

دليل باللغة الإنجليزية حول دائرة الهجرة والتجنيس في هولندا



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Immigration and Naturalisation Service

The admissions organisation of the Netherlands

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1. The admissions organisation of the Netherlands

An engineer that brings his knowledge and talent to the Netherlands. A refugee whose life is at risk in his own country. A family that is reunited after many years. And someone that has lived here for a long time and wants to become a Dutch citizen. What do they have in common? They are all clients of the Immigration and Naturalisation Service (IND).

Tasks

The IND is an agency of the Ministry of Justice and Security. The IND implements the Aliens Act and the Netherlands Nationality Act on behalf of the State Secretary for Justice and Security. This means that the IND assesses all residence permit applications of people who intend to live in the Netherlands or who want to obtain Dutch citizenship. Implementing the policy on foreign nationals also involves effective supervision and visible enforcement. The IND works with a number of government institutions to prevent any misuse of procedures. Any indications of fraud are analysed.

By expressly enforcing the rules, the IND sends out a clear message that fraud will not be tolerated.

The IND's tasks are as follows:

1. *Regular residence*. Handling applications for residence permits for living, working and studying in the Netherlands.
2. *Visas*. Handling applications for a short stay visa.
3. *Asylum*. Handling asylum applications from foreign nationals requesting protection from the Dutch government against e.g. persecution in their country of origin.
4. *Naturalisation*. Handling applications for Dutch citizenship.
5. *Legal representation*. Explaining the IND's decision to the court.
6. *Specialist expertise*. Possessing knowledge in the field of, for example, documents and countries.
7. *Enforcement*. Preventing any misuse of procedures and analysing signs of fraud.

'We fully realise that our decisions have a serious impact on people's personal lives. Therefore we work with due care and with due regard for people's personal situations. We check each application against the complex rules of the policy on foreign nationals and we listen to each story. This enables us to continue to respect the human dimension.'

A fair policy

The policy on foreign nationals is needed to properly process the influx of foreign nationals. The Dutch policy on foreign nationals is fair. Not everyone can reside in the Netherlands or acquire Dutch citizenship, but there is always room for refugees that need protection. Many people are under the impression that the IND sets the rules of the policy on foreign nationals. This is not true. We set these rules together by casting our vote at the ballot box: they are democratically established through the Dutch parliament. The State Secretary for Justice and Security is responsible for implementing them.

Careful and quick

The IND assesses each application in accordance with the complex rules established in the policy on foreign nationals. The policy on foreign nationals and its implementation have a considerable impact. Therefore it must be implemented with care, focusing on the personal situation of the persons submitting the application. This is done using:

- Transparent rules;
- Short procedures;
- An objective assessment of the application.

Focus on the applicant

The IND does its utmost to shorten the waiting time related to applications. For example, by continuously improving our cooperation with other organisations involved in the policy on foreign nationals. Computer systems are linked more intelligently, which means that an applicant only has to provide his or her personal details once. All collaborating organisations can subsequently find the details in their systems. Moreover the IND assists the applicant as best it can when he or she contacts it. Digitally for those who are able, by telephone or at the desk for those who prefer this.

Partners

The IND works closely with cooperating organisations, other authorities and organisations such as the police, the Royal Netherlands Marechaussee (KMar), the Repatriation and Departure Service (DT&V), the Central Agency for the Reception of Asylum Seekers (COA) and the International Organisation for Migration (IOM). The IND also operates in conjunction with educational institutions, businesses and (international) organisations. The IND is just one link in the chain. Together with its partners, the IND can mean more to others and comply with what society demands of us. More information about these partners can be found on www.ind.nl and in this publication.

Processing of personal data

The Immigration and Naturalisation Service (IND) processes personal data when it processes your application, notification, or request. This means that if needed the IND will request data from you yourself and other organisations or persons. The IND also uses and stores data and shares them with other organisations. When doing so, the IND strictly adheres to the stipulations of privacy legislation. For instance, the IND must treat data safely and with due care. The law also gives rights. At your request, you are allowed to see which data on you the IND processes.

You can also get information on why the IND does so and to whom your data have been passed on. On www.ind.nl you can read how the IND processes your data and which rights you have. You can also read how to use your rights.

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2. Regular residence

When a foreign national arrives in the Netherlands to work, study or to live with family, we call it regular residence. Anyone who wants to reside in the Netherlands for more than three months needs a residence permit. A visa suffices for shorter periods.

Who is eligible for a residence permit?

A foreign national needs a residence permit if he or she wants to come to the Netherlands to:

- Work;
- Study;
- Work as a trainee;
- Work as an au pair;
- Live with his or her parents;
- Live with his or her (marriage) partner;
- Receive medical treatment.

Most EU country residents do not need a visa or residence permit. If they want to stay in the Netherlands for more than three months, they just need to register with the municipality. They will however have to demonstrate that they meet the conditions.

How do you obtain a residence permit?

1. *Entry and residence*

A foreign national that wants to stay in the Netherlands for more than three months usually first needs a Regular Provisional Residence Permit (MVV) to enter the Netherlands before he or she can obtain a residence permit. Only one application is required for the Regular Provisional Residence Permit (MVV) and residence permit. This is the procedure for 'Entry and Residence'. A foreign national can initiate this procedure by applying for a Regular Provisional Residence Permit (MVV) at the Netherlands embassy or consulate in his or her own country. The person or body that will receive the foreign national in the Netherlands can also initiate the procedure in the Netherlands by submitting an application to the IND.

2. *Civic integration examination abroad*

Foreign nationals from the age of 18 up to the statutory retirement age that want to live with their family in the Netherlands must first sit the civic integration examination abroad before arriving in the Netherlands. This examination demonstrates whether the foreign national possesses adequate basic knowledge of the Dutch language and of Dutch society. He or she sits the examination on a computer at the Netherlands embassy or consulate. If a foreign national has arrived in the Netherlands he or she has to pass the civic integration examination when applying for certain residence permits. This applies, for example, to a permanent residence permit. This exam tests the knowledge of the Dutch language and society once more. The civic integration examination is more difficult than the civic integration examination abroad. Some foreign nationals are exempt from the civic integration obligation. They do not have to sit the examination.

3. *Decision*

The IND makes a decision about the MVV application. The IND sends the decision to the Netherlands embassy or consulate in the foreign national's country. It issues the Regular Provisional Residence Permit (MVV). The foreign national then has ninety days to enter the Netherlands.

4. *Residence permit*

The IND sends a letter of invitation when the foreign national can collect his or her residence document. After arrival in the Netherlands he or she can collect the document from the IND desk. If the document is issued the residence permit has been granted.

What other organisations are involved in regular residence?

- *Municipalities*: for registration in the Personal Records Database (BRP).
- *The Ministry of Foreign Affairs (embassies/consulates)*: for accepting and processing Regular Provisional Residence Permit and visa applications, issuing decisions, legalising foreign documents and organising the civic integration examination abroad.
- *The police*: for monitoring foreign nationals, detaining illegal foreign nationals and investigations into fraud by foreign nationals.
- *Repatriation and Departure Service*: for monitoring the actual departure of foreign nationals that do not have the right to residence in the Netherlands.
- *Other*: ministries and administrative bodies such as the Ministry of Social Affairs and Employment, Nuffic and UWV WERKbedrijf.

Short stay visas

Depending on his or her nationality, a foreign national who wants to come to the Netherlands for less than three months, needs a visa. This 'short stay' visa can be requested from the Netherlands embassy or consulate in his or her own country.

3. Asylum

In a careful asylum procedure it is essential that someone who needs protection is able to count on the IND. Any foreign national has the right to request asylum. The IND examines whether a person is eligible for this protection. If the answer is yes, he or she receives an asylum residence permit.

Who qualifies for asylum?

A foreign national can be granted asylum in the Netherlands if he or she:

- Is persecuted in his or her country for reasons related to race, religion, nationality, political convictions or belonging to a certain social group.
- Is at risk of inhumane treatment such as torture in his or her own country.
- Has reasonable grounds for fearing that he or she will be the victim of random violence as the result of an armed conflict in his or her country of origin.
- Has a family member that recently obtained an asylum residence permit.

An asylum application may be rejected if the asylum seeker is convicted of a crime, there are serious reasons to assume he or she has committed war crimes or crimes against humanity or if there are specific indications that he or she is a danger to national security.

How do you apply for asylum?

1. *Registration*

An asylum seeker must first register with the police in Ter Apel. There his or her identity is registered, a TB examination is performed and he or she submits an application for asylum. The IND then assesses whether the Netherlands or a different European country must process the application in a registration hearing. During this reporting interview, the IND will also ask the asylum seeker about, among other things, his or her identity, nationality and route to the Netherlands. If the Netherlands processes the application, after a rest and preparation period, the asylum seeker follows the General Asylum Procedure (AA). The procedure will take no longer than six working days. In exceptional circumstances the procedure may last a maximum of nine working days (AA+). During this procedure the asylum seeker resides at a Central Agency for the Reception of Asylum Seekers (COA) reception location.

2. *Detailed interview*

In a second interview the asylum seeker explains to the IND employee why he or she has applied for asylum. A legal adviser prepares the asylum seeker for this interview and may also be present at the interview. The legal adviser can also ask a volunteer from the Dutch Council for Refugees (VWN) to attend the interview. The questions are posed in Dutch. Therefore an independent interpreter is also present. After the detailed interview the IND examines whether the application can be processed within six or nine working days. If additional research is necessary and is very time-consuming, the application will be handled further in the Extended Asylum Procedure (VA). During this period, the asylum seeker temporarily resides at a COA asylum seeker's centre.

3. *Supplementary interview during the Extended Asylum Procedure*

Almost all asylum seekers that are referred to the Extended Asylum Procedure have already attended a detailed interview as part of the General Asylum Procedure. In some cases a supplementary interview is conducted. The IND must make a decision on the asylum application within six months. Sometimes it takes longer, also see: Why does an asylum seeker sometimes have to wait longer?

4. *Decision: approval*

If the IND considers that the asylum seeker complies with the conditions for an asylum residence permit he or she is issued with a temporary residence permit. He or she can later apply for a permanent residence permit.

5. *Decision: rejection*

If the IND considers that the asylum seeker does not comply with the conditions for an asylum residence permit, the asylum seeker receives a written notice stating the latter (the decision). The asylum seeker and his or her legal adviser may respond to the notice. If the IND does not change its opinion, the asylum seeker is issued with a rejection and has to leave the Netherlands. The asylum seeker may still appeal to the court.

What other organisations are involved in the asylum procedure?

- *Central Agency for the Reception of Asylum Seekers*: to provide reception during the asylum procedure.
- *Royal Netherlands Marechaussee*: for border control, research into the authenticity of travel documents and registration of personal details.
- *Council for Legal Aid*: to provide free independent legal aid during the asylum procedure.
- *Dutch Council for Refugees*: to provide independent assistance during the asylum procedure.
- *The police*: for registering personal details and verifying the place of residence.
- *Repatriation and Departure Service*: for monitoring the actual departure of foreign nationals that do not have the right to residence in the Netherlands.

Why does an asylum seeker sometimes have to wait longer?

The IND makes a decision in eight days in approximately 60% of asylum applications. More time is needed for around 40% of applications. The IND usually decides within six months if this is the case. Sometimes an asylum seeker still has to wait longer, for example, if he or she submits an appeal to the court following a rejected application. If the court finds for the asylum seeker the IND reopens the case and makes a new decision. The decision can also be postponed:

- for up to nine months. This happens, for example, if an investigation must be conducted into the identity or nationality of the asylum seeker or if a high number of asylum seekers apply for asylum at the same time.
- for up to one year. The State Secretary for Justice and Security wants the IND to wait until the situation in the country of origin becomes clearer or is safer before making a decision.

4. Naturalisation

If a person has been living in the Netherlands for a long time he or she may feel like a Dutch citizen. He or she may apply to be a Dutch citizen via a naturalisation application. This application is submitted to the municipality. If he or she complies with the conditions he or she is granted Dutch citizenship and may apply for a Dutch passport.

Who qualifies for naturalisation?

A foreign national who wants to become a Dutch citizen must meet a number of conditions. Often it concerns foreign nationals who have already lived in the Netherlands for a long time, who were Dutch nationals in the past but who lost their Dutch citizenship. People who live abroad and are married to a Dutch national can also qualify for naturalisation.

How do you apply for naturalisation?

1. *Civic integration*

One of the conditions that applies to naturalisation is that the foreign national has completed the civic integration process. To do so he or she must be able to present a civic integration diploma. To obtain a civic integration diploma, a foreign national must sit the civic integration examination or a naturalisation test.

2. *Naturalisation application*

The foreign national must submit a naturalisation application to the department of Civil Affairs of the municipality. Civil Affairs then sends the file to the IND with a recommendation. If the foreign national lives abroad, he or she must submit a naturalisation application to the Netherlands embassy in his or her country. On Aruba, Curaçao or Sint-Maarten he or she can do so to the Cabinet of the Governor. On Bonaire, Sint-Eustatius and Saba to the IND-Caribbean Netherlands unit.

3. *Decision*

If the IND positively assesses the application the King grants Dutch citizenship. The decision to grant Dutch citizenship is officially 'issued' during the naturalisation ceremony (see box). If the IND rejects the application, the foreign national may appeal.

4. *Renunciation of the original nationality*

To become a Dutch citizen the foreign national must in principle, be willing to renounce his or her original nationality, in accordance with Dutch law. However he or she does not always lose his or her nationality. If, for example, he or she comes from a country whose nationals cannot lose their identity.

What other organisations are involved in naturalisation?

- *Municipalities*: to implement option procedures and compile files for naturalisation applications.
- *Dutch embassies abroad*: to implement option procedures and compile files for naturalisation applications from applications abroad.
- *Executive Agency for Education*: to organise civic integration examinations and advise on possible exemptions based on diplomas.

Acquiring Dutch citizenship via the option procedure

The option procedure is a quick way of acquiring Dutch citizenship and is only intended for foreign nationals that have ties with the Netherlands. The foreign national completes an option statement at the municipality or Netherlands embassy abroad. The mayor or the embassy confirms in writing whether the foreign national has been granted Dutch citizenship. In this case the municipality or embassy makes the decision instead of the IND.

Naturalisation ceremony

Acquiring Dutch citizenship is a special event. This is why the municipality organises a naturalisation ceremony. During the ceremony the foreign national makes the Declaration of Solidarity and receives a document that states he or she has acquired Dutch citizenship. In principle, foreign nationals who want to acquire Dutch citizenship are obliged to attend the naturalisation ceremony and make the Declaration of Solidarity in person.

5. Legal representation

The IND makes decisions on behalf of the State Secretary for Justice and Security.

If a foreign national does not agree with a decision, he or she can turn to the court. If the court then asks the IND for an explanation about the decision, the latter is provided by an IND legal representative. At that point in time he or she represents the State Secretary.

When can a foreign national turn to the court?

Appeal proceedings

A foreign national that does not agree with the IND's decision may appeal against it. See also: *How are appeal proceedings organised?*

Provisional Ruling

If an application for admission to the Netherlands is rejected, the foreign national may appeal or turn to the (highest) court. In some cases he or she may not wait for the decision in the Netherlands. The foreign national may then ask the court to allow him or her to await the decision in the Netherlands. We call this a request for a Provisional Ruling.

Detention of foreign nationals

The detention of foreign nationals involves the detention of a foreign national that will ultimately be removed from the Netherlands. If the foreign national believes that the detention of foreign nationals is unjustified or lasts too long, he or she can ask the court to issue a judgement on the matter. A legal representative from the IND then provides the court with an explanation.

Border control

If a foreign national is refused admission to the Netherlands, he or she may also turn to the court. A legal representative from the IND also provides the court with an explanation in this case.

How are appeal proceedings organised?

1. *Appeal*

The foreign national reports to the Central Registration Office for Aliens Affairs (CIV) that he or she does not agree with the IND's decision: that he or she is appealing. The CIV then determines which District Court will handle the appeal.

2. *Explanation*

The foreign national and his or her lawyer explain in writing why they believe that the decision is unfair. For example: because the facts and circumstances have been incorrectly interpreted or because the law or policy has not been applied properly.

3. *Objection*

The IND first examines whether the decision is correct and is adequately founded. If this is the case, a legal representative writes an objection. In it he or she explains why the IND believes that the appeal does not lead to a different decision.

4. *Session*

Once the court has received the foreign national's appeal and the IND's objection, a court session is usually held. All those involved are invited to attend. The foreign national, his or her lawyer and the IND may provide a verbal explanation.

5. *Verdict*

The appeal proceedings end with the court's verdict. In the verdict the court judges whether the IND's decision is fair or unfair.

6. *Appeal*

In some cases, following the verdict, the party the court ruled against may appeal again to the Council of State.

What other organisations are involved in legal representation?

- *Lawyers*: to represent the interests of foreign nationals.
- *Royal Netherlands Marechaussee*: to refuse or grant admission into the Netherlands and allocate a place of residence for foreign nationals.
- *Council of State*: to judge the verdict of the appeal.
- *District Courts*: to judge appeal proceedings, requests for a provisional ruling and procedures related to the detention of foreign nationals.
- *The police*: to detain illegal foreign nationals.
- *Repatriation and Departure Service*: to monitor the actual departure of foreign nationals that do not have the right to residence in the Netherlands.
- *Central Agency for the Reception of Asylum Seekers*: for procedures related to the reception of foreign nationals.

6. Expertise

The IND's decisions have a serious impact on people's personal lives. It is therefore essential that a decision is made with great care. This is why it is necessary for the IND to have thorough knowledge of the Aliens Act. The IND also has a lot of specialist in-house expertise in the field of, for example, document examination and countries. Other (government) bodies at home and abroad are pleased to make use of this expertise.

What specific expertise does the IND possess?

Country and language analyses

The country and linguistic specialists help other IND staff members if there is any doubt about an applicant's country or region. These specialists' information about countries is helpful if, for example, a staff member wants to know whether a certain place exists, the situation in a country or when a specific military faction became active. An applicant's speech can also be analysed by means of a language analysis. This allows verification that the spoken language is consistent with the country or region from which the applicant claims to originate.

Medical advice

A person's state of health can have considerable influence on the IND's decision. Sometimes people apply for a residence permit for medical reasons. Medical advisers issue independent medical advice at the IND's request. They pose questions such as: Is a person medically fit to travel? Perhaps subject to medical travel conditions. Are medical treatment options available in the destination country? The IND also uses recommendations issued by the medical adviser in the resettlement of invited refugees.

The issue of documents and research

Foreign nationals originating from over 160 countries live in the Netherlands. To qualify for a residence permit and registration in the municipality where they are going to live, they must present a number of 'source documents' in the Netherlands. By source documents we understand documents that demonstrate a person's personal status and that have been issued by a government agency, such as a birth certificate, marriage certificate or divorce papers. The IND also deals with documents that support an asylum statement such as arrest warrants, search warrants, court orders or military service orders. Reliable documents are important for combating (identity) fraud. In many cases the IND is able to quickly and accurately judge the authenticity of documents, partly thanks to an information system it designed itself (DISCS). Document researchers can perform factual research in the country of origin. The IND shares specific knowledge of source documents with other (international) government agencies via DISCS and provides training courses and workshops. The IND also helps develop more effective source documents and make residence documents more fraud proof all over the world.

Border control

At border control, especially at Amsterdam Airport Schiphol, acute questions about a person's residence status or legal aspects of their entry and residence are raised on a regular basis. Sometimes people without any documents are detained, a person requests asylum or a traveller appeals against an entry ban on location. In these and other cases the IND's Border Office issues advice at Schiphol. The Royal Netherlands Marechaussee, Rotterdam Seaport Police or other organisations can call for assistance 24 hours a day. The Border Office also receives signs of fraud.

Who may use the IND specialists' expertise?

The IND specialists support other IND staff members in their daily work. The IND also shares this expertise with cooperating organisations such as the Repatriation and Departure Service, municipalities, the police, Royal Netherlands Marechaussee (KMar), the Tax and Customs Administration, benefits agencies and the Public Prosecution Service..

How does the IND cooperate with agencies in other countries?

Immigration and naturalisation are complex processes that inherently involve at least two countries. The IND invests in international knowledge exchange and cooperation with admission organisations in other (European) countries. The IND specifically works in this area on:

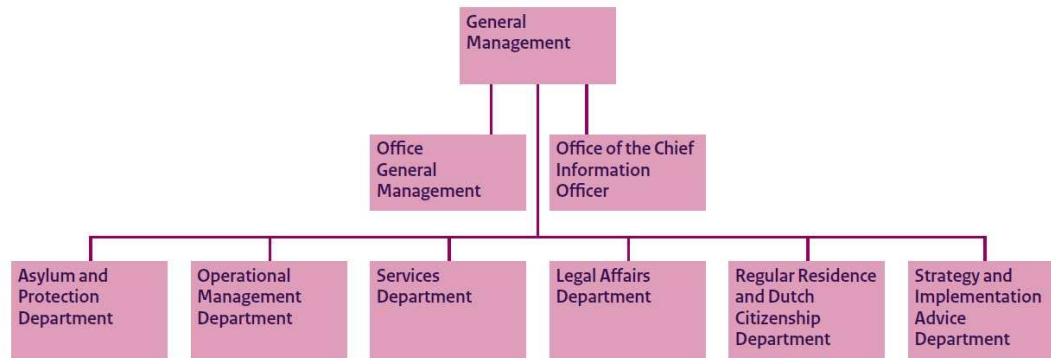
- *prevention, repatriation and cooperation.* The IND has Immigration Liaison Officers stationed in thirteen locations abroad. They work with local authorities, embassies and migration authorities to prevent illegal immigration as much as possible and to ensure that desired migration runs smoothly. They also play a role in the repatriation process of foreign nationals and in the enforcement of legal migration.
- *international projects.* The IND promotes international cooperation through projects and conferences. The IND belongs to the largest and most professional admission and naturalisation services in Europe. Through international projects the IND uses its experience for capacity building in other countries. The IND also makes a contribution to the development of a common European asylum policy.

7. Organisation

The IND employs approximately 3,000 staff members spread over different offices, application centres and desks in the country. The IND consists of six directorates.

Organisational chart

The IND is organised as follows:



IND desks

Client-oriented and service provision are important to the IND. This means that the IND wants to help the applicant as best as it can when he or she contacts it: Digitally for those who are able; by telephone or at the desk for those who prefer this. This is why the IND has several desks in the Netherlands. At these desks foreign nationals can submit an application for a residence permit and collect the residence document or a residence sticker. Desk staff members also provide information about residence in the Netherlands, such as to work, study or family reunification.

Caribbean Netherlands unit

As of 10 October 2010, the IND is responsible for implementing the policy on foreign nationals and naturalisation on Bonaire, Sint-Eustatius and Saba. The Caribbean Netherlands unit carries out these tasks at three locations. Bonaire is the main location. Sub-offices are located on Sint-Eustatius and Saba. This IND unit assesses all applications for residence permits submitted by foreign nationals that want to reside on these islands and all applications for naturalisation and option procedures from people that want to acquire Dutch citizenship.

For more information, please visit the website of the Caribbean Netherlands unit: www.rijksdienstcn.com.

Telephone

For general information about the Aliens Act and the Netherlands Nationality Act and about the status of an application you can call 088 043 04 30 (the standard rate applies to this information number). The IND can be contacted by telephone on working days from 9.00 am to 5.00 pm. The IND can be reached from abroad on +31 88 043 04 30.

Internet

The IND website (www.ind.nl) provides more information about various topics:

- Information for a foreign national about arranging residence in the Netherlands.
- Information for an employer, educational institution, au pair agency or exchange organisation.
- Figures, news and themes. As well as information for cooperating parties (cooperating organisations).

Complaints

Do you have a complaint about the IND? Complete the complaints form on www.ind.nl. You can also call the IND complaints line: 088 043 04 70 (available on working days from 9.00 am to 5.00 pm.). The IND registers all complaints and monitors their processing.

8. More information

Do you have further questions after reading this brochure?

Internet

The IND website (www.ind.nl) provides more information about various topics:

- Information on the procedure and requirements for applying for a residence permit or Dutch nationality
- Information for an employer, educational institution, au pair agency or exchange organisation.
- Figures, news and themes.
- Information for cooperating parties (cooperating organisations).

Contact the IND

Would you like to contact the IND or schedule an appointment to visit an IND desk? Or do you have another request? Please visit www.ind.nl/en/contact for the various contact options
