject to review in July 2023. These measures relate in particular to family reunification, resettlement and the target for municipalities regarding the provision of housing to beneficiaries of international protection. More details can be found in the aforementioned letter.

As part of a more long-term strategy, the situation in the Netherlands is reason for the government to review the current asylum policy and the structure of the asylum system. We need to accelerate the asylum process and provide for a reception system that, while safeguarding human rights, is more responsive to the inevitable fluctuations in asylum applications.

Additionally, I wish to address the concerns regarding treatment accorded to displaced persons from Ukraine and to those of other nationalities. Persons fleeing the conflict in Ukraine are eligible for temporary protection due to the activation of the EU Temporary Protection Directive. In the Netherlands, municipalities and safety regions have a major role in providing (temporary) accommodation for displaced persons from Ukraine. To mitigate the risk of difference in treatment, we are working to ensure that the entitlements of the different groups seeking protection in the Netherlands are more aligned. In addition, we have asked municipalities to remain flexible and make spaces reserved for Ukrainians available to other groups as well, so that proper reception can be provided for all persons in need of it.

In your letter you also refer to the tragic news of the death of a three-month old baby in the sports centre used as emergency accommodation. Unfortunately, at this time there is little information about the circumstances of the baby's death. I fully support the independent investigation that commenced immediately after the tragic event, on the initiative of the Health and Youth Care Inspectorate and the Justice and Security Inspectorate.

Lastly, safeguarding the human rights of every individual in the given circumstances has proven to be a major challenge. The government will do everything it can to ensure that the dire conditions for newly arrived asylum seekers are alleviated as soon as possible and continue to work on a fair and

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effective asylum and migration system. However, the Netherlands cannot do this in isolation; solutions are needed at European level as well. My European colleagues and I are already working on a more effective Common European Asylum System, with better grip on irregular migration flows and provide adequate reception for those in need of international protection.

I wish to thank you again for reaching out and I remain at your disposal should you have any further questions.

Sincerely,

A handwritten signature in blue ink, consisting of several fluid, overlapping loops and a long horizontal stroke extending to the right.

E. van der Burg
Minister for Migration

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