

DUTCH SOPEMI REPORT 2022

Migration Statistics and Migration Policies in the Netherlands

- FINAL REPORT -

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The Dutch SOPEMI-reports are yearly published on behalf of the Ministry of Social Affairs and Employment and the Ministry of Justice and Security. RegioPlan has been asked to write these reports since 2014. The national reports are key input to the OECD work on international migration, not only to prepare the annual OECD International Migration Outlook, but also on a daily basis as a reference document.

The content of this report is largely based on the guidelines as provided by the OECD in Paris (International Migration Division). Central elements are:

- Recent developments in immigration and integration policies, as well as information on ongoing policy debates and emerging issues.
- Data for the full year 2020 and as well for 2021, to the extent possible. These statistics on migration and integration patterns are especially useful to identify emerging trends. Also breakdowns by age, gender and nationality are considered extremely useful.
- A brief summary and explanatory text, accompanying the quantitative information provided in the report (tables and charts) on migration and integration.

This report contains extensive information on policy decisions and developments. Both parliamentary documentation, annual publications from the European Migration Network on migration and asylum, and various evaluation reports have been used for this purpose. As will be explained, the Comprehensive agenda on migration of the Ministry of Justice and Security constitutes the foundation for a great variety of current migration policies. The agenda sets out the policy intentions for six different pillars, namely: (1) preventing irregular migration, (2) improving reception and protection for refugees and displaced persons in the region, (3) achieving a robust asylum system, based on solidarity in the EU and the Netherlands, (4) combating illegal residence and stepping up returns, (5) promoting legal migration routes, and (6) encouraging integration and participation. These pillars are discussed more in detail in chapter 2.

Information on migration is mostly based on population data of Statistics Netherlands (CBS). Population data in the Netherlands is based on the digitized municipal population registers. Since 1850, all Dutch municipalities are required to record and store population data on all their residents and non-residents living within the municipal boundaries. In addition to Statistics Netherlands, the following main (data) sources have been used: Eurostat Statistics; the Immigration and Naturalisation Service (IND); the Central Agency for the Reception of Asylum Seekers (COA); the Employee Insurance Agency (UWV); and the Dutch Education Executive Agency (DUO).

On the basis of these data sources, recent migration statistics are given for the full year 2020. The main categories to be explained are: (a) migration movement (immigration, emigration and net migration by different categories and/or permit types), (b) trends in foreign-born and foreign population stocks, and (c) main changes in labour market outcomes of immigrants and their children. Chapters 3 up to and including 8 provide for all relevant migration statistics.

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Management Summary

1

1 Management summary

This chapter provides a short overview of main migration statistics in the Netherlands. It also discusses the most prominent legislative and political changes in relation to migration and integration issues.

1.1 Statistics on migration

Immigration and emigration

During the last three decades, there has been an overall increase in the number of migrants coming to the Netherlands. Especially between 2015 and 2019, the number of immigrants increased rapidly. However, between 2019 and 2020, the number of immigrants decreased drastically (-17.9%) to nearly 221,000 in 2020. No doubt, this drop in immigration can be attributed to the COVID-19 virus, which had a strong impact on international mobility flows. With regard to the year 2021, the following patterns are worth mentioning:

- The number of immigrants increased from nearly 221,000 in 2020 to 252,000 in 2021. The total net-migration number was around 90,000 in 2021, indicating that more people entered than left the country.
- The number of immigrants from Europe was 111,456 in 2021. More than 80% of these immigrants came from the EU-27 countries.
- Among immigrants from EU/EFTA countries, the largest group consists of returning migrants who were born in the Netherlands. In 2020, over 50,500 migrants returned to the Netherlands.
- In 2021, employment was the main motive for migrating to the Netherlands for the other (non-Dutch) immigrants from the EU/EFTA. In 2020, more than 35,000 labour migrants from the EU/EFTA-countries came to the Netherlands.
- Among immigrants from non-EU/EFTA countries, in 2021 the most common reason for migration to the Netherlands was family formation or reunification. This motive applied to 29,000 immigrants. Applying for asylum was the motive for more than 21,000 people who migrated to the Netherlands in this year. Work and study each accounted for more than 18,000 migrants in 2021.

Labour-based immigration of third-country nationals

The COVID-19 pandemic has led to a significant decrease in the number of migrant workers in the Netherlands between 2019 and 2020. After that, the number of migrant workers increased again. The following developments can be indicated for the most recent period:

- In December 2020, 685,800 migrants from the EU (candidate) Member States were employed in the Netherlands, among which 348,400 migrants from the EU-11 countries (mainly Central-Eastern Europe).
- The total number of posted workers in the Netherlands reported in 2021 was 365,510. Nearly two-thirds of these workers are nationals from one of the EU Member States. A large majority of the posted workers is working in the transport sector (nearly 80%).
- With regard to labour-based immigration from non-EU countries in 2021, we notice an increase for both knowledge workers (22,840 issued permits, 66% increase as compared to 2020) and the other groups of labour migrants (11,643 permits and/or positive advices, 26% increase).
- A large part of the combined number of issued work permits and positive advices were granted to nationals of China, India, and the United States (41%). Nearly 5% of these permits and positive advice documents were granted to British nationals.
- These issued work permits and favourable decisions were largely granted for jobs in food preparation, delivery or transport, teaching, and the catering industry (52%).

Immigration for reasons of asylum

After a lower number of asylum seekers in 2020 due to the COVID-19 pandemic, the number of asylum requests increased in 2021, particularly as a result of political conflicts in Syria and Afghanistan. The following patterns can be identified for the most recent period:

- In 2021, there were 24,740 first asylum requests. By far most asylum requests were made by Syrian refugees (8,380). The number of applicants from Syria was twice as high compared to 2020.
- The number of resettled refugees increased slightly from 425 in 2020 to 470 in 2021. These numbers also include resettled refugees under the EU-Turkey deal.

- In 2021, the number of asylum applications by unaccompanied minors increased to 2,150 (from 985 in 2020). Unaccompanied minors account for about 8% of the total number of requests.
- The number of asylum seekers residing in Dutch asylum reception centres increased from 24,026 in 2020 to 42,936 in 2021.

Foreign students in higher education

The number of foreign students enrolled in Dutch research universities and universities of applied sciences strongly increased during the last decade. The following stands out:

- In 2021, more than 115,000 foreign students participated in Dutch higher education, accounting for 14% of the total student population. German students represent by far the largest group of foreign students in the Netherlands with over 24,500 students in 2021.
- In 2021, more foreign students participated in Dutch research universities (over 80,000) as compared to universities of applied sciences (over 34,500).
- After a decrease in numbers of admission requests between 2019 and 2020, the number of admission requests from students from outside the EU/EEA/Switzerland increased again between 2020 (12,310) and 2021 (20,560). Most requests came from Chinese, Indian and American students.

1.2 Foreign residents in the Netherlands

On 1 September 2022, 4,619,408 people with a migration background were living in the Netherlands. That equates to 26.0% of the Dutch population. Relevant characteristics of the population with a migration background in the Netherlands are:

- Of the foreign residents in the Netherlands nearly 45% was born in this country and therefore belongs to the so-called 'second generation' immigrants.
- The largest ethnic groups in the Netherlands have a Turkish, Moroccan, Suriname, Indonesian, German or Polish background. Together, these groups make up more than 2 million people in the Netherlands.
- The non-Western immigrant population is largely concentrated in the four largest cities (e.g. Amsterdam, Rotterdam, The Hague and Utrecht), whereas foreign residents from other European countries live widely spread across the Netherlands (also including some border regions).

1.3 Labour market integration

In general, the socio-economic position of people with a migration background in the Netherlands is much less favourable than that of people without a migration background. Based on the most recent information, the following can be mentioned:

- In 2021, the labour market participation of those born outside Europe is lower than that of persons born in the Netherlands and Europe: 57% and 72% respectively. Participation in the labour market is particularly low among refugees.
- In 2021, persons born outside Europe were more than twice as likely to be unemployed than persons born in the Netherlands.
- People born outside Europe are more than seven times as likely to receive social assistance benefits than those born in the Netherlands. Refugees appear very vulnerable in this field.
- Differences in income level between those born in the Netherlands and outside the Netherlands are relatively stable over the years. People born outside Europe reveal the least favourable income levels.
- Persons with a migration background experience more than twice as much discrimination compared to native Dutch people. Most discrimination is experienced in education and at work.

1.4 Policy measures

This section provides a brief summary of the main institutional changes in 2021, including legislative changes and policy measures. The main changes are summarised below for a number of migrant groups and migration-related topics.

Family migration

Legislation and policy practice with regard to family reunification shows some changes. Firstly, several measures adopted in 2020 due to the pandemic were lifted in 2021. This included previously installed travel restrictions for family members of migrants residing in the Netherlands. Also, the measure of November 2020 that deprived certain unaccompanied minor asylum seekers of the right to family reunification has been reversed in August 2021. Furthermore, new cooperation agreements were established with the International Organization for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR), in order to ensure faster completion of applications by family members joining beneficiaries of international protection in the Netherlands.

The Aliens Employment Act (Wav)

In July 2021, some amendments to the Aliens Employment Act were adopted by the House of Representatives. The aim is to make Dutch labour market policies more flexible and future proof. One of the measures is to introduce the possibility to issue a work permit for a maximum of three years, depending on certain conditions. A work permit with a full labour market test can be granted for a maximum of two years instead of one year. These measures took effect on 1 January 2022.¹ Other measures include the strengthening of the position of foreign employees (e.g., requirements regarding the payment of wages to this group). In addition, as of 2021, more documents of proof were requested in applications for intra-corporate transferees by sponsors. Last but not least, from 2022, the special arrangement for Asian cooks ended.

Foreign investors

In 2013, an admission scheme for foreign investors was introduced in the Netherlands. Under this scheme foreign investors who invest a minimum of € 1.25 million in a Dutch company or Dutch investment fund can obtain a temporary residence permit for a period of three years (*Regeling voor Buitenlandse Investeerders*). Due to its limited use and because of the risk of abuse the government decided to abolish the regulation in 2021.

Residence scheme for essential staff of start-ups

As of 1 June 2021, a pilot started for a new residence permit for essential or experienced staff of start-ups. The permit is supposed to make it possible and/or easier for young, innovative businesses in the Netherlands to attract staff from outside the European Union. Therefore, a lower salary criterion applies for this new residence scheme, with the additional requirement that the desired employee is given a share in the company. The pilot has a duration of four years and will be evaluated twice: mid-2023 and at the end of the pilot.

Announced measures to protect temporary foreign workers in the Netherlands

The government has initiated various measures to better protect the position of migrant workers. Most importantly, a law is being drafted that regulates the certification of employment agencies. This mandatory certification is likely to enter into force in 2025. In addition, the government is working on a system that makes it possible to register contact details and temporary residence addresses of non-residents. There is also legislation underway that should improve the quality of housing for temporary migrants. Finally, investments are made to facilitate a more effective supervision and better enforcement of the working conditions of migrant workers.

¹ <https://www.uvw.nl/werkgevers/werkvergunning/welke-werkvergunning-heb-ik-nodig/index.aspx>.

Asylum policies

In 2021, the national government has made a major appeal to regional and local governments to increase both the reception capacity for asylum seekers and the accommodation capacity for beneficiaries of international protection. Ultimately, this led to an agreement in 2022 about an increase in both reception and accommodation capacity and limiting the increased influx of new asylum seekers. In 2021, several changes to the asylum procedure also came into effect to respond better to fluctuations in the asylum influx. Furthermore, a decision and departure moratorium was installed for the Ethiopian region of Tigray as well as for Afghanistan. In addition, several policy changes were introduced to enhance the legal and social position of unaccompanied minors (UAMs), also including additional funds to improve access to education of these minors. Moreover, in 2021, legal changes have been made to the obligatory return policy, in particular with regard to the criteria under which this takes place. Last but not least, and in line with case law of the Court of Justice of the EU, new work instructions have been implemented to assessing health risks of third-country nationals who leave the Netherlands within the framework of the Dublin Convention.

Civic integration policies

The House of Representatives passed the law for a new civic integration system on 2 July 2020. Ultimately, the new law came into effect on 1 January 2022. Within this new policy municipalities are responsible for the civic integration of a great number of newcomers. Moreover, every newcomer receives a personal integration plan on the basis of which different types of civic integration can be followed. This customised plan is drafted by the municipality in consultation with the candidate. In addition, civic integration is tested at various exam levels. The standard language requirement is raised from level A2 to level B1. During the coming years, this new civic integration law will be monitored and evaluated on a large number of components.

Policies to combat discrimination

In 2021, a National Coordinator against Discrimination and Racism (NCDR) was appointed. The NCDR is established for three years, with the main task of drawing up a multi-year national programme with clear targets and full attention to signals from society. In addition, several measures took place in the area of anti-discrimination, as the Dutch government is committed to strengthening the awareness of effects of discrimination and discriminatory behaviour in governmental organisations. These measures include courses offered to different categories of government employees.

1.5 The arrival of refugees from Ukraine

Since February 2022, tens of thousands of people from Ukraine have fled to the Netherlands. These refugees have been received throughout the Netherlands, both by municipalities and private individuals. Mainly due to the legal possibilities for this group to go straight to school and to work, the participation figures compare favourably with other refugees in their first year in the Netherlands. Some statistics:

- Around 86,000 refugees from Ukraine had been registered in Dutch municipalities by the end of December 2022.
- At the end of 2022 around 20,000 Ukrainian children were attending Dutch primary or secondary education.
- On November 1, 2022, about 30,000 Ukrainians of those who came as refugees had paid work. Most Ukrainian refugees were employed as on-call workers (26%), agency workers (43%), or had other temporary employment contracts (28%).



Main migration trends and policies

2

2 Main migration trends and policies

This chapter is about migration policy for regular migrants who want to come to the Netherlands. Attention is paid in particular to the category of family migrants. Other migration categories will be discussed in the following chapters. The main principles of Dutch migration policy, the possibilities and obligations in relation to migration (including the obligation to pass a civic integration exam abroad) and a number of initiatives to combat human trafficking and improve economic development in a number of countries of origin are consecutively explained. In addition, a few topics having attracted a lot of media attention in 2021, and which are related to the presence of migrants in the Netherlands are shortly discussed. Subsequently, a large number of statistical aspects of migration to and from the Netherlands is clarified. Finally, some socio-demographic characteristics of foreign residents in the Netherlands are discussed.

2.1 Main statistical findings

- Between 2019 and 2020, the number of immigrants dropped to nearly 221,000, only to increase again to 252,000 in 2021. The number of emigrants decreased between 2019 and 2021, from 161,000 to about 152,500. The total net-migration number was around 90,000 in 2021, indicating that more people entered than left the country.
- After a peak of over 145,500 immigrants from outside of Europe in 2019, this number decreased to 106,000 between 2019 and 2020, only to increase again to 139,000 in 2021. The number of immigrants from Europe was 111,456 in 2021. More than 80% of these immigrants came from the EU-27 countries.
- Among immigrants from EU/EFTA countries, the largest group consists of returning migrants who were born in the Netherlands. In 2020, over 50,500 migrants returned to the Netherlands. Employment was the main motive for migrating to the Netherlands for the other (non-Dutch) immigrants from the EU/EFTA.
- Among immigrants from non-EU/EFTA countries, the most common reason for migration to the Netherlands was family formation or reunification. In 2021, this motive applied to 29,000 immigrants. Applying for asylum was the motive for more than 21,000 people who migrated to the Netherlands in this year. Work and study each accounted for more than 18,000 migrants in 2021.
- The Netherlands hosts around 4 million residents with a migration background, equivalent to 25% of the total population in this country. Of these people almost 45% were born in the Netherlands and therefore belong to the second generation migrants.
- The largest ethnic groups have a Turkish, Moroccan, Suriname, Indonesian, German or Polish background. Together, these groups make up more than 2 million people in the Netherlands (about half of the people with a migration background).
- Foreign-born residents tend to live in large cities, particularly in the four largest agglomerations (Amsterdam, Rotterdam, The Hague, and Utrecht). Within these cities combined, a little more than 50% has a migration background.

2.2 Main migration laws and policies

This section discusses the most important parts of the Dutch legislation and regulations regarding the possibilities for regular immigration to the Netherlands. The subjects discussed are the legal framework for migration to the Netherlands, the existence of different residence permits, an explanation of the possibilities for family migration (including civic integration obligations abroad), measures against forced marriages and marriages of convenience, projects aimed at the economic development of important countries of origin of migrants, and a number of prominent discussions about migration in the Dutch media. First of all, the main principles of the Dutch migration policy will be explained.

2.2.1 Comprehensive agenda on migration

In March 2018 the Dutch government launched the so-called Comprehensive Agenda on Migration, meant to integrate several policy domains in relation to migration and integration.² This agenda involves

² Parliamentary Papers II 2017/18, 29362, no. 266. Integrale migratieagenda.

that (1) different policy areas are considered as interrelated, (2) it is considered important to take action at all points of the migration chain, and (3) it is considered crucial to work together at different levels and with all relevant actors simultaneously. Six different policy intentions are described in the agenda:

1. Preventing illegal migration by tackling the root causes of migration in the countries of origin and by international cooperation to combat human trafficking, strengthen border control and promote return migration;
2. Strengthening reception and protection for refugees and displaced persons in the region by providing emergency assistance and setting up resettlement programs, investments in education and employment in the region, and by special attention to the most vulnerable groups;
3. The establishment of a solid Dutch and EU asylum system, with specific regard to ensuring equal protection levels within the EU, by discouraging secondary migration movements and by a solidarity-based asylum policy, in which Member States support each other in times of increased asylum inflows;
4. Less illegality and more return migration through intensive case management aimed at individual migrants and through the introduction of positive and negative incentives to encourage countries of origin to take back their own subjects;
5. Promotion of legal migration by providing information about existing possibilities for labour migration, internships by foreign students, scholarships and circular labour migration;
6. Stimulating integration and participation, by allowing integration efforts to take place as early as possible, by changing the civic integration policy and by paying even more attention to preschool and early childhood education.

The Dutch government will take care of the implementation of these pillars, explicitly underlining the importance of a long-term vision and the creation of broad support from Dutch society.

2.2.2 The Aliens act

In April 2001, the Aliens Act 2000 entered into force. This act regulates the admission and expulsion of foreign nationals, border control, and the supervision of foreign nationals residing in the Netherlands. The Aliens Act 2000 makes a distinction between aliens who migrate to the Netherlands through a regular procedure and aliens who come to the Netherlands through the asylum procedure. Below some important parts of the regular procedure will be explained, with special attention to the possibilities for short stay and long stay (particularly within the framework of family migration). The legal framework for labour migration, knowledge workers and students will be dealt with in chapter 4 and 6. The legal possibilities for those who seek asylum in the Netherlands is further explained in chapter 5.

Short stay in the Netherlands

Foreign nationals wanting to stay in the Netherlands for no more than three months must be in possession of a valid passport. In case these foreigners originate from outside the EU, they also need a visa – a Schengen visa – in order to travel to the Netherlands. This visa must be lodged at the Dutch embassy or the Dutch consulate in the country of origin. Nowadays, a total number of 62 countries – most of which are part of the American continent or are among the more developed countries in the world – are exempt from the visa requirements.³

On 2 February 2020, an amendment of the Community Code on Visas (Visa Code) took effect. For the Dutch application of the Visa Code, the following changes are notable to facilitate legitimate travel on a short-stay visa:

7. In the Netherlands, repeated regular travel to the Schengen area may qualify a person for a multiple-entry visa (MEV) with a longer period of validity. They must, however, meet a number of conditions.
8. In countries where the Netherlands uses the services of a Visa Application Centre of an External Service Provider (ESP), such as VFS Global or TLS Contact, applicants must submit their visa application at the ESP.

³ <https://schengenvisum.info/wat-is-schengenvisum/schengenlanden/liist-niet-visumplichtige-nationaliteiten/>

As of 1 January 2022, the fees for short-stay visas are €80 for adults and €40 for children aged 6-12. Renewing a visa costs €30.⁴ In addition, to ensure that short-stay visa holders are able to support themselves financially during their stay, the Dutch embassy/consulate in the country of the foreigners' residence asks the foreigner to prove that he has at least €34 per day during his stay in the Netherlands.⁵

A stay for longer than three months in the Netherlands

The start of the procedure for a stay of more than 90 days in the Netherlands is the application for a residence permit. This application can be made by the migrant himself or by a (recognised) sponsor in the Netherlands. A condition for a residence permit is a provisional residence permit (*Machtiging tot voorlopig verblijf*, Mvv). An Mvv is a special visa that allows migrants to travel to the Netherlands. This document must be lodged at a Dutch diplomatic post in the country of origin or current residence. The residence permit is issued by the Immigration and Naturalisation Service (*IND*) upon arrival in the Netherlands. The application for the Mvv and the residence permit have been merged with the MoMi Act of 2013 in a combined procedure (TEV-procedure) for Entry and Residence (see also box 2.1).

Foreigners with the nationality of an EU/EEA country, Australia, Canada, Japan, Monaco, New Zealand, Vatican City, United Kingdom, United States, South Korea or Switzerland are exempt from this provisional residence permit. In addition, there are situations in which the foreign national does not need an Mvv, for example in case the migrant is a family member of a citizen of the EU, EEA or Switzerland. The government has drawn up an extensive list that includes all situations in which no Mvv is required.⁶

Box 2.1 Modern migration policy

An important achievement within the framework of international migration has been the introduction of the Modern Migration Policy Act (*Wet modern migratiebeleid*, *MoMi*) in 2013. Modern migration policy particularly relates to modernising the processes regarding applications for residence permits and the admission procedures for migrants coming to the Netherlands for regular purposes of stay, such as labour, study and family reunification. From 1 June 2013, sponsors and foreign nationals may use the Entry and Residence Procedure (*Toegang en verblijf*, *TEV*). A more detailed explanation of Dutch Modern migration policy can be found in the previous editions of the Dutch SOPEMI-report. The Modern Migration Policy Act was evaluated in June 2019.⁷

Different types of residence permits

After a positive decision on the application for a residence permit, the IND issues the permit for the specific purpose of stay. Below, a number of prominent purposes will be explained shortly.

Members of the nuclear family can come to the Netherlands to stay with a Dutch citizen or a foreign national who is lawfully resident in the Netherlands. This concerns (marriage) partners and minor children. The possibilities apply to families already existing abroad as well as new families to be formed. Notable conditions which apply to both the (marriage) partner abroad and his or her (future) partner in the Netherlands are related to age, means of support, civic integration requirements, and the nature of the relationship between the partners. More specifically:⁸

9. The partner or sponsor in the Netherlands must have had sufficient long-term means of support for at least 12 months.
10. Both partners are aged 21 or older.
11. The (marriage) partner abroad has passed the Civic Integration Exam Abroad or is exempt from this examination (see also section 2.2.3).
12. The partners must have a long-term and exclusive relationship.

⁴ <https://ind.nl/nl/leges-kosten-van-een-aanvraag>.

⁵ <https://www.schengenvisainfo.com/netherlands-visa/>.

⁶ <https://ind.nl/nl/mvv-vrijstellingen>.

⁷ Lodder, G. (2019). *Selectief naast restrictief. Evaluatie van de Wet modern migratiebeleid*. Leiden, Instituut voor Immigratierecht.

⁸ The costs for families and single parents are expressed in percentages of the Dutch statutory minimum wage. For families the income requirements correspond to 100% of the statutory minimum wage, while for single parents this is 90% of the statutory minimum wage. For the requirements, see: <https://ind.nl/Formulieren/3076.pdf>.

In addition, family migration may be permitted if required by Article 8 ECHR. This right of residence is derived from the right to family life, as laid down in the European Convention on Human Rights (ECHR). This concerns the assessment of whether there is a so-called positive obligation on the Dutch government to enable the exercise of this family life. The scope of application of Article 8 ECHR is broad.⁹ Admission under Article 8 ECHR includes, for example, the residence of a parent with a minor child. Residence applications from adult children with parents residing in the Netherlands and from parents with adults who reside in the Netherlands are also assessed against this article.

Children whose parents are Dutch nationals acquire Dutch nationality by operation of law. Children who are born in the Netherlands and whose parents both have a non-Dutch nationality, need their own regular residence permit. This permit depends on that of the parents.

2.2.3 Requirements with respect to civic integration and language proficiency

Foreign nationals wanting to live permanently in the Netherlands must have a basic knowledge of the Dutch language and Dutch society prior to their arrival. For both elements, foreigners must pass a civic integration exam abroad. The exam must be taken by everyone aged between 18 and retirement age wishing to come to this country for an extended period of time. This mainly includes people who want to (re-)unite with a partner in the Netherlands. Also migrants wanting to work in the Netherlands as a cleric (e.g. imam or pastor) are subject to the civic integration programme abroad.

The exam is held at the Dutch embassy or consulate in the migrant's country of origin or at the nearest Dutch embassy or consulate abroad. Migrants coming to the Netherlands can only apply for a visa (a so-called Mvv) after they have passed the civic integration exam. If a migrant fails to pass the exam abroad, their visa application may be rejected. The Mvv should be lodged at the embassy or consulate after taking the exam.

The following groups of people are exempt from the civic integration exam abroad:

- (1) children aged under 18 and adults who have reached their retirement age;
- (2) nationals of an EU or EEA country, or one of the following countries: Switzerland, Monaco, Australia, Canada, Japan, New Zealand, Vatican City, the US and South Korea;
- (3) Turkish nationals and their partners;¹⁰
- (4) Surinamese nationals who have received at least their primary education in Dutch and have written proof of this;
- (5) people who come to the Netherlands for a limited period, for work, study, employment as an au pair, on an exchange scheme or for medical treatment (their family members are also exempt);
- (6) family members of a person with an asylum residence permit.

People with a serious physical or mental disability are also exempt from the civic integration exam.

The Civic Integration Abroad Act (*Wet inburgering buitenland, Wib*) came into force in 2006. Over time, two measures were subsequently introduced aimed at further tightening the civic integration requirements:

13. Firstly, the level of the language test was raised from level A1 minus to level A1 according to the Common European Framework of Reference for Languages.
14. Secondly, a literacy and reading comprehension test (Dutch: *Test Geletterdheid en Begrijpend Lezen*) was added to the requirements as part of the examination.

Both measures started in 2011. As a result, family migrants entering the Netherlands are expected to be better prepared and to be sufficiently aware of the demands they are expected to meet prior to their arrival.

⁹ De Staat van migratie (2022).

¹⁰ The current government has announced to investigate the possibilities to require Turkish newcomers to pass a civic integration exam in the future. See: Letter of the Minister of Social Affairs and Employment to the Parliament of 25 June 2019 'Stand van zaken Veranderopgave Inburgering'.

2.2.4. Recent policies in family migration

During the past years several legal changes were implemented. These changes particularly relate to the right of residence given to third-country parents of Dutch children (see, in more detail, the annual reports of 2018 and 2019). This section describes a few changes in Dutch family migration policies implemented last year.¹¹

Fees for residence permits have increased slightly (compared to 2020)

Since 1 January 2021, fees for the application for a residence permits are:¹²

- 15. for a residence permit in order to stay with a family member (incl. partner): € 192;
- 16. for a residence permit as a family member of a long-term resident: € 192;
- 17. for a residence permit in order to stay with a Turkish family member (EC-Turkey Agreement): € 69;
- 18. for a residence permit to work as an employee or knowledge worker: € 320;
- 19. for a residence permit for study: € 192.

Impact of 2017 Chavez-Vilchez ruling in relation to the rights of residence of a TCN with a EU-minor¹³

On the basis of the Chavez-Vilchez ruling a right of residence should be granted to a TCN parent of a minor with the nationality of an EU Member State when the relationship between the child and TCN parent is of such strong dependency, that in case this parent is denied residence the child would be obliged to leave the EU. It is not considered sufficient when the other parent with the nationality of an EU Member State is capable and willing to take care of the child. As a result of the Chavez-Vilchez ruling, Dutch policy was amended. Prior to this ruling, in the case that a Dutch parent was capable and willing to take care of the child, this was sufficient for the right of residence of the TCN parent to be denied.

Rules on work on submission of a residence permit application for third-country carer parents of Dutch children (Court of Justice of the European Union, Chavez-Vilchez)

If a third-country parent of a Dutch child has submitted an application for a residence permit under EU law, while awaiting the handling of the application, this parent may work if a positive outcome of the application is likely. On 1 July 2019, more detailed rules were laid down in the Aliens Act Implementation Guidelines (Vc) to assess this.¹⁴ A positive outcome is likely if the applicant has submitted enough documents to substantiate the application.

No rejection on the basis of the passport requirement for children born in the Netherlands¹⁵

On 28 June 2019, the Aliens Act Implementation Guidelines (Vc) were amended with respect to the passport requirement for third-country children born in the Netherlands. In these cases, the Immigration and Naturalisation Service (IND) does not reject a residence permit application for 'residence as a relative or family member' in case of the absence of a valid border-crossing document, provided that the third-country national meets all other conditions for the residence permit. The reason for this is that when the births of children born in the Netherlands are reported, a birth certificate is drawn up. If the child's mother resides legally in the Netherlands on the day of the birth, the child is registered in the Personal Records Database (BRP) as a resident. This ensures that the identity of the child and his/her descent have been established in the BRP.

2.2.5 British citizens and their relatives

The United Kingdom left the EU on 31 January 2020 on the basis of the withdrawal agreement, known as Brexit. Under the Withdrawal Agreement, British citizens and their family members already living in the Netherlands on 31 December 2020 can continue their residence under the same conditions. In 2020, the Dutch Immigration and Naturalisation Service (IND) sent invitation letters to Britons living in the Netherlands and their family members to submit an application for a new Brexit residence document. This resi-

¹¹ The explanation of new policy measures is largely based on *Jaaroverzicht (2019 and 2020) Migratie en asiel in Nederland*. European Migration Network. The Hague.

¹² For a complete overview of all fees per residence permit or visa: <https://ind.nl/nieuws/Paginas/Nieuwe-legesbedragen-per-1-januari-2021.aspx>

¹³ OPEN Summary of EMN Ad-Hoc Query No. 2018.1326. Impact of 2017 Chavez-Vilchez ruling 31 May 2019.

¹⁴ Staatscourant, 28th of June 2019, no. 34157.

¹⁵ https://www.emnnetherlands.nl/sites/default/files/2020-07/EMN_jaaroverzicht2019_ENG.pdf

dence application should have been submitted before October 1, 2021. However, due to the social impact of Brexit, the Netherlands decided in the first half of 2021 to be lenient with Brexit residence applications submitted too late.¹⁶ This means that Brexit residence applications that were not submitted in time, regardless of the reason for the late submission, could be submitted until 1 October 2022.

Up to and including December 2021, 39,520 Brexit residence applications had been submitted, the majority of which in 2020. In addition, 5,620 EU permanent residence documents had been exchanged for a permit under the Withdrawal Agreement.¹⁷

2.2.6 Measures against marriages of convenience and forced marriages

Already in 2013, the Dutch government developed an action plan against forced marriages. This plan was based on a sequential approach, including prevention, detection, damage reduction and sanctioning. (see also the Dutch national SOPEMI-report 2014 and 2015).¹⁸ In addition, the Law on the prevention of forced marriages (*Wet tegengaan huwelijksdwang*) came into force on 5 December 2015. With this law, marriage can only take place between partners aged 18 years or older. The same age limit applies to the recognition of foreign marriages.

On February 18, 2020, the Rutte III cabinet has presented a number of concrete additional measures brought together in the 'harmful practices action agenda'.¹⁹ This agenda contains measures for preventing, identifying and combating forced marriages. For instance, it is announced that it will be enshrined in the law that child marriages cannot be recognised. In addition, hymen repair operations are no longer allowed. Also in 2020, additional funding was made available for several organisations that aim to reduce suppression and promote self-determination.²⁰

2.2.7 The Asylum procedure

People who apply for asylum in the Netherlands fall into a separate category. Asylum seekers can be awarded a residence permit on the basis of the 1951 Geneva Convention relating to the Status of Refugees or the European Convention for the Protection of Human Rights and Fundamental Freedoms; for compelling humanitarian reasons relating to their individual circumstances; and if return to their country of origin would place them at great risk. More detailed information on the legal possibilities for asylum seekers to stay in the Netherlands is provided in chapter 4.

2.3 Measures against human trafficking and cooperation with third countries

The Dutch Ministry of Foreign Affairs has initiated several initiatives against human trafficking and also promotes activities in the field of migration and development. In addition, several grant opportunities are made available for those – often non-government organisations (NGOs) – that seek funding for migration and economic development projects. Several eye-catching projects will be discussed briefly below.²¹

Improvements of the programme 'Together against trafficking in human beings'

On 7 December 2020, a letter to Parliament was issued on the progress of the inter-ministerial programme 'Together against trafficking in human beings' (*Samen tegen mensenhandel*).²² The programme was initiated in November 2018 and aims to prevent persons from falling victim to trafficking in human

¹⁶ Ministerie van Justitie en Veiligheid (2022) *De Staat van Migratie*, page. 74.

¹⁷ Ibid.

¹⁸ *Aanpak huwelijksdwang en achterlating*. Policy document of 6 June 2013 informing the Dutch House of Representatives about planned measures to combat forced marriages and the phenomenon of abandonment.

¹⁹ Parliamentary Letter of 18 2020, by the Ministers Health, Well-being & Sports. Concerning a *Actieagenda Schadelijke Praktijken*.

²⁰ <https://www.rijksoverheid.nl/documenten/kamerstukken/2020/06/16/kamerbrief-reactie-op-initiatiefnota-in-nederland-beslis-je-over-je-eigen-leven>

²¹ The project descriptions are to a great extent based on an overview of migration and development projects presented by the European Migration Network (EMN (2019 and 2020) Annual Policy report for The Netherlands.

²² Parliamentary Papers II, 2020-2021, 28 638 no. 185.

beings; identify and support (potential) victims swiftly and adequately; thwart the perpetrators of THB as much as possible.

Measures announced to discourage buying sex from minors

On 18 November 2020, the Ministry of Justice and Security announced the development, in cooperation with the Centre against Child- and Human Trafficking (*Centrum Kinderhandel Mensenhandel*, CKM), a set of measures aimed at discouraging persons from buying sex from minors.²³ The driver was a resolution adopted by Parliament that identified the need for an increased focus on creating barriers for customers buying sex from minors. Among the measures are awareness raising initiatives.

Projects set up in third countries to raise awareness about falling victim to human trafficking

During the previous years the Netherlands has funded an awareness campaign in Nigeria run by the International Organization for Migration (IOM). The project aimed to find effective awareness raising methods on the risk of falling victim to human traffickers. The project focused on both the Nigerian government and local communities and civil society organizations. Alongside this initiative, more general awareness campaigns highlighting the risks of irregular migration were organised in other West-African countries, as well as in Afghanistan, Iraq and Ethiopia. These campaigns also include a strong focus on the risk of falling victim to human trafficking

Common Operational Partnership Mali

As of 2020, the Netherlands is funding a common operational partnership between the French and Spanish police and a police team in Mali that specializes in investigating trafficking in human beings and migrant smuggling. The project is financed through the EU Trust Fund for Africa. Mali has namely developed into one of the most important transit countries for migration and migrant smuggling. The aim is to assist the Malian unit in their investigations, while providing day-to-day peer training in modern investigation techniques.

Together against human trafficking

In the overall programme 'Together against human trafficking' (*Samen tegen mensenhandel*), which was presented to House of Representative on 13 November 2018, the government took a firm stance against trafficking in human beings and makes strong efforts to intensify the tackling of trafficking in human beings.²⁴ The programme formally started on 4 December 2018. In so doing the government aims to prevent as much as possible that people become victims of trafficking in human beings. Also the government wants (potential) victims to be identified quickly and adequately, to be taken out of the situation and to receive care and support. In November 2020, the State Secretary informed the Dutch Parliament about the progress of the programme.²⁵

Addressing Root Causes Fund

The Addressing Root Causes (ARC) Fund of the Ministry of Foreign Affairs makes a total amount of € 125 million available for the period 2016-2021. In March 2016, 125 project proposals were submitted by Dutch and foreign (local) NGOs in the following countries: Afghanistan, Pakistan, Jordan, Lebanon, Syria, Ethiopia, Somalia, Sudan, South Sudan, Mali, Burundi, and the Democratic Republic of the Congo. Within the wider government strategy on international migration, the ARC Fund is committed to tackle the root causes of armed conflict, instability and irregular migration. The ARC programmes are geared towards four result areas which are: 1) safety for people; 2) functioning legal order (access to law); 3) peace dividend and inclusive political processes; and 4) social and economic reconstruction.

Foreign Trade and Development Cooperation (BHOS)

Per year € 128 million is available for funding programmes offering protection (including mental health care), stimulating employment and improving education. It concerns eight focus countries in particular (Egypt, Ethiopia, Iraq, Jordan, Lebanon, Kenya, Uganda and Sudan). The main instrument is the Prospects

²³ Parliamentary Papers II, 2020-2021, 28 638 no. 185.

²⁴ <https://www.rijksoverheid.nl/documenten/rapporten/2018/11/13/tk-bijlage-3-samen-tegen-mensenhandel>.

²⁵ <https://www.rijksoverheid.nl/documenten/kamerstukken/2020/11/18/tk-voortgangsbrief-programma-samen-tegen-mensenhandel>

Partnership (2019-2023, € 500 million) with International Finance Corporation (IFC), International Labour Organisation (ILO), UNHCR, UNICEF, and the World Bank. In 2020, the partners, both humanitarian and development actors, have jointly worked towards concrete results, with flexible adjustments to their programming needed in the light of the COVID-19 pandemic.

Other projects with a longer history can be found in earlier versions of this annual report. See the Regioplan website (www.Regiplan.nl) for more information.

2.4 Some issues from the public debate

Perhaps the most discussed issue in 2021 and 2022 was that of deficiencies in the asylum chain, with the result that the reception of asylum seekers and housing of those with a residence permit fell far short of what is needed. Due to insufficient reception capacity, several hundred asylum seekers often had to spend the night in the open air. In addition, due to insufficient housing for refugees with residence status in municipalities there is no outflow from the reception centres. Agreements have now been made between the central government and municipalities, but the acute problems have not yet been resolved.

Furthermore, the final report of a Boosting Team for the Protection of Migrant Workers concluded in October 2020 that a significant group of poorly skilled labour migrants are being abused by a (limited) number of employers in the Netherlands.⁸⁴ Limited labour market legislation and inadequate enforcement contribute to this undesirable result. The report has led to a broad political and social discussion about the persistence of undesirable practices in the Dutch labour market. The debate on this issue is still going on.

Also, the House of Representatives interrupted its summer recess in 2021 for a debate on the granting of asylum to interpreters who have helped Dutch soldiers in Afghanistan. Part of the House also wanted to grant asylum to other Afghans who had worked with Dutch people. Ultimately, the political and social debate led to the Dutch government opting for a more generous admission policy in relation to refugees from Afghanistan.

In addition, the past year saw a heated discussion about ethnic profiling. The reason for this were the fraud detection practices at the Tax and Customs Administration, which especially affected people with a non-Western migration background. Amnesty International's conclusions point to a deliberate link between ethnic origin and alleged fraud in the daily working practices of the tax authorities. This conclusion is, however, contradicted by both the Tax and Customs Administration itself and by an investigation by the Dutch Data Protection Authority. The latter organisation does nevertheless call the tax authorities' working method discriminatory and extremely inappropriate.

Last but not least, the debate on the influx of foreign students has intensified since 2021. The reason for this is that higher education institutions increasingly notice that the continued growth in the number of students from abroad can also lead to immediate problems. In particular, reference is made to the lack of opportunities for Dutch students, the workload among teachers and the lack of housing for these students. The problem with all this is that universities themselves can take few measures to reduce this influx.

2.5 Statistical overview of migration to and from the Netherlands in 2021

In this section we discuss the most important statistical information about migration to and from the Netherlands. First of all, total immigration and emigration is discussed. Subsequently, the immigration of Dutch nationals and foreigners is explained. We then discuss the main motives for migration to the Netherlands. We conclude with a description of some demographic characteristics of migrants in the Netherlands.

2.5.1 Main migration trends

The main migration trends in the Netherlands from 1995 to 2021 are presented in figure 2.1 in terms of migration, emigration and migration surplus.

Immigration. The highest number of immigrants was reached in 2019 with around 269,000 individuals entering the country. Between 2019 and 2020, the number of immigrants entering the Netherlands decreased substantially. This decrease can be explained by the COVID-19 pandemic, which led governments to restrict (international) mobility. Between 2020 and 2021, the number of immigrants entering the Netherlands increased again (to an absolute number of about 250,000 immigrants).

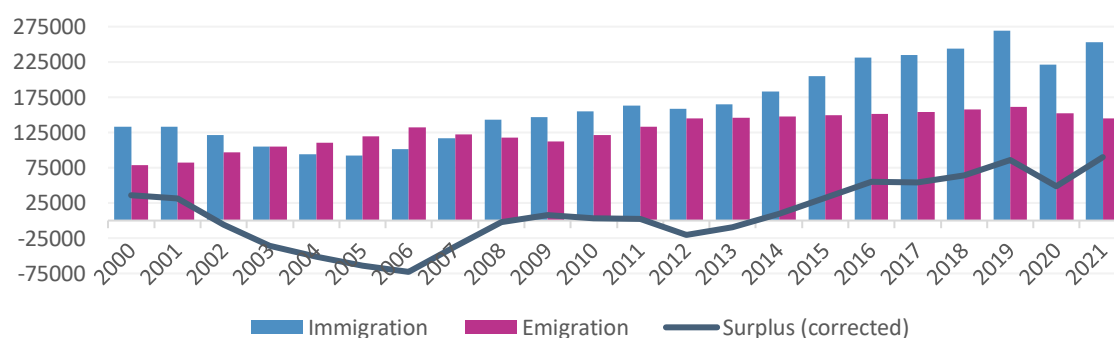
Emigration. The highest peak in emigrant numbers was also reached in 2019 with approximately 161,000 emigrants leaving the country. Between 2019 and 2020, fewer people emigrated from the Netherlands than the year before, leading to the first drop in the emigration rate since 2009. Again, this can be explained by the Covid pandemic and travel restrictions. This decrease continued between 2020 and 2021.

Surplus. The migration surplus, also referred to as the 'net migration rate', is the difference between the number of immigrants and emigrants. Hence, a positive value represents more individuals entering than leaving the country, while a negative value implies a reverse picture. Figure 2.1 reveals that, after a dip in the surplus between 2019 and 2020, the surplus reached its ultimate peak in 2021 (89,962). Incidentally, in Dutch statistics a distinction is drawn between two types of data: the *uncorrected* net migration rate and the *corrected* net migration rate. In this chapter we will only report data including these corrections. See box 2.2 for an explanation.

Box 2.2 Corrected net migration rate

The uncorrected net migration rate is calculated by subtracting the total number of emigrants from the total number of immigrants per year. The corrected net migration rate is based on the same method, but also includes the balance of administrative corrections. These corrections consist of both entries in and removals from the municipal population register for reasons other than birth, death, arrival or departure.²⁶

Figure 2.1 Immigration to and emigration from the Netherlands, and net migration rate (surplus)¹, 2000-2021



Source: Statistics Netherlands, online statistics (2022)

¹ Net migration is corrected for administrative errors.

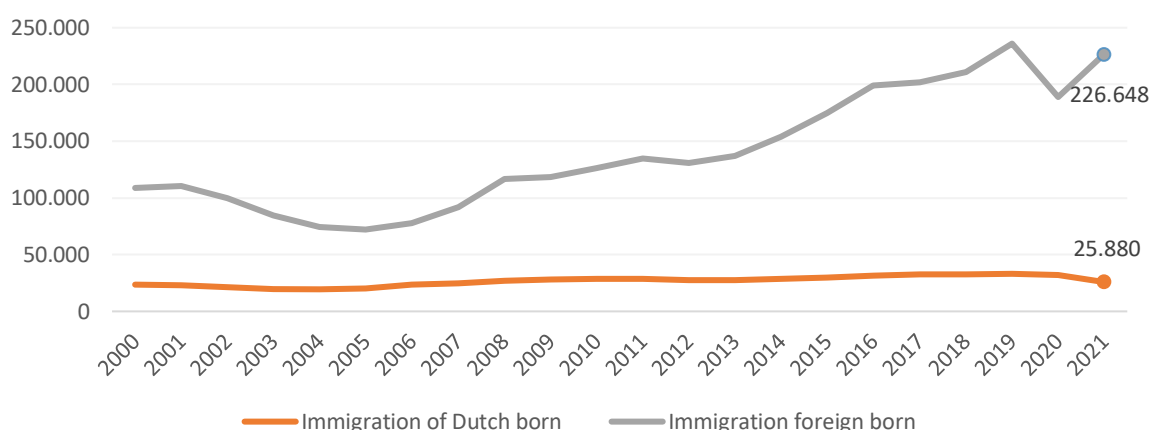
²⁶ An administrative *entry* is a decision by a municipality to include a person in its population while the municipality has not received information on birth, immigration or establishment of that person from another municipality in the Netherlands. An administrative *removal* is a decision by a municipality to no longer include a person in its population, once it has been established that the address of the person is unknown, the person cannot be contacted and probably no longer resides in the Netherlands.

2.5.2 Immigration of Dutch born and foreign born

The official Dutch migration statistics draws a distinction between persons born in the Netherlands and persons born in foreign countries. In this section we will discuss some statistics for Dutch-born immigrants who are re-entering the Netherlands.

A modest share of immigrants entering the Netherlands were originally born in the Netherlands (11% in 2021). Figure 2.2 shows the number of Dutch-born immigrants from 2000 to 2021. Compared to the number of non-Dutch immigrants, the size of this group of immigrants remained fairly small during the indicated period. Between 2019 and 2020, the COVID-19 pandemic did not result in a decrease of the number of Dutch-born immigrants. However, between 2020 and 2021, a significant decrease was visible.

Figure 2.2 Immigration by Dutch and foreign-born individuals, 2000-2021



Source: Statistics Netherlands, online statistics (2022)

In addition, the category of foreign-born nationals can be discussed in more detail. In figure 2.3 a distinction is made between immigrants (i) from the EU-27 countries (as of 2020 excluding the United Kingdom), (ii) from other countries within Europe (such as Switzerland, Norway and Turkey), and (iii) non-European countries.

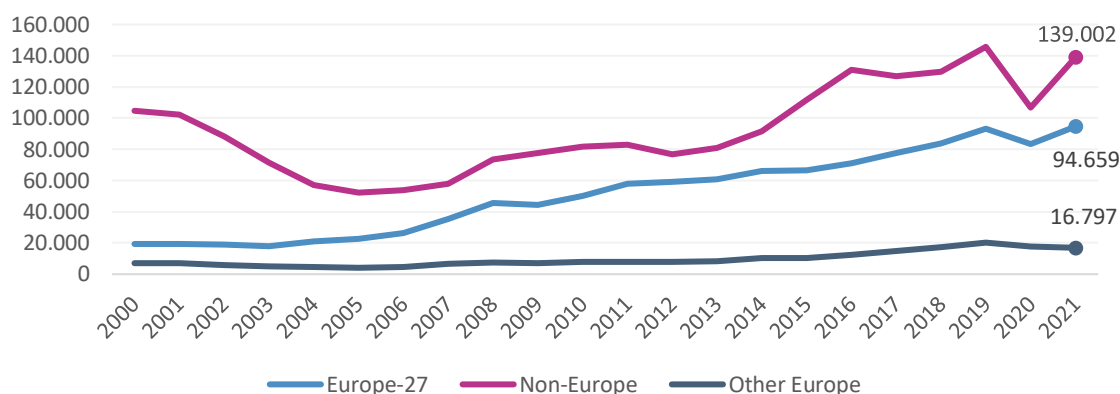
EU-27 countries. The number of immigrants from EU-27 countries steadily increased from 20,000 in 2000 to 93,145 in 2019. Between 2019 and 2020, the number of immigrants from EU-27 countries significantly decreased, mainly due to the travel restrictions resulting from the COVID-19 pandemic and a downturn in employment opportunities for (Eastern-)European labour migrants.²⁷ Between 2020 and 2021, the number of immigrants from EU-27 countries increased again to an absolute number of 94,659.

Other European countries. Between 2000 and 2018, the influx of immigrants born in other European countries gradually increased to a number of about 18,000 immigrants. This number had been decreasing slightly since 2019. In 2021, nearly 17,000 immigrants from these other European countries came to the Netherlands.

Non-European countries. Since 2005, the statistics show a strong increase in the yearly number of non-European immigrants entering the Netherlands. In 2019, immigration from outside Europe reached an all-time high with 145,699 migrants coming to the Netherlands. However, between 2019 and 2020, these numbers decreased by one third to 106,629 non-European immigrants. Again, the COVID-19 pandemic causing significant travel restrictions was largely responsible for this decline. Between 2020 and 2021, the number of non-European immigrants increased again, to 139,002.

²⁷ <https://nos.nl/artikel/2390171-cbs-migratie-naar-nederland-nam-af-vooral-minder-kennismigranten>

Figure 2.3 Immigration of foreign-born nationals to the Netherlands by country-group, 2000-2021

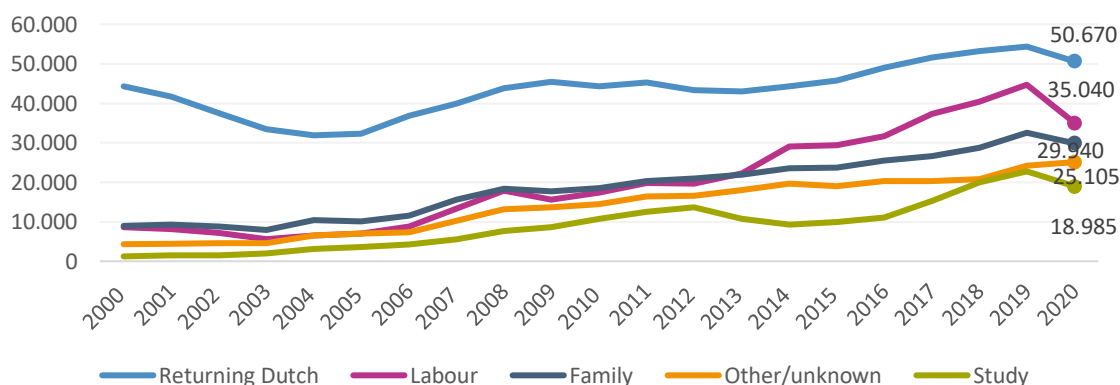


Source: Statistics Netherlands, online statistics (2022)

2.5.3 Migration motives of migrants from (non) EU/EEA countries

With regard to migration from other EU/EFTA countries to the Netherlands, returning Dutch citizens form the most important category (see Figure 2.4). More than 50,000 Dutch people returned to the Netherlands in 2020. Another important category are the labour migrants. In 2020, more than 35,000 labour migrants from the EU/EFTA-countries came to the Netherlands. In numerical terms, study and family are slightly less important categories. Between 2019 and 2020, we see a decline in migration from the EU/EFTA-countries to the Netherlands for most categories, which is undoubtedly related to the health crisis that broke out at the beginning of 2020.

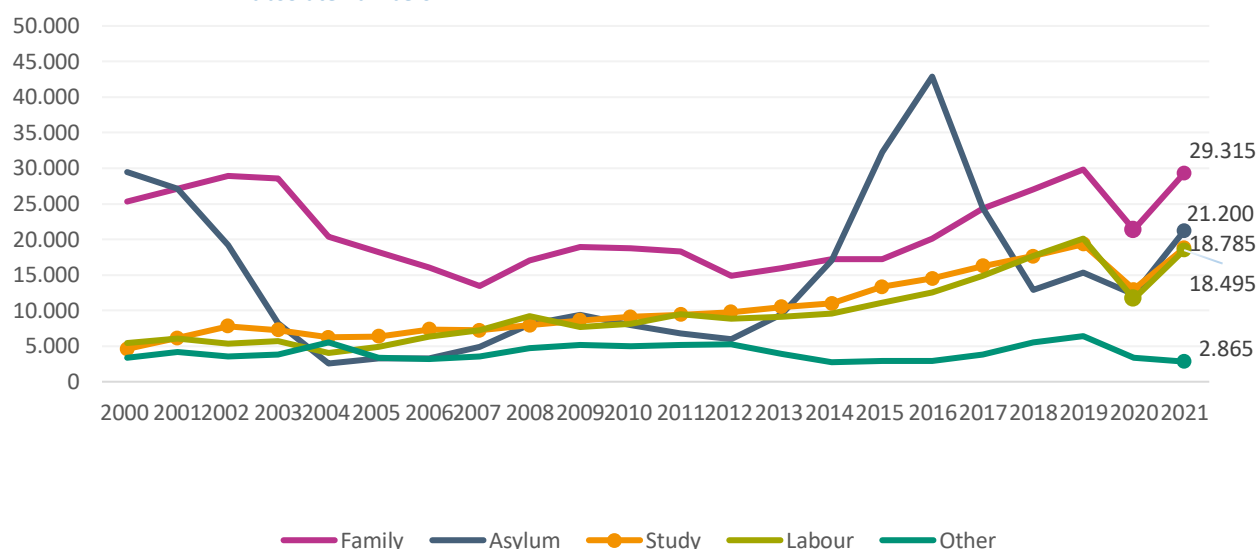
Figure 2.4 Migration motives of immigrants from EU/EFTA countries by year of migration (2000-2020), absolute numbers



Source: Statistics Netherlands, online statistics (2022)

The migration motives of migrants who originate from outside of the EU/EFTA-countries differ from those of the EU/EFTA migrants (see Figure 2.5). In 2021, family migrants were by far the most important category in numbers (with almost 30,000 immigrants). In that year, asylum migrants are in second place (more than 21,000). Study and work are slightly less important categories (both more than 18,000 immigrants). For all categories, we see a substantial increase in numbers between 2020 and 2021.

Figure 2.5 Migration motives of immigrants from non-EU/EFTA countries by year of migration (2000-2021), absolute numbers



Source: Statistics Netherlands, online statistics (2022)

2.5.4 Top 10 nationalities by migration motive

In Table 2.1, the top 10 nationalities of immigrants from within the EU/EFTA region are shown by migration motive. In 2020, most labour migrants originated from Poland (26.5%), Romania (12.2%) and Bulgaria (8.7%). In 2020, the most common countries of origin among family migrants were Poland (26.2%), the United Kingdom (8.9%) and Romania (8.7%). Finally, most of the study migrants came from Germany (23.4%), followed by Italy (8.9%) and Bulgaria (7.1%) in that year.

Table 2.1 Top 10 nationalities within the EU/EFTA by migration motive, 2020

Labour (N=35,040)		Family (N=29,940)		Study (N=18,985)	
	%		%		%
Polish	26.5	Polish	26.2	German	23.4
Romanian	12.2	British	8.9	Italian	8.9
Bulgarian	8.7	Romanian	8.7	Bulgarian	7.1
Italian	7.7	Bulgarian	8	Romanian	6.6
British	6.2	German	7.3	Spanish	6
Spanish	6	Italian	6	Polish	5.5
German	4.8	Spanish	5.5	French	5.4
French	4.5	Belgian	5.1	British	5
Greek	4.1	French	4.7	Greek	4.6
Portuguese	3.4	Portuguese	3	Belgian	4
Other	19.3	Other	19.6	Other	27.5
Total	100.0	Total	100.0	Total	100.0

Source: Statistics Netherlands, online statistics (2022)

In Table 2.2, the top 10 nationalities of immigrants from outside of the EU/EFTA region are shown by migration motive. In 2021, most labour migrants originated from India (21.2%), China (11.4%), and Turkey (8.6%). In 2021, the most common countries of origin among family migrants were India (13.1%), Turkey 8.6%), and Morocco (5.7%). Most study migrants came from China (16.2%), India (10.8%), and the United States (6.9%). Finally, more than half of the asylum migrants came from Syria (50.9%), followed by Afghanistan (9.8%) and Turkey (9.2%) in that year.

Table 2.2 Top 10 nationalities outside of the EU/EFTA region by migration motive, 2021

Labour (N=18,495)		Family (N=29,315)		Study (N=18,785)		Asylum (N=21,200)	
	%		%		%		%
Indian	21,2	Indian	13,1	Chinese	16,2	Syrian	50,9
Chinese	11,4	Turkish	8,6	Indian	10,8	Afghan	9,8
Turkish	8,6	Moroccan	5,7	American	6,9	Turkish	9,2
British	7,8	American	5,5	Turkish	6,2	Eritrean	5,6
American	7,4	Brazilian	4	Indonesian	5,7	Iranian	2,2
South-African	5,1	South-African	3,9	Russian	4,1	Iraqi	2,1
Brazilian	4,2	Syrian	3,4	British	3,5	Somalian	1,1
Russian	3,5	Russian	3,4	South-Korean	2,9	Russian	0,7
Iranian	3,2	British	2,9	Iranian	2,3	Chinese	0,5
Japanese	2,5	Iranian	2,5	Ukrainian	2	Moroccan	0,2
Other	27,6	Other	49,5	Other	41,4	Other	17,9
Total	100.0	Total	100.0	Total	100.0	Total	100.0

Source: Statistics Netherlands, online statistics (2022)

2.5.5. Country of destination and demographic characteristics of emigrants

In this section we focus on the Dutch emigration statistics. In 2020, 133,161 persons emigrated from the Netherlands. Below we discuss their demographic characteristics and countries of destination. The first column of Table 2.3 shows the most popular countries of destination for emigrants. It illustrates that most emigrants from the Netherlands moved to other European countries in 2020. Germany (14,162) was the most popular destination, followed by Poland (12,499) and Belgium (9,796). Popular destinations outside the EU were the United Kingdom (7,965), the United States of America (5,630), and India (3,839).

In general, emigrants often migrate to the countries in which they were born. However, there are notable exceptions to this pattern. For instance, people who emigrate to Belgium or Spain are more often born in the Netherlands.

Table 2.3 Demographic background (sex and country of birth) of emigrants from the Netherlands, 2020 (uncorrected immigration figures)

Country of destination	Total emigrants ¹	% of total	% male	% female	% born in country of destination	% born in the Netherlands	% born in other countries
Total	133,161	100.0	51.0	49.0	58.0	23.1	18.9
Total EU27	73,892	55.5	51.6	48.4	57.3	24.6	18.2
Total Europe	88,451	66.4	52.0	48.0	55.7	24.1	20.1
Germany	14,162	10.6	48.7	51.3	48.5	27.8	23.7
Poland	12,499	9.4	56.6	43.4	89.1	9.3	1.6
Belgium	9,796	7.4	49.0	51.0	17.5	52.6	29.9
United Kingdom	7,965	6.0	51.3	48.7	35.9	26.3	37.8
Spain	6,763	5.1	50.6	49.4	43.1	35.0	21.9
USA	5,630	4.2	45.5	54.5	58.7	21.5	19.8
France	5,035	3.8	48.0	52.0	50.0	26.4	23.6
Italy	4,850	3.6	52.6	47.4	78.8	9.4	11.8
India	3,839	2.9	61.0	39.0	95.3	2.6	2.1
China	3,834	2.9	43.8	56.2	86.6	5.4	8.0

Source: Statistics Netherlands, online statistics (2021)

¹ The emigration statistics in this table are uncorrected and therefore do not match with figures presented in figures 3.1 and 3.2, which display corrected emigration statistics. For this table we use uncorrected figures because we only know the country of destination for emigrants who deregister from the municipality themselves.

2.5.6 Demographic characteristics of foreign residents in the Netherlands

Table 2.4 shows the number of foreign-born residents in the Netherlands. On 1 January 2022, 6.26% of the population in the Netherlands was born in another European country and 8.24% was born outside Europe. Calculated in absolute numbers, more than 2.5 million people in the Netherlands were born abroad.

Table 2.4 Number of foreign-born residents by birth country, 1 January 2022

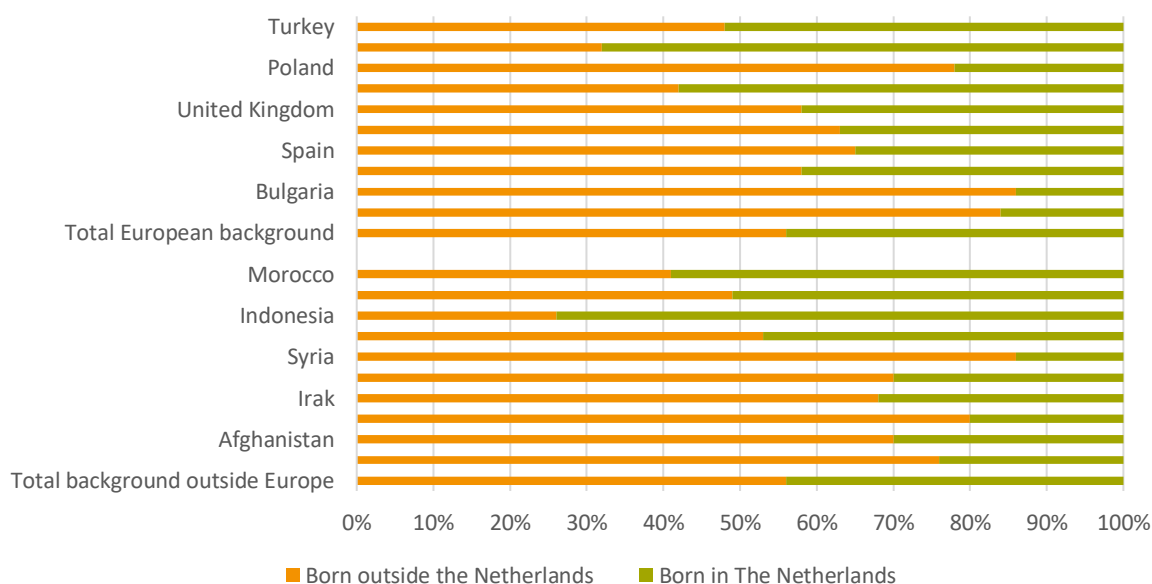
	Abs.	% of total Dutch population
Total Dutch population	17,590,672	100.00
Foreign-born residents	2,550,837	14.5
<i>of whom</i>		
Born in Europe (excl. The Netherlands)	1,101,575	6.26
Born outside Europe	1,449,262	8.24

Source: Statistics Netherlands, online statistics (2022)

In addition to foreign-born residents, Statistics Netherlands registers whether residents have a migration background. A person is considered to have a migration background if the person himself or at least one of his/her parents was born outside the Netherlands. On 1 September 2022, 4,619,408 people with a migration background were living in the Netherlands.²⁸ That equates to 26.0% of the Dutch population. Of the people with a migration background, 44.3% were born in the Netherlands and therefore belong to the second generation.

Figure 2.6 shows the proportion of persons born in and outside the Netherlands among different migrant groups. In particular, migrant groups who have recently come to the Netherlands as labour migrants (i.e. Poles, Bulgarians, Romanians and Indians) and recent asylum groups (especially Syrians) appear to consist to a significant extent of first-generation migrants.

Figure 2.6 Proportion persons born in and outside the Netherlands by county of origin¹, 1 January 2022 (percentages)



¹ The Top-10 largest groups with a migration background based on population size are presented.

Source: Statistics Netherlands, online statistics (2022)

Table 2.5 shows the numerical size of the main migrant groups in the Netherlands. This concerns persons of both the first and second generations. The most extensive groups appear to be formed by Turks, Moroccans, Surinamese, Indonesians and Germans. Together they make up almost 11% of the population in the Netherlands.

²⁸ <https://www.cbs.nl/nl-nl/dossier/dossier-asiel-migratie-en-integratie/hoeveel-mensen-met-een-migratieachtergrond-wonen-in-nederland>.

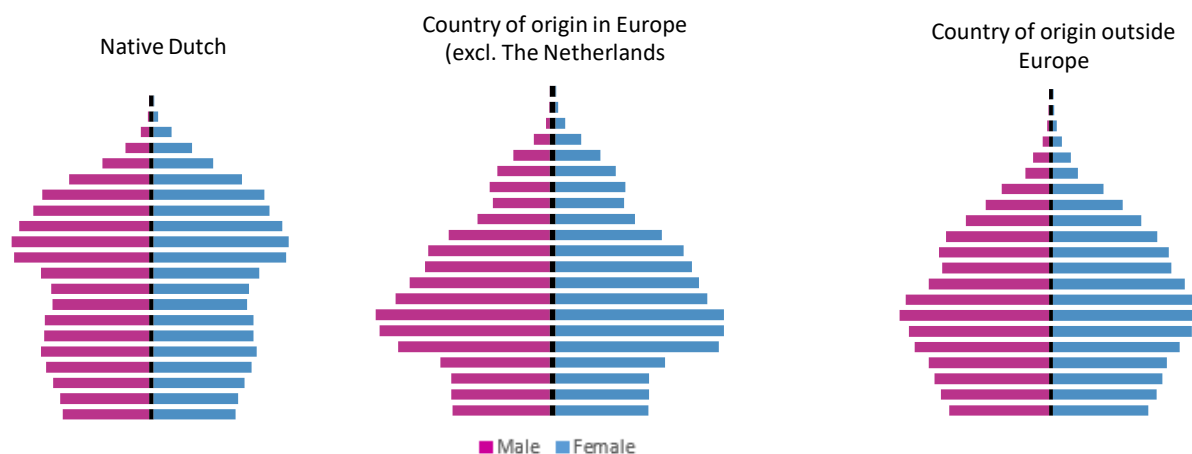
Table 2.5 Top 10 Migrant groups in the Netherlands, 1 January 2022

Country of origin	Abs.	% of total Dutch population
Turkey	429,978.00	2.4
Morocco	419,272.00	2.4
Suriname	359,814.00	2
Indonesia	349,301.00	2
Germany	342,925.00	1.9
Poland	220,980.00	1.3
Aruba	176,912.00	1
Curaçao	135,218.00	0.8
Syria	126,260.00	0.7
Belgium	123,136.00	0.7
Total non-native residents	4,438,900.00	25.2

Source: Statistics Netherlands, online statistics (2022)

There are some apparent differences between the population pyramids of native Dutch residents, residents originating from another European country, and residents originating from outside Europe (see Figure 2.7). What is striking, for example, is the strong representation of people from the middle age cohorts of migrants from other European countries and the relatively strong representation of both middle age and young age groups of migrants from outside Europe.

Figure 2.7 Population pyramids by country of origin, 1 January 2022



Source: Statistics Netherlands, online statistics (2022)

2.5.7 Regions of settlement

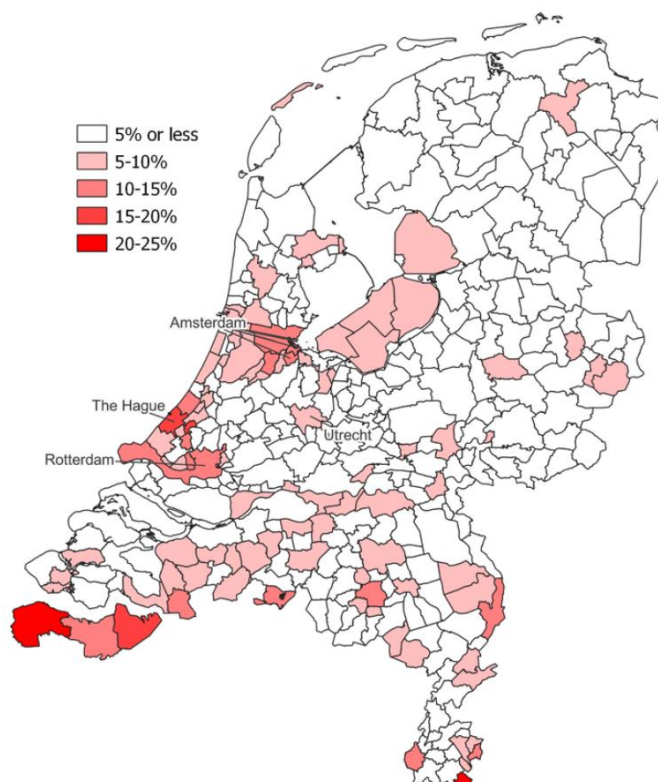
In this section we discuss the main regions of settlement in the Netherlands of foreign-born residents.

Residents born in Europe (excluding the Netherlands). European immigrants tend to live near the border areas of the Netherlands, particularly the southern parts. In addition, the larger cities of the Netherlands are also popular locations for these immigrants, especially Amsterdam, Rotterdam, and The Hague. See Figure 2.8a for a graphical overview of the main regions of settlement of European immigrants on 1 January 2022.

Residents born outside Europe. Immigrants from outside Europe tend to live in large cities, particularly in the metropolitan areas of Amsterdam, Rotterdam, The Hague, and Utrecht (also referred to as G4 cities). See Figure 2.8b for a graphical representation of the Dutch regions of settlements of immigrants from outside Europe on 1 January 2022.

Immigrants originating from major ‘refugee countries’ live relatively equally spread across the Netherlands. This pattern is likely to arise from the arrangements between the national government and all municipalities throughout the country to provide housing for recognised refugees. In addition, asylum seeker centres are to a great deal located outside the largest cities and, once the asylum migrants have been granted a residence permit, they might move to municipalities close to these centres. However, as they stay longer in the Netherlands, these migrants increasingly move to the large urban areas, particularly in the west of the country.²⁹

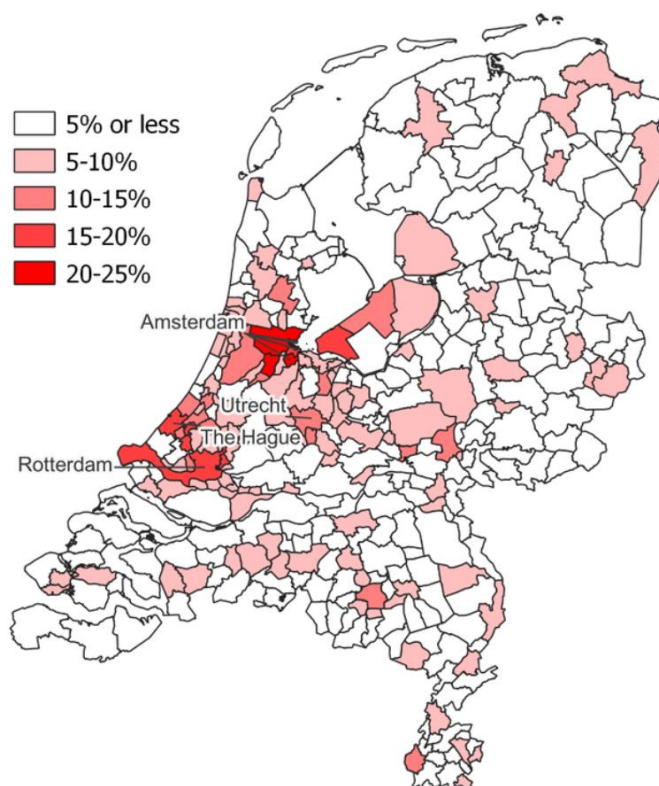
Figure 2.8a Region of settlement of European immigrants, 1 January 2022, in percentages



Source: Statistics Netherlands (2022), adapted by Regioplan

²⁹ Kazemier, B., Nicolaas, H., & de Vroome, T. H. (2016). Demografische kenmerken cohort en onderzoeksgroep. In: M. Maliepaard, B. Witkamp, & R. Jennissen (red.), *Een kwestie van tijd? De integratie van asielmigranten: een cohortonderzoek* (pp. 35-38). Den Haag: WODC.

Figure 2.8b Region of settlement of immigrants from outside Europe, 1 January 2022 (in percentages)



Source: Statistics Netherlands, adapted by Regioplan



Labour Migration to the Netherlands

3

3 Labour Migration to the Netherlands

This chapter deals with labour-based migration patterns to the Netherlands. Firstly, laws and policies for labour migrants from other EU Member States are explained, also including an overview of the main labour migration flows from these countries. Secondly, laws and policies with regard to labour migration from so-called third countries are described, followed by an outline of the most important labour migration patterns from these countries. We start with an overview of the main statistic findings.

3.1 Main findings

- In December 2020, 685,800 migrants from the EU (candidate) Member States were employed in the Netherlands, among which 348,400 migrants from the EU-11 countries (mainly Central-Eastern Europe). Another 30,900 immigrants with employment in the Netherlands originated from the United Kingdom.
- In 2020, the largest labour market region in terms of employed workers from the EU (candidate) Member States was Greater Amsterdam (108,000 persons with a job), followed by Haaglanden (The Hague, 68,600 persons) and Rijnmond (Rotterdam, 55,800).
- The total number of posted workers in the Netherlands reported in 2021 was 365,510. Of these workers, 237,680 were nationals from one of the EU Member States. Almost 80% of the number of reports is made in the road transport sector.
- The nature of labour migration from outside the EU largely determines the nature of required permits and documents. With regard to the knowledge workers, 22,840 documents were issued in 2021. With regard to the other groups of labour migrants, a total of 11,643 permits and/or positive advice documents were issued in that year.
- After a decline in the number of issued documents for labour-based immigration between 2019 and 2020, we notice a substantial increase in the number of issued documents between 2020 and 2021. The number of granted residence documents increased by about 66% for knowledge workers. The number of issued permits for other categories of labour migrants increased by 26%.
- A large part of the combined number of issued work permits and favourable decisions were granted to nationals of China, India, and the United States (41%). Nearly 5% of these permits and positive advice documents were granted to British nationals.
- These issued work permits and favourable decisions were largely granted for jobs in food preparation, delivery or transport, teaching, and the catering industry (52%).

3.2 Laws and policies for labour migration within the EU

Below, the legal framework for labour mobility from other EU Member States is briefly discussed. A distinction is made between employed labour migrants, secondment structures and self-employed workers. A number of undesirable practices related to these forms of migration are also taken into account.

Legal framework for labour immigration from within the EU

Since the completion of the internal market in 1992, citizens of the EU/EEA countries and Switzerland have the right to move and work freely within the territory of the EU. The free movement of persons, workers and services is enshrined in the European Treaty on the Functioning of the European Union (TFEU).³⁰ Central to these rights is the prohibition of discrimination on the basis of nationality among workers from the EU/EEA Member States and Switzerland.

The freedom of movement of workers from other Member States to the Netherlands is also laid down in Dutch law, as the Aliens Employment Act sets out a number of exceptions to the prohibition to work in the Netherlands without a work permit.³¹ One of the exceptions concerns the agreements made within the EU about the freedom of movement of workers. Moreover, this policy line was recently reaffirmed by the Dutch Council of State, which concluded that EU law does not permit measures that limit the

³⁰ Title IV of the TFEU enshrines the free movement of persons, services and capital. Articles 45-48 TFEU regulate the free movement of workers, Articles 49-55 the right of establishment, Articles 56-62 the services and Articles 63-66 the capital.

³¹ Employment of foreign workers act, Article 3, section a.

number of labour migrants from other Member States in the Netherlands. These restrictions are considered contrary to the prohibition of discrimination based on nationality within the EU.³²

The existence of regulations protecting the position of workers from the EU does not alter the fact that the arrival of these migrants is accompanied by various problematic developments, such as poor working conditions, public health issues and inadequate housing facilities. These problems prompted the government to appoint a Taskforce with the task of making concrete recommendations to improve the position of European migrant workers (see also the box below).

Task force for the Protection of Migrant Workers in the Netherlands³³

When dealing with labour migrants in the Netherlands, the Taskforce distinguishes between three types of Dutch employers. In the first place, there is a large group of employers who treat migrant workers well. They provide fair and safe work. In addition, there are employers who benefit from the limited regulations in the Netherlands to protect migrant workers. Their revenue model consists of maximising the costs for the labour migrants and minimising their earnings. This is considered highly undesirable, however, it is not illegal. Finally, there are employers who deliberately abuse the vulnerable position of labour migrants. They do not pay full wages, offer unsafe work and are responsible for poor housing. The starting point for the recommendations is that labour migrants should be treated as full and equal participants in Dutch society. The recommendations form a comprehensive system of clear legislation, effective enforcement and ex post control. Most importantly, the advice refers to a mandatory certification of employment agencies, better registration of migrant workers, improved housing for migrants, and permanent access to the health care system, also after an employment contract has ended.

In response to the recommendations of the Boosting Team for the Protection of Migrant Workers, the government has initiated various measures.³⁴ Most importantly, a law is being drafted that regulates the certification of employment agencies. This mandatory certification is expected to come into effect in 2025. In addition, the government is working on a system that makes it possible to register contact details and temporary residence addresses of non-residents. This system has become effective in 2022. There is also legislation underway that should improve the quality of housing for temporary migrants. The latter proposal introduces a number of rules of conduct for landlords in the Netherlands. Municipalities are responsible for the enforcement of these standards. A policy plan is also being prepared to offer more customised measures to homeless EU citizens.³⁵ Finally, investments are made to facilitate a more effective supervision and better enforcement.

Self-employed workers from the EU

Under Article 49 TFEU, access of self-employed workers to the Dutch labour market is permitted under the same conditions as those laid down for own nationals. Directive 2006/123/EC¹⁹ (Services Directive) regulates the freedom of establishment of service providers. Conditions that apply to the establishment of service providers may not discriminate on the basis of nationality and must be necessary and proportionate.

A critical issue regarding the position of EU self-employed workers in the Netherlands is the problem of false self-employment. False self-employment applies to those who are formally hired as self-employed persons, but who in daily practice are treated as employees. According to the European Court of Justice, a self-employed person is considered an employee if he is, like an employee, obliged to comply with the time, place and performance of the tasks. People who are working under these conditions thus inevitably acquire the status of employee.³⁶

³² Information from the Council of State of 18 November 2020, Parliamentary Papers II 2020/21, 35359, no. 23.

³³ Aanjaagteam Bescherming Arbeidsmigranten (October 2020) *Geen Tweederangs burgers. Aanbevelingen om mistanden bij arbeidsmigranten tegen te gaan*. Advisory committee commissioned by the Minister of SZW.

³⁴ Parliamentary Letter written by the Minister of SZW (11 May 2022) *Arbeidsmigratie en Sociale Zekerheid*. The Hague, May, 11, 2022., nr. 29 861.

³⁵ <https://www.rijksoverheid.nl/documenten/rapporten/2022/09/13/plan-van-aanpak-kwetsbare-dakloze-eu-burgers>.

³⁶ The Court of Justice has introduced this term false employment in the so-called FNV Kiem judgment of 2014.

In the Netherlands, the question of whether someone is self-employed or in paid employment is regulated in the Deregulation Assessment Labour Relations Act (*Wet DBA*). This law states that an employment contract applies to someone who carries out activities over a certain period of time, who is paid for the activities and who is subject to a relationship of authority with the person for whom these activities are performed. Yet this law has not put an end to the problem of false self-employment. According to the Netherlands Court of Audit, several problems have contributed to an insufficient enforcement, including the existence of an enforcement moratorium, limited capacity at the Tax and Customs Administration and unclear regulations, in particular with regard to the criterion of authority.³⁷ The current government intends to improve the position of the self-employed by making the rules more future-proof. To achieve this, the government is aiming for a level playing field between contract types (line 1), more clarity about the question whether a person works as an employee or as a self-employed person (line 2) and improving enforcement of bogus self-employment (line 3).³⁸

The position of posted workers from other EU Member States

The mobility of posted workers within the territory of the EU is legally enshrined in Directive 96/71/EG. However, over the past decades, the Commission has proposed a number of reforms to this directive. The two most important legislative proposals are the Enforcement Directive 2014/67/EU and the Revised Posting of Workers Directive of 28 June 2018 (Directive 2018/957/EU). In the Netherlands, the Posting of Workers Directive, the Enforcement Directive and the Revised Posting of Workers Directive have been converted into the Employment Conditions of Posted Workers in the European Union Act (*WagwEU*). The Implementation Act Revised Posting of Workers Directive (*Implementatiewet herziene Detacheringsrichtlijn*) of 2020 constitutes a recent amendment to the *WagwEU*.

The Act on Combatting Sham Arrangements came into force in 2017. It is meant to protect employees against underpayment and to protect employers against unfair competition. This is done, among other things, by introducing a system of chain liability for wages, requirements with regard to the payment of wages, checks by the Netherlands Labour Authority (*Nederlandse Arbeidsinspectie*, formerly called I-SZW, a public inspection authority) and by exchanging information about practices of employers. The *WagwEU* was introduced in 2016 and describes the terms and conditions of employment for posted workers with a foreign employer established in another EU/EEA country or Switzerland. This law provides better protection for these employees and attempts to combat unfair competition on the basis of working conditions. In addition, an obligation of notification for foreign employers and self-employed persons who work in the Netherlands on a temporary basis has entered into force in 2020.³⁹ This online registration desk is expected to provide a better overview of European service providers in the Netherlands.

The Revised Posting of Workers Directive has been implemented in the *WagwEU* via the Implementation Act of 2020. The emphasis in this law is on ensuring the protection of posted workers during their work in the Netherlands by establishing additional provisions on the terms and conditions of employment. It is important here that after 12 months – with a possible extension of another 6 months – the employment conditions of posted employees must be in line with those of regular employees in the Netherlands, with the exception of rules concerning redundancy and occupational pension schemes. The rights of posted agency workers and national agency workers have also been largely aligned from day 1. In addition, the nucleus terms and conditions of employment have been expanded to include housing conditions and certain allowances.⁴⁰

Despite all these legal provisions and reforms, the aforementioned drawbacks in relation to the free movement of workers within the EU also apply to the category of posted workers. These migrants often deal with low salaries, poor working conditions and inadequate housing. As argued by the Taskforce for

³⁷ Algemene Rekenkamer (2022) *Focus op handhaving Belastingdienst bij schijnzelfstandigheid*. Den Haag, Algemene Rekenkamer.

³⁸ <https://www.rijksoverheid.nl/documenten/kamerstukken/2022/12/16/voortgangsbrieven-werken-met-en-als-zelfstandigen>.

³⁹ The transport sector is excluded from the notification obligation and it is possible to use an annual notification for road freight transport.

⁴⁰ See, more in detail, *Implementatiewet herziene detacheringsrichtlijn*, Articles II, III and IV.

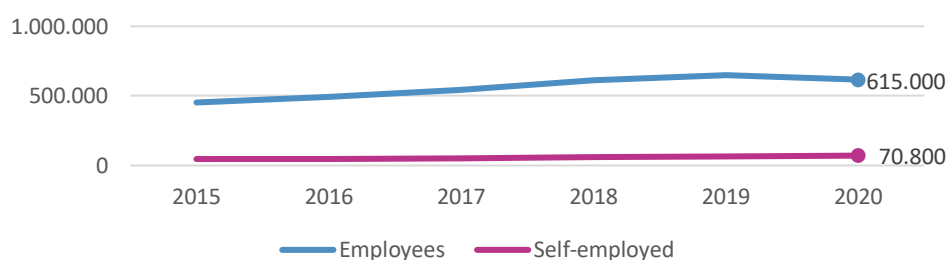
the Protection of Migrant Workers in the Netherlands, in daily practice the employment of posted workers appears to be one of employers' strategies to keep labour costs as low as possible.

3.3 Labour migration within the EU

In December 2020, 685,800 first generation migrants from other (candidate) EU Member States were employed in the Netherlands (see Figure 3.1). Of these employed persons, 554,500 migrants originated from the EU-27 countries and 100,400 were from candidate EU Member States.⁴¹ Another 30,900 immigrants with employment in the Netherlands came from the United Kingdom. Within the group of EU-27 countries, 348,400 immigrants with a job in the Netherlands originated from the EU-11 Member States (particularly Central-Eastern Europe).

As also shown in Figure 3.1, the number of migrants from (candidate) EU Member States working as an employee in the Netherlands increased from 452,400 in 2015 to 648,950 in 2019. Between 2019 and 2020, this number of foreign employees decreased to 615,000. In addition, between 2015 and 2020 we notice a slight continuous increase in the number of self-employed migrants from other EU countries (from 48,290 in 2015 to 70,800 in 2020).

Figure 3.1 The number of employees and self-employed people from other EU (candidate) Member States, 2015-2020



Source: CBS Migrantenmonitor 2020

The largest labour market region in terms of employed EU migrants in the Netherlands was Greater Amsterdam with 108,000 persons, followed by Haaglanden (The Hague) with 68,600 persons and Rijnmond (Rotterdam) with 55,800 persons (see Table 3.1). In addition, labour market regions traditionally known for high employment in agriculture, particularly in the provinces of Brabant and Limburg, are also in the list of regions with most employed EU migrants in the Netherlands.

Table 3.1 Employed persons in the Netherlands in December 2020 from EU-27, EU-11 and candidate countries, by top 10 labour market region

Labour market region	Total	EU-27 (incl. EU-11)	EU-11	Candidate countries
Groot Amsterdam	108,000	80,300	34,200	16,900
Haaglanden	68,600	54,800	41,600	11,100
Rijnmond	55,800	40,100	24,500	13,500
Zuid Oost-Brabant	30,800	25,600	13,800	4,000
West-Brabant	30,200	26,400	19,400	3,100
Midden-Utrecht	28,000	20,900	10,300	5,500
Noordoost-Brabant	25,400	22,300	17,600	2,600
Noord-Limburg	25,200	23,600	17,800	1,300
Zuid-Limburg	24,100	21,600	6,400	1,600
Midden-Brabant	23,400	20,400	15,600	2,700

Source: CBS Migrantenmonitor 2020.

⁴¹ The candidate countries are Albania, North Macedonia, Montenegro, Serbia and Turkey.

In December 2020, more than two-fifths of all employed migrants from the EU and candidate countries worked in business services (Table 3.2). Other economic sectors that are highly attractive to workers from the EU are industry, construction and public services (including health care). Workers from Central-Eastern Europe (EU-11) are relatively strongly oriented towards agriculture, construction and business services.

Table 3.2 Persons with a job in the Netherlands in December 2020 from EU-27, EU-11 and candidate countries, by employment sector

Sector	Total	EU-27 (incl. EU-11)	EU-11	Candidate countries
A Agriculture, forestry and fisheries	23,300	21,200	19,300	2,000
B-E Industry (no construction), energy	71,900	53,000	26,400	15,900
F Construction	38,600	29,200	23,000	8,400
G-I Trade, Transport, hotels, catering	138,800	105,900	54,800	26,100
J Information en communication	22,400	17,200	5,100	2,500
K Financial institutions	12,700	9,200	2,800	2,300
L Renting, buying, selling real estate	2,000	1,500	700	300
M-N Business services	280,900	250,500	198,200	22,000
O-Q Government and care	74,000	53,200	13,000	15,200
R-U Culture, recreation, other services	20,800	13,500	5,000	5,600
Unknown	200	100	0	0
Total	685,600	554,500	348,300	100,300

Source: CBS *Migrantenmonitor* 2020

3.3.1 Posted workers originating from the EU

Since 1 March 2020, foreign service providers must report their arrival, the nature, and the duration of the work they perform in the Netherlands in the online reporting desk that can be reached via www.postedworkers.nl. The total number of posted workers reported in 2021 was 365,510. Of these migrant workers, 237,680 had a nationality of one of the EU Member States. A number of 127,830 persons had a nationality from outside the EU, EEA or Switzerland.

Most reports are made for posted workers who are employed in road transport (almost 80%). When divided by country of origin, the large numbers of transport workers from Poland and Lithuania are particularly striking (Table 3.3). What is also remarkable in the figures is that a significant part of the reported employees from these countries concerns persons with a non-EU nationality. These are mainly persons with an Ukrainian and Belarussian nationality who work for a company established in Poland and Lithuania.

Table 3.3 Top 10 reported posted workers by EU-member state and nationality, 2021

Country of residence	EU citizens	Third-country nationals	Total
Poland	61,530	55,310	116,840
Lithuania	6,240	39,330	45,570
Spain	20,080	3,360	23,450
Romania	19,130	200	19,330
Germany	17,410	750	18,160
Belgium	12,330	400	12,730
Bulgaria	10,660	70	10,740
Hungary	6,910	670	7,580
Portugal	6,320	1,160	7,480
Slovakia	4,140	1,430	5,570

Source: *De Staat van Migratie* 2022

Table 3.4 shows the origin of posted workers in the Netherlands, excluding the transport sector. Once again, Polish companies appear to be the main suppliers of these employees. German companies are

now in second place. The numerical importance of workers from third countries also becomes evident. This is especially true for Poland and Lithuania.

Table 3.4 Top 10 countries in reported employees excluding road transport, 2021

Country of residence	EU citizens	Third-country nationals	Total
Poland	12,950	7,740	20,700
Germany	14,780	1,660	16,440
Lithuania	6,830	4,530	11,360
Belgium	7,020	370	7,380
Portugal	2,590	240	2,830
Romania	1,920	20	1,940
Slovenia	620	1,000	1,630
Hungary	1,360	60	1,420
Czech Republic	1,120	50	1,170
Bulgaria	1,080	50	1,130

Source: *De Staat van Migratie 2022*

3.3.2 Reported self-employed persons from other EU member states

At the end of 2020, there were almost 47,000 self-employed workers from other EU Member States working in the Netherlands. Another 3,800 came from the United Kingdom.⁴² Since 1 March 2020, foreign service providers must report their arrival, the nature, and the duration of the work they perform in the Netherlands in an online reporting desk. This shows that in 2021 7,070 self-employed persons from the EU have made one or more reports.⁴³ Incidentally, a self-employed person can make several reports per year. Most reports came from individuals originating from Poland (3,530 people), Slovakia (1,090), Belgium (800) and Germany (430).

3.4 Laws and policies for third-country labour migration

The core of the Dutch policy on labour migration for third country nationals is the principle of selectivity. Policies for migrants for whom there is an economic need (the 'highly skilled and talent' category) are inviting while policies for other categories of labour migrants are restrictive. The legal framework for labour based migration is the 2013 Modern Migration Policy Act (*MoMi*) and the Aliens Employment Act (*Wet arbeid vreemdelingen, Wav*).

3.4.1 Aliens Employment Act

An employer wanting to employ a non-EU/EEA-national must apply for a work permit (*Tewerkstellingsvergunning, TWV*) at the Public Employment Service (*UWV WERKbedrijf*). This permit will only be granted when there are no Dutch or EU/EEA jobseekers, the so-called prioritised labour supply, available for the job. Also the wages paid to non-EU/EEA workers must be in accordance with the applicable collective labour agreements. The aim of the Aliens Employment Act (*Wav*) is therefore to prevent displacement of local (or EU/EEA) labour supply by non-EU/EEA workers.

In accordance with Directive 2011/98/EU, measures were implemented to facilitate the application process for a work permit. As of 1 April 2014, non-EU/EEA workers coming to the Netherlands to work for a period longer than three months must apply for a single permit (combined residence and work permit)⁴⁴ at the Immigration and Naturalisation Service (*Immigratie- en Naturalisatiedienst, IND*). For non-EU/EEA workers with a shorter contract period in the Netherlands, a work permit and short stay visa is required. In addition, advice is requested from the Employee Insurance Agency (*UWV*) for these foreign workers.

In addition, within the Aliens Employment Act a distinction is made between third-country nationals who migrate as a 'knowledge and talent' migrant and third-country 'labour migrants'. The first group is

⁴² <https://www.cbs.nl/nl-nl/maatwerk/2022/18/migrantenmonitor-2020>.

⁴³ Ministry of Justice and Safety (2022) *De Staat van Migratie 2022*, Figure 41 and 42.

⁴⁴ Dutch: *GVVA (Gecombineerde vergunning voor verblijf en arbeid)*.

only required to obtain a residence permit and do not have to apply for a work permit (*Tewerkstellingsvergunning, TWV*). These workers must, however, earn a minimum salary and the employer in the Netherlands must be a recognised sponsor (see also Section 3.3.4). For the second group, the admission policy is considered more restrictive. These migrants are required to obtain a work permit, and in case they stay more than 90 days employers need to apply for a combined residence and work permit (*Gecombineerde vergunning voor verblijf en arbeid, GVVA*). Box 3.1 provides an overview for which groups residence permits or work permits are required.

3.4.2 Revisions in the Aliens Employment Act in 2022

In January 2022, the Aliens Employment Act was amended.⁴⁵ Due to the amendment of this act, a work permit can be granted for a maximum of 3 years from 1 January 2022, instead of a maximum of 1 year. A work permit with a full labour market test can be granted for a maximum of 2 years, instead of 1 year.

Another change is that the employer must pay the wages stated on the work permit to the employee via a bank account, over a maximum period of one month. This allows the Dutch Labour Inspectorate to better check wage payments. If the employer does not pay the wages in this way, the work permit can be revoked or is not extended. The application for a permit can also be rejected within the amended Aliens Employment Act if no economic activities are taking place at the employer's company. This is to prevent a foreign employee from coming to the Netherlands while the employer is unable to pay wages.

Box 3.1 Required permits for third-country nationals who come to the Netherlands for remunerated activities

	Residence permit	Work permit
'Knowledge and talent'		
• <i>Highly skilled</i> : a foreign national coming to the Netherlands to work as a highly skilled employee, thus making a contribution towards the Dutch knowledge-based economy. No work permit is required for this category.	V	
• <i>Scientific researcher</i> : a foreign employee involved in a research project approved by a Dutch research institute in the Netherlands. No work permit is required for this category.	V	
• <i>Self-employed and freelance workers</i>	V	
• <i>Recent graduates with an orientation year</i>	V	
• <i>Highly skilled staying shorter than three months</i>		V
'Labour migrants'		
• <i>Labour migrants staying longer than three months</i>	V (GVVA)	V (GVVA)
• <i>Labour migrants staying shorter than three months</i>		V
• <i>Migrants staying longer than three months who are already in possession of a residence permit (e.g. foreign students)</i>		V

Source: EMN (2015); IND website (2016)

3.4.3 New regulation for chefs from Asia

From 1 January 2022, the special arrangements for cooks from Asia have been abolished.⁴⁶ As of this date, the rules of the Wav again apply in full to these workers. This means that employers must first search for employees in the Netherlands, the EU/EEA countries and Switzerland. The vacancy must also be officially reported at the Employee Insurance Agency (UWV). If the search fails and the vacancy has been open for at least 5 weeks, the employer can apply for a work permit for a cook from Asia at the Immigration and Naturalisation Service (IND).

⁴⁵ <https://www.uwv.nl/werkgevers/actueel/verlenen-werkvergunningen-buitenlandse-werknemers-wijzigt.aspx>

⁴⁶ These requirements put an end to the special arrangement for Asian cooks. This arrangement was in effect between 2014 and 2021.

3.4.4 Highly qualified workers

The Netherlands has various schemes aimed at attracting highly qualified workers who are expected to make a positive contribution to the Dutch economy. The various schemes (Highly Skilled Migrant Scheme (*Regeling Kennismigranten*), the EU Blue Card and measures aimed at foreign graduates) were discussed in the previous SOPEMI-reports. Wage criteria are used in the various schemes to define highly skilled labour. Table 3.5 provides updated wage criteria used in the various schemes.

Table 3.5 Wage criteria as of 1 January 2022 (in gross monthly wages)

	Excl. 8% holiday allowance
Highly Skilled Migrant Scheme: knowledge workers \geq 30 years	€ 4,840
Highly Skilled Migrant Scheme: knowledge workers < 30 years	€ 3,549
'Foreign graduates'	€ 2,543
EU Blue Card	€ 5,670

Source: <https://ind.nl/nl/inkomenseisen-normbedragen>, visited on 30 August 2022

3.4.5 A reimbursement scheme for foreign employees with specific skills

The 30% facility is for employees who come from outside the Netherlands and work temporarily in the Netherlands. If these employees meet certain conditions, they pay no tax on a maximum of 30% of their wages. In so doing, the government compensates them for the extra costs they incur to be able to work in the Netherlands. The 30% ruling is meant to make the Netherlands attractive for foreign employees with specific skills which are scarce in this country. In 2019, the government shortened the term of the 30% facility from a maximum of 8 to 5 years. Those employees who were already using the scheme before 2019, are subject to these changes as of 1 January 2021.⁴⁷

3.4.6 Foreign investors

To enhance competitiveness in the Dutch economy, measures have been implemented to stimulate immigration of foreign investors and entrepreneurs who are expected to positively contribute to the Dutch economy and society. In October 2013 an admission scheme for foreign investors was introduced in the Netherlands. Under this scheme foreign investors who invest a minimum of € 1.25 million in a Dutch company or Dutch investment fund can obtain a temporary residence permit for a period of three years (*Regeling voor Buitenlandse Investeerders*). It was expected that approximately 500 foreign investors per year would apply for a residence permit. However, between 2013 and 2019, the Netherlands received only less than twenty applications of which no more than ten were approved.⁴⁸ In 2021 the government has decided to abolish the regulation as very limited use is made of this rule.⁴⁹

3.4.7 Foreign entrepreneurs: start-up visa scheme⁵⁰

In order to facilitate the establishment of innovative foreign entrepreneurs in the Netherlands, the so-called start-up visa scheme was introduced on 1 January 2015.⁵¹ This scheme makes it possible for ambitious entrepreneurs to apply for a temporary residence permit for the Netherlands. The scheme allows these entrepreneurs to launch an innovative business within a one-year period. Their spouse and children can join the permit holder in the Netherlands. A prerequisite for obtaining a visa is that this start-up must be guided by an experienced mentor (facilitator) who is based in the Netherlands. After one year, successful start-ups have to apply for a residence permit as an independent entrepreneur. No significant changes were made in 2021 in the existing regulations for foreign start-ups. The evaluation of

⁴⁷ <https://www.rijksoverheid.nl/onderwerpen/inkomstenbelasting/belastingvoordeel-buitenlandse-werknemers>.

⁴⁸ TK 30573, nr. 170. Brief van de staatssecretaris van Justitie en Veiligheid (7 februari 2019).

⁴⁹ Letter to Parliament from the Minister of Justice and Security concerning Admission scheme for foreign investors (*Toelatingsregeling voor buitenlandse investeerders*), 11 January 2021, ref 3119981.

⁵⁰ <https://business.gov.nl/coming-to-the-netherlands/permits-and-visa/startup-visa/>

⁵¹ There is an exception for startup entrepreneurs of Australian, Canadian, Japanese, New Zealand, USA and South Korean nationality. These entrepreneurs can submit an Netherlands visa application directly with the IND using the application form on the website.

the start-up scheme was published on the IND website in September 2022.⁵² In response to the evaluation, on the 29th of November, it has been announced that the residence permit under the start-up visa scheme will be granted for 2 years (legal implementation still pending).⁵³

3.4.8 Residence scheme for essential staff of start-ups⁵⁴

As of 1 June 2021, a pilot started for a new residence permit for essential or experienced staff of start-ups. The permit is supposed to make it possible and/or easier for young, innovative businesses in the Netherlands to attract staff from outside the European Union. The driver of this change were signals from the business sector that start-ups experience barriers when trying to employ staff, because the residence permit for highly skilled migrants is not yet fitting in relation to the starting character of their company. Therefore, a lower salary criterion applies for this new residence scheme, with the additional requirement that the desired employee is given a share in the company. The pilot has a duration of four years and will be evaluated twice: mid-2023 and at the end of the pilot.⁵⁵

3.4.9. Working holiday programme⁵⁶

Young people from non-EU/EEA countries aged 18 to 30 can participate in the Working Holiday Programme (WHP) or Working Holiday Scheme (WHS). Currently, the Netherlands has a WHP/WHS agreement with nine countries, namely: Argentina, Australia, Canada, Hong Kong, New Zealand, South Korea, Taiwan, Uruguay and Japan. Taiwan, Uruguay and Japan joined the programme in 2020. A quota of 100 young people per year applies to Argentina, Hong Kong, Taiwan, Uruguay and South Korea, for Japan the quota of 200 applies. No quota applies to the other countries. Young people aged 18 to 30 from these countries can reside in the Netherlands temporarily under certain conditions in the context of the cultural exchange programme. The main purpose and the basis of a WHP/WHS is to become acquainted with Dutch culture and society. This basis is set out in a Memorandum of Understanding (MoU) between the two partner countries. The partner country also admits Dutch young people to their country on the same basis. The participating young person may not do any work that is contrary to the main purpose of the WHP/WHS. The applicants may therefore only work occasionally to support their holiday financially.

3.5 Statistical Developments related to the Aliens Employment Act

In this section, we provide information on residence permits issued to third-country nationals who come to the Netherlands for work. Special attention is given to highly skilled migrants and scientific researchers. Next, we describe the number of issued work permits or favourable advice procedures on combined residence and work permits, required for the category 'labour migrants'.

3.5.1 Decisions on resident permits

In the Netherlands, the Dutch Immigration and Naturalisation Service (*IND*) is responsible for issuing residence permits to certain categories of labour migrants (see also Box 3.1). Most third-country labour migrants who apply for a residence permit belong to the 'knowledge and talent' category. Due to the restrictive labour market policy towards employees in the 'labour migrants' category, the number of applications by this group is much smaller. Between 2015 and 2019, the number of applications for both categories increased (see Figure 3.2). Between 2019 and 2020, however, we notice a sharp drop in the number of applications, especially among 'knowledge and talent' migrants. This decrease can be explained by the outbreak of the COVID-19 virus in 2020. Between 2020 and 2021, the number of residence permit applications in the 'knowledge and talent' category increased again to a new high of 22,840. The number of residence permit applications in the 'labour' category also increased during

⁵² [Evaluatie: regeling voor het aantrekken van start-ups is succesvol | IND](#). This evaluation has been carried out by the Dutch Immigration and Naturalisation Service (*IND*).

⁵³ <https://open.overheid.nl/repository/ronl-fd4d39521464f89768d4284789171e1b2773baa6/1/pdf/tk-beleidsreactie-evaluatie-start-up-regeling.pdf>

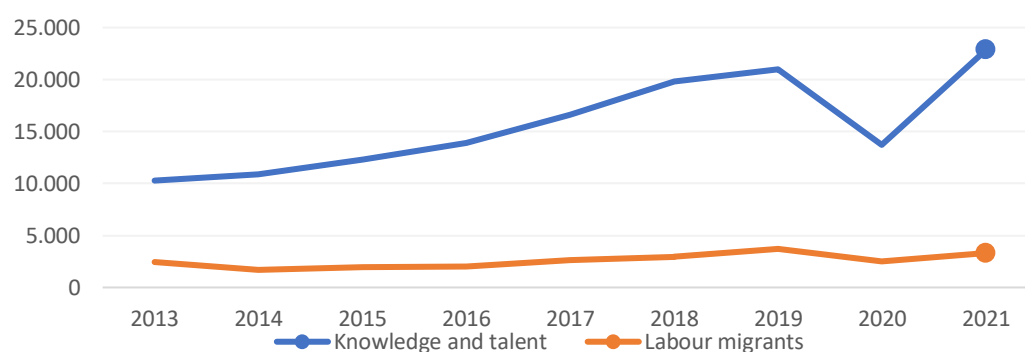
⁵⁴ The information is largely based on EMN Netherlands (2022) Annual report Migration and Asylum in the Netherlands. The Hague, October, 2022.

⁵⁵ See, in more detail, Ministry of J&V (2022) *De Staat van Migratie 2022*, page 69.

⁵⁶ See, in more detail, Ministry of J&V (2022) *De Staat van Migratie 2022*, page 70-71.

these years (from 2,480 in 2020 to 3,300 in 2021), although not as sharply as that of the ‘knowledge and talent’ category.

Figure 3.2 Number of residence permit applications (2013-2021)



Source: Annual reports IND

Table 3.6 shows that most applications for residence permits result in a favourable decision by the IND, although the approval rate is much higher for the ‘knowledge and talent’ category (94% in 2021) than for the ‘labour migrants’ category (72% in 2021).

Table 3.6 Positive decisions on residence permit applications, in percentages (2013-2021)

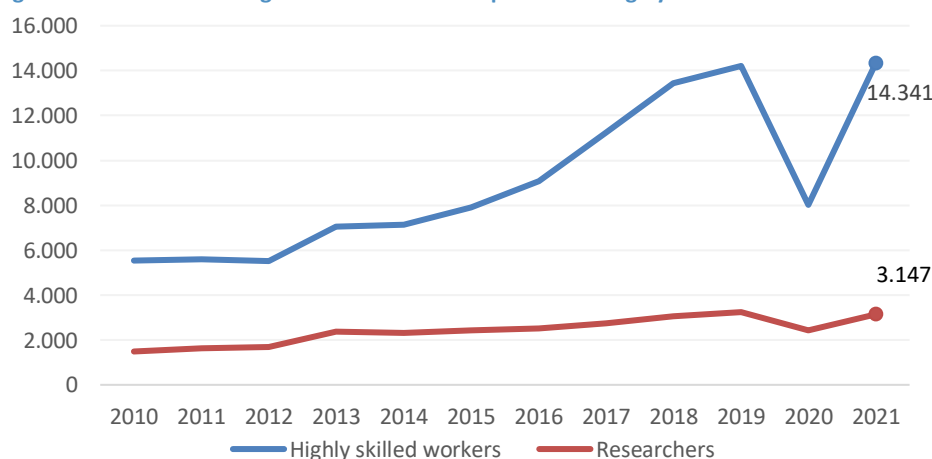
	2013	2014	2015	2016	2017	2018	2019	2020	2021
Knowledge and talent	93%	93%	92%	93%	94%	94%	94%	91%	94%
Labour migrants	67%	69%	80%	79%	74%	78%	78%	70%	72%

Source: Annual report IND

3.5.2 Highly skilled migrants and scientific researchers

In this section, the number of residence permits issued to highly skilled migrants and scientific researchers is discussed in more detail. These are two prominent subcategories of the ‘knowledge and talent’ group. The number of residence permits issued to these categories was increasing until 2019, as shown in Figure 3.3. After a sharp decline (especially for highly skilled workers) between 2019 and 2020, the number of granted residence permits increased again in 2021 to 14,341 for highly skilled workers and to 3,147 for researchers.

Figure 3.3 Number of granted first residence permits for highly skilled workers and researchers (2010-2021)



Source: Eurostat, online statistics (2021)

3.5.3 Work permits

In this section we will discuss the statistics on issued work permits and favourable advice procedures on combined residence and work permits. Work permits are particularly required for the different categories of 'labour migrants' (see box 3.1).

In the Netherlands, the Employee Insurance Agency (*UWV*) assesses employer applications for work permits (*Tewerkstellingsvergunning, TWV*). There are two different ways to obtain a work permit, depending on the duration of stay:

1. If labour migrants stay for a shorter period than three months the employer must apply for a TWV. This is also the case for asylum seekers (who are allowed to work for a limited period pending the outcome of their asylum procedure).
2. If the migrant stays longer, the employer must apply for a different permit, namely the Combined residence and work permit (GVVA). This permit combines the work permit (TWV) with a residence permit. Applications for a GVVA must be lodged at the IND, after which the IND sends a request to the UWV to advice on admission to employment. The IND almost always follows this advice.

3.5.4 Decisions on work permits and advice procedures

In this section we will discuss the statistics on issued work permits and favourable advice procedures on combined residence and work permits. In 2021, most decisions on requests for work permits were positive (87%, see Table 3.7). The total number of issued work permits increased strongly between 2020 and 2021, particularly due to the lifting of travel restrictions (from 6,866 in 2020 to 8,992 in 2021). With respect to the advice procedures (GVVA), 79% of the decisions were positive in 2021 (see also Table 3.7). Between 2020 and 2021, the number of favourable decisions increased from 4,023 to 4,853.

Table 3.7 Handled requests for work permits and advice procedures (abs.) and decisions (%) (2015-2021)

	2015	2016	2017	2018	2019	2020	2021
Handled requests for work permits (TWV) (abs.)	5,245	5,843	6,565	7,864	9,746	6,866	8,992
Work permit denied (%)	7.2	6.9	8.9	6.7	7.3	7.8	7.7
Work permit issued (%)	87.0	89.1	86.9	89.5	89.7	87.8	86.8
Requests withdrawn (%)	5.4	3.9	3.5	3.5	3.1	3.9	4.9
Handled requests for advice procedures (GVVA) (abs.)⁵⁷	3,034	3,087	3,970	3,691	5,471	4,023	4,853
Unfavourable advice (%)	17.5	16.1	16.5	14.3	14.2	15.2	14.5
Favourable advice (%)	78.7	80	79.2	81.7	82.6	79.5	79.1
Requests withdrawn (%)	3.3	3.2	3.4	3.4	3.2	4.6	4.5
Total handled requests (for work permits or advice procedures) (abs.)	8,279	8,930	10,535	11,555	15,217	10,889	13,845
Work permits denied/unfavourable advice procedures (%)	11.0	10.1	11.8	9.1	9.7	10.7	10.1
Work permit issued/favourable advice procedures (%)	84.0	86.0	84.0	87.0	87.1	84.7	84.1
Requests withdrawn (%)	4.7	3.7	3.4	3.5	3.1	4.1	4.8

Source: UWV annual reports on the implementation of the labour aliens act (*Wet Arbeid Vreemdelingen*), supplied on request

3.5.5 Labour market tests

Employers are only allowed to hire an employee from outside the EU/EEA after proving they are unable to find a suitable candidate from within an EU/EEA country (also including the Netherlands). UWV assesses whether the employer has undertaken sufficient efforts to fulfil this requirement. There are three

⁵⁷ The number of residence permit applications for the category 'labour migrants' is not comparable to the number of GVVA advice procedures by the UWV (there are more advice procedures than applications). The number of GVVA advice procedures includes both applications for paid employment as well as for learning & working combinations, while the residence permit applications in the previous chapter only includes applications for paid employment.

degrees of strictness of this so-called labour market test: (i) a full labour market test, (ii) a limited labour market test, and (iii) no test.⁵⁸

The decision to select one of the three procedures depends on the type of employment for which a work permit is required. In the case of a full labour market test, a work permit is only granted if an employer can demonstrate that, after active attempts to find suitable candidates in the Dutch and/or European labour market within a certain period of time, the vacancy could not be filled.⁵⁹ In the case of a limited labour market test, the employer does not need to meet all the criteria (e.g., it is not necessary to post the vacancy on the UWV website). This limited version applies, for example, to an IT specialist with high educational qualifications or management staff and specialists receiving an above-average gross monthly salary. Finally, there are also situations in which employees are hired without being subjected to a labour market test. For example, a labour market test is not needed for intercompany transferees in an executive position.

Table 3.8 shows the number of granted TWVs and favourable advice procedures for different labour market tests (no test, limited test and full test).

The following conclusions can be drawn:

- The total number of granted TWVs and favourable advice procedures increased from 9,225 in 2020 to 11,624 in 2021.
- For 95% of the applications, a limited labour market test was carried out in 2021. In 4% of applications, full tests were conducted, while in less than 1%, it was unknown whether a test or what kind of test was carried out.
- Between 2020 and 2021, the share of work permits issued after a full labour market test decreased (4.2% in 2020 to 1.7% in 2021).
- The share of full labour market tests that led to a favourable advice also decreased (from 8.0% in 2020 to 7.9% in 2021), albeit marginally.

Table 3.8 Granted TWVs and favourable advice procedures for different labour market tests (absolute figures and in %), 2019-2021

2020	No test	0	0.0	0	0.0	0	0.0
	Limited test	5,774	95.8	2,940	92.0	8,714	94.5
	Full test	254	4.2	257	8.0	511	5.5
	Unknown	0	0	0	0	0	0
	Total	6,028	100.0	3,197	100.0	9,225	100.0
2021	No test	0	0.0	0	0.0	0	0.0
	Limited test	7,637	97.9	3,518	91.7	11,155	95.8
	Full test	132	1.7	305	7.9	437	3.8
	Unknown	35	0.4	15	0.4	50	0.4
	Total	7,804	100	3,838	100	11,642	100

Source: UWV annual reports on the implementation of the labour aliens act (*Wet Arbeid Vreemdelingen*), supplied on request

3.5.6 Characteristics of third country labour migrants

Table 3.9 shows the composition of issued permits and positive advice per nationality of the applicants. In 2021, the combined number of issued TWVs and favourable advice procedures were in the vast majority of cases granted to people from China and India, followed by Americans. This top 3 did not change compared to 2020. People from India most often received a TWV, while Chinese people most often received a positive advice with regard to the single permit. This implies that applicants from India more often come to the Netherlands for short periods of employment, while Chinese applicants regularly stay longer.

⁵⁸ In a full labour market test, the employee must show that they exhausted all means to find a suitable candidate for the position in the Netherlands or within the European Economic Space (EES). In a limited test, this is not required. The limited test is used for, among others, working students, trainees, key personnel from international concerns, and chefs in the Asian catering industry.

⁵⁹ For all conditions, see revised Aliens Employment Act (*Wav*), Article 8.

Table 3.9 Top 15 Highest numbers of issued work permits and favourable advice procedures by nationality, 2020-2021

2020				2021			
Nationality	Issued work permits	Favourable advice procedures	Total	Nationality	Issued work permits	Favourable advice procedures	Total
Chinese	472	1,891	2,363	Chinese	438	2,217	2,655
Indian	1,627	236	1,863	Indian	1,250	261	1,511
American	291	183	474	American	412	242	654
Vietnamese	396	36	432	British	443	109	552
Turkish	186	84	270	Vietnamese	426	62	488
Japanese	115	102	217	Iranian	351	20	371
Indonesian	191	25	216	Nigerian	352	6	358
Russian	179	31	210	Turkish	282	70	352
Surinamese	180	16	196	Bangladeshi	291	30	321
South Korean	158	24	182	Indonesian	262	41	303
Iranian	163	14	177	Surinamese	254	20	274
Nigerian	145	4	149	Russian	220	32	252
Brazilian	87	37	124	Japanese	147	83	230
Ukrainian	109	11	120	South-Korean	155	24	179
Canadian	64	51	115	Pakistani	29	30	59

Source: UWV annual reports on the implementation of the labour aliens act (*Wet Arbeid Vreemdelingen*), supplied on request

Table 3.10 shows the total number of issued TWVs and favourable advice procedures per profession in 2020 and 2021, sorted by the total number of positive decisions. Only the fifteen professions with the highest numbers of total favourable applications are included in the list. Professions related to food services (food preparation and serving: waiter/waitress), as well as professions related to information (research/analysis and technical advising) are high on the list in 2020. In 2021 we see that, in addition to food preparation, professions in transport, teachers, cleaners and consultants are also frequently reported.

Table 3.10 Top 15 highest numbers of issued work permits and favourable advice procedures, 2019-2020

2020	Issued work permits	Favourable advice procedures	Total	2021	Issued work permits	Favourable advice procedures	Total
Food preparation	182	2,067	2,249	Food preparation	295	2,556	2,851
Research/analysis	914	119	1,033	Delivery/transport	1,318	1	1,319
Serving: waiter/waitress	838	30	868	Teaching	937	59	996
Advising: technical/technology	577	73	650	Serving: waiter/waitress	914	19	933
Teaching	472	49	521	Cleaning: Home/office	585	0	585
Delivery/transport	377	1	378	Consulting: organisational	439	118	557
Cleaning: Home/office	320		320	Other	472	7	479
Consulting: organisational	255	40	295	Staff work	380	1	381
Religious worker	65	189	254	Designing/constructing	127	115	242
IT: development/ consulting	199	25	224	Religious worker	10	225	235
Designing/constructing	92	80	172	Professional athleticism	5	190	195
Staff work	162	4	166	IT: development/ consulting	164	30	194
Sales	145	1	146	Advising: technical/technology	157	29	186
Leadership: cooperating	83	28	111	Sales	165	0	165
Educate/inform	109		109	Industry work	158	0	158
Other	1,238	491	1,729	Other functions	1,678	488	2,166
Total	6,028	3,197	9,225	Total	7,804	3,838	11,642

Source: UWV annual reports on the implementation of the labour aliens act (*Wet Arbeid Vreemdelingen*), supplied on request

3.5.7 Issued work permits by duration

Table 3.11 shows the duration of issued work permits by the maximum period for which these permits were issued. Between 2015 and 2021, a significant increase in the number of issued work permits for a period of 3 to 12 months is visible. Conversely, the number of permits for a maximum of 3 months has decreased sharply in recent years. Once again, we see the influence of the corona pandemic, which greatly reduced the possibilities for short-term mobility.

Table 3.11 Duration of the issued work permits (TWV) (2015-2020)

	2015	2016	2017	2018	2019	2020	2021
< 3 months	2,382	2,925	3,460	3,269	3,612	1,586	1,558
3-12 months	1,764	2,114	2,105	3,666	3,858	4,267	6,033
12 months	277	28	22	10	947	108	6
1-3 years	123	134	120	92	110	67	207
Unknown	18	6	1	2	10	0	1
Total	4,564	5,207	5,708	7,039	8,739	6,028	7,805

Source: UWV annual reports on the implementation of the labour aliens act (*Wet Arbeid Vreemdelingen*), supplied on request



The immigration and reception of asylum migrants

4

4 The immigration and reception of asylum migrants

This chapter deals with the legislation and regulations relating to asylum seekers and refugees in the Netherlands. First of all, the most important legal and policy measures with regard to the possibilities for admission and reception are discussed. This is followed by a discussion of the rules regarding voluntary and forced return. The statistical section deals with a large number of topics related to the number of asylum seekers, decisions about possible residence and reception. The most important statistical findings are first listed below.

4.1 Main findings

- After a lower number of arriving asylum seekers in 2020 due to the COVID-19 pandemic, the number of asylum requests increased in 2021, particularly as a result of political conflicts in Syria and Afghanistan.
- In 2021, there were 24,740 first asylum requests. By far most asylum requests were launched by Syrian refugees (8,380). The number of applicants from Syria was twice as high compared to 2020. Next in line were Afghans (3,005), Turks (2,460), Yemenis (1,190) and Algerians (1,105).
- In 2021, 12,065 first requests for asylum were positively decided and 4,435 asylum requests were rejected.
- The number of resettled refugees increased slightly from 425 in 2020 to 470 in 2021. These numbers also include resettled refugees under the EU-Turkey deal.
- In 2021, the number of asylum applications by unaccompanied minors increased to 2,150 (from 985 in 2020). Unaccompanied minors account for more than 8% of the total number of requests.
- The number of asylum seekers residing in Dutch asylum reception centres increased from 24,026 in 2020 to 42,936 in 2021.

4.2 Asylum laws and policies

In this section attention is paid to the Dutch asylum chain programme, measures in relation to COVID-19, the issue of reception capacity shortages, measures in relation to immigrants from safe countries, decisions with regard to a departure moratorium, a new work instruction for medical advice (within the framework of the Dublin Regulation), measures regarding asylum seekers causing public nuisance, austere reception facilities, hosting schemes for refugees and measures with respect to unaccompanied minors. Most of the legal and policy changes that are discussed are from 2021.

4.2.1 Flexibilisation of the asylum system

One of the six pillars of the Comprehensive Agenda on Migration of the Dutch government is the establishment of a solid Dutch and EU asylum system, with specific regard to ensuring equal protection levels within the EU, by discouraging secondary migration movements and by a solidarity-based asylum policy, in which Member States support each other in times of increased asylum inflows. This part of the Comprehensive Agenda on Migration is addressed in the Flexibilisation Asylum Chain Programme (*Programma Flexibiliserend Asielketen*) of 2018. In so doing, the Dutch government intends to create an asylum system that is more efficient, flexible and robust. Measures are being developed in five related fields⁶⁰:

- increasing predictability, transparency and efficiency of asylum procedures;
- reducing processing times;
- better alignment of reception capacity with fluctuations in asylum applications;
- better alignment of asylum procedure with either settlement and integration in municipalities or return in case of a rejected asylum application;
- improved cooperation with civil society actors and other levels of government.

⁶⁰ Letter from the Ministry of Justice and Security to Parliament, dd 5 July, 2018. Flexibiliserend asielketen, Ref.: 2301074.

Reception facilities

In May 2020 the so-called Agenda on the flexibilisation of the asylum system (*Uitvoeringsagenda flexibilisering asielketen*) was established. The agenda encourages local, provincial and national governments to work together in order to create flexible forms of reception for asylum seekers and improved support and guidance of asylum seekers towards either integration or return. Provincial governments are to coordinate regional action plans to meet the new requirements for the reception of asylum seekers based on current estimations on the needed reception capacity. It is anticipated that the transition to the new system can take several years and that the timeline of implementation will differ regionally.⁶¹

In the new asylum system three types of reception facilities are envisaged:

- Common alien reception centres (*Gemeenschappelijke Vreemdelingenlocatie - GVL*): a medium-sized reception centre locating all stakeholders in the asylum procedure in one location. This includes the Immigration and Naturalisation Service (IND, the organisation for admission), the Central Agency for the Reception of Asylum Seekers (COA, the organisation for reception), the Repatriation and Departure Service (DT&V, the organisation for return), the Royal Netherlands Marechaussee (KMar), and the Unit Foreign National's Identification and Human Trafficking (AVIM) of the National Police. Asylum seekers are supposed to stay at a GVL from the beginning of their procedure until the time of admission or rejection.
- Satellite locations: locations that provide alternative reception capacity when GVL maximum capacity is reached as well as reception for specific groups of asylum seekers.
- Regional reception centres: locations at which asylum seekers (i.e. those who are likely to obtain a residence permit) or already been granted one, can make a start with their integration process near the municipalities where they ultimately will be housed (the relation between these locations and satellite locations is still under discussion).

From 25 June 2021 onwards, several changes to the asylum procedure have entered into effect:⁶²

- Termination of the initial personal interview in the general asylum procedure. To avoid duplication, there is no longer a separate initial personal interview within the general asylum procedure.
- The possibilities to cancel the 'rest and preparation period' (RVT) have been adjusted and expanded (e.g., in case of caused nuisance in a reception facility). During the RVT, the asylum seeker has a minimum of six days in order to rest from the travel to the Netherlands and prepare for the registration interview.
- The general asylum procedure has been shortened: in the new situation, the asylum procedure takes 6 days (instead of 8). In addition, the possibility has been added to extend the asylum procedure (AA) by three days (AA+). This extension can be used in complex cases, and in cases where there are special procedural guarantees or a medical advice indicating that more time is needed for the interview.
- The working method for asylum applications of persons from safe countries of origin or persons who benefit international protection in another EU Member State has been formalised. This means that the third country national will be informed by his/her legal assistance provider and the Dutch Council for Refugees (VluchtelingenWerk Nederland - VWN), and that there will be one day for submission of views.

Validity of asylum permit

In November 2019, the government announced several measures aimed at 'structural system improvements in the asylum procedure which in addition may contribute to alleviation of bottlenecks, such as backlogs in the application procedure'.⁶³ A notable proposed change in legislation was the reduction of the validity from five to three years of the temporary asylum permit. In December 2020, the Council of State advised the government not to bring the bill before Parliament. This high advisory body pronounced serious objections against the proposed changes as the costs (due to processing of requests, legal aid and court cases) would exceed possible benefits. Moreover, it was argued that current legislation already makes it possible to withdraw a residence permit within five years if changes in the country

⁶¹ <https://www.rijksoverheid.nl/onderwerpen/migratie/uitvoeringsagenda-flexibilisering-asielketen>.

⁶² <https://ind.nl/en/news/application-interview-and-first-interview-combined-flexible-general-asylum-procedure-aa-introduced>.

⁶³ Letter from the Ministry of Justice and Security to Parliament, dd 11 April 2019. Stand van zaken programma Flexibilisering asielketen, Ref.: 2553175.

of origin would occur.⁶⁴ Currently, the length of temporary residence permits for asylum seekers is still five years.⁶⁵

Processing times and penalty payments

In July 2020, the Temporary Act on the Suspension of Penalties for the IND (*Tijdelijke wet opschorting dwangsommen IND*) has been adopted by the Dutch Parliament. With this Act the obligation for the Immigration and Naturalisation Service (IND) to pay a penalty to asylum applicants when the legal timeframe for processing the application is exceeded, was (temporarily) suspended. The Act was in effect from 11 July 2020 to 11 July 2021. On 6 July 2022, the Administrative Jurisdiction Division of the Council of State rendered a decision on the Temporary Act on the Suspension of Penalties for the IND. The Division ruled that the elimination of the option to submit an appeal against failure to take a decision in time is contrary to EU law and therefore non-binding.⁶⁶ The ruling and its implications for the implementation of the Temporary Act are currently being studied by the government.⁶⁷

4.2.2 Measures in relation to Covid-19

On 1 June 2021, the new 'Quarantine obligation for travelers entering the Netherlands act' (*Wet quarantaineverplichting inreizigers*) entered into force. The act applies to all travelers from very high-risk areas. The quarantine obligation is one of the measures that the government is taking to prevent the risk of the virus spreading and the arrival of new virus mutations. With the quarantine obligation, travelers from designated very high-risk areas are obliged to quarantine for ten days. The quarantine can be ended when they can present a negative COVID test after five days. In July 2021, as analysis showed that the travel routes of most asylum seekers did not match with the most recent list of 'very high-risk' areas, the above-mentioned method was adjusted and the quarantine provision for all new asylum influx was terminated.⁶⁸

4.2.3 Shortage of reception capacity

On 25 August 2021, the Dutch government appealed to both regional and local governments to support the search for (emergency) reception locations for asylum seekers.⁶⁹ The government also strongly requested for housing solutions for beneficiaries of international protection. However, as the influx of asylum seekers remained high and the beneficiaries of international protection could not leave the reception centres because municipalities were not able to offer housing to this group, all regular and emergency shelter locations reached their capacity limits by October 2021.⁷⁰ In addition to a lack of regular capacity of COA locations, there was a significant lack of reception places for unaccompanied minors in 2021.⁷¹ On 22 October 2021, the national government appealed to the regional governments to provide 100 reception places for asylum seekers within 48 hours for the duration of three or four weeks. This urgent appeal was made to alleviate the situation that too many asylum seekers were residing in emergency shelter facilities.⁷²

The problem of acute shortages of reception facilities for asylum seekers and housing for asylum migrants with a residence permit continued to exist into the year 2022. In spring, municipalities were requested to provide crisis emergency shelters. Whereas many crisis emergency shelters were realised, the total capacity remained insufficient. This resulted in multiple occasions over the summer of 2022 in which applicants of international protection could not be offered any form of reception. This problem

⁶⁴ Council of State Advice concerning the Bill to amend the Aliens Act of 2000 in order to adapt the period of validity of the asylum residence permit for a fixed period (Advies Raad van State inzake het voorstel van wet tot wijziging van de Vreemdelingenwet 2000 teneinde te voorzien in aanpassing van de geldigheidsduur van de verblijfsvergunning asiel voor bepaalde tijd). Date: 16 December 2020.

⁶⁵ <https://ind.nl/nl/verblijfsvergunningen/asiel/asiel-aanvragen-in-nederland#de-verblijfsvergunning->.

⁶⁶ <https://www.raadvanstate.nl/actueel/nieuws/@131914/opschorting-dwangsommen-ind/>.

⁶⁷ https://www.eerstekamer.nl/wetsvoorstel/35476_tijdelijke_wet_opschorting.

⁶⁸ Parliamentary Papers, 2020-2021, 19637 no. 2757.

⁶⁹ <https://www.coa.nl/nl/nieuws/kabinet-luidt-noodklok-asielopvang-vol>.

⁷⁰ EMN (2022) *Annual report 2021. Migration and asylum in the Netherlands*. Den Haag, IND, November 2022, page 27.

⁷¹ Parliamentary Papers, 2020-2021, 19 637, no. 2774

⁷² See, in more detail, EMN (2022) *Annual report 2021. Migration and asylum in the Netherlands* Den Haag, IND, November 2022, page 26-28.

has also led to fierce political and social debates. In August 2022, the government reached an agreement with regional and local authorities that should provide a solution to the crisis in asylum reception.⁷³ With this agreement, the cabinet wants to expand the structural reception capacity and at the same time create housing for all people waiting for social housing.

This asylum agreement concerns a total package of agreements. At a decentral level, so-called Security Regions should make every effort to realise 225 additional crisis emergency shelter (CNO) places per region. Municipalities are committed to the housing of 20,000 beneficiaries of international protection this year. The fastest way to do so is to build more flexible housing. In the period up to and including 2024, 37,500 so-called flex homes are to be added. In addition, a number of temporary measures have come into effect to slow down the influx of new asylum seekers. For example, families of asylum migrants with a residence permit status can only come to the Netherlands if their relative with a residence permit in the Netherlands has found a suitable home.⁷⁴ The resettlement selections in the context of the EU Turkey Declaration have also been temporarily suspended.

4.2.4. Immigrants from safe countries

In 2021, the Minister for Migration initiated a re-assessment of the qualification of some of the countries that are considered to be safe countries of origin. Countries are reassessed based on the following criteria: democratic government; protection of the person's right to freedom and safety; freedom of expression; freedom of religion and association; protection against discrimination and persecution by third parties; access to independent investigation; access to an independent judicial authority and to legal remedies.⁷⁵ In June 2021, the Minister for Migration informed the House of Representatives that Algeria could no longer be classified as a safe country of origin, based on new authoritative reports which show that the situation in this country has deteriorated in certain respects.⁷⁶

4.2.5 Decisions with regard to a departure moratorium

A decision and departure moratorium was installed for third country nationals from the regional state Tigray in Ethiopia and for ethnic Tigrayans on 10 July 2021 following the publication of an official country report by the Ministry of Foreign Affairs.⁷⁷ This decision and departure moratorium was ended on 18 November 2021 after an additional country report on Tigray and ethnic Tigrayans was published by the Ministry of Foreign Affairs (see also the letter to the House of Representatives of 1 November 2021 on this subject).⁷⁸ On 11 August 2021, a decision and departure moratorium was also announced for third country nationals from Afghanistan, which came into effect on 26 August 2021 for a period of six months, to temporarily halt decisions on asylum applications by persons from Afghanistan, and to stop returns to Afghanistan. The moratorium was issued due to the crisis situation in Afghanistan in August 2021.⁷⁹

4.2.6 Measures regarding asylum seekers causing public nuisance and criminality

As of 1 February 2020 Asylum seekers who are responsible for severe transgressive behaviour can be housed in an Enforcement and Supervision Location (HTL).⁸⁰ This is a special reception centre with strict supervision and (area) limitations. In addition, individuals causing serious disruptive and transgressive behaviour are clearly identified and are being placed on a national list, the so-called Top-X list. Parties cooperating in migration and asylum matters discuss which measures are to be taken in relation to the persons on this list. Since 1 May 2020, the Top-X-approach was introduced nationally. Furthermore, since 1 August 2020, asylum seekers who cause an impactful incident that brings the safety of the employers and residents in a reception centre at risk, can be transferred to a so-called time-out location.

⁷³ <https://www.rijksoverheid.nl/actueel/nieuws/2022/08/26/kabinet-vng-ipo-en-het-veiligheidsberaad-maken-afspraken-om-opvang-asielzoekers-onder-controle-te-krijgen>.

⁷⁴ The family members will however receive a visa if no suitable accommodation has been found after fifteen months.

⁷⁵ EMN (2022) *Annual report 2021. Migration and asylum in the Netherlands*. Den Haag, IND, November 2022, page 28.

⁷⁶ Parliamentary Papers, 2020-2021, 19637, no. 2780.

⁷⁷ <https://ind.nl/nl/nieuws/tijdelijke-stop-op-besluiten-voor-tigray-ethiopie>.

⁷⁸ <https://www.rijksoverheid.nl/documenten/kamerstukken/2021/11/01/tk-brief-tk-landenbeleid-ethiopie-tigray-en-etnisch-tigreeers>

⁷⁹ Parliamentary Papers, 2021-2021, 19637, no. 2767.

⁸⁰ <https://www.dienstterugkeerenvertrek.nl/over-dtv/leidraad-terugkeer-en-vertrek/opvanglocaties/handhaving--en-toezicht-locatie-htl>.

After the time-out period, the person involved can return to the asylum seekers' centre or, if necessary, be transferred to another reception centre.⁸¹

4.2.7 Reception facility with austere nature

In September 2020, a pilot started to place asylum seekers with low chances of receiving a positive decision on their application in the Netherlands (often from safe countries of origin) in separate, austere reception and more closely supervised facilities. This pilot ended on 1 January 2022. COA now receives asylum seekers spread across the country in case the asylum seeker appeals against the decision to be expelled. It is, however, not possible to apply all austerity measures at those locations. COA is looking for new locations where they can also use all austerity measures in the appeal phase.⁸²

4.2.8 Hosting scheme for refugees

Asylum seekers who have been granted a residence permit often have to wait for appropriate housing in Dutch municipalities. Refugees can reside for three months with family and friends or a Dutch host family in expectation of (permanent) housing in a municipality. An external evaluation showed positive effects of this scheme on learning the Dutch language and creating a social network. Additionally, it can help to reduce pressure on the available reception capacity within COA facilities.⁸³

4.2.9 Unaccompanied minors (UAM)

In November 2020, the Dutch government implemented a new measure regarding the eligibility of UAMs for family reunification. UAMs who, after arrival in the Netherlands, are being hosted by a (distant) relative were no longer being considered 'unaccompanied'. This implied that these children – if they were allowed to stay in the Netherlands – had forfeited their right to family reunification with their parents and siblings. The argument behind this measure was to prevent families from sending their children ahead as a 'bridgehead' for the rest of the family. In Augustus 2021, a national newspaper reported that, approximately 200 children were affected by this new measure and could not be reunited with their family.⁸⁴ The measure that deprived unaccompanied minor asylum seekers of the right to family reunification has been reversed on 24 August 2021.⁸⁵

In 2021, additional funds were made available to improve the primary and secondary school education of third-country national minors.⁸⁶ Furthermore, several (temporary) measures were taken to improve the position of unaccompanied minors (UAMs). These include the introduction of prolonged reception and support to UAMs transitioning into adulthood; the possibility to apply for family reunification for UAMs who live with a family member in the Netherlands; and the obligation to investigate the adequacy of reception facilities in the country of origin before issuing a return decision – and not only before carrying out the return decision – in accordance with a ruling of the Court of Justice of the EU.⁸⁷

4.3 Policies on return

Policies to stimulate the return of undocumented migrants form an integral part of the Comprehensive Agenda on Migration (see chapter 2). Implying more effective cooperation within the EU (harmonisation of asylum procedures, more surveillance of the EU-border) and with third countries (reception in the region of origin, cooperation with transit countries) are central parts of this policy. The government also intends to implement positive and negative sanctions to induce countries of origin to accept the return of their citizens. Ideas concerning this were the provision (or denial) of bi-lateral aid, measures regarding

⁸¹ Previously, asylum seekers causing disruptive or transgressive behaviour were (temporarily) denied access to the reception centre, but the European Court of Justice ruled that this was not in line with the EU Reception Directive.

⁸² <https://www.rijksoverheid.nl/onderwerpen/asielbeleid/vraag-en-antwoord/wat-gebeurt-er-met-asielaanvragen-van-mensen-uit-veilige-landen>.

⁸³ De Gruijter et al. (2019) *Evaluatie Logeerregeling COA*. Utrecht: Verwey-Jonker Instituut.

⁸⁴ NRC, August 22, 2021; <https://www.nrc.nl/nieuws/2021/08/22/honderden-asielkinderen-dreigen-zonder-hun-ouders-op-te-moeten-groeien-a4055672>

⁸⁵ Parliamentary Papers, 24 of August, 2021, No. 3 5 04477. Concerning: *AMVs nareis*.

⁸⁶ EMN (2022) *Annual report 2021. Migration and asylum in the Netherlands*. Den Haag, IND, November 2022, page 33-35.

⁸⁷ European Court of Justice, 14-01-2021, nr. C-441/19.

the issuance (or refusal) of visa for government officials, limiting entry to preferential trade status and the granting (or withdrawal) of landing rights.

4.3.1 Return of undocumented migrants

Data from the Repatriation and Departure Service (DT&V) shows that between 2016 and 2019 the absolute number of returnees is somewhere between 15,000 and 17,000 annually. From 2020 we notice a significant drop in the number of returnees. This decrease is mainly due to the pandemic and the resulting travel restrictions. The largest share is still made up of the category 'independent return without surveillance'. It is important to note that the actual departure of a significant group cannot be determined.

Table 4.1 Number of returnees by category in 2015-2020

	2016	2017	2018	2019	2020	2021
Independent return	6,760 (40%)	3,400 (22%)	3,610 (24%)	4,460 (26%)	2,630 (24%)	2,100 (23%)
Forced return	2,220 (13%)	2,700 (18%)	2,650 (18%)	2,760 (16%)	1,650 (15%)	1,630 (17%)
Independent return without surveillance (*)	8,100 (47%)	9,020 (60%)	8,620 (58%)	9,660 (57%)	6,880 (62%)	5,600 (60%)
Total	17,080	15,120	14,880	16,880	11,160	9,330

(*) Returnee is no longer under surveillance of the Repatriation and Departure Service, actual departure from the Netherlands was not established.

Source: DTV, vertrekcijfers, in EMN Annual Report 2019,; <https://www.dienstterugkeerenvertrek.nl/over-dtv/cijfers>

In 2021, 70% of those who actually left (independent and forced return), went back to their country of origin. About 23% returned to a so-called 'Dublin Member State' and 7% to another third country. The most common nationalities among the returnees in 2021 were Moroccans, Algerians, Nigerians Syrians and Albanians.⁸⁸

Reduction of the minimum period in which the DT&V has to announce the departure

In 2020, only some small amendments to existing legislation regarding return policies were implemented. To bring Dutch regulations more in line with other EU Member States, the minimum period in which the DT&V has to announce the departure was shortened from 48 hours to 36 hours.⁸⁹

Repatriation support

As of 2019, subsidies to non-governmental organisations delivering re-integration support to undocumented third country nationals are available through the *Subsidieregeling Ondersteuning Zelfstandig Vertrek 2019* (OVZ). Projects should be aimed at voluntary return and have to focus on either a specific region or a specific target group. There is a list of nationalities eligible for participation in the reintegration projects.⁹⁰ To deliver reintegration support, ngo's have to cooperate with the European Return and Reintegration Network (ERRIN), the European Reintegration Support Organisations Network or the international network of the International Organisation for Migration (IOM). Within the OVZ-regulation, subsidy is also available for projects aimed at repatriation support for citizens from EU Member States who wish to return to their countries of origin but who lack financial means to do so and who need social guidance during the return process. In 2020 and 2021, new periods for submitting project applications were opened.

4.3.2 Temporary halting of returns for third country nationals from specific countries and regions⁹¹

From 10 July until 18 November 2021, a decision and departure moratorium for third-country nationals from the regional state Tigray in Ethiopia and for ethnic Tigrayans was installed. This was done following the publication of an official country report by the Dutch Ministry of Foreign Affairs. In addition, on 11

⁸⁸ <https://www.dienstterugkeerenvertrek.nl/over-dtv/cijfers>.

⁸⁹ Staatscourant van het Koninkrijk der Nederlanden 2020, 48461. *Besluit van de Staatssecretaris van Justitie en Veiligheid van 28 september 2020, nummer WBV 2020/21, houdende wijziging van de Vreemdelingencirculaire 2000.*

⁹⁰ <https://www.dienstterugkeerenvertrek.nl/ondersteuning-bij-terugkeer/documenten/regelingen/2019/05/10/ovz-officiële-lan-denlijst-herintegratieondersteuning>.

⁹¹ EMN Netherlands (2022) Migration and asylum in the Netherlands. Annual Report 2021, page 53. The Hague, IND.

August 2021, a decision and departure moratorium for third-country nationals from Afghanistan was issued, due to the crisis and rapidly escalating conflict in this country.

4.3.3 Expansion of Frontex Application for Return (FAR) to voluntary returns⁹²

In 2021, the Dutch use of the FAR (Frontex Application for Return, a web-based platform to enable the exchange of information between Frontex and EU Members States) was expanded to foreign nationals who leave the Netherlands voluntarily. Prior to this, the Netherlands had already been using the FAR system to book flight tickets for foreign nationals who leave the Netherlands non-voluntarily. Cooperation with Frontex is intended to increase the Dutch participation in Frontex return and reintegration activities and to allocate Dutch financial resources more cost-efficiently.

4.3.4 Open and controlled regimes

Undocumented migrants who are unwilling to cooperate with their return can be put in aliens detention pending their forced return. In December 2013, the government announced a draft proposal for a new Return and Aliens Detention Act (*Wet terugkeer en vreemdelingenbewaring*), which was sent to Parliament in September 2015. The proposal seeks to offer more tailor-made solutions in the reception regime for foreigners in aliens detention. The point of departure is to put the vast majority of undocumented foreigners in fairly open regimes (*verblijfsregimes*), which offers more freedom than at present. Undocumented foreigners with behavioural problems are placed in the controlled and restricted regime (*beheersregime*). The proposal was adopted by the House of Representatives in June 2018, but still had not passed the Senate in October 2022.

4.3.5 The bed, bath and bread-discussion: pilot National Immigration Facilities (LNVs)

For many years, there has been a discussion between the national government and the municipalities on providing basic support to undocumented migrants who have exhausted all legal means. In 2018 the Ministry of Justice and Security signed an agreement with the Association of Netherlands Municipalities (VNG) on the construction of so-called National Immigration Facilities (*Landelijke Vreemdelingen Voorzieningen*, LNVs). In 2019, in five municipalities pilots started for third-country nationals without a right of residence in the Netherlands and without access to other forms of shelter/support. By providing counselling for assisted voluntary return, migration to another country or, if applicable, legalisation of stay, the facilities aim to prevent irregular stay and to limit the consequences of irregular stay for the local environment. Evaluation studies showed that the cooperation between the parties involved in the National Immigration Facilities have improved.⁹³

4.3.6 New element included in the return decision about the country of destination

On 30 September 2021, a new rule was implemented for the inclusion of a new, fourth element in return decisions. The description now exists of four cumulative conditions that are based on article 3 of the Return Directive: (1) determination that a third-country national does not/no longer reside(s) in the Netherlands legally; (2) The obligation to leave the territory of the EU; (3) the time period in which the third-country national has to leave, and; (4) appointing the country the third-country national needs to return to. From the mentioned date, all these elements are added in a new subsection of the Implementation Guidelines of the Aliens Act.⁹⁴

4.3.7 Remigration

In addition to return policies for undocumented migrants, the Netherlands also provides a scheme for voluntary return of unemployed and elderly migrants legally residing in the Netherlands. As of 1 July 2014, the new Remigration Act is effective. Currently, the Remigration benefit is available to migrants who:

- are 55 years or older;
- have legally resided in the Netherlands for at least eight years;

⁹² Ibid.

⁹³ Regioplan (2020). *Plan- en procesevaluatie Landelijk Vreemdelingenvoorzieningen*; Verwey-Jonker Instituut (2021) *Tussenevaluatie pilot landelijke vreemdelingen voorzieningen*.

⁹⁴ Staatscourant van het Koninkrijk der Nederlanden (30 September 2022) Nr. 41948. *Besluit van de Staatssecretaris van Justitie en Veiligheid van 23 september 2021, nummer WBV 2021/18, houdende wijziging van de Vreemdelingenverordening 2000*.

- have received social benefits for at least one year;
- are first-generation migrants;
- were 18 years or older when arriving in the Netherlands

The opportunity to apply for a remigration benefit will end on 1 January 2025. This scheme remained unchanged in 2021.

4.4 Asylum requests

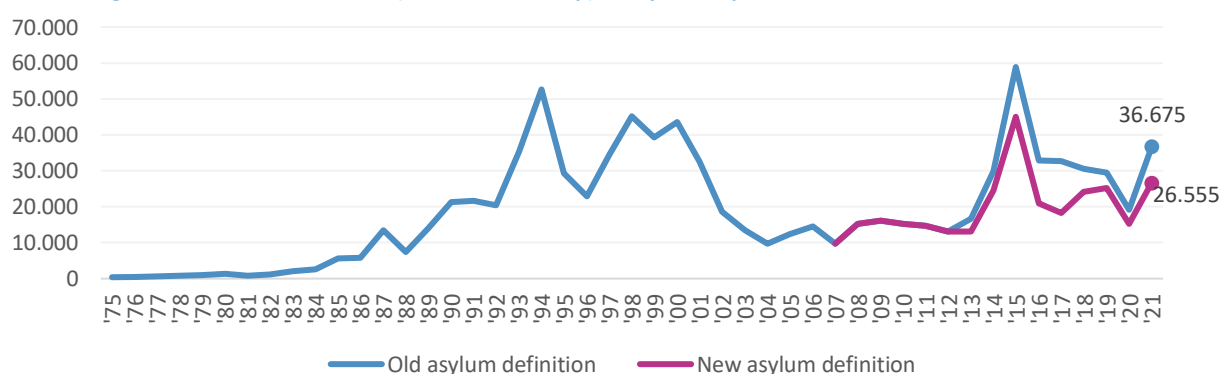
For the purpose of displaying not only the long-term trend in total asylum applications (first and follow-up), but also figures based on the new asylum definition in the Netherlands, figure 4.1 includes two different trend lines. The blue line depicts the trend between 1975-2021 in accordance with the old definition of asylum and, therefore, also includes applications of family members of refugees. The purple line shows the trend between 2013-2021 in accordance with the new definition and does not include applications of family members of refugees (see box 5.1 for a more detailed description on this amendment).

Box 4.1 Change of definition of asylum requests in asylum statistics

In January 2014, an amendment was introduced to the Dutch definition for asylum requests in asylum statistics. Previously, lodged requests for family reunification within a period of three months after granting an asylum seeker with a residence permit were counted as asylum applications. According to the new definition, this is no longer applicable. Now, family members of asylum seekers who have been granted a status, no longer have to file an asylum application in order to receive a residence permit. Therefore, these family members are no longer included in statistics on asylum applications. By changing the definition, Dutch statistics have become better aligned with the definition used in other Member States.

Figure 4.1 shows that the number of total (first and follow-up) asylum requests fluctuated substantially during the past forty years. Between 1975 and 2000, there were three peaks. In 2015, the number of persons seeking asylum reached a new height (58,880). From 2020 to 2021, the number of persons seeking asylum increased to 26,555. The COVID-19 crisis led to lower numbers of asylum seekers in 2020 due to travel restrictions and closed borders.⁹⁵ In addition, the number of asylum requests increased in 2021 due to political conflicts in Syria and Afghanistan.

Figure 4.1 Total numbers (first and follow-up) of asylum requests, 1975-2021



Source: Statistics Netherlands, online statistics (2022)

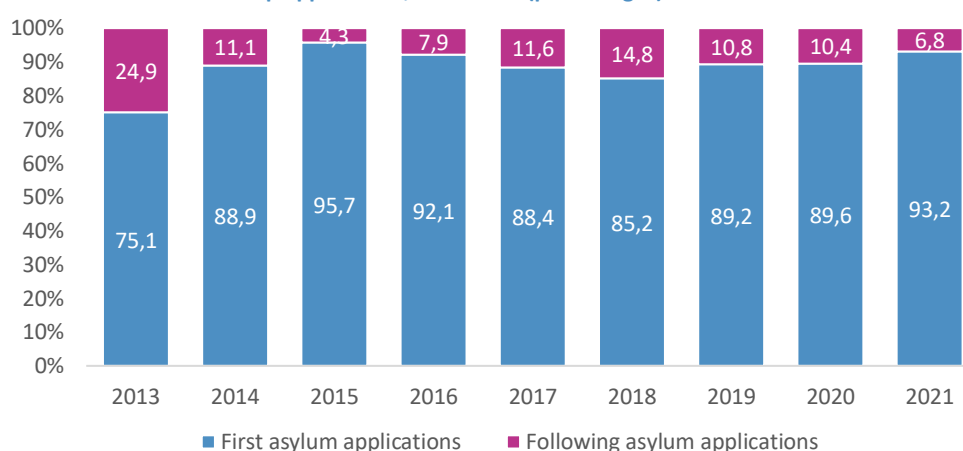
⁹⁵ <https://www.cbs.nl/en-gb/news/2022/05/asylum-influx-up-in-2021-mainly-in-second-half>

4.4.1 First and follow-up asylum applications

Asylum seekers can submit a follow-up application after rejection of the first application. This possibility may be used in the event of new relevant facts for the assessment of the application or in case the situation in the home country has changed. Figure 4.2 shows the share of first and follow-up applications according to the new definition.

Over the years, the number of follow-up applications fluctuated within the total number of applications. The lowest proportion of follow-up applications occurred in 2015 (4.3%), after which the proportion of follow-up applications increased until 2018 (14.8%). From 2018 to 2021, the share of follow-up applications decreased again. In 2021 6.8% of asylum applications comprised follow-up applications.

Figure 4.2 First and follow-up applications, 2013-2021 (percentages)



Source: Statistics Netherlands, online statistics (2022)

4.4.2 First asylum request by country of nationality

In Table 4.2 shows the number of first asylum requests in the Netherlands by nationality. In 2021, there were 24,740 first asylum requests.⁹⁶ By far most asylum requests were lodged by Syrian refugees (8,380). The number of applicants from Syria is twice as high compared to 2020. Next in line were Afghans (3,005), Turks (2,460), Yemenis (1,190) and Algerians (1,105).

⁹⁶ In accordance with the new definition of asylum: family members of refugees are not included.

Table 4.2 Top 10 first asylum applications in the Netherlands by nationality¹, 2018-2021

Total of 2019			Total of 2020			Total of 2021		
Nationality	Abs.	%	Nationality	Abs.	%	Nationality	Abs.	%
Total	22,540	100	Total	13,720	100	Total	24,740	100
Syrian	3,675	16.3	Syrian	4,070	29.7	Syrian	8,380	33.9
(former) Soviet Union	2,850	12.6	Algerian	995	7.3	Afghan	3,005	12.1
Nigerian	2,100	9.3	Turkish	990	7.2	Turkish	2,460	9.9
Iranian	1,535	6.8	Moroccan	775	5.6	Yemeni	1,190	4.8
Turkish	1,250	5.5	(former) Soviet Union	710	5.2	Algerian	1,105	4.5
Algerian	1,210	5.4	Nigerian	635	4.6	Moroccan	905	3.7
Moldavian	1,205	5.3	Yemeni	410	3	Somali	905	3.7
Moroccan	1,060	4.7	Afghan	390	2.8	Eritrean	770	3.1
(former) Yugoslavia	770	3.4	Iranian	370	2.7	Iraqi	745	3
Yemeni	645	2.9	Eritrean	370	2.7	(former) Soviet Union	680	2.7
Other	6,240	27.8	Other	4,005	29.2	Other	4,595	18.6

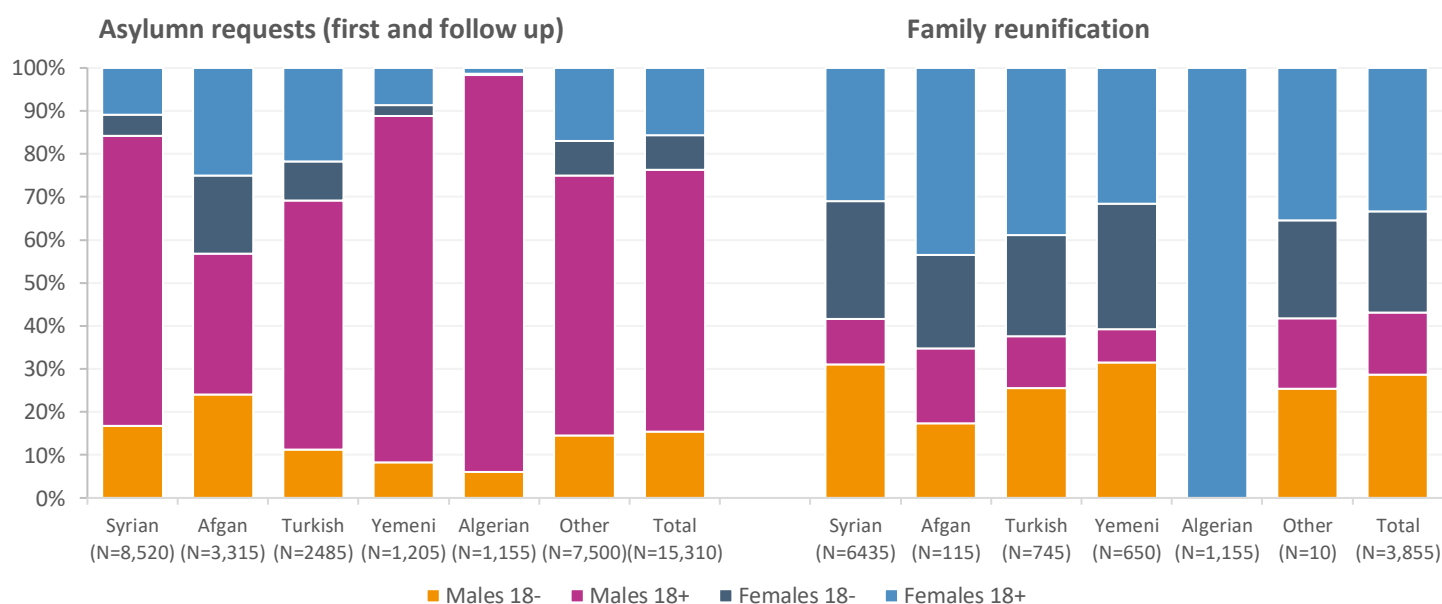
Statistics Netherlands, online statistics (2022)

¹ The figures in the table are rounded to the nearest five to prevent possible identification of individuals.

4.4.3 Demographic characteristics asylum seekers and family members

Figure 4.3 shows the sex and age composition of asylum seekers and their family members for the most prominent countries of origin in 2021. More men than women applied for asylum and conversely more women than men applied for family reunification. Most first applicants were men aged 18 years or older.

Figure 4.3 Top 5 Asylum applications (2021)¹ in the Netherlands by nationality, divided by sex and age



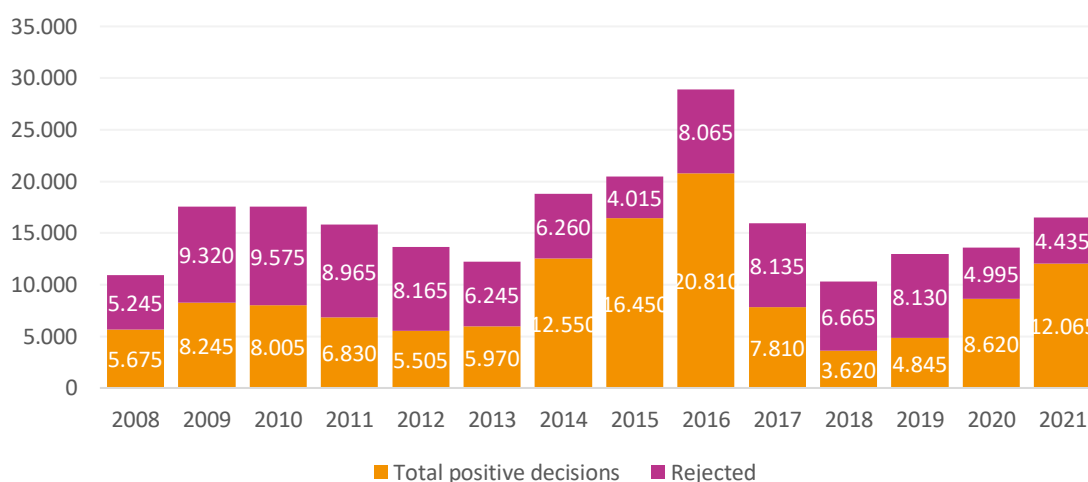
Source: Statistics Netherlands, online statistics (2022)

¹ The figures in the table are rounded to the nearest five to prevent possible identification of individuals. As a result, it may occur that the sum of the detail data is different from the total.

4.5 Decisions on asylum requests

Figure 4.4 shows the number of first asylum decisions in the Netherlands between 2008 and 2021. The number of positive decisions and rejections fluctuate over the years. For example, between 2014 and 2016, we see that the proportion of positive decisions is relatively high compared to other years. This is also true for 2020 and 2021. In 2021, 12,065 first requests for asylum were positively decided and 4,435 asylum requests were rejected.

Figure 4.4 Total number of first asylum decisions in the Netherlands divided by positive decisions and rejections¹, 2008-2021 (2013 and later years in accordance with the new definition, previous years in accordance with the old definition)



¹ The absolute data are rounded to the nearest five. As a result, it may occur that the sum of the detail data is different from the total.

4.5.1 Different grounds for approval

Asylum requests can be approved on the basis of the Geneva Convention status, for humanitarian reasons, or on the basis of subsidiary protection (see box 4.2 for a more detailed description of these concepts).

Box 4.2 Different grounds for approval

Geneva Convention status: someone who needs protection because of the prospect of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.

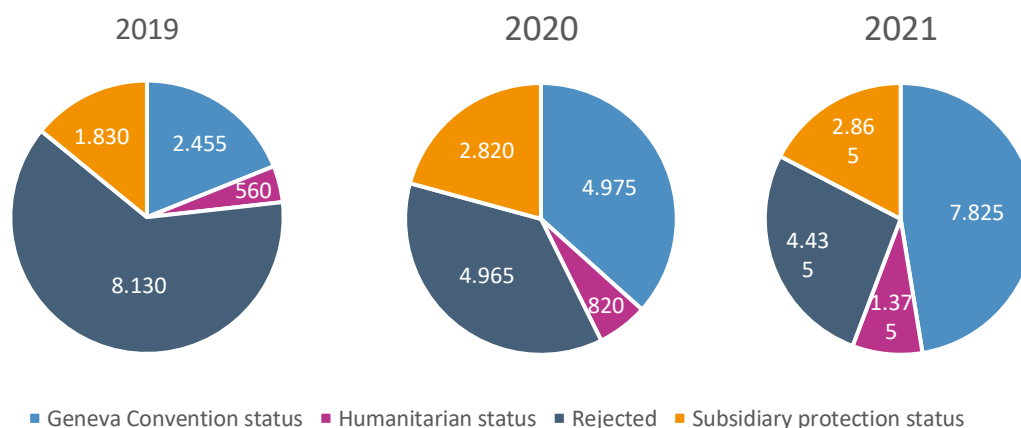
Humanitarian status: in addition to admission on the basis of international treaties, a person can be granted a residence permit on the basis of national policy. This particularly concerns cases in which a person encountered traumatic experiences. This person receives a residence permit based on compelling humanitarian reasons.

Subsidiary protection status: 'the protection given to a third-country national or a stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his or her country of origin, or in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm [...] and is unable, or, owing to such risk, unwilling to avail himself or herself of the protection of that country'.

Source: UNHCR

Figure 4.5 shows that the Dutch government granted more requests on the basis of the Geneva Convention and humanitarian grounds in 2021 compared to previous years. The number of requests on the basis of subsidiary protection is rather stable. In 2021, the Dutch government granted 7,825 requests on the basis of the Geneva Convention, 2,865 requests on the basis of subsidiary protection and 1,375 on humanitarian grounds.

Figure 4.5 Total number of first decisions by type of status, 2018-2021



Source: Eurostat, online statistics (2022)

¹ The data are rounded to the nearest five. As a result, it may occur that the sum of the detail data is different from the total.

4.6 Resettled refugees

The Netherlands takes part in the UNHCR 'resettlement programme' to help resettle refugees from a third country as the only safe, viable and durable solution.⁹⁷ UNHCR determines on the basis of its own criteria which refugees in a host country are eligible to be nominated for resettlement because they fall within certain vulnerability categories. UNHCR nominates candidates ('refers') to the Netherlands. The final decision on acceptance for resettlement is made by the Dutch Immigration and Naturalisation Service.

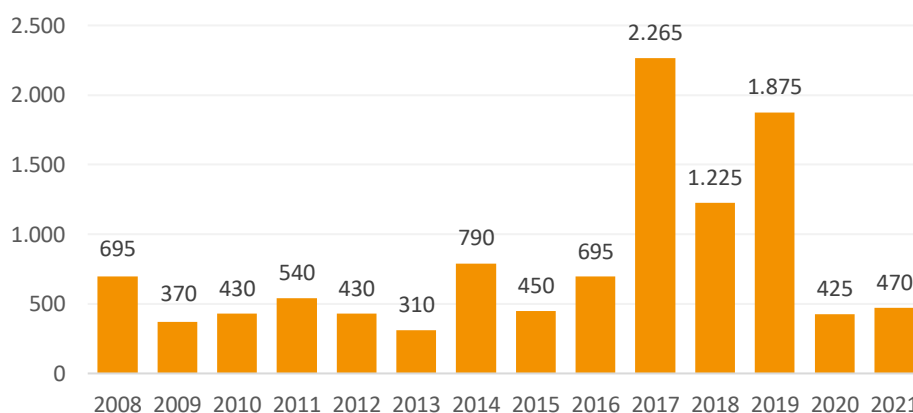
Until 2015, the Netherlands resettled on average 500 refugees per year.⁹⁸ However, since the issued EU-Turkey Statement (in Dutch: *de EU-Turkije Verklaring*) on 18 March 2016 to end irregular migration, this number has increased significantly. The core principle of this statement was that for every Syrian being readmitted by Turkey from the Greece islands, another Syrian will be resettled to the EU Member States from Turkey directly.⁹⁹ Consequently, this agreement resulted in a sharp increase in the number of refugees who were resettled in the Netherlands between 2016 and 2017 (from 695 to 2,265 respectively, see Figure 4.6). The lower numbers of resettled refugees in 2020 and 2021 are a result of the COVID-19 pandemic.

⁹⁷ <http://www.unhcr.org/pages/4a16b1676.html>

⁹⁸ The Dutch government has agreed to resettle a total of 2,000 refugees in the period from 2016 to 2019, which is approximately 500 per year. In the Coalition Agreement 2018-2021, it was agreed that the Netherlands will increase the resettlement quota from 500 to 750 per year. However, in 2019 it was decided to reduce the national resettlement quota for the years 2019–2021 from 750 to 500 refugees (see: <https://zoek.officielebekendmakingen.nl/kst-19637-2459.html>).

⁹⁹ See for example: <https://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/>.

Figure 4.6 Total number of resettled refugees in the Netherlands per year of arrival, 2008-2021^{1,2}



Source: Statistics Netherlands, online statistics (2022)

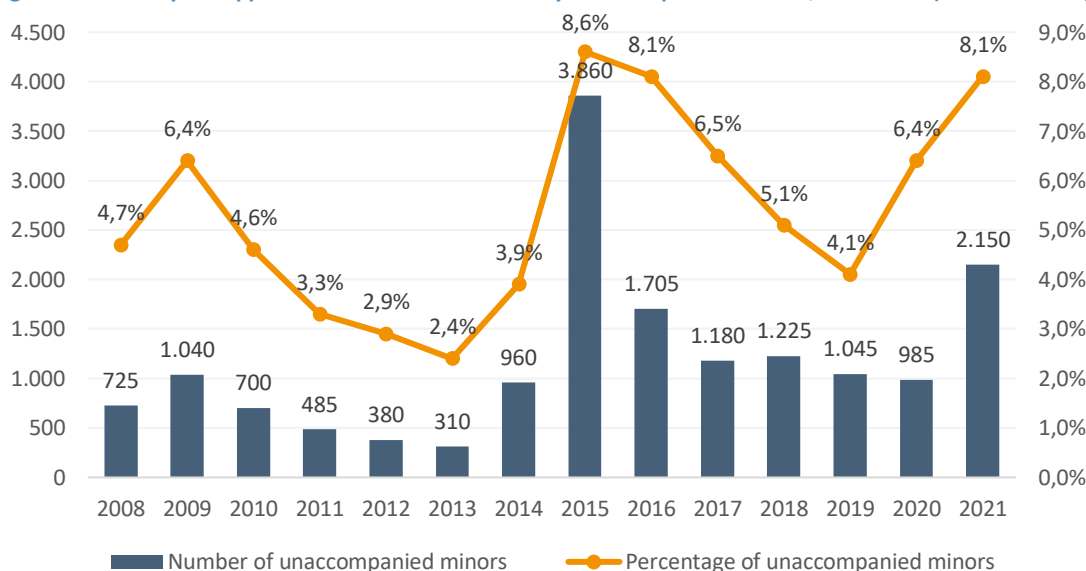
¹ Data of 2021 are provisional.

² The data are rounded to the nearest five. As a result, it may occur that the sum of the detail data is different from the total. Moreover, nationalities are only given if the number of refugees from a nationality in a given year exceeds 25.

4.7 Unaccompanied minors

Asylum seekers below the age of 18 and unaccompanied by an adult responsible for them are referred to as unaccompanied minors. As shown in Figure 4.7, the total number of asylum requests by unaccompanied minors peaked in 2015. In the following years, we observed a sharp decline, although the number of requests remained slightly higher than the years prior to 2015. In 2021, the number of asylum applications by unaccompanied minors increased to 2,150. Unaccompanied minors account for more than 8% of the total number of requests.

Figure 4.7 Asylum applications in the Netherlands by unaccompanied minors¹, 2013-2021 (new definition)



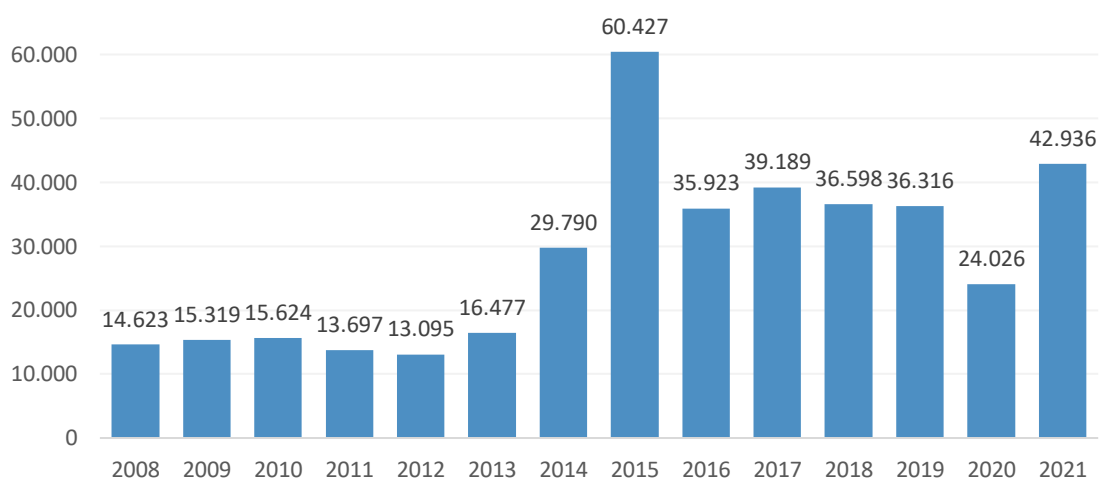
Source: Statistics Netherlands, online statistics (2022)

¹ The absolute data are rounded to the nearest five. As a result, it may occur that the sum of the detail data is different from the total.

4.8 Occupancy rate in asylum centres

In the Netherlands, COA is responsible for the reception of asylum seekers and the supervision and provision of information and necessities to asylum seekers. When asylum seekers arrive in the Netherlands, they await further decision on their asylum application in one of the COA centres. As shown in Figure 4.8, the total number of asylum seekers peaked in 2015. Thereafter, the number of asylum seekers in reception centres decreased and was largely stable. In 2020 there was a decline, mainly caused by the COVID-19 pandemic. In 2021, the number of asylum seekers in reception centres increased.

Figure 4.8 Number of asylum seekers in asylum reception centres, 2008-2021



Source: Central Agency for the Reception of Asylum Seekers (2022) Annual report 2021

Study migrants

5

5 Study migrants

This chapter is about migration to the Netherlands for reasons of study. In the first part, the policy framework for international students is outlined. This concerns the legal possibilities and obligations for both EU students and non-EU students. In the second part, some statistical aspects of this migration flow are discussed. Both the total numbers and the absolute numbers for a few categories – according to nationality and type of education – are part of this analysis. We continue this chapter with information on the number of foreign students who have changed their residence permit in order to stay in the Netherlands after finishing the study in this country.

5.1 Main statistical findings

- The number of foreign students enrolled in Dutch institutes for higher education (research universities and universities of applied sciences) has steadily increased since 2006. In 2021 more than 115,000 foreign students participated in Dutch higher education, accounting for 14% of the total student population.
- Most foreign students originate from Western-European countries (EU-14 countries), although the share of students from the more recent Member States (EU-12 countries) increased between 2013 and 2021.
- German students represent by far the largest group of foreign students in the Netherlands with over 24,500 students in 2021.
- In 2021, more foreign students participated in Dutch research universities (over 80,000) as compared to universities of applied sciences (over 34,500). The share of international students at research universities has steadily increased since 2006. Conversely, the share of international students at universities of applied sciences has remained fairly stable in these years.
- After a decrease in numbers of admission requests between 2019 and 2020 due to the COVID-19 pandemic, the number of admission requests increased again between 2020 and 2021, continuing the trend of previous years.
- The number of international students who changed their residence permit in order to stay and work in the Netherlands after completing their study increased between 2014 and 2019, but slightly decreased between 2019 and 2020. The number of changed permits increased again between 2020 and 2021, continuing the trend of previous years.

5.2 Laws and policies for foreign students

In the Netherlands, the Ministry of Education, Culture and Science (*OCW*) is the responsible instance for all education policies. Nuffic is an important organization with regard to the implementation of policies specifically for foreign students. Its main goal is to support Dutch institutions and the Dutch government in different activities with regard to the internationalization of higher education.

To gain access to the Dutch education system, international students have to meet admission requirements as specified in the Higher Education and Scientific Research Act (*Wet op Hoger Onderwijs en Wetenschappelijk Onderzoek, WHW*). In addition, third-country students wishing to stay longer for than 90 days (and are not already residing lawfully in another Schengen Member State) need to apply for a provisional residence permit (*MVV*) before applying for a temporary residence permit in the Netherlands. The requirements are specified in the Modern Migration Policy Act (*MoMi*).¹⁰⁰ As of 1 January 2017, the maximum decision-making time on residence permit applications for study and scientific research was reduced from 90 to 60 days.²⁷ In daily practice, the average decision time is 10 days.

In recent years, several relevant policy developments and other initiatives can be identified in order to attract more foreign students:

¹⁰⁰ This act came into force on 1 June 2013, and enabled amendments to the existing Aliens Act 2000, particularly in relation to application processes and admission procedures. Through the Modern Migration Policy Act (*MoMi*), the admission process is accelerated and simplified by merging different procedures (see, in more detail, section 2.1.1 in the 2019 SOPEMI-report).

- As of May 2018, students from third countries who study in the Netherlands are allowed to work 16 hours per week parallel to their studies, or full-time during the months of June, July, and August. Previously this was maximised to 10 hours per week. The amendment is pursuant to EU Directive 2016/801.¹⁰¹ In order to work in the Netherlands, students need to be provided by their employer with a personal work permit connected to the employer.¹⁰²
- In June 2018 the Ministry of OCW reported to work on a national action plan to improve the housing situation of foreign students in the Netherlands.¹⁰³ Part of this plan is to inform foreign students prior to their stay in the Netherlands on the difficulties they may encounter when looking for housing in this country. Notwithstanding these plans, the housing problem among foreign students has only increased in recent years.¹⁰⁴

In addition, policies are pursued to allow foreign students to stay in the Netherlands for as long as possible after they have graduated. International graduates may apply for a one year residence permit with the purpose of taking a so-called 'search year' in order to look for employment in the Netherlands.¹⁰⁵ Furthermore, international students can start internships in the Netherlands as part of their study, even if this is not an obligatory part of their curriculum. This measure is expected to increase the chances to find a suitable job in the Netherlands.¹⁰⁶ Finally, these measures include a relaxation of the salary criterion to work as a highly skilled migrant in the Netherlands for those who possess a 'search year' permit or find a job in the Netherlands (while abroad) within three years after graduating in the Netherlands.

Screening of students in sensitive study programmes

On 9 April 2019, a joint task force (Ministry of Education, Ministry of Foreign Affairs and Ministry of Justice and Security) was formed for the screening of students in so-called sensitive study programmes.¹⁰⁷ On 27 November 2020, the government presented a set of measures to improve knowledge security in the area of higher education and (applied) sciences.¹⁰⁸ The measures aim to promote international cooperation, while increasing the awareness about knowledge security and the development of specific security policies by knowledge institutions. In addition, the government is developing a screening mechanism against the unwanted transfer of knowledge and technology in fields with a heightened risk from the perspective of national security.

No work permit for student board activities

As of 1 January 2020, international students no longer need a work permit (TWV) for engaging in participation and student board activities at their higher education institution. The objective of this measure is to make these activities more accessible and open to international students. Multiple universities had noted difficulties for international students engaging in participation activities. Previously, international students without a work permit could only do an internship, whereas those with a work permit could have a part-time job of a maximum of 16 hours a week. With the decision to exempt international students from the work permit requirement for participation and student board activities, the government emphasises the importance of student access to participation activities.

Discussion about limiting the number of foreign students

In recent years, there has been a discussion on whether the government should seek to limit the number of international students to the Netherlands. Most recently the position of the ministry of Education and Culture has been that while internationalisation carries risks for Dutch higher education, the bene-

¹⁰¹ *Staatscourant*, 2018, no. 23392.

¹⁰² <https://www.nl labourauthority.nl/publications/publications/2019/09/13/flyer-working-while-studying-in-the-netherlands>

¹⁰³ Parliamentary Papers I, 2017-2018, 22 452, no. 59. Internationalisering in het onderwijs.

¹⁰⁴ See, for instance, NRC Handelsblad (5 September 2022) *Universiteiten willen niet meer groeien*.

¹⁰⁵ European Migration Network (2019) 2018 Annual Policy Report Migration and Asylum in the Netherlands. The Hague, Ministry of Security and Justice (V&J), chapter 3 (section 3.2.2).

¹⁰⁶ European Migration Network (2017) Policy Report Migration and Asylum in the Netherlands. Annual Report 2016, Chapter 2 (Section 2.2.2). The Hague, Ministry of Security and Justice (V&J),

¹⁰⁷ European Migration Network (2020) Policy Report Migration and Asylum in the Netherlands. Annual Report 2019, Chapter 3 (Section 3.2.2). The Hague, Ministry of Security and Justice (V&J).

¹⁰⁸ European Migration Network (2021) Policy Report Migration and Asylum in the Netherlands. Annual Report 2020, Chapter 4 (Section 4.3). The Hague, Ministry of Security and Justice (V&J).

fits of the international dimension for higher education is very important for the Dutch knowledge economy, education, and science. Therefore, the government seeks to create a balance between measures that encourage internationalisation of higher education, and the presence of international students in the Netherlands, and measures that ensure some aspects of Dutch higher education remain more national in scope, such as the usage of Dutch as an academic language in many situations.¹⁰⁹

COVID-19 and international students in the Netherlands

The previous edition of the Sopemi Annual Report extensively discussed the temporary measures related to COVID-19. These measures were gradually lifted during the past year. A study into the consequences of COVID-19 for the desire among foreign students to study in the Netherlands shows a number of interesting conclusions.¹¹⁰ Firstly, while most respondents indicate that it is (very) likely that they will study at a Dutch higher education institution, nearly half is less inclined to apply to a Dutch higher education institution if their classes would mostly be online. Secondly, nearly half of the respondents is (also) considering other countries as a study destination, with the United Kingdom being a popular alternative. Thirdly, respondents worry most about travel restrictions due to COVID-19 and the mode of instruction (online, on campus or blended). Fourthly, the main reasons for respondents to study in the Netherlands include quality of education and international recognition of Dutch diplomas.

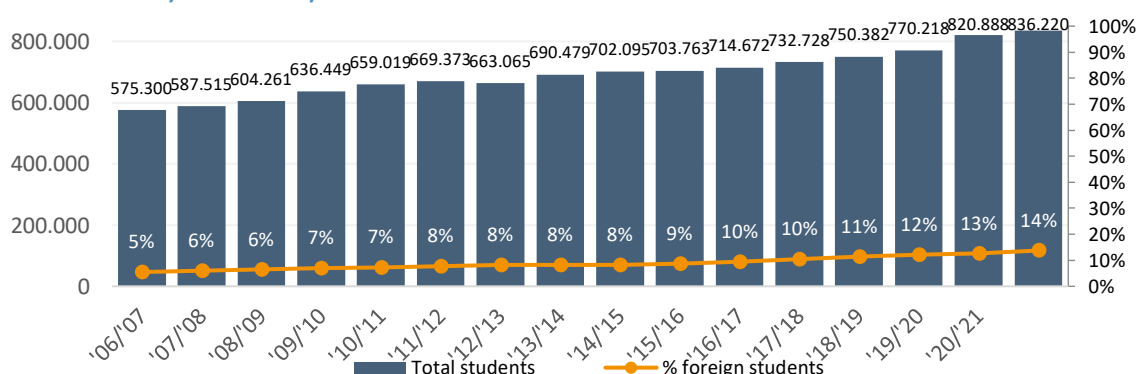
5.3 A statistical overview of foreign students in Dutch higher education

In this part, some statistical aspects of this migration flow are discussed. Both the total numbers and the numbers for a few categories – according to type of higher education – are part of this analysis. Also, the main nationalities of international students are presented. We continue this chapter with information on the number of foreign students who have changed their residence permit in order to stay in the Netherlands after finishing their study in this country.

5.3.1 Number of (new) international students in Dutch institutes for higher education

Over time, the number of foreign students in the Netherlands steadily increased (see Figure 5.1). Whereas in 2006 31,529 foreign students participated in Dutch higher education, this number augmented to 115,068 foreign students in 2021.¹¹¹ Not only the absolute number of foreign students increased, the proportion of foreign students compared to Dutch students also steadily increased, from 5% in 2006 to 14% in 2021.

Figure 5.1 Number of students in higher education and the proportion of foreign students, college years 2006/2007 to 2021/2022



* Data of 2021/2022 are provisional.

Source: Own calculations based on Statistics Netherlands, online statistics (2022) and Nuffic (2022)

¹⁰⁹ <https://open.overheid.nl/repository/ronl-4391266e044aaa8a3b62cac97e4cf66864774a29/1/pdf/aan-de-tweede-kamer-internationalisering.pdf>.

¹¹⁰ Nuffic (April 2021) How is COVID-19 affecting international students' plans to study in the Netherlands in 2021? The study was based on a survey, conducted in March 2021, among 526 international respondents who are considering or at the point of studying in the Netherlands.

¹¹¹ 2009 refers to school year 2009/10 and 2019 refers to school year 2019/20, etc.

In addition, the number of new enrolments of international degree students in Dutch public institutions is also steadily increasing.¹¹² In the academic year 2021/22 public institutions of higher education in the Netherlands received 50,906 new international enrolments, equal to 18.2% of the total number of new enrolments (Dutch and international enrolments combined). This is 6,872 more than were recorded in the academic year 2020/21.¹¹³ In fact, international students accounted for 26.1% of all new enrolments in research universities' (RU) bachelor programmes this year, compared to 7.3% of the new enrolments in universities of applied sciences' (UAS) bachelor programmes. When it comes to master programmes, international students accounted for 31.6% of all new enrolments in RU master programmes this year, up from 28% in the academic year 2020/21. The share of new international enrolments in UAS master programmes has slightly decreased in the same period, from 28.6% to 26.6%.

5.3.2 Admission requests and numbers of non-EU/EEA/Swiss students in the Netherlands

Students from outside the EU/EEA/Switzerland need to apply for a residence permit in order to participate in Dutch institutes for higher education. Over the last years, more students have made an admission request in order to study in the Netherlands (see Table 5.1). Between 2019 and 2020, however, the number of requests suddenly decreased from more than 20,000 to a little more than 12,310. This drop can be explained by the COVID-19 pandemic, which led the Dutch government to restrict international travel. In 2021, the number of requests was back at the level of 2019, with more than 20,500 requests. The main countries of origin of students who made a request to study in the Netherlands are China, India, and the United States.

Table 5.1 Admission requests of students 2018-2021

	2018	2019	2020	2021
Requests	18,640	20,430	12,310	20,560
Decisions	18,670	20,630	12,640	20,600
Positive decisions (%)	98%	99%	96%	99%

Source: IND annual figures 2021

5.3.3 Foreign students in research universities and universities of applied sciences

In this section we describe the differences in numbers of foreign students participating in research universities and universities of applied sciences. As shown in Figure 5.2, the proportion of foreign students enrolled in research universities (compared to all university students) steadily increased between 2006 and 2021, while the proportion of foreign students enrolled in universities of applied sciences (as compared to all students at this education level) remained more or less the same during this period of time. In 2021, 80,211 international students participated in Dutch research universities (23% of all students), and 34,857 international students were enrolled in universities of applied sciences (7% of all students).

5.3.4 Foreign students by country of nationality

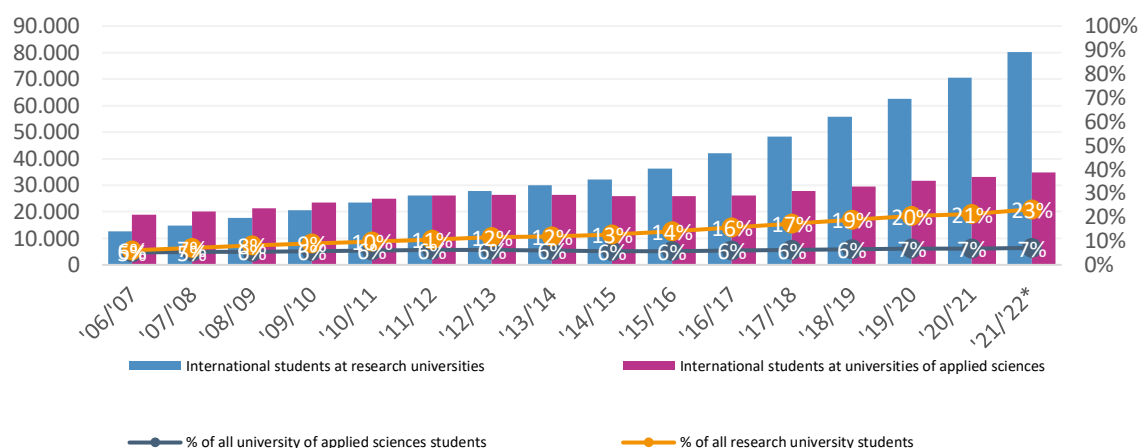
The vast majority of foreign students originate from other Western-European countries (i.e. EU-14 Member States, see Figure 5.3). Having said this, their proportion within the total foreign student population is slowly decreasing. In 2014, 58% of all foreign students originated from the EU-14 countries, while in 2021 this percentage was slightly lower (50%). Conversely, the share of foreign students from the more recent EU Member States (EU-12) increased from 12% in 2014 to 19% in 2021. The proportion of students from other countries remained around 30% during this period.¹¹⁴

¹¹² New enrolments are considered as degree students who not been previously enrolled in a given study programme, as opposed to those re-registering for a programme.

¹¹³ Nuffic (2022) Incoming degree mobility in Dutch higher education 2021/22. The Hague, Nuffic.

¹¹⁴ EU-15 are all countries that joined the EU before 2004. EU-12 are the countries that joined the EU in 2004 and 2007.

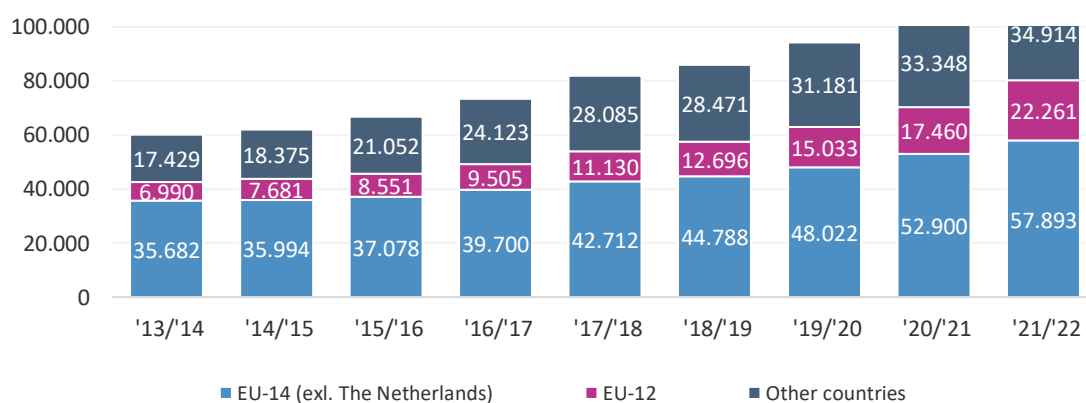
Figure 5.2 Foreign students in research universities and universities of applied sciences, college year 2006/2007 to 2021/2022 (absolute numbers and percentages of all students)



* Data of 2021/2022 are provisional.

Source: Own calculations based on Statistics Netherlands, online statistics (2022) and Nuffic (2022)

Figure 5.3 Foreign students by region of origin (EU-14¹, EU12² and other countries), college year 2014/2015 to 2021/2022³



Source 2014/2015-2017/2018: The Education Executive Agency (DUO). Data supplied on request (2018)

Source 2018/2019-2021/2022: Nuffic (2019/2020/2021)

¹ EU-14: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain and Sweden.

² EU-12: Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovak Republic and Slovenia.

German students represented the largest group of foreign students in the Netherlands in 2021 (see Table 5.2). Most other countries in the top 10 are part of the EU-27. The only non-European country that is high in the ranking is China. Between 2014 and 2020, little has changed in the order of countries from which students who study in the Netherlands originate.

Table 5.2 Top 10 Foreign students by country of origin, college year 2019/2020 to 2021/2022

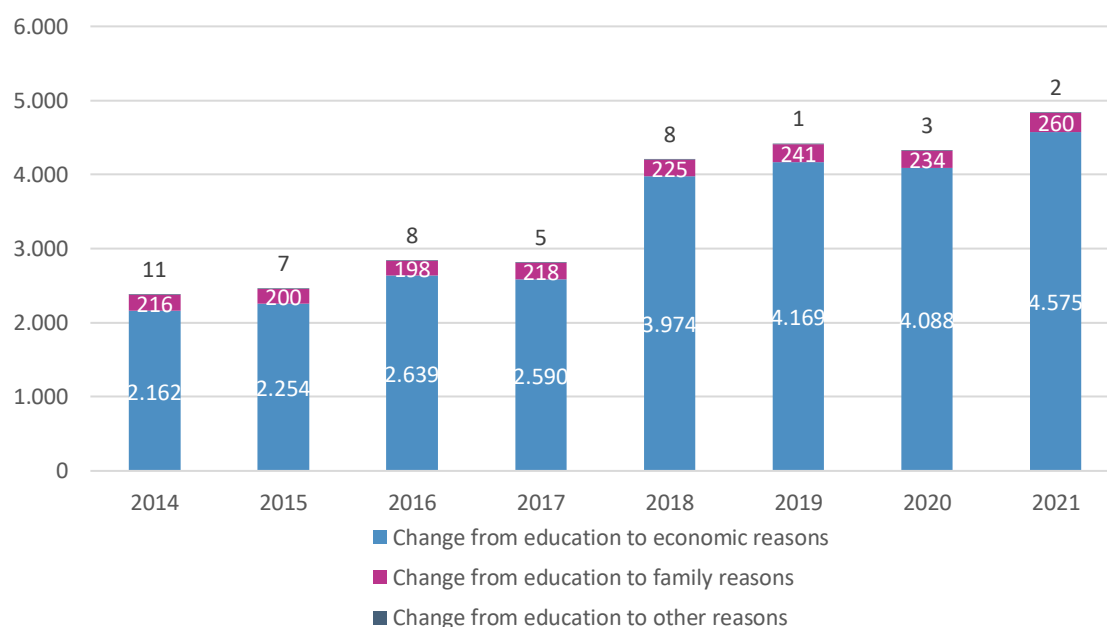
2019/2020			2020/2021			2021/2022		
	Abs.	%		Abs.	%		Abs.	%
Germany	23,015	24.8	Germany	24,551	23.9	Germany	24,534	21.3
Italy	5,581	6.0	Italy	6,197	6.0	Italy	7,190	6.2
China	4,676	5.0	China	4,924	4.8	Romania	5,648	4.9
Belgium	3,938	4.2	Belgium	4,516	4.4	China	5,338	4.6
Bulgaria	3,683	4.0	Romania	4,334	4.2	Belgium	4,797	4.2
Romania	3,671	4.0	Bulgaria	4,092	4.0	Spain	4,687	4.1
India	3,187	3.4	France	3,607	3.5	Bulgaria	4,607	4.0
Greece	3,112	3.4	Spain	3,491	3.4	France	4,294	3.7
UK	3,084	3.3	Greece	3,259	3.2	Greece	3,862	3.4
France	3,070	3.3	India	3,173	3.1	Poland	3,554	3.1
Total top 10	57,017	61.5	Total top 10	62,144	60.6	Total top 10	68,511	59.5
Other	35,660	38.5	Other	40,417	39.4	Other	46,557	40.5
Total	92,677	100.0	Total	102,561	100.0	Total	115,068	100.0

Source: Nuffic (2022)

5.3.5 Admissions requests and status changes of foreign students

Foreign students in particular prolonged their stay in the Netherlands for the purpose of work (see Figure 5.4). To a significantly lesser extent, a change of residence status took place in favour of family reasons (i.e. a relationship or marriage with a Dutch person).

Figure 5.4 Change of immigration status permits with 'education' as former reason, 2014-2021



Source: Eurostat (2022)



Participation and Integration of Immigrants in the Netherlands

6

6 Participation and integration of immigrants in the Netherlands

This chapter is about the participation and integration of people with a migration background in the Netherlands. First of all, the most important policy shifts in the past year are described, with specific attention to civic integration policies, measures to improve the labour market position of people with a migration background, policies on citizenship and measures to combat discrimination. This is followed by a description of the social position of migrants in the Netherlands. We will focus in particular on labour participation, patterns of social assistance dependency, unemployment and the income position of various migrant groups.

6.1 Main findings

- In 2021, the labour market participation of those born outside Europe is lower than that of persons born in the Netherlands and Europe. Mainly due to increasing employment opportunities, differences in labour market participation between the largest groups with a migration background, however, have become less pronounced over the last ten years.
- Persons born outside Europe were in 2021 more than twice as likely to be unemployed as persons born in the Netherlands. Unemployment rates are highest among those with an Antillean/Aruban and Moroccan background. Especially in times of economic crisis (such as between 2009-2013 and between 2020-2022), unemployment among people with a migration background increases sharply.
- People born outside Europe are more than seven times as likely to receive social assistance benefits than those born in the Netherlands. The use of social assistance slightly decreased over the years among the largest migration groups.
- Differences in income level between those born in the Netherlands and outside the Netherlands are relatively stable over the years. People born outside Europe reveal the least favourable income levels. However, there has been a considerable increase in the average hourly wage earned by these migrants over the past 15 years.
- Refugees in the Netherlands have a low net labour participation rate and are relatively strongly dependent on social assistance benefits. Of those who received a residence permit in 2014, 40% participated in the labour market in 2021 and 42% were dependent on social assistance benefits in that year.
- Persons with a migration background experience more than twice as much discrimination compared to native Dutch people. Most discrimination is experienced in education and at work.

6.2 Policies on civic integration

On 2 July 2018, the Minister of Social Affairs announced a new civic integration system.¹¹⁵ The Minister explained that, under the current system, too many newcomers remain dependent on social assistance benefits for too long. This outcome was considered as undesirable and, moreover, associated with an insufficiently effective integration policy. New measures, already referred to in the Coalition Agreement of 10 October 2017, imply a drastic change in civic integration policy, and include the following basic principles:

- Municipalities will purchase the civic integration courses themselves. In so doing, municipalities will be able to monitor the quality of the language courses.
- Every newcomer will receive a personal integration plan. This customised plan will be drafted by the municipality in consultation with the candidate.
- The loan system will be ceased for immigrants with an asylum status. The government will provide municipalities with the needed funding to buy in language courses for immigrants. The loan system stays in place for immigrants who arrive through family reunification.
- Upon arrival, immigrants are expected to seek employment. Municipalities should encourage employers to create job opportunities for recognised refugees.

¹¹⁵ The generally formulated plan has been further elaborated in the policy document *Hoofdlijnen verandering op inburgering*, of 2 July, 2018. Reference number: 2018-0000117315.

- Newcomers who came as asylum seekers to the Netherlands will receive part of social welfare assistance in kind within the first six months.
- Civic integration will be tested at various exam levels. The standard language requirement will be raised from level A2 to level B1.

On 15 February 2019, the Dutch government informed the House of Representatives that the new integration law will be introduced on 1 January 2021.¹¹⁶ The House of Representatives passed the law for a new integration system on 2 July 2020. Ultimately, the new law came into effect on January 1, 2022.

A central element in the new system is the subdivision into three civic integration routes:

- The aim is to reach language level B1 for all candidates. This route consists of different language components, a labour market and participation module (*Module Arbeidsmarkt en Participatie, MAP*) and a test to assess the knowledge of Dutch society (*Kennis Nederlandse Maatschappij, KNM*).¹¹⁷
- There will be an education route, helpful for obtaining an official diploma in the Netherlands. Although the education route is particularly intended for younger candidates, it is open to all age groups.
- There will be a "Z-route" for illiterate people and people with "limited learning ability". This route is intended for those who are believed that the above routes are not realistic.

Newcomers who were obliged to meet the previous civic integration requirements, continue to be covered by the system which was in place between 2013 and 2022. The Parliamentary Letter of 15 February 2019 states, among other things, that money will be released for current cases.¹¹⁸ As newcomers who are still covered by the Civic Integration Act 2013 will not benefit from the new measures, municipalities have received extra resources from the national government. It was agreed in the Administrative Consultation that €20 million will be made available in both 2019 and 2020 for the support and guidance of these newcomers.

Mandatory participation in civic orientation programmes for new Turkish migrants

As of 2011, Turkish newcomers were exempt from mandatory participation in integration programmes as this was considered unfitting with the EU-Turkey Association Agreement. However, jurisprudence following from a European Court of Justice ruling in 2013 demonstrated that obligatory integration can be justified by pressing reasons regarding general interest. On 4 February 2020, the Minister of Social Affairs and Employment decided to reinstall the mandatory participation in civic orientation programmes for Turkish newcomers to improve their integration in the Dutch society.¹¹⁹ The integration obligation has been in force since 1 May 2020 for Turkish newcomers with asylum status and their family members. From 1 January 2022, Turkish family migrants who want to settle in the Netherlands with Turkish nationality must first pass the basic integration exam abroad in Turkey.¹²⁰

Changes made to the Civic Integration Decree (Besluit Inburgering)

In 2020, several changes to the civic integration obligations were announced by the Dutch cabinet.¹²¹ Firstly, in the Civic Integration Decree it has been amended that persons obliged to participate in the civic integration programme as self-employed persons no longer have to take the 'Orientation on the Dutch labour market' exam (ONA). A similar exception was made for students who have successfully completed an mbo-1 programme; they are also exempted from the ONA exam component. Secondly, the grounds to exempt illiterate newcomers from civic integration requirements were eased. Before this change, analphabetic migrants participating in integration courses would have completed at least 600 hours of integration courses before they could receive an exemption for passing the integration exam

¹¹⁶ Parliamentary Letter of February, 15, 2019 'Tussenstand verandering Inburgering'.

¹¹⁷ If it turns out that the level of B1 is too ambitious for the candidates, they can fall back to a lower level (A2).

¹¹⁸ <https://zoek.officielebekendmakingen.nl/kst-32824-245.html>.

¹¹⁹ <https://www.rijksoverheid.nl/documenten/kamerstukken/2020/02/04/inburgering-turkse-nieuwkomers>.

¹²⁰ <https://ind.nl/nl/nieuws/inburgeringsplicht-turkse-nieuwkomers-vanaf-1-januari-2022>.

¹²¹ Official notice of 16 September 2020 by the Ministry of Social Affairs and Employment to change the current civic integration act on the 1st of October 2020.

based on their proven effort.¹²² After this policy change, migrants can apply for an exemption after 600 hours of any type of course being completed – be that integration or literacy courses.

6.2.1 Participation declaration

In 2015, the Dutch government agreed on the introduction of a so-called participation declaration (*participatieverklaring*) to raise awareness of newly arrived immigrants on both the written and unwritten rules prevailing in Dutch society.¹²³ The participation declaration must be signed by all newly arrived immigrants in the Netherlands who are obliged to pass a civic integration exam. These are asylum migrants, but also migrants coming to the Netherlands for family formation or family reunification. The participation declaration also obliges the candidates to participate in an introduction on Dutch core values, offered by the municipality.

The introduction of this measure followed a comprehensive pilot phase, in which several policy measures were tested and evaluated. Eventually, the participation declaration has become an integral part of the mandatory civic integration exam in the Netherlands. The amendment to the Law on civic integration was adopted by Parliament in July 2017. As of 1 October 2017, the participation declaration became mandatory for all newcomers. This declaration will also be part of the new civic integration law since 2022.

6.2.2 Extension of the pre-civic integration programme

In 2016, several initiatives have been taken to improve the supply of programmes at reception centres. For example, language education has been extended from 81 hours to 121 hours. Other pre-civic integration programme modules, including Knowledge of Dutch Society (*Kennis van de Nederlandse Samenleving*, KNS) and individual coaching, also have been expanded. Moreover, the Orientation in the Dutch Labour Market module (ONA) was added to the pre-civic integration programme in 2016. In addition, it was agreed with COA that official (NT2) language lessons provided at reception centres will be offered not only to beneficiaries of international protection, but also to asylum seekers with a likely positive decision on their asylum application. The latter category includes refugees from Syria and Eritrea. This measure has come into force in 2017.¹²⁴

6.2.3 Civic integration and COVID-19

In connection with COVID-19 and the resulting measures, it has been difficult for many immigrants to take classes or take exams over the past year and a half. To compensate, it was therefore decided several times to extend the integration period for those required to participate in the integration process. In the beginning, this concerned generic extensions for all those subject to an integration obligation. Since 13 January 2021, when there were more opportunities to take physical classes, the extension has been limited to those who need less than half a year to complete their integration courses.¹²⁵ If this is the case, participants receive an extension of four months.

6.3 Laws and policies to improve labour market participation of migrants

The municipal labour market policy offers opportunities, in addition to the civic integration measures, to make an offer to newcomers in the context of rapid labour market introduction. More than half of the municipalities indicate that they make use of this when implementing the new Civic Integration Act. Ideally, integration and participation are tackled simultaneously and in conjunction.¹²⁶ We also see a clear trend in this area. Where in the past municipalities often waited with interventions until the newcomers

¹²² The Minister of Social Affairs and Employment indicated that analphabetic migrants experienced this as a challenge, as only 700 hours of courses were financed by a loan.

¹²³ Ministry of Social Affairs and Employment, News item 'Participatieverklaring verplicht onderdeel inburgeringsexamen', officially published by the Dutch government on 8 July 2016.

¹²⁴ Parliamentary Papers II, 2015-2016, 34334 no. 23. Onderwijs aan vreemdelingen; Brief regering; Taalles aan asielzoekers.

¹²⁵ <https://www.rijksoverheid.nl/documenten/kamerstukken/2021/10/18/verzamelbrief-inburgering-oktober-2021>.

¹²⁶ Gruijter, M. de e.a. (2021) Monitor gemeentelijk beleid arbeidstoeleiding en inburgering statushouders 2021. Utrecht, KIS/Divosa, table 13.3.

had become established, nowadays municipalities aim at a faster start with the implementation of specific measures for this target group. This mainly concerns more intensive guidance by the municipal client managers, continued attention for the group that is already working and a more coordinated approach of the language and participation programmes. Also, combined work-study programmes are increasingly being used, especially for work-fit refugees who can make the step to work quickly.¹²⁷

At the same time, there are still various risks involved in the route of immigrants to work. For example, the vast majority of municipalities still do not succeed in starting employment counselling before the newcomers are transferred from the reception centres to municipalities. As a result, many months are often lost before the candidates can start working.¹²⁸ In addition, better coordination between civic integration and the participation policy does not automatically mean that municipalities actually offer the group of participants a work-oriented programme. It seems that municipalities generally limit such policy efforts mainly to those who are most likely to get a job.¹²⁹ Of the newcomers with fewer employment opportunities, only a small minority (approximately 15%) are offered a programme aimed at guidance to work. In addition, we see that the health crisis of recent years has directly and adversely affected the guidance that municipalities offer these newcomers. In a vast majority of all Dutch municipalities, there were fewer work experience places, internships and volunteer jobs available for refugees in recent years.¹³⁰

6.4 Policies on citizenship

In relation to Dutch citizenship, a development took place regarding the so-called RANOV (*Regeling ter afwikkeling nalatenschap oude Vreemdelingenwet*) permit holders, foreign nationals who fell under the 2007 general amnesty and therefore received a legal residence permit.¹³¹ In June and November 2021, policy was amended for the RANOV permit holders who had not been naturalised as a Dutch citizen yet. RANOV permit holders who wish to naturalise are exempted from the document requirement (i.e. from submitting a valid foreign passport and birth (registration) certificate). Furthermore, RANOV permit holders are no longer obliged to renounce their original nationality. The objective of this change is to overcome the biggest challenge faced by RANOV permit holders in the naturalisation procedure, i.e. the document requirement.

Determination of statelessness

After many years of discussion, a bill (*Wet vaststellingsprocedure staatloosheid*) was submitted to the House of Representatives in December 2020 to establish a procedure allowing judges to determine statelessness. Under this regulation, persons concerned can request to officially confirm their lack of nationality in a determination procedure.¹³² The proposal was adopted by the House of Representatives on 31 May 2022. The Senate has yet to vote on this law.¹³³ The House of Representatives also adopted a proposal to allow children, born stateless in the Netherlands, to obtain Dutch nationality after 5 years of factual stay.

¹²⁷ Razenberg, I & M. e. Gruijter (2020) Monitor gemeentelijk beleid arbeidstoeleiding vluchtelingen 2020. Op weg naar een nieuw inburgeringsstelsel. Utrecht, KIS, november 2020.

¹²⁸ Gruijter, M. de e.a. (2021) Monitor gemeentelijk beleid arbeidstoeleiding en inburgering statushouders 2021. Utrecht, KIS/Divosa.

¹²⁹ Kuiper, F. (2022) Krapte op de arbeidsmarkt biedt nieuwe kansen voor gemeenten. Sociale Vraagstukken, February, 2022.

¹³⁰ Gruijter, M. de e.a. (2021) Monitor gemeentelijk beleid arbeidstoeleiding en inburgering statushouders 2021. Utrecht, KIS/Divosa, pag. 37-40.

¹³¹ See, in more detail, EMN Annual report 2021. Migration and Asylum in the Netherlands. The Hague, IND, October 2022, page 41-41.

¹³² Parliamentary Papers II, 2020-2021, 35 687, no. 3. Regels met betrekking tot de vaststelling van staatloosheid.

¹³³ https://www.eerstekamer.nl/wetsvoorstel/35687_wet_vaststellingsprocedure.

In addition, the Dutch Nationality Act has been amended in 2021 to provide a basis for testing against the principle of proportionality in the event of automatic loss of Dutch citizenship. This amendment came into effect on 1 April 2022.¹³⁴

6.5 Policies to combat discrimination

Combating discrimination is high on the political agenda: the Dutch government (Rutte IV, 2022) explicitly strives for equality and disapproves of any form of unfair treatment.¹³⁵ In June 2020, in response to the killing of George Floyd and subsequent protests, the Dutch government publicly recognised that racism and discrimination are undeniably persistent in the Dutch society, and emphasised that all forms of racism and discrimination are totally unacceptable.¹³⁶

6.5.1 National Actions Plans to combat discrimination

There are specific action plans to combat labour market discrimination (*Actieplan Arbeidsmarktdiscriminatie*, introduced in 2014 and updated and continued in 2018-2021 and in 2022-2025.¹³⁷ The government's approach consists of generic anti-discrimination measures aimed at all areas of discrimination, supplemented with measures in certain specific areas aimed towards a specific type of discrimination or a specific group. Each year progress reports are published outlining actions undertaken by the government.¹³⁸

6.5.2 Specific areas of discrimination in the labour market

In July 2022, the Action Plan Labour Market Discrimination 2022-2025 was submitted to the House of Representatives. In this plan special attention is paid to (lack of) equal pay, discrimination in the recruitment and job seeking sector and pregnancy discrimination.¹³⁹

Furthermore, a programme named 'Further Integration into the Labour Market' (VIA, 2018-2021) has been developed to improve the position in the labour market of Dutch residents with a migration background. Within this programme, several pilot projects are carried out aimed at developing evidence based tools for employers which they can use to develop and implement effective diversity policies. As of July 2020, the so called 'cultural barometer' has become available, a tool which can be used by individual employers to gain insight into the composition of their labour force in terms of migrant background and compare their organisation to employers in the same sector (benchmark).

Also a bill, officially referred to as the *Wet toezicht gelijke kansen bij werving en selectie*, was submitted to the House of Representatives on 10 December 2020, but not taken into consideration due to the fall of the government (January 2021).¹⁴⁰ After that, however, an amendment was made to the bill. This change relates to the inclusion of an obligation to report discriminatory requests by organisations to employment agencies. This amendment was sent to the House of Representatives in December 2022.

¹³⁴ Besluit van de Staatssecretaris van Justitie en Veiligheid van 26 januari 2022, nummer WBN 2022/1, houdende wijziging van de Handleiding voor de toepassing van de Rijkswet op het Nederlanderschap 2003. See: <https://zoek.officielebekendmakingen.nl/stcrt-2022-3503.html>.

¹³⁵ Vertrouwen in de toekomst Regeerakkoord 2017-2021 VVD, CDA, D66 en ChristenUnie, 10 oktober 2017.

¹³⁶ Parliamentary Papers II 2019-2020, 30 950, no. 185 Kabinetsaankpak van discriminatie, 15 juni 2020.

¹³⁷ Ministerie BZK (2018), kabinetsaankpak van discriminatie 26 April 2018, ref. 2018-00000255955.

¹³⁸ Information is based on: Parliamentary Papers II 2019-2020, 30 950, no. 185 Kabinetsaankpak van discriminatie, 15 juni 2020 and the Parliamentary Papers of 8 February 2019. Voortgang kabinetsaankpak van discriminatie.

¹³⁹ Parliamentary Papers I, 2022-2023, 29544, no. 1119. Actieplan Arbeidsmarktdiscriminatie 2022-2025.

Parliamentary Papers I, 2017-2018, 29544, no. 834. Hoofdlijnen actieplan Arbeidsmarktdiscriminatie 2018-2021.

¹⁴⁰ <https://www.rijksoverheid.nl/documenten/kamerstukken/2020/12/11/wetsvoorstel-toezicht-gelijke-kansen-bij-werving-en-selectie>

6.5.3 National Coordinator against Discrimination and Racism¹⁴¹

As the number of reports of discrimination further increased, and in response to the killing of George Floyd and subsequent protests, the government regarded 2020 as a turning point in the policy to be pursued.¹⁴² That is why a National Coordinator against Discrimination and Racism (NCDR) was appointed on 15 October 2021. The NCDR is established for three years, with the main task of drawing up a multi-year national programme with clear targets and full attention to signals from society. The first National Programme against Discrimination and Racism by the NCDR was presented to the national government in September 2022. The programme is based on a people-centred vision, in which the proposed measures are divided into (1) better recognition and prevention of discrimination and racism, (2) ensuring that discrimination and racism are reported earlier, and (3) better assisting and protecting of victims of discrimination and racism.¹⁴³

In addition, the cabinet has set up a State Commission in 2021 for a period of four years. The commission is tasked with providing continuous insight into discrimination in government and with coming up with concrete proposals for improvement.¹⁴⁴ The commission also investigates discrimination and ethnic profiling in and by the government. The work programme of the State Commission was presented to the Minister of the Interior and Kingdom Relations on 2 February 2023.¹⁴⁵

6.5.4 Preventing discrimination within governmental organisations¹⁴⁶

In addition, several measures took place in the area of anti-discrimination, as the Dutch government is committed to strengthening the awareness of effects of discrimination and discriminatory behaviour in governmental organisations. The driver of these developments was the Dutch childcare benefits affair (the so-called *kinderopvangtoeslagaffaire*). This affair concerned false allegations of fraud made by the Tax and Customs Administration while attempting to regulate the distribution of childcare benefits. The procedures used to select and investigate cases in which suspicions arose, led to parents without the Dutch nationality being more likely to be investigated by the Tax and Customs Administration.

On 26 October 2021, the Minister of Interior Affairs and the Minister of Finance reported on the progress made on this topic. In order to strengthen the awareness of effects of discrimination and discriminatory behaviour in governmental organisations, more trainings will be offered on this topic by the Netherlands Institute for Human Rights and the Ministry of the Interior and Kingdom Relations. Moreover, more trainings on diversity and inclusion are offered throughout Dutch governmental organisations. In addition, instruments against discriminatory practices are being developed (e.g. the Code Good Digital Public Administration).¹⁴⁷

6.6 Labour market participation of persons with a migration background

The labour market participation of persons born outside Europe is lower than that of persons born in the Netherlands (Figure 6.1). Differences in participation between those born in the Netherlands and the rest of Europe are relatively small. For all mentioned groups, there have been no strong fluctuations in participation in recent years.

¹⁴¹ <https://www.rijksoverheid.nl/actueel/nieuws/2021/06/24/stijging-meldingen-van-discriminatie-in-2020-kabinet-neemt-extra-maatregelen>.

¹⁴² According to the police, there was an increase of 12% in the number of reports of discrimination in 2020, whereas anti-discrimination provisions reported an increase of 25% compared to 2019.

¹⁴³ <https://np2022.bureauuncdr.nl/samenvatting/>.

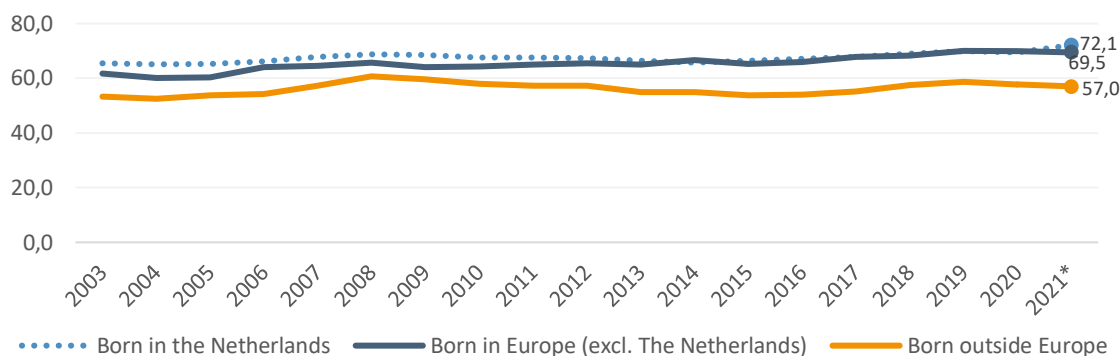
¹⁴⁴ The cabinet has announced the State Committee at the request of Parliament, also in response to the report 'Unprecedented injustice' by the parliamentary questioning committee on Childcare Allowance.

¹⁴⁵ <https://www.staatscommissietegendiscriminatieenracisme.nl/actueel/nieuws/2023/02/02/publicatie-werkprogramma>.

¹⁴⁶ See, in more detail, EMN Annual report 2021. Migration and Asylum in the Netherlands. The Hague, IND, October 2022, page 40.

¹⁴⁷ Parliamentary Papers II, 2021-2022, 26643, no. 765.

Figure 6.1 Development in labour market participation¹ of persons born in the Netherlands or abroad in percentages, 2003-2021



¹ Percentage of net labour market participation of the population between 15-74 years of age.

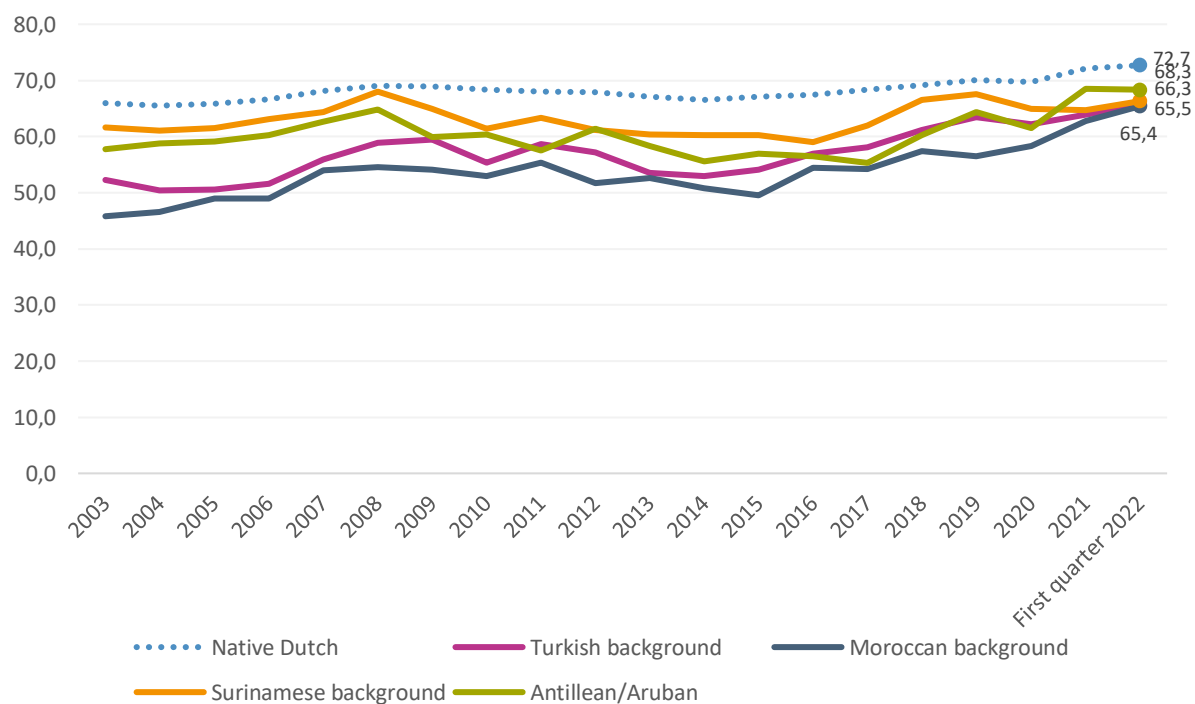
* The percentage of 2021 cannot simply be compared with the percentage of 2003-2020 due to changes in the research design of the EBB.

Source: Statistics Netherlands, *Kernindicatoren 2022*

6.6.1 Trends in participation by country of origin

Differences in labour market participation between the largest groups with a migration background have become less pronounced over the years. Figure 6.2 shows that the labour market participation increased over the years for all groups with a migration background. The labour market participation among people with an Antillean/Aruban background is slightly higher than among those with a Surinamese, Turkish and Moroccan background.

Figure 6.2 Development of labour market participation by country of origin of the four largest migrant groups in percentages, 2003-2022 (1st quarter)

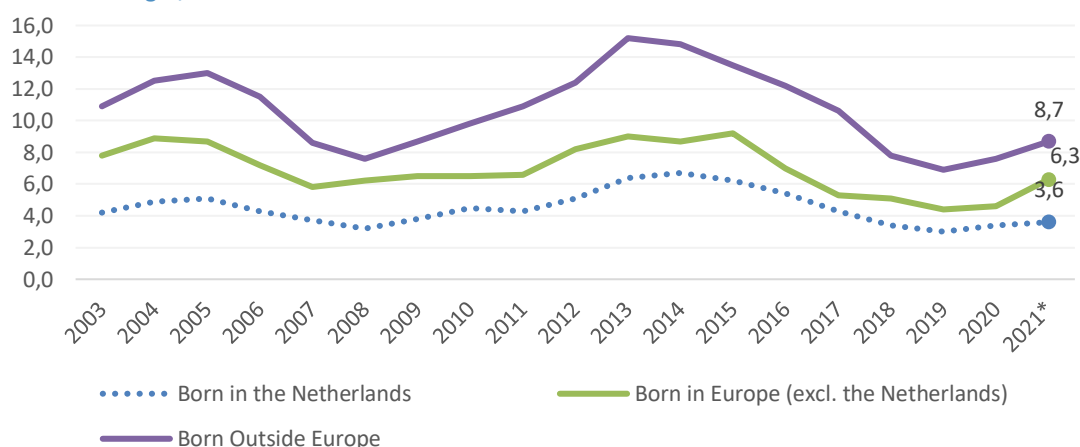


Source: Statistics Netherlands, online statistics (2022)

6.7 Unemployment of persons with a migration background

Viewed over a longer period, it becomes clear that changes in unemployment among persons born outside Europe are strongly related to overall fluctuations in employment (Figure 6.3). Both the economic crisis of 2008 and the COVID-19 pandemic of 2020 strongly affected the level of unemployment among persons born outside Europe. In 2021, persons born outside Europe were more than twice as likely to be unemployed as persons born in the Netherlands.

Figure 6.3 Developments in unemployment rates of persons born in the Netherlands or abroad in percentages, 2003-2021



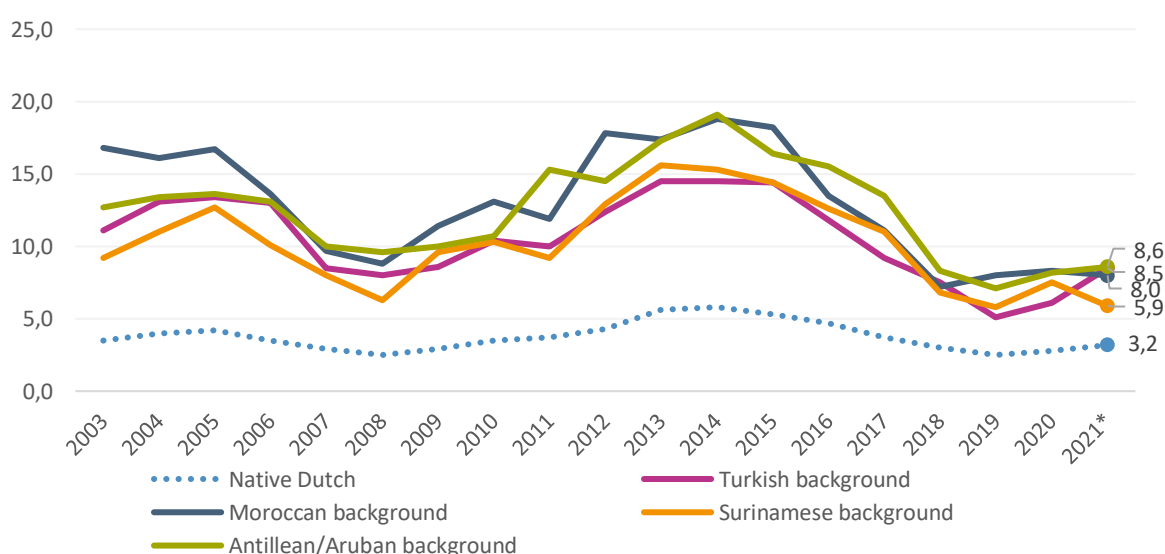
*The percentage of 2021 cannot simply be compared with the percentage of 2003-2020 due to changes in the research design of the EBB.

Source: Statistics Netherlands, *Kernindicatoren 2022*

6.7.1 Trends by country of origin

All four groups with a migration background appear to be vulnerable to situations of stagnating employment growth (Figure 6.4). These large fluctuations in unemployment indicate a vulnerable labour market position. In 2021, unemployment rates are lowest among people with a Surinamese background and highest among those with an Antillean/Aruban and Moroccan background.

Figure 6.4 Developments in unemployment of country of origin in percentages, 2003-2021



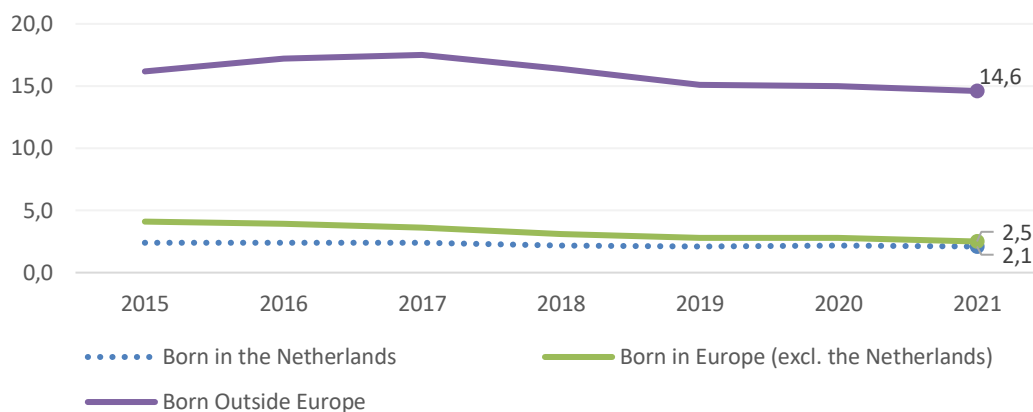
*The percentage of 2021 cannot simply be compared with the percentage of 2003-2020 due to changes in the research design of the EBB.

Source: Statistics Netherlands, *Kernindicatoren 2022*

6.8 Social assistance

People born outside Europe are more than seven times as likely to receive social assistance benefits than those born in the Netherlands (Figure 6.5). The dependence on social assistance is at a comparably low level for those born in the Netherlands and the rest of Europe. There have been no major changes in this regard in recent years.

Figure 6.5 Social assistance of persons born in the Netherlands or abroad in percentages, 2015-2021

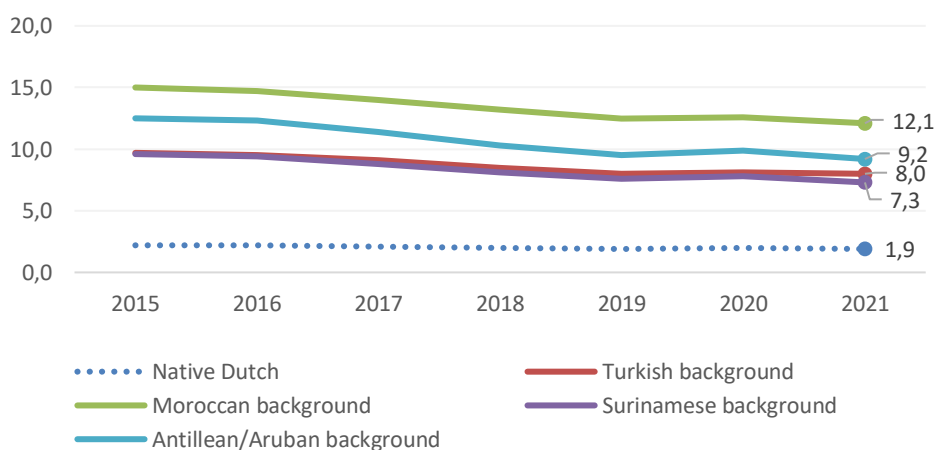


Source: Statistics Netherlands, *Kernindicatoren 2022*

6.8.1 Trends by country of origin

People with a migration background are more likely to receive social assistance benefits than people with a native Dutch background (Figure 6.6). However, differences in social assistance dependency have narrowed since 2015. In 2021, the use of social assistance was highest among Moroccans, with a dependency rate of 12%.

Figure 6.6 Social assistance benefits classified by country of origin in percentages, 2015-2021



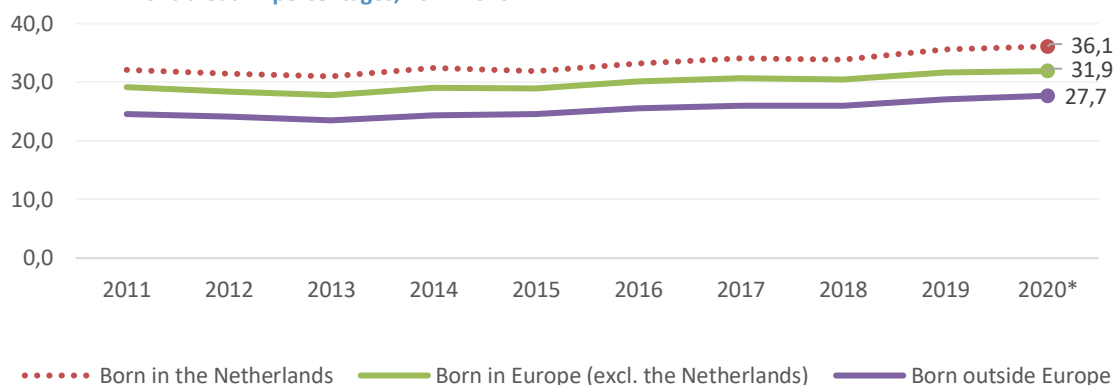
Source: Statistics Netherlands, *Kernindicatoren 2022*

6.9 Income

With respect to average annual income levels of persons of 20 years and older, the financial situation of those born outside the Netherlands is relatively unfavourable (Figure 6.7). This is especially true for those born outside Europe. The difference in average annual income of those born in the Netherlands

and those born outside Europe is almost € 10,000. However, there has also been a significant increase in the average hourly wage among these migrants over the past decade.¹⁴⁸

Figure 6.7 Average standardised income (x € 1,000) of persons of 20 years or older born in the Netherlands or abroad in percentages, 2011-2020¹



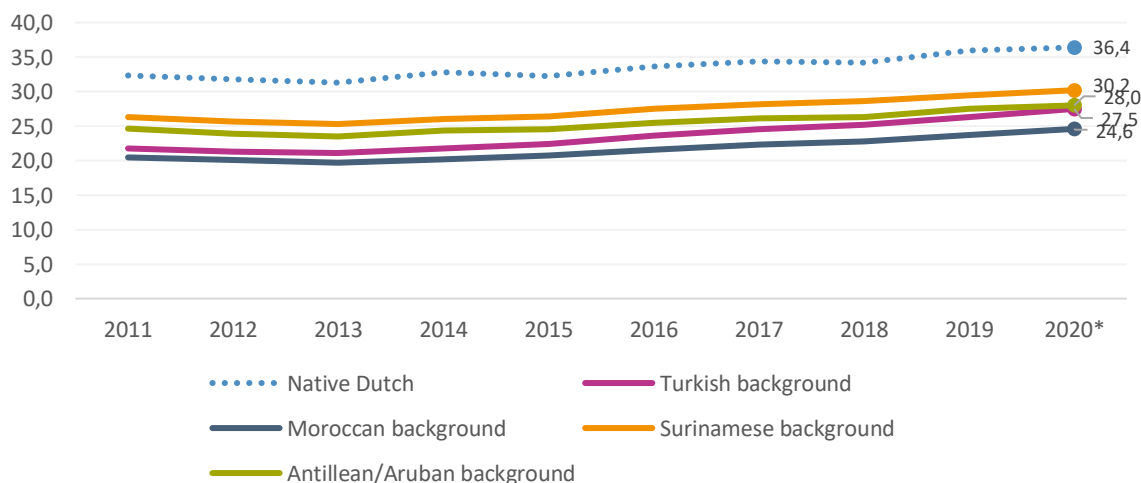
Source: Statistics Netherlands, *Kernindicatoren 2022*

¹ Data of 2020 are provisional.

6.9.1 Trends by country of origin

Figure 6.8 shows the income trends of persons of 20 years or older by country of origin from 2011 to 2020. Of the presented groups with a migration background, persons with a Surinamese background reveal the most favourable income situation. The income situation is particularly unfavourable for people with a Moroccan background.

Figure 6.8 Income trends of persons of 20 years or older (x € 1,000) by country of origin in percentages, 2011-2020¹



Source: Statistics Netherlands, *Kernindicatoren 2022*

¹ Data of 2020 are provisional.

¹⁴⁸ See more in detail: Gielen, M. e.a. (2021) *Monitor gelijke kansen en evenredige posities op de arbeidsmarkt, ongeacht migratie-achtergrond (eerste editie)*. Utrecht, Significat, Figures 20 and 21.

6.10 The social position of refugees: labour market participation and social assistance

6.10.1 Labour market participation

A cohort analysis by Statistics Netherlands shows that the labour participation of refugees who were granted political asylum in the Netherlands in 2014 is steadily increasing.¹⁴⁹ It is shown that during the first years of residence in the Netherlands, net participation rates were very low (in 2015: a little more than 10%), while these rates have steadily increased over the past five years (in 2020: about 40%). However, we see that the increase has levelled off in recent years.

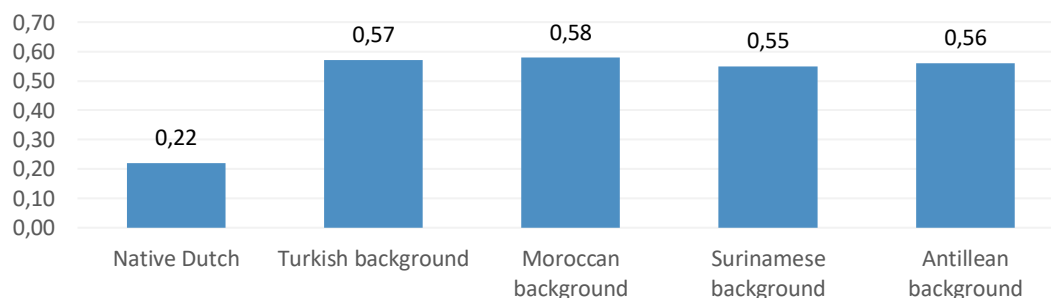
6.10.2 Social assistance

The cohort analysis by Statistics Netherlands (2022) also reveals that the dependency rates on social assistance benefits decrease with the length of stay in the Netherlands. During the first year upon arrival in the Netherlands, the dependence on social assistance was still very high (in 2015: about 90%), while in 2021 approximately 42% of these refugees were receiving social assistance as the main source of income.

6.11 Discrimination

Recent research indicates that more than a quarter (27%) of all residents in the Netherlands sometimes experience discrimination.¹⁵⁰ Discrimination on the basis of age, gender and ethnicity are most common. About one fourth of the Dutch population experience age discrimination and around one fifth experience discrimination on the basis of ethnicity and gender. Figure 6.9 shows that in the Netherlands persons with a migration background experience more than twice as much discrimination than native Dutch people.

Figure 6.9 Experienced discrimination during the past 12 months by country of origin in percentages



Source: Sociaal en Cultureel Planbureau, *Ervaren discriminatie in Nederland II* (2020)

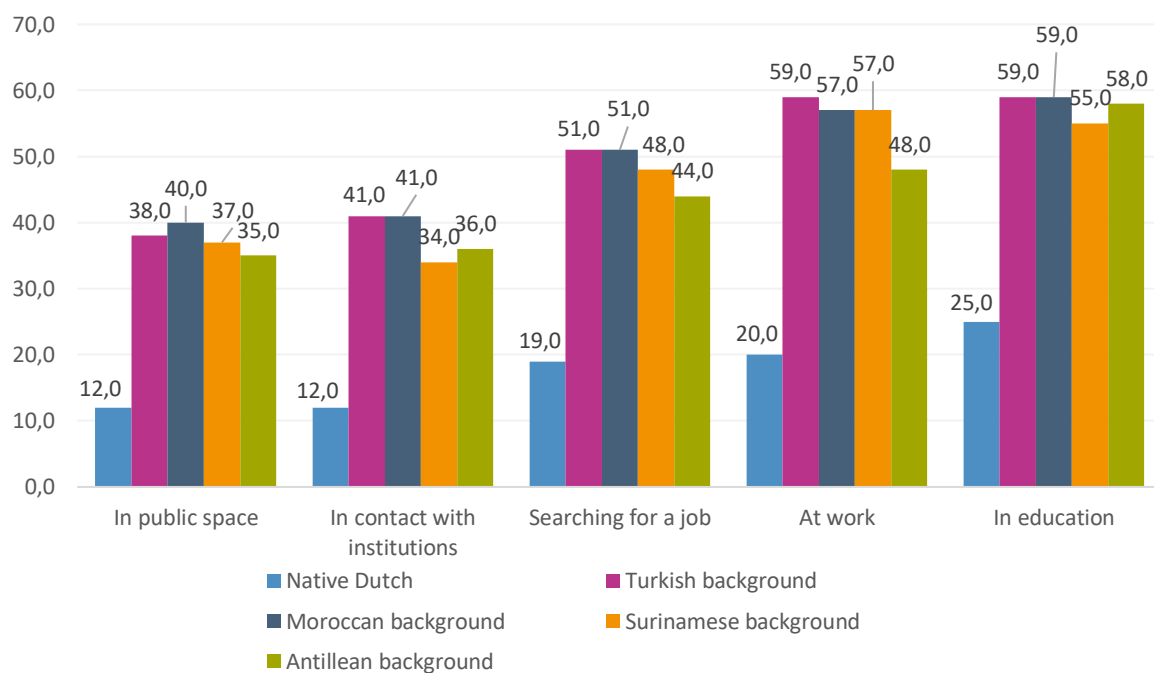
6.11.1 Discrimination per domain

As shown in Figure 6.10, in all different social domains the percentage of experienced discrimination is high among those with a migration background. Most discrimination is experienced in education and at work. In these domains, more than half of those people with a Turkish or Moroccan background sometimes experience discrimination. Experienced discrimination in the public space or in contact with institutions is slightly less common.

¹⁴⁹ Statistics Netherlands (2022) *Asiel en integratie 2021. Cohortonderzoek asielzoekers en statushouders*. The Hague, Statistics Netherlands.

¹⁵⁰ *Ervaren discriminatie II* (2020) CPB. <https://www.scp.nl/publicaties/publicaties/2020/04/02/ervaren-discriminatie-in-nederland-ii>

Figure 6.10 Experienced discrimination during the past 12 months per domain by country of origin (in %)



Source: Sociaal en Cultureel Planbureau, *Ervaren discriminatie in Nederland II* (2020)

Ukrainian refugees in the Netherlands

7

7 Ukrainian refugees in the Netherlands

In this chapter we discuss some aspects of the arrival of Ukrainian displaced persons in the Netherlands. First, the policy context is discussed. Subsequently, the position of these displaced persons on the labour market is described. Finally, we identify a number of challenges and bottlenecks, as they reach us through politics, the media and some small-scale studies.

7.1 Main findings

- Around 87.000 refugees from Ukraine had been registered in Dutch municipalities by the end of December 2022.
- More than 20.000 Ukrainian children attend Dutch primary or secondary education.
- Of the approximately 65,000 Ukrainian refugees between the ages of 15 and 65 who were staying in the Netherlands on 1 November 2022, 46% had paid work as an employee. This amounts to more than 30,000 people.
- Most Ukrainian refugees were employed as on-call workers (26%), agency workers (43%), or had other temporary employment contracts (28%). Most of the refugees worked part-time: 58% worked less than 25 hours a week.
- Most Ukrainian refugees were employed in the business services sector (56%), also including temporary employment agencies. In addition to business services, a great number of Ukrainian refugees also worked in the trade, transport and catering industry.

7.2 Number of refugees and settlement patterns

The number of registrations of persons with Ukrainian nationality is published twice a week. Accordingly, around 87.000 refugees from Ukraine had been registered in Dutch municipalities by the end of October (see Figure 7.1).¹⁵¹ About two thirds of these Ukrainians are women, one third are men.¹⁵² Although the influx of Ukrainians is still large, the number of Ukrainians arriving in the Netherlands on a weekly basis has declined sharply when compared to the first few months. In the period between mid-March and the beginning of April the number of registered Ukrainians increased by more than 6,000 persons per week. From the beginning of September to the end of December, the number of registered Ukrainians increased by about 700 on a weekly basis. In addition, Ukrainian refugees mainly seek refuge in the large cities of the Netherlands. Before the war, Amsterdam and The Hague already had large communities of Ukrainians. These are now the main hubs for these refugees to enter.

The government is counting on a scenario in which 100,000 to 150,000 refugees from Ukraine will eventually end up in the Netherlands.¹⁵³ According to a recent study published by the Clingendael Institute (2022), Ukrainian refugees are not expected to return to their country of origin soon.¹⁵⁴ Of the 7 million Ukrainians who have fled their country so far, this institute assumes that a total of 210,000 refugees will eventually end up in the Netherlands.

7.3 Number of Ukrainians in the Netherlands prior to the refugee crisis

On January 1, 2022, according to Statistics Netherlands, 21,000 people of Ukrainian origin were officially registered in the Netherlands.¹⁵⁵ Ukrainians were most often found in the metropolitan areas of Amsterdam, The Hague and Rotterdam. In addition, a large number of people with the Ukrainian nationality

¹⁵¹ <https://www.rijksoverheid.nl/onderwerpen/opvang-vluchtelingen-uit-oekraïne/cijfers-opvang-vluchtelingen-uit-oekraïne-in-nederland>.

¹⁵² <https://www.rijksoverheid.nl/actueel/nieuws/2022/07/29/opvangcapaciteit-vluchtelingen-uit-oekraïne-onder-druk>

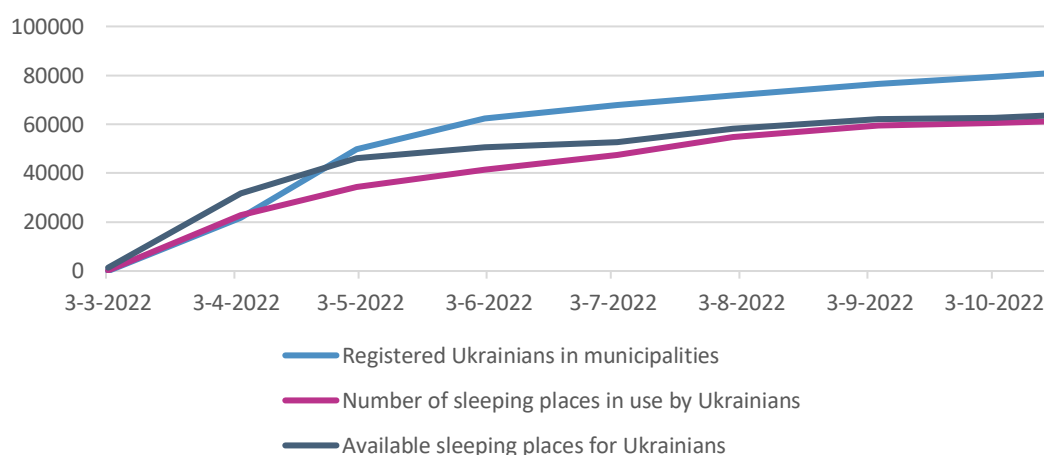
¹⁵³ NRC (6 april 2022) *Rijk houdt rekening met komst 150.000 Oekraïners*. This estimate was made at the beginning of April 2022.

¹⁵⁴ Clingendael (2022) *Opvang van Oekraïners in Nederland: een kwestie van lange adem*. Clingendael Alert. The Hague, Clingendael Netherlands Institute of International Relations, October 2022.

¹⁵⁵ CBS (17 maart 2022) *21 duizend inwoners met Oekraïense herkomst*. CBS, online publication.

lived in student cities such as Eindhoven, Groningen, and Maastricht. On the reference date mentioned, two thirds of the Ukrainian migrants in the Netherlands were women. According to Statistics Netherlands, many of these female migrants have come to the Netherlands within the framework of family formation. Men with the Ukrainian nationality who migrated to the Netherlands mainly came to the Netherlands for work. Of the Ukrainian immigrants who came to the Netherlands in 2017, more than 70% was still residing in this country three years later.¹⁵⁶

Figure 7.1 Registered Ukrainians, sleeping places in use and available sleeping places for Ukrainians (March 2022 – October 2022)



Source: <https://www.rijksoverheid.nl/onderwerpen/opvang-vluchtelingen-uit-oekraine/cijfers-opvang-vluchtelingen-uit-oekraine-in-nederland>.

7.4 The legal framework

The Temporary Protection Directive is an exceptional procedure that provides immediate and temporary protection in the event of an imminent mass influx of displaced persons, in particular where there is a risk that the existing asylum system will not be able to cope with this influx.¹⁵⁷ With the Implementing Decision of 4 March 2022 (EU) 2022/382, the Council of the European Union activated the Temporary Protection Directive for the first time in its existence. In the Netherlands, the Directive was transposed in 2004.¹⁵⁸ Temporary protection is granted for a period of one year, but can be prolonged to up to three years.

The rights granted to displaced persons from Ukraine in the context of temporary protection correspond to those provided to asylum seekers and relate in particular to reception, living allowances¹⁵⁹, education and medical assistance. In addition, displaced persons from Ukraine (unlike asylum seekers) are offered immediate access to the Dutch labour market. The options and facilities in the context of participation in education and the labour market are discussed in more detail below.

¹⁵⁶ <https://www.rijksoverheid.nl/onderwerpen/opvang-vluchtelingen-uit-oekraine/cijfers-opvang-vluchtelingen-uit-oekraine-in-nederland>

¹⁵⁷ Council Directive 2001/55/EC of 20 July 2001 on minimum standards for the provision of temporary protection in the event of a mass influx of displaced persons and measures to promote a balance between the efforts of Member States to receive and bear the consequences of the reception of these persons.

¹⁵⁸ Temporary protection was implemented by law in the Netherlands on 16 December 2004. It is indicated that displaced persons are entitled to all facilities and benefits in kind to which asylum seekers are entitled. Anyone with temporary protection does not have to leave the Netherlands and cannot be deported.

¹⁵⁹ Refugees receive the living allowance from the municipality where they are registered. Adults and children receive €260 per month per person. This is made up of €205 for food and €55 for clothing and other personal items. Refugees who live with a host family receive an extra allowance per month in addition to the living allowance. Adults receive an extra €215 per month and children €55 per month. This living allowance scheme will be adjusted as of 1 February 2023.

On 14 October 2022, the European Commission announced at the Justice and Home Affairs (JHA) Council that the Temporary Protection Directive will be prolonged for one year in its unaltered form.¹⁶⁰ Accordingly, the Dutch government has extended the Temporary Protection Directive for Ukrainian displaced persons until at least 4 March 2024. The reception and care for these displaced persons will therefore be ensured until at least March 2025.¹⁶¹

Access to education

The Temporary Protection Directive enables refugees from Ukraine to receive education in the EU countries to which they have emigrated. This also applies to the Netherlands. All children residing in the Netherlands have the right to education, whereby schools are obliged to facilitate an appropriate offer for these newcomers. As a consequence, Ukrainians can choose from two types of educational facilities: regular education and newcomer education. The Dutch government indicates that the latter category is most suitable for children and young people from Ukraine.¹⁶² In primary education this category concerns newcomer classes and language classes. In secondary education it concerns the international transition classes (ISKs). At the end of April 2022, 7,300 Ukrainian children were already enrolled in a Dutch school (65% in primary schools and 35% in secondary schools).¹⁶³ Unpublished data provided by the Dutch government in October 2022, refer to a number of 20,300 Ukrainian children attending Dutch primary or secondary education.¹⁶⁴

In addition, temporary educational facilities for children from Ukraine have been set up at various locations in the country. The temporary facilities are intended for both Ukrainian primary and secondary school pupils, and are set up in regions where there is insufficient space in the existing schools. Depending on the needs of these young Ukrainians, some of the lessons are given in Ukrainian or English. Where possible, teachers from Ukraine are also deployed. Some children also take online classes from their Ukrainian schools.

With regard to higher education in the Netherlands, Ukraine students are subject to the rules and costs that apply to students from outside the EU. However, Dutch universities and universities of applied sciences have decided to lower the tuition fee rate for students from Ukraine, who fall under the European Protection Directive, to the legal rate of €2209.¹⁶⁵ In addition, the Dutch organisation for internationalisation in education (in Dutch: *Nuffic*) provides refugees, including those from Ukraine, with an evaluation of foreign diplomas (as compared to Dutch diplomas) for free.

Access to the labour market

In order to offer displaced persons from Ukraine the opportunity to work in the Netherlands, an exemption from the work permit requirements came into effect on 1 April 2022.¹⁶⁶ This exemption applies to anyone who falls under the Temporary Protection Directive and wishes to accept paid employment. To be able to work, the displaced person does need a citizen service number (BSN). Employers are also obliged to notify if they wish to employ people within the framework of the Temporary Protection Directive. Failure to comply with this new reporting obligation is subject to a fine under the Aliens Employment Act.

¹⁶⁰ <https://www.rijksoverheid.nl/documenten/kamerstukken/2022/10/14/tk-verzamelbrief-opvang-oekraïne>

¹⁶¹ Parliamentary Letter of October 14, 2022 (36 045, nr. 2994). Concerning: *Situatie in de Oekraïne*.

¹⁶² <https://www.rijksoverheid.nl/documenten/kamerstukken/2022/03/17/tk-brief-oekraïne>

¹⁶³ <https://www.nu.nl/spanningen-oekraïne/6196310/zeker-7300-oekraïense-kinderen-gaan-naar-school-in-nederland.html>

¹⁶⁴ The yearly registration period for primary and secondary students in the national education registry runs to at least 31 October. As schools are still actively registering students for the new schoolyear, the number of registered students can fluctuate from week to week in this period. Furthermore, a significant number of students with a currently unknown nationality also enrolled in primary education and secondary education. These people arrived in the Netherlands after 21 February 2022, but it is unclear whether they have Ukrainian nationality.

¹⁶⁵ <https://www.uaf.nl/nieuws/universiteiten-nemen-eerste-stap-en-verlagen-collegegeld-voor-gevluchte-studenten-uit-oekraïne/>

¹⁶⁶ <https://www.rijksoverheid.nl/documenten/kamerstukken/2022/03/30/tk-aanpak-opvang-ontheemden-uit-oekraïne>. The exemption applies retroactively from 4 March 2022.

The following target groups fall under this exemption:

- persons of Ukrainian nationality who stayed in Ukraine on 23 February 2022, or who fled Ukraine after 27 November 2021 because of increased tensions, or who were in the territory of the EU on or after 27 November 2021.
- stateless persons or third-country nationals with a nationality other than Ukrainian, who enjoyed international protection or equivalent national protection in Ukraine on 23 February 2022, or who had a (different) valid Ukrainian residence permit on 23 February 2022.
- family members of the aforementioned persons, i.e., marriage partners or unmarried partners with whom a permanent relationship is maintained, minor unmarried children and other close relatives who lived with the family and who are wholly or largely dependent.

Since the spring of 2022, UWV has published figures about the scope and nature of reports from employers to employ displaced persons from Ukraine (see Figure 7.2). At the beginning of November, more than 46,000 notifications of employment of Ukrainians were made by employers. It is becoming clear that most of the reports have been made by the temporary employment agencies (53%). The temporary employment sector mainly offers work as production workers, cleaners and warehouse workers. Many notifications were also made in the hospitality industry (10%), agriculture and horticulture (6%) and business services (3%).

It is important to mention that these notifications do not relate to individual Ukrainians but to the reports made by employers. Statistics Netherlands has carried out a separate analysis in order to also provide information on the number of employed Ukrainians.¹⁶⁷ This shows that of the approximately 65,000 Ukrainian refugees between the ages of 15 and 65 who were staying in the Netherlands on 1 November 2022, 46% had paid work as an employee. This amounts to more than 30,000 people. Most Ukrainian refugees were employed as on-call workers (26%), agency workers (43%), or had other temporary employment contracts (28%). In addition, most of the Ukrainians worked part-time: 58% worked less than 25 hours a week. Last but not least, a large number of Ukrainian refugees were employed in the business services sector (56%), also including temporary employment agencies. Other sectors attracting many Ukrainian workers were trade, transport and catering.

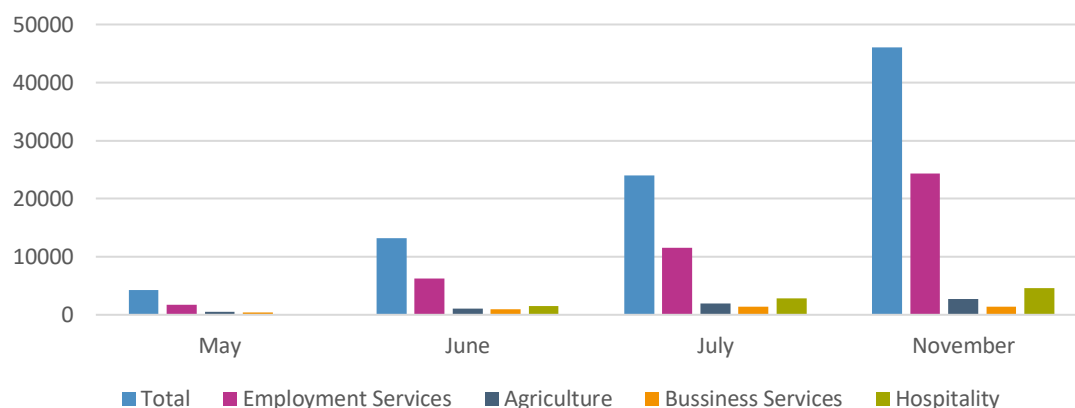
Public service

Dutch municipalities are responsible for offering support to anyone who can work where necessary. However, as Ukrainian people are generally not registered as entitled to social assistance, municipalities are not supposed to use their instruments for this group either. With a proposed amendment to the SUWI Decree as of 1 August 2022, it is, however, possible for the Ukrainian persons to have themselves registered as jobseekers.¹⁶⁸ As a result, municipalities can use the instruments of the Participation Act, as is also done for others who are not entitled to the social assistance schemes. Additional services can also be deployed via Regional Mobility Teams (RMT). Within the RMT, the expertise and services of trade unions, employers' organisations, the Employee Insurance Agency (UWV) and municipalities can be used by the Ukrainians.

¹⁶⁷ <https://www.cbs.nl/nl-nl/nieuws/2023/05/aandeel-oekraiense-vluchtelingen-met-werk-toegenomen>.

¹⁶⁸ <https://www.rijksoverheid.nl/documenten/kamerstukken/2022/06/10/tk-verzamelbrief-opvang-oekraïne>.

Figure 7.2 Registered employment of Ukrainians by employer in the Netherlands



Source: UWV (2022) Online publications on the registration of employed Ukrainians

Working as a self-employed person

The exemption for applying for a work permit is initially limited to performing work as an employee. Under the Temporary Protection Directive, refugees from Ukraine are currently not allowed to work as self-employed persons (zzp'ers) or start a company in the Netherlands without a work permit. The government itself indicates that this restriction is expected to better protect Ukrainians against abuses such as underpayment. Moreover, supervision and enforcement with regard to self-employment is considered by the Dutch government as rather complex.¹⁶⁹ It may be decided at a later date to allow Ukrainians to work as a self-employed person if it is sufficiently certain that these employment constructions do not entail excessive risks for this group.

7.5 Entitlements to social support and health care

Under the temporary protection directive, Ukrainians are entitled to living allowances and access to health care in kind. There is no entitlement to social assistance benefits. However, the Dutch government has decided to legislate that Ukrainian displaced persons will be entitled to childcare allowance (*kinderopvangtoeslag*) and housing allowance (*huurtoeslag*).¹⁷⁰ With the option of claiming childcare allowance, it is possible for this group to combine work and care for their children.

By accepting work, displaced persons also enter the circle of people insured for the national insurance schemes, including child benefit. This also creates an entitlement to a child-related budget (*kindgebonden budget*). By accepting work, displaced persons are also eligible for the Health Insurance Act (*Zorgverzekeringswet*). If Ukrainian workers take out health insurance, they can automatically claim health care allowance (*zorgtoeslag*). According to the Dutch government, it is not reasonable to expand the circle of insured persons to also include non-working Ukrainian people.

7.6 Points of attention and inventory of signals

A number of issues and challenges that are directly related to the residence and integration of Ukrainian refugees in the Netherlands are explained below in more detail. These issues have been raised in discussions with various organisations and experts and are (partly) also mentioned in the media and reports. There are currently no in-depth or background studies on these topics available.

¹⁶⁹ <https://www.rijksoverheid.nl/documenten/kamerstukken/2022/03/30/tk-aanpak-opvang-ontheemden-uit-oekraïne>

¹⁷⁰ Ministry of Finance (15 June, 2022) Aanspraak ontheemden Oekraïners op toeslagen. See: <https://open.overheid.nl/repository/rnl-de07032f578066971e1d50f14f08c33b47a74d82/1/pdf/kamerbrief-aanspraak-ontheemde-oekraïners-op-toeslagen.pdf>

Unequal treatment of different categories of asylum seekers

The Temporary Protection Directive makes it possible for Ukrainian refugees to go straight to school, to work in paid employment and to travel freely within the Netherlands. Viewed in this way, Ukrainians can make an early start with their integration into Dutch society. For asylum seekers, who do not fall under the Protection Directive, the possibilities for labour market participation in Dutch society are limited as long as they do not have a residence status yet.¹⁷¹ On the other hand, Ukrainians are not part of the mandatory target groups of the civic integration policy. Those Ukrainians who will eventually settle in the Netherlands may therefore encounter major language deficits at a later date. Fortunately, many municipalities currently offer (informal) language courses on a voluntary basis to this group.

Providing sufficient suitable housing

Municipalities are facing a major challenge to receive and accommodate tens of thousands of Ukrainian refugees who are now staying in the Netherlands. Eight out of ten municipalities report that the pressure on the official capacity has increased indeed.¹⁷² The main challenge for the municipalities was that after the start of the war they had to find and set up the reception locations with great urgency. Residential supervisors, caretakers and other personnel also had to be found. With the continued influx of Ukrainian refugees, it remains a huge task for municipalities to find sufficient housing for these immigrants. A National Reception Organisation has been set up to help municipalities to further increase the number of reception places if necessary.¹⁷³

Problems at school to structurally accommodate Ukrainian children

The Netherlands accommodates more than 20.000 Ukrainian children. Almost all of them receive a form of education, either in the special newcomer classes or in the temporary educational facilities. These facilities are affected by the teacher shortage in the Netherlands, however this is the case for all forms of education in the country. The central Dutch government recommend Ukrainian youngsters to apply as much as possible to special newcomer education.¹⁷⁴ However, capacity problems at these schools sometimes make it difficult to accommodate large numbers of Ukrainians. Shortages of language teachers also can result in long waiting times to participate in language classes and civic integration courses.

Language and skills to get to work

The first signals about the educational background and available competences of Ukrainian refugees are positive. After all, a great number of these immigrants have found paid employment very quickly (see also Figure 7.2). However, it appears that at least some of the Ukrainians who want to work in the Netherlands are confronted with various challenges. Language problems, logistical dilemmas and unresolved traumas, are often mentioned in this field.¹⁷⁵

Risks of abuse when accepting paid work

Many Ukrainians have found work to the satisfaction of both themselves and the employer. However, Ukrainians are also vulnerable, partly due to insufficient knowledge of both the Dutch language and different relevant regulations. The Ukrainians in the Netherlands Foundation reports the frequent use of zero-hours contracts and indicates that Ukrainian employees themselves often do not know what these contracts entail.¹⁷⁶ In order to identify and reduce the risk of abuses – such as underpayment and poor working conditions – the government wants to keep track of the number of Ukrainians who find work. This is why since April 2022, employers in the Netherlands are obliged to notify hiring an Ukrainian em-

¹⁷¹ An asylum seeker may work in the Netherlands for 24 weeks over a period of 52 weeks. His asylum application must have been pending for at least 6 months. In addition, a work permit (TWV) is required for these asylum seekers.

¹⁷² <https://nos.nl/artikel/2430275-gemeenten-hebben-handen-vol-aan-opvang-oekraiense-vluchtelingen>

¹⁷³ <https://www.rijksoverheid.nl/documenten/kamerstukken/2022/04/26/verzamelbrief-opvang-ontheemden-uit-oekraïne>

¹⁷⁴ <https://www.rijksoverheid.nl/documenten/kamerstukken/2022/03/17/tk-brief-oekraïne>

¹⁷⁵ Shaidrova, M., J. Bonnepart & M. Ngo (2022) *Situational Report 18 May 2022*. Study of *Stichting Oekraïners in Nederland* (Ukrainians in the Netherlands Foundation) commissioned by the Ministry of Justice and Security.

¹⁷⁶ Shaidrova, M., J. Bonnepart & M. Ngo (2022) *Situational Report 18 May 2022*. Study of *Stichting Oekraïners in Nederland* (Ukrainians in the Netherlands Foundation) commissioned by the Ministry of Justice and Security.

¹⁷⁷ Shaidrova, M., J. Bonnepart & M. Ngo (2022) *Situational Report 18 May 2022*. Study of *Stichting Oekraïners in Nederland* (Ukrainians in the Netherlands Foundation) commissioned by the Ministry of Justice and Security.

ployee. Failure to comply with this new reporting obligation is subject to a fine under the Aliens Employment Act. This does not alter the fact that the government admits that practices of exploitation sometimes occur.¹⁷⁷

Employment mediation

In practice, finding work is not always easy for Ukrainians. For those looking for work, it has sometimes proven difficult to find a suitable job without useful contacts, professional networks or sufficient knowledge of the language and culture. Bringing together supply and demand, therefore, can be problematic at times. In addition, as we saw earlier, the role of local authorities is limited for this group. Until 1 July 2022, there was no legal basis for municipalities to offer job counselling to this group. Since then, Ukrainians form part of a category for which municipalities can use various labour market instruments.¹⁷⁸ In practice, however, these instruments are not always used, as we know from the experiences of other similar groups.¹⁷⁹

Integration in the long run

For a long time it was thought that the refugees from Ukraine would only stay in the Netherlands for a short time. The possibilities and provisions arising from the Temporary Protection Directive are also in line with this expectation. It is, however, becoming increasingly clear that at least some of the Ukrainians will settle in the Netherlands, especially now that the end of the war in Ukraine is not yet in sight. The question, then, is whether the rapid entry into the labour market, the absence of a mandatory integration policy for this group, and the shortage of suitable and permanent housing will eventually form major obstacles to the successful and sustainable integration and participation of these migrants in this country.

The Temporary Protection Directive is meant to provide temporary protection and the government of the Netherlands is committed to providing this protection. Whether refugees from Ukraine can remain in the Netherlands after the conflict has ended, depends on whether they are eligible for a residence permit. The government is currently looking into how to accommodate for potential requests for residence after the conflict has ended, to also prevent a possible extra workload for the immigration and naturalisation service (IND) and other involved organisations. A decision on extending the Temporary Protection Directive beyond 2025 or a residence status after the conflict has ended is an issue that needs to be looked at and decided in a European context.

¹⁷⁷ <https://debatgemist.tweedekamer.nl/node/28271>.

¹⁷⁸ Staatsblad (24 of June 2022, Nr. 256) *Besluit van 22 juni 2022 tot wijziging van het Besluit SUWI in verband met de tijdelijke mogelijkheid van registratie als werkloze werkzoekende, gelet op het Uitvoeringsbesluit van de Raad tot vaststelling van het bestaan van een massale toestroom van ontheemden uit Oekraïne in de zin van artikel 5 van de Richtlijn 2001/55/EG van de Raad van 20 juli 2001, en tot invoering van tijdelijke bescherming naar aanleiding daarvan*.

¹⁷⁹ Ukrainians are part of the group of so-called non-benefit recipients (*nuggers*). Evaluation of the Participation Act (Echtelt, P. Van et al., 2020) indicates that municipalities do not always actively offer job counselling to this group.



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Literature

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