

English summary and recommendations

What are safe countries?

This advisory report refers to asylum seekers that come from countries that have been listed by the Netherlands as being ‘safe countries of origin’. The concept of a ‘safe country of origin’ is used when the Netherlands considers the general situation in the country of origin to justify the assumption that the residents, with the exception of explicit circumstances, do not qualify for international protection (refugee status and subsidiary protection status). Exclusively for the purposes of readability, the countries in this report will be referred to by the term ‘safe countries’.

In some cases, although the *general* situation in the country may be safe, *individual* circumstances may justify protection. For that reason, treaties and laws prescribe that every application for international protection should be considered on its own merits. This means that an individual consideration of the asylum claim should be guaranteed and that the number of applications for international protection from safe countries cannot be reduced to zero. Nevertheless, it does allow for asylum procedures of residents from safe countries to be processed more quickly.

A patchwork of safe country lists

The Netherlands, like its fellow EU Member States, maintains its own standards with regard to listing a country of origin as safe. In addition to the national lists of safe countries, there is also a draft EU list of safe countries. In comparison to the national lists, the draft EU list is very limited: as of October 2017, the draft EU list included 7 non-EU countries (the 28 EU Member States were already included in the Aznar Protocol), as opposed to 32 countries that made up the Netherlands’ list (59 countries in total including EU countries). In addition, as of late 2017, there are 32 countries that, although not included on the Dutch list, have been designated as safe by at least one other EU Member State. The absence of a commonly accepted interpretation of a ‘safe country’ within Europe has led to a confusing patchwork of lists of safe countries that is difficult to defend.

Key question

The Minister for Migration requested the Advisory Committee on Migration Affairs to answer the following key questions: What are the reasons for residents from safe countries to request asylum in the Netherlands? And how can residents from these countries, who have virtually no chance of being granted asylum, be discouraged from applying for asylum? For the purposes of this advice, research and three case studies were carried out into motives of asylum seekers from Albania, Georgia and Morocco that applied for asylum in the Netherlands. These three countries represent three key regions of origin (Western Balkans, the former Soviet Union and North Africa) and account for the largest influx of asylum seekers to the Netherlands.

Faster procedures?

One of the reasons to implement the use of the concept of a safe country was the notion that asylum applications from residents of those countries could be processed/rejected more quickly. That assumption, however, is only partially supported by the figures. The processing time for asylum applications for countries designated as safe has been reduced to approximately 50 days (Albania), 80 days (Morocco) and 90 days (Georgia). The processing time is therefore still higher than the 10 days that is aimed for in the fast-track asylum procedure. This is the result of still processing some applications in question via the ‘normal’ or ‘Dublin Regulation track’ (transfer to another EU Member State), resulting in an equally lengthy processing time. This raises the question of whether it

makes sense to relocate asylum seekers with no chance of a successful application within the EU. Answering that question, however, must also take into account that not all EU Member States have designated the same countries of origin as safe.

These circumstances provide prospective migrants with an open invitation to go ‘asylum shopping’, meaning that if they are unsuccessful in one EU country, they may be more successful in another. In fact, the absence of adequate EU coordination undermines a key objective of the safe country policy, namely the reduction of asylum flows.

Push factors stronger than pull factors

Asylum seekers from safe countries each have their own feelings of insecurity that constitute a powerful motive for their migration to ‘Europe’. Those feelings of insecurity are not restricted to individual persecution or human rights violations, but also stem from the lack of basic necessities, employment prospects that provide sufficient income to start and support a family, or are the result of an absent or failing social infrastructure (education, health care, etc.), poor governance, corruption and the existence of parallel social systems, such as vendettas and blood feuds. These push factors in themselves constitute powerful motivators that are stronger than the pull factors, which include the perception of the destination as a safe(r) country and the expectation of a guaranteed better life as key principles.

Addressing those push factors requires significant and long-term effort

These root causes of migration cannot be substantially affected by an individual nation such as the Netherlands. The nature and extent of the issues require a common structured EU approach on a much larger scale than is currently the case. Such action should also take into account that any improvement of the (administrative and socio-economic) conditions in countries of origin will initially result in a certain period of increased interest in migration. The creation of legal migration pathways would seem to be the preferred method to help reduce illegal migration.

Upon departure: few pull factors for the Netherlands

The research conducted for the report showed that most respondents from the safe countries of Albania, Georgia and Morocco arrived in the Netherlands in a roundabout way, more or less by accident. Only a handful, primarily Moroccan asylum seekers, indicated to have chosen the Netherlands as their final destination in advance. They chose the Netherlands based on their hope that the Netherlands could offer them the best opportunities in economic and social terms. A group of the Albanian asylum seekers had no specific country in mind as their destination, with another group having the United Kingdom in mind as their destination. The majority of Georgian asylum seekers upon departure had initially decided to go to Germany.

During their voyage: more pull factors for the Netherlands

Although the Netherlands was not initially the final destination of the majority of asylum seekers from the three countries, they will have decided on the Netherlands at a certain point during their trip. In many cases, their decisions were based on stories about the Netherlands shared by fellow nationals, which they picked up on their voyage or while staying at reception centres in other countries. In many cases, they had first applied for asylum in Germany, with its neighbour, the Netherlands, only coming into the picture after their application having been rejected and/or conditions there being disappointing. The perceived quality of asylum and reception facilities played a key role in subsequently choosing to come to the Netherlands. In addition, the Netherlands has a positive image with regard to freedom and security, tolerance, and the absence of discrimination. For Albanian migrants, the issue of the presence of good medical facilities and employment opportunities also played a significant role. Moroccan migrants, however, considered the presence of a large Moroccan-Dutch community to be important.

Varying return policy results

The Netherlands has undertaken several initiatives in the past, with varying results, aimed at achieving the more effective return of rejected asylum seekers. These initiatives proved to be effective to a significant extent with regard to Albania and Georgia (despite a large number of persons departing to an unknown destination) but not for Morocco. The influx of Albanians and Georgians to the Netherlands has since dropped to (nearly) the level of before the peak in 2016. The influx of Moroccan (and Algerian) asylum seekers, however, has remained high in 2017. This is potentially related to the difficult and protracted collaboration with the Moroccan and Algerian governments in the field of return policy.

Recommendations

Based on its studies, the Advisory Committee on Migration Affairs makes the following recommendations to the Minister for Migration.

Recommendation 1:

The primary focus should be on removing the push factors: these are, after all, powerful factors in themselves and, moreover, they are stronger than the pull factors that make asylum seekers choose the Netherlands as a destination country. Where possible, the root causes of migration should be tackled – preferably by way of international partnerships, such as the EU in particular – and a tailored approach should be provided for each country. The Netherlands and the EU should consider legal migration pathways (employment and vocational training) for countries that cooperate on return policy, such as Albania and Georgia. Countries that do not cooperate on return policy, such as Morocco and Algeria, should, in principle, be excluded until they make and implement agreements with regard to return policy.

Recommendation 2:

Both for reasons of principle (equality and credibility) and practicality (preventing asylum shopping), the Netherlands should make a strong commitment to achieving a harmonised EU definition of a ‘safe country’ and an uniform application thereof. The Netherlands should be committed to creating a more level playing field in the EU, both with regard to the processing times of asylum applications from safe countries, the outcomes of the applications, and the reception and return facilities.

Recommendation 3:

The lengthy processing times of Dublin applications of asylum seekers from safe countries should be shortened or those asylum applications should be handled by the Netherlands in the safe countries track to prevent asylum seekers from remaining in facilities longer than necessary.

Recommendation 4:

- a) Commitment within the EU should be strengthened regarding return policy agreements with safe countries, particularly regarding difficult return countries.
- b) A tailored approach should be used when imposing entry bans. An analysis should be conducted for each safe country to ascertain whether restricting/scrapping return support would be effective or counterproductive, partly in order to achieve more voluntary returns to difficult return countries.

Recommendation 5:

(Joint) information campaigns should be targeted not only at residents still in the country of origin, but also at migrants already on their way and located elsewhere in Europe.