

Peaks and Troughs

**TOWARDS A SUSTAINABLE SYSTEM FOR THE RECEPTION OF ASYLUM SEEKERS
AND THE HOUSING AND INTEGRATION OF ASYLUM RESIDENCE PERMIT
HOLDERS**

Summary

Recommendations

1. a) Acknowledge, and communicate at the political level, that the nature and size of the influx of asylum seekers is, as a rule, subject to fluctuation;
b) In developing a sustainable vision for the reception of asylum seekers, the housing and integration of asylum residence permit holders and the return policy (and the way this policy is to be implemented), take into account the lessons that can be learned from the way that previous peaks and troughs in the number of asylum seekers have been handled at the political/administrative level;
c) In developing this sustainable vision, and the policy adjustments required, the shared social and individual interest should be the guiding principle. This means limiting the duration of reception and providing intensive, future-oriented (meaning aimed at integration or return to the country of origin) supervision and support to asylum seekers at, and during their stay in, the reception facilities.
2. Ensure that high-quality, unambiguous and current facts and figures, including analysis of this data, is publicly available on an ongoing basis. Establish who is responsible for producing, updating and communicating which types of information.
3. Ensure coordination between the various ministries involved about the development of the number of asylum seekers, and the implications of this for the activities of those organisations responsible for providing housing to asylum residence permit holders and promoting their integration in a broad sense, including during periods in which the number of asylum seekers is relatively low.
4. Build on the administrative cooperation that was scaled up in 2015 due to the increased number of asylum seekers, and make it more robust and efficient by:
 - a) Establishing a statutory target for municipalities for the reception of asylum seekers, similar to the statutory target for the housing of asylum residence permit holders;
 - b) In doing so, distinguish between 'primary' and 'secondary' reception,* with primary reception remaining the responsibility of central government, and local governments making locations available for secondary reception;
 - c) Assign 'reception quotas' to individual municipalities, but leave it up to regional partnerships of municipalities to decide how the region's overall reception and housing targets are to be achieved;
 - d) Having the King's Commissioners continue to play a coordinating role, in their capacity as representatives of central government, in consultation with local government on how the targets are to be achieved;
 - e) Have the Central Agency for the Reception of Asylum Seekers (COA) review business cases for secondary reception locations only on the basis of budget considerations;
 - f) Give local organisations the opportunity to take on the supervision of asylum seekers in secondary reception.

5. Involve organisations from outside the immigration process more in establishing agreements about the measures that are to be implemented the next time there is an increase in the number of asylum seekers. Draw up a 'networking roadmap for increases in the influx of asylum seekers', including an information and communications plan, which not only sets out the consequences of the measures to be taken for those organisations that form part of the immigration process, but also the implications for the responsibilities and activities of the other organisations involved. Keep this roadmap up-to-date by regularly discussing it with these organisations.
6. a) Create a buffer for short-term shortages in reception capacity. Maintain the policy of scaling down in the event of a decrease in the number of asylum seekers by decreasing the occupancy rate and operational capacity of existing locations, which will effectively create buffer capacity. In addition, rent or buy plots of land near reception locations where a utilities infrastructure can already be put in place so that modular living units for asylum seekers can be placed there quickly if necessary;
b) Compare the costs of the buffer capacity with the actual costs, and also the political, administrative and social costs, of emergency solutions in the event of unexpected peaks. This comparison can be made by studying crisis situations that have occurred in past decades.
7. Ensure additional processing capacity can be deployed more quickly by:
 - a) Ensuring that staff in the immigration process are versatile, and rotating them between the various organisations within the immigration process;
 - b) Training a flexible cohort of 'reservists' who can be temporarily deployed in the event of a sudden, substantial increase in the number of asylum seekers to undertake activities within the implementing bodies that form part of the immigration process. These 'reservists' should be funded jointly by the governmental bodies involved.
8. Make logistical organisation within the chain more flexible by limiting the number of 'reception modalities' (types of reception locations). Prevent the use of crisis and emergency reception facilities as much as possible, mainly by announcing increases in the statutory target for municipalities, referred to in recommendations 4(a) and 4(b), in good time. Making less use of crisis and emergency reception facilities will also reduce the number of times that asylum seekers have to relocate.
9. Fund the Central Agency for the Reception of Asylum Seekers not based on many, and many different types of, reception facilities, but on an average cost price per asylum seeker per night, established by calculating the average cost price of all reception modalities over a long-term period.
10. Promote the 'outflow' of residence permit holders from reception facilities by:
 - a) Ensuring there is greater variety in the design and location of

- buildings, which better addresses the variety of housing needs that exists among the population in general and residence permit holders in particular;
- b) Adopting structural provisions promoting the reuse of vacant properties to house mixed groups of residents, including residence permit holders; and
 - c) Rather than solely focusing on the financial return, also considering the social importance of housing residence permit holders more quickly when making decisions about selling off vacant government property.
11. Acknowledge that additional efforts are required in order to significantly improve the integration of residence permit holders in the long term, and act accordingly by:
- a) developing an integrated policy vision of the future for asylum seekers and residence permit holders, on the basis of the shared social and individual interests involved in the reception of asylum seekers and the housing and integration of residence permit holders as set out in recommendation 1 and paragraph 4.2;
 - b) increasing the provision of meaningful activities for foreign nationals with children who have exhausted all legal remedies and are being housed in family locations to include all asylum seekers in reception and accommodation facilities (both asylum seekers who have exhausted all legal remedies, and those whose cases are still pending);
 - c) putting municipalities back in sole charge of integration and citizenship education;
 - d) placing the topic 'integration and citizenship education' more prominently on the agenda of the administrative cooperation structure.

Background and summary

1.1. Background

Increased numbers of asylum seekers between 2014-2016

From 2014 onwards – in 2015 and early 2016 in particular – several of the EU Member States, the Netherlands included, were faced with a substantial increase in the number of asylum seekers.¹ They were insufficiently prepared for this, despite the fact that there had been signs of this imminent development for some time, and despite the fact that Europe has been faced with sudden and significant increases in the number of asylum seekers on previous occasions. In order to keep the number of asylum seekers at a manageable level, various measures were implemented in a short period of time, many of which were ad-hoc. The EU Member States made a deal with Turkey under which Turkey agreed to take back refugees who had come from that country, and some Western Balkan countries closed their borders, while other Member States reinstated border controls. In the Netherlands, the existing reception system turned out to lack sufficient flexibility to be able to quickly place all asylum seekers in regular reception centres. The 'refugee crisis' put the system under so much pressure that emergency and crisis reception centres had to be established on a large scale. The crisis reception centres, in particular, were only available for brief spells of time, having been temporarily repurposed; these sites were not intended for residential use and therefore had minimal facilities. One of the consequences of this was that asylum seekers had to relocate more often in a short period of time than would ordinarily have been the case. Since there was a shortage not only of accommodation places, but also of Immigration and Naturalisation Service (IND) staff, and local authorities were unable to provide enough suitable longer-term housing in sufficient time to accommodate asylum seekers who were granted a residence permit, the 'throughput' ground to a halt and the reception system became congested.

Impact on social acceptance

The establishment of additional crisis and emergency reception centres and asylum seekers' centres (AZCs), at an accelerated pace and under great pressure, gave rise to a lot of positive social initiatives. However, it also resulted in tensions in local communities that ate into support from residents. The media narrative was dominated by accounts of incidents surrounding the reception of asylum seekers, for example those that occurred in Oranje, Steenberg, Enschede, Woerden, Heesch and Geldermalsen, where local residents and people from outside protested the arrival of asylum seekers, both verbally and physically. Their objections focused on factors such as the number of asylum seekers being accommodated, the short time frame within which shelter had to be provided (people felt that it was being sprung on them), communication about the procedure(s), the extent to which residents were involved in the decision-making process (public consultation), the implications for people's sense of safety and the presumed negative

¹ See Appendix 10, figures 10.1–10.5.

impact on the quality of life in the village or neighbourhood. In short, the major pressure on the reception system, and the great speed with which decisions had to be made and changes had to be implemented, had an impact on the social acceptance of the reception of asylum seekers and the housing of asylum residence permit holders.

New administrative cooperation structure

Central government and the local governments joined forces in order to cope with the rapid and substantial increase in the number of asylum seekers. The Administrative Agreement on the Increased Influx of Asylum Seekers (*Bestuursakkoord Verhoogde Asielinstroom*, 27 November 2015) and the Detailed Agreement on the Increased Influx of Asylum Seekers (*Uitwerkingsakkoord Verhoogde Asielinstroom*, 28 April 2016) were established to this end. The Administrative Agreement consisted mainly of agreements aimed at expanding reception capacity, both regular and emergency provision. The Detailed Agreement focused predominantly on the consequences of the increase in the number of asylum residence permit holders in municipalities. The Administrative Agreement introduced a new administrative cooperation structure, comprised of a national coordination body and twelve regional coordination bodies dedicated to the increased influx of asylum seekers. The regional coordination bodies were established at the provincial level. As representatives of central government, the King's Commissioners were asked to play a role in the organisation of these bodies.² In addition to the system of coordination bodies, a support structure was established, consisting of the Support Team for Asylum Seekers and Asylum Residence Permit Holders (*OndersteuningsTeam Asielzoekers en Vergunninghouders*, OTAV) and the Home Again Platform (*Platform Opnieuw Thuis*).³

² The responsibilities of the King's Commissioners as representatives of central government are set out in Article 126 of the Constitution, Articles 39–44 of the Safety Regions Act (*Wet veiligheidsregio's*), and the 'Official Instructions for the King's Commissioners' ('Ambtsinstructie Commissaris van de Koning', Bulletin of Acts and Decrees 1994, 445, last amended on 12 November 2015, Bulletin of Acts and Decrees 2015, 427, effective as of 1 February 2016). Under Article 1 of the Official Instructions, the King's Commissioner must facilitate any cooperation he considers necessary between the civil servants and the military officials working in his province, and also between these officials and the provincial government, the local governments and the Water Boards. The King's Commissioners were assigned their responsibilities in relation to the increased numbers of asylum seekers in 2015 on the basis of this Article.

³ The OTAV is a partnership between the Association of Netherlands Municipalities (VNG) and various ministries. The OTAV is intended as a helpdesk, and provides support to municipalities at their request with regard to their policy on asylum seekers and asylum residence permit holders. See <https://vng.nl/files/vng/20170130-otav-factsheet.pdf>.

The Home Again Platform is a partnership between central government, the Association of Netherlands Municipalities, the Association of Provinces in the Netherlands (IPO), the Central Agency for the Reception of Asylum Seekers (COA) and the Association of Housing Corporations (Aedes). The Platform had been launched prior to the establishment of the Administrative Agreement (in November/December 2014), when local governments were already increasingly struggling to meet their targets for providing housing for asylum residence permit holders. Under the Administrative Agreement, the Platform was tasked with the additional responsibility of providing proactive support to those local governments that experienced the biggest backlogs. The Platform also works to eliminate procedural obstacles to housing asylum residence permit holders, for example by putting in place pathways for asylum residence permit holders to be registered in the Municipal Personal Records Database (BRP) at an early stage (the so-called 'BRP-straten', or 'BRP pathways') and a central benefits service point to assist asylum residence permit holders in applying for housing and healthcare benefits. See <https://www.opnieuwthuis.nl/>.

Request for an advisory report on a future-proof reception system and the evaluation of the new administrative cooperation structure

Against this background, the Minister for Migration asked the Advisory Committee on Migration Affairs (*Adviescommissie voor Vreemdelingenzaken*, ACVZ) for advice on the requirements that a future-proof system for the reception of asylum seekers (referred to hereafter as 'reception system') should meet.⁴ Subsequently, he also requested that the Committee evaluate the functioning of the new administrative cooperation structure.⁵ Part I of this report consists of the requested advice; part II contains the evaluation of the new administrative cooperation. Because the request for evaluation touches upon the request for advice that had been submitted previously, the decision was made to issue the advice and the evaluation in tandem with each other. The Committee has incorporated findings that emerged from the evaluation in the advice, and included insights from the research that was conducted for the advice in the evaluation. The advice has a broader scope than the evaluation. The evaluation only focuses on the administrative cooperation, whereas the advice also discusses policy objectives, the relationship between reception and the asylum procedure, the flexibility of the reception system, cooperation throughout the immigration process, the division of responsibilities between the various levels of administration, the distribution of reception facilities across the country, and ways to maintain public support.

The opinion is about reception in the broader sense. This means that the 'inflow' and 'throughput' in the reception system, but also 'outflow' to housing and integration in a local community or back to the country of origin, are considered in conjunction with one another. After all, they are different stages of the same chain and process.

1.2 Research methodology

Research methodology used for the advisory report

A study of literature and other sources was conducted in drawing up this advisory report. In addition, semi-structured in-depth interviews were held with policy officers, employees of implementing bodies, civil society organisations and municipalities, local and regional administrators and a number of asylum seekers. A total of 63 respondents were interviewed. The in-depth interviews, with experts who are directly involved and other field experts, form the primary source of the conclusions and recommendations contained in this advisory report. The findings from the research have been set out in a discussion paper, which was discussed in a focus group meeting with representatives from twelve key organisations. Their feedback was also incorporated in drawing up this advisory report.

In order to respond to the request for advice, the Committee has formulated the following research questions:

- 1) How is the current reception system organised?
- 2) Why is the current reception system organised in this way?
- 3) To what extent do bottlenecks occur in the reception process for asylum seekers and in the housing and integration of asylum residence permit holders?
- 4) What are the causes of these bottlenecks, if any?

Based on a review of the way that the Netherlands has coped with the increased number of asylum seekers and asylum residence permit holders in the period 2014–2016, the Advisory Committee on Migration Affairs provides a broad outline of a reception system that is more effective, efficient and sustainable in this advisory report.

Research questions 1 and 2 are answered in chapter 2 and appendices 7, 8, 9 and 11; research questions 3 and 4 are answered in chapter 3, while chapter 4 focuses on the final research question.

Research methodology used for the evaluation

For the evaluation, an online survey was conducted among 670 respondents who are involved in, or have experience of, the new administrative cooperation structure. The process of the establishment and more detailed development of the Administrative Agreement and the Detailed Agreement was evaluated in a focus group with the parties directly involved, as well as in a series of personal interviews. The evaluation was supervised by a sounding board group consisting of officials from the Ministry of the Interior and Kingdom Relations, the Ministry of Security and Justice, the Association of Netherlands Municipalities (VNG), the Association of Provinces in the Netherlands (IPO), the Central Agency for the Reception of Asylum Seekers (COA) and the King's Commissioners.

The evaluation question is as follows:

To what extent do the parties involved feel that the cooperation structure that was established to cope with the increased number of asylum seekers has contributed to finding solutions to address the consequences arising from this development?

For a more detailed account of both studies, please refer to appendices 3 and 4.

1.3 Conflicting policy objectives

The research reveals that there are conflicting policy objectives where the reception of asylum seekers and the housing and integration of asylum residence permit holders are concerned. Traditionally, the key principle underpinning the *reception of asylum seekers* is that they must be available to progress through the asylum procedure, and that they must be able to cope during their stay in the reception facilities, without integrating in Dutch society. The primary objective of the *housing and integration of asylum residence permit holders* is to offer them a place in Dutch society as soon as is possible, by guiding them towards employment or education. The central objective of the *return policy* is to promote the departure of foreign nationals who have exhausted all legal remedies from the Netherlands.

The key principle of the reception of asylum seekers clashes with the objectives of the other policy areas. A period of stay in reception facilities, with limited possibilities for personal fulfilment and development – especially if this turns out to be a long-term stay – does

not contribute to rapid integration after a residence permit has been granted, and according to the Advisory Committee on Migration Affairs, it also has an adverse effect on the asylum seeker's willingness to cooperate in the departure process if the request for asylum ends up being definitively refused.

1.4 Operational bottlenecks and structural risks

The Dutch system for the reception of asylum seekers functions reasonably well if there is an average number, or a gradually increasing number, of asylum seekers, but it becomes congested if there is a sudden and significant increase in this number. It is mainly thanks to the huge commitment on the part of a large number and a great variety of parties that no one had to sleep on the street in the period 2014-2016. While there were some incidents, no calamities occurred.

Operational bottlenecks also have causes that are wholly or partly structural in nature

However, in dealing with the increased number of asylum seekers, operational bottlenecks occurred as well, and further structural weaknesses in the system were exposed. Operational bottlenecks predominantly occurred in the 'throughput' within the reception system, and the 'outflow' from it. However, these operational bottlenecks also have structural causes. Examples of these are the existence of a large number of different reception modalities, the way reception is funded, and the failure to make appropriate social housing available to asylum residence permit holders in a timely manner.

Structural risks to be considered in developing a more sustainable reception system

The structural weaknesses or risks that should be considered in developing a more sustainable reception system are related to:

- the primacy of short-term political and financial considerations;
- the way in which the reception of asylum seekers and the housing and integration of asylum residence permit holders are framed and discussed in the political sphere and in the media (including on social media);
- the differences (whether they be perceived or actual) and friction that exist between the responsibilities and interests of the various organisations involved in the immigration process;
- the traditional structure of the Dutch model of governance;
- the ineffectiveness of the current integration policy; and
- the inflexibility of the existing reception system.

Many of the bottlenecks that emerged in the research arose or were exposed as a result of the high pressure on the reception system resulting from the substantial increase in the number of asylum seekers in the Netherlands in 2014 and, in particular, 2015. In the past, the Netherlands has faced similar problems when there were huge peaks in the number of asylum seekers. These findings lead to the conclusion that the reception system, and effectively all the related policy areas, are not equipped to cope with sudden and significant fluctuations in the number of the asylum seekers in a proactive and smooth way, rapidly process applications, and effectively and efficiently prepare asylum seekers for

their future (integration in the Netherlands or return to their country of origin or former residence).

The structural nature of the bottlenecks and obstacles that are set out in greater detail in the advisory report demonstrates that the reception of asylum seekers, and the housing and integration of asylum residence permit holders, need to be approached in a fundamentally different way. If this does not happen, major risks will remain, in the form of the detrimental effect this would have on public support in particular, as well as support in the political sphere.

1.5 The broad outline of a more sustainable reception system

The bigger picture

First of all, it is important that the reception of asylum seekers continues to be placed in the broader context of international and inter-European migratory movements. The Netherlands is not the only country that is faced with an increase in the number of asylum seekers from time to time. In other words, more than just a 'national action plan' is required. The Netherlands must continue to focus at the European and international levels on worldwide conflict prevention, reception in the region of origin, the appropriate surveillance of the external borders of the EU, and ensuring there are sufficient and viable legal migration channels for third-country nationals.

Preparation at the national level

However, even in the event that EU Member States and the international community make convincing joint efforts in these areas, substantial migratory movements will continue to take place in the future. The Netherlands will have to make preparations for this in order to ensure that such movements will be manageable at the national level. 'Manageable' means keeping the reception under control or in check in a quantitative sense, but also ensuring it remains comprehensible and coherent, meaning that the policy and the way that it is implemented can be understood and are accepted. Both aspects are essential in order to retain public, administrative and political support.

Acknowledging, learning and identifying the shared interest

Reflecting on a future-proof reception system that is less likely to lead to administrative friction and social unrest starts with the political acknowledgement at the national level of the fundamentally fluctuating nature and size of the influx of asylum seekers, as well as the social duty that this entails.

This acknowledgement is only meaningful if lessons are learned from the past. Preparing effectively for future fluctuations in the number of asylum seekers requires critical reflection on how previous fluctuations have been dealt with. A well-founded answer to the question of how a financially prudent and socially responsible policy can be developed requires an understanding of the financial and societal costs that is as comprehensive as possible.

A sustainable vision is founded on shared interests. Limiting the duration of the reception stage, and providing intensive, future-oriented (meaning aimed at integration or return to the country of origin), targeted supervision and support to asylum seekers at, and during their stay in, reception facilities, is essential; for the asylum seeker and the various parties involved in reception and housing, and for society as a whole. This shared social and individual interest must form the basis for a sustainable vision for the reception system in a broad sense.

Proactive provision of information and unambiguous communication

The reception of asylum seekers, the housing and integration of asylum residence permit holders and the implementation of the return policy play out within a complex network made up from many, and many different kinds of, parties. It is not just the primary responsibilities of the organisations involved, and the associated logistical and operational challenges, that need to be coordinated. The proactive provision of information and unambiguous communication about the status of plans and the associated decision-making is also essential to retaining the support of both the public and policymakers.

Strengthening and expansion of cooperation between ministries and administrative bodies

Coordination of the reception of asylum seekers, the housing and integration of asylum residence permit holders and the return of asylum seekers who have exhausted all legal remedies is a joint effort between the different organisations involved in the immigration process, central government agencies that form part of other chains, local and regional authorities and civil society organisations.

The Ministry of Security and Justice needs to constantly keep all the ministries that are involved, along with their implementing bodies, updated on all relevant developments in the immigration process. Only then will it be possible for all the parties involved to respond rapidly, and jointly, to the next sudden and substantial increase in the number of asylum seekers. Consultation on the fluctuation in the number of asylum seekers, and the implications of this for all the relevant sub-areas in the social sector, must also be structurally safeguarded.

In addition, the cooperation between central, provincial and local government must be strengthened and expanded in order to organise the reception of asylum seekers, and the housing and integration of asylum residence permit holders, in a manner that is sustainable.

Making the reception and processing capacity more flexible, logistical organisation of the migration process and the funding system

A flexible reception system must, to some degree, be capable of expanding and contracting to reflect fluctuations in the number of asylum seekers. This means there must always be a certain buffer capacity which can be quickly utilised if there is a sudden and substantial increase in the number of asylum seekers, and which can revert to other purposes again when the number of asylum seekers decreases. This can be organised in various ways.

It must be possible for staff, too, to be deployed (more) quickly and

(more) flexibly. This first of all requires creativity within the immigration process. In addition, the possibilities outside the chain should be explored.

To maintain the 'throughput' in the reception process, it is vital that the number of reception modalities is limited. There are various ways of doing this. The fewer modalities there are, the fewer asylum seekers will need to relocate.

The way that the Central Agency for the Reception of Asylum Seekers is funded needs to be adjusted so that it is possible to use all beds for all categories of asylum seeker (irrespective of what stage of the asylum procedure they are in). In this scenario, too, it will remain possible to host asylum seekers in a clustered way, if desired.

Maintaining the 'outflow' from the reception system through structural investment in flexible housing options

Structural efforts are required to ensure that, next time there is an increase in the number of asylum residence permit holders, it will be possible to (more) quickly provide mixed types of housing (for asylum residence permit holders and other people urgently in need of accommodation).

Stepping up efforts to facilitate the integration of asylum residence permit holders

In a future-proof reception system, every effort is made to prevent long-term benefit dependency on the part of asylum residence permit holders wherever possible. That is why it is important that asylum seekers receive intensive, future-oriented supervision and support at, and during their stay in, reception facilities. Where services aimed at civic orientation for asylum residence permit holders are concerned, partly in view of public support, an effort should be made to link these up with services that also benefit other people with the same needs.

Developing the outline provided in this advisory report in greater detail will result in a more flexible reception system, in which the various organisations involved in the immigration process and the various administrative levels continue to work closely together to maintain the 'throughput' in, and 'outflow' from, asylum reception centres under all circumstances, but also a system which can count on greater public, administrative and political support because everyone is on the same page.

* In this advisory report, 'primary reception' is understood to mean the reception from the moment an asylum seeker registers or indicates that he wishes to submit an asylum application until the moment a decision has been made about this application within the general asylum procedure, or a fast-track procedure, and up until the departure date of an asylum seeker whose request for asylum has been refused. 'Secondary reception' is the reception of asylum seekers whose applications are being reviewed in the extended asylum procedure, of asylum residence permit holders who are awaiting housing, and of asylum seekers whose request for asylum has been refused, but who are still entitled to reception pending a court ruling, or whose departure date has been temporarily postponed.