

## 4. The Netherlands

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### 4.1 Introduction

The Netherlands are a country with a long tradition of immigration. There are three different types of immigrants which can be distinguished.

Because of the Netherlands' colonial background and the Caribbean Antilles still belonging to the Netherlands, there are many immigrants from these former (especially from Surinam) or actual colonies (especially from the Antilles) in the Netherlands. In particular after economic crises on the Antilles, the influx of immigrants to the Netherlands from this region make up 3000–7000 immigrants per year.<sup>1</sup>

In the 1960s many foreign employees immigrated mostly from the Mediterranean or North African countries. Many of these predominantly low qualified “guest workers” remained in the Netherlands but only with low success of integration.<sup>2</sup> A third group of immigrants are workers from East-Europe predominantly working in the agricultural sector.

Since the first oil crisis in the 70s and a following decline of economic growth and supply of employees led to stricter immigration policy since 1994, although the share of population of non-western inhabitants in the Netherlands increased steadily because of a low number of remigrants and a high number of family unification especially among migrants with Turkish or Moroccan origin.

The often low qualified and poorly integrated immigrants became a problem especially in cities like Amsterdam and Rotterdam with regard to an increasing number of crime cases. In 2002 the right wing politician Pim Fortyney, who had been shot short before the elections, could use the increasing discontent in the population for political success by statements on his disapproval about the Islam religion and immigrants of this religion in the Netherlands. The successful election of his LFP Party into a coalition of a new centre-right government coalition led to a new strict policy towards asylum seekers and immigrants. Although the downfall of this coalition and the unsuccessful results for the LFP, the successful Christian Democratic Appeal (CDA) remained to pursue a strict migration policy.

The number of immigrants and asylum seekers in the Netherlands decreased in the last years, because of the fall of economic growth and more restricted immigration policy by the government. In 2003 there is only a number of 75,000 new immigrants without a citizenship of the Netherlands, that means a significant reduction of new immigrants. The population of non-western foreigners is estimated around 10 percent while the overall population of non-western first or second generation of immigrants is estimated around 17.5 %.<sup>3</sup> Instead of its small size, the Netherlands receive the third highest number of refugees and asylum seekers in the EU. Particularly juvenile asylum seeker share a high percentage in the number of immigrants.

With the Aliens Act 2000 which had been enacted in 2001 the Netherlands revised their laws on asylum and immigration in a more efficient but also in a more strict way. Human Rights Watch criticised that within this new law the Netherlands not only increased deportation efforts and set tougher requirements for asylum seeker to get a successful admission but also deplored lower chances of integration.<sup>4</sup> With reference to this criticism, the new asylum law led to high disadvantages in housing and property conditions among refugees and asylum seekers during and after their rejection as well as during their application.

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<sup>1</sup> See Migrant and Ethnic Minority Volunteering: “Migrant and Ethnic Minority Volunteering. Summary: Final Report The Netherlands”.

<sup>2</sup> See Minority Policy Group (MPG): “EU and US approaches to the management of immigration”.

<sup>3</sup> Statistics Netherlands (CBS): “The Netherlands in Figures”.

<sup>4</sup> See Human Rights Watch (HRW): “Fleeting Refuge: The triumph of Efficiency over Protection in Dutch Asylum Policy”.

The new Aliens Act officially heightened the number of rejected asylum seeker up to 80 %. These rejected asylum seeker are ordered to leave the country in a limited period of 28 days.

#### **4.2 Definition of a minority in the Netherlands**

The Netherlands use a more differentiated definition for minority groups in their country than many other European countries. With regard to the term ethnic minorities it is generally distinguished between immigrants, which means all immigrated first generation non-western foreigners, and those foreigners born in the Netherlands by immigrants of the first generation. This group of first and second generation immigrants is generally described as “*allochtonen*” and is target of the integration policy of the government.<sup>5</sup>

Beneath the definition of the ethnic minority the term foreigner is also used and non-western foreigner stands for immigrants without a citizenship of the Netherlands among whom it is distinguished between western and non-western immigrants.

The term ethnic minority considering members of minority groups in their country of origin is not in use. Refugees are generally characterised by their country of origin.

#### **4.3 The national institutional Framework and its responsibilities**

On issues of aliens generally the Dutch Ministry of Justice takes action. The Ministry of Migration and Integration was newly established in 2002. Under its supervision the Immigration and Naturalization Service (IND) implements directives on asylum seekers and on programmes for integration and return.

The IND is responsible for decisions of admission or rejection of Asylum seekers. In the Netherlands applications have to be made in Application Centres (AC). Close to these application centres the Alien Police registers asylum seekers. For asylum seekers waiting for a decision of the IND the Central Reception Organisation for Asylum Seekers (COA), an independent organisation of the Ministry of Justice accompanies them and helps with accommodation and food. It also assists them by preparation of return in cases of rejection of their application for asylum. During the application process or after the rejection asylum seekers are accommodated in reception centres.

Since January 2004 the newly established Immigration Coordination Department (SCV) under control of the Minister of Immigration and Integration coordinates and manages the return facilitates for the government. To facilitate the return of rejected asylum seeker having the time of eight months to return after which they are forced to go, the IND runs two Repatriation Centres in the Netherlands.

In order to promote voluntary return the government of the Netherlands enacted the Repatriation Act to support the repatriation of migrants.

Through IOM the Ministry of Justice implements the program for Return and Emigration of Aliens in the Netherlands (REAN). Returnees receive grants for transport and the starting period in their country of return. Returnees possessing a permission for residence in the Netherlands receive more grants than those returnees returning because of their rejected asylum application.

The Ministry of Justice is implementing a programme for unaccompanied underage asylum seeker (AMAs) aiming to repatriate them in their countries of origin or provide special support for integration including specific education.

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<sup>5</sup> See EUMC: “Migrants, Minorities and Employment: Exclusion, Discrimination and Anti-Discrimination in 15 Member States of the EU Union” .

#### **4.4 Netherlands' Organisations supporting Minorities**

The Dutch Refugee Councils accompanies refugees and asylum seekers during the admission procedure, gives them advices and advocates their interests. The Asylum Seekers' Legal Aid Foundation (SRA) gives asylum seekers legal advices and counsel with regard to the application. The number of associations of ethnic minorities, that means those of immigrant communities, is high. There has been a long tradition of supporting those associations in the Netherlands, although most of them lack professionalism to lobby for their interest.<sup>6</sup> Especially the groups of immigrants from Turkey, Morocco and Surinam are represented by a large variety of associations.

The Netherlands Migration Institute (NMI) provides easily accessible services for prospective returnees through its head office in Utrecht and 13 decentralised offices. The Social Insurance Bank (SVB) evaluates the applications and transfers payments abroad.

Most clients of NMI are elderly migrants amongst them refugees who can make use of the "Remigration Facility" of the Netherlands government that allows migrants of more than 45 years of age who receive a social allocation in the Netherlands to relocate to the CoR and to receive monthly a repatriation allowance for the rest of their lives. The rationale for this facility originates from the difficulties of elder migrants to keep engaged in the labour process and to find jobs.<sup>7</sup>

CordAid, a catholic development organisation established in assistance of IOM a counselling office for asylum seekers willing to return to their country of origin. While the migrants can get advise on issues of return, CordAid furthermore provides and arranges training for migrants, medical aid and housing in the country of return.

Another programme implemented by IntEnt (Internationalisation of Entrepreneurship) aims at resettling migrants in their country of origin by assisting them to setting up businesses in their home country. There are different similar projects mostly pointing at special countries like the "Joint programme of IntEnt and DEG/AGEF to assist starting entrepreneurs in Afghanistan" which is coordinated with AGEF and the DEG. This programme combines seed capital investment with educational assistance for the entrepreneurs to gain skills in business management.

#### **4.5 Perceptions and Expectations among NGOs**

The counselling and programme components from NMI, Cordaid and Intent are also open to minority affiliates. Nevertheless this does not materialise in a particular role of minorities with respect to the practical implementation of these programmes.

Many NGOs judged the policy on return of the Netherlands government sceptically, but a special reference to minorities could not be found in the statements.

#### **4.6 Perceptions and Expectations among the minority groups**

Many migrants in the Netherlands rest for a long time, sometimes for the most time of their live. There are different reasons while they are willing to return. Many migrants staying for a long time in the Netherlands only return after their retirement. Fear of losing their rights to stay in the Netherlands prevent many migrants to return to their country of origin. However, 15 % of Netherlands immigrants want to return and 20 % like to return but is not sure if he or she can realise it. Many of the returning migrants are between 40 and 50 and mostly are not retiring in their country of return.<sup>8</sup>

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<sup>6</sup> European Migration Centre Berlin (EMZ): "MigPol – Migration Policies in the Netherlands", p.9.

<sup>7</sup> Netherlands' Migration Institute (NMI): "Reintegration Approaches and policies in the Netherlands", p.14.

<sup>8</sup> Ibid., p.4.