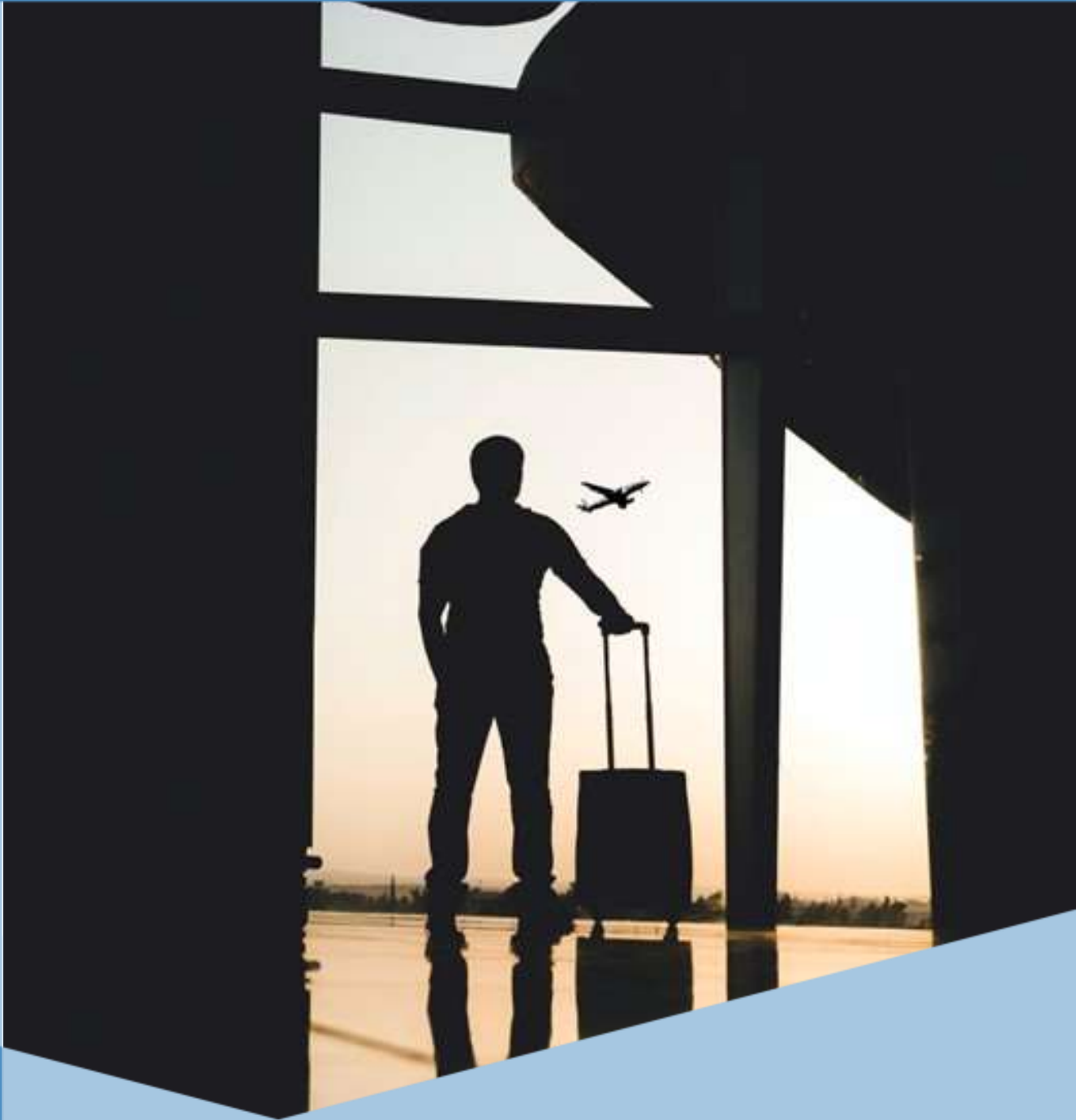




REGIOPLAN
BELEIDSONDERZOEK



DUTCH SOPEMI REPORT 2023

Migration Statistics and Migration Policies in the Netherlands

- FINAL REPORT -

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Amsterdam, 13 March 2024

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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 2022 and as well for 2023, 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. 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 2022. 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. In particular, a large number of migrants came to the Netherlands during the past two years, mainly because of the war in Ukraine. With regard to the year 2022, the following patterns are worth mentioning:

- In 2022, the number of immigrants increased to 403,000. The total net migration amounted to around 201,000 in 2022, indicating that more people entered than left the country.
- The number of immigrants from Europe was 224,445 in 2022, of which a little more than 100,000 immigrants originated from the EU-27 countries. The other European countries, also including Ukraine, were responsible for more than 120,000 immigrants that year.
- Among immigrants from EU/EFTA countries, the largest group consists of returning migrants who were born in the Netherlands. In 2022, nearly 45,000 migrants returned to the Netherlands.
- Employment was the main motive for non-Dutch immigrants from the EU/EFTA countries in 2021. Nearly 39,000 of these immigrants came to the Netherlands for work in 2021.
- Among immigrants from non-EU/EFTA countries, the most common reason for migration to the Netherlands was family formation or reunification. In 2022, this motive applied to nearly 40,000 immigrants. Around 29,000 immigrants from these countries came to the Netherlands for work in 2022. Also more than 20,000 migrants from non-EU/EFTA countries came to study in the Netherlands.

Labour-based immigration

The COVID-19 pandemic has led to a significant decrease in the number of migrant workers in the Netherlands after 2019. From 2021, the number of migrant workers increased again. The following developments can be indicated for the most recent period:

- In December 2021, 648,700 migrants from the EU Member States were employed or self-employed in the Netherlands. Another 34,000 immigrants with employment in the Netherlands originated from the United Kingdom.
- The total number of reported posted workers in the Netherlands from other EU-countries was 89,630 in 2022. 22,440 of these employees had a nationality from outside the EU, EEA or Switzerland and 67,190 had an EU nationality. This number excludes reporting of secondments in freight transport. Also a total of 13,590 reports were submitted by self-employed workers from other EU-countries.
- The total number of issued work permits for migrant workers from non-EU/EEA countries or Switzerland increased from 8,992 in 2021 to 14,913 in 2022.
- The number of granted residence permits for highly skilled workers from outside the EU/EEA or Switzerland increased from 14,341 in 2021 to 24,488 in 2022. The number of issued permits for researchers from these countries increased from 3,147 to 3,492 between 2021 and 2022.
- A large part of the combined number of issued work permits and favourable decisions were granted to nationals of India, China and the United States (together 38%).

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:

- Between 2021 and 2022 the number of asylum requests in the Netherlands increased significantly, from 36,675 to 47,990.
- By far most first asylum requests were launched by Syrian refugees (12,650). Next in line were Afghans (2,730), Turks (2,685), Yemeni (2,430) and Somali (1,455).
- In 2022, 15,180 first requests for asylum were positively decided on and 2,220 asylum requests were rejected.

- The number of resettled refugees increased from 475 in 2021 to 1,422 in 2022. These numbers also include resettled refugees under the EU-Turkey Statement.
- In 2022, the number of asylum applications by unaccompanied minors significantly increased to 4,205 (from 2,150 in 2021). Unaccompanied minors account for more than 11% of the total number of requests.
- The number of asylum seekers residing in Dutch asylum reception centres increased from 36,580 in 2021 to 51,730 in 2022.

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:

- 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 2022 more than 122,000 foreign students participated in Dutch higher education, accounting for 15% of the total student population.
- Most foreign students originate from Western-European countries (EU-14 countries). German students represent by far the largest group of foreign students in the Netherlands with 22,775 students in 2022.
- In 2022, there were more foreign students in Dutch research universities (over 85,500) as compared to universities of applied sciences (over 36,500). 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.
- The number of international students who changed their residence permit in order to stay and work in the Netherlands after completing their studies increased between 2021 and 2022. This increase corresponds to the increasing trend during the years preceding the corona pandemic.

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 group of 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 consist of 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 2022, the labour market participation of those born outside Europe lags behind that of persons born in the Netherlands and Europe. In 2022, the difference between the two groups was almost 15 percentage points.
- In 2022, persons born outside Europe were more than twice as likely to be unemployed as persons born in the Netherlands. Absolute unemployment rates are highest among those with an Antillean/Aruban background.

- In 2022, people born outside Europe were more than seven times as likely to receive social assistance benefits than those born in the Netherlands. The use of social assistance nevertheless slightly decreased among the largest migrant groups over the last decade.
- Refugees show the most unfavourable outcomes on the Dutch labour market. 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 three times as much discrimination compared to native Dutch people. Discrimination is most often experienced in the form of discriminatory remarks and unequal treatment.

1.4 Policy measures

This section provides a brief summary of the main institutional changes in 2022, including legislative changes and policy measures. The main changes are summarised below for a number of migrant groups and migration-related topics.

Family migration

A number of measures are relevant with regard to the legal options for family migration to the Netherlands in 2022. Firstly, a provisional residence permit has been introduced for Turkish nationals who do not want to migrate to the Netherlands. This change is related to the new integration obligations for Turkish nationals as a result of an amendment to the Civic Integration Act in 2022. Also an adjusted assessment of the documents for family reunification has been introduced. In the case of family reunification, all documents submitted with the application must be assessed to determine whether identity and family ties could be proven. More than before, the specific circumstances in which status holders and their family members may find themselves are taken into account. In addition, the option to apply for a Brexit permit ended on 1 October 2022. However, family members traveling to join the family can still rely on the withdrawal agreement under certain conditions. The Netherlands also aligned its national legislation on family reunification with Court of Justice of the European Union (CJEU) rulings. Legislative changes allowed foster children who were already part of the foster family in the country of origin to move to the Netherlands together with their foster parents, under certain conditions.

The Aliens Employment Act (Wav)

The Aliens Employment Act was amended in 2021, entering into effect from January 2022. Due to the amendment of this act, a work permit can be granted for a maximum of 3 years, instead of a maximum of 1 year. In addition, a work permit with a full labour market test can be granted for a maximum of 2 years, instead of 1 year. Another measure obliges employers to pay the wages stated on the work permit to the employee via a bank account, over a maximum earnings period of one month. This allows the Dutch Labour Inspectorate to better check wage payments. Last but not least, in 2022, the special arrangement for Asian cooks ended.

Residence scheme for essential staff of start-ups

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. This scheme makes it possible for ambitious entrepreneurs to apply for a temporary residence permit for the Netherlands. Originally, the scheme allowed these entrepreneurs to launch an innovative business within a one-year period. In 2022, the government decided to extend the duration of the residence permit from one to two years, but the adaption has not yet entered into effect.

Announced measures to protect temporary foreign workers in the Netherlands

The government has initiated various measures to better protect the position of migrant workers. For instance, the Wtta (*Wet toelating terbeschikkingstelling van arbeidskrachten*) proposal of 10 October 2023 introduces an admission system for employment agencies and other companies that provide workers. The essence of this system is that these agencies may only operate on the market if they are allowed to do so. In order to be allowed, they must, among other things, submit a Certificate of Good

Conduct, transfer a deposit of one hundred thousand euros, and demonstrate that they pay the correct wages and pay their taxes properly. In addition, the government has been working on a system that makes it possible to register contact details and temporary residence addresses of non-residents. Since October 2022, temporary residence addresses and contact details can be registered for these non-residents. This is a first step to gain more insight into where non-residents, including migrant workers, stay when they are in the Netherlands. Last but not least, the Good Landlordship Act (*Wet goed verhuurderschap*) came into effect on 1 July 2023. The law sets general rules for renting homes to migrants. Municipalities are responsible for the enforcement of these standards. Also, a policy plan has been prepared to offer more customised measures to homeless EU citizens. Finally, investments are made to facilitate a more effective supervision and better enforcement of the working conditions of migrant workers.

Asylum policies

The problem of acute shortages of reception facilities for asylum seekers and housing for asylum migrants with a residence permit was not solved in the year 2022. In August 2022, the government reached an agreement with regional and local authorities in order to provide a solution to the crisis in asylum reception. With this agreement, the Dutch government wanted to expand the reception capacity. At a decentral level, so-called Security Regions should make every effort to realise 225 additional crisis emergency shelter (CNO) places per region. Municipalities were committed to the housing of 20,000 beneficiaries of international protection in 2022. Despite this agreement, shelter shortages have barely decreased in 2022. Other measures to make the asylum chain run more smoothly relate to extending the decision period (from 6 to 15 months), the procedure for determining the age of minor asylum seekers, and the departure of asylum seekers with a medical problem. A comprehensive agreement on a new reception policy for asylum seekers has not been reached yet in 2023 because the coalition parties could not agree on some measures.

Civic integration law and policies

A significant change in the civic integration law entered into effect on 1 January 2022. This change concerns the civic integration system, and puts the responsibility for the civic integration of newcomers with an integration obligation on municipalities. The new system is centred on a subdivision into three civic integration routes that newcomers can follow, and that are tested at different levels. The route is decided in a customised personal integration plan, which is drafted by the municipality in consultation with the newcomer. Another change concerns the standard language requirement, for which the level has been raised from A2 to B1. This new law will be monitored and evaluated on a large number of components during the coming years.

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. The first national programme was presented in September 2022 and the second national programme is expected to come out in December 2023. 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. Additionally, the Dutch government aims to combat discrimination in the labour market by introducing a bill intended to facilitate equal opportunity employment by forcing employers and intermediaries (like employment agencies) to consider unconscious bias in recruitment and selection procedures. The bill was passed by the House of Representatives and is currently being examined by the Senate.

Study migration

The increasing number of international students in Dutch higher education in the past few years has garnered a lot of attention and discussion on whether limits should be imposed. The Dutch ministry of Education and Culture holds the position that while internationalisation carries risks for Dutch higher education, the benefits of the international dimension of higher education is very important for the Dutch knowledge economy, education, and science. In line with this position, the government is working on

plans to manage the flows of international students, including introducing capacity limits for university programmes. At the same time, the government aims to combat housing shortages for all students, including international students, by creating 60,000 additional student housing units by 2030. The government also aims to create more support from universities for the accommodation of international students, as well as more protection from abusive housing practices.

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. Around 87,000 refugees from Ukraine had been registered in Dutch municipalities by the end of December 2022. In September 2023, this number amounted to more than 98,000 people. Mainly due to the legal possibilities for this group to participate in education and the labour market, the participation figures compare favourably with other refugees in their first year in the Netherlands. Some statistics:

- At the end of 2022, almost 20,000 Ukrainian children were attending Dutch primary or secondary education.
- On 1 November 2022, around 30,000 Ukrainians (or 46% of approximately 65,000 Ukrainian refugees between the ages of 15 and 65) who had come 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%). A majority of the Ukrainians (58%) worked less than 25 hours a week in 2022.
- At the same time, most Ukrainian refugees were employed in the business services sector (56%), also including temporary employment agencies. In addition, a large number of Ukrainian refugees worked in the trade, transport and catering industries.

Problems that are related to a longer stay in the Netherlands concern sufficient suitable accommodation, the possibilities to offer primary and secondary education to a large number of Ukrainian young people, language problems and finding work at a higher qualification level. There are also concerns about increasing number of reports of Ukrainian victims of human trafficking in the Netherlands. These cases are mainly associated with exploitative practices by employment agencies.



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 2022, 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 2021 and 2022, the number of immigrants almost doubled from just over 252,000 people to more than 403,000 in 2022. The total net-migration number was around 201,000 in 2022, indicating that much more people entered than left the country.
- The number of people who migrated to the Netherlands from outside of Europe was 285,923 in 2022. In the same year, 224,445 European citizens migrated to the Netherlands.
- Among immigrants from EU/EFTA countries, the largest group consists of returning migrants who were born in the Netherlands. In 2021, nearly 45,000 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 2022, this motive applied to nearly 40,000 immigrants. Employment was the motive for more than 29,000 people from non-EU/EFTA countries who migrated to the Netherlands in 2022. In the same year, asylum accounted for nearly 28,000 migrants from non-EU/EFTA countries, and study accounted for nearly 28,000 migrants.
- In the Netherlands 4.8 million residents have a migration background, equivalent to 27% of the total population in this country. Of these people nearly 43% were born in the Netherlands and therefore belong to the group of migrants of the second generation.
- The largest ethnic groups have a Turkish, Moroccan, Suriname, Indonesian, German or Polish background. Together, these groups consist of more than 2 million people in the Netherlands (about half of the people with 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.¹ This agenda involves 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 Parliamentary Papers II 2017/18, 29362, no. 266. Integrale migratieagenda.

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.

Following this agenda, all governments up to and including the current demissionary cabinet have indicated that they wish to adopt this principle for the policy to be pursued. The coalition of Rutte IV that took office on 10 January 2022 (and fell on 7 July 2023 after failing to reach an agreement on separate treatment of refugees fleeing from war) reiterated its commitment to a just, humane, and effective asylum and migration policy, with an emphasis on well-managed migration. The aim of the Rutte IV coalition is to make migration as structured as possible, to limit unwanted migration flows as much as possible and to maintain and strengthen support for migration in the Dutch society. This should be done in accordance with international treaties and EU regulations.²

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 may need a visa – a Schengen visa – in order to travel to the Netherlands (as part of the Schengen area). This visa must be lodged with the Dutch embassy, the Dutch consulate, or through external service providers. Nowadays, a substantial number of 62 countries – most of which are part of the more industrialised countries in the world – are exempt from the visa requirements.³

Currently, 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 €55 per day during his stay in the Netherlands.⁵

² <https://www.rijksoverheid.nl/regering/coalitieakkoord-omzien-naar-elkaar-vooruitkijken-naar-de-toekomst/7.-internationaal/migratie>.

³ Regulation (EU) 2018/1806 of the European Parliament and of the Council of 14 November 2018. Since 1 January 2024, Kosovo has also been included in this list.

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

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

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. The application to obtain the 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 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

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

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 Ad-

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>.

⁹ De Staat van migratie (2022).

mission 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 Civic integration requirements abroad before migrating to the Netherlands

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:

- 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.
- 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 were implemented 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.

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

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'.

¹¹ The explanation of new policy measures is based on EMN (2022, 2023) *Jaaroverzicht Migratie en asiel in Nederland*. The Hague, European Migration Network.

Fees for residence permits in 2023

As of 1 January 2023, fees for the application of a residence permits are:¹²

1. for a residence permit in order to stay with a family member (incl. partner): € 210;
2. for a residence permit as a family member of a long-term resident: € 210;
3. for a residence permit in order to stay with a Turkish family member (EC-Turkey Agreement): € 70;
4. for a residence permit to work as an employee or knowledge worker: € 350;
5. for a residence permit for study: € 210.

Obligation of a provisional residence permit for Turkish migrants

On 29 August, the IND announced that from 1 October 2022, applications for a residence permit (except asylum) by Turkish citizens, including those covered by the EU-Turkey Association Agreement and their family members, will be refused if the person in question does not have the correct visa, a provisional residence permit (MVV). The change prevents evasion of the civic integration obligation by Turkish citizens because completion of integration abroad is a necessary requirement before a MVV is issued. The integration obligation for all Turkish citizens and their family members was introduced on 1 January 2022 as part of the new Civic Integration Act 2021.

Adjustment of assessment of family life upon family reunification of adult children

In order to bring the national policy on family reunification with regard to adult children into line with a ruling on 28 April 2022 by the Administrative Jurisdiction Division of the Council of State (AbRvS), the assessment for family reunification has been partly adjusted.¹³ From that date, when assessing family life during family reunification, justification must be given as to why an adult child does or does not fall under the young adult policy, even if the child is (much) older than 25 years old. This means that rejection can no longer take place purely on the basis of age, as was the case before.

Mandatory weighing of interests in family reunification decisions 8 ECHR

Following a ruling by the Administrative Jurisdiction Division of the Council of State (AbRvS) on 13 July 2022, a mandatory weighing of interests was introduced in the field of decisions regarding family reunification on the basis of Article 8 of the European Convention on Human Rights (ECHR).¹⁴ The ruling decided that a weighing of interests must always be made in decisions on applications for family reunification based on Article 8 ECHR.

Adjusted assessment of documents for family reunification

Due to a ruling by the Administrative Jurisdiction Division of the Council of State (AbRvS) of 26 January 2022, an adjusted assessment of the documents for family reunification has been introduced.¹⁵ It follows from the ruling that in the case of family reunification, all documents submitted with the application must be assessed in their entirety and in conjunction to determine whether identity and family ties could be proven. More than before, the specific circumstances in which status holders and their family members may find themselves are taken into account.

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 this 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 residence application should have been submitted before 1 October 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

¹² For a complete overview of all fees per residence permit or visa: <https://ind.nl/nl/leges-kosten-van-een-aanvraag#kosten-visa>

¹³ <https://www.uitspraken.nl/uitspraak/raad-van-state/bestuursrecht/vreemdelingenrecht/hoger-beroep/ecli-nl-rvs-2022-1260>.

¹⁴ <https://www.uitspraken.nl/uitspraak/raad-van-state/bestuursrecht/vreemdelingenrecht/hoger-beroep/ecli-nl-rvs-2022-2006>.

¹⁵ <https://www.uitspraken.nl/uitspraak/raad-van-state/bestuursrecht/vreemdelingenrecht/hoger-beroep/ecli-nl-rvs-2022-245>.

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 31 December 2022, 40,210 Brexit residence applications have been submitted, the majority of which were submitted in 2020. In addition 5,620 EU permanent residence documents have been exchanged for a permit under the withdrawal agreement. The option to apply for a Brexit permit ended on 1 October 2022. However, family members traveling to join the family can still rely on the withdrawal agreement under certain conditions.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 18 February 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.

2.2.8 Legislative changes with regard to foster children

The Netherlands aligned its national legislation or practices on family reunification with Court of Justice of the European Union (CJEU) rulings.²¹ Legislative changes allowed foster children who were already part of the foster family in the country of origin to move to the Netherlands together with their foster parents, under certain conditions.²²

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

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

¹⁷ Ministerie van Justitie en Veiligheid (2023) *De Staat van Migratie*, page 32.

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 C-273/20, C-355/20 concerning family reunification with a minor refugee; C-279/20 concerning a minor reuniting with his refugee parent; FI aligned national legislation on family reunification with rulings of the CJEU cases C-133/19, C-136/19 and C-137/19, 16 July 2022.

²² EMN (2023) *Annual Report on Migration and Asylum 2022*. European Migration Network. European Migration Network, July 2023, page 32.

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.²³

Measures announced to discourage buying sex from minors

Buying sex from a minor in the Netherlands is explicitly criminalised under art. 248b of the Penal Code (Sr.) when it involves 16- or 17-year-old victims. In the case of victims younger than 16, buying sex falls under other moral offenses, namely fornication with a person younger than 16 (art. 245 or 247 Sr.). As of 1 January 2022, customers will be punishable if they purchase a sexual service from a sex worker while knowing or having serious reasons to suspect that this sex worker is a victim of coercion, exploitation or human trafficking. This conduct is criminalised in Article 273g of the Penal Code.

In order to inform customers about the new criminalization and to encourage responsible customer behaviour, the government launched the "Not everything is what it seems" campaign on 29 December 2021. This campaign drew attention to the above through bus shelters, social media, online ads and videos until January 31, 2022.

Finally, the centre of Child Trafficking and Human Trafficking conducted customer research in order to better understand who these individuals are who buy sex from minors and victims of human trafficking. The research examines, among other things, the background, motives and modus operandi of convicted customers and the way in which the detection and prosecution of customers of underage victims is shaped from investigative agencies. The study was published in December 2023. Insights gained from this research will, where appropriate, be taken into account in further policy development.

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.

Together against human trafficking

In 2018, the programme Together Against Human Trafficking was set up. The Dutch coalition agreement of the Rutte IV cabinet stipulated that this programme would be continued in 2023 and later years. For the execution and implementation of this programme, €2 million is structurally available as of 1 January 2023. The government takes a comprehensive approach to combating human trafficking and enlists all parties that can help.²⁴ It also offers victims support. In order to combat human trafficking it is vital that various parties work together. Recognising victims of human trafficking often involves spotting a combination of signs. The action lines of the programme Together Against Human Trafficking are (1) creating broad awareness, (2) increasing willingness to report, (3) investing in and working towards better identification of victimisation and protection of victims, (4) improving (supra-regional and regional) cooperation, and (5) improving information sharing and data processing. Together with experts, investigation services, municipalities, non-governmental organisations (NGOs), and other organisations involved, an Action Plan was drawn up according to the method of Task-oriented Work.

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 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.

²⁴ <https://www.government.nl/topics/human-trafficking/combating-human-trafficking>.

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 Regio-plan website (www.regioplan.nl) for more information.

2.4 Some issues from the public debate

The most discussed issue in 2022 and 2023 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. Eventually, the Rutte IV coalition cabinet resigned in July 2023 due to mutual disagreements about reducing asylum applications in the Netherlands in order to solve the capacity problem with regard to the reception of migrants seeking asylum in the Netherlands.

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.

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.²⁵ 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. There was also discussion about the fraud team of the Education Executive Agency (DUO) after it emerged that the supervisors remarkably often focused their activities on students with a migration background.²⁶

Last but not least, the debate on the influx of foreign students has intensified in 2021 and 2022. 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 2022

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

²⁵ <https://www.amnesty.nl/actueel/kabinet-moet-stoppen-met-het-toestaan-van-discriminerende-risicoprofielen>.

²⁶ <https://nos.nl/op3/artikel/2479700-studenten-met-migratieachtergrond-opvallend-vaak-beschuldigd-van-fraude-minister-wil-systeem-grondig-nagaan>.

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 2000 to 2022 are presented in figure 2.1 in terms of immigration, emigration and migration surplus.

Immigration. The highest number of immigrants was reached in 2022 with around 403,000 individuals entering the Netherlands. After the downward trend in immigration during the COVID pandemic, we have seen that the number of immigrants increased sharply again between 2021 and 2022. Naturally, this increase is also related to the war in Ukraine.

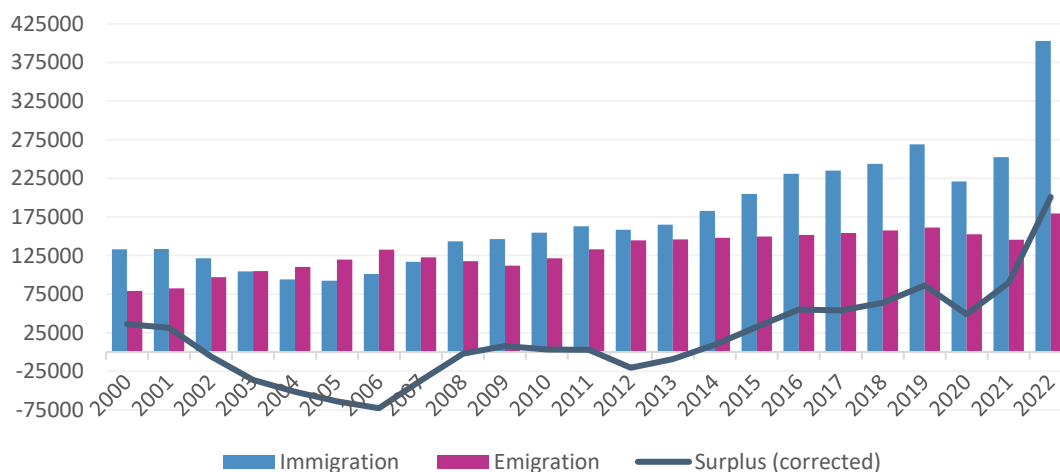
Emigration. The highest peak in emigrant numbers was also reached in 2022 with approximately 179,000 emigrants leaving the Netherlands. Again, this increase can also be explained by the COVID pandemic and travel restrictions during the previous years.

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 2022 (200,708 people). 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.²⁷

Figure 2.1 Immigration to and emigration from the Netherlands, and net migration rate (surplus)¹, 2000-2022



Source: Statistics Netherlands, online statistics (2023); ¹ Net migration is corrected for administrative errors.

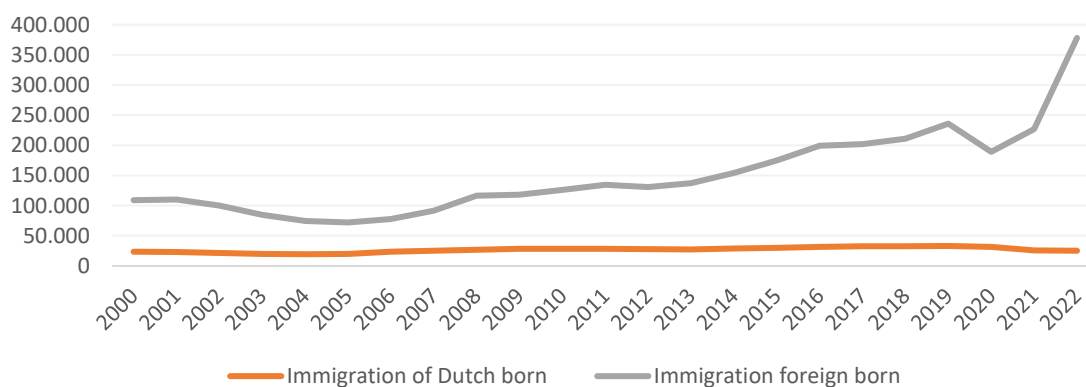
²⁷ An administrative *entry* is a decision by a municipality to include a person in its population while the municipality has not received information on birth, immigration or establishment of that person from another municipality in the Netherlands. An administrative *removal* is a decision by a municipality 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 (7% in 2022). Figure 2.2 shows the number of Dutch-born immigrants from 2000 to 2022. Compared to the number of non-Dutch immigrants, the size of this group of immigrants remained fairly small during the indicated period. Nor do we see that the annual immigration of this migrant group has increased significantly after the corona pandemic. On the other hand, the number of non-Dutch immigrants has increased sharply in the last two years. Both the end of the corona pandemic and the war in Ukraine have contributed to this growth (from approximately 189,000 in 2021 to 378,122 in 2022).

Figure 2.2 Immigration by Dutch and foreign-born individuals, 2000-2022



Source: Statistics Netherlands, online statistics (2023)

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.

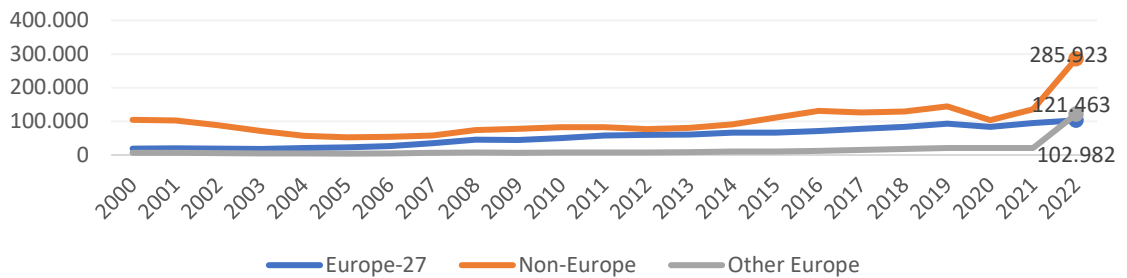
EU-27 countries. The number of immigrants from EU-27 countries steadily increased from 20,000 in 2000 to 93,145 in 2019. Between 2019 and 2020, the number of immigrants from EU-27 countries significantly decreased, mainly due to the travel restrictions resulting from the COVID-19 pandemic and a downturn in employment opportunities for (Eastern-)European labour migrants.²⁸ Between 2021 and 2022, the number of immigrants from EU-27 countries increased again (from 94,659 to 102,982).

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. In 2020 and 2021, the COVID pandemic caused a sharp drop in the number of immigrants from these countries. However, this number strongly increased in 2022, mainly due to the war in Ukraine. In that year, more than 120,000 immigrants from other European countries entered 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 2021 and 2022, the number of non-European immigrants increased again (from 139,002 to 285,923).

²⁸ <https://www.cbs.nl/nl-nl/nieuws/2021/29/vooral-minder-immigranten-van-buiten-de-eu-in-2020>.

Figure 2.3 Immigration of foreign-born nationals to the Netherlands by country-group, 2000-2022

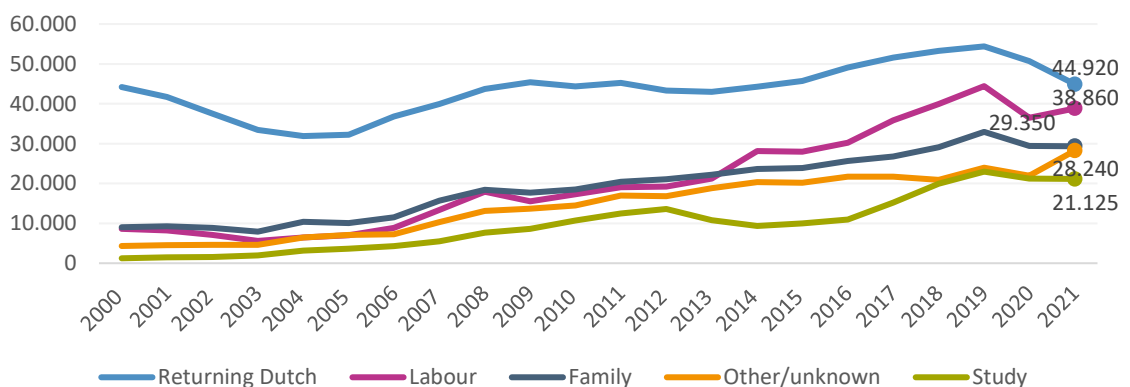


Source: Statistics Netherlands, online statistics (2023)

2.5.3 Migration motives of migrants from (non) EU/EFTA 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). Approximately 45,000 Dutch people returned to the Netherlands in 2021. Another important category are the labour migrants. In 2021, almost 39,000 labour migrants from the EU/EFTA-countries came to the Netherlands. In absolute numbers, study and family are slightly less important categories. Apart from labour-based migration, we see a small decrease in migration to the Netherlands between 2020 and 2021 for all categories. This is undoubtedly related to the COVID pandemic that broke out at the beginning of 2020.

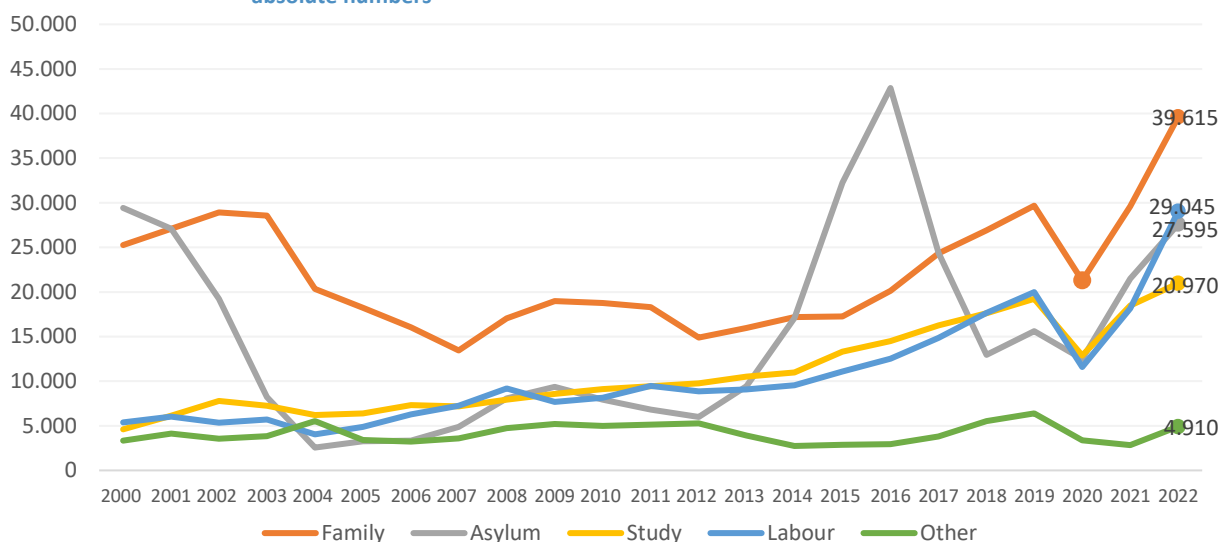
Figure 2.4 Migration motives of immigrants from EU/EFTA countries by year of migration (2000-2021), absolute numbers



Source: Statistics Netherlands, online statistics (2023)

The 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 2022, family migrants were by far the most important category in numbers (with almost 40,000 immigrants). In that year, labour migrants were in second place (more than 29,000), followed closely by asylum migrants (approximately 27,500). Study is a slightly less important category (almost 21,000 immigrants). For all categories, we see a substantial increase in numbers between 2021 and 2022.

Figure 2.5 Migration motives of immigrants from non-EU/EFTA countries by year of migration (2000-2022), absolute numbers



Source: Statistics Netherlands, online statistics (2023)

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 2021, most labour migrants originated from Poland (24.6%), Romania (13.6%) and Bulgaria (8.7%). That same year, most family migrants also came from Poland (25.8%), Romania (9.6%) and Bulgaria (8.9%). Finally, most of the study migrants in the Netherlands originated from Germany (17.8%), followed by Italy (9.8%) and Romania (8.7%) in that year.

Table 2.1 Top 10 nationalities within the EU/EFTA by migration motive, 2021

Labour (N=38,860)		Family (N=29,350)		Study (N=21,125)	
	%		%		%
Polish	24.6	Polish	25.8	German	17.8
Romanian	13.6	Romanian	9.6	Italian	9.8
Bulgarian	8.7	Bulgarian	8.9	Romanian	8.7
Italian	8.4	German	8.4	Bulgarian	8.4
Spanish	8.4	Italian	6.9	Spanish	7.5
French	5.1	Spanish	6.3	Polish	7.4
German	4.9	French	5.5	Greek	6
Portugese	4.7	Belgian	4.9	French	5.4
Greek	4.5	Portugese	4	Belgian	3.2
Hungarian	3.2	Greek	3.6	Hungarian	3
Other	17.1	Other	19.9	Other	25.8
Total	100.0	Total	100.0	Total	100.0

Source: Statistics Netherlands, online statistics (2023)

In table 2.2, the top 10 nationalities of immigrants from outside the EU/EFTA region are shown by migration motive. In 2022, most labour migrants originated from India (22.4%), Turkey (10.9%), and Russia (7.9%). The most common countries of origin among family migrants were India (14.7%), Turkey (9.9%), and Russia (6.8%). Most study migrants came from China (14.2%), India (9.1%), and the United States (8.7%). Finally, more than half of the asylum migrants came from Syria (51.6%), followed by asylum migrants from Turkey (11.5%), and Afghanistan (10.4%) in that year. It is worth mentioning that the Ukrainians who migrated to the Netherlands within the framework of the Temporary Protection Directive are not included in this table.

Table 2.2 Top 10 nationalities outside of the EU/EFTA region by migration motive, 2022

Labour (N=29,045)		Family (N=39,615))		Study (N=20,970)		Asylum (N=27,595)	
	%		%		%		%
Indian	22,4	Indian	14,7	Chinese	14,2	Syrian	51,6
Turkish	10,9	Turkish	9,9	Indian	9,1	Turkish	11,5
Russian	7,9	Russian	6,8	American	8,7	Afghan	10,4
Chinese	7,2	Syrian	6,5	Turkish	6,8	Eritrean	3,4
South-African	6,6	South-African	5	Indonesian	6,3	Somalian	2,2
American	6	American	4,9	South-Korean	4	Iraqi	2,1
British	5,1	Moroccan	4,4	British	3,6	Iranian	1,3
Brazilian	3,6	Brazilian	3,4	Russian	3,3	Chinese	0,5
Iranian	3,2	Iranian	2,6	Iranian	2,9	Russian	0,4
Japanese	1,9	Surinam	2,6	Canadian	1,9	Moroccan	0,1
Other	27,1	Other	41,8	Other	41,1	Other	16,6
Total	100.0	Total	100.0	Total	100.0	Total	100.0

Source: Statistics Netherlands, online statistics (2023)

2.5.5 Country of destination and demographic characteristics of emigrants

In 2021, 128,094 persons emigrated from the Netherlands. Below we discuss their demographic characteristics and the most important countries of destination. The first column of table 2.3 shows that most emigrants from the Netherlands moved to other European countries in 2021. Germany (13,246) was the most popular destination, followed by Poland (11,803) and Belgium (10,422). Popular destinations outside the EU were the United Kingdom (6,824) and the United States of America (5,131).

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, 2021 (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	128,094	100	52.0	48.0	52.1	27.6	20.3
Total EU27	73,681	57.5	51.9	48.1	51.6	28.7	19.7
Total Europe	87,391	68.2	52.2	47.8	51.0	27.6	21.5
Germany	13,246	10.3	49.6	50.4	44.7	29.0	26.3
Poland	11,803	9.2	55.2	44.8	88.1	9.8	2.1
Belgium	10,422	8.1	50.1	49.9	17.2	54.9	27.9
Spain	7,662	6.0	51.1	48.9	35.5	41.0	23.5
United Kingdom	6,824	5.3	52.6	47.4	36.4	23.4	40.2
France	5,240	4.1	47.5	52.5	43.8	32.6	23.6
USA	5,131	4.0	49.3	50.7	46.9	29.4	23.7
Italy	4,457	3.5	53.7	46.3	70.7	14.1	15.2
Romania	3,879	3.0	59.0	41.0	88.7	3.6	7.7
Turkey	3,531	2.8	51.9	48.1	61.3	32.0	6.8

Source: Statistics Netherlands, online statistics (2023)

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 2023, 5.68% of the population in the Netherlands was born in another European country and 9.91% was born outside Europe. Expressed in absolute numbers, more than 2.7 million people in the Netherlands were born abroad.

Table 2.4 Number of foreign-born residents by birth country, 1 January 2023

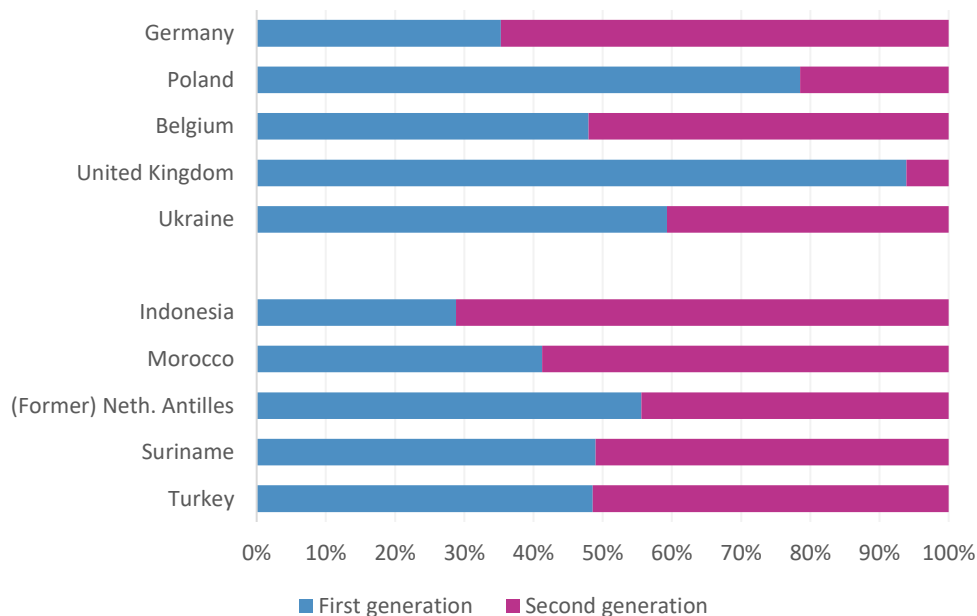
	Abs.	% of total Dutch population
Total Dutch population	17,811,291	100.00
Foreign-born residents	2,776,950	15.59
<i>of whom</i>		
Born in Europe (excl. The Netherlands)	1,012,528	5.68
Born outside Europe	1,764,422	9.91

Source: Statistics Netherlands, online statistics (2023)

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 January 2023, 4,833,137 people with a migration background were living in the Netherlands.²⁹ That equates to 27.1% of the total Dutch population. Of the people with a migration background, 42.5% were born in the Netherlands and therefore belongs 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. from Poland and the UK) and recent asylum groups (Ukrainians) 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 2023 (percentages)



¹ The Top-10 largest groups with a migration background based on population size are presented. Source: Statistics Netherlands, online statistics (2023)

Table 2.5 shows the (numerical) size of different migrant groups in the Netherlands. The table refers to persons of both the first and second generation. The largest groups are people with a Turkish, Moroccan, Surinamese, Indonesian or German background. Together they make up more than 15% of the total population in the Netherlands.

²⁹ <https://www.cbs.nl/nl-nl/dossier/dossier-asiel-migratie-en-integratie/hoeveel-mensen-met-een-migratieachtergrond-wonen-in-nederland>.

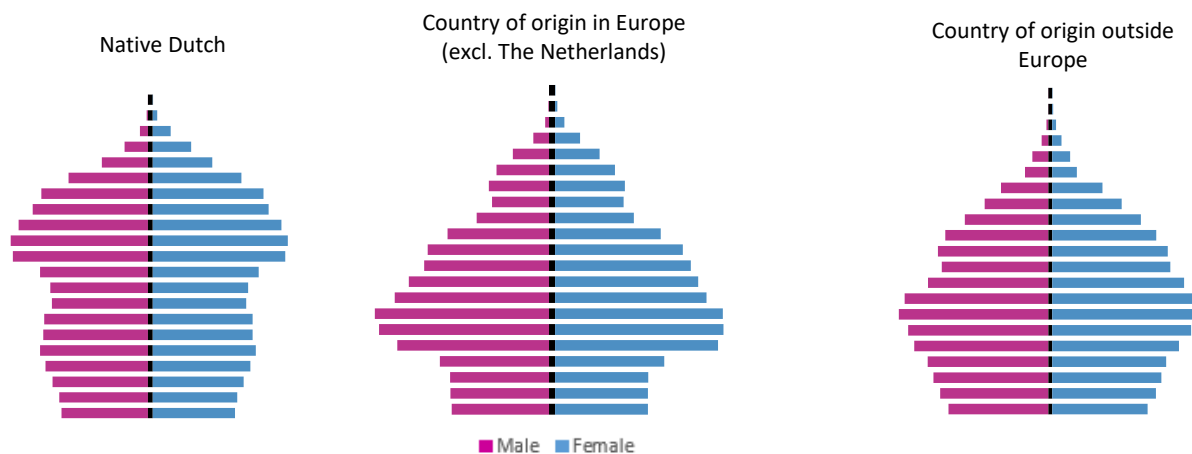
Table 2.5 Top 10 Migrant groups in the Netherlands, 1 January 2023

Country of origin	Abs.	% of total Dutch population
Turkey	444,329	2.5
Morocco	425,034	2.4
Suriname	363,142	2.0
Indonesia	360,281	2.0
Germany	353,221	2.0
Poland	233,075	1.3
Syria	144,991	0.8
Curaçao	144,814	0.8
Belgium	137,391	0.8
Ukraine	104,086	0.6
Total non-native residents	4,833,137	27.1

Source: Statistics Netherlands, online statistics (2023)

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 particularly striking is that population groups with a migration background have a larger representation of young people. In contrast, the proportion of people in the older age cohorts is smaller among the groups with a migration background.

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



Source: Statistics Netherlands, online statistics (2022)

2.5.7 Regions of settlement

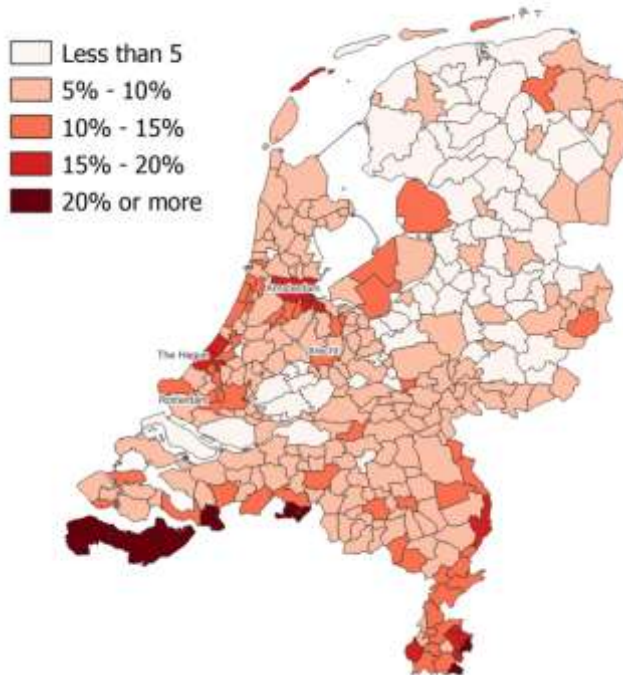
In this section we present the main regions of settlement of foreign-born residents in the Netherlands.

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 popular locations for these immigrants, especially Amsterdam and The Hague. See figure 2.8a for a graphical overview of the main regions of settlement of European immigrants on 1 January 2023.

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 settlement of immigrants from outside Europe on 1 January 2023. In addition, immigrants originating from major 'refugee coun-

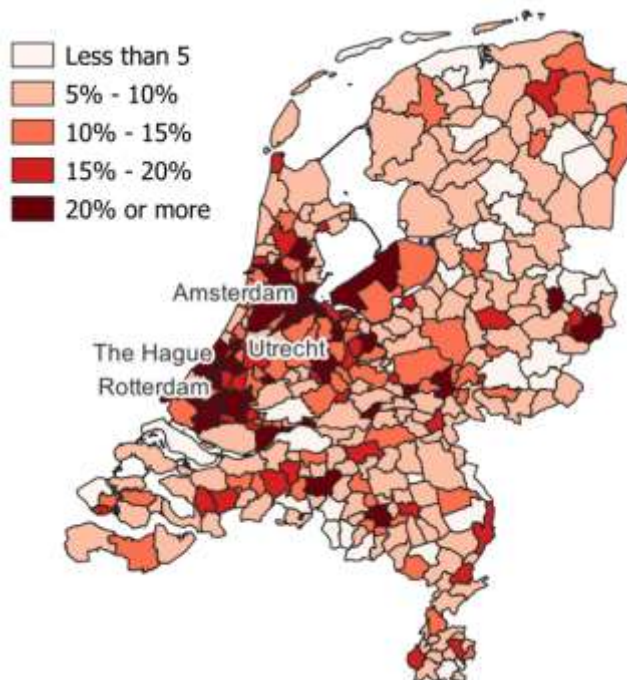
tries' live relatively equally spread across the Netherlands. This pattern is likely to arise from the arrangements between the national government and all municipalities throughout the country to provide housing for people with a refugee status.³⁰

Figure 2.8a Region of settlement of foreign born European residents, 1 January 2023 (in %)



Source: Statistics Netherlands (2023), adapted by Regioplan

Figure 2.8b Region of settlement of foreign-born non-European residents, 1 January 2023 (in %)



Source: Statistics Netherlands (2023), adapted by Regioplan

³⁰ <https://www.rijksoverheid.nl/onderwerpen/asielbeleid/huisvesting-asielzoekers-met-verblijfsvergunning>.



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 2021, 594,800 employees and 53,900 self-employed people from the EU Member States were employed in the Netherlands. Another 34,000 immigrants with employment in the Netherlands originated from the United Kingdom.
- Since 2020, foreign service providers and self-employed people from other EU-countries are required to report it when they carry out work in the Netherlands. The total number of unique service providers (posted workers) reported to the national counter was 89,630 in 2022. This number is exclusive of reporting of postings in road transport.
- Of these posted workers, 67,190 had an EU nationality and 22,440 employees had a nationality from outside the EU, EEA or Switzerland.
- In 2022, a total of 13,590 reports were submitted by self-employed workers from other EU-countries.
- The total number of issued work permits for migrant workers from non-EU/EEA countries or Switzerland increased from 8,992 in 2021 to 14,913 in 2022.
- The number of granted residence permits for highly skilled workers from outside the EU/EEA or Switzerland increased from 14,341 in 2021 to 24,488 in 2022. The number of issued permits for researchers from these countries increased from 3,147 to 3,492 between 2021 and 2022.
- A large part of the combined number of issued work permits and favourable decisions were granted to nationals of India, China and the United States (together 38%).

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).³¹ Central to these rights is the prohibition of discrimination on the basis of nationality of workers from the EU/EEA Member States and Switzerland. Therefore, the number of EU labour migrants cannot be limited. Neither can these migrants be obliged to have a work permit. In 2020, the Dutch Council of State reaffirmed these rights of free mobility and concluded in its advise, that EU law does not permit measures that limit the 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

³¹ 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.

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

Protection from undesirable labour practices and labour exploitation

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 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.

With the cabinet period of Rutte IV, starting from 10 January 2022 and ending on 7 July 2023, the cabinet committed to countering undesirable labour practices and labour exploitation, in response to the recommendations of the Task force for the Protection of Migrant Workers. The progress of the measures undertaken by the government to respond to the recommendations of the Task force Protection of Migrant Workers is kept track of in governmental yearly reports on labour migrations. The annual report for 2022 lists a number of 50 measures that the Dutch government has taken or is committed to take in combatting undesirable labour practices. The report further reports on the planning and progress of the measures.³⁴

Among the most important measures is a new admission system for employment agencies.³⁵ To combat undesirable practices in temporary employment, the government is introducing a new admission system for temporary employment agencies. The essence of this system is that these agencies may only operate on the market if they are allowed to do so. In order to be allowed, they must, among other things, submit a Certificate of Good Conduct, transfer a deposit of one hundred thousand euros, demonstrate that they pay the correct wages and pay their taxes properly. This system contains better rules and better enforcement in a sector where many people depend on a temporary employment agency for work, housing and health insurance.

In addition, since October 2022, all labour migrants who register as a non-resident can also opt to have their address and other contact details entered in the Personal Records Database. As of 2023, this data is provided to authorised users and municipalities in 2023. In the meantime, the National Office for Identity Data (RvIG) is working on various quality measures to keep this data as up to date and accessible as possible. As a result, municipalities will gradually get a clearer idea of who is living in their area, and this will enable them to improve their policies and monitor the situation more effectively.³⁶

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 <https://open.overheid.nl/documenten/ronl-17987f607b6b04a7f9c8beedaa4a135d403a5d57/pdf>

³⁵ <https://www.rijksoverheid.nl/actueel/nieuws/2023/10/10/nieuw-toelatingsstelsel-moet-misstanden-bij-uitzendbureaus-tegen-gaan>.

³⁶ <https://open.overheid.nl/documenten/ronl-17987f607b6b04a7f9c8beedaa4a135d403a5d57/pdf>.

The Good Landlordship Act (*Wet goed verhuurderschap*) came into effect on 1 July 2023.³⁷ The law sets general rules for renting homes to migrants. For example, it will soon be mandatory to offer the employment contract and the rental contract separately when renting housing to migrant workers. Municipalities are responsible for the enforcement of these standards. Local authorities can also introduce a permit requirement for landlords from 1 July 2023. In addition, a policy plan has been prepared to offer more customised measures to homeless EU citizens.³⁸ Finally, investments are made to facilitate a more effective supervision and better enforcement.

Protection from human trafficking

In 2023, legislation was proposed aimed at creating better protection from human trafficking. While the legislation is aimed more broadly at human trafficking, it also addresses specific aspect of the exploitation of labour migrants.³⁹

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 or act 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.⁴⁰

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 a enforcement moratorium, limited capacity at the Tax and Customs Administration and unclear regulations, in particular with regard to the criterion of authority.⁴¹ 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).⁴²

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 framework. 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*.

³⁷ <https://www.rijksoverheid.nl/onderwerpen/buitenlandse-werknemers/nieuws/2023/03/21/eerste-kamer-stemt-in-met-wets-voorstel-goed-verhuurderschap>.

³⁸ <https://www.rijksoverheid.nl/documenten/rapporten/2022/09/13/plan-van-aanpak-kwetsbare-dakloze-eu-burgers>.

³⁹ Wetsvoorstel Modernisering en Uitbreiding Strafbbaarstelling Mensenhandel van 25 april 2023, www.internetconsultatie.nl

⁴⁰ The Court of Justice has introduced this term false employment in the so-called FNV Kiem judgment of 2014.

⁴¹ Algemene Rekenkamer (2022) *Focus op handhaving Belastingdienst bij schijnzelfstandigheid*. Den Haag, Algemene Rekenkamer.

⁴² <https://www.rijksoverheid.nl/documenten/kamerstukken/2022/12/16/voortgangsbrieven-werken-met-en-als-zelfstandigen>.

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 replaced the Waga (*Wet arbeidsvoorwaarden grensoverschrijdende arbeid*). The WagwEU 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 2020.⁴³ This online registration desk is expected to provide a better overview of European service providers in the Netherlands. Only very specific forms of transport are excluded from the reporting obligation (e.g. passenger transport by rail and transit transport).⁴⁴

The Revised Posting of Workers Directive has been implemented in the WagwEU via the Implementation Act of 2020. The emphasis of 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 noteworthy that after 12 months – with a possible extension of another 6 months – posted workers are entitled to all Dutch employment conditions, in addition to the employment conditions for posted employees from the EU. These workers are, however, not entitled to a supplementary pension or protection in the event of dismissal.⁴⁵ The rights of posted agency workers and national agency workers have also been largely aligned. In addition, the basic terms and conditions of employment have been expanded to include conditions of workers' accommodation where provided by the employer to workers away from their regular place of work, and certain allowances.⁴⁶

As of 1 June 2023, the Netherlands has adopted new European rules on the posting of drivers in international road transport.⁴⁷ This legislation is meant to ensure a level playing field across the EU and to guarantee fair labour conditions. The legislation concerns drivers that work for a transport company in another EU country, but carry out certain activities in the Netherlands. The legislation specifies regulations on what counts as secondment of drivers, and the rights these drivers are entitled to. The enforcement is ensured by the Netherlands Labour Authority (*Nederlandse Arbeidsinspectie*).

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 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.

Information app MyInfoNL

On 13 December 2022, the Association for Dutch Municipalities (VNG) launched an app called MyInfoNL. The app is aimed at EU labour migrants and other labour migrants from outside the EU and provides information on living and working in the municipality where these migrants (will) live. The information is provided in several languages.⁴⁸

⁴³ The transport sector is excluded from the notification obligation and it is possible to use an annual notification for road freight transport.

⁴⁴ <https://www.postedworkers.nl/werkgever/uitzonderingen>.

⁴⁵ <https://www.rijksoverheid.nl/onderwerpen/buitenlandse-werknemers/arbeidsvoorwaarden-buitenlandse-werknemers>.

⁴⁶ See, more in detail, *Implementatiewet herziene detachingsrichtlijn*, Articles II, III and IV.

⁴⁷ <https://www.postedworkers.nl/opdrachtgever/nieuws/2023/06/01/nederlandse-wetgeving-over-detachering-in-het-internationaal-wegvervoer-van-kracht-per-1-juni-2023>, see also <https://www.tweedekamer.nl/kamerstukken/wetsvoorstellen/detail?id=2022Z14786&dossier=36166>.

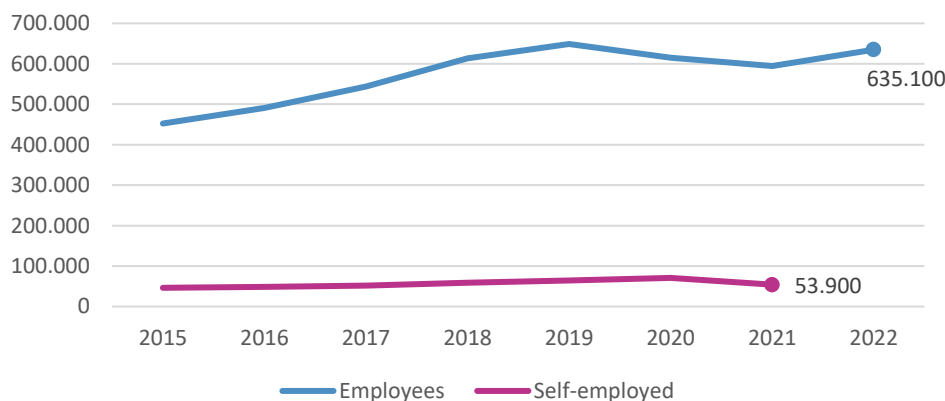
⁴⁸ 6 Vereniging Nederlandse Gemeenten (VNG), 'Informatieapp voor arbeidsmigranten nu beschikbaar'.

3.3 Labour migration within the EU

In December 2021, 648,700 first generation migrants from other EU Member States were employed in the Netherlands (see figure 3.1). Another 106,300 with employment in the Netherlands originated from the candidate Member-States⁴⁹ and 34,000 employed immigrants came from the United Kingdom. Within the group of EU-27 countries, 402,900 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 EU Member States working as an employee in the Netherlands increased from 452,400 in 2015 to 648,950 in 2019. Then - as a result of the corona pandemic - the number of employees from the EU fell slightly, but after 2021 we will see an increase again (to 635,100 in 2022). 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). Between 2020 and 2021, the number of self-employed people from the EU also fell as a result of the pandemic to 53,900. No numbers are yet known for the year 2022.

Figure 3.1 The number of employees and self-employed people from other EU-Member States, 2015-2022



Source: CBS Migrantenmonitor (2015-2022) and CBS Statistics (2023)

The largest labour market region in terms of employed EU migrants in 2021 in the Netherlands was Greater Amsterdam with 93,600 persons, followed by Haaglanden (The Hague) with 58,500 persons and Rijnmond (Rotterdam) with 45,300 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 2021 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	299,500	93,600	39,200	18,200
Rijnmond	154,400	45,300	27,400	14,200
Haaglanden	144,800	58,500	43,300	12,300
Midden-Utrecht	81,800	24,600	12,200	5,800
Zuid Oost-Brabant	65,900	3100	17,100	4,500
West-Brabant	56,800	32,500	23,800	3,200
Zuid-Limburg	46,200	26,800	8,500	1,600
Midden-Brabant	45,300	25,300	19,100	2,800
Noordoost-Brabant	45,100	24,300	18,500	2,800
Noord-Limburg	35,900	27,300	20,400	1,400

Source: CBS Migrantenmonitor 2021

⁴⁹ The candidate countries are Albania, North Macedonia, Montenegro, Serbia and Turkey.

In December 2022, more than two-fifths of all employed migrants from the EU and candidate countries worked in business services (table 3.2), including temporary work agencies. Other economic sectors that are highly attractive to workers from the EU are industry, trade, transport, hotels and catering and public services (including health care). Workers from Central-Eastern Europe (EU-11) are relatively strongly oriented towards business services and trade, transport, hotels and catering. Many migrants from the EU and candidate countries work in the temporary agency sector and work via these agencies in other sectors.

Table 3.2 Persons with a job in the Netherlands in December 2022 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	25,450	20,180	18,570	2,130
B-E Industry (no construction), energy	157,320	62,960	33,330	20,450
F Construction	30,760	12,080	6,840	510
G-I Trade, transport, hotels, catering	388,120	138,930	72,010	36,320
J Information en communication	73,930	21,150	6,280	6,290
K Financial institutions	40,020	11,540	3,510	4,010
L Renting, buying, selling real estate	5,600	1,750	760	520
M-N Business services	535,180	294,280	232,520	50,210
O-Q Government and care	241,820	61,090	14,530	21,130
R-U Culture, recreation, other services	44,480	11,160	3,560	5,330
Unknown	0	0	0	0
Total	1,542,670	635,100	391,910	150,490

Source: CBS *Migrantenmonitor* 2022

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. As of February 2022, road transport postings must be reported to the European Road transport posting declaration portal.⁵⁰

The total number of posted workers excluding road transport reported in 2022 was 89,630. 67,190 of these migrant workers were nationals of one of the EU Member States, and the other 22,240 persons were nationals of countries from outside the EU, EEA or Switzerland. Most posted workers come from Poland, Germany or Lithuania (table 3.3). Remarkably, a significant part of the reported employees from Poland, Lithuania and Slovenia are persons with a non-EU nationality. These are mainly persons with a Ukrainian, Belarussian or Serbian nationality who work for a transport company established in Poland, Slovenia or Lithuania.

Table 3.3 Top 10 countries of residence by number of reported posted workers, excluding road transport, 2022

Country of residence	EU citizens	Third-country nationals	Total
Poland	12,250	10,450	22,700
Germany	16,360	2,040	18,410
Lithuania	8,780	5,600	14,380
Belgium	8,440	230	8,670
Portugal	3,370	710	4,080
Romania	2,720	10	2,730
Spain	1,680	270	1,940
Hungary	1,830	70	1,900
Slovakia	1,300	240	1,540
Slovenia	540	950	1,490

Source: *De Staat van Migratie* 2023

⁵⁰ <https://zoek.officielebekendmakingen.nl/stb-2023-153.html>.

Table 3.4 shows the origin of posted workers in the transport sector in the Netherlands at a certain time⁵¹ in 2022. Once again, Polish companies appear to be the main suppliers of these employees. Lithuanian 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 of residence by number of reported posted workers* in road transport in 2022

Country of residence	EU citizens	Third-country nationals	Total
Poland	58,070	53,780	111,850
Lithuania	6,250	40,690	46,940
Spain	20,500	3,650	24,150
Romania	19,460	210	19,670
Germany	18,690	760	19,440
Belgium	12,160	350	12,510
Bulgaria	10,770	70	10,840
Portugal	8,300	1,850	10,840
Hungary	7,130	720	7,850
Czech Republic	4,730	900	5,630

Source: *De Staat van Migratie 2023*

*By EU-member state and nationality at one time.

3.3.2 Reported self-employed persons from other EU Member States

Since 1 March 2020, foreign service providers including self-employed persons in certain sectors which are considered to have a higher risk of unfair working conditions⁵² must report their arrival, and the nature and duration of the work they perform in the Netherlands in an online reporting desk at www.post-edworkers.nl. In 2022 5,500 self-employed persons from the EU submitted one or more reports.⁵³ Incidentally, a self-employed person can submit several reports per year. Most reports came from individuals originating from Poland (2,860 people), Slovakia (1,220), and Belgium (480).

3.4 Laws and policies for third-country labour migration

The principle of selectivity forms the core of the Dutch policy on labour migration for third country nationals. Policies for migrants for whom there is deemed to be 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 who wants to employ a non-EU/EEA-national must apply for a work permit (*Tewerkstellingsvergunning, TWV*) at the Public Employment Service (*UWV WERKbedrijf*) if the labour migrant stays shorter than 90 days; if they stay longer, the labour migrant must apply for a single permit. These permits are only granted if 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 aims of the Aliens Employment Act (*Wav*) are to regulate and protect the labour market, prevent and combat illegal employment and to protect employees.

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)⁵⁴ at the Immigration and Naturalisation Service (*Immigratie- en Naturalisatiedienst, IND*). For non-EU/EEA

⁵¹ Transport companies can update posting statements in real time. The figures are therefore not annual and cannot be added to or compared with the other figures about posted workers.

⁵² These sectors are mentioned in article 8 Decree on employment conditions of posted workers. See also: [Self-employed persons | I am hiring a foreign company or a posted self-employed person | Posted Workers.](#)

⁵³ Ministry of Justice and Safety (2022) *De Staat van Migratie 2022*, Figure 41 and 42.

⁵⁴ Dutch: *GVVA (Gecombineerde vergunning voor verblijf en arbeid)*.

workers with a shorter contract period in the Netherlands, a work permit and short stay visa is required. In addition, advice concerning the availability of prioritised labour supply 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 ‘knowledge and talent’ migrants and third-country ‘labour migrants’. The first group is only required to obtain a residence permit without a labour market test. 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 single permit (combined residence and work permit or *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

The amended Aliens Employment Act entered into effect in January 2022.⁵⁵ 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 (see 3.5.5) 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 or single 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 (SP)	
• <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)

⁵⁵ Staatscourant 2021, 48624.

3.4.3 New regulation for chefs from Asia

From 1 January 2022, the special arrangements for cooks from Asia have been abolished.⁵⁶ 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*).

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, a Scheme for Intra Corporate Transferees 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 2023 (in gross monthly wages)

	Excl. 8% holiday allowance
Highly Skilled Migrant Scheme: knowledge workers >= 30 years	€ 5,008
Highly Skilled Migrant Scheme: knowledge workers < 30 years	€ 3,672
'Foreign graduates'	€ 2,631
EU Blue Card	€ 5,867

Source: [Inkomenseisen normbedragen | IND](#), visited on 14 September 2023

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 2021.⁵⁷

3.4.6 Foreign investors

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*). In 2021 the government has decided to abolish the regulation as very limited use is made of this rule.⁵⁸

3.4.7 Foreign entrepreneurs: start-up visa scheme⁵⁹

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 2015.⁶⁰ This scheme makes it possible for ambitious entrepreneurs to apply for a temporary residence permit for the Netherlands. Originally, the scheme allowed these entrepreneurs to launch an innovative business within a one-year period. After

⁵⁶ These requirements put an end to the special arrangement for Asian cooks. This arrangement was in effect between 2014 and 2021.

⁵⁷ <https://www.rijksoverheid.nl/onderwerpen/inkomstenbelasting/belastingvoordeel-buitenlandse-werknemers>.

⁵⁸ 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.

⁵⁹ <https://business.gov.nl/coming-to-the-netherlands/permits-and-visa/startup-visa/>

⁶⁰ 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.

an evaluation of the start-up scheme, published on the IND website in September 2022⁶¹, the government has decided to extend the duration of the residence permit from one to two years, but the adaptation has not yet entered into effect.⁶² 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 two years, successful start-ups have to apply for a residence permit as an independent entrepreneur. Their spouse and children can join the permit holder in the Netherlands.

3.4.8 Residence scheme for essential staff of start-ups⁶³

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 (2,631 as per 1 January 2023)⁶⁴, with the additional requirement that the desired employee is given at least a 1% share in the company.⁶⁵ The pilot has a duration of four years and will be evaluated twice: mid-2023 and at the end of the pilot.⁶⁶

3.4.9. Working holiday programme⁶⁷

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.

3.4.10. Au pair regulations

In the Netherlands it is possible to work as an au pair for a host family under certain conditions.⁶⁸ Au pairs coming from outside of the European Union must be older than 18 years old and hosted by families made up of at least two people with the Dutch nationality or a Dutch residence permit. The residence permit can only be requested through an au pair employment agency. An additional requirement applies from 30 September 2022, namely that third-country nationals who want to work as an au pair in the Netherlands must be unmarried and must not have any (foster) children. The age requirement was also increased: the au pair must not be older than 25 years old (previously the age limit was 30) at the moment of the filing of the residence request.⁶⁹

⁶¹ [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).

⁶² Kamerstukken II, 2022 – 2023, 31 311 & 30 573, nr. 245.

⁶³ The information is largely based on EMN Netherlands (2022) Annual report Migration and Asylum in the Netherlands. The Hague, October, 2022.

⁶⁴ <https://ind.nl/en/required-amounts-income-requirements>, Accessed 14 September 2023.

⁶⁵ <https://ind.nl/en/residence-permits/work/residence-permit-for-essential-start-up-personnel>, Accessed 14 September 2023.

⁶⁶ See, in more detail, Ministry of J&V (2022) *De Staat van Migratie 2022*, page 69.

⁶⁷ See, in more detail, Ministry of J&V (2022) *De Staat van Migratie 2022*, page 70-71.

⁶⁸ <https://www.rijksoverheid.nl/onderwerpen/buitenlandse-werknemers/vraag-en-antwoord/wanneer-mag-een-au-pair-in-nederland-werken>

⁶⁹ The information is largely based on EMN Netherlands (2023) Annual report Migration and Asylum in the Netherlands. The Hague, September 2023.

Other rules and regulations applicable to hosting an au pair relate to labour rights meant to protect the au pair from exploitation, such as two free days a week (guaranteed) and no more than 30 hours a week of light household tasks.⁷⁰

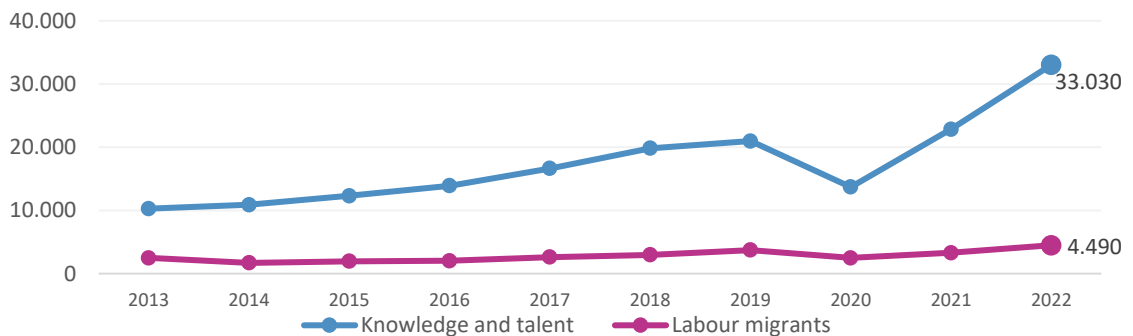
3.5 Statistical Developments related to the Aliens Employment Act

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 2022, the number of residence permit applications in the ‘knowledge and talent’ category increased again to a new high of 33,030. The number of residence permit applications in the ‘labour’ category also increased during these years (from 3,300 in 2020 to 4,490 in 2022), although not as sharply as compared to the ‘knowledge and talent’ category.

Figure 3.2 Number of residence permit applications (2013-2022)



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 2022) than for the ‘labour migrants’ category (64% in 2022).

Table 3.6 Positive decisions on residence permit applications, in percentages (2015-2022)

	2015	2016	2017	2018	2019	2020	2021	2022
Knowledge and talent	92%	93%	94%	94%	94%	91%	94%	94%
Labour migrants	80%	79%	74%	78%	78%	70%	72%	64%

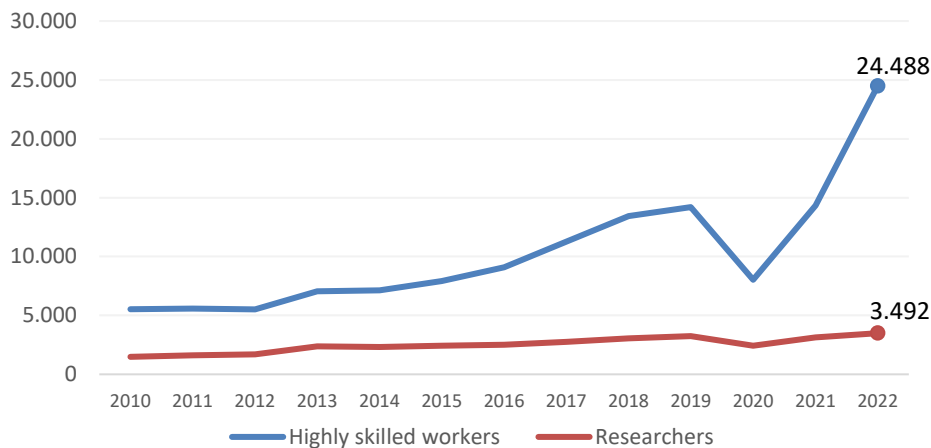
Source: Annual report IND

⁷⁰ <https://www.nlarbeidsinspectie.nl/onderwerpen/au-pairs>

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 2022 to 24,488 for highly skilled workers and 3,492 for researchers.

Figure 3.3 Number of granted first residence permits for highly skilled workers and researchers (2010-2022)



Source: Eurostat, online statistics (2023)

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 2022, most decisions on requests for work permits were positive (87%, see table 3.7). The total number of issued work permits increased strongly between 2021 and 2022 (from 8,992 in 2021 to 14,913 in 2022). With respect to the advice procedures (*GVVA*), 75% of the decisions were positive in 2022 (see also table 3.7).

Table 3.7 Handled requests for work permits and advice procedures (abs.) and decisions (%) (2015-2022)

	2015	2016	2017	2018	2019	2020	2021	2022
Handled requests for work permits (TWV) (abs.)	5,245	5,843	6,565	7,864	9,746	6,866	8,992	14,913
Work permit denied (%)	7.2	6.9	8.9	6.7	7.3	7.8	7.7	6,4
Work permit issued (%)	87.0	89.1	86.9	89.5	89.7	87.8	86.8	86,8
Requests withdrawn (%)	5.4	3.9	3.5	3.5	3.1	3.9	4.9	4,7
Handled requests for advice procedures (GVVA) (abs.)⁷¹	3,034	3,087	3,970	3,691	5,471	4,023	4,853	5,373
Unfavourable advice (%)	17.5	16.1	16.5	14.3	14.2	15.2	14.5	17,6
Favourable advice (%)	78.7	80	79.2	81.7	82.6	79.5	79.1	74,7
Requests withdrawn (%)	3.3	3.2	3.4	3.4	3.2	4.6	4.5	5,1
Total handled requests (for work permits or advice procedures) (abs.)	8,279	8,930	10,535	11,555	15,217	10,889	13,845	20,286
Work permits denied/unfavourable advice procedures (%)	11.0	10.1	11.8	9.1	9.7	10.7	10.1	9,4
Work permit issued/favourable advice procedures (%)	84.0	86.0	84.0	87.0	87.1	84.7	84.1	83,6
Requests withdrawn (%)	4.7	3.7	3.4	3.5	3.1	4.1	4.8	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 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.⁷²

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.⁷³ 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). This overview gives rise to the following conclusions:

- The total number of granted TWVs and favourable advice procedures increased from 11,624 in 2021 to 16,958 in 2022.
- For 95% of the applications, a limited labour market test was carried out in 2022. In 5% of applications, full tests were conducted.
- Between 2021 and 2022, the share of work permits issued after a full labour market test decreased (1.7% in 2021 to 1.2% in 2022).

⁷¹ 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.

⁷² 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.

⁷³ For all conditions, see revised Aliens Employment Act (*Wav*), Article 8.

- The share of full labour market tests that led to a favourable advice increased (from 7.9% in 2021 to 17% in 2022).

Table 3.8 Granted TWVs and favourable advice procedures for different labour market tests (absolute figures and in %), 2021-2022

		Issued work permits		Favourable advice		Total	
		abs	%	abs	%	abs	%
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
2022	No test	0	0.0	0	0.0	0	0.0
	Limited test	12,785	98,8	3,330	83,0	16,115	95,0
	Full test	159	1,2	682	17,0	841	5,0
	Unknown	2	0	0	0	2	0
	Total	12,946	100	4,012	100	16,958	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 2022, the combined number of issued TWVs and favourable advice procedures were in the vast majority of cases granted to people from India and China, followed by Americans. In 2022, 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 migrants from India generally spend a shorter time in the Netherlands for work than Chinese labour migrants.

Table 3.9 Top 15 highest numbers of issued work permits and favourable advice procedures by nationality, 2021-2022

2021			2022				
Nationality	Issued work permits	Favourable advice procedures	Total	Nationality	Issued work permits	Favourable advice procedures	Total
Chinese	438	2,217	2,655	Indian	2,427	365	2,792
Indian	1,250	261	1,511	Chinese	923	1,816	2,739
American	412	242	654	American	666	288	954
British	443	109	552	British	618	176	794
Vietnamese	426	62	488	Turkish	568	133	701
Iranian	351	20	371	Vietnamese	598	85	683
Nigerian	352	6	358	Indonesian	624	56	680
Turkish	282	70	352	Iranian	472	19	491
Bangladeshi	291	30	321	Surinamese	385	67	452
Indonesian	262	41	303	Bangladesi	416	36	452
Surinamese	254	20	274	Russian	386	22	408
Russian	220	32	252	Nigerian	370	11	381
Japanese	147	83	230	South-Korean	281	24	305
South-Korean	155	24	179	Thai	213	66	279
Pakistani	29	30	59	Japanese	167	105	272

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 2021 and 2022, 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 teaching and delivery are high on the list in both 2021 and 2022.

Table 3.10 Top 15 highest numbers of issued work permits and favourable advice procedures, 2021-2022

2021	Issued work permits	Favourable advice procedures	Total	2022	Issued work permits	Favourable advice procedures	Total
Food preparation	295	2,556	2,851	Food preparation	643	2,220	2,863
Delivery/transport	1,318	1	1,319	Teaching	2,116	65	2,181
Teaching	937	59	996	Serving: waiter/waitress	2,033	29	2,062
Serving: waiter/waitress	914	19	933	Delivery	1,596	0	1,596
Cleaning: Home/office	585	0	585	Other	1,138	97	1,235
Consulting: organisational	439	118	557	IT: development/ consulting	491	34	525
Other	472	7	479	Advising: technical/technology	457	48	505
Staff work	380	1	381	Cleaning: Home/office	471	0	471
Designing/constructing	127	115	242	Religious worker	53	310	363
Religious worker	10	225	235	Sales	351	11	362
Professional athleticism	5	190	195	Caretaking/helping: people	229	95	324
IT: development/ consulting	164	30	194	Research/analysis	246	65	311
Advising: technical/technology	157	29	186	Leadership: cooperating	219	60	279
Sales	165	0	165	Leadership: department	202	49	251
Industry work	158	0	158	Educate/inform	223	26	249
Other functions	1,678	488	2,166	Other functions	2,478	903	3,381
Total	7,804	3,838	11,642	Total	12,946	4,012	16,958

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 2016 and 2022, a significant increase in the number of issued work permits for a period of 3 to 12 months is visible. The number of permits for a maximum of 3 months is more or less on the same level as in 2017, after a sharp decrease between 2019 and 2020 and an increase between 2021 and 2022. 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) (2016-2022)

Duration	2016	2017	2018	2019	2020	2021	2022
< 3 months	2,925	3,460	3,269	3,612	1,586	1,558	3,118
3-12 months	2,114	2,105	3,666	3,858	4,267	6,033	9,444
12 months	28	22	10	947	108	6	31
1-3 years	134	120	92	110	67	207	186
Unknown	6	1	2	10	0	1	6
Total	5,207	5,708	7,039	8,739	6,028	7,805	12,785

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

- Between 2021 and 2022 the number of asylum requests in the Netherlands increased significantly, from 36,675 to 47,990.
- In 2022, there were 35,535 first asylum requests. By far most asylum requests were launched by Syrian refugees (12,650). Next in line were Afghans (2,730), Turks (2,685), Yemeni (2,430), and Somali (1,455).
- In 2022, 15,180 first requests for asylum were positively decided on and 2,220 asylum requests were rejected.
- The number of resettled refugees increased from 475 in 2021 to 1,422 in 2022. These numbers also include resettled refugees under the EU-Turkey Statement.
- In 2022, the number of asylum applications by unaccompanied minors increased to 4,205 (from 2,150 in 2021). Unaccompanied minors account for more than 11% of the total number of requests.
- The number of asylum seekers residing in Dutch asylum reception centres increased from 42,936 in 2021 to 54,966 in 2022.

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 fields⁷⁴:

- 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.

⁷⁴ 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.⁷⁵

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:⁷⁶

- 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'.⁷⁷ 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

⁷⁵ <https://www.rijksoverheid.nl/onderwerpen/migratie/uitvoeringsagenda-flexibilisering-asielketen>.

⁷⁶ <https://ind.nl/en/news/application-interview-and-first-interview-combined-flexible-general-asylum-procedure-aa-introduced>.

⁷⁷ 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.⁷⁸ Currently, the length of temporary residence permits for asylum seekers is still five years.⁷⁹

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.⁸⁰ The ruling and its implications for the implementation of the Temporary Act are currently being studied by the government.⁸¹

4.2.2 Measures in relation to COVID-19

On 1 June 2021, the new ‘Quarantine obligation for travellers entering the Netherlands act’ (*Wet quarantaineverplichting inreizigers*) entered into force. The act applies to all travellers 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, travellers 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.⁸²

4.2.3 Shortage of reception capacity

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 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.⁸³ With this agreement, the cabinet wanted to expand the structural reception capacity.

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.⁸⁴ In 2022, the resettlement selections in the context of the EU Turkey Statement have also been temporarily suspended.

⁷⁸ 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 asiël voor bepaalde tijd). Date: 16 December 2020.

⁷⁹ <https://ind.nl/nl/verblijfsvergunningen/asiel/asiel-aanvragen-in-nederland#de-verblijfsvergunning->

⁸⁰ <https://www.raadvanstate.nl/actueel/nieuws/@131914/opschorting-dwangsommen-ind/>

⁸¹ https://www.eerstekamer.nl/wetsvoorstel/35476_tijdelijke_wet_opschorting

⁸² Parliamentary Papers, 2020-2021, 19637 no. 2757.

⁸³ <https://www.rijksoverheid.nl/actueel/nieuws/2022/08/26/kabinet-vng-ipo-en-het-veiligheidsberaad-maken-afspraken-om-opvang-asielzoekers-onder-controle-te-krijgen>

⁸⁴ The family members will however receive a visa if no suitable accommodation has been found after fifteen months.

At the beginning of 2023, the Central Agency for the Reception of Asylum Seekers (COA) stated that 75,500 places will be needed this year. This is because more asylum seekers are currently expected to come to the Netherlands. A combination of factors – more asylum seekers and expiring contracts with regard to temporary reception – means that if nothing changes, the Netherlands will be short of 38,000 reception places for asylum seekers in 2023.⁸⁵

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.⁸⁶ 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.⁸⁷

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.⁸⁸ 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).⁸⁹ 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 2021.⁹⁰

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).⁹¹ 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. After the time-out period, the person involved can return to the asylum seekers' centre or, if necessary, be transferred to another reception centre.⁹²

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. During the processing of the asylum application, people from safe countries of origin now stay in a sober COA location in Ter Apel or Budel-Cranendonck. Asylum seekers can appeal against the rejection of their asylum application.

⁸⁵ <https://nos.nl/nieuwsuur/artikel/2461058-opvang-asielzoekers-tekort-aan-bijna-40-000-plekken>.

⁸⁶ EMN (2022) *Annual report 2021. Migration and asylum in the Netherlands*. Den Haag, IND, November 2022, page 28.

⁸⁷ Parliamentary Papers, 2020-2021, 19637, no. 2780.

⁸⁸ <https://ind.nl/nl/nieuws/tijdelijke-stop-op-besluiten-voor-tigray-ethiopie>.

⁸⁹ <https://www.rijksoverheid.nl/documenten/kamerstukken/2021/11/01/tk-brief-tk-landenbeleid-ethiopie-tigray-en-etnisch-ti-greers>.

⁹⁰ Parliamentary Papers, 2021-2021, 19637, no. 2767.

⁹¹ <https://www.dienstterugkeerenvertrek.nl/over-dtv/leidraad-terugkeer-en-vertrek/opvanglocaties/handhaving--en-toezicht-locatie-htl>.

⁹² 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.

During the appeal phase, the COA places them in regular asylum seekers' centers spread across the country. COA is looking for new locations where they can also use all austerity measures in the appeal phase.⁹³

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.⁹⁴

4.2.9 Extension of the decision period

In August 2022, the State Secretary for Justice and Security announced that the decision period in the asylum procedure will be extended by nine months, from six to fifteen months. The reason for this extension is the increased number of asylum applications since August 2021 and the subsequent backlogs of the IND, meaning that some of the asylum applications are decided outside the legal decision period.⁹⁵

4.2.10 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 August 2021, a national newspaper reported that, approximately 200 children were affected by this new measure and could not be reunited with their family.⁹⁶ The measure that deprived unaccompanied minor asylum seekers of the right to family reunification has been reversed on 24 August 2021.⁹⁷

In 2021, additional funds were made available to improve the primary and secondary school education of third-country national minors.⁹⁸ 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.⁹⁹

In 2022, the Netherlands updated its age assessment procedures and amended related legislation. As of 1 October 2022, if a medical age assessment concludes that an individual is not a minor, this is now understood as the person being at least 18 years old. Previously these individuals were understood to be at least 20 years old.¹⁰⁰

4.2.11 End of a maximum 24-week requirement for asylum seekers

In the Netherlands, asylum seekers without residence status were allowed to work for a maximum of 24 weeks per year. The limitation was mainly due to the desire not to entitle this group to unemployment

⁹³ <https://www.rijksoverheid.nl/onderwerpen/asielbeleid/vraag-en-antwoord/wat-gebeurt-er-met-asielaanvragen-van-mensen-uit-veilige-landen>.

⁹⁴ De Gruijter et al. (2019) *Evaluatie Logeeregeling COA*. Utrecht: Verwey-Jonker Instituut.

⁹⁵ Letter from the State Secretary for Justice and Security of 26 August 2022, 1. Parliamentary Papers II, 2021-2022, 19637, no. 2982.

⁹⁶ NRC, August 22, 2021; <https://www.nrc.nl/nieuws/2021/08/22/honderden-asielkinderen-dreigen-zonder-hun-ouders-op-te-moeten-groeien-a4055672>.

⁹⁷ Parliamentary Papers, 24 August 2021, No. 3 5 04477. Concerning: *AMVs nareis*.

⁹⁸ EMN (2022) *Annual report 2021. Migration and asylum in the Netherlands*. Den Haag, IND, November 2022, page 33-35.

⁹⁹ European Court of Justice, 14-01-2021, nr. C-441/19.

¹⁰⁰ EMN (2023) *Annual Report on Migration and Asylum 2022*. European Migration Network, July 2023, page 47.

benefits. In April 2023, the judge annulled this claim.¹⁰¹ A Nigerian asylum seeker and his employer had brought a case against the Employee Insurance Agency (UWV), because they believed that this requirement was in contradiction with European law. The judge ruled in their favour. The government has, however, not yet developed any new policy in response to this court ruling.¹⁰²

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 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 2015-2022

	2016	2017	2018	2019	2020	2021	2022
Independent return	6,760 (40%)	3,400 (22%)	3,610 (24%)	4,460 (26%)	2,630 (24%)	2,100 (23%)	2,450 (28%)
Forced return	2,220 (13%)	2,700 (18%)	2,650 (18%)	2,760 (16%)	1,650 (15%)	1,630 (17%)	1,850 (21%)
Independent return without surveillance (*)	8,100 (47%)	9,020 (60%)	8,620 (58%)	9,660 (57%)	6,880 (62%)	5,600 (60%)	4,310 (50%)
Total	17,080	15,120	14,880	16,880	11,160	9,330	8,610

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

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

In 2022, 64% 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 13% to another third country. In 2021, the most common nationalities among the returnees were Moroccans, Algerians, Nigerians, Syrians and Ukrainians.¹⁰³

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.¹⁰⁴

¹⁰¹ <https://njb.nl/nieuws/werkbeperking-van-24-weken-asielzoekers-is-in-strijd-met-europees-recht/#:~:text=De%20recht-bank%20in%20Arnhem%20heeft%20op%2018%20april,is%20daarmee%20in%20strijd%20is%20met%20de%20opvangrichtlijn.>

¹⁰² <https://www.coa.nl/nl/nieuws/asielzoeker-mag-vooralsnog-toch-niet-langer-dan-24-weken-werken#:~:text=Het%20UWV%20en%20het%20ministerie,dan%2024%20weken%20mag%20werken.>

¹⁰³ <https://www.dienstterugkeerenvertrek.nl/over-dtv/cijfers>.

¹⁰⁴ 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.*

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.¹⁰⁵ 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 regions¹⁰⁶

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 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 returns¹⁰⁷

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 (LVVs)

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, LVVs*). In 2019, five municipalities started pilots for third-country nationals without a right of residence in the Netherlands and without access to other forms of shelter and support. By providing counselling for assisted voluntary return, the facilities aim to prevent irregular stay and to limit the consequences of irregular stay for the local environment. In 2020, an evaluation study showed that no more than 10% eventually returned to their country of origin.¹⁰⁸ In anticipation of a national scheme for these

¹⁰⁵ <https://www.dienstterugkeerenvertrek.nl/ondersteuning-bij-terugkeer/documenten/regelingen/2019/05/10/ozv-officiële-landenlijst-herintegratieondersteuning>.

¹⁰⁶ EMN Netherlands (2022) Migration and asylum in the Netherlands. Annual Report 2021, page 53. The Hague, IND.

¹⁰⁷ Ibid.

¹⁰⁸ Regioplan (2020). *Plan- en procesevaluatie Landelijk Vreemdelingenvoorzieningen*; Verwey-Jonker Instituut (2021) *Tussenevaluatie pilot landelijke vreemdelingen voorzieningen*.

undocumented migrants, the five pilot municipalities have received a total of 24 million euros annually in 2022 and 2023 for the reception costs.¹⁰⁹

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.¹¹⁰

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;
- 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 2022.

4.3.8 Return of unaccompanied minors

Following a CJEU ruling, the Netherlands amended the Aliens Act Implementation Guidelines to provide unaccompanied minors whose asylum application had been denied – but for whom it had not been ascertained that they had access to adequate reception and care in the country of return – with a legal right to stay in the Netherlands for the period in which adequate reception and care was investigated.¹¹¹ Throughout the investigation, unaccompanied minors have lawful residence.

4.3.9 Returning people with medical issues to their country of origin

The Netherlands introduced two specific changes to the Aliens Act Implementation guidelines, following case-law on people with medical issues that had to be returned to their country of origin.¹¹² Applicants can appeal to medical issues to prevent expulsion when the access to necessary medical care in the country of return is limited. In legal migration procedures, when an applicant appeals to medical issues to prevent expulsion and their identity is deemed trustworthy, the IND must take the information provided by the applicant on their access to necessary medical care in the country of return into account. This is also the case when they are unable to provide original identification documents. Previously, their identity had to be confirmed with official identification documents before this access to necessary medication could be investigated. Changes were also linked to the information that foreign nationals must provide when seeking to prove that care is not accessible in their country of origin. For the assessment, it is crucial that the foreign national provides insight into the costs of treatment locally, their financial situation, the possibility of taking out health insurance, wage expectations and the extent to which family members can contribute to the cost of care. The frequency of travel to the healthcare facility and the time involved are also considered relevant. The response time for the supporting documents was extended from two to four weeks because the information must be requested in the country of origin.

¹⁰⁹ NRC (11 mei 2023) Ongedocumenteerden. *Plots is er toch geld voor bed-bad-brood*, written by Wafa Al Ali.

¹¹⁰ 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 Vreemdelingencirculaire 2000.*

¹¹¹ <https://wetten.overheid.nl/BWBR0012288/2023-07-13>.

¹¹² EMN (2023) *Annual Report on Migration and Asylum 2022*. European Migration Network, July 2023, page 49.

4.3.10 The Act Municipal task enabling asylum reception

Another law that was discussed at length within the government in 2022 and 2023, and on which ultimately agreement was reached, is the Act Municipal task enabling asylum reception (so-called *Spreidingswet*).¹¹³ The law must ensure a better distribution of reception places across the Netherlands and provides financial resources to municipalities when they voluntarily offer places for asylum reception. If necessary, this law can force municipalities to arrange reception places for asylum seekers. Notwithstanding the demissionary status of the Rutte IV cabinet, a majority in parliament voted in favour of this bill in October 2023. On 23 January 2024, the Senate also voted in favour of the *Spreidingswet*. The law intended to enable a more equal distribution of asylum seekers across the country will come into effect from 1 February 2024.

4.4 The fall of the Rutte IV cabinet: the consequences for asylum policy

In July 2023, the Rutte IV cabinet resigned. This meant that various measures announced in the context of the access to the Netherlands and the reception of asylum migrants in the Netherlands will not be implemented by the current (demissionary) government. Relevant in this context is that the government fell whilst trying to realise a new approach on migration. Part of the discussion were the (re)introduction of a two-status system (with a distinction between refugees who fear persecution in their country of origin (for instance because of their sexual orientation) and refugees who could return in due course if the situation in the country of origin is safe again (for example after a war or natural disaster), the abolition of legal aid for asylum seekers from safe countries who want to challenge the decision in court, and the setting up of a detention centre for asylum seekers who have already applied for asylum in another European country. A main stumbling block was the demand of the largest ruling party (VVD) to limit family reunification for asylum migrants. Ultimately, the coalition parties did not reach an agreement on this migration deal and the cabinet submitted its resignation.

4.5 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 1975-2022 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 2007-2022 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).

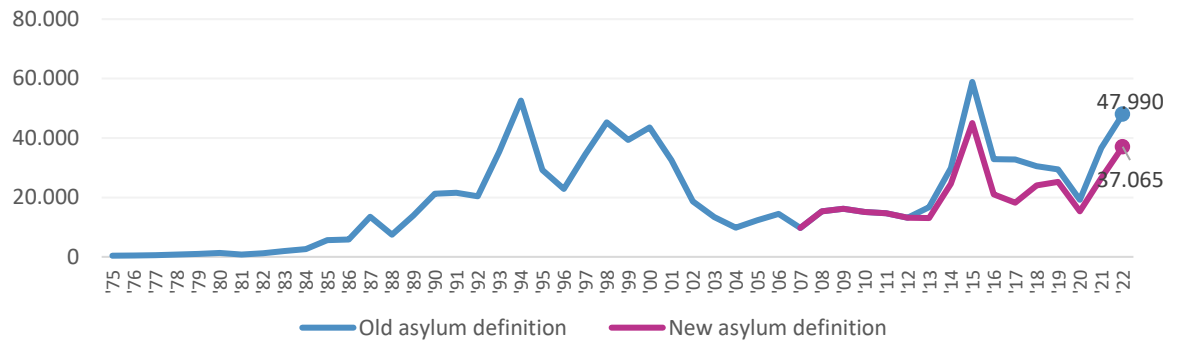
Box 4.1 Change of definition of asylum requests in asylum statistics

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 way of counting 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. In 2015, the political crisis in Syria caused a large influx of refugees to the Netherlands. In the five years that followed, the annual number of asylum applications in the Netherlands decreased sharply again. The COVID-19 crisis led to a further reduction in the number of asylum seekers in 2020, due to both travel restrictions and closed borders. More recently, the number of asylum requests increased in 2021, mostly due to the political conflicts in Syria and Afghanistan.

¹¹³ <https://www.rijksoverheid.nl/documenten/rapporten/2023/06/22/tk-bijlage-2-infographic-spreidingswet-juni-2023>.

Figure 4.1 Total numbers (first and follow-up) of asylum requests, 1975-2022



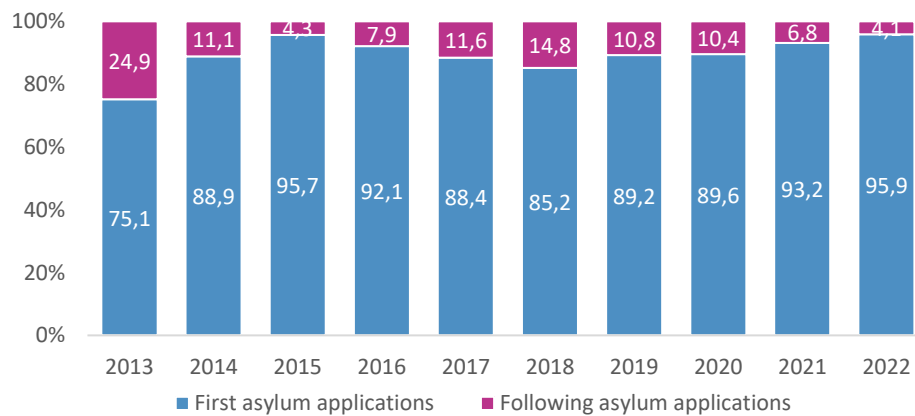
Source: Statistics Netherlands, online statistics (2023)

4.5.1 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 fluctuates within the total number of applications. After 2018, we see that the share of follow-up applications continues to decline. In 2022 4.1% of all asylum applications consisted of follow-up applications.

Figure 4.2 First and follow-up applications, 2013-2022 (percentages)



Source: Statistics Netherlands, online statistics (2023)

4.5.2 First asylum request by country of nationality

Table 4.2 shows the number of first asylum requests in the Netherlands by nationality. In 2022, there were 35,535 first asylum requests.¹¹⁴ By far most asylum requests were lodged by Syrian refugees (12,650). The number of applications of people from Syria is almost three times as high compared to 2020. Next in line were Afghans (2,730), Turks (2,685), Yemeni (2,430) and Somali (1,455).

¹¹⁴ 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, 2020-2022

Total of 2020			Total of 2021			Total of 2022		
Nationality	Abs.	%	Nationality	Abs.	%	Nationality	Abs.	%
Total	13,720	100	Total	24,740	100	Total	35,535	100
Syrian	4,070	29,7	Syrian	8,380	33,9	Syrian	12,650	35,6
Algerian	995	7,3	Afghan	3,005	12,1	Afghan	2,730	7,7
Turkish	990	7,2	Turkish	2,460	9,9	Turkish	2,685	7,6
Moroccan	775	5,6	Yemeni	1,190	4,8	Yemeni	2,430	6,8
Nigerian	635	4,6	Algerian	1,105	4,5	Somali	1,455	4,1
Yemeni	410	4,4	Moroccan	905	3,7	Eritrean	1,365	3,8
Afghan	390	3	Somali	905	3,7	Algerian	1,205	3,4
Iranian	370	2,8	Eritrean	770	3,1	Ukrainian	1,060	3
Eritrean	370	2,7	Iraqi	745	3	Pakistani	875	2,5
Iraqi	335	2,7	Pakistani	445	1,8	Moroccan	720	2
Other	4,380	31,9	Other	4,830	19,5	Other	8,360	23,5

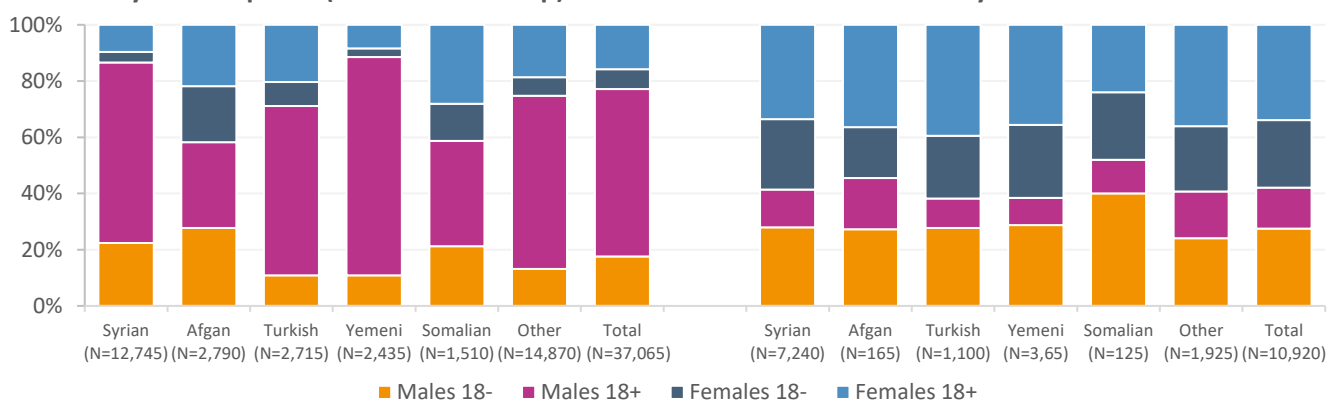
Statistics Netherlands, online statistics (2023)

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

4.5.3 Demographic characteristics of 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 2022. 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 (2022)¹ in the Netherlands by nationality, divided by sex and age



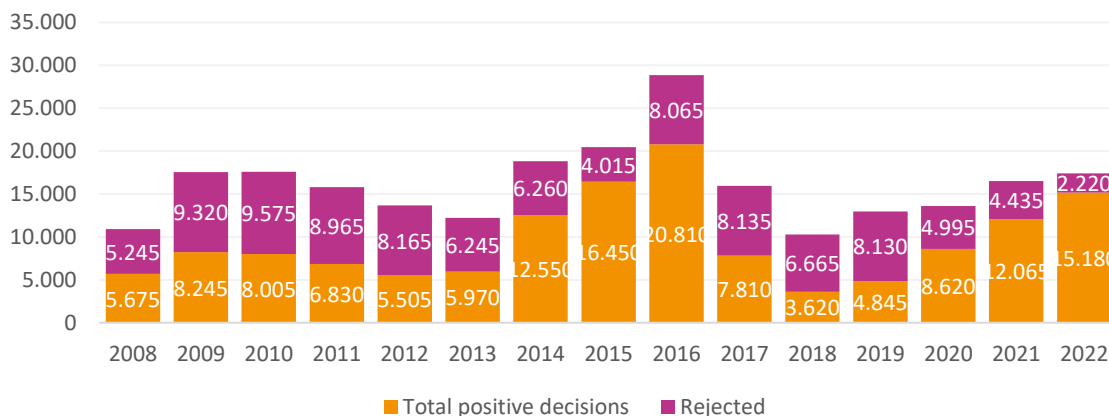
Source: Statistics Netherlands, online statistics (2023)

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.

4.6 Decisions on asylum requests

Figure 4.4 reveals the number of first asylum decisions in the Netherlands between 2008 and 2022. The number of positive decisions and rejections fluctuates 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 the most recent years. In 2022, 15,180 first requests for asylum were positively decided on and 2,220 asylum requests were rejected.

Figure 4.4 Total number of first asylum decisions in the Netherlands divided by positive decisions and rejections¹, 2008-2022 (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.

4.7 The evacuation of people from Afghanistan

The evacuation and post-evacuation of Afghans (including the Interpreter Scheme) has led to 4,540 people from Afghanistan being granted humanitarian admission in the Netherlands between January 2021 and March 2023.¹¹⁵ The Netherlands has never labeled this admission of Afghans as a humanitarian admission program. However, the way in which the Netherlands carried out this mission meant that in the EU context this could be regarded as humanitarian admission in the context of the EU resettlement and humanitarian admission programs of 2021-2022 and 2023.

4.8 Resettled refugees

The Netherlands takes part in the UNHCR ‘resettlement programme’ to help resettle refugees from a third country as a safe, viable and durable solution.¹¹⁶ 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 Immigration and Naturalisation Service.

In order to achieve the correct balance within the migration policy to be pursued by the cabinet, it has been decided to maintain a yearly resettlement quota of 500 refugees.¹¹⁷ The eligibility is assessed on the basis of the Dutch country-based and general asylum policies and the resettlement profile of individual refugees (including integration related considerations, compiled by the reception authority COA).

As of 2017, resettlement in the framework of the EU-Turkey Statement is disconnected from the multi-annual resettlement policy framework (national quota). The magnitude of the first-mentioned resettlement effort is determined for the duration of each EU Resettlement and Humanitarian Admission Programme and the execution is conditional to the mutual implementation of the cooperation and the spontaneous asylum influx. Following the decision to temporarily suspend resettlement selections in the context of the EU-Turkey Statement (see also section 4.2.3), the decision has now been made to resume this resettlement in 2023.¹¹⁸

¹¹⁵ https://emn.ie/wp-content/uploads/2023/06/EMN_INFORM_Resettlement_Updated.pdf.

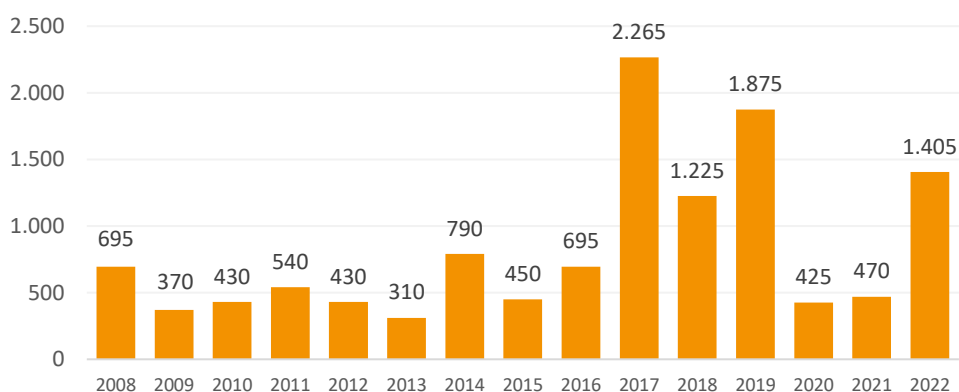
¹¹⁶ <http://www.unhcr.org/pages/4a16b1676.html>.

¹¹⁷ <https://www.rijksoverheid.nl/documenten/kamerstukken/2020/05/26/tk-meerjarig-beleidskader-hervestiging-2020-2023>.

¹¹⁸ <https://www.tk-bijlage-incl-beslisnota-over-eu-hervestigingsprogramma.pdf>.

Figure 4.5 shows the annual number of refugees resettled to the Netherlands. This number includes those who have been resettled to the Netherlands under the EU-Turkey deal. After a more limited number of resettlers during the COVID years, the number increased to more than 1,400 resettled refugees between 2021 and 2022.¹¹⁹

Figure 4.5 Total number of resettled refugees in the Netherlands per year of arrival, 2008-2022^{1,2}



Source: Statistics Netherlands, online statistics (2023)

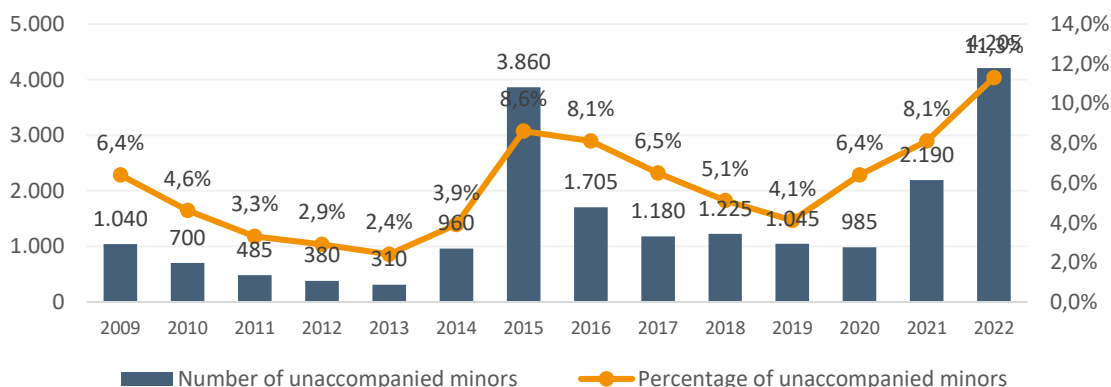
¹ Data of 2022 are provisional.

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.

4.9 Unaccompanied minors

Asylum seekers below the age of 18 who are travelling alone (unaccompanied by an adult) are referred to as unaccompanied minors. Figure 4.6 reveals that the total number of asylum requests by unaccompanied minors was relatively large in 2015. In the following years, a sharp decline could be observed, although the number of requests by unaccompanied minors remained slightly higher compared to the years before 2015. In 2022, the number of these asylum applications increased to 4,205. Nowadays, unaccompanied minors account for about 11% of the total number of asylum requests.¹²⁰

Figure 4.6 Asylum applications in the Netherlands by unaccompanied minors¹, 2009-2022 (new definition)



Source: Statistics Netherlands, online statistics (2023)

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.

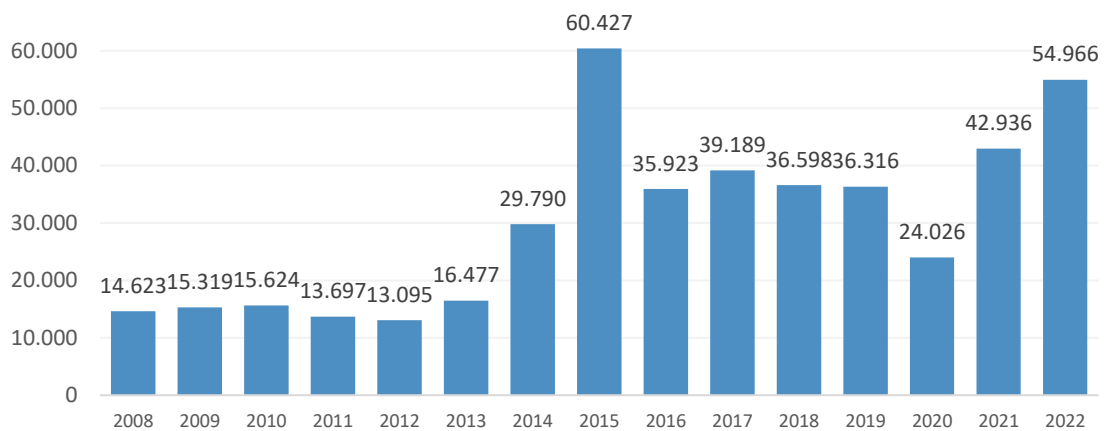
¹¹⁹ The numbers differ slightly from the numbers given by the IND (Asylum Trends Appendix: Relocation and Resettlement). In this latest report, the following numbers are given for 2021 and 2022: 475 and 1422. These numbers are also included in the Main findings (Section 4.1) and the Management Summary.

¹²⁰ Research by the WODC (*Unaccompanied minor aliens to the Netherlands*, published on 21-12-2023) indicates that the relative size of the group of unaccompanied minor asylum seekers has increased further in 2023 (16% over the period January-November 2023).

4.10 Size of influx 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. Figure 4.7 shows that in 2015 a relatively large number of new asylum seekers (60,427) were received in reception centres. Thereafter, the size of the influx of new asylum seekers in reception centres decreased and remained largely stable. In 2020 there was a decline, mainly caused by the COVID-19 pandemic. In 2022, the size of the influx of asylum seekers in reception centres again increased to a number of almost 55,000 people. On 31 December 2022, 51,730 asylum migrants lived in Dutch asylum centres (compared to 36,580 residents in 2021).

Figure 4.7 Influx of asylum seekers in reception centres, 2008-2022



Source: Central Agency for the Reception of Asylum Seekers (2023) Annual report 2022



REGIOPLAN
BELTIDSONDERZOEK

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 2022, more than 122,000 foreign students participated in Dutch higher education, accounting for 15% 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 2022.
- German students represent by far the largest group of foreign students in the Netherlands with 22,775 students in 2022.
- In 2022, more foreign students were enrolled in Dutch research universities (over 85,500) as compared to universities of applied sciences (over 36,500). 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 the number of admission requests between 2019 and 2020 due to the COVID-19 pandemic, the number of admission requests increased slightly between 2021 and 2022.
- 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 2021 and 2022. This increase corresponds to the increasing trend during the years preceding the corona pandemic.

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, most 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*).¹²¹ 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.

Over the past 5 years, various measures have been implemented to stimulate the arrival of foreign students. In the period up to 2022, the measures were mainly focused on increasing the numbers of foreign students. However, from 2022, the government will also try to reduce the growth of the number of international students and to do more to improve the living conditions of these students. We have listed the most important measures below.

¹²¹ 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).

Working parallel to studying

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 2016/801.¹²² In order to work in the Netherlands, students need to be provided by their employer with a personal work permit connected to the employer.¹²³

The introduction of a 'search year'

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.¹²⁴ 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.¹²⁵ 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.¹²⁶ On 27 November 2020, the government presented a set of measures to improve knowledge security in the area of higher education and (applied) sciences.¹²⁷ 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 needed 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 for and open to international students. Multiple universities had noted difficulties for international students engaging in such 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 benefits of the international dimension for higher education are 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

¹²² *Staatscourant*, 2018, no. 23392.

¹²³ <https://www.nl-labourauthority.nl/publications/publications/2019/09/13/flyer-working-while-studying-in-the-netherlands>

¹²⁴ 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).

¹²⁵ 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),

¹²⁶ 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).

¹²⁷ 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).

more national in scope, such as the usage of Dutch as an academic language in many situations.¹²⁸ Current government plans, outlined in a parliamentary letter from 2023 on managing international student flows to higher education, include introducing capacity limits for programmes, with priority given to Dutch and European Economic Area (EEA) students.¹²⁹

Housing for international students

Housing shortages for both national and international students present a challenge in Dutch higher education. A National Action Plan for Student Accommodation aims to create 60,000 additional student housing units by 2030.¹³⁰ The plan also calls for more transparency regarding rents charged by student accommodation providers, given that international students are more vulnerable in the Dutch housing market: they pay often more per room than their Dutch counterparts and they are often excluded from housing opportunities by student houses that are unwilling to accept international students.

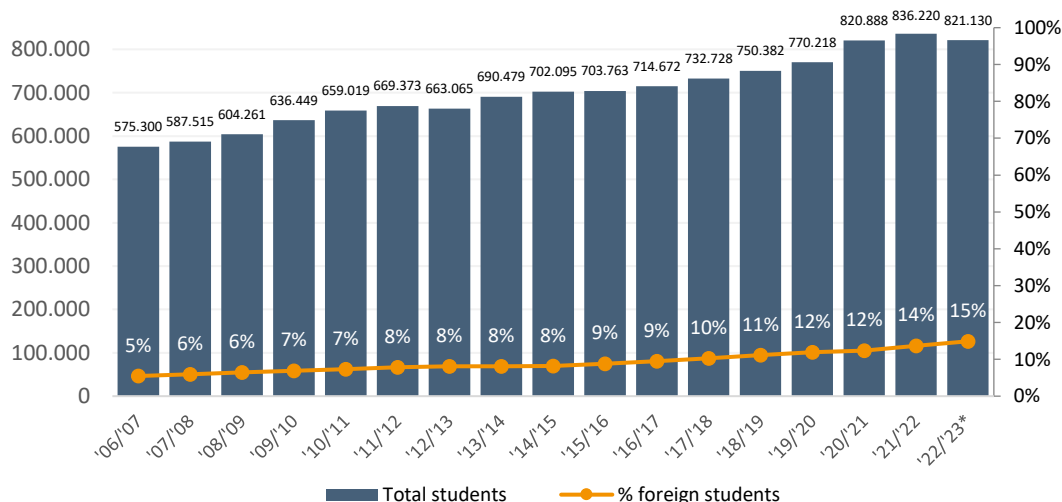
5.3 A statistical overview of foreign students in Dutch higher education

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 31,429 foreign students participated in Dutch higher education, this number increased to 122,287 foreign students in 2022.¹³¹ 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 15% in 2022.

Figure 5.1 Number of students in higher education and the proportion of foreign students, college years 2006/2007 to 2022/2023



* Data of 2022/2023 are provisional.

Source: Own calculations based on Statistics Netherlands, online statistics (2023) and Nuffic (2023)

¹²⁸ <https://open.overheid.nl/repository/ronl-4391266e044aaa8a3b62cac97e4cf66864774a29/1/pdf/aan-de-tweede-kamer-internationalisering.pdf>.

¹²⁹ <https://www.rijksoverheid.nl/documenten/kamerstukken/2023/04/21/beheersing-internationale-studentenstromen-in-het-hoger-onderwijs>.

¹³⁰ <https://open.overheid.nl/documenten/ronl-76afe98803cfc20d9fc1f8ac882b3a6c57223826/pdf>.

¹³¹ 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, although the last year has only seen a small increase.¹³² In the academic year 2022/23 public institutions of higher education in the Netherlands received 50,876 new international enrolments, equal to 19.1% of the total number of new enrolments (Dutch and international enrolments combined).¹³³ In fact, international students accounted for 30% of all new enrolments in research universities' (RU) programmes this year, compared to 9.1% of the new enrolments in universities of applied sciences (UAS) programmes.

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 and in 2022, the number increased again to 22,220 requests. The main countries of origin of students who made a request to study in the Netherlands are China, the United States, and India.

Table 5.1 Admission requests of students 2018-2022

	2018	2019	2020	2021	2022
Requests	18,640	20,430	12,310	20,560	22,220
Decisions	18,670	20,630	12,640	20,600	22,320
Positive decisions (%)	98%	99%	96%	99%	98%

Source: IND annual figures 2022

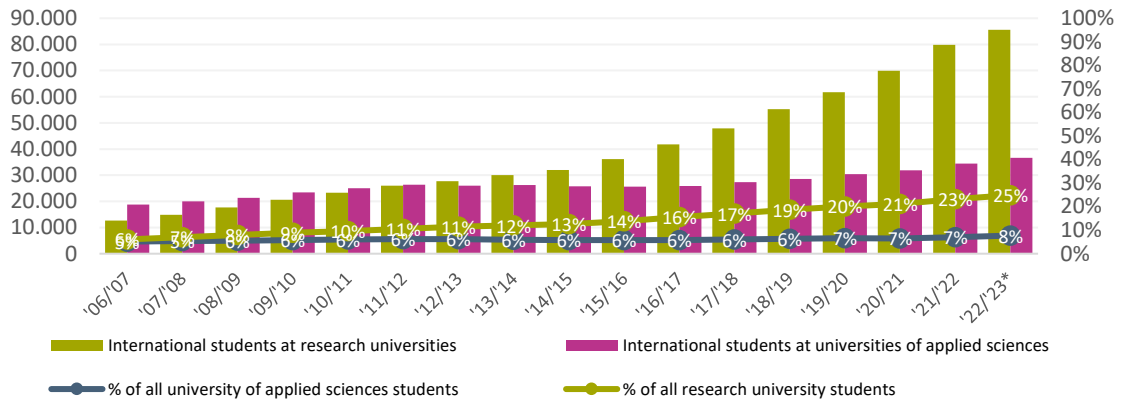
5.3.3 Foreign students in research universities and universities of applied sciences

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 2022, 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 2022, 85,605 international students participated in Dutch research universities (25% of all students), and 36,682 international students were enrolled in universities of applied sciences (8% of all students).

¹³² 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.

¹³³ Nuffic (2023) Incoming degree mobility in Dutch higher education 2022/23. The Hague, Nuffic.

Figure 5.2 Foreign students in research universities and universities of applied sciences, college year 2006/2007 to 2022/2023 (absolute numbers and percentages of all students)



* Data of 2022/2023 are provisional.

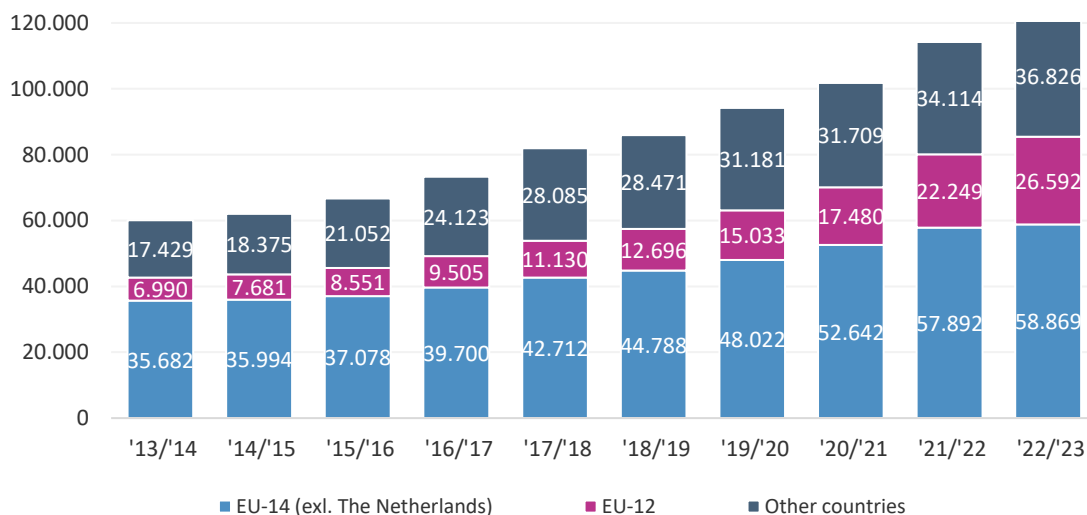
Source: Own calculations based on Statistics Netherlands, online statistics (2023) and Nuffic (2023)

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 2013, 59% of all foreign students originated from the EU-14 countries, while in 2022 this percentage was slightly lower (48%). Conversely, the share of foreign students from the more recent EU Member States (EU-12) increased from 12% in 2014 to 22% in 2021. The proportion of students from other countries remained around 30% during this period.¹³⁴

¹³⁴ 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 5.3 Foreign students by region of origin (EU-14¹, EU12² and other countries), college year 2013/2014 to 2022/2023³



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

Source 2018/2019-2022/2023: Nuffic (2019/2020/2021/2022)

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 2022/23 (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 2020/21 and 2022/23, 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 2020/2021 to 2022/2023

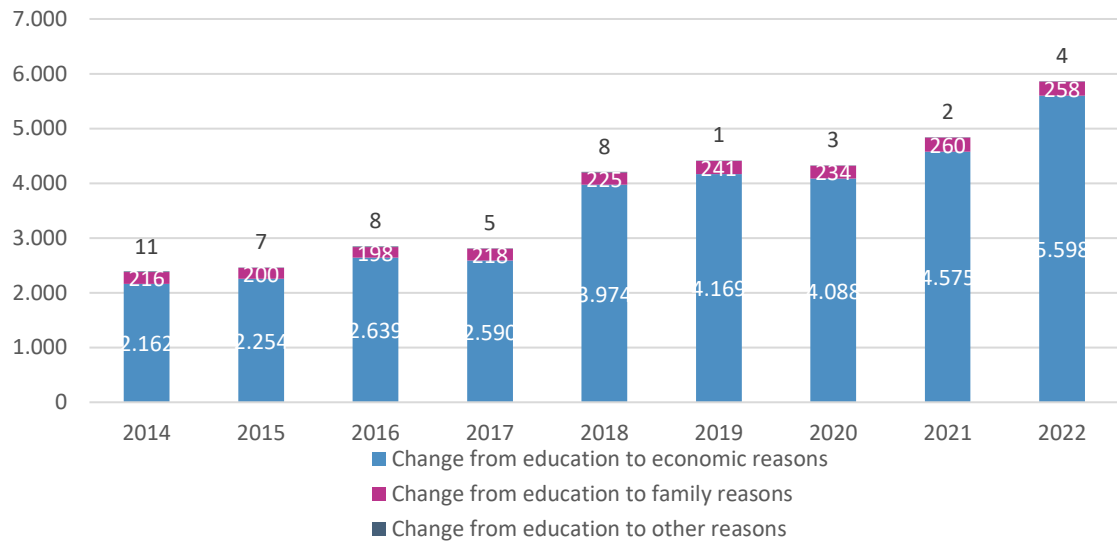
	2020/2021		2021/2022		2022/2023			
	Abs.	%	Abs.	%	Abs.	%		
Germany	24,552	24.1	Germany	24,507	21.4	Germany	22,775	18.6
Italy	6,208	6.1	Italy	7,201	6.3	Italy	7,633	6.2
China	4,918	4.8	Romania	5,640	4.9	Romania	6,717	5.5
Belgium	4,521	4.4	China	5,326	4.7	China	5,610	4.6
Romania	4,335	4.3	Belgium	4,806	4.2	Spain	5,599	4.6
Bulgaria	3,095	3.0	Spain	4,689	4.1	Bulgaria	5,112	4.2
France	3,599	3.5	Bulgaria	4,610	4.0	Belgium	4,780	3.9
Spain	3,486	3.4	France	4,268	3.7	Poland	4,650	3.8
Greece	3,260	3.2	Greece	3,858	3.4	France	4,635	3.8
United Kingdom	3,154	3.1	Poland	3,552	3.1	Greece	4,406	3.6
Total top 10	61,128	60.0	Total top 10	68,457	59.9	Total top 10	71,917	58.8
Other	40,703	40.0	Other	45,798	40.1	Other	50,370	41.2
Total	101,831	100.0	Total	114,255	100.	Total	122,287	100.0

Source: Nuffic (2023)

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, 2014-2022



Source: Eurostat (2023)



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 2022, the labour market participation of those born outside Europe lags behind that of persons born in the Netherlands and Europe. In 2022, the difference between the two groups was almost 15 percentage points.
- In 2022, persons born outside Europe were more than twice as likely to be unemployed as persons born in the Netherlands. Unemployment rates are highest among those with an Antillean/Aruban background.
- In 2022, people born outside Europe were more than seven times as likely to receive social assistance benefits than those born in the Netherlands. The use of social assistance nevertheless slightly decreased among the largest migrant groups over the last decade.
- 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 a similar share (42%) was dependent on social assistance benefits in that year.
- Persons with a migration background experience more than three times as much discrimination compared to native Dutch people. Discrimination is most often experienced in the form of discriminatory remarks and unequal treatment.

6.2 Policies on civic integration

On 2 July 2018, the Minister of Social Affairs and Employment (SZW) announced a new civic integration system.¹³⁵ 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 purchase language courses for immigrants. The loan system stays in place for immigrants who arrive for the purpose family reunification.
- Upon granting of status immigrants are expected to seek employment. Municipalities should encourage employers to create job opportunities for recognised refugees.
- Newcomers who came as asylum seekers to the Netherlands will receive part of social welfare assistance in kind within the first six months.

¹³⁵ The generally formulated plan has been further elaborated in the policy document *Hoofdlijnen verandropgave inburgering*, of 2 July, 2018. Reference number: 2018-0000117315.

- 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 2021.¹³⁶ The House of Representatives passed the law for a new integration system on 2 July 2020. Ultimately, the new law came into effect on 1 January 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*).¹³⁷
- 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 for whom the above routes are not believed to be 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 2021. The Parliamentary Letter of 15 February 2019 states, among other things, that money will be released for these newcomers.¹³⁸ 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.¹³⁹ 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 with Turkish nationality who want to settle in the Netherlands must first pass the basic integration exam abroad in Turkey.¹⁴⁰

Changes made to the Civic Integration Decree (Besluit Inburgering)

In 2020, several changes to the civic integration obligations were announced by the Dutch cabinet.¹⁴¹ 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, illiterate migrants participating in integration courses would have needed to complete at least 600 hours of integration courses before they could receive an exemption for passing the integration exam based on their proven effort.¹⁴² 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.

¹³⁶ Parliamentary Letter of 15 February 2019 '*Tussenstand veranderoopgave Inburgering*'.

¹³⁷ If it turns out that the level of B1 is too ambitious for the candidates, they can fall back to a lower level (A2).

¹³⁸ <https://zoek.officielebekendmakingen.nl/kst-32824-245.html>.

¹³⁹ <https://www.rijksoverheid.nl/documenten/kamerstukken/2020/02/04/inburgering-turkse-nieuwkomers>.

¹⁴⁰ <https://ind.nl/nl/nieuws/inburgeringsplicht-turkse-nieuwkomers-vanaf-1-januari-2022>.

¹⁴¹ 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.

¹⁴² The Minister of Social Affairs and Employment indicated that alphabetic migrants experienced this as a challenge, as only 700 hours of courses were financed by a loan.

6.2.1 Participation declaration

In 2015, the Dutch government agreed on the introduction of a so-called participation declaration (*participatieverklaring*) to raise awareness among newly arrived immigrants on both the written and unwritten rules prevailing in Dutch society.¹⁴³ 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 became 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 2017.¹⁴⁴

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.¹⁴⁵ 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.¹⁴⁶ We also see a clear trend in this area. Where in the past municipalities often waited with interventions until the newcomers 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

¹⁴³ Ministry of Social Affairs and Employment, News item 'Participatieverklaring verplicht onderdeel inburgeringsexamen', officially published by the Dutch government on 8 July 2016.

¹⁴⁴ Parliamentary Papers II, 2015-2016, 34334 no. 23. Onderwijs aan vreemdelingen; Brief regering; Taalles aan asielzoekers.

¹⁴⁵ <https://www.rijksoverheid.nl/documenten/kamerstukken/2021/10/18/verzamelbrief-inburgering-oktober-2021>.

¹⁴⁶ Gruijter, M. de e.a. (2021) Monitor gemeentelijk beleid arbeidstoeleiding en inburgering statushouders 2021. Utrecht, KIS/Divosa, table 13.3.

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.¹⁴⁷

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.¹⁴⁸ 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.¹⁴⁹ 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.¹⁵⁰

6.4 Policies on citizenship

The Dutch Nationality Act was 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. In addition, the period for automatic loss of Dutch citizenship has been extended from ten to thirteen years.¹⁵¹

Determination of statelessness

On 31 May 2022, the Dutch House of Representatives passed a bill on the procedure to determine statelessness, followed by the adoption of the bill by the Senate on 6 June 2023. The law entered into effect on 1 October 2023.¹⁵² This law allows someone who is not recognised as a national by any state and who ‘thereby has an immediate interest and has his domicile or habitual residence in the Netherlands’ to submit an application to the district court of the Hague for a determination of statelessness. Established statelessness gives these people who legally reside in the Netherlands more rights. For example, people who register their statelessness in the Municipal Personal Records Database (BRP) can apply for a travel document. They can also become Dutch citizens through a more flexible scheme. These immigrants can apply for Dutch nationality after three years of legal residence (and at a lower cost).¹⁵³

In the Dutch Nationality Act a provision regarding statelessness was also included, allowing stateless children born in the (Kingdom of the) Netherlands but without lawful residence, to obtain the Dutch nationality if they fulfil certain conditions, using a specially designed procedure.¹⁵⁴

¹⁴⁷ Razenberg, I & M. e. Gruijter (2020) Monitor gemeentelijk beleid arbeidstoeleiding vluchtelingen 2020. Op weg naar een nieuw inburgeringsstelsel. Utrecht, KIS, november 2020.

¹⁴⁸ Gruijter, M. de e.a. (2021) Monitor gemeentelijk beleid arbeidstoeleiding en inburgering statushouders 2021. Utrecht, KIS/Divosa.

¹⁴⁹ Kuiper, F. (2022) Krapte op de arbeidsmarkt biedt nieuwe kansen voor gemeenten. Sociale Vraagstukken, February, 2022.

¹⁵⁰ Gruijter, M. de e.a. (2021) Monitor gemeentelijk beleid arbeidstoeleiding en inburgering statushouders 2021. Utrecht, KIS/Divosa, pag. 37-40.

¹⁵¹ <https://www.rijksoverheid.nl/documenten/brochures/2017/01/03/nederlandse-nationaliteit-verliezen>.

¹⁵² https://www.eerstekamer.nl/behandeling/20230713/publicatie_inwerkingtreding/document3/f=/vm4pd1cuy1z7.pdf.

¹⁵³ <https://www.rijksoverheid.nl/onderwerpen/nederlandse-nationaliteit/staatloosheid>.

¹⁵⁴ Staatsblad 2023 229.

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.¹⁵⁵ 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.¹⁵⁶

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 2022-2025.¹⁵⁷ 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.¹⁵⁸

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.¹⁵⁹

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).

Another measure aimed at combatting discrimination in the labour market is the bill officially referred to as the Supervision on equal opportunities in recruitment and selection Act (*Wet toezicht gelijke kansen bij werving en selectie*), which was submitted to the House of Representatives on 10 December 2020, but not taken into consideration at the time due to the fall of the government (January 2021).¹⁶⁰ This bill is intended to facilitate equal opportunity employment by forcing employers and intermediaries (such as employment agencies) to consider unconscious bias in recruitment and selection procedures. After an amendment was made to the bill, relating to the inclusion of an obligation to report discriminatory requests by organisations to employment agencies, it was sent to the House of Representatives in December 2022. The amended proposal was passed by the House of Representatives on 14 March 2023, and is currently being examined by the Senate.¹⁶¹

¹⁵⁵ Vertrouwen in de toekomst Regeerakkoord 2017-2021 VVD, CDA, D66 en ChristenUnie, 10 oktober 2017.

¹⁵⁶ Parliamentary Papers II 2019-2020, 30 950, no. 185 Kabinetsaanpak van discriminatie, 15 juni 2020.

¹⁵⁷ Ministerie BZK (2018), kabinetsaanpak van discriminatie 26 April 2018, ref. 2018-00000255955.

¹⁵⁸ Information is based on: Parliamentary Papers II 2019-2020, 30 950, no. 185 Kabinetsaanpak van discriminatie, 15 juni 2020 and the Parliamentary Papers of 8 February 2019. Voortgang kabinetsaanpak van discriminatie.

¹⁵⁹ 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.

¹⁶⁰ <https://www.rijksoverheid.nl/documenten/kamerstukken/2020/12/11/wetsvoorstel-toezicht-gelijke-kansen-bij-werving-en-selectie>

¹⁶¹ https://www.eerstekamer.nl/behandeling/20230314/stemmingsoverzicht_tweede_kamer

6.5.3 National Coordinator against Discrimination and Racism¹⁶²

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.¹⁶³ 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.¹⁶⁴ A second National Programme is expected to come out in December of 2023.

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.¹⁶⁵ 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 2023.¹⁶⁶

6.5.4 Preventing discrimination within governmental organisations¹⁶⁷

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).¹⁶⁸

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.

¹⁶² <https://www.rijksoverheid.nl/actueel/nieuws/2021/06/24/stijging-meldingen-van-discriminatie-in-2020-kabinet-neemt-extra-maatregelen>.

¹⁶³ 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.

¹⁶⁴ <https://np2022.bureauncdr.nl/samenvatting/>.

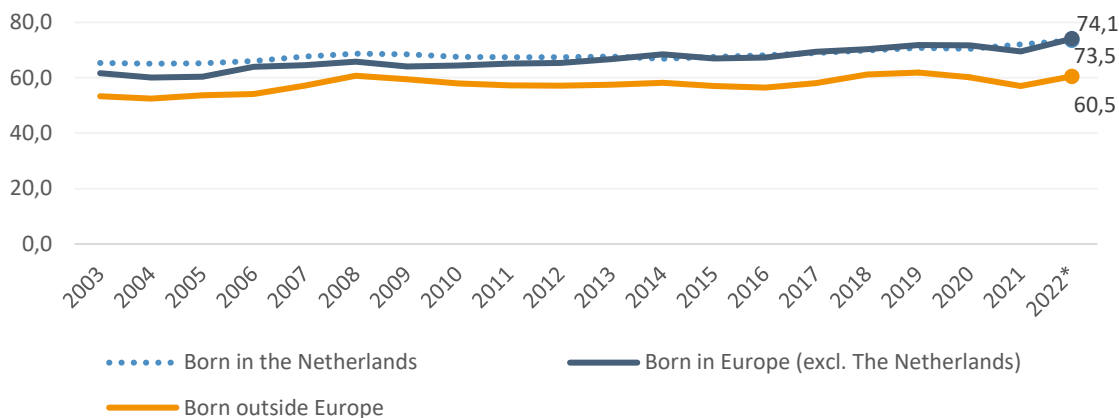
¹⁶⁵ The cabinet has announced the State Committee at the request of Parliament, also in response to the report 'Unprecedented injustice' by the parliamentary questioning committee on Childcare Allowance.

¹⁶⁶ <https://www.staatscommissietegendiscriminatieenracisme.nl/actueel/nieuws/2023/02/02/publicatie-werkprogramma>.

¹⁶⁷ See, in more detail, EMN Annual report 2021. Migration and Asylum in the Netherlands. The Hague, IND, October 2022, page 40.

¹⁶⁸ 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, 2003-2022



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

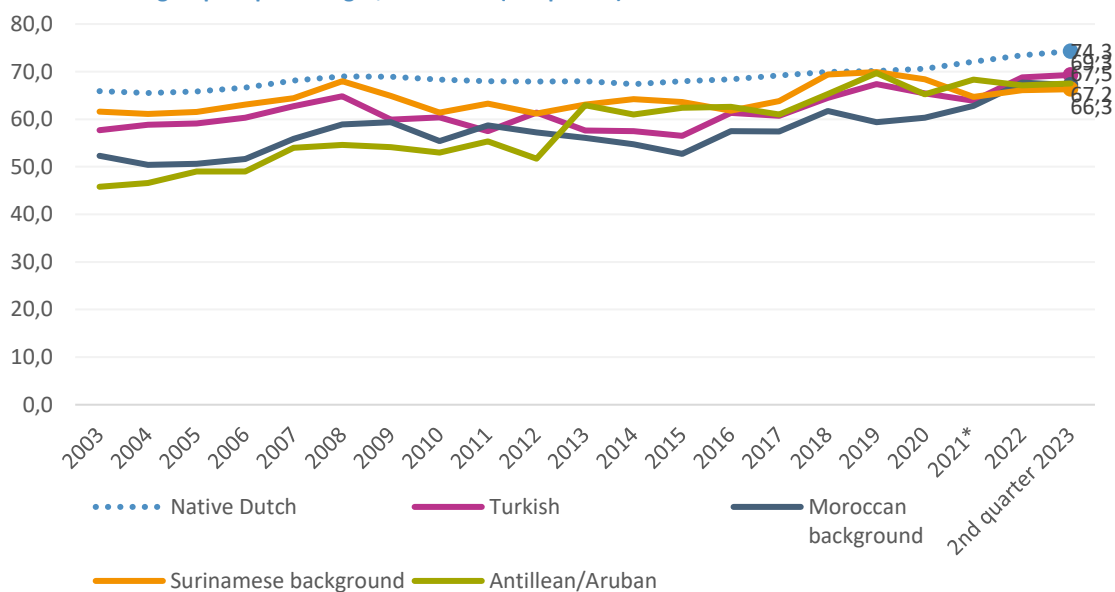
* The figures from 2021 and onwards cannot simply be compared with the percentage of 2003-2020 due to changes in the research design of the EBB. For the years 2013 to 2020, a recalculation was carried out to match the results from 2021 as closely as possible. For the years 2003 to 2012, this recalculation was not carried out.

Source: Statistics Netherlands, *Kernindicatoren 2023*

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 a Turkish background is slightly higher than among those with a Surinamese, Antillean/Aruban and Moroccan background.

Figure 6.2 Development of labour market participation by country of origin of the four largest migrant groups in percentages, 2003-2023 (2nd quarter)



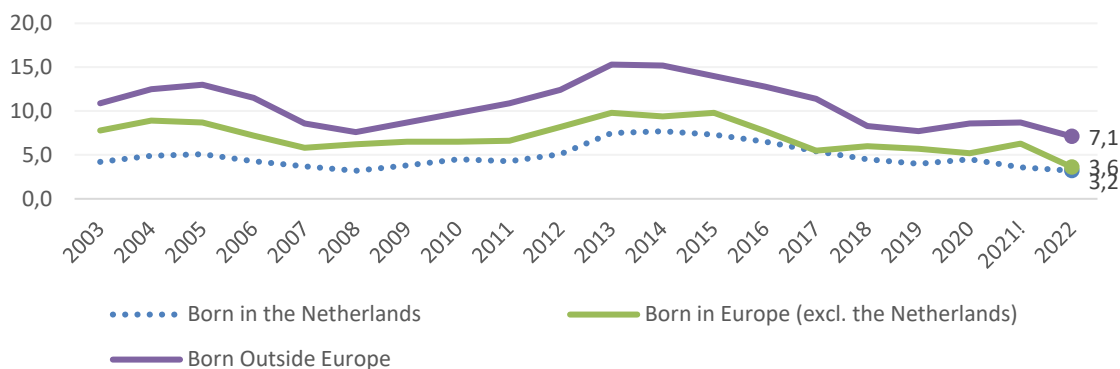
* The figures from 2021 and onwards cannot simply be compared with the percentage of 2003-2020 due to changes in the research design of the EBB. For the years 2013 to 2020, a recalculation was carried out to match the results from 2021 as closely as possible. For the years 2003 to 2012, this recalculation was not carried out.

Source: Statistics Netherlands, online statistics (2023)

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 2022, 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, 2003-2022



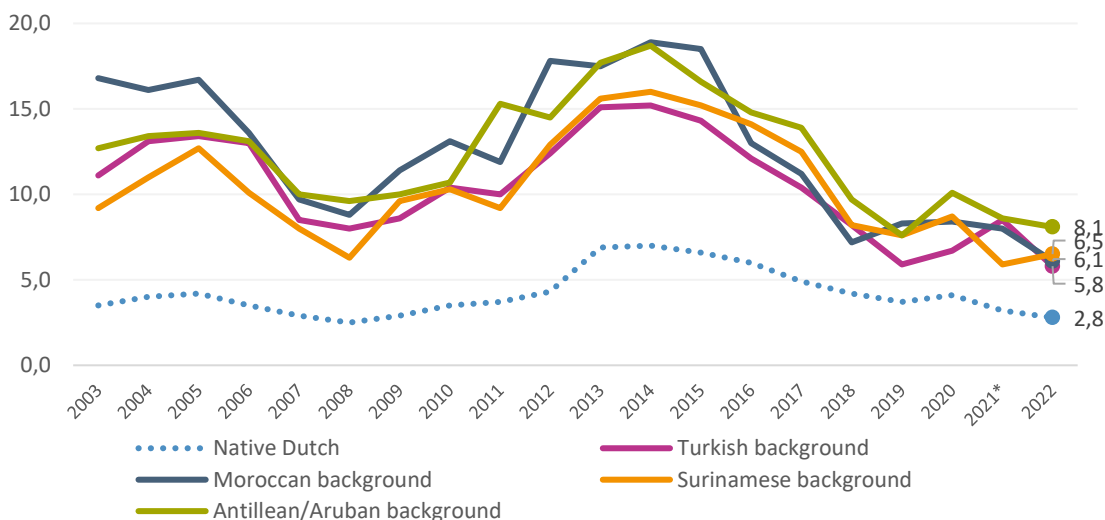
The figures from 2021 and onwards cannot simply be compared with the percentage of 2003-2020 due to changes in the research design of the EBB. For the years 2013 to 2020, a recalculation was carried out to match the results from 2021 as closely as possible. For the years 2003 to 2012, this recalculation was not carried out.

Source: Statistics Netherlands, *Kernindicatoren 2023*

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 2022, unemployment rates are lowest among people with a Turkish, Moroccan and Surinamese background and highest among those with an Antillean/Aruban background.

Figure 6.4 Absolute employment rates by country of origin, 2003-2022



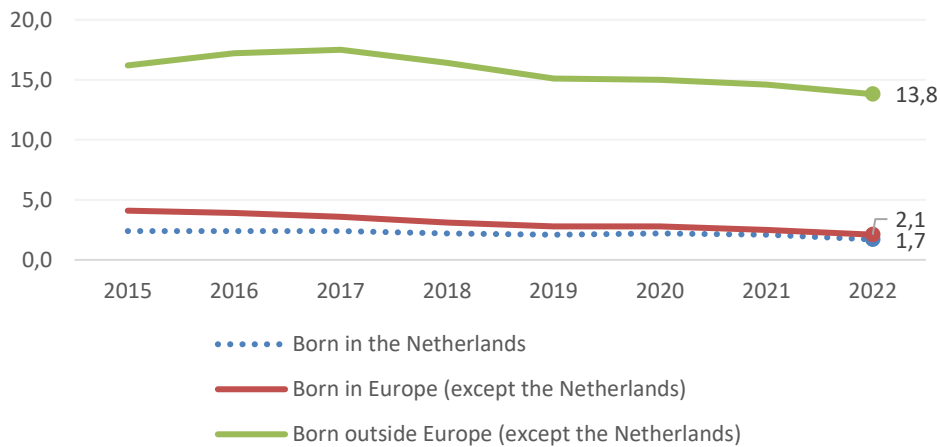
The figures from 2021 and onwards cannot simply be compared with the percentage of 2003-2020 due to changes in the research design of the EBB. For the years 2013 to 2020, a recalculation was carried out to match the results from 2021 as closely as possible. For the years 2003 to 2012, this recalculation was not carried out.

Source: Statistics Netherlands, *Kernindicatoren 2023*

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, 2015-2022

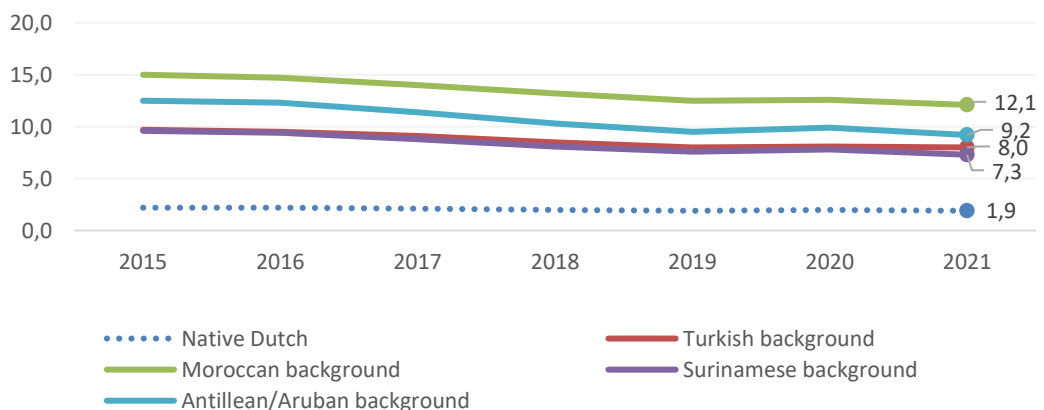


Source: Statistics Netherlands, *Kernindicatoren 2023*

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 2022, the use of social assistance was highest among Moroccans, with a dependency rate of around 12%.

Figure 6.6 Social assistance benefits classified by country of origin in percentages, 2015-2022



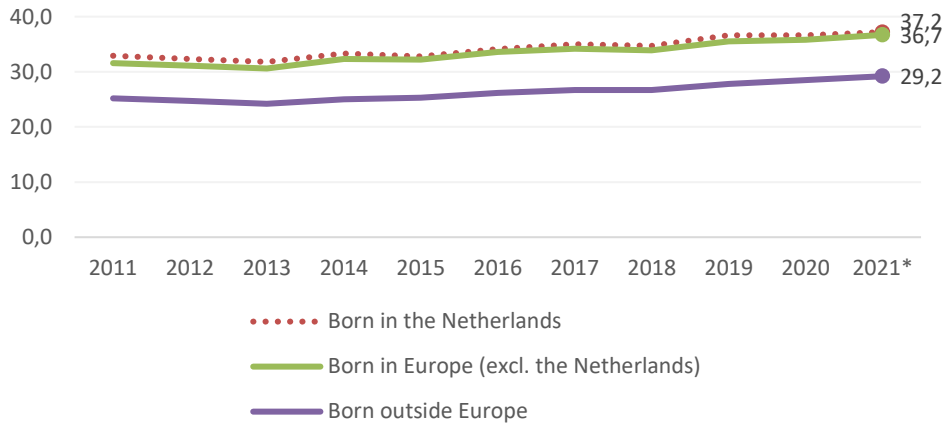
Source: Statistics Netherlands, *Kernindicatoren 2023*

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.¹⁶⁹

Figure 6.7 Average standardised income (x € 1,000) of persons of 20 years or older born in the Netherlands or abroad in percentages, 2011-2021¹



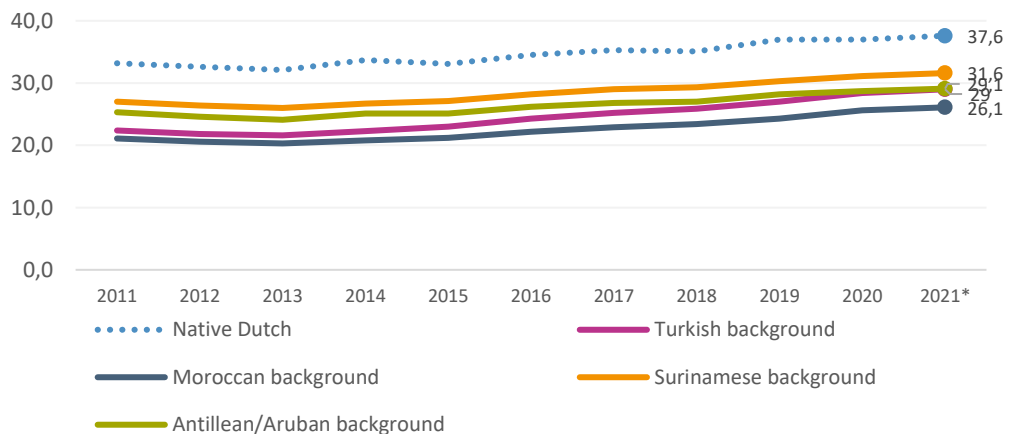
Source: Statistics Netherlands, *Kernindicatoren 2023*

¹ Data of 2021 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 2021. 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, 2011-2021¹



Source: Statistics Netherlands, *Kernindicatoren 2023*

¹ Data of 2021 are provisional.

¹⁶⁹ See more in detail: Gielen, M. e.a. (2021) *Monitor gelijke kansen en evenredige posities op de arbeidsmarkt, ongeacht migratie-achtergrond (eerste editie)*. Utrecht, Significans, 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.¹⁷⁰ 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 six years (in 2021: about 40%). However, we see that the increase in participation has levelled off in recent years. This is probably an effect of the corona crisis, a period in which people with a temporary contract (and working in the catering and temporary employment sector) were hit relatively hard. Most refugees with employment in the Netherlands work part-time (70%) and with a temporary contract (81%).

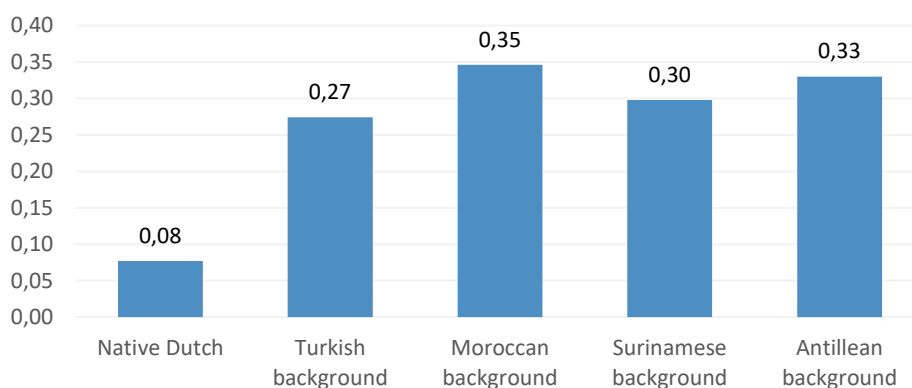
6.10.2 Social assistance

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 in 2021 more than a tenth (11%) of all residents in the Netherlands sometimes experienced discrimination.¹⁷¹ Discrimination on the basis of age, gender and ethnicity were most common. Figure 6.9 shows that in the Netherlands persons with a migration background experienced more than three times as much discrimination as native Dutch people.

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



Source: CBS, *Gediscrimineerd gevoeld?* (2022)

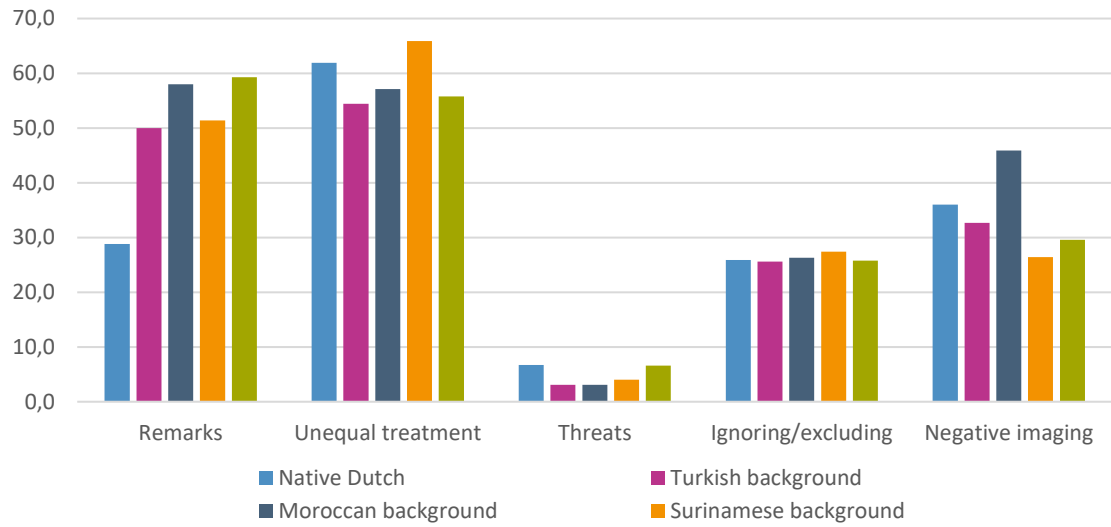
6.11.1 Discrimination per domain

As shown in figure 6.10, in all different social domains the percentage of experienced discrimination in 2022 was high among those with a migration background. Discrimination was most often experienced in the form of discriminatory remarks and unequal treatment, disadvantaging or favouring of groups. In these domains, more than half of those with a Turkish, Moroccan, Surinamese, or Antillean background sometimes experienced discrimination. Discrimination in the form of ignoring or excluding, negative imaging or stigmatisation (e.g. in the media) and especially in the form of threats were less common.

¹⁷⁰ Statistics Netherlands (2022) *Asiel en integratie 2022. Cohortonderzoek asielzoekers en statushouders*. The Hague, Statistics Netherlands.

¹⁷¹ Akkermans, M & R. Kloosterman (2022) *Gediscrimineerd gevoeld?* Den Haag, Statistics Netherlands.

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



Source: CBS (2022), *Gediscrimineerd gevoeld?*



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. In September 2023, this number amounted to more than 98,000 people.
- By the end of 2022, more than 20,000 Ukrainian children attended 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.
- By the end of 2022, most Ukrainian refugees were employed as on-call workers (26%), agency workers (43%), or had other temporary employment contracts (28%). Most of the refugees (58%) worked less than 25 hours a week.
- At the same time, most Ukrainian refugees were employed in the business services sector (56%), also including temporary employment agencies. In addition to business services, a large number of Ukrainian refugees also worked in the trade, transport and catering industry.
- Problems that are related to a longer stay in the Netherlands concern sufficient suitable housing, the possibilities to offer education to a large number of Ukrainian young people, language problems and finding work at a higher qualification level.

7.2 Number of refugees and settlement patterns

The number of registrations of persons with Ukrainian nationality is published once a week. Accordingly, around 87,000 refugees from Ukraine had been registered in Dutch municipalities by the end of 2022 (see figure 7.1).¹⁷² About two thirds of these Ukrainians are women, one third are men.¹⁷³ 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 2022 the number of registered Ukrainians increased by more than 6,000 persons per week. From the beginning of September to the end of December 2022, 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.

According to a recent study published by the Clingendael Institute (2022), Ukrainian refugees are not expected to return to their country of origin soon.¹⁷⁴ 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. A recent report published on behalf of the European Commission again expressed the expectation that it is unlikely that Ukrainians will return to their country of origin in the short term.¹⁷⁵

¹⁷² <https://www.rijksoverheid.nl/onderwerpen/opvang-vluchtelingen-uit-oekraïne/cijfers-opvang-vluchtelingen-uit-oekraïne-in-nederland>.

¹⁷³ <https://www.rijksoverheid.nl/actueel/nieuws/2022/07/29/opvangcapaciteit-vluchtelingen-uit-oekraïne-onder-druk>

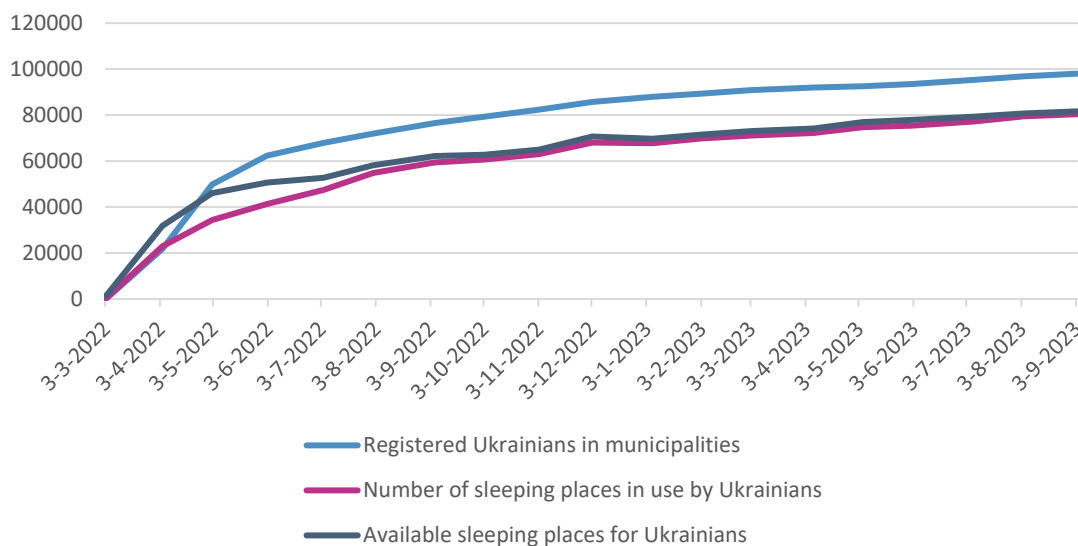
¹⁷⁴ Clingendael (2022) Opvang van Oekraïners in Nederland: een kwestie van lange adem. Clingendael Alert. The Hague, Clingendael Netherlands Institute of International Relations, October 2022.

¹⁷⁵ <https://www.rijksoverheid.nl/documenten/rapporten/2023/07/07/tk-bijlage-l-asscher-integration-of-people-fleeing-ukraine-in-the-eu-final>.

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

On 1 January 2022, according to Statistics Netherlands, 21,000 people of Ukrainian origin were officially registered in the Netherlands.¹⁷⁶ 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 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.¹⁷⁷

Figure 7.1 Registered Ukrainians, sleeping places in use and available sleeping places for Ukrainians (March 2022-September 2023)



Source: <https://www.rijksoverheid.nl/onderwerpen/opvang-vluchtelingen-uit-oekraïne/cijfers-opvang-vluchtelingen-uit-oekraïne-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.¹⁷⁸ 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 2004.¹⁷⁹ Temporary protection is granted for a period of one year, but can be prolonged to up to three years.

¹⁷⁶ CBS (17 maart 2022) 21 duizend inwoners met Oekraïense herkomst. CBS, online publication.

¹⁷⁷ <https://www.rijksoverheid.nl/onderwerpen/opvang-vluchtelingen-uit-oekraïne/cijfers-opvang-vluchtelingen-uit-oekraïne-in-nederland>

¹⁷⁸ 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.

¹⁷⁹ 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.

The following target groups fall under the Temporary Protection Directive:

- 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.

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 allowances¹⁸⁰, education and medical assistance. In addition, displaced persons from Ukraine (unlike asylum seekers) are offered immediate access to the Dutch labour market. They do not need a work permit but their employer needs to register with UWV. The options and facilities in the context of participation in education and the labour market are discussed in more detail below.

Prolongation of the Temporary Protection Directive

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.¹⁸¹

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 for another year.¹⁸² More recently, in autumn 2023, member states agreed to extend the Temporary Protection Directive until 4 March 2025.¹⁸³

The position of non-Ukrainians with a temporary residence permit in Ukraine

Initially, and in addition to Ukrainians and non-Ukrainians with a permanent residence permit in Ukraine, the Netherlands also offered protection to a third category: non-Ukrainians with a temporary residence permit in Ukraine. In February 2023, the Dutch government announced that the temporary protection for these non-Ukrainians will end in September 2023.¹⁸⁴ However, this date has been postponed due to the intervention of the Council of State. The Council of State ruled on 17 January 2024 that the temporary protection of non-Ukrainians with a temporary residence permit in Ukraine ends on 4 March 2024.¹⁸⁵

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

¹⁸⁰ Refugees receive the living allowance from the municipality where they are registered. Since 1 February 2023 the amount per person depends on the size of the family. An individual adult or unaccompanied minor receives €60,71 per month for food and other personal items as well as €242,48 for food. For larger families the amounts per person are lower. Alternatively, municipalities can also provide food in kind, instead of the financial allowance for food. Refugees who live with a host family receive an extra allowance of €80,91 per month in addition to the living allowance. This living allowance scheme has been adjusted a few times, most recently on 1 October 2023 to adjust for inflation. Refugees who rent or buy their own accommodation instead of using government shelter are not eligible for the allowance. As of late 2023 the government is also exploring possibilities to establish the payment of a financial contribution for their shelter by displaced people from Ukraine, but this has not yet been implemented; see https://www.tweedekamer.nl/kamerstukken/brieven_regering/detail?id=2023Z20490&did=2023D50199.

¹⁸¹ <https://www.rijksoverheid.nl/documenten/kamerstukken/2022/10/14/tk-verzamelbrief-opvang-oekraïne>

¹⁸² Parliamentary Letter of 14 October 2022 (36 045, nr. 2994). Concerning: *Situatie in de Oekraïne*.

¹⁸³ <https://www.rijksoverheid.nl/actueel/nieuws/2023/09/28/richtlijn-tijdelijke-bescherming-voor-vluchtelingen-uit-oekraïne-verlengd-tot-4-maart-2025>

¹⁸⁴ <https://ind.nl/nl/nieuws/tijdelijke-bescherming-voor-derdelanders-uit-oekraïne-loopt-door-tot-4-september-2023>.

¹⁸⁵ https://www.tweedekamer.nl/kamerstukken/brieven_regering/detail?id=2024Z00997&did=2024D02372

most suitable for children and young people from Ukraine.¹⁸⁶ 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).¹⁸⁷ 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.¹⁸⁸

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, and unlike the academic year 2022-2023, Ukrainian students are subject to the rules and costs that apply to students from outside the EU. However, a great number of universities (eight out of thirteen) decided to reduce the tuition fees for Ukrainian students to the legal rate of €2209.¹⁸⁹ A number of the 36 Dutch universities of applied sciences also reduced their fees for Ukrainians with respect to the academic year 2023-2024.¹⁹⁰ 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 2022.¹⁹¹ 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 UWV two working days in advance, 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.

The Employee Insurance Agency (UWV) publishes figures about the scope and nature of reports from employers who employ displaced persons from Ukraine (see figure 7.2). Between March 2022 and August 2023 the total number of reports from employers who offer paid employment to employees from Ukraine was more than 91,000 (of which 35,000 in 2023).¹⁹² Most of the reports have been made by temporary employment agencies (53%). This sector mainly offers work as production workers, cleaners and warehouse workers. Many reports were also made in the hospitality industry (10%), agriculture and horticulture (6%) and business services (5%). It is important to mention that these notifications do not relate to individual displaced people but to the reports made by employers. This means that displaced people with multiple jobs (over time) corresponds to multiple reports.

Statistics Netherlands carried out a separate analysis in order to also provide information on the number of employed Ukrainians.¹⁹³ This shows that of the approximately 74,000 Ukrainian refugees between the

¹⁸⁶ <https://www.rijksoverheid.nl/documenten/kamerstukken/2022/03/17/tk-brief-oukraine>

¹⁸⁷ <https://www.nu.nl/spanningen-oukraine/6196310/zeker-7300-oukraiense-kinderen-gaan-naar-school-in-nederland.html>

¹⁸⁸ 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 school year, 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.

¹⁸⁹ <https://www.uaf.nl/nieuws/universiteiten-nemen-eerste-stap-en-verlagen-collegegeld-voor-gevluchte-studenten-uit-oukraine/>

¹⁹⁰ <https://www.nationaleonderwijszorg.nl/universiteit/nieuws/66470-robbert-dijkgraaf-vraagt-hoger-onderwijs-om-collegegeld-oukraiense-laag-te-houden.html>

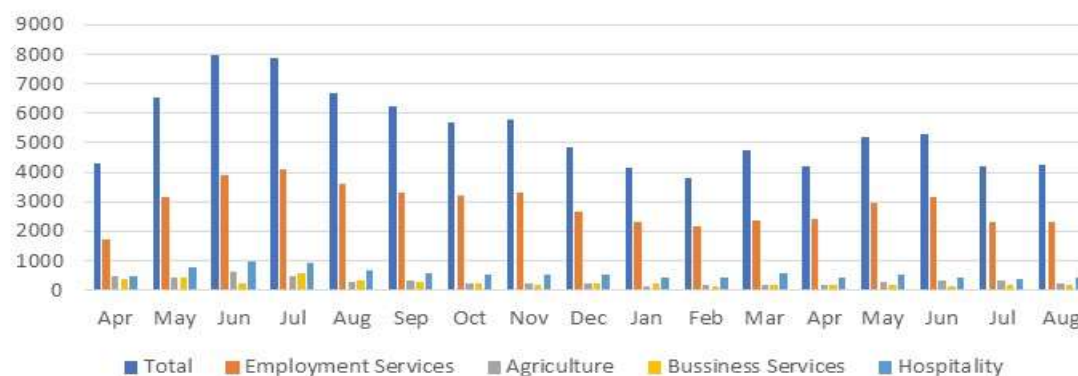
¹⁹¹ <https://www.rijksoverheid.nl/documenten/kamerstukken/2022/03/30/tk-aanpak-opvang-ontheemden-uit-oukraine>. The exemption applies retroactively from 4 March 2022.

¹⁹² <https://www.werk.nl/arbeidsmarktinformatie/dashboards/vluchtelingen-oukraine>.

¹⁹³ <https://www.cbs.nl/nl-nl/maatwerk/2023/41/oukraiense-vluchtelingen-1-mei-2023>.

ages of 15 and 65 who were staying in the Netherlands on 1 May 2023, 51% had paid work as an employee. This amounts to more than 37,500 people. Most Ukrainian refugees were employed as on-call workers (27%), agency workers (39%), or had other temporary employment contracts (31%). A majority of the Ukrainians, however, worked full-time: 50% worked 35 hours or more 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.

Figure 7.2 Registered employment of Ukrainians by employer in the Netherlands in 2022 and 2023



Source: UWV (2023) Online publications on the registration of employed Ukrainians

Public service

Dutch municipalities are responsible for offering necessary support to anyone who can work. 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 Ukrainian persons to have themselves registered as jobseekers.¹⁹⁴ 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 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.

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.¹⁹⁵ 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

¹⁹⁴ <https://www.rijksoverheid.nl/documenten/kamerstukken/2022/06/10/tk-verzamelbrief-opvang-oukrajne>.

¹⁹⁵ <https://www.rijksoverheid.nl/documenten/kamerstukken/2022/03/30/tk-aanpak-opvang-ontheemden-uit-oukrajne>.

(*kinderopvangtoeslag*) and housing allowance (*huurtoeslag*).¹⁹⁶ With the option of claiming childcare allowance, it is possible for this group to combine work and care for their children.

As far as medical care is concerned, Ukrainians are currently covered by the Medical Care Scheme for Displaced Persons from Ukraine (RMO). For the longer term, preparations are being made for a possible transition to health insurance, should a longer stay be required. For municipal care and support under the Youth Act, Wmo and Public Health Act (i.e. basic task package JGZ, the National Immunisation Programme and the prenatal home visit), the government has set up an additional cost scheme for displaced persons from Ukraine through the Municipal Fund.¹⁹⁷

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.

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.¹⁹⁸ 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.¹⁹⁹ 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 accommodation for these immigrants. A National Reception Organisation has been set up to help municipalities to further increase the number of reception places if necessary.²⁰⁰ Municipalities also often provide temporary accommodation, partly because accommodation and the funding from the national government is linked to the duration of the temporary protection (until the 4th of March 2025).²⁰¹ At the end of 2023, the government emphasised the importance of making reception facilities more sustainable where possible. With the help of various national schemes (*Regeling Huisvesting Aandachtsgroepen 2023* and *Stimuleringsregeling Flex- en Transformatiewoningen*) as well as experts, municipalities are supported by the central government in increasing the (social) housing stock more quickly. These houses are intended for both Ukrainian refugees and other house seekers in the Netherlands, including refugees with a resident status.²⁰²

¹⁹⁶ 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>

¹⁹⁷ <https://www.rijksoverheid.nl/documenten/kamerstukken/2023/07/07/tk-verzamelbrief-opvang-oekraïne>.

¹⁹⁸ 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 (TWW) is required for these asylum seekers.

¹⁹⁹ <https://nos.nl/artikel/2430275-gemeenten-hebben-handen-vol-aan-opvang-oekraïense-vluchtelingen>

²⁰⁰ <https://www.rijksoverheid.nl/documenten/kamerstukken/2022/04/26/verzamelbrief-opvang-ontheemden-uit-oekraïne>

²⁰¹ Advies Migratie (2023) De prijs van tijdelijkheid. Perspectief voor Oekraïense ontheemden in Nederland. The Hague, July, 2023.

²⁰² <https://www.rijksoverheid.nl/documenten/kamerstukken/2023/07/07/tk-verzamelbrief-opvang-oekraïne>.

Problems at school to structurally accommodate Ukrainian children

Dutch primary and secondary education institutions accommodate 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. The central Dutch government recommend Ukrainian youngsters to go to special newcomer education as much as possible.²⁰³ 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.²⁰⁴ In addition, many Ukrainians appear to work below their level of education. One of the reasons for this is that the recognition of foreign qualifications is often difficult. The regulations in this area are very strict in the Netherlands.²⁰⁵

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.²⁰⁶ 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 employee. Failure to comply with this new reporting obligation is subject to a fine under the Aliens Employment Act. This duty to report does, however, not alter the fact that the government admits that practices of exploitation sometimes occur.²⁰⁷ In 2022, a total of 51 reports were made of Ukrainian victims of human trafficking in the Netherlands. These cases are mainly associated with exploitative practices by employment agencies.²⁰⁸

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.²⁰⁹ In practice, however, these instruments are not always used, as we know from the experiences of other similar groups.²¹⁰

²⁰³ <https://www.rijksoverheid.nl/documenten/kamerstukken/2022/03/17/tk-brief-oekraïne>.

²⁰⁴ 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.

²⁰⁵ Advies Migratie (2023) *De prijs van tijdelijkheid*. Perspectief voor Oekraïense ontheemden in Nederland. The Hague, July, 2023.

²⁰⁶ 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.

²⁰⁷ <https://debatgemist.tweedekamer.nl/node/28271>.

²⁰⁸ <https://www.nationaalrapporteur.nl/actueel/nieuws/2023/10/18/jaarcijfers-slachtoffers-en-potentiele-daders-van-mensen-handel-in-nederland-bekend>.

²⁰⁹ Staatsblad (24 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*.

²¹⁰ 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.

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.



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