

# Realism about Numerical Targets

EXPLORING IMMIGRATION TARGETS AND QUOTAS IN DUTCH POLICY

Advisory  
Report

# Summary

The use of numerical targets in the area of migration can contribute to a more forward-looking, coherent and socially embedded migration policy. To ensure this, however, the numerical targets must be derived from a broader view of migration in society and applied realistically. It is also essential that the national government has sufficient policy space to actually implement the numerical targets. Otherwise, the government is simply setting itself up for failure. Due to external factors, such as war in another country, the national government has limited control over asylum migration, unlike labour migration. If the government wants to commit to the use of numerical targets, the Canadian model – with its emphasis on citizen consultation – could provide some guidance in this area. This is essentially the scope of this report.

## **Coping capacity and migration**

Migration policy is constantly in the media and political spotlight and is the subject of much public debate. The recent crisis over the reception of asylum seekers and the abuse of labour migration is a clear example of this. There is a feeling in the Netherlands that migration is something that just happens to us and that we, as a society, have no control over it. As a result, citizens feel insecure and lose confidence in the government. This affects the ability of Dutch society to deal with migration.

## **Active migration policy**

In this context, the Dutch government has asked the Advisory Council on Migration to examine the possible advantages and limitations of setting or using numerical targets and to consider the objectives that might be served by the use of a numerical target in policy. The main focus of the Advisory Council in this report is to consider the extent to which a quantitative data driven migration policy, with numerical targets would contribute to an active migration policy, which – as the Council argues in this report – should be forward-looking, coherent and socially embedded. ‘Forward-looking’ means taking a long-term view and considering the level and type of migration that the Netherlands would like to see. ‘Coherent’ means that migration policy is also shaped by related policies such as labour market policy, foreign policy and education policy. ‘Socially embedded’ means that the migration policy not only has the support of society, but also focuses on the reciprocal relationship between citizens and civil society organisations, on the one hand, and newcomers, on the other.

## **Effects of numerical targets**

Can numerical targets contribute to better policies and improved implementation? And does the use of numerical targets help to give citizens a greater sense of control over migration? Based on these two perspectives, i.e. the political and administrative perspective and the social perspective, this report zooms in on the use of numerical targets. Here, numerical targets are seen as quantitative targets based on a qualitative objective to be achieved. There are important differences between the types of numerical targets. ‘Immigration quotas’ represent ‘hard’

commitments to outcomes, while 'immigration targets' imply 'soft' commitments to best efforts.

### **Opportunities and risks**

Based on our literature study, interviews, expert meetings and country studies (Germany, Austria, Sweden, Canada), as well as the academic studies carried out at our request by Professors De Bruin, Mügge and Lubbers, the Council sees both opportunities and risks associated with the use of numerical targets in migration policy.

Above all, the use of numerical targets in the area of migration could lead to some improvements in the political and administrative process. However, this requires that national governments should have sufficient policy space to control and manage migration. For example, through the establishment of multi-annual political agreements, numerical targets can help create a sense of 'political calm'. This can be seen in countries such as Germany where a so-called migration corridor (range) was agreed upon as part of the coalition agreement for 2018. This kind of political calm also exists in Canada, where a points-based system and numerical targets are used for selecting migrants.

As numbers are, and should always be, a way of translating political visions and ambitions, the use of numerical targets can also ensure a more evidence-based and well-informed political and public debate on migration. In addition, numerical targets can contribute to a more coherent migration policy by highlighting other policy areas that are relevant to migration. Furthermore, numerical targets can help to improve long-term planning and the cooperation between national and local governments.

Numerical targets can also satisfy citizens' needs having control over migration. Through the use of such targets, citizens can gain a sense of control and begin to see migration as less of a problem. However, this is only true if they feel that the government is capable of exercising this control and if they are clear about what steps the government is taking to do so. The level of support for migration in the Netherlands has been stable for a long time now. The larger number of Syrian refugees in 2015-2016, for example, had little impact on this level of support. Therefore, the sense of control over migration, as experienced by citizens, does not seem to be determined by the number of incoming migrants. This is determined more by the speed at which the rate of migration increases and on who is arriving. In addition, it appears that people are not only concerned about migration, but also about underlying social concerns such as the labour market situation, the ageing population and housing shortages.

The greatest risk in using numerical targets arises when the government has little control and, as a result, citizens lose confidence when promises are made (in the form of numerical targets) that cannot be kept. In such a situation, the government is setting itself up for failure.

The high degree of accountability that accompanies policy and governance also plays a role here. With migration constantly at the forefront of public and political debates, there is a real risk of becoming fixated on achieving numbers and losing sight of the underlying qualitative policy objectives. There is also a risk of manipulation of the figures. A false sense of transparency can be created that obscures the view of reality. An overly strict focus on the numbers can have perverse effects, obscuring the purpose of the numerical targets themselves. With soft numerical targets such as immigration targets, the likelihood of such negative effects is much lower than with hard numerical targets such as immigration quotas. In migration policy, therefore, immigration targets are preferable to immigration quotas.

### **Preconditions**

In order to increase the opportunities and reduce the risks associated with the use of numerical targets, the following five preconditions are important:

- Targets should be derived from the qualitative objectives of the migration policy, taking in account wider social problems that are of concern to citizens.
- There must be sufficient control by the government to ensure that political promises can be kept.
- Executive agencies and citizens must be involved in the formulation of numerical targets. Otherwise, the figures will not be seen as feasible (by executive agencies) or legitimate (by citizens).
- An immigration target must be applied with moderation and not as an all-or-nothing assessment mechanism for policy and politics. Therefore, ranges or a set of indicators should be used.
- The government must clearly communicate the limits of the instrument and be able to adjust the figures regularly. Immigration targets should be seen as a tool for discussing ambitions and intended actions in the context of a broad public debate.

### **Asylum migration and labour migration**

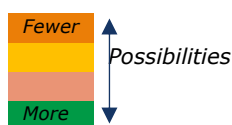
There are significant differences between asylum migration (12% of the total migration) and labour migration (24% of the total migration). In the case of asylum migration, international and European treaties to which the Netherlands is a party (and from which it benefits) do not allow for immigration quota with an upper limit. As asylum migration is highly volatile due to external factors, the national government has little control over it. There are, however, certain indirect policy levers that, that can be turned like dials, can be adjusted further, including in the area of foreign and European policy. However, these need to be accompanied by realistic ambitions and coherent actions. For intra-EU labour migration (at 51%, intra-EU migration is higher than extra-EU migration), more indirect migration policies are possible, for example, through labour market policy and industrial policies. The government has the greatest policy space with regard to labour migration from outside the EU. This is because the government is free to determine the admission criteria within its migration policy. However, its policies in other areas, such as the provision of adequate social facilities, will primarily determine how many and what kind of people eventually come to the

Netherlands. The use of immigration targets should therefore be derived from a labour migration policy based on a well-being approach that takes into account not only economic but also social considerations.

*Possibilities of using numerical targets by type of migration*

	Asylum migration	Intra-EU	Family migration from outside the EU	Student migration from outside the EU	Labour migration from outside the EU
<b>Possibilities of using numerical targets</b>					
- Immigration quotas (as upper limit)	Orange	Orange	Orange	Light Orange	Green
- Immigration targets	Light Orange	Light Orange	Light Orange	Green	Green

[Go to the connected table](#)



**Migration policy**

In this report, the Advisory Council points to the need for a more forward-looking, coherent and socially embedded migration policy. Numerical targets are a tool in this process and should not be an end in themselves. Simply stating or setting a number without a clear purpose makes little sense. Numerical targets are only a tool and must therefore be embedded within broader and qualitative policy objectives. Such a vision must take seriously citizens’ concerns about migration, which are often linked to underlying social concerns about public housing, access to and the quality of care and education, social cohesion and the role of politics in general. These concerns cannot be addressed by using immigration targets alone: migration policy must be linked to a simultaneous and adequate process of addressing social issues. In this respect, the Dutch government can draw inspiration from the Canadian model, which formulates a forward-looking migration policy based on analyses of the future of the labour market and demographic and social developments, as well as input from citizens gathered through consultation rounds.

**Recommendations**

**1** Develop a forward-looking, coherent and socially embedded migration policy, in which immigration targets play a role. Therefore, do not use numerical targets as an end in themselves but make them part of a broader vision of migration and a way of addressing other social issues that are related to concerns about migration.

**2** In the area of migration policy, work with soft immigration targets rather than hard immigration quotas; use immigration targets mainly for types of migration where a somewhat greater degree of policy control is possible, as in the case of labour migration within the EU and, in particular, from outside the EU. It is not possible to use hard immigration quotas for asylum migration with a ceiling within the existing international and European legal framework.

**3** Work with multiple targets, ranges, lower and upper limits and percentages that can be continuously adjusted and communicated, rather than with a single numerical target. Multi-annual numerical targets are preferred. In addition, take in account not only immigration but also return and emigration (i.e. net migration).

**4** Properly identify, both within and outside migration policy, the coherent policy measures needed to achieve a defined immigration target. Link migration policies with integration and social cohesion policies. Ensure coherence with international, European, national and local policies.

**5** Involve all stakeholders, including executive agencies, in the formulation of immigration targets. Allow citizens to help decide on immigration targets in a more socially embedded migration policy. Citizens can also help to understand society's dynamic capacity to incorporate newcomers. The government would be advised to initiate this process by setting up pilots for citizens' panels as part of the migration policy.

**6** Improve the level of knowledge about migration (including the numbers) and migration policy to ensure well-considered policies, realistic numerical targets and a more evidence-based political and public debate.

**7** As a government, communicate honestly about the limitations of working with immigration targets.

# Contents

<b>Chapter 1</b>	<b>Introduction: Control through numbers?</b>	<b>9</b>
1.1	Introduction	10
1.2	Migration trends	13
1.3	Numerical targets in migration policy: controllable migration?	16
1.4	Political spotlight	17
1.5	Terminology: numerical target, immigration target, immigration quota, forecast	18
1.6	Methodology: building blocks of the report	19
1.7	Structure of this report	19
<b>Chapter 2</b>	<b>Opportunities and risks for politics and society</b>	<b>22</b>
2.1	Opportunities and risks related to the use of numerical targets in the political and administrative process	23
2.2	Opportunities and risks for society in relation to numerical targets: about control and coping capacity	29
2.3	Conclusion and five preconditions for a realistic use of numerical targets	38
<b>Chapter 3</b>	<b>Numerical targets in the development of migration policy</b>	<b>44</b>
3.1	Policy levers available to the national government	45
3.2	Asylum migration: no immigration quotas, realism about immigration targets	53
3.3	Labour migration from outside the EU: immigration targets as part of a well-being approach	63
<b>Chapter 4</b>	<b>Conclusions and recommendations</b>	<b>80</b>
4.1	Introduction	81
4.2	Opportunities associated with the use of numerical targets	82
4.3	Risks of numerical targets	83
4.4	Five preconditions	84
4.5	Recommendations for a realistic use of numerical targets in migration policy	88
	<b>Reference list</b>	<b>93</b>
	<b>List of respondents</b>	<b>102</b>
<b>Annex 1</b>	<b>Data analysis of migration flows</b>	<b>106</b>

<b>Annex 2</b>	<b>The legal framework and setting of numerical limits on migration</b>	<b>124</b>
<b>Annex 3</b>	<b>Policy space and control options</b>	<b>142</b>
<b>Annex 4</b>	<b>Experiences with numerical targets in the Netherlands and abroad</b>	<b>160</b>
<b>Annex 5</b>	<b>Request for Advice on numerical targets</b>	<b>181</b>
<b>Annex 6</b>	<b>Tables connected to the figures</b>	<b>183</b>





## Chapter 1

# Introduction: Control through numbers?

## 1.1 Introduction

In the political and public debate, there has long been a desire for increased control over migration to the Netherlands. A question that often arises in this context is whether the use of numerical targets, such as immigration quotas or immigration targets, can be helpful in formulating a better migration policy. In the volume *Regie over migratie* (Control over migration) published by the Netherlands Scientific Council for Government Policy (*Wetenschappelijke Raad voor het Regeringsbeleid*, WRR), an essay by Paul Scheffer points to the importance of making conscious choices in the migration policy. For example, he suggests that there should be a limit or cap on asylum migration, following the German example.<sup>1</sup> The 2020 WRR report *Samenleven in Verscheidenheid* (Migration Diversity and Social Cohesion) followed suit, recommending that numerical targets for asylum migration be used to address society's concerns about migration.<sup>2</sup> A numerical target would then determine what the annual volume of migration can and should be, based on society's capacity to absorb migrants. A numerical target reflects a political ambition but is not a legal cap on the number of migrants. According to the WRR, such an asylum target has two advantages: it leads to a more explicit political discussion about the desired number of migrants and helps to make the necessary preparations before migrants arrive. Executive agencies, such as the Immigration and Naturalisation Service (IND) and the Central Agency for the Reception of Asylum Seekers (COA), as well as the municipalities can then be better prepared, according to the Advisory Council.<sup>3</sup>

The recommendation of the WRR was one of the reasons why the Minister for Migration asked the Advisory Council on Migration<sup>4</sup> (hereinafter: Advisory Council) on November 4<sup>th</sup> 2021 to advise him on the use of numerical targets in the area of migration. The government's main question is: *'To what extent and in what way can numerical targets contribute to the control of asylum and regular migration to the Netherlands?'*<sup>5</sup> Subsequently, this request for advice was also explicitly mentioned in the Coalition Agreement (VVD-CDA-D66-ChristenUnie) of 15 December 2021<sup>6</sup> in connection with the demand for more control over migration.

The Minister has asked the Advisory Council to indicate the possible advantages and limitations of setting or using numerical targets as a complement to projections and to find out which objectives could be facilitated using a numerical target. To this end, the Advisory Council was asked to consider not only the needs of the labour market but also the capacity of the Dutch society to absorb<sup>7</sup> migrants. With this in mind, the Minister also asked that the Advisory Council also take in account the parliamentary motion<sup>8</sup> by MP's Stoffer and Eerdmans be taken into consideration in the advice, i.e. that the possibility of introducing an immigration quota with a clear upper limit, the different variants thereof and the advantages and disadvantages of this should be considered.<sup>9</sup> Finally, the Minister wants to know to what extent other countries use numerical targets and what the Netherlands could learn from their experience.

The Advisory Council was *not* asked to actually calculate or analyse *how many* migrants are desirable or necessary in the Netherlands. That is also not its role; the politicians must decide on the qualitative and quantitative aspects of the migration policy, preferably in that order. Nor has the Advisory Council been asked to present a coherent vision for the future regarding migration policy. However, this report does offer some initial guidance on the use of numerical targets and identifies the conditions under which numerical targets might be useful. In addition, this report provides insight into the question of how ‘malleable’ the migration policy is and therefore what policy instruments are therefore appropriate to achieve a coherent migration policy. It also addresses the type of knowledge and commitment needed to set numerical targets. These guidelines may also be useful for the National Committee on Demographic Developments 2050 (*Staatscommissie Demografische ontwikkelingen 2050*).<sup>10</sup> The purpose of this committee is to advise on the challenges posed by the projected ageing of the population and migration over the next 30 years and on the possible policy options and perspectives for the government.

***Basic premise of this study by the Advisory Council: the Netherlands must establish a more forward-looking, coherent and socially embedded migration policy***

Citizens, politicians and the government have different expectations with respect to the use of numerical targets. While some see numerical targets as the best way to limit the number of asylum seekers, others see them as a way to have a political debate about the demographic challenges. Given that there are different – and rather high – expectations from politicians and society as to what can be achieved through the use of numerical targets, the Advisory Council has formulated a basic premise for this study: *the Netherlands must develop a more forward-looking, coherent and socially embedded migration policy*.<sup>11</sup> Forward-looking means that the Netherlands must employ methods that are proactive, realistic and evidence-based methods to meet the challenges of migration tomorrow and beyond. It is important that these solutions are to be designed and implemented in a coherent manner: migration policy cannot be seen in isolation from labour market policy, integration policy, housing policy or foreign policy. Coherence is also needed at different levels: local, national, European and international. When the Advisory Council says that the policy must be socially embedded, it means a policy that is in line with the wishes and preferences of people in the host society and one that also aims to create reciprocal relationships between citizens and civil society organisations, on the one hand, and newcomers, on the other.

From this perspective, two lines of research have been chosen for this report<sup>12</sup>: first we have examined whether and to what extent the use of numerical targets can be useful in the political and administrative process of migration policy. For example, can they contribute to political compromises, and thus create space for long-term policies? Can they lead to policy coherence? Secondly, we looked at

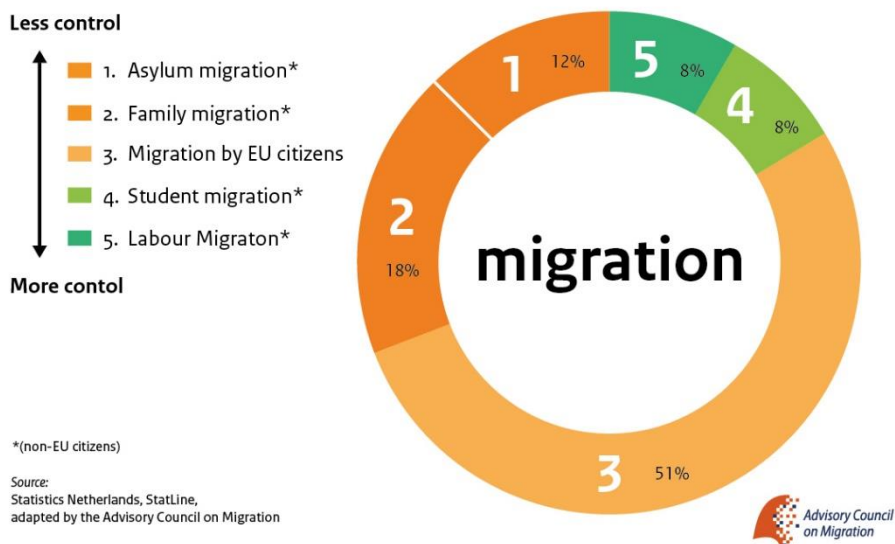
whether numerical targets could be useful in giving citizens a sense of control over migration. In each case, the opportunities and risks have been identified in this report. Based on the results of these lines of research, the Advisory Council has formulated five preconditions for the use of numerical targets. We also identified a number of policy levers that can be fine-tuned by the government and the extent to which they will influence migration patterns. For two sub-areas of migration policy, i.e. asylum migration and labour migration from outside the EU, the Advisory Council has subsequently set out in detail the possibilities for using numerical targets.

Based on this study, the Advisory Council has arrived at the following **key message**:

- A more forward-looking, coherent and socially embedded migration policy is needed.
- Numerical targets can contribute to this if they are derived from a broader view of migration in society and if they are realistically applied.
- An essential condition is that the national government has sufficient policy space to implement the numerical targets effectively. Otherwise, the promises made to citizens cannot be kept, and this will lead to mistrust.
- For asylum migration (12%), which is driven by external factors such as war in another country, this policy space is much more limited than for labour migration (24%) (*see Figure 3*). Immigration targets are therefore not recommended in the area of asylum policy, but they could be part of the labour migration policy based on a well-being approach.
- Citizens and executive agencies must be allowed to play an important role in setting immigration targets. Otherwise, they will not perceive the numbers as legitimate and achievable. The way in which Canada sets and applies immigration targets could be a source of inspiration for the Netherlands.

Figure 1. Share of each type of migration in the total migration and the possible degree of control by type of migration

## Degree of migration control



[Go to the connected table](#)

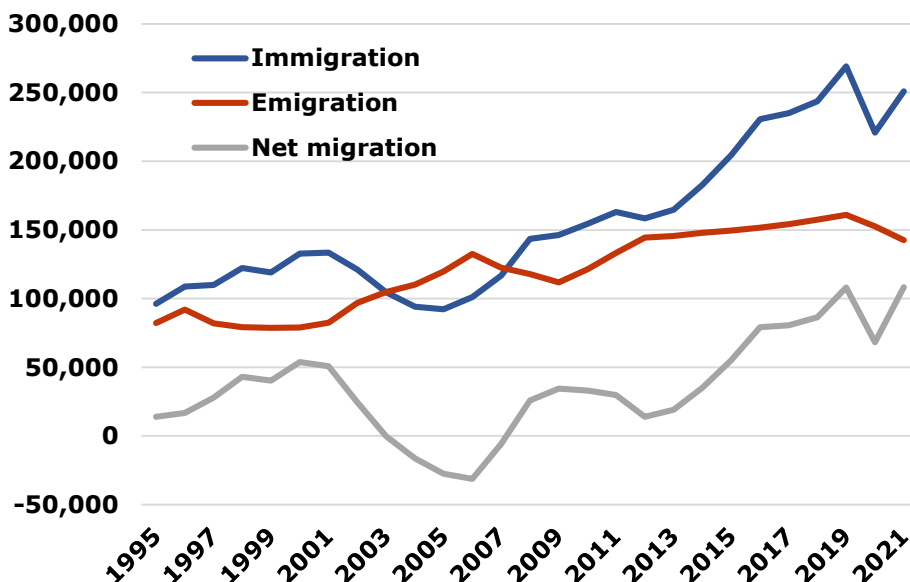
## 1.2 Migration trends<sup>13</sup>

The fact that people are concerned about migration and its impact on our society is understandable. In fact, the Netherlands has had a positive net migration rate for some time now. This means that more people immigrate to the Netherlands than emigrate from the Netherlands. Net migration was only negative between 2003 and 2007, when there were fewer immigrants than emigrants during that period (*Figure 2*). Between 1995 and 2021, more than four million people settled in the Netherlands, but more than three million left the country during the same period. In other words, the net contribution of migration to population change in the Netherlands was almost one million people between 1995 and 2021.<sup>14</sup> Net migration averaged 40,000 people per year. In addition, net migration has risen sharply since 2014 and exceeded 100,000 migrants in 2019 and 2021.<sup>15</sup>

Net migration is expected to be higher in 2022 than in 2021 due to the war in Ukraine, which has already resulted in more than 80,000 Ukrainians coming to the Netherlands.<sup>16</sup> The total number of asylum applications submitted, including those by family members of refugees, averaged around 25,000 per year between 1995 and 2021, fluctuating between 10,000 and 60,000 persons.<sup>17</sup> From 2021 onwards, the number of applications rises again above the average to almost 37,000 in 2021, and 39,000 at the end of 10 months in 2022.<sup>18</sup> However, this is much lower than in 2015, when many people from Syria arrived in the Netherlands. Between 2006 and 2021, the number of migrant workers in the Netherlands quadrupled. In

2019, this amounted to 735,000 people, of whom around 630,000 were from another EU/EFTA Member State.<sup>19</sup> The number of foreign students has also increased, to around 40,000 per year.<sup>20</sup>

Figure 2. Immigration and emigration, 1995-2021

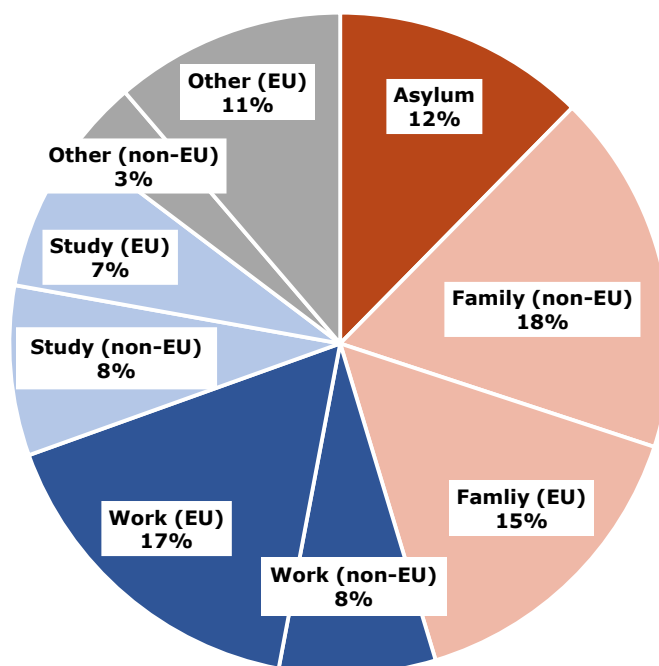


Source: [Statistics Netherlands, StatLine](#), adapted by the Advisory Council on Migration  
[Go to the connected table](#)

Until 2014, population growth was mainly caused by having more births than deaths, or in other words, natural increase.<sup>21</sup> The main reason for the continued growth of the Dutch population in recent years has been rising net migration. This demographic trend is expected to continue for the time being.<sup>22</sup> This means that migration policy will become increasingly important in the light of demographic developments.<sup>23</sup>

There are many types of migration: from labour and student migration to asylum and family migration. In the period 1999-2020, the most common reason for migrants to come to the Netherlands was family reunification or family formation (33%), followed by work (24%), study (16%) and asylum (12%)<sup>24</sup>, as shown in *Figure 3*. The largest group of migrants in the Netherlands comes from other EU countries (51%) (see *Figure 1*). Official migration statistics do not always take full account of certain types of migration, in particular intra-EU labour migration and, to a lesser extent, asylum migration.<sup>25</sup> When considering the opportunities and risks of using numerical targets, it is important to not lose sight of these main groups of migrants, as well as of the distinction between intra-EU and extra-EU migrants. This is important, because the legal context and policy space available in the Netherlands varies considerably depending on the type of migration.

Figure 3. Motives for migration of non-Dutch nationals, 1999-2020.



Source: Statistics Netherlands, StatLine,<sup>26</sup> adapted by the Advisory Council on Migration  
[Go to the connected table](#)

In fact, a large proportion of migrants leave the Netherlands again at some point, but the length of stay depends largely on the motive for migration.<sup>27</sup> Among migrants who come to the Netherlands to work or study, more than 50% leave within three years. After 10 years, this figure rises to 80%. In contrast, a much smaller percentage of non-EU migrants who apply for asylum or join their families here leave the Netherlands within a short period of time. About 20% of non-EU asylum seekers and family migrants have left the Netherlands again within 3 years and about 40% within 10 years. The number of family migrants arriving from EU countries who leave the Netherlands tends to be higher: almost 40% leave within 3 years, and almost 60% after 10 years.<sup>28</sup>

### **A growing number of migrants stay only temporarily in our country**

The different forms of migration pose different types of challenges for society. For example, migrants from countries that produce large numbers of refugees (those who stay the longest) have the worst position in almost all socio-economic areas. However, the second generation tends to fare much better.<sup>29</sup> For example, high turnover rates among migrant workers can put pressure on the social cohesion in neighbourhoods or villages.<sup>30</sup> At the same time, migrant workers contribute to our prosperity, often in low-paid jobs in agriculture and horticulture and in the logistics sector, such as distribution centres and parcel delivery. It is often the kind of work that others are unwilling or unable to do.<sup>31</sup>

On average, over the period 1995-2021, the Netherlands had a lower net migration rate relative to its population than other western or north-western European countries. However, in recent years, net migration to the Netherlands has increased more sharply than that to other countries.<sup>32</sup> As in the Netherlands, the population of many western or north-western European countries grows mainly or exclusively as a result of net migration: the natural increase (i.e. the number of births minus the number of deaths) is much lower or even negative.<sup>33</sup> At the same time, the Netherlands does not fare well in comparison with other countries when it comes to the share of migrants. At 14%, the Netherlands ranks tenth in the EU in terms of the share of migrants in the population; this share is higher in Sweden, Austria and Germany.<sup>34</sup> Even when the number of first-time asylum applications is considered in relation to the population, the Netherlands ranks eleventh and thus falls in the middle range in 2021; countries such as Austria, Germany and Belgium score higher.<sup>35</sup>

There is an increasing diversity in countries of origin, motives for migration and the length of stay of migrants. More and more migrants are staying in our country only temporarily. It is crucial to take this diversity into account in the political and social discourse on numerical targets. This report therefore distinguishes between the opportunities and risks associated with the use of numerical targets by type of migration, including the net migration.

### **1.3 Numerical targets in migration policy: controllable migration?**

In contrast to climate or economic policy, quantitative policy targets currently play little role in Dutch migration policy at present. Exceptions to this are the quotas for refugee resettlement and Asian cooks (see Chapter 3). In various neighbouring countries – Germany, the United Kingdom, Belgium, Sweden, Austria – as well as overseas in Canada, there have been attempts to use numerical targets in migration policy, some of which have been successful and some of them have not. Although there is a lack of in-depth academic research on the do's and don'ts and the consequences of numerical targets, we can still learn something from the experiences of other countries.

As Daniel Mügge (University of Amsterdam) writes in his study for the Advisory Council, it is important to resist the temptation to set quantitative policy targets when there is no clear and convincing idea of how to achieve them.<sup>36</sup> Indeed, if success depends on factors *beyond* the control of policymakers or politicians, they become hostages to fortune. This is echoed by Van der Kolk in *De meetmaatschappij*<sup>37</sup> (The Measurement Society), who states that the use of numbers only makes sense if the outcome can *actually* be influenced: the so-called controllability principle.

***What policy levers does the national government actually have?***



The key question is therefore: to what extent is migration controllable? An essential element to keep in mind when answering this question is that there is a legal framework based on national, European and international rules, for the different types of migration (asylum, family, labour and student migration). This framework, which applies not only to the Netherlands but often to all European countries, provides an insight into how numerical targets can or cannot be used. The Advisory Council has therefore further developed this framework for the different types of migration. In addition, it is important to identify the direct and indirect policy levers available to the national government to influence the different types of migration and to understand their potential impact. Direct migration policy is concerned with admission criteria or how these are implemented, while the effects of indirect migration policy are felt through other policy areas, such as the labour market policy or foreign policy.

By combining the experiences of other countries, the legal framework and the national policy instruments, it is possible to clearly identify the opportunities and risks associated with the use of numerical targets in Dutch migration policy (Chapter 3).

## 1.4 Political spotlight

Numerical targets in themselves do not provide a substantive vision of migration policy: they are merely a tool. The use of numerical targets is best understood as the use of certain tools. 'In the hands of a skilled carpenter, a hammer produces different results than when wielded by someone with two left hands', Van der Kolk writes.<sup>38</sup> That also means that you have to be clear about *what* you want to make. The carpenter must know what he is making: a chair or a bookcase? The goal must be clear. In this sense, numerical targets can also only be seen as a means to an end. What matters is *how* the numbers are used. The policy context is key to determining the 'what' and the 'how'.<sup>39</sup> For example, the numbers and figures that play a role in the building of infrastructure in the Netherlands are likely to have a very different effect from those in the area of migration. Migration tends to be high on the political agenda and is therefore often highly politicised.

From a democratic point of view, such intense political attention to the issue of migration is certainly an advantage. However this attention can also lead to a loss of focus on the long term and lead to additional work pressure, as politicians and administrators are expected to take visible action on an ongoing basis.<sup>40</sup> Moreover, in a politicised context, the strong communicative power of numbers increases the likelihood of immediate political consequences (such as the resignation of politicians) may be attached to them. According to public administration expert De Bruijn<sup>41</sup>, these greater political risks also make it more challenging to learn and experiment with the use of these numbers. The fact that migration is a sensitive political issue therefore plays a role in analysing the opportunities and risks of using numerical targets.

## ***Political and psychological dynamics can lead to different interpretations of figures***

Numbers and figures are never entirely neutral. Moreover, not everything important can be measured. According to Van der Kolk, a healthy attitude towards measurement systems is 'to recognise that quantification undeniably leads to translation and oversimplification', so 'numbers should always be interpreted, and ideally supplemented, with richer, qualitative information'.<sup>42</sup> In short: count the numbers but also tell the story behind them. Numbers do not exist in isolation, disconnected from stories and frameworks.<sup>43</sup> A number tells a story partly because of how it is produced and how it is presented. There are always political and psychological dynamics at play that can lead to different interpretations of the numbers.

### **1.5 Terminology: numerical target, immigration target, immigration quota, forecast**

In this report, the Advisory Council uses the term 'numerical target' as an umbrella term covering both immigration quotas and immigration targets. In doing so, the Advisory Council is responding to the government's request that its advice consider both the more mandatory and the optional variants of a numerical target.

The Advisory Council defines the term 'quota' as a legally permitted or required quantity,<sup>44</sup> and in the context of migration, a quota is a quantitative limit<sup>45</sup> (upper limit/cap) or lower limit on the number of migrants that a country can admit over a specified period of time. It is therefore a hard or fixed number and a commitment obligation to a result.

The Advisory Council defines an immigration target as a number to be achieved over a given period of time.<sup>46</sup> It is a so-called soft number, which expresses the ambition to reach a certain number, either a minimum or a maximum, within a certain time frame.<sup>47</sup> Therefore, an immigration target involves a targeted best endeavours obligation, i.e. the executive agencies work towards the immigration target with a reasonable level of effort while recognising that contextual factors may make it difficult to achieve this target. Therefore, these targets are not necessarily enforceable.<sup>48</sup>

The main similarity between an immigration quota and an immigration target is that they are both ways of quantifying a policy objective and can include either a lower or an upper limit. The main difference between the two is that an immigration quota is a mandatory or hard requirement, and cannot be under- or over-utilised without question, whereas an immigration target is a soft number and therefore more optional in nature. The difference, which is further elaborated in the report, also has implications for the applicability or use of these figures depending on the type of migration.

In addition to quotas and targets, there is another type of numerical tool that can be helpful in policy-making and planning, namely a forecast, which we define as an objective statement about what can be expected in the future. In other words, it does not express a wish, but an expectation based on current knowledge, assumptions and uncertainties.

## 1.6 Methodology: building blocks of the report

To produce this report, the Advisory Council has used a variety of research methods. The research was carried out between November 2021 and the beginning of December 2022. In addition to the literature review, we conducted interviews and expert meetings, made a country comparison and asked three experts to carry out an academic study.

The numerical trends for migration into and from the Netherlands were also studied (*Appendix A*). In addition, interviews were conducted with policy officials from various ministries and executive agencies within the migration chain in order to discuss the current and possible future use of numerical targets.<sup>49</sup> On the basis of the information and insights gained, a legal national, European and international framework for the different types of migration was prepared (*Appendix B*). We also took stock of the direct and indirect policy instruments available in the area of migration, in order to consider the extent to which the government can control the volume of the different types of migration (*Appendix C*).

To better understand the two perspectives, i.e. numerical targets in the political and administrative process and within society, we organised three meetings of the academics from different disciplinary backgrounds.<sup>50</sup> We then asked three professors to carry out and report on academic studies. Marcel Lubbers (Sociology, Radboud University) looked at *the state of the art* as far as public support for migration is concerned.<sup>51</sup> Hans de Bruijn (Public Administration, TU Delft) outlined the advantages and disadvantages of using numbers in the political, administrative, policy-making and implementation context<sup>52</sup> and Daniel Mügge (Political Science, University of Amsterdam) described the ups and downs of quantitative policy targets (*'wel en wee van kwantitatieve beleidsdoelstellingen'*).<sup>53</sup> The Advisory Council also undertook a comparative study of policy practice in Sweden, Canada, Germany and Austria (*Appendix D*). These countries use or have used numerical targets in their migration policy, either temporarily or permanently. Finally, we consulted experts from these countries and spoke with international migration experts from the Migration Policy Institute Europe (see *List of respondents*).

## 1.7 Structure of this report

The report is structured as follows. Chapter 2 discusses the two perspectives chosen for the report: the risks and opportunities, on the one hand, for the political

and administrative process and for society on the other hand. On the basis of the insights gained, a number of preconditions are then defined.

In Chapter 3, we zoom in on a realistic application of numerical targets within migration policy. What *can be done* and *to what extent*? Which policy levers are available, and how could they be used? What are the pitfalls and traps within the defined policy space? In line with the request for the advisory report, we also look more in detail at two types of migration in more detail, namely asylum migration and labour migration from outside the EU. The report concludes with a set of conclusions and recommendations.

---

<sup>1</sup> [Regie over migratie: Naar een strategische agenda | Publicatie | WRR](#) essays on the occasion of the Hollands Spoor debate on migration policy held on 19 June 2018, p. 102.

<sup>2</sup> WRR. (2020). [Samenleven in verscheidenheid – Beleid voor een migratiesamenleving](#), p. 246 et seq.

<sup>3</sup> Idem p. 246 et seq.

<sup>4</sup> As of 1 October 2022, the name 'Advisory Committee on Migration Affairs (ACVZ)' has been changed to 'Advisory Council on Migration'.

<sup>5</sup> See Annex 5.

<sup>6</sup> [Coalitieakkoord 'Omzien naar elkaar, vooruitkijken naar de toekomst' | Publicatie | Rijksoverheid.nl](#).

<sup>7</sup> The Advisory Council prefers to use the term 'capacity to cope'.

<sup>8</sup> [Kamerstuk 32824, nr. 330 | Overheid.nl > Officiële bekendmakingen \(officielebekendmakingen.nl\)](#).

<sup>9</sup> [Coalitieakkoord 'Omzien naar elkaar, vooruitkijken naar de toekomst' \(overheid.nl\)](#), Stoffer/Eerdmans motion, *Parliamentary Papers II* 2020/21, 32 824, No. 330, dated 8 July 2021.

<sup>10</sup> [Benoemingen Staatscommissie Demografische ontwikkelingen | Nieuwsbericht | Rijksoverheid.nl](#).

<sup>11</sup> [Brief aan de 'Minister van Migratie en Samenleven' | Brief | Adviesraad Migratie](#).

<sup>12</sup> For this, the Advisory Council has based itself on the format of the academic study conducted by Christina Boswell on the British migration policy.

<sup>13</sup> See Appendix A for more details.

<sup>14</sup> These numbers include returning and departing Dutch nationals.

<sup>15</sup> See Appendix A, *Figure 1* et seq.

<sup>16</sup> See [Cijfers opvang vluchtelingen uit Oekraïne in Nederland | Reception of refugees from Ukraine | Rijksoverheid.nl](#). As of 18 November 2022, 84,630 Ukrainian refugees were registered in the Personal Records Database (BRP). See also [Bevolking gegroeid naar 17,8 miljoen inwoners, vooral door migratie \(cbs.nl\)](#). The net migration for the first 9 months of 2022 amounted to 188,500 persons.

<sup>17</sup> Some of the asylum applications are not counted in the migration figures mentioned above. This is because the immigration figures are based on registrations in the Personal Records Database (BRP). Asylum seekers whose applications are rejected within six months are not allowed to register. See Appendix A, Footnote 1, for more information.

<sup>18</sup> [Asieltrends \(ind.nl\)](#). Refugees from Ukraine do not have to apply for asylum to stay in the Netherlands and are therefore not included in the figures for the number of asylum applications submitted.

<sup>19</sup> See SEO Amsterdam Economics, *Arbeidsmigratie in 2030. Vier mogelijke scenario's*, June 2022. These migrants were working in the Netherlands in 2019, but they would have come to the Netherlands in different calendar years. Therefore, unlike the figures mentioned above, this is a 'stock figure' and not a 'flow figure'. SEO Amsterdam Economics also uses a broad definition for migrant workers, see Chapter 3, Endnote 215.

<sup>20</sup> See Appendix A, *Figure 8* and *Figure 10*.

<sup>21</sup> Statistics Netherlands, <https://opendata.cbs.nl/#/Statistics/Netherlands/nl/dataset/83474NED/table?dl=67003>.

<sup>22</sup> Netherlands Interdisciplinary Demographic Institute (NIDI) and Statistics Netherlands, *Bevolking 2050 in beeld: opleiding, arbeid, zorg en wonen*, 13 April 2021, <https://publ.nidi.nl/output/2021/nidi-cbs-2021-bevolking-2050-in-beeld.pdf>.

<sup>23</sup> Statistics Netherlands, [www.cbs.nl/nl-nl/nieuws/2022/43/bevolking-gegroeid-naar-17-8-miljoen-inwoners-vooral-door-migratie](http://www.cbs.nl/nl-nl/nieuws/2022/43/bevolking-gegroeid-naar-17-8-miljoen-inwoners-vooral-door-migratie).

<sup>24</sup> Family members joining beneficiaries of protection who applied to join the beneficiary of protection within three months of the granting of the asylum status are counted under asylum migration and not under family migration.

<sup>25</sup> This is because the immigration figures are based on registrations in the Personal Records Database (BRP). Asylum seekers whose applications are rejected within six months are not allowed to register, and a large proportion of temporary and other migrant workers from the EU also do not register. See Appendix A, Footnote 1, for more information.

<sup>26</sup> The data come from two different tables: [EU/EFTA](#) and [niet-EU/EFTA](#).

<sup>27</sup> See Appendix A, *Figures 13 and 14*.

<sup>28</sup> See Appendix A, *Figure 15*. Viewed over a longer period, the likelihood of remaining in the Netherlands is therefore higher for an asylum migrant than for a migrant worker.

<sup>29</sup> Statistics Netherlands. (2022). [Rapportage integratie en samenleving](#).

<sup>30</sup> WRR. (2020). [Samenleven in verscheidenheid – Beleid voor een migratiesamenleving](#).

<sup>31</sup> SEO Amsterdam Economics. (2022). Arbeidsmigratie in 2030.

<sup>32</sup> See Appendix A for more details.

<sup>33</sup> Idem.

<sup>34</sup> Idem.

<sup>35</sup> [Staat van Migratie](#). (2022). p. 93.

<sup>36</sup> D. Mügge, (2022) *Wel en wee van kwantitatieve beleidsdoelstellingen*.

<sup>37</sup> B. van der Kolk. (2021). De meetmaatschappij. Atlas Contact, Business Contact, Amsterdam.

<sup>38</sup> Idem p. 136.

<sup>39</sup> H. de Bruijn, *Sturen met cijfers. Een korte reflectie* (2022).

<sup>40</sup> Van Ostaijen et al. (2022). De migratiesamenleving. Migratie en diversiteit als Gordiaanse knoop.

<sup>41</sup> H. de Bruijn, *Sturen met cijfers. Een korte reflectie* (2022).

<sup>42</sup> B. van der Kolk. (2021). De meetmaatschappij, Atlas Contact, Business Contact, Amsterdam, p. 37.

<sup>43</sup> I. de Jong, M. van Twist, D. Bressers & J. Schram. (2018). Gevoel voor getallen. Een zoektocht naar de politieke en psychologische dimensies van tellen in beleid. The Netherlands School of Public Administration (NSOB).

<sup>44</sup> Van Dale.

<sup>45</sup> IOM. *Immigration quota: a quantitative limit on the number of immigrants admitted into a State during a given period of time overall or under certain visa categories*.

<sup>46</sup> Van Dale.

<sup>47</sup> For example, since 1 January 2022, a new law has been imposed on large companies in the Netherlands aiming to create a more balanced ratio between men and women in senior and middle management positions. This law also uses the terms 'quota' and 'targets' to indicate a clear distinction. Bulletin of Acts and Decrees 2021/495: Act of 29 September 2021 amending Book 2 of the Dutch Civil Code in order to ensure a more balanced ratio in the number of men and women on the boards of directors and supervisory boards of major limited liability and private limited liability companies. For more information, see also the website of the [Social and Economic Council of the Netherlands \(SER\)](#).

<sup>48</sup> D. Mügge, (2022) *Wel en wee van kwantitatieve beleidsdoelstellingen*.

<sup>49</sup> See the list of respondents in the Appendix.

<sup>50</sup> See the list of respondents in the Appendix.

<sup>51</sup> M. Lubbers, (2022) *Richtgetallen immigratie en maatschappelijk draagvlak*.

<sup>52</sup> H. de Bruijn, *Sturen met cijfers. Een korte reflectie* (2022).

<sup>53</sup> D. Mügge, (2022) *Wel en wee van kwantitatieve beleidsdoelstellingen*.



## Chapter 2

# Opportunities and risks for politics and society

In this chapter, we answer the question to what extent numerical targets can contribute to a more forward-looking, coherent and socially embedded migration policy. In section 2.1, we describe the opportunities and risks, of using numerical targets in the political and administrative process related to migration. The question that is discussed is as follows: do quantitative targets help to create a forward-looking and coherent migration policy? Section 2.2 considers whether, and if so when, a migration policy based on numbers can create a sense of control over migration among citizens. The final section (2.3), describes five conditions for the use of numerical targets in migration policy.

## **2.1 Opportunities and risks related to the use of numerical targets in the political and administrative process**

In connection with the use of numerical targets or performance measurement for politics and administration, various opportunities – or goals – are mentioned. We have learned about them from the academic literature, from the academic studies conducted by Mügge and De Bruijn on behalf of the Advisory Council, from the expert meetings and from the comparative country study. Of these, the ones that are most relevant for migration policy are outlined below.

### *Achieving political calm by setting out agreements*

Numerical targets in migration policy can be an appropriate tool to define agreements between different political parties or to reach a political compromise. Subsequently, these numerical targets help to make these agreements concrete.<sup>54</sup> This can help to create a sense of political calm around an issue – such as migration – that is constantly in the spotlight. Recent experience with the use of numerical targets in Germany<sup>55</sup> demonstrates this. The so-called migration corridor (*Zuwanderungskorridor*) – an agreement laid down in the 2018 German Coalition Agreement<sup>56</sup> – aimed to create this kind of political calm. It was a compromise on the range of the number of asylum migrants to be admitted annually (between 180,000 and 220,000) and came about in response to the large number of migrants who had applied for asylum in Germany in the 2015-2016 period. This influx had caused a great deal of political unrest. The coalition parties therefore agreed that a situation like that of 2015 should be avoided and that the integration capacity of German society should not be further overstretched.

### ***Political calm can create greater scope for a more long-term migration policy***

The Canadian model, which has used numerical targets for permanent migration in multi-year plans since 1978, also shows how a well-organised process for formulating numerical targets leads to political calm. In Canada, economic migrants are selected on the basis of a points-based system,<sup>57</sup> and there is a numerical target for both permanent family migrants<sup>58</sup> and resettled refugees.<sup>59</sup> Temporary migration to Canada for work or study, for example, is not included in

these numerical targets. Instead of using hard quotas, a specific range of immigration targets is used. The model is based on legislation and is widely supported by political parties, interest groups, academics and the media.<sup>60</sup> An important factor contributing to political calm is that the minister responsible for immigration is required to work closely with the provinces in planning and managing immigration. The minister must discuss the numerical targets in the federal parliament each year. Coalition governments, led by either the Liberal Party or the Conservative Party, support an increase in permanent immigration of about 1% of the population per year. The lack of political dispute concerning migration issues may create greater scope for the development of a more long-term migration policy (see more on Canada in chapter 3).

#### *A more fact-based public and political debate*

Numerical targets can lead to a political and public debate that is based more on facts rather than on sentiment. In fact, the use of numerical targets can provide more information or create greater transparency about the policy being pursued, as the intended outcome of the policy is more precisely defined.<sup>61</sup> Terms such as a 'wave' or 'tsunami' of asylum seekers or migrant workers can be reduced to a concrete number of migrants and thus put into perspective. Comparisons between the Netherlands and other European countries regarding the number of migrants and their integration into society can provide more facts and bring greater clarity. Moreover, the use of numerical targets can make migration movements more visible to the general public than before. This is what happened, for example, in the United Kingdom. It was only after the announcement of a target to reduce net migration from 100,000s per year to 10,000s per year that it became clear that the number of EU migrants was many times higher than originally thought (see also the next section on the UK). A political and public debate based on facts and concrete figures can lead to a better conversation about the future of migration. The *Staat van Migratie* (State of Migration) report and the numerical projections of the NIDI/Statistics Netherlands<sup>62</sup> also play a role in this respect.

### **A numerical target clarifies the desired policy outcome and makes it concrete**

#### *Improved performance due to clear and coherent policy objectives*

The use of numerical targets can help executive agencies to get a clearer picture of the desired direction of the qualitative objectives of the migration policy. In addition, it gives politicians more assurance that implementing bodies are aware of the implementation priorities.<sup>63</sup> For example, if the aim is to make the Netherlands more attractive to installation engineers from outside the EU in the context of the energy transition, this could be achieved by setting a numerical target for the number of engineers required. This defines a concrete result for the implementation. And if the opposite objective, e.g. to reduce student migration, is also formulated with a numerical target, a possible policy option could be to allow educational institutions to offer fewer English-language study programmes. In this



case, the use of numerical targets provides an incentive for a more coherent policy that can help achieve the intended outcome.<sup>64</sup> In this way, a numerical target makes the desired policy outcome clearer and more concrete.

The use of a numerical target can also lead to greater success in implementing government policy.<sup>65</sup> This is because a numerical target indicates that the achievement of this target has a certain political significance. This can ensure that a government body or an executive agency will make maximum efforts to actually achieve the target. It can also act as an incentive for innovation, as implementing bodies look for new and more effective ways of achieving the numerical target.<sup>66</sup> Finally, depending on its degree of 'hardness', a numerical target can also serve as an additional benchmark or measure of policy success or failure. The latter makes it possible to hold the government or implementing bodies accountable for the quantitative results achieved.<sup>67</sup>

#### *Better planning and preparation by policy and executive agencies at the national and local levels*

According to the Advisory Council, setting a numerical target can lead to policy departments and executive agencies being better prepared for the number of migrants coming to the Netherlands.<sup>68</sup> For example, the IND can then ensure that sufficient interviewing and decision-making capacity is available to deal with the specified number of migrants, and the COA, municipalities and other organisations can make the necessary arrangements in a timely manner. But also in a more general sense, society can better prepare for the arrival of migrants (more on this in the next section). Another way of doing this is to make forecasts. The difference, however, is that a forecast is based on an expectation and is therefore purely reactive, whereas a numerical target is based on an ambition, which can also take in account the capacities and wishes of society and implementing bodies. In addition, a forecast is a prediction, so it is necessary to wait and see if it actually comes true, whereas a numerical target need active efforts to achieve the target. Forecasts could be used as input for the formulation of numerical targets (see chapter 3).

#### ***If the reality proves unmanageable, numerical targets can have a boomerang effect***

##### *Risks of numerical targets: promises should be such that they can be fulfilled*

As well as opportunities, there are also a number of risks associated with the use of numerical targets. It is unwise to set targets that cannot be met if the policymakers have little control over the achievement of these targets. This is also known as the controllability principle or the attribution principle<sup>69</sup>: there must always be sufficient policy space to actually achieve the immigration targets.<sup>70</sup> In other words, promises have to be kept. Otherwise, politicians are simply setting themselves up for failure. As Daniel Mügge argues in his academic study, numerical

targets can have a boomerang effect if the reality of policy implementation proves unmanageable. 'In this case, the price of a number agreed upon by politicians is the risk that it will later prove unattainable.'<sup>71</sup> If success depends on factors beyond the control of policymakers, they become hostages to fortune, according to Mügge.<sup>72</sup> Unrealistic numerical targets may work temporarily as a political signal to citizens or as a compromise between political parties, but from a policy perspective and therefore also for long-term trust in politics, they are more likely to be counterproductive. In short, agreeing on numerical targets without clearly defining how to achieve them can be a pitfall.

### *Reality behind the numbers*

In addition, there is a constant risk of becoming overly fixated on the numbers, where the numbers on paper become more important than the reality behind them. Not everything of value can be counted, and not everything we can count is of value. By focussing only on *numbers*, it is easy to lose sight of how different migrants are, what they have experienced, and if and how they can settle down in our society. Numbers do not always give an insight into migration because they do not give a face to migration. According to De Bruijn, it should never be just about the numbers but also about the reality behind them.<sup>73</sup> Numbers never tell the whole story: it is as important to count the numbers as well as telling the story behind them.

A policy based on numerical targets can also lead the government to strive for good results on paper,<sup>74</sup> or in other words, to manipulate the numbers. In this case, the goal becomes: scoring well based on the agreed numbers. There are many such examples of gaming the numbers – universities that score well in rankings because they attract professors with many publications in recent years, parliamentarians who table many motions in order to rank high in the list of successful MPs. When it comes to migration policy, for example, Ukrainian refugees are currently not being counted as asylum seekers. De Bruijn calls this a paradox: 'The more you want to control using numbers, the greater the chance of distortion; the more distortion, the less you control.'<sup>75</sup>

### ***The use of numbers can also create a false sense of transparency***

The use of numbers can also create a false sense of transparency.<sup>76</sup> For example, the demarcations chosen within the target group can give a specific and sometimes misleading picture. In the area of migration, there is a lurking risk of this negative effect. For example, should family reunification of asylum permit holders be included in a numerical target for asylum migration or not? The same applies to asylum applications lodged in the Netherlands for which another Member State is responsible under the Dublin Regulation. Of course, these groups must be defined if numerical targets are to be used, but this would mean losing sight of the broader migration policy. With numbers, there are always choices to be made about what to measure, how to measure and which categories to use. This affects the results.

The choices made are open to debate. It depends partly on the available technical capabilities and the recording systems that are already in place. It is not without good reason that we pointed out, in the introduction, that different methods of measuring labour migration produce very different results. Indeed, some of these migrant workers are not included in the migration figures. For example, the immigration figures of Statistics Netherlands are based on registrations in the Personal Records Database (BRP), but a large proportion of temporary EU migrant workers do not register themselves.

#### *Realistic implementation processes*

One of the underlying ideas behind numerical targets is that implementing bodies, such as the COA and the IND, should know where they stand and work together to achieve better results. But implementing bodies may also have to deal with definitions that are constantly changing in order to achieve the promised results. Likewise, numerical targets may become increasingly differentiated, creating bureaucracy and distracting from other organisational goals.<sup>77</sup> When faced with unachievable targets, organisations tend to avoid top-down control by meeting their targets on paper but not adjusting their operational processes in practice (*decoupling*). As a result, nothing changes in the end.<sup>78</sup> In such a scenario, the use of numerical targets only works if a lot of pressure is applied during implementation (*recoupling*). This has its price, as the UK experience has shown: it is demotivating and leads to mutual frustration between politicians/policymakers and implementing bodies.<sup>79</sup> Objectives set solely by politicians, without consulting implementing bodies on the feasibility of these objectives, may prove unachievable in practice.<sup>80</sup> Unrealistic or undesirable goals often backfire during the practical implementation process.<sup>81</sup>

#### *Moderate use of numbers*

Academic studies (by Mügge and De Bruijn) on the use of numbers in the political and administrative process call for a moderate use of quantitative targets. It is better if there are no significant consequences attached for failing to meet a numerical target; otherwise, there is a high likelihood of negative effects.<sup>82</sup> This means that it is better not to attach any financial rewards or sanctions to this. However, as De Bruijn writes, the likelihood of moderate use is low in the case of a highly politicised issue. And migration is certainly an issue that is constantly in the media and political spotlight. As a result, it can be difficult to prevent soft numbers from being used as hard numbers: in the public discourse, they are often seen as hard commitments against which the government's performance can be judged.<sup>83</sup>

### ***Immigration targets must be adjustable depending on the current context***

#### *Soft immigration targets instead of hard immigration quotas*

All in all, if the government decides to use immigration targets, it makes more sense to use soft immigration targets rather than hard numbers such as immigration quotas in migration policy, because immigration targets reduce the above-mentioned negative consequences of using numbers as described above. This means that a commitment to best-efforts is preferable to a commitment to outcomes as in the case of immigration quotas. Immigration targets are first and foremost aspirations and focus on the actions taken to achieve those aspirations. Immigration targets (ranges or sets of indicators) should be such that they can be adjusted if the current context requires it, although this may sometimes prove difficult as, for example, when certain commitments have been made through a coalition agreement.

Based on the use of numbers in other areas, it is possible to explain how immigration targets could be used in migration policy. Mügge draws the following example from the economy: the European Central Bank (ECB) aims to achieve an inflation rate of 2% in the Eurozone in the medium term, which is a clear quantitative policy objective. This policy objective is the main reference point for the monetary policy and for the adjustment of official interest rates. At the same time, it is clear to everyone that the ECB does not have full control over inflation and that many other factors also play a role. Therefore, if inflation does not stay just below 2%, it does not necessarily mean that the ECB has failed. All that the ECB is expected to do, in line with its official mandate and given the circumstances, is to *work towards* this target. This is also how immigration targets could be used in migration policy: as a purposive best-efforts commitment, with executive agencies and policymakers working towards the target with appropriate commitment, while recognising that contextual factors make it difficult to achieve the target. The government intervenes when goals are not met, with political and public attention focused mainly on the planned actions.

*To conclude: immigration targets offer opportunities but under certain conditions*

The use of numerical targets in the political and administrative process can contribute to a more forward-looking and coherent migration policy because agreeing on numbers can help create political calm. Numerical targets can also provide additional incentives for executive agencies to perform better, and the use of these targets can also lead to a more evidence-based public and political debate. But there are also certain risks involved: a fixation on numbers rather than the story behind them, manipulation of numbers and disruption of the implementation process. The likelihood of this increases as more and far-reaching consequences are attached to whether or not the numerical target is met, and as the policy receives more and more political and public attention. Therefore, it is best not to work with hard numbers (quotas) that impose an obligation to achieve results; immigration targets with an obligation to use best endeavours are preferable. An important condition here is that the numerical targets should be such that they can actually be achieved: if there is little political room for manoeuvre, the numbers can have a boomerang effect in the political and administrative process.

More on this in Chapter 3, where we analyse the extent of policy space available in terms of the migration policy.

## **2.2 Opportunities and risks for society in relation to numerical targets: about control and coping capacity**

Today, 'control' is the code word when it comes to migration. People feel that migration is something that happens to them, that they can do little about it and have little say in it. Can the use of numerical targets and pursuing a migration policy based on them give citizens a sense of control? A socially embedded migration policy listens to the wishes of the host society. Such a migration policy also seeks a reciprocal relation between citizens and migrants. To what extent can numerical targets contribute to this?

The Advisory Council's research shows that only a few countries have used numerical targets so far. As a result, there is no academic research on the direct or indirect effects on society of working with numerical targets. On the basis of the existing literature and the academic study on people's attitudes to migration carried out by Lubbers on our request, as well as the results of the expert meetings organised by the Advisory Council, we show how numerical targets *could* contribute to more socially embedded migration policy. We also point out what is not possible and the relevant conditions for doing so.

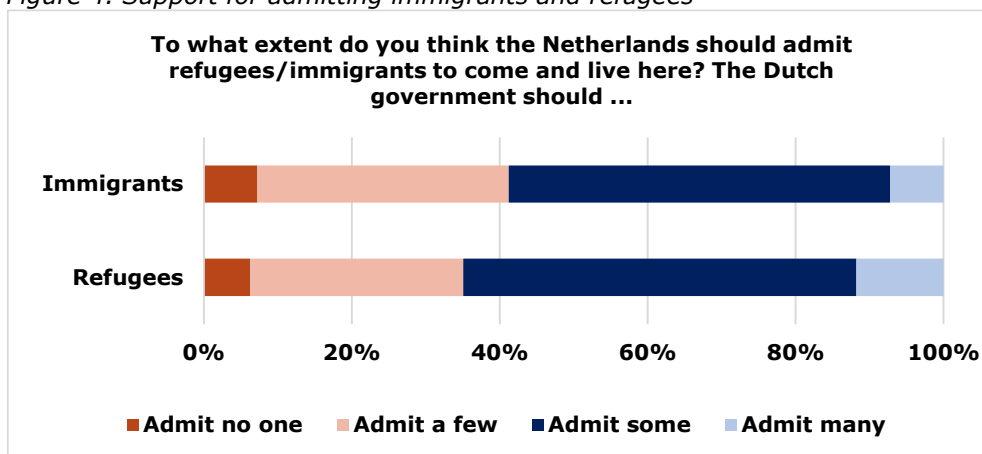
### *The need for control*

A study of support for asylum policy in eight countries (excluding the Netherlands) shows that the European public needs to feel that they are in control of migration. In general, people are willing to grant asylum. In all the countries surveyed, including Hungary, Austria and Poland, granting asylum is primarily seen as a moral duty. People do not choose for the most restrictive policy options. But given the choice between zero or a maximum number of asylum applications per year, people overwhelmingly choose the latter.<sup>84</sup> People seem to like to put conditions on migration, especially in terms of numbers.

In the UK, we saw that the slogan "*Take back control*" eventually led to the Brexit. There was a feeling among the British that they had no control over migration. But *feeling in control* in this regard seems almost more important than actually reducing the number of migrants. In fact, in the year of the Brexit decision (2016) and in 2018, there was even more support for migration than before.<sup>85</sup> By 2021, 46% of Britons were positive about migration and 28% were negative. This was a reversal of the prevailing sentiment in 2015 (35% positive and 42% negative).<sup>86</sup> Even among those who voted Leave in 2016, there was a predominantly positive attitude.<sup>87</sup> In short, are citizens more concerned about actually reducing the number of migrants or – and this seems to be the case – is it about wanting more control over the migration policy? How do people in the Netherlands currently feel

about migration? In the Netherlands, a small minority of the population wants the door to be completely closed, and a small minority wants the door to be completely open (Figure 4).<sup>88</sup> There is a large group in the middle that wants to accept some or a few refugees and immigrants in the Netherlands. Only 11% and 7% respectively are in favour of admitting, respectively, a large number of refugees and immigrants. The options 'no immigrants' and 'no refugees' are chosen by 7% and 6%, respectively. The exact number people included under 'some' or 'a few' is not clear.

Figure 4. Support for admitting immigrants and refugees<sup>89</sup>



LISS, 2020 (Hendriks et al., 2021).

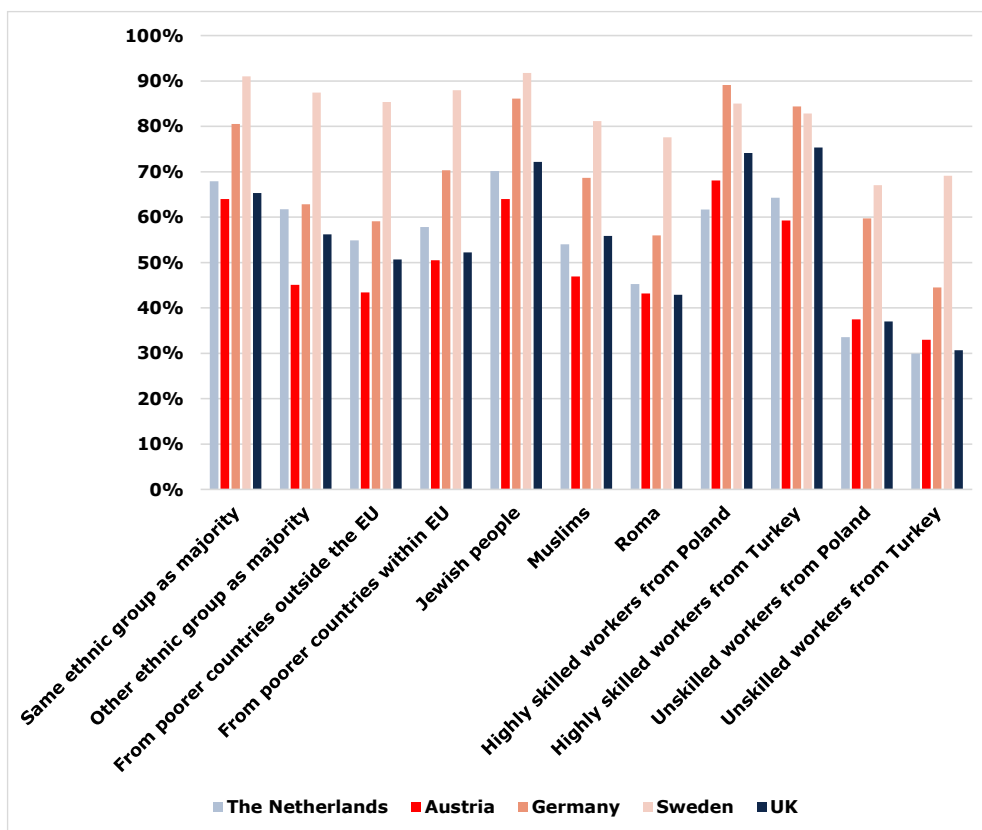
[Go to the connected table](#)

As in the European study quoted above, Lubbers' study shows that a majority of people in the Netherlands believe that there is a moral obligation to give shelter to people fleeing war or persecution. In 2016, 63% of the population felt this way, and in 2022 it was 60%.<sup>90</sup> This also means that a significant proportion of the population thinks otherwise.<sup>91</sup> Typically, however, people are willing to accept 'genuine refugees' but are negative about people whose motives they question.<sup>92</sup>

There is more support in the Netherlands for people who come to the Netherlands 'involuntarily', i.e. refugees, rather than for people who have chosen to come, such as migrant workers; although, support for labour migration tends to fluctuate over time.<sup>93</sup> While there is generally less support for the admission of migrant workers than for refugees, there is more support for migrants who come on the basis of a work permit than for EU migrants who do not need one.<sup>94</sup>

The Dutch are more negative than the Germans and the Swedes towards different types of migrants, but more positive than the Austrians and similar to the British (Figure 5). A majority of the population is in favour of highly skilled migrant workers, from both from inside and outside the EU. This is less the case for lower skilled migrants, both from inside and outside the EU.

Figure 5: Proportion of the population that supports policy to admit some or many people from the mentioned groups in 2014



Source: ESS, ERIC, 2018<sup>95</sup>

[Go to the connected table](#)

Public attitudes also vary according to the background of the migrants who come to the Netherlands. For example, there is more support for vulnerable groups, families and non-Muslims.<sup>96</sup> Another important factor is whether migrants adapt their ways and contribute, or intend to contribute, to Dutch society, for example, by working. In the host society, the integration of migrants is therefore important in determining attitudes towards migration.<sup>97</sup>

Moreover, there are differences in society in the attitude towards migration.<sup>98</sup> People with a lower level of education are more negative towards migrants and refugees than people with a higher level of education. This is mainly due to the perception of a cultural threat or the feeling that 'the national identity is under pressure', resulting in a sense of loss.<sup>99</sup> It is not necessarily about income. Distrust – not just in a general sense but particularly in relation to politics – is also strongly linked to negative attitudes towards immigration, immigrants, refugees, or immigration and refugee policies.<sup>100</sup>

### **Attitudes toward migration in the Netherlands have been stable for many years**

*Numerical targets and attitudes toward migration*

Whether the use of numerical targets will actually have an impact on attitudes towards migration remains to be seen. On a macro level, citizens' attitudes towards migration and the arrival of immigrants<sup>101</sup> have been stable in the Netherlands for many years.<sup>102</sup> An increase or decrease in the number of migrants does not seem to affect this.<sup>103</sup> Even changes in circumstances, such as the economic crisis in 2008 and the civil war in Syria, do not have a major or lasting impact on these attitudes. This stability is not unique to the Dutch situation. It also applies to other countries, with the exception of the UK. At present, we see little evidence that the use of numerical targets influences public opinion. In Austria, for example, there has been little change in the support for the policy admitting asylum seekers during the period with and without numerical targets.<sup>104</sup>

While it is true that citizens have different views on which type of migrants are welcome, the number of migrants does not seem to have a direct impact on attitudes towards migration. A meta-analysis, based on 55 studies, concludes that there is little evidence of a relationship between the number of migrants and attitudes towards migration in society. If anything, the perceived number of immigrants is more important than the actual number of immigrants, as Lubbers concludes in his study.<sup>105</sup> An unexpectedly large influx of migrants, such as the influx from Syria in 2015 and 2016, makes people estimate the number of migrants coming to a country to be much higher than the actual number. Therefore, a sudden increase could temporarily lead to more negative attitudes. This shows that it is not so much the numbers that matters, but rather the speed of change and the feelings it creates. There is also less support for migration particularly when this rate of change is accompanied by chaotic conditions.

Due to the intense media and political focus on the issue, citizens tend to overestimate the number of migrants residing or arriving in the Netherlands. This overestimation is particularly prevalent among people who already perceive migration as a problem.<sup>106</sup> But that is not only true for this group. The wider society also lacks an accurate picture of the number of migrants, asylum applications or the number of asylum permit holders in need of housing; there is so-called numerical illiteracy with regard to migration.<sup>107</sup> A large part of the population is therefore unaware of the number of migrants. Most of the time it is an overestimation. But even when people are given the right information, they do not immediately change their negative attitudes towards migration.<sup>108</sup>

***With numerical targets, it is important that citizens have confidence in the process of governance***

*Numerical targets and public confidence: lessons learnt from the United Kingdom*

Therefore, it appears that the numbers of migrants do not necessarily determine whether people are more positive or negative about migration. The UK experience



shows that citizens seem to prioritise the *sense of control* rather than precise numbers. In the UK, numerical targets have been used on several occasions.

### **Immigration targets in the United Kingdom<sup>109</sup>**

#### Asylum migration

In 2003, Prime Minister Blair announced on the *Newsnight* programme on TV that he wanted to halve the number of asylum seekers, without having discussed this objective with the executive agencies. The British public did not see Blair's announcement as authentic, credible, and based on a specific vision, but simply as a panic reaction. A decrease in the number of asylum applications (from a peak of 90,000) seemed to have already begun; while in other areas, the migration policy had actually become more lenient, leading to an increase in other forms of migration. Despite enormous pressure on implementation, there was still no control over asylum migration: targets for reducing processing times and ensuring the return of migrants who had exhausted all legal remedies were still not being met.

#### Net migration

The Cameron government's 2010 target was to reduce net migration from hundreds of thousands to tens of thousands a year. This target was set out in the Conservative Party's election manifesto. Although this reduction was not achieved, it was judged in the media to be better than the numerical target actually achieved by Blair, because Cameron made a real effort to achieve it. This commitment was seen as genuine. There was understanding for the fact that the target was not met in the end: firstly, because the coalition partner did not want it, and secondly, because EU regulations made it difficult to achieve.

In 2003, Prime Minister Blair announced that the number of asylum seekers would be halved (a target that was met), and in 2010, the Cameron government promised to reduce the annual net migration from 200,000 (two million in a decade) to about tens of thousands a year (a promise that was not met). What lessons can we learn from this?

In her study *Manufacturing Political Trust*, Christina Boswell<sup>110</sup> shows that the use of these immigration targets in migration policy has not necessarily led to increased trust in the British government and its migration policy, even when the promise has been kept. The immigration target for asylum migration announced by Blair was a commitment made to the public without first consulting the executive agencies regarding the feasibility of the plans. Nevertheless, these immigration targets were met, partly because fewer asylum seekers were coming to the UK (and Europe as a whole) anyway. Boswell notes that, because the promise was not seen as authentic and credible, its fulfilment had little effect on public confidence. By contrast, the immigration target set for net migration by the Cameron government in 2010 was doomed to failure because it was not a realistic figure. However, because of the transparency of the policy's objectives and obstacles, it did not have a significant negative impact on public confidence. Therefore, *perceived* control over migration can be seen as an important factor in socially embedded migration policies.<sup>111</sup> This refers to the experience and feeling that the government is in control of the situation and knows how to prevent chaos.

This implies that the mere promise of control is insufficient: the control must also be visible and implemented in some way. So, it is not always about a matter of ensuring lower numbers of immigrants, but rather of keeping a promise made by the government.

And even if the target is met, it is not necessarily enough if citizens do not see the promise as legitimate. It is not just a question of whether the target has been met, but more importantly *who* comes up with the numbers (who/which authority does the counting).<sup>112</sup> In other words, it is not really about the numbers themselves but about the relationship between citizens and government, in which these numbers are produced. Where numerical targets are used, it is important that citizens have confidence in the process of government in relation to the use of numerical targets.

#### *Numerical targets and societal resilience*

As can be seen from the *Continu Onderzoek Burgerperspectieven* (Ongoing Study of Citizens' Perspectives) of the Netherlands Institute for Social Research (SCP), the issue of asylum migration and other types of migration and integration has been a frequently mentioned concern for many Dutch people over the years. The overall attitude of citizens towards immigration may be fairly stable at the macro level, but the extent to which people are concerned about migration varies over time.<sup>113</sup> This is mostly related to the extent to which people prioritise the issue as an important problem of or for their country. For example, during the economic crisis in 2008, the main problem facing most countries was 'unemployment and the economy'. And around 2016, when the number of Syrian refugees increased, the most pressing issue in many countries was 'migration and asylum'.<sup>114</sup>

Citizens' concerns about migration must be taken seriously. But these concerns are not always linked to the arrival of *more* migrants. Citizens' concerns increase when an issue receives more media and political attention. They are a reflection of wider social discontent.<sup>115</sup> As concerns about migration increase, so does attention to related social issues: for example, the current concern is that the sudden arrival of migrants will put further pressure on an already tight housing market. People think or feel that they are in competition with migrants for scarce resources, such as employment, access to education, health and other facilities, and now housing.<sup>116</sup> According to Lubbers, increased concern about migration does not automatically lead to demands for more restrictive admission policies, but rather to a clear call for the government to solve related social problems such as housing or labour market shortages.<sup>117</sup>

At the same time, net migration has been mostly positive for several decades, and the nature of migration has changed, with more people coming from different countries, and many migrants are staying for shorter periods of time. This has created a more dynamic situation, although there will always be a certain number of people arriving and settling permanently. As the WRR notes, this increased diversity of origin and degree of transience means that living together as a society

has become more complicated.<sup>118</sup> Social cohesion is under strain. This increased diversity also puts pressure on what has been described as society's capacity to integrate migrants.<sup>119</sup>

### **Numerical targets in migration policy must be linked to housing, education, health care and labour market policies**

In the wake of the refugee crisis in 2015 and rising net migration rates since 2014, a debate emerged in the Netherlands in 2018 about the long-term consequences of changes in the size and composition of the Dutch population. This affected a wide range of policy areas, including housing, spatial planning, infrastructure, social security, health care, education and integration.<sup>120</sup> According to the WRR report, if the challenges posed by migration in terms of housing, education or health care exceed the absorptive capacity of neighbourhoods, municipalities and regions, this can hinder the integration of migrants and affect the living conditions of the existing population.<sup>121</sup>

#### **Concentration of migration in neighbourhoods and regions: social cohesion at the local level in Horst aan de Maas**

Migration is a national phenomenon, but the experience of migration is more local. There is a concentration of migrants in certain regions. Horst aan de Maas, in northern Limburg, is home to many distribution centres. And new ones are springing up all the time in the region. There is also a lot of greenhouse cultivation. The province of Limburg has calculated that, with no change in policies, by 2030 an estimated one-quarter of the region's population will be made up of European migrant workers. A number of concerned residents formed a Working Group on Housing for Migrant Workers (*Werkgroep Huisvesting Arbeidsmigranten*).

This group conducted a survey of 500 residents, which revealed that many people are concerned about the poor housing conditions and low wages of the often-temporary migrant workers. 'They do the work that others don't want to do.' But there are also concerns about the disappearing 'balance in the community', and some perceive this as a nuisance. Many migrant workers keep to themselves, do not speak the language and have few opportunities to integrate.

There have been some conflicts within the community. Some residents have decided to make some easy money by converting part of their farm or campsite into housing for migrant workers. The working group blamed this on the municipality, which it said had long pursued a policy of tolerance, allowing housing providers to build houses and then granting the necessary permits for this.<sup>122</sup>

In the municipality of Horst aan de Maas, the realisation has now dawned that the local politicians are the ones pulling the strings. According to the alderman in charge, in the past, companies were too eagerly welcomed into the municipality, without considering where the foreign workers needed to live.<sup>123</sup>

If the government works with a migration policy based on numerical targets that are realistic and forward-looking, it will be in a better position to prepare society for the arrival of migrants, for example, by taking due account of these numerical targets in the provision of basic services. This means that the use of numerical targets in migration policy must also have an impact on national policies in the areas of housing, education, health care and the labour market. In this way, numerical targets can ensure a more coherent policy that not only benefits newcomers but also delivers results for everyone in society. With a better understanding of the number of migrants coming to the Netherlands, who they are and how long they stay, it will also become clearer, for example, what is needed on the housing market. In this way, bottlenecks can be avoided and there will be no competition for scarce resources. With an effective policy in this area, citizens will also regain a sense of control over migration.

Numerical targets can also help to clarify the efforts needed to promote a policy of social cohesion.<sup>124</sup> As social cohesion becomes more complicated, we need to rethink not only migration policy but also social cohesion policy. On the one hand, this means, for example, a commitment to a properly developed anti-discrimination policy. On the other hand, it means investing in the integration policies for newcomers. The Advisory Council has previously pointed out that there is no integration policy for the largest group of migrants in the Netherlands, i.e. EU citizens.<sup>125</sup> This has negative consequences for some migrants (if they want to stay in the Netherlands) and for society as a whole. Moreover, living together in a migrant society may have become more complicated, but mutual contact is still a tried-and-tested recipe for a more positive attitude toward 'the other'.<sup>126</sup> This can be achieved by creating a proper physical and social infrastructure at the local level that allows people to meet and interact with one another. Professional social work can also play a role here. In short there is a greater need for social cohesion policies in a migration society. This is necessary at the national level but also at the local level, to ensure that social cohesion is maintained and that migrants who come to the Netherlands can develop their potential.<sup>127</sup>

### ***Society's resilience is not a fixed or static fact***

#### *Setting numerical targets with citizens*

Setting numerical targets requires an understanding of society's needs for migration and its long-term capacity to cope with migration. But what a society can cope with is not a fixed or static fact: this capacity to cope is dynamic,<sup>128</sup> and it also depends on the social policies pursued. If investment can be made quickly in language training and jobs for newcomers, less will be asked of society. If there is no housing shortage and sufficient care is available, the receiving society will have a greater resilience.

Those who wish to set numerical targets should start with forward-looking analyses of society's coping capacity or resilience, however complex this may prove to be. In addition to the reference points described above, more detailed analyses are

needed of attitudes to different types of migration, of concerns within society, and of local and other analyses of social cohesion. In any case, what definitely needs to be included in this analysis is the changing, divided and internally contradictory nature of society. By this we mean:

- The dynamic nature of society, where new codes of behaviour emerge alongside and after conflicts. People are getting used to the increasing diversity in society.<sup>129</sup> In addition, new generations are also growing up, some with a migration background.
- The different needs and aspirations that exist in society. Citizens do not all feel the same way about migration. There are important differences depending on, for example, the level of education.
- Citizens are affected by migration in different ways, so they may themselves have conflicting interests. As a consumer, someone may be dependent on the services provided by migrants (think of online services), but as a local resident they may feel like a stranger on their own street. People may also become migrants themselves, for example, when they decide to study abroad or spend the winter abroad as pensioners.

Citizens – including the new generations – can also play a role in the setting of numerical targets participating in detailed surveys on policy considerations.<sup>130</sup> Such surveys may also be undertaken because of the need to gain a better insight into citizens’ coping capacity. Citizens can also participate in large-scale local or national citizens’ panels, such as those organised to discuss climate issues. Citizens’ panels can produce results, especially on social issues where opinions are divided. However, in order for citizens to be involved in a fruitful way, a number of process and outcome requirements have to be met: effective leadership of the discussions, a representative group of people, appropriate information provision including numerical data and, most importantly, ensuring that the results of such discussions are acted upon. Without political consequences, citizens’ panels will only lead to increased distrust of government and its policies.<sup>131</sup>

Citizens could also be allowed to contribute to decisions on the future migration scenarios previously developed by the Advisory Council<sup>132</sup> or perhaps by the National Committee on Demographic Developments 2050, so that citizens also have a chance to consider the various interests that need to be weighed against each other.

#### *To summarise: controlling with numbers?*

Numerical targets in the migration policy can be useful as part of a broader policy on migration and social cohesion. The increasing diversity and transience of migrant populations complicates social cohesion and puts pressure on society’s resilience. Addressing many of the underlying social problems, such as housing, helps to alleviate people’s concerns about migration. Numerical targets in the migration policy can therefore be helpful if they are consistent with policies on housing, education, social cohesion, integration, etc.

This has implications for whether numerical targets also help citizens to feel that they are in control of migration. There is little evidence that the *number* of migrants is crucial for attitudes towards migration. Attitudes towards migration have remained fairly stable over the years. The use of numerical targets could have an impact on citizens' sense of control over migration and reduce their perception of migration as a problem, *provided* that this control can actually be achieved and it is clear what steps the government is taking to achieve it. Overshooting a numerical target may have the opposite effect on those whose confidence in the government's migration policy is already shaky.

Moreover, it is important that citizens and their needs, wishes and concerns, play an important role in the process of setting these targets. This is to ensure that immigration targets are seen as legitimate and to help determine current and future needs and the coping capacity.

## **2.3 Conclusion and five preconditions for a realistic use of numerical targets**

The use of numerical targets can be helpful in achieving a more forward-looking, coherent and socially embedded migration policy. However, the use of numbers in general, and more specifically in relation to migration, also carries many risks. The use of numerical targets in migration policy only makes sense if the risk of negative effects on the political and administrative process is minimised. It is also important to take into account society's resilience and its wishes. The following five preconditions therefore apply to the successful use of numerical targets.

### *1. A migration policy based on numerical targets must be accompanied by a coherent vision of the future of migration*

In other words, quantitative targets follow from qualitative targets. After all, numerical targets are not the main goal or endpoint of policy and they should certainly not be used merely as a way of judging policy or politics. Nevertheless, numbers can be a starting point for a necessary conversation about migration in society, at least if the aim is to arrive at a coherent migration policy that is partly made up of numerical targets. What is important is that the migration policy is linked to other policies such as housing, integration and education. This is necessary not only to ensure that migrants reach their full potential in society, but also for the host society itself. If all the social problems (related to housing, employment or social cohesion) that people associate with migration persist, the impact of a migration policy based on numerical targets may well be disappointing.<sup>133</sup>

### *2. There must be sufficient policy space to deliver on promises*

The use of numerical targets will not be meaningful unless the national government has some policy levers that it can adjust.<sup>134</sup> Is the achievement of a quantitative

objective the result of the policy pursued or is it mainly due to external factors? If it is the latter, then a numerical target is not advisable because achieving it is largely a matter of chance. Policy and public administration will then be held hostage to the political target.<sup>135</sup>

Numerical targets can help to give the population a sense of control over migration, provided that such control is not completely illusory. This means that the government must be able to actually meet the numerical targets, even if large numbers of migrants arrive unexpectedly. There is a risk of discontent if a government cannot deliver on the predictability inherent in the formulation of numerical targets. It is therefore better to communicate honestly about the limited policy space for certain types of migration (more on this will be discussed in the next chapter) than to raise unrealistic expectations.

### *3. A moderate use of numerical targets is advised; immigration targets are better than immigration quotas*

A numerical target should be used in moderation to achieve the intended benefits such as political calm or improved performance. It is therefore best to limit the financial, political and administrative consequences of failing to meet numerical targets and to see them as a *tool* to start a discussion.<sup>136</sup> A numerical target is a simplification of reality, whereas it is important to tell the whole story, including the reality behind the numbers.<sup>137</sup> However, in the case of a highly politicised policy issue such as migration, a moderate use of numerical targets has a low chance of success. Instead, it is likely that much attention will be focused on whether or not the numerical target is met, and that politicians and public administration will ultimately be judged based on this basis.

However, a number of strategies can be pursued to increase the likelihood of positive outcomes in a politicised context.<sup>138</sup> Fixation on one or a few figures should be avoided, for example, by working with ranges or a multi-year average or by using a variety of figures. Other options may include working with scenarios, broadening the scope by linking to other policy areas, drawing attention to *outcomes* and investing in the presentation of the figures. It may also be helpful to ensure that there is room for learning and piloting to check that numerical targets are having the desired effect.<sup>139</sup>

In line with the suggested moderate use of numerical targets, they are best used as soft immigration targets that articulate ambitions, rather than as hard quotas. Immigration targets imply a commitment to best endeavours, whereas immigration quotas imply a commitment to outcomes.

### *4. Involving executive agencies and citizens in the formulation of numerical targets*

It is essential that an immigration target is seen as relevant, credible, achievable and legitimate. Often, the quantitative target is set by the government/politicians

alone, and the results are also measured by the government. This leads to problems of legitimacy.<sup>140</sup> It is therefore important that a numerical target is widely supported: the process of formulating it is essential for its successful use.<sup>141</sup> Careful analysis of future social and economic needs and problems need to be undertaken at the national and regional levels. This should involve all stakeholders: politicians, policy makers, executive agencies, interest groups, scientists and, *last but not least*, citizens.<sup>142</sup> Involving citizens in this process ensures that a numerical target for migration takes into account the dynamic coping capacity of society into account.<sup>143</sup> In addition, it is important that the executive agencies are consulted when formulating a numerical target to ensure that these targets are also realistic/achievable. This will build commitment and mutual trust between policy and implementation actors.<sup>144</sup>

##### 5. *Be honest and communicate clearly about the limitations of the instrument*

Immigration targets are an interpretation and simplification of reality, so it is important to be honest about them and communicate them clearly from the outset. They should not be presented as hard numbers if they are not reasonably achievable. They could, however, serve as a starting point for the policy to be pursued. Of course, the question remains whether honest communication with an emphasis on realism is possible on an issue such as migration, which is very much in the political and public spotlight.<sup>145</sup> Furthermore, in uncertain or dynamic contexts, it is important to regularly evaluate and adjust numerical targets to ensure that they remain relevant.

---

<sup>54</sup> D. Mügge *Wel en wee van kwantitatieve beleidsdoelstellingen* (2022).

<sup>55</sup> Discussions with experts from Germany.

<sup>56</sup> [Microsoft Word - Koalitionsvertraag 060318 mit Zeilenummern \(002\).docx \(bundesregierung.de\)](#), p.103.

<sup>57</sup> The points-based system for selecting economic immigrants was introduced in 1967. The selection is made via a federal draw system based on federal and provincial economic migration needs. Since 2015, Canada has had an Expression of Interest model under which draws are conducted to select migrants based on the points assigned to the digital profiles (language test score, degrees, experience, etc.) of potential economic migrants.

<sup>58</sup> This is a family class that includes immediate family members of Canadian citizens and permanent residents and is based on family relationships/unit (not a points-based system). It includes not only spouses, partners and children, but also parents and grandparents. In addition to the migrants included in the numerical target, the above-mentioned relatives are allowed to stay temporarily with their families in Canada as visitors, students or employees. This kind of temporary stay can be extended. Another option is to apply for a so-called super visa, which is valid for 10 years and allows members of the immediate family to stay in Canada for multiple two-year periods.

<sup>59</sup> Canada has a permanent residence class for invited refugees and protected persons in Canada, with a numerical target based on humanitarian considerations (therefore, not a points-based system in which the individual refugee is expected to score points). In addition, there may be spontaneous asylum applications from asylum seekers for which there is no numerical target.

<sup>60</sup> N. Kelley & M. Trebilcock, *The Making of the Mosaic: A History of Canadian Immigration Policy*, Toronto: University of Toronto Press, 1998, p. 380.

<sup>61</sup> H. de Bruijn. (2006). Prestatiemeting in de publieke sector. p. 17-18 and H. de Bruijn, (2022) *Sturen met cijfers, een korte reflectie*.

<sup>62</sup> Dutch government, Staat van Migratie 2022, [De Staat van Migratie 2022 | Rapport | Rijksoverheid.nl](#). Statistics Netherlands/NIDI, [Bevolking 2050 in beeld: opleiding, arbeid, zorg en wonen](#), [Eindrapport Verkenning Bevolking 2050 - NIDI](#).



- <sup>63</sup> C. Boswell, Manufacturing Political Trust (she also refers to this as the disciplining function), H. de Bruijn, Appendix F and D. Mügge *Wel en wee van kwantitatieve beleidsdoelstellingen* (2022).
- <sup>64</sup> H. de Bruijn, (2022) *Sturen met cijfers, een korte reflectie*.
- <sup>65</sup> Idem.
- <sup>66</sup> H. de Bruijn, (2022) *Sturen met cijfers, een korte reflectie*.
- <sup>67</sup> H. de Bruijn, (2022) *Sturen met cijfers, een korte reflectie*.
- <sup>68</sup> WRR. (2020). *Samenleven in Verscheidenheid. Beleid voor de migratiesamenleving*. The WRR mentions this in the context of asylum migration on p. 246, but the principle of preparation obviously applies to other types of migration as well.
- <sup>69</sup> H. de Bruijn, (2022) *Sturen met cijfers, een korte reflectie*.
- <sup>70</sup> D. Mügge (2022) *Wel en wee van kwantitatieve beleidsdoelstellingen*.
- <sup>71</sup> D. Mügge (2022) *Wel en wee van kwantitatieve beleidsdoelstellingen* p. 3.
- <sup>72</sup> D. Mügge (2022) *Wel en wee van kwantitatieve beleidsdoelstellingen* p. 3.
- <sup>73</sup> H. de Bruijn, (2022) *Sturen met cijfers, een korte reflectie*.
- <sup>74</sup> Idem and C. Boswell, 2018. D. Mügge (2022) *Wel en wee van kwantitatieve beleidsdoelstellingen*.
- <sup>75</sup> H. de Bruijn, (2022) *Sturen met cijfers, een korte reflectie*.
- <sup>76</sup> H. de Bruijn, (2022) *Sturen met cijfers, een korte reflectie*.
- <sup>77</sup> Idem and C. Boswell, 2018.
- <sup>78</sup> Idem.
- <sup>79</sup> C. Boswell, 2018.
- <sup>80</sup> Idem.
- <sup>81</sup> D. Mügge (2022) *Wel en wee van kwantitatieve beleidsdoelstellingen*.
- <sup>82</sup> H. de Bruijn, (2022) *Sturen met cijfers, een korte reflectie*.
- <sup>83</sup> H. de Bruijn, (2022) *Sturen met cijfers, een korte reflectie* and D. Mügge (2022) *Wel en wee van kwantitatieve beleidsdoelstellingen*.
- <sup>84</sup> Jeannet, A.-M., Heidland, T., & Ruhs, M. (2021). What asylum and refugee policies do Europeans want? Evidence from a cross-national conjoint experiment. *European Union Politics*, 22(3), 353-376. The study did not ask respondents whether they knew that this is not possible in European countries and whether they were willing to denounce European treaties.
- <sup>85</sup> M. Lubbers, (2022) *Richtgetallen immigratie en maatschappelijk draagvlak*.
- <sup>86</sup> See: *Immigration: A changing debate. Analysis of new findings from the Ipsos MORI immigration attitudes tracker survey*, 2021, <https://www.britishfuture.org/wp-content/uploads/2021/09/Immigration.A-changing-debate.pdf>.
- <sup>87</sup> See: *Time to get it right: Finding consensus on Britain's future immigration policy*, 2017, <https://www.britishfuture.org/wp-content/uploads/2020/09/Time-to-get-it-right-.pdf>.
- <sup>88</sup> M. Lubbers, (2022) *Richtgetallen immigratie en maatschappelijk draagvlak*, Figure 1.
- <sup>89</sup> These are findings from the period just after the 2021 elections, i.e. well before the arrival of refugees from Afghanistan (autumn 2021) and Ukraine (spring 2022). The problem with a standard measurement is that it is unclear how it translates into actual numbers.
- <sup>90</sup> M. Lubbers, (2022) *Richtgetallen immigratie en maatschappelijk draagvlak*.
- <sup>91</sup> Many surveys are conducted on this topic, sometimes with varying results. The I&O Research study (2022), commissioned by the Dutch Broadcasting Foundation (NOS) in September 2022 shows that 60% see it as a moral duty to receive refugees, and 61% endorse the general policy principles about receiving people who flee. But the Ipsos survey (2022) conducted in the same month found that a majority still think that the policy should be stricter.
- <sup>92</sup> K. Bansak, et al. (2016).
- <sup>93</sup> In general, migrants who have migrated voluntarily (migrant workers) may face more negative public attitudes than so-called involuntary migrants (refugees). Migrants who have themselves chosen to migrate often evoke feelings of threat and anger, and therefore more negative reactions, while refugees may evoke humanitarian concerns and feelings of empathy and therefore more positive reactions. See M. Verkuyten, (2021). Public attitudes toward migrants: understanding cross-national and individual differences. *World Psychiatry*, 20(2), 132-133.
- <sup>94</sup> See Postmes, et al. (2017).
- <sup>95</sup> M. Lubbers, (2022) *Richtgetallen immigratie en maatschappelijk draagvlak*. Figure 5. More recent data are only available for two policy choices (support for admitting immigrants from an ethnic group other than the majority and for immigrants from poorer countries from outside the EU).
- <sup>96</sup> Idem. This plays a much smaller role among the groups that are very negative about migration, since they are negative across the board.
- <sup>97</sup> B, Burgoon. (2014). Immigration, Integration, and Support for Redistribution in Europe. *World Politics* 66(3), 365-405.
- <sup>98</sup> M. Lubbers, (2022) *Richtgetallen immigratie en maatschappelijk draagvlak*.
- <sup>99</sup> WRR. (2016). Verliesgevoelens van autochtonen als gevolg van de multiculturele samenleving.
- <sup>100</sup> Postmes, et al. 2017, as cited in M. Lubbers, (2022) *Richtgetallen immigratie en maatschappelijk draagvlak*.

<sup>101</sup> Here, the question is to what extent the population is favourably disposed towards or disapproving of migration and the arrival of general categories of refugees and migrant workers. However, family and student migration have received very little attention in the research on the support for migration.

<sup>102</sup> M. Lubbers, (2022) *Richtgetallen immigratie en maatschappelijk draagvlak*.

<sup>103</sup> Ibid.

<sup>104</sup> M. Lubbers, (2022) *Richtgetallen immigratie en maatschappelijk draagvlak*.

<sup>105</sup> M. Lubbers, (2022) *Richtgetallen immigratie en maatschappelijk draagvlak*. p. 12.

<sup>106</sup> Ibid. In the countries and within the time periods studied, those who overestimate the proportion most are the ones who object to immigration, and these persons are also in favour of the most restrictive immigration policies. But the relationship can also be the other way around: if people perceive immigrants to be a threat or if people are racist, they tend to overestimate the number of immigrants. One reason for this overestimation may be that, when people are asked about immigrants, they also think about second-generation immigrants. The Dutch appear to overestimate the proportion of inhabitants with a non-Western migration background (first and second generation) more strongly than the proportion of inhabitants with a Western migration background. If more migrants live in adjacent neighbourhoods, people estimate the proportion of migrants to be higher; here, it is not only the immediate living neighbourhoods that matter, but also adjacent neighbourhoods. Finally, the proportion of immigrants is also overestimated in neighbourhoods that are economically weaker and that have higher crime rates.

<sup>107</sup> Based on the expert session held by the Advisory Council on Migration on 31 May 2022.

<sup>108</sup> M. Lubbers, (2022) *Richtgetallen immigratie en maatschappelijk draagvlak*. This may be because overestimating the numbers of migrants is often not the reason for the resistance to migration but a consequence thereof.

<sup>109</sup> Christina Boswell (2018). *Manufacturing Political Trust: Targets and Performance Measurement in Public Policy*.

<sup>110</sup> Christina Boswell. (2018). *Manufacturing Political Trust: Targets and Performance Measurement in Public Policy*.

<sup>111</sup> K.H. Greenaway, W.R. Louis, M.J. Hornsey & J.M. Jones. (2014). Perceived control qualifies the effects of threat on prejudice. *British Journal of Social Psychology*, (53), 422-442.

<sup>112</sup> I. de Jong, M. van Twist, D. Bressers & J. Schram. (2018). Gevoel voor getallen. Een zoektocht naar de politieke en psychologische dimensies van tellen in beleid, NSOB.

<sup>113</sup> Ibid. A minority within the population changes their attitudes toward migration and asylum over time. But this part of the population is influenced by public debates in the media and politics and by events in which immigrants and refugees receive positive or negative coverage in the news.

<sup>114</sup> Ibid, *Continu Onderzoek Burgerperspectieven SCP*.

<sup>115</sup> See T. Postmes, E. Gordijn, T. Kuppens, G. Gootjes, G. & K. Albada. (2017). *Draagvlak Migratiebeleid*. University of Groningen (RUG).

<sup>116</sup> M. Lubbers, (2022) *Richtgetallen immigratie en maatschappelijk draagvlak*.

<sup>117</sup> Idem.

<sup>118</sup> WRR. (2020). *Samenleven in verscheidenheid. Beleid voor de migratiesamenleving*. The WRR uses the term 'transience' to describe the phenomenon of immigrants staying in the Netherlands for an increasingly shorter period of time on average. For example, of the migrants who came to the three major cities of Amsterdam, Rotterdam and The Hague in the period 1995-1999, nearly 16% had left after two years. This figure was as high as 27% for migrants who came to these three cities in the period 2006-2010. The turnover rate in other cities is even higher. This trend is also likely to continue.

<sup>119</sup> WRR. (2020). *Samenleven in verscheidenheid. Beleid voor de migratiesamenleving*. The Hague: WRR. See also the Stoffer/Eerdmans motion, *Parliamentary Papers II 2020/21*, 32 824, No. 330, dated 8 July 2021.

<sup>120</sup> This led to a motion tabled by Dijkhoff et al., *Parliamentary Papers II 2018/19*, 35 000, No.8, dated 21 September 2018 and a motion tabled by Den Haan et al., *Parliamentary Papers II 2020/21*, 35 925, No. 55, dated 23 September 2021.

<sup>121</sup> WRR. (2020). *Samenleven in verscheidenheid. Beleid voor de migratiesamenleving*. The Hague: WRR.

<sup>122</sup> [Werkgroep Huisvesting Arbeidsmigranten: "Regel als gemeente zélf huisvesting voor arbeidsmigranten" - Horst24](#); [Werkbezoek lokaal bestuur en arbeidsmigratie | Nieuwsbericht | Adviesraad Migratie](#)

<sup>123</sup> [Horst aan de Maas gaat de boeven er echt uitgooien, maar voo... - De Limburger](#) 24 August 2022.

<sup>124</sup> [Samenleven in verscheidenheid. Beleid voor de migratiesamenleving | Rapport | WRR](#).

<sup>125</sup> ACVZ. (2022). Investeren in inburgering komt migrant én samenleving ten goede. *ACVZ blog (2022), Wist u dat...? Feiten en cijfers over Migratie en Gemeenten* (part 3).

<sup>126</sup> G. Engbersen et al. (2019). Maasstad aan de monitor: de andere lijstjes van Rotterdam.

<sup>127</sup> [Samenleven in verscheidenheid. Beleid voor de migratiesamenleving | Rapport | WRR](#).

<sup>128</sup> ACVZ. (2021). [Maatschappelijk draagvlak voor migratie is maakbaar](#). *ACVZ blog Wist u dat...? Feiten en cijfers over migratie* (part 8).

- 
- <sup>129</sup> S. Westendorf. (2014). *Commonplace Diversity: Social Relations in a Super-Diverse Context*.
- <sup>130</sup> M. Elchardus. (2020). *Reset. Over identiteit, gemeenschap en democratie*.
- <sup>131</sup> OECD. (2021). *Innovative Citizen Participation and New Democratic Institutions. Catching the Deliberative Wave*. E. Rovers. (2022). *Nu is het aan ons. Oproep tot echte democratie*. Op het terrein van klimaat zullen binnenkort ook burgerberaden geïnitieerd worden. *De Correspondent*, 5 July 2022 [Minister Jetten wil een burgerberaad voor het klimaat. Nu de Tweede Kamer nog.](#)
- <sup>132</sup> ACVZ. *Op weg naar 2030. Migratie: een toekomstverkenning*, 5 March 2018.
- <sup>133</sup> N. Banulescu-Bogdan. (2022). [From Fear to Solidarity: The Difficulty in Shifting Public Narratives about Refugees](#). MPI research.
- <sup>134</sup> Expert meetings on numerical targets and policy organised by the Advisory Council on Migration. D. Mügge, (2022) *Wel en wee van kwantitatieve beleidsdoelstellingen* and H. de Bruijn, (2022) *Sturen met cijfers, een korte reflectie*. The condition defined by De Bruijn is that the results must be attributable. This is only possible if there are control mechanisms in place.
- <sup>135</sup> D. Mügge, (2022) *Wel en wee van kwantitatieve beleidsdoelstellingen*.
- <sup>136</sup> Idem.
- <sup>137</sup> Idem.
- <sup>138</sup> Idem.
- <sup>139</sup> Idem.
- <sup>140</sup> C. Boswell, 2018.
- <sup>141</sup> H. de Bruijn, (2022) *Sturen met cijfers, een korte reflectie*.
- <sup>142</sup> See also Advisory Council on Migration (ACVZ). (2021). *Naar een brede welvaartsbenadering in het arbeidsmigratiebeleid*.
- <sup>143</sup> The WRR report uses the phrase 'society's capacity to incorporate migrants' for this purpose.
- <sup>144</sup> Idem.
- <sup>145</sup> Idem.



## Chapter 3

# Numerical targets in the development of migration policy

In this chapter, we show how numerical targets can be helpful in developing the migration policy and what kind of numerical targets they should be: immigration quotas or immigration targets. It is important to distinguish between the motive for migration (asylum, family, work, study) and the country of origin of the migrants (inside or outside the EU). This is because different groups of migrants are subject to different national and international legal frameworks. The degree of control the Dutch government can exercise therefore also depends on the form of migration. Finally, in order to make use of numerical targets in migration policy, it is necessary to have sufficient policy instruments to keep the promises: this is an essential precondition for the use of numerical targets (the controllability or attribution principle from Chapter 2).

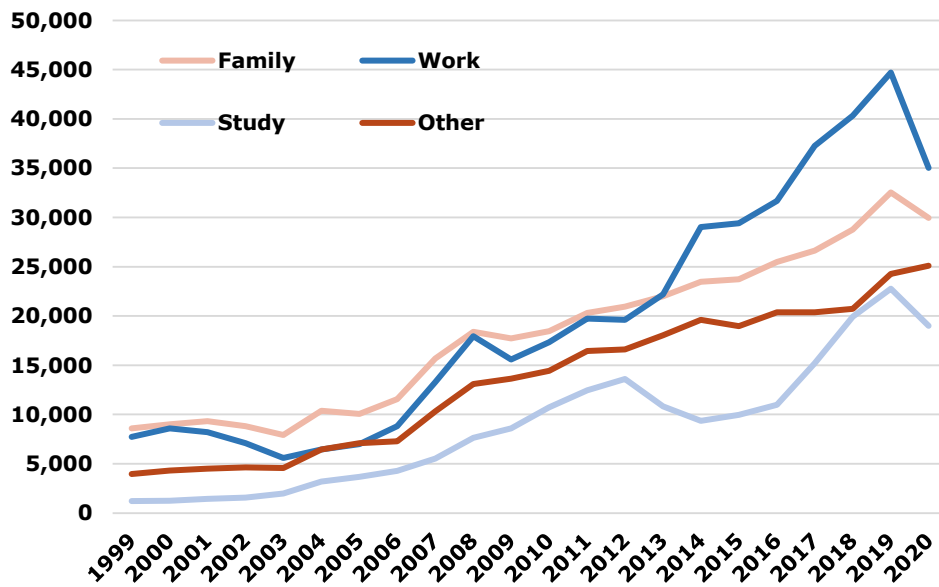
In this chapter, we will therefore first address the question of how much policy space the Dutch government has in this area. We look at the extent to which migration fluctuates: if there is a lot of fluctuation – a high volatility – due to external factors, the national government has less control over migration. We then discuss the direct and indirect policy levers available to the national government in relation to the different motives for migration (3.1, see also Annex C). In the next two sections, we take a closer look at two types of migration that represent two extremes in terms of the available policy levers: 1) asylum migration, over which the government has limited scope of control; and 2) labour migration from outside the EU, over which the government has greater control. We examine the risks and opportunities associated with the use of numerical targets and what is and is not legally possible in relation to their use. We also precisely describe the national policy space for the relevant types of migration. In addition, we take into account the experiences of other countries in this analysis.

### **3.1 Policy levers available to the national government**

#### *Asylum migration fluctuates the most*

Since the increase in the number of EU Member States in 2004 and 2007, the migration of EU citizens to the Netherlands has progressively increased to significant levels. *Figure 6* shows that, apart from a dip caused by the coronavirus pandemic, there has been an almost continuous, upward trend in all types of migration from the EU to the Netherlands. For EU citizens, labour migration is the most common reason for migrating to the Netherlands, and this is also where the largest increase can be seen. The increase in family migration of EU citizens has been very gradual over the last two decades, while the increase in student migration has been interrupted by a period of lower numbers.

Figure 6. Migration of EU citizens to the Netherlands (excluding Dutch citizens) by purpose of stay, 1999-2020

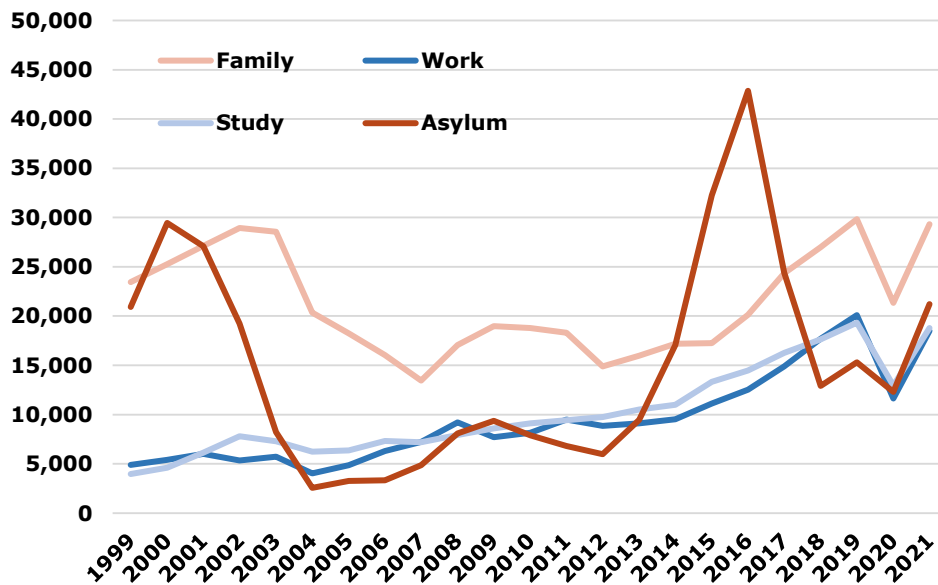


Source: [Statistics Netherlands, StatLine](#), adapted by the Advisory Council on Migration

[Go to the connected table](#)

The arrival of migrants from outside the EU in the Netherlands fluctuates much more strongly. This includes asylum migration and, to a lesser extent, family migration (Figure 7). In the period around 2000, many more asylum migrants arrived as a result of conflicts in the Horn of Africa and Afghanistan, and then again around 2016 as a result of the war in Syria. The annual fluctuations in the number of non-EU migrants coming to the Netherlands to work or study are very small, except during the coronavirus pandemic. Until 2007, more migrants came to the Netherlands from non-EU countries than from the EU Member States, but since then, the migration of EU citizens has been higher. The only exception was in 2016, when many Syrian refugees arrived in the EU. Most migrants come from within the EU rather than from outside the EU, but the fluctuations are greater for the latter.

Figure 7. Migration of non-EU citizens to the Netherlands by purpose of stay, 1999-2021



Source: [Statistics Netherlands, StatLine](#), adapted by the Advisory Council on Migration

[Go to the connected table](#)

### **The number of migrants is largely determined by external factors**

*Does the Dutch government have sufficient policy space?*

The number of people, the type of migration and the length of stay are largely determined by external factors. Driving forces include the emergence and course of conflicts and violent situations, socio-economic developments in the country of origin and population growth in the surrounding continents, especially in Africa and Asia.<sup>146</sup> But income differences between countries are also a strong factor in explaining migration, and national governments have little influence on this. The fact that the Netherlands is a high-income country, and is likely to remain for the foreseeable future, means that it will continue to be attractive, especially to migrant workers and family migrants.<sup>147</sup> Unexpected international geopolitical events, such as the civil war in Syria and the war in Ukraine, have a particular impact on asylum migration. Its volatility often coincides with conflicts in the countries of origin, such as the wars in the former Yugoslavia (1991-1999) or Afghanistan (1994-2001, 2021). The Dutch government does not have much influence on this either.

In addition, there are other factors that are difficult for the government to control but which may partly explain why migrants come to a particular country. These include, for example, perceptions of destination countries and the presence of social networks such as family.<sup>148</sup>

At the same time, there are opportunities, albeit limited, for the national government to influence the number, type and length of stay of migrants (see also Annex C). Governments can take various measures to discourage or encourage migration, but the extent to which the government can control varies according to the form of migration.

*Possible levers for national policy*

The government has policy levers at its disposal for all types of migration. By this, we mean government interventions that can influence migration patterns. The possibilities for controlling asylum migration, family migration from outside the EU and intra-EU migration are more limited than for student migration and labour migration from outside the EU. This is because the Netherlands can make its own laws and regulations for the latter types of migration to determine who can come to the Netherlands and on what grounds, and it can also impose restrictions on this if it wishes. Nevertheless, there are opportunities to influence all types of migration, but the policy instruments for doing so are largely to be found in the adjacent policy areas that can influence migration patterns. There is therefore a distinction between direct migration policy (including admission criteria) and indirect migration policy. The following overview lists the main policy instruments within migration policy and beyond, although this is not an exhaustive list. Section 3.2 looks in more detail at the instruments for asylum migration, and Section 3.3 looks at labour migration from outside the EU. The other three types of migration are briefly discussed below.

Asylum (see Section 3.2)

<b>Migration policy</b>	<b>Other policy areas</b>
Admission criteria (especially at the EU level)	Foreign policy
Implementation of legislation	Reception in the region of origin and humanitarian aid
Visa policy (especially at the EU level)	Migration agreements (especially at the EU level)
Enforcement	Information campaigns
Return policy	Border control (especially at the EU level or with some Schengen countries)
Resettlement	Fight against smuggling and trafficking in human beings

Labour migration from outside the EU (see Section 3.3)

<b>Migration policy</b>	<b>Other policy areas</b>
Admission criteria (immigration quotas)	Labour market policy
Implementation of legislation	Economic policy
Legal position of migrants	Social security policy
Enforcement	Health care policy
	Education policy
	Business climate for companies
	Family migration policy
	Fiscal policy
	Campaigns to attract migrants



EU migration (see later in this section)

<b>Migration policy</b>	<b>Other policy areas</b>
Implementation of legislation	Labour market policy
Enforcement	Economic policy
	Social security policy
	Health care policy
	Education policy
	Business climate for companies
	Fiscal policy
	Campaigns to attract migrants

Student migration from outside the EU (see later in this section)

<b>Migration policy</b>	<b>Other policy areas</b>
Admission criteria	Education policy (offer of study programmes and enrolment quota for English-language or other study programmes, institutional tuition fee)
Implementation of legislation	Housing supply policy
Legal position	Campaigns to attract migrants
Enforcement	Labour market policy

Family migration from outside the EU (see later in this section)

<b>Migration policy</b>	<b>Other policy areas</b>
Admission criteria (especially at the EU level)	Labour market policy
Implementation of legislation	Economic policy
Policy for child, partner, parents and grandparents	Social security policy
	Health care policy
	Education policy
	Integration policy

**Policy instruments can also be found in adjacent policy areas**

*Migration within the EU*

Those who want to consider limiting the number of migrants could look at intra-EU migration: after all, the largest share of migration to the Netherlands consists of EU migrants. This share is much larger than the share of asylum seekers (Chapter 1). However, a direct migration policy aimed at EU migrants is a complicated matter. The migration of EU citizens is one of the foundations of the European Union and is firmly anchored in the Union’s legal framework, the very purpose of which is to facilitate the free movement of people, goods and services within the EU. Changes to EU treaties and regulations can only be made after a long and arduous process of political negotiation. Initiating such a process could have significant negative economic consequences for the Netherlands. The government therefore has no direct policy levers at its disposal in this sub-area. However, instruments are available in other policy areas. Consider industrial policy: do we, for example, target sectors that are dependent on migrants? Consider also the labour market policy: a labour market with a lot of flexible work and employment agency work is often attractive for migrant workers, but less so for people already living in the Netherlands.<sup>149</sup> In other words, the laws, rules and

agreements in the labour market help to determine the patterns of labour migration. In addition, indirect migration policy is possible at both the national and local level. Provinces can choose whether or not to leave room in their structural plans for activities that rely primarily on EU migrant workers. And municipalities can, for example, grant more or fewer permits to businesses that employ only migrant workers. In short, the government's ability to take direct action is limited, or such action can only be taken at high economic or diplomatic cost. However, it is possible to take action in other policy areas (see further under Section 3.3).

#### *Student migration from outside the EU*

Student migration can be controlled, if desired. The number of foreign students in the Netherlands has increased sharply in recent years. This has created a major housing challenge, given the housing shortage in many cities. There are few direct options to control student migration from outside the EU. According to the EU Student Directive, non-EU/EEA students must be granted a residence permit if they have been admitted to a higher education institution and the other conditions set out in the Directive are met. Therefore, setting a quota with an upper limit on the number of residence permits issued for the purpose of study is incompatible with the Directive.<sup>150</sup> There are, however, indirect ways of regulating student migration on a quantitative basis, i.e. via the policy area of Education, Culture and Science. Regulation via the education policy may be possible (e.g. by setting language and admission requirements and by imposing an higher institutional fee<sup>151</sup>). At present, Dutch polytechnics and research universities largely decide for themselves who they will accept as students or researchers from outside the EU/EEA. Decisions on whether or not to offer English-language study programmes, whether or not apply an enrolment quota for English-language or other study programmes, or whether or not to set a higher institutional tuition fee will have an impact on the number of foreign students coming to the Netherlands to study. In fact, these measures not only have an impact on the number of non-EU students but also have a partial effect on the number of EU students.

#### *Family migration from outside the EU*

In the period 1999-2020, family migration was the most common reason for people from outside the EU to migrate to the Netherlands, but there is little policy space for this form of migration. The EU Family Reunification Directive 2003/86 aims to promote family reunification but allows Member States to decide whether or not to impose conditions for this. In the period 2003-2006, the Netherlands invested a lot of effort in this by introducing civic integration requirements abroad and by making the age and income requirements more stringent. At the time, this led to a sharp decline in family migration. In the end, however, some of these conditions did not stand up in court. As a result, the Netherlands has made almost full use of the policy space provided by the Family Reunification Directive.<sup>152</sup> In the period 2010-2012, the Netherlands tried to build support at the European level for a tightening of the Family Reunification Directive. However, this did not result in a proposal from the European Commission to amend the Directive.

The government also has a number of instruments at its disposal in the area of its integration policy, such as the obligation for family members of the migrant to pass the basic civic integration exam abroad and the setting of stricter conditions for the civic integration exams in the Netherlands. The Netherlands has already implemented these obligations and therefore has the strictest civic integration requirements in the EU, with the exception of Denmark. Apart from this, things such as social systems, access to education, health care and job opportunities will also play a role in migrants' decisions whether or not to ask family members to join them in the Netherlands or to leave with the family after a certain period of time.<sup>153</sup> But overall, the policy space for family migration is limited.

*Knowing what works: insufficient knowledge about the impact of policy instruments*

The use of numerical targets can help to identify the full range of all the policy instruments so that a coherent policy can be formulated, but the results must be attributable to the policy effort (attribution principle). Therefore, before deciding whether or not to formulate a numerical target, it is best to identify the available policy levers and make a realistic assessment of their impact. It is therefore important to properly analyse the development of migration movements to and from the Netherlands and to identify their impact. It is also important to quantify the role of policy interventions in this area and to make forecasts, estimates or scenarios for future developments. A numerical target can then be defined, partly based on this knowledge, but it must also be clear how this can be achieved.

## Migration forecasts

Various forecasts/estimates/scenarios are made in the field of migration. Statistics Netherlands produces an annual forecast of the development of the Dutch population over the next 50 years, including via immigration and emigration, which are shown separately.<sup>154</sup> Twice a year, the Ministry of Justice and Security produces the Multiannual Production Forecast (*Meerjaren Productie Prognose*, MPP) for the governance of migration, which includes the expected number of asylum applications, regular applications and naturalisation applications for the next five years.<sup>155</sup> The MPP is a chain-wide government agencies forecast and is used to prepare budget estimates. The IND and the COA also produce their own forecasts. The IND also produces the Migration Radar (*Migratieradar*) three times a year in cooperation with other agencies involved. This product outlines the recent trends and short-term expectations for asylum-related migration.<sup>156</sup> At the EU level, models are being developed to better predict international asylum and other forms of migration.<sup>157</sup> Often, these forecasts do not fully or partially materialise because certain factors that have a major impact on migratory movements (geopolitical and economic developments) are difficult to predict. However, the use of forecasts can help to better tailor national policies to local needs. Knowing how many asylum permit holders there will be in two years' time will also provide a better understanding of the civic integration efforts that need to be made. The use of forecasts, estimates or scenarios can also provide a logical starting point for the process of arriving at a numerical target. If a forecast is higher or lower than the desired level of migration, this means that certain policy interventions are needed.

### ***The available direct and indirect policy levers are not yet well known***

Many figures are available both nationally (mainly through Statistics Netherlands) and at the European level (mainly through Eurostat) to identify most of the existing migratory movements. Nevertheless, more specific and better-quality data is always desirable. The State of Migration (*Staat van de Migratie*)<sup>158</sup> provides an in-depth insight into all the information that is currently available. However, there is little or no systematic examination of the factors that play a role in migration movements, their exact impact and the existing policy levers that can influence these factors. Our list is by no means exhaustive (Annex C). It remains a challenge to properly identify the existing policy levers – both in the area of migration and in other policy areas – and what their impact will be when they are applied. It is particularly important to look at the links between the migration domain and adjacent policy areas. Sometimes, the effects of policies – even second-order and third-order effects – are difficult to identify, and this is important because it helps to properly understand the 'price' of a policy option.<sup>159</sup>

*To summarise: the available policy space determines the use of numerical targets*

Those who want to use numerical targets in migration policy must have sufficient means of actually exercising control. Otherwise, it is highly likely that the immigration targets will not be met, in which case, the government is simply

setting itself up for failure. Due to the complexity of migration patterns and the weight of external factors, it is important that all stakeholders recognise that control at the national level is only partially possible. Moreover, the extent to which the national government can influence migration patterns varies depending on the type of migration. In addition to direct instruments for influencing migration policy, there is also the possibility of influencing migration policy indirectly through other policy areas.

In the next two sections, we take a closer look at two types of migration: asylum migration and labour migration from outside the EU. We consider the extent to which numerical targets – whether quotas or immigration targets – are helpful and what we can learn from their use in other countries.

### **3.2 Asylum migration: no immigration quotas, realism about immigration targets**

It is important thing to remember that the primary purpose of receiving refugees is humanitarian: it is never intended as an economic objective; it is driven by compassion. Since World War II, the reception of refugees has been seen by successive governments as a humanitarian task. In addition, the Netherlands is bound by the 1951 UN Refugee Convention, the 1967 Protocol, the European Convention on Human Rights and EU asylum law. These international treaties and European directives and regulations contain various rights such as the right to asylum,<sup>160</sup> the right to humane reception conditions, the prohibition of refoulement (sending back people who are at risk) and the right to an asylum procedure with effective remedies. Under these treaties and regulations, it is not possible to apply quotas with a hard cap on the number of asylum migrants who come to the Netherlands spontaneously. Everyone who applies for asylum in the Netherlands, it must be individually assessed on the basis of these treaties and legislation, whether they are entitled to protection.<sup>161</sup>

#### **Case: Swedish quantitative target**

In 2019, a parliamentary inquiry committee was set up in Sweden with the task of proposing a future-proof and sustainable migration policy. One of the political parties, Nya Moderaterna, suggested that this should include a quantitative target – an upper limit – for the number of asylum applications: on an annual basis, the number of asylum applications should be in line with the number in other Scandinavian countries (in proportion to the population size). As soon as this upper limit was exceeded, the asylum laws would be tightened. Such a volume-based target was not embraced by all the parties. However, there was support for trying to keep the number of asylum applications in line with other Scandinavian countries or EU Member States. At the same time, there were concerns that a quantitative target would lead to an absolute ceiling, which would be contrary to international refugee law. Although this would be necessary, it would not be appropriate to further tighten asylum laws when there is a risk of exceeding the quantitative target. The Swedish government therefore ultimately decided not to set a quantitative target.

***It is very likely that the courts will scrap an asylum quota***

Tampering with these international instruments in order to abolish human rights or no longer guarantee the rights of refugees is not in line with the commitment and obligation to guarantee the international rule of law and to respect human rights.<sup>162</sup> After all, the Netherlands became a party to these treaties on the basis of this vision. Another reason why the use of a quota is not recommended is that using such quotas can be disruptive. There is a very real chance that the courts will overturn legislation concerning an asylum quota or a suspension of asylum decisions, resulting in the need for short-term, ad hoc adjustments to the migration policy each time. This is true not only for the Netherlands but also for other European countries (see the case of Belgium below). This is why Sweden (see case) and Germany (further on in the document) have decided not to introduce quotas on asylum. A migration policy cannot be forward-looking and coherent if it is in conflict with international and European legislation.

#### **Case: Belgian asylum quota**

On 22 November 2018, the Belgian Aliens Office (*Dienst Vreemdelingenzaken*) reduced the opportunities to apply for asylum by first setting a limit of 60 applications per day and later reducing this to a maximum of 50 applications per day. This was done based on the verbal instructions of the then State Secretary for Asylum and Migration Theo Francke (New Flemish Alliance Party, N-VA) with the aim of making Belgium less attractive as a destination for asylum seekers.<sup>163</sup> A number of NGOs went to court because this measure would effectively make access to asylum impossible for a large group of people. The Belgian Council of State ruled in their favour. The right to asylum is a fundamental right, and such a quota, according to the highest court, makes the exercise of this fundamental right 'excessively difficult'.<sup>164</sup> The quota scheme was subsequently reversed. The maximum number of applications that could be processed daily remained limited to 150 per day for one month, although this was more of a capacity-related issue. From February 2019, it was again possible to apply for asylum immediately.<sup>165</sup>

#### **Resettlement quota in the Netherlands**

The Netherlands has the freedom to determine the number of resettled refugees it receives through regulated channels such as resettlement and other humanitarian programmes. This form of planned asylum migration involves a voluntary contribution based on the principle of solidarity with refugees and the overburdened first countries of refuge. There is currently a quota for the resettlement of refugees invited under Dutch migration policy. During the current government term, the quota is to be increased from 500 to 900 resettlement places per year under certain conditions.<sup>166</sup>

Therefore, if the Netherlands wants to use quotas for asylum migration, the UN Refugee Convention will have to be amended or denounced. Despite the high diplomatic, political, economic and humanitarian costs, there are loud calls to denounce or amend the Refugee Convention. These calls are based on arguments such as that the 1951 Convention is obviously no longer realistic, that it was never intended for the current number of refugees and that it prevents the Netherlands from making its own choices regarding the asylum policy. What is often overlooked

is the fact that such conventions deal with timeless fundamental rights and are the best instruments to ensure an international solution based on solidarity. The protection of refugees is not just a European issue, but a global one. The majority of refugees seek protection in the often poorer regions surrounding their countries of origin.<sup>167</sup> It is therefore important that these countries keep their borders open, continue to offer protection and feel supported by the rest of the world in doing so. Of course, this does not mean that the Refugee Convention is perfect: for example, it lacks a concrete distribution mechanism.

The Advisory Council considers it important that the Netherlands is and remains a party to the Refugee Convention. The Netherlands has been a party to this UN Convention since 1956, and together with other normative multilateral treaties, this Convention forms the foundation of the international legal order. In fact, Article 90 of the Dutch Constitution explicitly assigns the government the task of promoting the international legal order. This includes the protection of human rights and the promotion of compliance with international rules. Therefore, weakening the effect of the Refugee Convention or denouncing it would be contrary to the Dutch Constitution.<sup>168</sup>

Moreover, it would not be sufficient to denounce the UN Refugee Convention. Asylum law is much more detailed in Union law and in the European Convention on Human Rights (ECHR), and these agreements go far beyond the rights and obligations laid down in the Refugee Convention. This means that the lower limits of Union law are a critical factor in terms of the national control options to limit asylum migration. This can only change if the Netherlands leaves the Union (Nexit) and/or if international and European treaties such as the ECHR are amended or denounced. Only then would it be possible to determine, at the national level, how many asylum seekers the Netherlands will accept. However, there are high diplomatic, political, economic and humanitarian costs associated with an exit from the European Union and denouncing the treaties.

#### *Immigration targets as an instrument of asylum policy: lessons from abroad*

As explained above, the use of hard quotas in asylum policy is not recommended, and even undesirable, because of the consequences of leaving the EU and the ECHR. So, could immigration targets be useful in asylum policy? Until now, immigration targets have been used in the area of asylum migration in some European countries as part of a political deal. Examples of this can be found in Germany, Austria and the UK. In countries outside Europe, such as Canada, immigration targets are used, but only for invited refugees and not for asylum seekers.

What can we learn from other countries? As described in the previous chapter, for the period 2018-2021, Germany used an immigration target with an upper limit, with a range of 180,000-220,000 for asylum seekers, also called a 'migration corridor' (*Zuwanderungskorridor*).<sup>169</sup> This migration corridor was the outcome of a

political agreement between the coalition parties CDU/CSU and SPD in the coalition agreement of 2018.<sup>170</sup> This helped to restore political calm in connection with the asylum dossier. However, there was disagreement over who should be included or excluded from the numbers – such demarcation issues are often a problem and a political issue (Chapter 2). There was a difference of opinion over whether or not German-born children of asylum seekers should be included in the ‘migration corridor’. As a result, calculations were made both with and without newborns. Subsequently, the current German coalition parties, SPD, Bündnis 90/Die Grünen and FDP, did not include a new numerical target for asylum migration in their coalition agreement of December 2021.

At the Asylum Summit in Austria on 20 January 2016, the federal government, provinces, cities and municipalities agreed to set annual caps for the number of admissible asylum applications for the period 2016-2019 (2016: 37,500; 2017 35,000; 2018 30,000; 2019 25,000). These ceilings were not legally or administratively binding. It would therefore be up to politicians to determine the consequences of exceeding the ceilings. As in Germany, the new government in Austria did not continue the use of caps. This was therefore a temporary measure.

### ***Numerical targets can act as an incentive for more coherent policies and cooperation between governmental organisations***

It is important to note that the limits in Austria and Germany were never reached during the validity period. One wonders what the reaction from politics and society would have been if these immigration targets had still been in place in February 2022, when large numbers of Ukrainians were seeking protection. Would this group have been counted as asylum seekers or not? Moreover, it is almost impossible to determine whether the immigration targets in these countries had any effect on the number of admissible asylum procedures accepted, as the number of asylum migrants arriving in Europe fell overall during the same period.<sup>171</sup> The Netherlands – a country without immigration targets – experienced a similar decline in the number of asylum seekers.

Another supposed advantage of working with numerical targets, besides political calm, is that it provides an incentive for coherent policies and cooperation between governmental organisations (see Chapter 2). This seems to have been achieved in both Germany and Austria. In Germany, the agreements were linked to a number of measures in different policy areas that were expected to ensure that the immigration targets were met. The focus on measures and ambitions did not lead to a fixation on the numerical target itself. In Austria, the use of numerical targets encouraged government bodies at the national, regional and local levels to reach agreements among themselves.

### ***Direct policy instruments for asylum migration***



Asylum migration is mainly driven by external factors such as conflict and violence. As these fluctuate in intensity, so does the number of asylum migrants arriving in the Netherlands each year. Consequently, as far as this form of migration is concerned, the achievement of the immigration targets rests largely on chance. The results of the pursued policies can hardly be attributed to the government or any member of government. Therefore, if the use of immigration targets in asylum policy is considered, it would be advisable to think of them primarily as a best-efforts obligation to identify coherent actions. What might such policy options be, and what do we know about their effectiveness? The following list of policy instruments is not exhaustive, but it clearly shows that it can take a long time for such instruments to have an impact. While there are no quick fixes with respect to the asylum policy, it is possible to make more concerted efforts.

#### *Stricter admission criteria*

The Netherlands can choose to make itself less attractive as a host country through stricter laws and regulations and stricter implementation of policy rules and operational guidelines, to the extent that this is possible within the framework of EU legislation (minimum standards) and international treaties. This is what Sweden has done, for example. Before the tightening of the Swedish asylum law in 2016, it was more generous towards asylum seekers than the Dutch law, but since the tightening of the laws, it has become less generous. After a peak of more than 160,000 asylum applications in 2015, Sweden temporarily tightened its asylum laws in 2016 for a period of three years.<sup>172</sup> In that same year, this led to a decrease of more than 80% compared to the number of asylum applications in 2015. A decrease was also observed in many other EU Member States, but to a lesser extent (in the Netherlands, there was a decline of more than 50%). This EU-wide decline was mainly because of the implementation of the EU-Turkey Statement and the closure of the Balkan route, which made it more difficult for irregular migrants to enter the EU and then move on within the EU to apply for asylum.<sup>173</sup> The Swedish government believes that this decrease in asylum applications is due to stricter national laws and regulations, but this probably explains only part of the decrease.<sup>174</sup> The temporary law was subsequently extended for two years until 2021, with the government stating that the purpose of this law was also to prevent large numbers of asylum seekers from coming to Sweden (deterrent effect).<sup>175</sup> After that, the temporary law was not renewed. The Swedish example shows that control can be exercised through stricter admission criteria. Even if the scope for doing so is very limited, it can still have an impact. For the Netherlands however, the impact will be much smaller because, unlike Sweden at the time, the Netherlands is currently near the minimum European asylum standards.

#### *Short and meticulous asylum procedures and a comprehensive approach to the return policy*

A firm and comprehensive approach to the return policy is one of the elements that can influence asylum migration.<sup>176</sup> Research shows that a meticulous and

reasonably short asylum procedure can increase the willingness to return.<sup>177</sup> The procedure should not be too short, because then asylum seekers will feel that their cases have not been carefully considered. Nor should the procedure be too long, as this significantly reduce the willingness to leave.<sup>178</sup> Detention – as a last resort – is effective in some cases, but then the return procedure must also be carried out in a reasonably expeditious manner.<sup>179</sup>

In the context of return and readmission, the Netherlands depends on the cooperation of both the migrant and the country of origin. Some countries do not cooperate with forced returns. For example, their embassy will only issue the necessary travel documents if the citizens state that they are returning voluntarily.

There have been some successes with respect to the return policy. For example, asylum migration from certain so-called safe countries of origin (such as Albania and Georgia) fell sharply in the period 2016-2017 after the Netherlands managed to return more migrants to these countries and to do so more quickly. In contrast, there was no visible decline in asylum migration from the safe countries of origin with which cooperation on the return of migrants was very problematic (such as Morocco and Algeria).<sup>180</sup> It would be advisable for the Netherlands to try to improve cooperation with these countries through a strategic country approach to migration.<sup>181</sup> To encourage returns, the Netherlands could conclude cooperation agreements with the countries of origin. For example, according to the Ministry of Foreign Affairs, relations with Morocco have recently improved, and the issue of return to Morocco is also being discussed. Research by the Research and Documentation Centre (WODC) shows that legally binding bilateral return and readmission agreements with countries of origin increase the return rate by 5 to 10%. However, readmission agreements signed at the EU level have no demonstrable effect on the rate of voluntary or forced return.<sup>182</sup>

In addition, there is more policy space to improve voluntary return programmes<sup>183</sup>, where it is possible to work on developing, for example, various pre-return measures such as counselling, medical or psychological assistance and providing financial, legal and logistics support for travel. Voluntary return is always preferable: it is better for the persons concerned to avoid detention, and it is a cheaper, less administratively burdensome and more humane option for the Dutch government to end unlawful residence.<sup>184</sup> Voluntary return depends on the consent and cooperation of the person concerned, who often has a fundamentally different view of return than the Dutch government.<sup>185</sup> This means that government agencies and NGOs cannot indiscriminately use voluntary return programmes as a means of controlling immigration. Sometimes voluntary return programmes even seem to attract immigrants because of the financial incentives offered.<sup>186</sup>

## **Migration policy is also foreign policy**

### *Indirect policy*

#### *Foreign relations and foreign policy*

The success of the return policy also depends on the extent to which the Netherlands is able to cultivate sufficient goodwill in its foreign relations in order to conclude migration agreements and ensure smooth returns.<sup>187</sup> Migration policy is therefore also foreign policy. More specifically, this means concluding migration partnerships with those third countries that effectively fulfil the conditions of the Refugee Convention in order to control migration flows and achieve returns. In exchange for agreements on trade, aid, support for reception facilities, and temporary legal and circular labour migration, agreements are made with countries to readmit asylum seekers from those countries who have exhausted all legal remedies in the Netherlands, thus counteracting irregular migration. At the same time, countries that refuse to cooperate can be denied instruments that are important to them, such as visas. The asylum system also attracts people from safe countries who do not need international protection: people who are fleeing from a lack of viable prospects rather than from war, violence and persecution. For most of them, asylum protection is not intended, but this first must be established through a faster asylum procedure.<sup>188</sup> This group of nationals from safe countries of origin (an estimated at 4% of first-time asylum applicants in 2021)<sup>189</sup> enjoys little public support: society's capacity to cope is being tested (Chapter 2). The Netherlands could also impose further consequences on the failure of certain safe countries to readmit asylum seekers. However, such efforts will take time to achieve and require significant investment in bilateral relations.

#### *Improved border control*

To better protect its external borders, the EU has significantly strengthened the European Border and Coast Guard Agency Frontex with additional personnel and financial resources. Better surveillance of the external borders reduces the number of migrants who can continue on to the Netherlands to claim asylum. However, the issue of migration cannot be reduced to a question of border control: the response to this must be embedded within a coherent foreign policy.<sup>190</sup> Moreover, people still have the right to apply for asylum at the external borders.

Within the EU, the Netherlands advocates a border procedure whereby asylum seekers are detained at the external borders so that they can apply for asylum there. The aim is to prevent them from moving on.<sup>191</sup> The Netherlands also wants to tighten controls at its borders.<sup>192</sup> This is allowed, as long as it is not done systematically. Neither the Mobile Surveillance of Foreign Nationals (*Mobiel Toezicht Vreemdelingen*, MTV) nor internal border controls are instruments to

reduce the number of asylum applications. Persons detected by the MTV still have the possibility to apply for asylum.

### *Reception in the region*

There is strong public and political support in the Netherlands for systems to ensure that people who have experienced violence and conflict are care for and accommodated in their own region.<sup>193</sup> In practice, reception in the region is already taking place: 60% of all displaced persons remain in their own country, and of the remaining 40% who are internationally displaced, the vast majority go to neighbouring countries.<sup>194</sup> Of the latter group, 12% go to Europe and 0.5% to the Netherlands. This means that 4% of all displaced persons coming to Europe go to the Netherlands.<sup>195</sup> There is little scientific research on how reception facilities in the region can be further improved. So far, there is little evidence that reception in the region would prevent people from migrating to neighbouring countries or further afield, as there are very few facilities and opportunities are available in these regions.<sup>196</sup> At the same time, it is known that creating more opportunities in the countries of origin, for example, through development cooperation, will lead to better conditions, which in turn will lead to more migration by giving people the means and opportunities to move. Migration is simply not for the poorest people. It is only in the much longer term that economic development can lead to less migration. However, there is evidence that benefits and support for poor families, good social services, decent education and adequate health care can reduce the desire to migrate.<sup>197</sup> Therefore, if efforts are to be focused on providing more reception opportunities in the region itself, a lot of investment will be needed.

Finally, not enough is known about the effects of information campaigns aimed at persuading people not to come to the Netherlands. It is clear, however, that information provided by government agencies is not considered credible by migrants.<sup>198</sup>

## ***Greater efforts will be made at the EU level as well to arrive at migration agreements with third countries***

### *Limited legal migration channels and circular migration schemes*

The development of legal migration channels, e.g. for student or labour migration, can make a valuable contribution to the Dutch economy and society while at the same time promoting return and readmission agreements with third countries. The idea here is that *limited* regular migration can encourage countries in Africa and Asia to cooperate in the return of irregular migrants.<sup>199</sup>

At the EU level, there will also be increased efforts to conclude migration agreements with third countries, including legal migration channels and circular migration schemes. The European Commission's proposal to develop 'Talent Partnerships' can contribute to a comprehensive approach to migration

cooperation, which also includes combating irregular migration and ensuring effective cooperation in the area of return and readmission.<sup>200</sup> For this reason, Germany has made efforts to conclude agreements with countries in the Western Balkans.

### **Legal channels to prevent irregular migration: Germany and Western Balkans**

Since 2016, Germany has established a Western Balkans scheme for migrant workers from Albania, Bosnia-Herzegovina, Kosovo, North Macedonia and Serbia. This scheme was extended at the end of 2020 until 31 December 2023 with the introduction of an annual quota of up to 25,000 migrant workers from these five Balkan countries taken together. This is the result of a political compromise (for political calm). The aim is to develop legal migration channels to address the issue of irregular asylum migration from the Western Balkans. In addition, the Federal Employment Agency has concluded agreements with Georgia and Moldova with quotas for 5,000 seasonal workers from Georgia and 500 seasonal workers from Moldova. This will help to meet the demand for temporary seasonal workers.

The Advisory Council believes that there should be fewer policy barriers between asylum and regular migration. Asylum seekers face lengthy procedures and are not allowed to work for the first six months, and only 24 weeks in a 52-week period thereafter. The Netherlands could learn from the reception and activation of displaced persons from Ukraine who, unlike asylum seekers, do not need a work permit in the Netherlands. As a result, a significant proportion of Ukrainian refugees have already found work in the Netherlands.<sup>201</sup> The Advisory Council has previously recommended that the statutory 24-week legal limit should be abolished because it is detrimental to the integration opportunities of asylum permit holders.<sup>202</sup> People are more positive about immigration when asylum seekers are allowed to work and contribute to society. The more fundamental question is whether, in certain cases and/or professions asylum seekers can be admitted as migrant workers, which could help to reduce the burden on asylum procedures.

#### *Asylum policy in the European context*

Asylum policy is first and foremost an European policy. Countries wishing to introduce immigration targets as part of their asylum policy will have to make a major effort at the European level to ensure that European and national policies are coherent. According to the Advisory Council on International Affairs (AIV), two agreements are needed to break the deadlock in European asylum policy<sup>203</sup>: an internal agreement between the Member States and an external agreement with foreign partner countries.<sup>204</sup> This also requires efforts on the external front. The government has decided to aim for migration agreements with safe third countries, including combating irregular migration and providing reception facilities for refugees. The so-called Turkey Deal of 2016 serves as a blueprint for this. In 2016, EU Member States reached an agreement with Turkey to prevent large-scale migration to the EU. In exchange for billions of euros in financial support for the

reception of asylum seekers and refugees as well as lifting the visa requirements for Turkish citizens, Turkey promised to tighten its borders to limit migration flows to the EU.<sup>205</sup> Despite the deal's visible effect on the volume of migration to the Netherlands, it has since become clear that the deal is in many ways detrimental to the rights of asylum seekers and refugees.<sup>206</sup> According to Gerald Knaus, the architect of the deal, there is not much left of it after March 2020.<sup>207</sup> Still, he believes it is the only way to bring order to irregular migration. Resettlement through an orderly process would be a huge step forward from the chaos of recent years. It would lead to adequate protection, faster integration and fewer dangerous journeys across the sea. Other such examples of efforts to move forward include the *Global Compact on Refugees* and the *EU Resettlement Framework*.<sup>208</sup> These instruments aim to promote cooperation and a broader sharing of responsibility. This is an important complement to the Refugee Convention, which lacks such a sharing mechanism.

In addition, more efforts can be made to promote internal cooperation. Asylum seekers who enter the EU irregularly often do not stay in the Member State where they first arrive. However, the Netherlands has little success in holding the other Member States to the Dublin Regulation, and foreign nationals often disappear before a Dublin transfer can take place. The Dublin system sets out criteria for determining which Member State is responsible for examining an asylum application lodged in one of the Member States. In practice, this leads to an uneven distribution of responsibilities between Member States. This is why the Advisory Council recommended in 2015 that this system should be complemented by a permanent redistribution mechanism (as proposed by the European Commission in 2016) and suggested the conditions under which this could be done.<sup>209</sup> The Member States have not yet reached an agreement on this topic.

Finally, Austria has called on the EU to examine the possibility of external processing of asylum applications in safe third countries, as the Danish and British plans do in Rwanda.<sup>210</sup> External processing is based on the assumption that there is a safe area outside the territory of the EU where an EU Member State can process and assess (or have assessed) asylum applications for international protection submitted to the EU. In 2010, the Advisory Council advised the government on the external processing system.<sup>211</sup> The main conclusion of the report was that, as a result of EU agreements and clauses in international treaties, there is still no legal basis for the establishment of asylum centres in countries outside the EU, and this is therefore in conflict with EU directives that are binding on the Netherlands. Therefore, in contrast to Denmark, this is not a policy option for the Netherlands.<sup>212</sup> In addition to the need to create an 'EU-proof' legal basis, there are also a number of practical concerns, as implementation would require a great deal of time, effort and money.<sup>213</sup>

***Without effective policy instruments, achievement of the immigration target will largely rely on chance***

*To summarise: cautious use of immigration targets in asylum migration*

The use of numerical targets offers certain opportunities: a more informed debate based on numbers, temporary political calm as a result of agreements with different political parties (as in Germany and Austria) and more coherence in the migration policy. But the risks are greater. Without effective policy instruments, the achievement of the immigration target will be largely accidental, and it will not be possible to attribute the results to the policies pursued. Given the limited national policy space, the high volatility of asylum migration due to changing political and other circumstances elsewhere in the world, and the fact that asylum migration is a highly politicised policy issue in the Netherlands, the Advisory Council has concluded that an immigration target, as an upper limit for the number of asylum migrants coming to the Netherlands, entails significant risks.

If, however, it is considered to work with immigration targets in the asylum policy, the asylum forecasts that are being currently being prepared can play a role in this. In addition, it is important to communicate clearly and honestly: firstly, that these immigration targets are only aspirations; secondly, that there are limited possibilities to control the final results and this will require a considerable amount of time and effort. They should therefore be seen as best endeavours commitments only. There are a number of policy levers (in particular through adjacent policy areas) that can be adjusted in the area of asylum policy, albeit all with limited scope. This often requires a long-term commitment. There is also a need to gain more insight into the impact of different policy instruments.

### **3.3 Labour migration from outside the EU: immigration targets as part of a well-being approach**

The labour migration policy for migrants from third countries covers two categories: the migration of highly skilled workers and all other types of labour migration, which are more strictly regulated and require more of both migrants and employers. The basis of this policy is selectivity: the Netherlands welcomes migrants for whom there is an economic need and is reluctant to accept others. Unlike in the case of asylum migration, where humanitarian goals are paramount, the primary goal here is to promote of economic growth and meet the labour market's need for workers.

In 2019, there will be 735,000 migrant workers (based on a somewhat broad definition). Between 2006 and 2021, the number of migrant workers in the Netherlands quadrupled.<sup>214</sup> The vast majority of these are European migrant

workers. However, in recent years, the proportion of non-EU/EEA migrant workers has also been slowly increasing: in 2019, it was 14%.<sup>215</sup>

The proportion of migrant workers with above-average incomes – especially from countries outside the EU/EEA (including highly skilled migrants) – is gradually increasing, but it does not exceed more than 10% of the total.<sup>216</sup> In addition, the Netherlands attracts fewer highly skilled migrant workers than other European countries. With the exception of Finland, the Netherlands is at the bottom of the European list as a base for international talent.<sup>217</sup> International knowledge workers account for only 4.2% of the working population compared with 9% in Sweden and 7% in Austria, for example. Labour migration is mainly concentrated in the low-wage sectors of the Dutch labour market.

The supply of EU migrant workers is expected to decrease in the coming years, as the difference in the level of prosperity between the Member States become smaller. As a result, the Netherlands will become less attractive to workers, especially to Eastern Europeans. With this decline, the labour migration policy for migrants from outside the EU will become more important, and the Netherlands will have more possibilities to regulate labour migration than it does at present, as most labour migration currently falls within the framework of European legislation (see also Chapter 1).

### **An active and well-considered labour migration policy for migrants from outside the EU is important**

There are legitimate concerns about the conditions faced by today's migrant workers, especially European workers. For quite some time now, these workers have been exposed to exploitation, poor working conditions and housing problems. In 2011, the Temporary Committee on Labour Migration (Tijdelijke commissie arbeidsmigratie), in the context of the parliamentary inquiry entitled *Lessen uit recente arbeidsmigratie* (Lessons from recent labour migration), wrote that 'the Netherlands has not been able to successfully manage the influx of migrant workers from Central and Eastern Europe'.<sup>218</sup> 'The Committee is alarmed by the large number of dubious employment agencies and the poor and sometimes distressing housing situation of migrant workers. Inadequate housing and overcrowding not only create undesirable situations for the migrants themselves but also lead to serious nuisances in some neighbourhoods' (see also Chapter 2). According to the Committee, the Netherlands 'cannot afford to continue to spend more time deliberating, researching and studying. Urgent action is needed.'<sup>219</sup> The Roemer Committee came to the same conclusion in 2020.<sup>220</sup>

An active and well-considered labour migration policy for migrants from outside the EU is all the more important because the NIDI and Statistics Netherlands recently concluded in the report *Bevolking 2050 in beeld: drukker, diverser en dubbelgrijs* (Population 2050: larger, more diverse and older) that the size of the working population will decline if there is no migration and the labour participation



of Dutch citizens does not increase.<sup>221</sup> According to them, there are some n urgent considerations that need to be made: more people working full time, more people working and working longer, or more migrants? Perhaps all these options are necessary, they say. At the same time, it is also possible to opt for less economic growth, which will lead to distributional problems. In any case, the increase in the ageing population calls for policy choices.<sup>222</sup>

The Dutch government can make its own decisions about the extent and nature of labour migration from outside the EU. Can numerical targets play a role in this? This is the main question addressed in this section. Linked to this is the question of how to put labour migration from outside the EU on the policy agenda. What is the experience with immigration quotas or immigration targets elsewhere? And what are the policy levers for labour migration?

### ***What kind of society does the Netherlands want to be, and what kind of economy is suitable for it?***

#### *Well-being as the basis for labour migration policy*

As shown in De Lange's historical legal dissertation *State, market and migrant (Staat, markt en migrant)*, the needs of employers have always been the guiding factor in Dutch labour migration policy.<sup>223</sup> Economic growth and labour shortages were always the main motives. The Advisory Council has previously argued that we need to move away from these obvious motives. The focus should not only be on current or future labour market needs. Indeed, it is difficult to determine what the future labour market needs are exactly, because they depend on a wide range of factors such as the use of technology or an increase in wages, as Anderson and Ruhs show in *Who needs migrant workers*.<sup>224</sup> Tasks and jobs are disappearing, and new ones are being created that are not always predictable.

More importantly, labour migration policy for migrant workers from outside the EU must be formulated in the context of a broader discussion about what kind of society the Netherlands wants to be and what kind of economy is suitable for it, in that order. In other words, it is important to develop our future labour migration policy in the context of a well-being approach.<sup>225</sup> The well-being approach ensures that labour migration policy is designed in a well-considered manner and is not driven solely by the wishes of employers or economic interests, which are only one part of it.

This means that policy development must carefully consider the impact of migration in three areas that have already been identified by Statistics Netherlands. The first concerns the 'here and now': what are the positive and negative consequences of migration for the migrants themselves and for the host society (see Chapter 2)? The second concerns 'later': what are the long-term positive and negative consequences of labour migration, both economically and socially. And the third focuses on 'elsewhere': what are the positive and negative

consequences for the sending countries? We do not yet know enough about these three questions.

The knowledge agenda for labour migration from a well-being perspective therefore consists of a series of questions about the impact of migration on migrants, on sending countries and on our society. For example, the impact on population density, available housing space, education and health care. And also about the effects on social cohesion at the local level, as described in Chapter 2. Meanwhile, we also need to know more about the exact relationship between labour migration and economic development. Does the opening of a distribution centre or laboratory really mean more economic growth? Do migrants contribute to innovation – because they bring in new knowledge – or do they actually lead to less innovation because companies need to invest less in technology?<sup>226</sup> We need to have a greater understanding of the conditions that allow migration to contribute to innovation as well as of the relationship between migration patterns and trade relations.

### ***It may be useful to work with multi-year numerical targets for specific groups of migrants***

Questions of distribution play an important role here: who benefits here and who bears the burden? According to Inspector General De Boer of the Labour Inspectorate, this is a structural problem because the business model typically treats labour as a bulk commodity.<sup>227</sup> Employers can increase their profits with cheap labour, but the social costs of this are borne by society: there is great pressure on scarce space, the housing market and education. At the same time, there are real social benefits: Eastern European migrants pay more in taxes than they claim social security benefits, and consumers benefit greatly from the work carried out by these migrants.<sup>228</sup>

A well-being approach can help determine the conditions under which migrant workers are invited: who is invited and who will not, and for how long. It can also help determine which sectors should and should not benefit from labour migration. It may therefore be useful, it may make sense to work with multi-annual numerical targets, preferably for specific groups of migrants. In the Advisory Council's recent advisory report *Zorgvuldig arbeidsmigratiebeleid*<sup>229</sup> (A carefully considered labour migration policy), we recommended that we should try to attract skilled migrant workers<sup>230</sup> for jobs in the long-term care sector by forming partnerships with the countries of origin, as care is an important public good. This assessment may be different for other sectors, e.g. those that are polluting or those that do not fit in with broader prosperity goals. In this case, it may be decided to exclude this particular group of migrant workers.

Setting long-term numerical targets could help to steer a forward-looking labour migration policy in the right direction, based on multi-year agreements between the different political parties. It also has the advantage of this is also that public

administration and social partners will then have greater clarity on the desired direction of labour migration policy. It can also contribute to a better coordination between national and local policies, since much labour migration is concentrated in specific regions. Think of the Eindhoven region or the Amsterdam metropolitan area for the better-paid knowledge workers, or Westland or North Limburg for low-paid migrant workers.

#### *Establishment of immigration targets in labour migration policy: Canada*

An important prerequisite for determining the direction of labour market policy and the corresponding immigration targets is that the government listens to as many stakeholders as possible: employers, workers, migrants, citizens and the various national, regional and local government bodies and executive agencies (Chapter 2). This too should be part of a well-being approach to labour migration policy. The Advisory Council has pointed this out in the past and argued for the establishment of an independent committee to bring together different analyses, along the lines of the UK's Migration Advisory Committee.<sup>231</sup> 'The adoption of a well-being approach means that different groups in society, including experts, employers, workers, local authorities and citizens, need to be consulted as part of the process of advising the government. Given the complexity and the associated range of interests that need to be taken into account, the Advisory Council advocates that the oversight of this process should be entrusted to an interdisciplinary group of government advisers or an independent advisory body. The Netherlands would be at the forefront internationally if it were to set up an advisory model with this aim, which would also include a broad consultation of citizens. In this respect, there are lessons to be learned from Canada, in particular.'<sup>232</sup>

It is noteworthy that Canada takes the social perspective into account in its multi-year plans in a variety of ways. Canadian migration policy explicitly takes into account the 'absorptive capacity' of society.<sup>233</sup> Canadian policymakers consider national, provincial and regional development and a mix of economic, demographic, humanitarian and social objectives when setting immigration targets for migration. Canada's three-year plans and immigration targets are based on various areas of research: macroeconomic, labour market and demographic trends; operational capacity and costs (including financial implementation costs, depending on the level and mix of immigration); and the impact on regions, cities and communities. In addition, policymakers refer to advisory reports on economic and social issues related to immigration, and public consultations are also held to gauge the level of support among Canadians for more or less of certain types of migration.<sup>234</sup>

In this manner, the host society is explicitly involved in the migration plans. Policymakers organise a broad consultation and stakeholder survey each year with virtual meetings in all provinces ('Townhalls').<sup>235</sup> Questions in the stakeholder survey address the priorities, the desired permanent migration (immigration targets) and new immigration programmes at the provincial and local levels. This allows citizens to have their say on the proposed immigration targets, categorised

by economic migration, family migration and humanitarian migration. The majority of citizens support the policy of adjusting the immigration targets upward (permanent migrants: 465,000 by 2023, 485,000 by 2024 and 500,000 by 2025) or of stabilising this (30%) at the current number of 451,000 per year.<sup>236</sup> Among Canadians, 62% want to prioritise economic migrants over family migrants and refugees.

***Canada is emphatically pursuing a diverse, inclusive and multicultural society as a matter of policy***

The Canadian context for migration planning is quite different from the Dutch and European contexts because of its geographical location, a different legal system and different political goals. In terms of policy, Canada is strongly committed to creating a diverse, inclusive and multicultural society. This includes an added focus on the need for migration for economic prosperity. Of the total permanent immigration to Canada, 60% is economic migration designed to fill labour market shortages and promote economic growth.<sup>237</sup> Regardless of other context, the way in which in Canadian citizens are involved in a comprehensive, forward looking analysis is an inspiring example.

**Finland: Roadmap for Education-based and Work-based Immigration**

In 2021, Finland also decided to introduce numerical targets for student and labour migration, mainly for the purpose of encouraging immigration. To this end, the Finnish Ministry of Education and Culture launched its 'Roadmap for Education-based and Work-based Immigration 2035'. The goal is to triple the number of student migrants to 15,000 foreign students per year by 2030. Labour migration must also increase: the goal is 50,000 migrant workers annually.<sup>238</sup> The Roadmap is a long-term action plan to achieve the targeted numbers of immigrant specialists, entrepreneurs, researchers and students. With this, Finland is fulfilling goals in various policy areas (education, labour market and economy) through a clear and coherent multi-year student and labour migration policy. In addition, it has met one of the preconditions for using numerical targets, i.e. diverse parties have been consulted for establishing these targets: private individuals, representatives of ministries, regional and local government bodies, labour market organisations, businesses, municipal and regional organisations, higher education institutions, other educational institutions and research organisations have all participated in the preparation of the Roadmap.<sup>239</sup>

*Direct migration policy*

The use of immigration targets may also help in better identifying the various policy areas that determine whether migrants from outside the European Union are welcomed, deterred or selected for admission. What are these policy areas, and what do we know about them?

The Netherlands has many direct policy levers to determine who can come to the Netherlands from outside the EU. A distinction is made between highly skilled migrants, who meet an income criterion, and other migrant workers. The Netherlands has a policy of welcoming highly skilled migrants. Such migrants only have to meet a high income requirement, which must be in line with the market.

Administrative burdens and paperwork have been kept to a minimum, and short processing times are followed for such migrants at the IND. The majority of highly skilled migrants come from India, followed by China and Turkey.<sup>240</sup> This will affect more than 20,000 people in 2021.<sup>241</sup>

Aside from this, the Netherlands is reluctant to attract other migrant workers from non-EU/EEA countries.<sup>242</sup> However, employers may employ migrants from non-EU/EEA countries on their own initiative, but only if they can demonstrate that it is not possible to fill the vacancy with someone from the EU (or EEA). These applications involve a lot of paperwork, and a work permit is valid for up to two years. In 2021, just over 2,000 people came to the Netherlands through this route.<sup>243</sup>

The Netherlands therefore sets its own admission criteria that are accompanied by more or fewer requirements and more or less paperwork for the migrants themselves and for their employers. Yet these direct policy levers are not the only determining factor for migration patterns, as the example of knowledge workers shows. Although there are few bureaucratic barriers, such migrants do not arrive in large numbers. At the same time, it should be noted that the Netherlands does not have full control over the arrival of migrant workers from outside Europe. Through postings – where people are posted to the Netherlands from other European countries – more and more third-country nationals are coming to the Netherlands, with an increased risk of exploitation.<sup>244</sup>

### Through postings

In 2021, a reported total of 365,510 posted workers made use of the right to the free movement of services in the EU.<sup>245</sup> Of these, 127,830 workers were of non-EU/FTA nationality and 237,680 were of EU/EFTA nationality.<sup>246</sup> These numbers are based on notifications, so it is not clear to what extent these persons actually came to the Netherlands to work. The vast majority of these people (79%) are employed in the road transport sector (lorry drivers), i.e. people who often stay in the Netherlands only for a short period. Other sectors with relatively high numbers of foreign posted workers include the construction, industrial, transport (excluding road transport) and agricultural sectors.<sup>247</sup> Among the citizens from outside the EU, Ukrainians and Belarusians – posted from Poland and Lithuania – form the largest group. Excluding the road transport sector, there are a reported 17,360 third-country nationals.<sup>248</sup> This is higher than the total number of positive opinions issued by the UWV for a combined work and residence permit (3,838) and work permits granted by the UWV (7,804) in 2021.<sup>249</sup> Most of these are low and medium-skilled workers who would have difficulty obtaining work and residence permits without this route. This is an increasing trend in sectors such as the construction, agricultural and horticultural sectors and by now also in other sectors that are highly competitive in terms of labour costs.<sup>250</sup> These posted third-country nationals find themselves in a precarious position under employment law, facing a risk of exploitation.<sup>251</sup> It is not possible for the Netherlands to directly regulate this kind of temporary labour migration taking place through postings, because it falls under the free movement of services in Europe.

### *Indirect migration policy*

How can labour migration be further controlled? As migration expert De Haas writes, the most important factor in labour migration is the state of the economy.<sup>252</sup> According to Jennissen, there is an almost linear relationship between economic growth and the increase in the number of migrant workers.<sup>253</sup> And the structure of the economy is an important factor that determines the type of migrants and how long they stay. At present, as mentioned above, many migrant workers in the Netherlands work in low-paid sectors of the economy, largely on the basis of temporary contracts and via employment agencies. This can limit investment in training and reduce productivity, which benefits neither the migrants themselves nor society. As the WRR points out, those wanting a different type of labour migration must focus on national industrial policies.<sup>254</sup>

### ***A comprehensive labour market strategy is needed***

Therefore, the government's industrial and sectoral policies can serve as important indirect migration instruments. Strockmeijer's dissertation shows that many companies in the horticultural sector take the low road by investing little in technology, training and social innovation and by relying mainly on labour from outside the Netherlands.<sup>255</sup> Employers appear to be constantly finding new ways of labour migration when faced with impending shortages, such as through student migration or the EU Posted Workers Directive.<sup>256</sup> At the same time, there are companies that actually choose to take the high road, focusing on innovation and attracting highly skilled migrants for this. The underlying idea is that migrants with complementary skills, such as knowledge of foreign markets or new technologies, can make a positive contribution to economic development.<sup>257</sup> Government policies that focus on an economic business structure, with mostly high-value work, will attract different migrant workers than policies focused on low-value work.

#### *Labour market policy*

This is a crucial policy area dealing with rules, wages and the extent and form of flexibility in the labour market.<sup>258</sup> There is a causal link between labour market liberalisation and labour migration. Flexible, temporary work is not attractive for many people who are already living in the Netherlands. But it is attractive to migrant workers who want short-term employment or for whom flexible work is still better than employment contracts in their country of origin. The Netherlands is the European leader in terms of flexible labour relations, which has also greatly increased the dependence on and demand for low-cost labour migration. The majority of migrant workers from the EU work via employment agencies, which offer lower wages and poorer working conditions. As a result, for many migrants, precarious, flexible jobs and short-term employment is the norm for many migrants. Moreover, an active employment agency sector creates a cross-border recruitment and migration infrastructure and also plays an important role in the development of flexible employment relationships. This is important for migrant workers from both inside and outside the EU.

In the case of labour migration, the enforcement of labour market laws and collective bargaining agreements plays an important role. As noted in the reports of the Migrant Worker Protection Task Force (Roemer Committee), the Netherlands could be stricter in enforcing the need to provide proper working conditions and decent housing.<sup>259</sup> Various abuses related to postings have been reported, such as the evasion and circumvention of minimum wages, bogus postings through rotation or permanent postings, bogus self-employment and the use of shell companies. This is most common in the construction, agricultural and horticultural sectors. It is now also happening in other sectors where there is intense competition on labour costs.<sup>260</sup> These 'social dumping' practices underscore the need for proper monitoring and enforcement. In late 2021, the Netherlands Court of Audit concluded that the Labour Inspectorate was not effectively enough tackling this kind of labour exploitation.<sup>261</sup> Compared to other Member States, Belgium and Germany appeared to be doing this well thanks to, for example, the use of registration systems and an active role played by their labour inspectorates.

### ***The Dutch system is not as attractive as that of countries like Germany***

#### **Well-considered, comprehensive labour market strategy in Germany**

Thus, labour migration policy is primarily labour market policy. The Netherlands has a labour shortage in quantitative terms, but more importantly, it is experiencing an increasing shortage of suitable workers in terms of quality.<sup>262</sup> Different types of skills will be needed in the future, for example, due to the climate transition and the government's digitalisation and sustainability agenda, which will require a wider search for suitable personnel.<sup>263</sup> This calls for a comprehensive labour market strategy, which could include labour migration policy, as it is the case in Germany.

Germany has a comprehensive strategy for attracting skilled workers, which is linked to demographic trends, decarbonisation and digitalisation.<sup>264</sup> This is the result of extensive research, in which migration is seen as a coherent labour market policy. The strategy focuses on skills upgrading, career development and training, increased participation of women and older workers and a modern labour migration policy. The Federal Minister of Labour and Social Affairs Hubert Heil said, 'For many companies, finding skilled workers has already become an existential question. And our country needs skilled workers to cope with digitalisation and the transition to a climate-neutral economy.'<sup>265</sup> In late November 2022, the German government announced plans to modernise the immigration laws.<sup>266</sup> The government wants to attract more skilled migrant workers and select job seekers with a points-based system inspired by the Canadian system. This will be incorporated in the legislation in 2023.<sup>267</sup>

#### *Social facilities*

For example, housing and high-quality services (health care, child care and education) are important in attracting migrant workers who see the Netherlands as an important step in their live or career. It is also often argued that migrants only come solely for the welfare state and in particularly for social assistance, i.e. the so-called welfare magnet hypothesis. But there is little convincing evidence for

this: there is just as much academic research that disputing this claim as there is supporting it.<sup>268</sup> For highly educated immigrants, the quality of the welfare state is certainly a pull factor. Social security, good education and health care play an important role in this.<sup>269</sup> However, compared to other European countries such as Germany, the Dutch system, with its expensive childcare services and few leave regulations, does not seem to be as attractive to migrants, although it is becoming increasingly more so.<sup>270</sup>

Studies regarding on the attractiveness of the Netherlands for highly educated migrants, in particular, suggest that a crucial factor is their social reception on arrival.<sup>271</sup> This includes issues such as the opportunities available to learn Dutch and the cost of living and housing. The policy on accompanying partners also plays a role, as they will also want to further their careers and lives. Consideration could be given to ways of making it easier for family members of migrant workers to enter the labour market (dual career programmes, or partner programmes)<sup>272</sup> and to providing better support for civic integration and labour market guidance to help increase their labour market participation.<sup>273</sup>

#### *Fiscal policy*

The Netherlands has also focused on making the tax policy more attractive for migrant workers to come to the Netherlands. But these measures have long been under scrutiny. For example, in 2018, the duration of the so-called Expat Scheme was reduced from eight to five years. The government is currently considering whether to further reduce this scheme or even abolish the scheme. Under the 30% rule, expats with specific expertise are exempt from tax on up to 30% of their salary. Scaling back the expatriate scheme would remove a major benefit for companies bringing in expatriates. Today, every Western European country (except Germany) has such a scheme. This year, Belgium even introduced a new expat scheme that is almost identical to the Dutch one.<sup>274</sup>

#### *Return and circular migration*

Labour migration policy could pay more attention to circular migration. This means that agreements should be made to ensure that people do not work here on a permanent basis, that they only stay in the Netherlands for a short period of time and that arrangements are made for their return. There is also increasing talk of a form of circularity, where migrant workers come to the Netherlands multiple times but remain based in their country of origin. Increasing digitalisation around the world may help in this regard.

### ***A better understanding of the functioning and impact of specific policy instruments is needed***

Although the majority of migrant workers leave the Netherlands of their own accord within five years, policymakers can consider ways of encouraging them to leave and return, for example, through agreements with their countries of origin. This can also be done, for example, by changing the way in which social security



benefits are regulated (by paying them only when they leave), by making agreements on the temporary nature of the work and family reunification, or by a generous visa policy so that people are willing to go back to their country of origin because they know they can return to the Netherlands.<sup>275</sup> Moreover, it is not always wise to focus on voluntary or forced circularity. If migrants start working here on a regular basis and are, for example, employed in the health sector, it would make sense for those who speak good Dutch and are fully familiar with the work eventually to stay permanently.<sup>276</sup> But circularity can be a solution in many other sectors: both for Dutch society, because there will be less pressure on things like housing, and for the country of origin, because there will be 'brain gain' instead of 'brain drain'.<sup>277</sup>

There is much evidence of the importance of direct and indirect migration policies in determining labour migration patterns: efforts in these policy areas can inhibit or encourage certain forms of labour migration. However, a better understanding of the operation and impact of specific policy instruments is needed. The use of immigration targets in a labour migration policy based on a well-being approach can also improve the coherence between different areas. For example, labour market policies are not always well coordinated with the economic or welfare state policies.

#### *Immigration quotas in labour migration policy*

Finally, we look at the use of immigration quotas in labour migration policy. Although immigration targets are considered to be the most appropriate for labour migration policy in the context of a well-being approach, it is also possible, and sometimes appropriate, to work with immigration quotas. This is possible under European law and the international treaties.<sup>278</sup> For example, the Dutch labour migration policy has in the past used immigration quotas in the Asian hospitality industry. However, due to many cases of abuse of the scheme involving Asian chefs, it was decided that these quotas would definitively expire in 2022.<sup>279</sup> Under this quota system, the numbers could be adjusted upwards or downwards by ministerial decree, if the situation on the labour market or in the sector warranted it.<sup>280</sup> Since 2011, Austria has used an immigration quota to limit seasonal labour migration (see box). Such quotas are particularly advisable when dealing with specific groups of workers. However, immigration targets are preferable as a guiding principle for a coherent, forward-looking and socially embedded labour migration policy.

## Austria and seasonal labour

Since 2011, Austria has set an annual quota for third-country nationals who are allowed to work temporarily in the tourism or agricultural sectors. This is also known as the 'seasonal quota'. This is a quota for low-skilled or unskilled workers, a sector of the labour market with relatively high unemployment rates in Austria. The quota acts as a control mechanism, so to speak, to reassure the low-skilled workers. Several parties are involved in setting the annual quota, including the Chamber of Commerce, the Chamber of Agriculture, the Public Employment Service and the social partners. The level of the immigration quota is ultimately set by the Minister of Labour.

The quota is 4,400 for the tourism and agricultural sectors and 200 for pickers during the harvest season. Although the quota has never been exceeded in practice, it is theoretically possible, as long as the multi-year average does not exceed 4,600.

*To summarise: immigration targets in labour migration policy based on a well-being approach*

Realistic immigration targets can be part of a new approach in the labour migration policy. An approach that no longer focuses solely on economic growth or employers' interests, but on well-being. This involves complex considerations and decisions. It requires greater insight into the impact of labour migration on migrants, on society in the long term and on other countries. It calls for a vision of the future that takes into account housing, labour force participation, economic needs, population pressures, environmental issues and social cohesion. Such an approach could help to prioritise labour migration in socially valuable sectors and labour migration that contributes to solving social challenges. In addition, citizens should be given an important role in setting immigration targets, as is the case in Canada.

In such a scenario, immigration targets could emerge from a well-being approach. This in turn will help to identify the different policy levers that influence migration patterns, both within migration policy and in other areas. Here too, realism is advisable, as migration is only partly controllable: developments elsewhere in the world and in other European countries also remain important factors. Moreover, even in the area of labour migration, there is still a lack of knowledge about how the above policy instruments work.

---

<sup>146</sup> In this regard, see the detailed trend analysis by the ACVZ. *Op weg naar 2030. Migratie: een toekomstverkenning*, 5 March 2018, Chapter 2, p. 17 et seq.

<sup>147</sup> ACVZ. *Op weg naar 2030. Migratie: een toekomstverkenning*, 5 March 2018 and SEO Amsterdam Economics. *Arbeidsmigratie in 2030. Vier mogelijke scenario's*, June 2022.

<sup>148</sup> ACVZ. (2019). *Secundaire migratie van asielzoekers in de EU*.

<sup>149</sup> Holtslag; In betere banen, Martin Ruhs.

<sup>150</sup> Article 6 of the Directive does not allow a quantitative limit to be set for students, but it allows this to be done for third-country nationals who are or will be in an employment relationship.

<sup>151</sup> The institutional tuition fee for non-EU/EEA students set by the higher education institutions is higher than that for Dutch, Surinamese, Swiss and EU/EEA students. Increasing this fee further may restrict the number of non-EU/EEA students. For example, in Norway, a poll shows that up to 80% of non-EU/EEA students might stay away. [Norway: Tuition fees might drive away up to 80% of non-European students | Study.eu.](#)

<sup>152</sup> See Appendix B.

<sup>153</sup> WRR. (2020). [Samenleven in verscheidenheid – Beleid voor een migratiesamenleving.](#)

<sup>154</sup> [Prognose bevolking; kerncijfers, 2021-2070 \(cbs.nl\)](#)

<sup>155</sup> [Meerjaren Productie Prognose \(MPP\) 2022-2 | Rapport | Rijksoverheid.nl](#)

<sup>156</sup> [Migratieradar | Over ons \(ind.nl\)](#)

<sup>157</sup> For example, the European Asylum Support Office (EASO), now called the EU Asylum Agency (EUAA), has developed a model to predict short-term asylum-related migration. See [Forecasting asylum-related migration flows with machine learning and data at scale \(nature.com\)](#). In addition, as part of the Horizon 2020 programme, there are ongoing projects for forecasting international migration such as the EU projects [Quantifying Migration Scenarios for Better Policy](#) and [IT Tools and Methods for Managing Migration Flows](#).

<sup>158</sup> [De Staat van Migratie 2022 | Rapport | Rijksoverheid.nl](#)

<sup>159</sup> A first-order effect is the direct effect of the measure, for example, if a municipality denies a building permit for a distribution centre because of the lack of housing for migrant workers. A second-order effect refers to the consequences within the larger context, for example, relocation to another municipality because it agrees to issue a permit for the distribution centre. Industrial and spatial planning policies at the provincial level can determine the extent to which economic activities will be developed in order to attract migrant workers. The third-order effects may lie outside the Netherlands: for example, as a result of the industrial policy and stricter enforcement on working conditions, the distribution centre moves to Belgium or Germany, with the possible unintended effect that migrant workers start commuting between the Netherlands and neighbouring countries.

<sup>160</sup> [Recht op asiel \(artikel 18\) | Expertisecentrum Europees Recht \(minbuza.nl\)](#)

<sup>161</sup> In this regard, see the detailed legal framework in Appendix B.

<sup>162</sup> See J.P.H. Donner and M. den Heijer, *Terechte zorg, verkeerd aanknopingspunt*, April 2020 and Appendix B.

<sup>163</sup> Nothing was put down on paper in this regard: it involved a verbal instruction from State Secretary Francken, confirmed by him on 29 November 2018 online as well as in Parliament. See in this regard Myria, *Een nieuw paradigma voor het Europese asielmodel*, 9 July 2019, p. 84.

<sup>164</sup> Council of State, No. 234,306, 20 December 2018.

<sup>165</sup> AIDA Report on Belgium dated March 2019, p. 22.

<sup>166</sup> This does not include resettlement under EU agreements in the context of the EU-Turkey Statement. [Coalitieakkoord 2021 – 2025: Omzien naar elkaar, vooruitkijken naar de toekomst \(overheid.nl\)](#) p. 44. The government's administrative agreement in late August 2022 includes a temporary measure stating that no new families will be selected for EU resettlement (EU-Turkey Statement), see *Parliamentary Papers II*, 2021/22, 19637, No. 2983.

<sup>167</sup> UNHCR. [www.unhcr.org/62a9d1494/global-trends-report-2021](http://www.unhcr.org/62a9d1494/global-trends-report-2021) or [www.unhcr.org/refugee-statistics/](http://www.unhcr.org/refugee-statistics/)

<sup>168</sup> ACVZ. (2021). [Opzeqgen Vluchtelingenverdrag schaaadt ook Nederlands belang.](#) ACVZ blog *Wist u dat...?* (part 2).

<sup>169</sup> Antwort der Bundesregierung Zuwanderungskorridor 2019, 21 August 2020, Drucksache 1921802.

<sup>170</sup> [Microsoft Word - Koalitionsvertrag 060318 mit Zeilennummern \(002\).docx \(bundesregierung.de\)](#), p. 103.

<sup>171</sup> ACVZ. (2019). *Secundaire Migratie van asielzoekers in de EU*.

<sup>172</sup> This law stipulated that an asylum permit would be granted on a temporary basis at first, that more stringent civic integration and other requirements would apply for obtaining a permanent permit and that family reunification would be limited to members of the nuclear family. Family reunification was not possible for beneficiaries of subsidiary protection from 2016 to 2019. There is a three-month period for applying for family reunification as a refugee under more lenient conditions; after this period, there is an added income and housing requirement.

<sup>173</sup> ACVZ. (2019). *Secundaire migratie van asielzoekers in de EU*.

<sup>174</sup> Interview EMN expert Swedish Migration Agency (Migrationsverket) dated 28 February 2022 and see also ACVZ (2019) *Secundaire migratie van asielzoekers in de EU*.

<sup>175</sup> AIDA report on Sweden, April 2021, see also the link in the overview of legislation; AIDA report on Sweden, April 2021, may be consulted via [https://asylumineurope.org/wp-content/uploads/2021/04/AIDA-SE\\_2020update.pdf](https://asylumineurope.org/wp-content/uploads/2021/04/AIDA-SE_2020update.pdf).

<sup>176</sup> In its report *Tussen wens en werkelijkheid* (2015), the ACVZ made recommendations on how the strategic country approach to migration can be used more effectively to increase the number of returns to countries that do not cooperate sufficiently in this regard.

<sup>177</sup> ACVZ. (2021). *Samen werken aan terugkeer*; Rapport Onderzoekscommissie Van Zwol. (2019). [Onderzoekscommissie Langdurig verblijvende vreemdelingen zonder bestendig verblijfsrecht | Rapport | Rijksoverheid.nl.](#)

- <sup>178</sup> Rapport Onderzoekscommissie Van Zwol. (2019). [Onderzoekscommissie Langdurig verblijvende vreemdelingen zonder bestendig verblijfsrecht | Rapport | Rijksoverheid.nl](#).
- <sup>179</sup> ACVZ. (2021). Samen werken aan terugkeer.
- <sup>180</sup> ACVZ. (2018). *Op zoek naar veilige(r) landen*. (Currently, Algeria is no longer considered a safe country)
- <sup>181</sup> In its report *Tussen wens en werkelijkheid* (2015), the ACVZ made recommendations on how the strategic country approach to migration can be used more effectively to increase the number of returns to countries that do not cooperate sufficiently in this regard.
- <sup>182</sup> WODC, Intergovernmental relations and return, three studies. (2022). [Terugkeerafspraken dragen beperkt bij aan terugkeer migranten | Nieuwsbericht | WODC - Wetenschappelijk Onderzoek- en Documentatiecentrum](#)
- <sup>183</sup> EMN inform. (2022). Incentives and motives for voluntary departure.
- <sup>184</sup> C.M.F. Mommers. (2022). Eigen verantwoordelijkheid voor terugkeer: op zoek naar de grenzen.
- <sup>185</sup> K. Kuschminder & T. Dubow. (2022). Moral exclusion, dehumanization, and continued resistance to return: Experiences of refused Afghan asylum seekers in the Netherlands. *Geopolitics*.
- <sup>186</sup> ACVZ. (2018). *Op zoek naar veilige(r) landen*. Following suspicions that financial assistance in the context of returns was playing a role in the sudden increase in asylum applications to the Netherlands from Georgia (2010), Macedonia (2010), Belarus (2011) and Mongolia (2015), such assistance was withdrawn for nationals from these countries, which was consequently followed by a sharp decrease in asylum applications from these countries.
- <sup>187</sup> WODC. (2022). Intergovernmental relations and return, three studies.
- <sup>188</sup> ACVZ. (2018). *Op zoek naar veilige(r) landen*.
- <sup>189</sup> Volkskrant, 26 August 2022. 'Veiligelanders' zijn nergens welkom, en daar heeft iedereen last van.
- <sup>190</sup> AIV. (2016). De toekomst van Schengen.
- <sup>191</sup> Proposal for a regulation introducing the screening of third-country nationals at external borders: [E200021 - Voorstel voor een verordening tot invoering van een screening van onderdanen van derde landen aan de buitengrenzen - Europese Berichtgeving Eerste Kamer](#).
- <sup>192</sup> From 12 November 2022, the Netherlands will conduct additional MTV checks for six months. See the decision of the Minister for Migration of 11 November 2022, Number 4282062, to temporarily deviate from Article 4.17a(3), (4) and (5) of the Aliens Decree 2000 (*Vreemdelingenbesluit 2000*).
- <sup>193</sup> For further information on the various policy options grouped under this heading and the Dutch activities in this area, see: Th. Hilhorst, J. Rijpma, S. Vezolli, L. Meyer & M. van Ostaïjen. (2021). [Factsheet opvang in de regio: Een vergelijkende studie](#).
- <sup>194</sup> See Appendix A.
- <sup>195</sup> Idem.
- <sup>196</sup> Th. Hilhorst et al. 2021.
- <sup>197</sup> L. Kureková. Welfare Systems as Emigration Factor: Evidence from the New Accession States. *Journal of Common Market Studies*, 51(4), 721-739; E. Mahendra, forthcoming. Is There a Reverse Welfare Magnet? The Effect of Social Policy in Developing Countries on International Migration. IMI/DEMIG Working Paper/DEMIG.
- <sup>198</sup> See WODC. (2016). *Raising awareness, Changing behaviour? Combatting irregular migration through information campaigns*, The Hague: WODC, 2016-11 Guide.
- <sup>199</sup> On 25 June 2015, in its report *Tussen wens en werkelijkheid*, the ACVZ made the following recommendation regarding the strategic country approach to migration: 'Invest in the development of a coherent and integrated migration policy that focuses not only on returns and combating irregular migration, but also on knowledge, labour and student migration and the internationalisation of social security rights for migrants. In doing so, reconsider the decision to pursue a general policy and/or consider introducing additional opportunities for countries that cooperate with forced returns.'
- <sup>200</sup> Communication 'Attracting skills and talent to the EU', COM(2022) 657.
- <sup>201</sup> Employee Insurance Agency (UWV), 1 November 2022: There have been 46,000 notifications of work permits for Ukrainians. This means that a significant proportion of the 55,000 Ukrainians between the ages of 18 and 65 who have settled in the Netherlands since the outbreak of the war are already employed. [www.uwv.nl/nl/persberichten/ruim-46000-meldingen-ontvangen-van-werkenden-vluchtelingen-uit-oekraïne](#). See also Statistics Netherlands [Begin juli had ruim een derde van de Oekraïense vluchtelingen werk \(cbs.nl\)](#).
- <sup>202</sup> ACVZ. (2020). Wetsadvies, Wet arbeid vreemdelingen.
- <sup>203</sup> AIV. (2022). *Het Europese asielbeleid. Twee grote akkoorden om de impasse te doorbreken*.
- <sup>204</sup> Government policy endorses the AIV's premise that any solution will require simultaneous efforts, both internally and externally.
- <sup>205</sup> EU-Turkey Statement, 18 March 2016, <https://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/>.
- <sup>206</sup> See, among others, V. Moreno-Lax, Violeta & M. Giuffrè. (2017). The Rise of Consensual Containment: From 'Contactless Control' to 'Contactless Responsibility' for Forced Migration Flows. In S. Juss (ed.), *Research Handbook on International Refugee Law*; S. Carrera, L. den Hertog & M. Stefan. (2019). The EU-Turkey deal: reversing 'Lisbonisation' in EU

migration and asylum policies. In S. Carrera, J. Santos Vara and T. Strik (ed.), *Constitutionalising the external dimensions of EU migration policies in times of crisis. Legality, rule of law and fundamental rights reconsidered*.

<sup>207</sup> EenVandaag, 6 January 2022: All human rights treaties are now being violated at Europe's borders, says the architect of the Turkey Deal, [eenvandaag.avrotros.nl/item/valt-het-humane-gezicht-van-de-eu-nog-te-redden-aan-de-grens-worden-alle-mensenrechtenverdragen-nu-geschonden-ziet-bedenker-turkije-deal/](https://eenvandaag.avrotros.nl/item/valt-het-humane-gezicht-van-de-eu-nog-te-redden-aan-de-grens-worden-alle-mensenrechtenverdragen-nu-geschonden-ziet-bedenker-turkije-deal/).

<sup>208</sup> The UN *Global Compact on Refugees* (2018) consists of a *Comprehensive Refugee Response Framework* and *Action Programme* and has four objectives: 1) relieving the pressure on host countries; 2) making refugees more self-reliant; 3) providing greater access to sustainable solutions, including resettlement; 4) improving situations in countries of origin to enable the safe return of refugees. Since 2017, the European Council has indicated its position by adopting a uniform two-year EU resettlement and humanitarian admission plan under an EU resettlement framework. [EU resettlement framework: Council ready to start negotiations - Consilium \(europa.eu\)](https://europa.eu/european-council/story/eu-resettlement-framework-council-ready-to-start-negotiations-consilium)

<sup>209</sup> ACVZ. (2015). Delen in verantwoordelijkheid.

<sup>210</sup> See the press release of the Austrian Ministry of the Interior, 25 November 2022, [Innenminister trifft Amtskollegen in Brüssel \(bmi.gv.at\)](https://www.bmi.gv.at/Innenminister-trifft-Amts-kollegen-in-Bruessel).

<sup>211</sup> ACVZ. (2010). External processing.

<sup>212</sup> Denmark has had a so-called opt-out option with respect to certain EU Directives and Regulations since 1995, but as far as the plan to transfer irregular asylum migrants to Rwanda is concerned, Denmark is and remains bound by international law. See the reply to the parliamentary questions regarding the Danish asylum and return policy: [The Danish asylum and return policy | House of Representatives of the States General](https://www.parliament.se/Content/Pages/Document-Details.aspx?DocumentID=2022092812). The UNHCR, the European Commission and human rights organisations have expressed their criticism of the plans, see: [www.refworld.org/docid/6045dde94.html](https://www.refworld.org/docid/6045dde94.html), [Denmark: Joint Statement Brings Little Clarity on Rwanda Outsourcing but Generates Renewed Critique | European Council on Refugees and Exiles \(ECRE\)](https://www.ecre.europa.eu/media/default/press/commun/commun.cfm?id=34923).

<sup>213</sup> Firstly, this also implies that the demands of countries, which would receive the refugees in future, will have to be taken into account to a large extent. Secondly, this country must be truly safe and meet our European standards in terms of the reception facilities and procedures. Thirdly, what also needs to be considered is what is to be done if there is no further reception capacity available in that country and whether adequate legal protection is available. The United Kingdom signed a Memorandum of Understanding with Rwanda in April 2022 and advanced £120 million for this. In June 2022, an initial deportation flight containing a number of asylum migrants scheduled to fly from the UK to Rwanda failed because the ECtHR had questions about whether Rwanda could be considered a safe country that could provide adequate legal protection. It is now up to the British government to substantiate before the ECtHR that Rwanda provides adequate safety for the individuals in question and that an effective remedy and mechanism is available for return to the UK following the filing of a successful asylum claim.

<sup>214</sup> SEO Amsterdam Economics. (2022). *Arbeidsmigratie in 2030. Vier mogelijke scenario's*. This concerns foreign workers who work for an employer located in the Netherlands and who managed to find work within two months of their initial arrival in the Netherlands. This includes workers who came to the Netherlands for a reason other than work (limited group) and workers who do not register with a Dutch municipality because they expect to stay in the Netherlands for a short time (large group). For this reason, the figures are higher than Statistics Netherlands' official migration figures, which do not include either of these two groups. There are large differences among EU/EFTA migrant workers. The report by SEO Amsterdam Economics shows that there were about 630,000 EU/EFTA migrant workers working in the Netherlands in 2019. That is much higher than the number of EU/EFTA citizens who migrated to the Netherlands for work in the period 1999-2020 and who are still living in the Netherlands (of the approximately 430,000 immigrants during that period, 150,000 were still living in the Netherlands in 2021).

<sup>215</sup> Idem.

<sup>216</sup> Idem.

<sup>217</sup> Statistics Netherlands. (2020). [www.cbs.nl/nl-nl/nieuws/2020/07/in-vergelijking-met-eu-landen-relatief-weinig-internationale-kenniswerkers](https://www.cbs.nl/nl-nl/nieuws/2020/07/in-vergelijking-met-eu-landen-relatief-weinig-internationale-kenniswerkers).

<sup>218</sup> Temporary Committee on Labour Migration in the context of the parliamentary inquiry *Lessen uit recente arbeidsmigratie*. (2011). [Parlementair onderzoek Lessen uit recente arbeidsmigratie | Tweede Kamer der Staten-Generaal](https://www.parliament.se/Content/Pages/Document-Details.aspx?DocumentID=2011052812).

<sup>219</sup> Idem, p. 7.

<sup>220</sup> See reports of the Migrant Worker Protection Task Force (*Aanjaagteam bescherming arbeidsmigranten*), *Eerste aanbevelingen van het Aanjaagteam bescherming arbeidsmigranten o.l.v. Emile Roemer* (June 2020) and *Geen tweederangsburgers. Aanbevelingen om misstanden bij arbeidsmigranten in Nederland tegen te gaan* (November 2020).

<sup>221</sup> [Verkenning Bevolking 2050 - NIDI](https://www.cbs.nl/nl-nl/nieuws/2020/07/in-vergelijking-met-eu-landen-relatief-weinig-internationale-kenniswerkers).

<sup>222</sup> [Verkenning Bevolking 2050 - NIDI](https://www.cbs.nl/nl-nl/nieuws/2020/07/in-vergelijking-met-eu-landen-relatief-weinig-internationale-kenniswerkers).

<sup>223</sup> T. De Lange. (2007). *Staat, markt en migrant: de regulering van arbeidsmigratie naar Nederland 1945-2006*. Radboud University.

- <sup>224</sup> M. Ruhs & B. Anderson. (2012). *Who Needs Migrant Workers? Labour shortages, immigration, and public policy.*
- <sup>225</sup> ACVZ. (2021). *Naar een brede welvaartsbenadering in het arbeidsmigratiebeleid.*
- <sup>226</sup> J. Portes. (2019). *What Do We Know and What Should We Do About Immigration?*
- <sup>227</sup> Dutch Labour Inspectorate annual report. *Reflectie Inspecteur-generaal Rits de Boer op arbeidsmigratie*, 9 May 2022.
- <sup>228</sup> O. van Vliet & E. Suari-Andreu. (2022). Migranten uit Midden- en Oost-Europese landen en collectieve uitgaven aan sociale zekerheid. *TPEdigitaal 2022, Volume 16(3)*, 22-44.
- <sup>229</sup> ACVZ. (2022). *Zorgvuldig arbeidsmigratiebeleid.*
- <sup>230</sup> By 'skilled migrant workers', the Advisory Council refers in that advisory report to migrant workers with senior secondary vocational education (MBO) qualifications at Level 3 and above.
- <sup>231</sup> ACVZ. (2021). *Naar een brede welvaartsbenadering in het arbeidsmigratiebeleid*, p. 3.
- <sup>232</sup> Idem, p. 15.
- <sup>233</sup> Country comparison, Appendix D.
- <sup>234</sup> Idem.
- <sup>235</sup> Consultation 2021, Immigration Plan 2022-2024: [2021 consultations on immigration levels and responsive economic immigration - final report - Canada.ca](https://www.canada.ca/en/immigration-refugees-citizenship/corporate/transparency/consultations/2021-consultations-immigration-levels-and-responsive-economic-immigration-final-report-Canada.ca).
- <sup>236</sup> Results of the IRCC consultation of 2,867 stakeholders in 2022: [2022 consultations on immigration levels - final report - Canada.ca](https://www.canada.ca/en/immigration-refugees-citizenship/corporate/transparency/consultations/2022-consultations-on-immigration-levels-final-report-Canada.ca)
- <sup>237</sup> Results of the IRCC consultation of 2,564 stakeholders in 2021: [www.canada.ca/en/immigration-refugees-citizenship/corporate/transparency/consultations/2021-consultations-immigration-levels.html#methods](https://www.canada.ca/en/immigration-refugees-citizenship/corporate/transparency/consultations/2021-consultations-immigration-levels.html#methods).
- <sup>238</sup> See the Finnish Roadmap for Education-based and Work-based Immigration 2035, <https://julkaisut.valtioneuvosto.fi/handle/10024/163576>.
- <sup>239</sup> See Finnish Ministry for Education and Culture, <https://okm.fi/en/-/1410877/government-roadmap-compiles-measures-to-increase-education-based-and-work-based-immigration>.
- <sup>240</sup> Statistics Netherlands. (2022). [www.cbs.nl/nl-nl/nieuws/2022/29/meer-asiel-en-kennismigranten-van-buiten-de-eu-in-2021](https://www.cbs.nl/nl-nl/nieuws/2022/29/meer-asiel-en-kennismigranten-van-buiten-de-eu-in-2021).
- <sup>241</sup> ACVZ. (2022). *Zorgvuldig arbeidsmigratiebeleid*. This number also includes highly skilled migrants admitted under other arrangements, such as scientific personnel.
- <sup>242</sup> EMN. (2015). *Arbeidsmarkttekorten en migratie. Het vaststellen van arbeidsmarkttekorten en de behoefte aan arbeidsmigratie van derdelanders in Nederland.*
- <sup>243</sup> Ministry of Justice and Security, Staat van de Migratie 2022 pp. 82-83. This number refers to the number of applications granted for a combined work and residence permit (*gecombineerde vergunning voor verblijf en arbeid*, GVVA). In 2021, the Employee Insurance Agency (UWV) issued 3,838 positive opinions to the IND for a combined work and residence permit. This number is higher than the number of residence permits issued, because the UWV does not distinguish between first-time applications and renewal applications. Migrant workers from outside the EEA who will be working for less than three months are not included, but they do require a work permit (TWV). In 2021, the UWV granted 7,804 TWVs. The UWV does not distinguish between first-time applications and renewal applications.
- <sup>244</sup> D. Lens, N. Mussche & I. Marx. (2019). *A hole in the wall of fortress Europe: The trans-European posting of third-country migrant workers*. *International Migration*, 19 April 2021, DOI: 10.1111/imig.12867
- <sup>245</sup> Ministry of Justice and Security, Staat van de migratie 2022 p. 65. Since 1 March 2020, foreign service providers, who make use of the right to the free movement of services, must report the following to the UWV: their arrival, the nature and duration of the work they will perform in the Netherlands, the service recipient and the posted workers. See also [Directive 2006/123/EC- Services Directive](https://eur-lex.europa.eu/eli/dir/2006/123/2006123/EC- Services Directive). These are not included by SEO Amsterdam Economics in *Arbeidsmigratie in 2030* and are barely taken into account in Statistics Netherlands' statistics on migration (often no registration in the Personal Records Database (BRP)).
- <sup>246</sup> Idem.
- <sup>247</sup> SEO Amsterdam Economics. (2022). *Posted workers to the Netherlands*, p. 7
- <sup>248</sup> Idem p. 24, Table 5.
- <sup>249</sup> Ministry of Justice and Security, Staat van de Migratie 2022 pp. 82-83
- <sup>250</sup> J. Cremers, NT-AR Paper INT-AR Paper 2, *Sociale zekerheid en vrij verkeer in de EU*, The Knowledge Centre for Migrant Workers (*Kenniscentrum Arbeidsmigranten*).
- <sup>251</sup> D. Kramer, I. van Gardingen & K. Boonstra. *De Europese Detachering van Derdelanders*, NJB 2022/1132.
- <sup>252</sup> Hein de Haas on factors related to migration, *Me Judice*, 27 February 2012.
- <sup>253</sup> R. P. W. Jennissen. (2004). *Macro-economic determinants of international migration in Europe*. Dissertation, University of Groningen.
- <sup>254</sup> WRR. (2020). [Samenleven in verscheidenheid. Beleid voor een migratiesamenleving](https://www.wrr.nl/binaries/wrrrapporten/rapporten/2020/07/20200720_Samenleving_in_verschillen.pdf).
- <sup>255</sup> A. W. Strockmeijer. (2020). *De arbeidsmarktpositie verklaart. Werk en uitkeringsgebruik van Oost-Europese arbeidsmigranten in Nederland*. Dissertation, University of Amsterdam.
- <sup>256</sup> Directive (EU) 2018/957 of the European Parliament and of the Council of 28 June 2018 amending Directive 96/71/EC concerning the posting of workers in the framework of the provision of services.

- 
- <sup>257</sup> J. Portes. (2019). What Do We Know and What Should We Do About Immigration?
- <sup>258</sup> M. Kremer. (2013). Flexwerkland Nederland trekt laagopgeleide arbeidsmigranten aan, *MeJustice*; M. Ruhs & B. Anderson. (2012). *Who Needs Migrant Workers? Labour shortages, immigration, and public policy*.
- <sup>259</sup> See reports of the Migrant Worker Protection Task Force (*Aanjaagteam bescherming arbeidsmigranten*), *Eerste aanbevelingen van het Aanjaagteam bescherming arbeidsmigranten o.l.v. Emile Roemer* (June 2020) and *Geen tweederangsburgers. Aanbevelingen om misstanden bij arbeidsmigranten in Nederland tegen te gaan* (November 2020). In response to the reports, the government is focusing on the improved registration of migrant workers, better digital information about their rights and obligations, more and better housing and mandatory requirements for employment agencies, see: <https://www.rijksoverheid.nl/onderwerpen/buitenlandse-werknemers/verbeteren-positie-arbeidsmigranten>.
- <sup>260</sup> J. Cremers, NT-AR Paper INT-AR Paper 2, *Sociale zekerheid en vrij verkeer in de EU*, The Knowledge Centre for Migrant Workers.
- <sup>261</sup> Netherlands Court of Audit. Daders vrijuit, slachtoffers niet geholpen. Knelpunten aanpak arbeidsuitbuiting. 28 September 2021.
- <sup>262</sup> SER. (2014). *Arbeidsmigratie*, Advisory Report 14/09.
- <sup>263</sup> A. Heyma, NT-AR Paper 4, *Arbeidsmigratie in het licht van arbeidsmarktfricties*, The Knowledge Centre for Migrant Workers.
- <sup>264</sup> Fachkräftestrategie der Bundesregierung | Bundesregierung, 12 October 2022.
- <sup>265</sup> Press statement of 7 September 2022 [BMWK - Fachkräftegipfel der Bundesregierung: Mehr Fachkräfte für Deutschlands Zukunft](#).
- <sup>266</sup> German government press release on the modernisation of immigration laws, 30 November 2022: [Deutschland wird das Einwanderungsrecht grundlegend modernisieren - BMBF](#).
- <sup>267</sup> See Appendix D, Germany.
- <sup>268</sup> J. Portes. (2019). What Do We Know and What Should We Do About Immigration?; ACVZ. (2021). [Migranten komen niet naar Nederland voor onze verzorgingsstaat](#). ACVZ-blog Wist u dat...? Feiten en ficties over migratie (part 7).
- <sup>269</sup> P.W. de Jong. (2019). *Between Welfare and Farewell: The role of welfare systems in intra-European migration decisions*. University of Groningen.
- <sup>270</sup> SEO Amsterdam Economics. (2010). *Wat beweegt kennismigranten?*
- <sup>271</sup> Regioplan. (2018). Aantrekkelijkheid van Nederland voor kennismigranten.
- <sup>272</sup> Unlike family members of migrant workers, family members of highly skilled migrants do not require a work permit. In its advisory report *Zorgvuldig arbeidsmigratiebeleid*, the Advisory Council suggests that no distinction should be made based on socio-economic status with regard to certain rights. Moreover, the Advisory Council proposes that employers should pursue systematic policies to assist the partners of migrant workers in finding work (dual career policies/programmes).
- <sup>273</sup> ACVZ. (2022). *Zorgvuldig arbeidsmigratiebeleid*.
- <sup>274</sup> From 1 January 2022, two new favourable tax regimes have been introduced for employees working temporarily in Belgium (expat status). <https://www.vlaio.be/nl/subsidies-financiering/subsidi databank/fiscaal-statuu t-buitenlandse-kaderleden-expat-statuu t>.
- <sup>275</sup> M. Kremer. (2013). *Vreemden in de verzorgingsstaat. Hoe arbeidsmigratie en sociale zekerheid te combineren*; H. de Haas & S. Fransen. (2018). *Social transformation and migration: An empirical inquiry*. MADE/IMI Working paper no. 141. International Migration Institute; M. A. Clemens. (2020). *The emigration life cycle: How development shapes emigration from poor countries*.
- <sup>276</sup> ACVZ. (2022). *Zorgvuldig arbeidsmigratiebeleid*.
- <sup>277</sup> Clingendael. (2021). *Gedeeld belang bij circulaire migratie*.
- <sup>278</sup> Except for some restrictions, these are: the General Agreement on Tariffs and Trade (GATT); association and trade agreements between the EU and countries, such as the Agreement establishing an association between the European Economic Community and Turkey and the EU-Canada Trade Agreement (CETA); bilateral friendship and trade agreements such as the Dutch American Friendship Treaty; and trade agreements with Bolivia, Japan and other countries.
- <sup>279</sup> See Appendix B. Dutch government, Asian hospitality sector regulation to definitively lapse, 18 November 2022, [Regeling Aziatische horeca sector definitief vervallen | Nieuwsbericht | Rijksoverheid.nl](#)
- <sup>280</sup> Government Gazette 2018, 49101 [Staatscourant 2018, 49101 | Overheid.nl > Officiële bekendmakingen \(officielebekendmakingen.nl\)](#).



## Chapter 4

# Conclusions and recommendations



## 4.1 Introduction

Migration policy as an issue is constantly in the media and political spotlight and leads to numerous public debates. There is a feeling that we have no control over migration and that it is something that happens to us as a society. The asylum reception crisis and the abuses of labour migration in our country reinforce this feeling. The Netherlands, like the rest of the EU, is also currently facing other major social challenges, such as the question of how to deal with geopolitical instability, climate change, the energy crisis, the labour market, an ageing population and housing shortages. As a result of all this, citizens are feeling insecure and losing confidence in the government.<sup>281</sup>

There is therefore a need for an *active migration policy* that is *forward-looking, coherent and socially embedded*. Moreover, the political and public debate should be less focused on the issues of the day. Urgent, well-considered long-term decisions are needed: how much and what kind of migration does the Netherlands want? This requires an informed public and political debate. Migration policy must be consistent with policies in other areas. Migration patterns are not only shaped by migration policies, such as admission criteria or return policies, but also by policies in other areas. Think of our labour market policy which aims to making work more flexible and therefore has a major impact on the number of migrant workers. Or consider our education policy, which has a great impact on the integration of asylum permit holders and the number of young people who come to the Netherlands to study. Finally, the migration policy must be socially embedded, which means it must be supported by society. This means that citizens should be given the opportunity to participate in the deliberations and decisions on migration, but also that this policy must be committed to creating reciprocal relationships between migrants and the host society.

This report focuses on the question as to the extent to which a migration policy based on numerical targets can contribute to such a forward-looking, coherent and socially embedded migration policy. The term 'numerical target' (*beleidsmatig richtgetal*) is derived from an essay written by Paul Scheffer for the WRR and subsequently elaborated by the WRR.<sup>282</sup> This term and the concept of numerical targets are loosely based on German policy efforts in the area of asylum policy between 2018 and 2021.

The Advisory Council sees numerical targets as quantitative objectives, with important differences between 'immigration quotas and 'immigration targets'. By an *immigration quota*, we mean a hard, often statutory, quantitative upper or lower limit on the number of migrants a state is prepared to admit; it is a performance obligation. An *immigration target*, on the other hand, is a number that is to be achieved; it is a best efforts obligation, a soft numerical target. Numerical targets are best seen as tools or instruments within a broader migration policy. They should be the result of a vision of what kind of migration society we

want to be. A without migration is highly unlikely. But there is certainly scope for better management or control over the process. The questions that need to be answered for this are: to what extent is migration desirable, who migrates and under what conditions and what kind of effort is required from the government and society in this context?

In short, the main question is: to what extent can the use of numerical targets contribute to a more forward-looking, coherent and socially embedded migration policy? And if numerical targets are set in the policy, what are the key conditions for success?

## **4.2 Opportunities associated with the use of numerical targets**

Interviews with experts, the country comparison and the three academic studies<sup>283</sup> commissioned by the Advisory Council reveal a number of opportunities and risks associate with the use of numerical targets. We have examined this from two perspectives: from that of the political and administrative process and that of society. In other words, can numerical targets contribute to better policy-making and implementation? And does the use of numerical targets help to give citizens a greater sense of control over migration?

The use of numerical targets in the area of migration can lead to a number of improvements in the political and administrative process. Establishing multiannual agreements between political parties can create greater political calm. In Austria, for example, immigration targets were used for the period 2016-2019 to determine the number of asylum seekers allowed to enter Austria. In Germany, a so-called migration corridor was in place for the period 2018-2021. Instead of short-term crisis policies and incident-driven politics, these immigration targets offer the prospect of more long-term policies. The short-term use of numerical targets in Austria and Germany has not really led to any demonstrable changes in the number of asylum seekers. Immigration targets were introduced at a time when fewer asylum seekers were arriving across Europe.

Numerical targets can also contribute to a *more coherent* migration policy. In Germany, this helped to identify the policy levers that were important for regulating the influx of asylum seekers, and a number of measures were subsequently formulated. In Finland, where the focus is on increasing the number of labour and student migrants, the development of a roadmap also helped to identify the different policy areas and relevant actors, such as educational institutions and companies.

Numerical targets can also ensure that the executive agencies, such as the IND and COA, are able to draw up a *better long-term plan*. A migration policy based on numerical targets can also contribute positively to the cooperation and communication between national and local governments, as is the case in Canada.

At present in the Netherlands, for example, local governments are not always clear about the future civic integration task; conversely, the local economic policies sometimes lead to national increases in migration. The question, however, is whether numerical targets are necessary for this. Good forecasts might suffice as a planning tool.

Another purpose for which numerical targets can be used is to fulfil *citizens' need for a sense of control over migration*. The use of numerical targets could help satisfy the desire for control over how many people come to the Netherlands and who they are. However, there is still little evidence that numerical targets had a major impact on citizens' attitudes towards migration. In fact, these attitudes have remained very stable over time, both in the Netherlands and elsewhere. *Numbers* do not seem to be the determining factor; perhaps the *pace* of migration and exactly *who* comes to the Netherlands is a factor. Also, when immigrants contribute to society (for example, by working and integrating), citizens are more positive about their arrival. People who are concerned about migration are also concerned about other social issues such as housing, facilities and social cohesion. Therefore, in order to contribute to a more socially embedded migration policy, it is necessary to address not only the concerns regarding migration but also the underlying concerns of citizens, such as those concerning housing or social cohesion in the neighbourhood. Simply setting numerical targets will not be enough to address citizens' needs to feel more in control.

Finally, numerical targets can contribute to a forward-looking migration policy by creating a more meaningful debate about how to achieve policy ambitions, i.e. a debate that is not just about specific incidents. Since numbers are, and should always be, a way of translating policy visions and ambitions, the use of numerical targets can also ensure *a more evidence-based and well-informed political and public debate on migration*.

### **4.3 Risks of numerical targets**

Working with numerical targets also entails certain risks. Especially when – as in the case of migration policy – there is little policy control over whether the numbers can be met. If promises are made that cannot be kept, citizens may lose their trust in the government. Instead of creating a sense of control over migration, the government would be setting itself up for failure. When that happens, policymakers and politicians will be at the mercy of fate. Indeed, the use of numerical targets is accompanied by a high degree of accountability for politics and public administration, which hardly allows for the necessary flexibility in dealing with numbers. These targets then become a 'stick' with which to beat politicians, public administrators or executive agencies with rather than part of an essential conversation about policy goals. Even if the number of migrants is exceeded for reasons beyond the control of the national government – as, for example, in the case of the Ukrainian refugees who came to the Netherlands in 2022 – there is a risk of immediate calls for the resignation of the minister concerned. This is

especially true in the area of migration, which is constantly at the centre of public and political debate. There is a real risk of becoming fixated on achieving the numbers and thus losing sight of the underlying qualitative policy objectives, namely to arrive at a more forward-looking, coherent and socially embedded migration policy.

There is also the possibility of manipulating figures or creating a false sense of transparency that obscures the real picture. Executive agencies that are asked to meet targets that they cannot meet will simply work around them. Too strict a focus on quantitative targets can create so many perverse effects that the real *purpose* of numerical targets is lost sight of. Soft numerical targets, such as immigration targets, are much likely to have such negative effects, than hard numerical targets, such as immigration quotas (commitments to a result). A precondition for reducing the likelihood of negative effects, however, is that politicians and the public should also see these numbers as merely a way of expressing an ambition in concrete terms.

#### **4.4 Five preconditions**

The Advisory Council has identified five preconditions to increase the chances of a meaningful use of numerical targets in the migration policy and to reduce the risks:

- Numerical targets should result from the qualitative objectives of the migration policy. This vision of migration should also address the broad social problems that citizens are concerned about.
- Sufficient control and steering by the national government must be possible, or the achievement of the numbers will depend on chance and government members and policy makers will become hostages of fortune. The lack of sufficient national policy space means that promises are made to citizens when it is known from the outset that they will not be kept.
- Executive agencies and citizens themselves must be involved in the formulation of numerical targets. Otherwise, the figures will not be seen as feasible (by the executive agencies) or legitimate (by citizens). Moreover, by involving citizens, it is possible to gain an insight into society's – dynamic – capacity to cope.
- An immigration target must be applied with moderation and not as an all-or-nothing assessment mechanism for politics and policy. It is therefore better to work with ranges or a set of indicators. The most important thing is the reality behind the numbers.
- The government must clearly communicate the limitations of the instrument and be able to adjust the figures regularly. To avoid focusing only on meeting the numbers, a strategy that could be adopted is to use immigration targets primarily as a tool for discussing the ambitions and intended actions as part of the public debate, between political parties and within the executive agencies.

*Immigration targets to be preferred to immigration quotas*

The Advisory Council sees more risks than opportunities in the use of immigration quotas with hard commitments. The use of hard quotas to determine the number of migrants can lead to high expectations that often cannot be met. This can even lead to some of the executive agencies to, for example, withdrawing from the process. Moreover, the use of immigration quotas implies that the government has a level of control over migration that is unrealistic. It is unwise, in terms of the relationship of trust with the government, to give citizens the impression that migration is completely controllable.

Realistic immigration targets, on the other hand, could contribute to a more forward-looking, coherent and socially embedded migration policy. The Advisory Council sees opportunities for the use of immigration targets as long as they are a 'best efforts' commitment, clearly communicating ambitions and focusing on coherent actions. Immigration targets can promote a more informed and political and public debate on migration, in which facts and underlying quantitative analyses and scenarios should play an important role.

However, the Advisory Council points to the need to distinguish between different types of migration. The risks of using immigration targets for asylum migration outweigh the opportunities, but the opposite is true for labour migration from outside Europe. This has to do with the extent to which the government is able to control this form of migration through its policies.

#### *Controllable migration*

In the period 1999-2020, the most common reason for coming to the Netherlands was family formation or reunification (33%), followed by labour migration from within and outside Europe (24%) and student migration (16%). Asylum migration, at an average of 12% per year over the same period, is a smaller proportion of the total migration to the Netherlands, but this type of migration receives a lot of political and media attention. However, the cumulative effect of asylum migration is greater in the long term, since the asylum migrants who are allowed to stay in the Netherlands are more likely to settle here permanently. The majority of migrant workers who come to our country leave again within three years.

At the same time, of all types of migration, asylum migration is most strongly determined by external factors such as violence and war in other countries, which makes it more volatile than other types of migration. The national government has limited control over this. numerical targets to be used realistically, it is essential that the national government has real influence over whether or not these targets are met.

Therefore, for those who are primarily concerned with the numbers of migrants, it may be more useful to focus less on asylum migration and more on labour migration. After all, migrant workers are arriving in increasing numbers. Moreover, there is more national policy space to control labour and student migration than

asylum migration. The productive use of numerical targets therefore varies according to the type of migration.

*No hard immigration quotas, cautious use of immigration targets for asylum migration*

The Advisory Council considers the use of immigration quotas (hard commitments) with an upper limit for asylum migration to be undesirable. Capping asylum migration violates the international and European treaties formulated on the basis of fundamental human rights, to which the Netherlands is a contracting party and from which it benefits. The Netherlands cannot afford to break away from the EU or to denounce or amend international treaties, as this would entail very high political, diplomatic and economic costs. Moreover, the Netherlands has a moral and constitutional obligation to respect and uphold the international legal order. A government that disregards international and European treaties will be held to account by the courts, which is not conducive to a consistent long-term policy: it leads to political and administrative disruption and reinforces the feeling among citizens that the government does not really know what it is doing or that it is not in control. This is also why countries such as Germany, Austria, Belgium and Sweden chosen not to use quotas for asylum migration.

However, the possibilities for a realistic use of immigration targets (best efforts obligation) in asylum policy are also limited. This is because of the volatile nature of asylum migration (for example, migration caused by the wars in Syria, Afghanistan and Ukraine), over which the national government has little control. Moreover, the Dutch government has limited national policy space because of European and International treaties from which the Netherlands also benefits. Immigration targets can therefore create a situation in which citizens feel let down. For this reason, immigration targets should be used cautiously in asylum policy.

If the government really wants to make use of immigration targets in its asylum policy, it is particularly important to formulate ambitions and coherent measures at the national and European level, while remaining realistic and modest about the effects of a migration policy driven by numerical targets. Proper forecasting can also be helpful, provided that it plays a role in the interaction between the national government and the executive agencies or the local government. Only then can forecasts contribute to anticipatory local governance, sufficient national and local investment in civic integration and a focus on the wider social issues associated with asylum migration.

Migration policy is determined by both *direct* and *indirect* policy instruments. The former mostly concern the admission criteria and their implementation. The latter mainly concern instruments in other policy areas. In the case of asylum, there is little room for manoeuvre in the direct migration policy, but it is certainly possible for the Dutch government to take steps in adjacent policy areas: for example, in the area of foreign policy, or via agreements with countries of origin on returns

and the regulation of labour migration. Similar efforts can also be made within Europe, since asylum policy is largely a European policy. Indirect asylum policy requires more time and a better understanding of how policy instruments work. In the case of asylum policy, there are a number of national policy levers that can be adjusted, but such measures have already been implemented to a large extent.

*Realistic use of soft immigration targets: especially for labour migration (and student migration)*

Setting numerical limits on intra-EU migration is also contrary to binding agreements under Union law. The free movement of persons and services in the EU allows for few restrictions. Unlike in the case of asylum, a relatively large number of indirect policy instruments are available, but these have not been much used in policy. An impact on the numbers and types of European migrant workers could be achieved by focusing on labour market policy, such as measures to discourage the flexibility of labour and government industrial policy (should the government support the low road of development or the high road?). Again, this requires greater insight into the consequences of interventions, and more time is needed: there are no quick fixes in the migration policy as a whole. But for now, European labour migration has not yet received sufficient policy attention. In the recent past, we have been far from having a forward-looking, coherent and socially embedded labour migration policy.

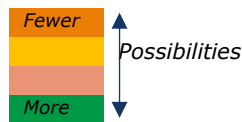
The Dutch government has more policy space to control student and labour migration from outside the EU. In fact, the Netherlands has a relatively high level degree of control over student migration from outside the EU. For example, Dutch research universities and polytechnics can decide to stop or reduce their efforts abroad to attract students from abroad, increase institutional tuition fees, offer study programmes only in Dutch or set a fixed quota of students for certain English-language or other study programmes. The Netherlands also has a relatively large number of policy levers that to adjust in the area of labour migration from outside the EU. This is because the government is free to determine the admission criteria within its migration policy. However, its policies in other areas, such as the provision of adequate social services, will primarily determine how many and what kind of people end up coming to the Netherlands.

Therefore, immigration targets are best used as part of a sustainable, coherent migration policy based on a well-being approach, as elaborated earlier by the Advisory Council. This means that the labour migration policy would no longer be guided solely by labour market needs and economic growth but would also take into account broader social considerations. The analysis will therefore consider the positive and negative consequences for migrants, the host society and the sending countries, both now and in the future. A well-being approach can help to prioritise certain forms of labour migration or certain sectors of the labour market that are expected to make a social contribution. Immigration targets can then be derived on the basis of the choices made.

Figure 8. Possibilities of using numerical targets by type of migration

	Asylum migration	Intra-EU migration	Family migration from outside the EU	Student migration from outside the EU	Labour migration from outside the EU
<b>Possibilities of using numerical targets</b>					
- Immigration quotas (as upper limit)	Orange	Orange	Orange	Light Orange	Green
- Immigration targets	Light Orange	Light Orange	Light Orange	Green	Green

[Go to the connected table](#)



In conclusion: numerical targets and better forecasting, can contribute to a better coherence between migration policy and integration policy, including civic integration policy and local social cohesion policy. A better insight into the number of asylum seekers coming to the Netherlands will also give a clearer picture of the government efforts needed in the area of asylum reception and integration. The same applies to migrant workers and international students. An increased government commitment to the integration policy will put less pressure on society’s coping capacity.

The Advisory Council points to the need for a more forward-looking, coherent and socially embedded migration policy. The following seven recommendations aim to insure a realistic application of numerical targets, although most of them (1, 4, 5 and 6) would be a step in the right direction even without the use of numerical targets.

#### 4.5 Recommendations for a realistic use of numerical targets in migration policy

The Advisory Council makes the following recommendations on the use of numerical targets in the migration policy:

*A numerical target is the result of a vision of the migration policy*

It should be clear that numerical targets are tools and are not an end in themselves. Simply stating or setting a number without any clear purpose makes little sense. Numerical targets are simply an instrument or a tool (the ‘hammer’ from the introduction). In short, numerical targets must be embedded within



broader and qualitative policy objectives. The Advisory Council points out that asylum policy is essentially humanitarian in nature. In the labour migration policy, it would be best to focus solely on economic needs but to adopt a well-being approach. This should take into account the positive and negative consequences for migrants, the host society and other countries. Not just today, but also in the long run.

Such a vision must take seriously citizens' concerns about migration, because these are often linked to underlying social concerns about issues such as public housing, the access to and quality of care and education, social cohesion and the role of politics in general. These concerns cannot be addressed by using immigration targets alone: the migration policy must be linked to a simultaneous and adequate process of addressing social issues. Many underlying social problems (in terms of housing, employment and social cohesion) will also need to be addressed in order to reduce people's concerns about migration.

### **Recommendation 1**

Develop a forward-looking, coherent and socially embedded migration policy, based on which numerical targets can be derived. Therefore, do not use numerical targets as an end in themselves but make them part of a broader vision of migration and a way of addressing other social issues that are related to concerns about migration.

#### *Soft immigration targets are preferable to hard immigration quotas*

Soft immigration targets, which usually involve a best efforts obligation are often more suitable than hard immigration quotas (hard commitments). This is because the migration policy is constantly in the political and public spotlight, and the national governments ability to control it is limited. Immigration targets make more sense in relation to migration motives over which the government has relatively more control, such as labour migration from outside the EU. In the area of asylum, a cautious use of immigration targets is recommended. Immigration quotas with a hard ceiling are not legally possible for asylum migration. If used, they would be disruptive to the political and administrative process and undermine public confidence in the government.

### **Recommendation 2**

Work with soft immigration targets rather than hard quotas in the migration policy.

Use immigration targets mainly for types of migration where a somewhat greater degree of policy control is possible, as in the case of labour migration within the EU and, in particular, from outside the EU. It is not possible to use hard immigration quotas with a ceiling for asylum migration within the existing international and European legal framework.

### *Use in moderation and reduce risks*

Limit the financial, political and administrative consequences of failing to meet numerical targets and see them as a *tool* to start a discussion. A numerical target is a simplification of reality, whereas it is important to tell the whole story, including the reality behind the numbers. A clear picture of migration is therefore needed. However, in the case of a highly politicised issue such as migration, a moderate (nuanced) use of numerical targets has a low chance of success. Fixation on one or a few numbers should be avoided, for example by working with ranges or multi-year averages or by using a variety of numbers. It is useful to leave room for learning and experimentation to verify whether numerical targets have the desired effect.

### **Recommendation 3**

Work with multiple numbers, ranges, lower and upper limits and percentages that can be continuously adjusted and communicated, rather than with a single numerical target. Multi-annual numerical targets are preferred. In addition, take in account not only immigration but also return and emigration (i.e. net migration).

### *Immigration targets provide an opportunity to gain insight into policy coherence*

In the case of immigration targets, it is important to identify all the possible actions and ambitions. In Germany, the asylum immigration target has led to the articulation of different policy intentions and ambitions. Moreover, national asylum policy cannot be separated from European asylum policy. The interplay of different policy instruments also makes sense in the area of labour migration both from within and outside the EU. Migration patterns are shaped not only by direct migration policies (such as admission criteria), but also, as in the case of labour migration, by labour market policy (wages, working conditions, number of flexible contracts), housing policy (e.g. availability of housing for families) and the welfare state (including health care and educational opportunities). It is also important to link migration policy with integration policy, i.e. the civic integration policy and the social cohesion policy in neighbourhoods and villages. Once it is clear how many people are coming and who they are, it will also be clear what kind of policy efforts are needed for the civic integration policies and for policies aimed at supporting reciprocal relationships in society. Immigration targets can therefore help to improve the cooperation between the national and local government.

### **Recommendation 4**

Properly identify the coherent policy measures both within and outside the migration policy that are needed to achieve a defined immigration target. Link migration policies with integration and social cohesion policies. Ensure coherence with international, European, national and local policies.

*For immigration targets to be realistic and widely supported, executive agencies and citizens must be involved in establishing these targets*

The immigration target adopted must be widely supported. The process of setting this figure is in ensuring that a numerical target is seen as relevant, credible, achievable and legitimate both by the executive agencies and by citizens. Often, a quantitative objective is defined based on the basis of the political and administrative process, and the results are also measured by the policy apparatus itself. This undermines the legitimacy of the objective itself. Citizens may not perceive immigration targets as legitimate if they are not involved in setting these targets. If the number is merely a technocratically defined target, it does not contribute to a more socially embedded migration policy. In this respect, The Netherlands can learn from the Canadian example. The Canadian consultation model used for multi-year migration planning can serve as an example. In addition to the scientific analyses of economic needs, citizens also play a role in this model, partly because their input provides a better idea of the local coping capacity. Citizens' panels (such as those being set up in connection with the climate challenge) can be a useful tool in the area of migration.

#### **Recommendation 5**

Involve all stakeholders, including the executive agencies, in the formulation of immigration targets. Allow citizens to help decide on immigration targets in a more socially embedded migration policy. Citizens can also help to understand society's dynamic capacity to cope. The government would be advised to initiate this process by setting up pilots for citizen councils as part of the migration policy.

*More knowledge needed for realistic numerical targets*

More knowledge is needed to develop well-considered policies, including possible numerical targets. This includes knowledge of society's dynamic coping capacity, numerical analysis and future migration scenarios (including better forecasting). We also need information that helps to make an assessment based on the well-being approach: of the positive and negative consequences of migration for 'here and now', 'later' and 'elsewhere'. Moreover, knowledge about the effectiveness of policy interventions and the knock-on effects in related areas can be particularly useful. We need insight better understanding how many of the policy instruments actually work. Finally, it is important that the knowledge about migration is properly disseminated, for a more evidence-based political and public debate.

#### **Recommendation 6**

Improve the level of knowledge about migration (including numbers) and migration policy, to make well-considered policies, establish realistic numerical targets and ensure a more evidence-based political and public debate.

*Honesty and clear communication about migration and the limitations of immigration targets*

Numbers are never neutral because they also have a strategic political and psychological dynamic: they are not independent of narratives and context. This means that the way the government communicates about migration has a major impact on how migration is perceived, and therefore also on whether and to what extent migration is perceived as socially disruptive. Policymakers, including politicians, should be honest from the outset and clearly communicate the limitations of using numerical targets. Numbers are a simplification of reality. This becomes especially clear when large numbers of migrants suddenly arrive – as during the civil war in Syria – and the policy space for the Netherlands proves to be limited. The actual outcome then turns out to be different from what was intended due to the exceptional circumstances.

### **Recommendation 7**

As a government, communicate honestly about the limitations of working with immigration targets.

---

<sup>281</sup> The Netherlands Institute for Social Research (SCP). (2022). [Continu Onderzoek Burgerperspectieven](#).

<sup>282</sup> WRR. (2018). Regie over migratie: Naar een strategische agenda. Volume of essays; WRR. (2020). [Samenleven in verscheidenheid. Beleid voor een migratiesamenleving](#).

<sup>283</sup> See the studies of Lubbers, De Bruijn and Mügge.

# Reference list

- Migrant Worker Protection Task Force, [Eerste aanbevelingen van het Aanjaagteam bescherming arbeidsmigranten o.l.v. Emile Roemer](#) (June 2020) and [Geen tweederangsburgers. Aanbevelingen om misstanden bij arbeidsmigranten in Nederland tegen te gaan](#) (October 2020)
- Advisory Council on International Affairs, *De toekomst van Schengen* (2016).
- Advisory Council on International Affairs, [Het Europese asielbeleid. Twee grote akkoorden om de impasse te doorbreken](#) (2022)
- Advisory Council on Migration (ACVZ), [External processing \(External processing\)](#) (2010)
- Advisory Council on Migration (ACVZ), [De strategische landenbenadering migratie \(The strategic country approach to migration\)](#) (2015)
- Advisory Council on Migration (ACVZ), [Delen in verantwoordelijkheid \(Sharing responsibility\)](#) (2015)
- Advisory Council on Migration (ACVZ), [Op zoek naar veilige\(r\) landen \(Search for safe\(r\) countries\)](#) (2018)
- Advisory Council on Migration (ACVZ), [Secundaire migratie van asielzoekers in de EU \(Secondary movements of asylum seekers in the EU\)](#) (2019)
- Advisory Council on Migration (ACVZ), [Verkenning: Legale kanalen arbeidsmigranten \(Legal channels for migrant workers\)](#) (2019)
- Advisory Council on Migration (ACVZ), [Op weg naar 2030 Migratie: een toekomstverkenning \(Onwards to 2030\)](#) (2018)
- Advisory Council on Migration (ACVZ), [Advies: Voorstel tot wijziging Wet arbeid vreemdelingen](#) (2020)
- Advisory Council on Migration (ACVZ), [Naar een brede welvaartsbenadering in het arbeidsmigratiebeleid \(Towards a well-being approach in labour migration policy\)](#) (2021)
- Advisory Council on Migration (ACVZ), [Samen werken aan terugkeer \(Working on return together\)](#) (2021)
- Advisory Council on Migration (ACVZ), [Zorgvuldig arbeidsmigratiebeleid \(A carefully considered labour migration policy\)](#) (2022)
- Advisory Council on Migration (ACVZ), [Signalering over maatregelen aangekondigd in reactie op de opvangcrisis in Ter Apel](#) (2022)
- Advisory Council on Migration (ACVZ) blog *Wist u dat...? Opzeggen Vluchtelingenverdrag schaadt ook Nederlands belang* (2021)
- Advisory Council on Migration (ACVZ). [Investeren in inburgering komt migrant én samenleving ten goede. Blog Wist u dat...? Feiten en cijfers over Migratie en Gemeenten \(part 3\).](#) (2022)
- Advisory Council on Migration (ACVZ). [Migranten komen niet naar Nederland voor onze verzorgingsstaat. Blog Wist u dat...? Feiten en ficties over migratie \(part 7\).](#) (2021)
- Advisory Council on Migration (ACVZ). [Maatschappelijk draagvlak voor migratie is maakbaar. Blog Wist u dat...? Feiten en cijfers over migratie \(part 8\).](#) (2021)
- [Brief aan de 'Minister van Migratie en Samenleven' | Brief | Adviesraad Migratie.](#)
- Advisory Division of the Council of State, [Voorlichting over het vrij verkeer van werknemers en diensten](#) (2020)

- Migrant Worker Protection Task Force, [Eerste aanbevelingen van het Aanjaagteam bescherming arbeidsmigranten](#) (June 2020) and [Geen tweederangsburgers. Aanbevelingen om misstanden bij arbeidsmigranten in Nederland tegen te gaan](#) (November 2020)
- [Home – Asylum Information Database | European Council on Refugees and Exiles \(asylumineurope.org\)](#)
- Netherlands Court of Audit. [Daders vrijuit, slachtoffers niet geholpen. Knelpunten aanpak arbeidsuitbuiting](#). 28 September 2021
- N. Banulescu-Bogdan. [From Fear to Solidarity: The Difficulty in Shifting Public Narratives about Refugees](#). (2022). MPI
- Bansak, K., Hainmueller, J., & Hangartner, D. (2016). How economic, humanitarian, and religious concerns shape European attitudes toward asylum seekers. *Science*, 354(6309), 217–222. <https://doi.org/10.1126/science.aag2147>.
- British future. *Time to get it right: Finding consensus on Britain’s future immigration policy, 2017*, <https://www.britishfuture.org/wp-content/uploads/2020/09/Time-to-get-it-right-.pdf>
- C. Boswell, *Manufacturing Political Trust: Targets and Performance Measurement in Public Policy* (2018)
- British future. *Immigration: A changing debate. Analysis of new findings from the Ipsos MORI immigration attitudes tracker Survey, 2021*, <https://www.britishfuture.org/wp-content/uploads/2021/09/Immigration.A-changing-debate.pdf>
- H. de Bruijn. *Prestatiemeting in de publieke sector* (2006)
- H. de Bruijn (2022) *Sturen met cijfers. Een kort reflectie*. Academic study (Advisory Council on Migration, ACVZ)
- [Koalitionsvertrag zwischen CDU, CSU und SPD 19. Legislaturperiode](#), Berlin, den 12. März 2018
- Antwort der Bundesregierung Berechnungen zum Zuwanderungskorridor für das Jahr 2018 und Prognose für das Jahr 2019, 30.08.2019, Drucksache 19/12878
- [Antwort der Bundesregierung Berechnungen zum Zuwanderungskorridor für das Jahr 2019 und das laufende Jahr 2020, 21.08.2020, Drucksache 19/21802](#)
- Antwort der Bundesregierung Berechnungen zum Zuwanderungskorridor für das Jahr 2020 und für das laufende Jahr 2021, 25.08.2021 Drucksache 19/32210
- B, Burgoon. (2014). Immigration, Integration, and Support for Redistribution in Europe. *World Politics* 66(3), 365–405
- Fachkräftestrategie der Bundesregierung | Bundesregierung, 12 October 2022.
- Press statement 7 September 2022 [BMWK – Fachkräftegipfel der Bundesregierung: Mehr Fachkräfte für Deutschlands Zukunft](#)
- German government press release on the modernisation of immigration laws, 30 November 2022: [Deutschland wird das Einwanderungsrecht grundlegend modernisieren – BMBF](#)
- S. Carrera, L. den Hertog and M. Stefan, [The EU-Turkey deal: reversing ‘Lisbonisation’ in EU migration and asylum policies](#), in S. Carrera, J. Santos Vara

and T. Strik (eds.), *Constitutionalising the external dimensions of EU migration policies in times of crisis. Legality, rule of law and fundamental rights reconsidered* (2019)

- M. Clemens and K. Gough, [Can Regular Migration Channels Reduce Irregular Migration? Lessons for Europe from the United States](#), CGD Brief, Center for Global Development (2018)
- M. A. Clemens. (2020). The emigration life cycle: How development shapes emigration from poor countries
- [CBS Migranten Monitor 2020](#)
- [CBS Hoeveel inwoners zijn in het buitenland geboren?](#)
- [Bevolking gegroeid naar 17,8 miljoen inwoners, vooral door migratie \(cbs.nl\)](#)
- [StatLine – Datasets via thema \(cbs.nl\)](#)
- Statistics Netherlands. (2020). [www.cbs.nl/nl-nl/nieuws/2020/07/in-vergelijking-met-eu-landen-relatief-weinig-internationale-kenniswerkers.](#)
- Statistics Netherlands. (2022). [www.cbs.nl/nl-nl/nieuws/2022/29/meer-asiel-en-kennismigranten-van-buiten-de-eu-in-2021](#)
- Statistics Netherlands (2022). [Begin juli had ruim een derde van de Oekraïense vluchtelingen werk \(cbs.nl\)](#)
- Clingendael. (2021). *Gedeeld belang bij circulaire migratie*
- *De Correspondent*, 5 July 2022 [Minister Jetten wil een burgerberaad voor het klimaat. Nu de Tweede Kamer nog](#)
- J. Cremers, INT-AR Paper 2, [Sociale zekerheid en vrij verkeer in de EU](#), Tilburg University
- M.J. Donnelly, [Canadian exceptionalism: are we good or are we lucky? A survey of Canadian attitudes in comparative perspective](#) (2018)
- J.P.H. Donner and M. den Heijer, [Terechte zorg, verkeerd aanknopingspunt](#), (2020)
- ECRE, [Denmark: Joint Statement Brings Little Clarity on Rwanda Outsourcing but Generates Renewed Critique](#), 16 September 2022
- EenVandaag, [Aan de Europese grenzen worden alle mensenrechtenverdragen nu geschonden, ziet bedenker Turkijedeal](#), 6 January 2022
- G. Engbersen et al. (2019). *Maasstad aan de monitor: de andere lijstjes van Rotterdam*
- M. Elchardus. (2020). *Reset. Over identiteit, gemeenschap en democratie*
- European Migration Network, [Arbeidsmarkttekorten en migratie. Het vaststellen van arbeidsmarkttekorten en de behoefte aan arbeidsmigratie van derdelanders in Nederland](#) (2015)
- European Migration Network, [Ad-Hoc Query Regarding a Regulation for the Work and Residence Permit for Specialized Chefs for the Asian Restaurants](#) (2019)
- European Migration Network, [Attracting and protecting the rights of seasonal workers in the EU and the United Kingdom](#), Synthesis Report. (2020)
- European Migration Network, [Incentives and motives for voluntary departure](#), 2022
- European Commission, [Communication 'aantrekken van vaardigheden en talent naar de EU'](#) COM(2022)657



- EU-Turkey Statement, 18 March 2016, <https://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/>
- Eurostat, [Population and population change statistics](#), Statistics Explained 8 July 2022
- [Statistics | Eurostat \(europa.eu\)](#)
- EU Study, [Norway: Tuition fees might drive away up to 80% of non-European students | Study.eu](#). 8 November 2022
- Finish government, Roadmap for Education-based and Work-based Immigration 2035, 27 October 2021 <https://julkaisut.valtioneuvosto.fi/handle/10024/163576>
- Finish Ministry of Education and Culture, Government roadmap compiles measures to increase education-based and work-based immigration, 9 September 2021 <https://okm.fi/en/-/1410877/government-roadmap-compiles-measures-to-increase-education-based-and-work-based-immigration>
- Government of Canada, [2021 consultations on immigration levels and responsive economic immigration – final report – Canada.ca](#)
- Government of Canada, [2022 consultations on immigration levels – final report – Canada.ca](#)
- Government of Canada [www.canada.ca/en/immigration-refugees-citizenship/corporate/transparency/consultations/2021-consultations-immigration-levels.html#methods](http://www.canada.ca/en/immigration-refugees-citizenship/corporate/transparency/consultations/2021-consultations-immigration-levels.html#methods)
- K.H. Greenaway, W.R. Louis, M.J. Hornsey & J.M. Jones. (2014). Perceived control qualifies the effects of threat on prejudice. *British Journal of Social Psychology*, (53), 422-442
- H. De Haas, Hein de Haas about migration factors, *Me Judice*, 27 February 2012
- H. de Haas & S. Franssen. (2018). *Social transformation and migration: An empirical inquiry*. MADE/IMI Working paper no. 141. International Migration Institute
- Heyma, NT-AR Paper 4, [Arbeidsmigratie in het licht van arbeidsmarktfricties](#), The Knowledge Centre for Migrant Workers and Tilburg University
- T. Hilhorst, J. Rijpma, S. Vezolli, L. Meyer, M. van Ostaijen, [Factsheet opvang in de regio: Een vergelijkende studie](#) (2021)
- J.W. Holtslag, M. Kremer, E. Schrijvers, *In betere banen* (2012) WRR
- *Immigration: A changing debate. Analysis of new findings from the Ipsos MORI immigration attitudes tracker Survey*, 2021, <https://www.britishfuture.org/wp-content/uploads/2021/09/Immigration.A-changing-debate.pdf>
- [Asieltrends \(ind.nl\)](#)
- Innenministerium, [Innenminister trifft Amtskollegen in Brüssel \(bmi.gv.at\)](#), 25 November 2022
- I&O research/Van der Schelde, A. (2022). *Draagvlak opvang asielzoekers. Rapport I&O Research. In opdracht van NOS*. Amsterdam: I&O Research
- Ipsos. (2022). *Prinsjesdagonderzoek 2022. Rapport voor de NOS*. Amsterdam: Ipsos

- Jeannet, A.-M., Heidland, T., & Ruhs, M. (2021). What asylum and refugee policies do Europeans want? Evidence from a cross-national conjoint experiment. *European Union Politics*, 22(3), 353-376
- R.P.W. Jennissen, [Macro-economic determinants of international migration in Europe, diss. University of Groningen](#) (2004)
- de Jong, M. van Twist, D. Bressers & J. Schram. (2018). Gevoel voor getallen. Een zoektocht naar de politieke en psychologische dimensies van tellen in beleid. The Netherlands School of Public Administration (NSOB)
- P.W. de Jong, [Between Welfare and Farewell: The role of welfare systems in intra-European migration decisions](#) (2019) University of Groningen
- [Kamerstuk 32824, nr. 330 | Overheid.nl > Officiële bekendmakingen \(officielebekendmakingen.nl\)](#)
- Parliamentary Papers II, 2018/19, 35 000, No. 8, dated 21 September 2018
- Parliamentary Papers II 2020/21, 35 925, No. 55, dated 23 September 2021
- Government Gazette 2018, 49101 [Staatscourant 2018, 49101 | Overheid.nl > Officiële bekendmakingen \(officielebekendmakingen.nl\)](#)
- [Het Deense asiel- en terugkeerbeleid | Tweede Kamer der Staten-Generaal](#)
- N. Kelley & M. Trebilcock, *The Making of the Mosaic: A History of Canadian Immigration Policy*, Toronto: University of Toronto Press, 1998
- van der Kolk. (2021). *De meetmaatschappij*. Atlas Contact, Business Contact, Amsterdam
- Kramer, I. van Gardingen, K. Boonstra, [De Europese Detachering van Derdelanders](#), NJB 2022/1132
- M. Kremer, [Flexwerklant Nederland trekt laag opgeleide arbeidsmigranten aan](#), *MeJudice* (2013)
- M. Kremer. [Vreemden in de verzorgingsstaat. Hoe arbeidsmigratie en sociale zekerheid te combineren](#) (2013)
- M. Kremer, S.A. Avontuur, L. Obermann, H. Verbaten, [Baseer het arbeidsmigratiebeleid op een brede welvaartsbenadering](#), *MeJudice* (2021).
- L. Kureková. Welfare Systems as Emigration Factor: Evidence from the New Accession States. *Journal of Common Market Studies*, 51(4), 721-739
- K. Kuschminder & T. Dubow, [Moral exclusion, dehumanization, and continued resistance to return: Experiences of refused Afghan asylum seekers in the Netherlands](#), *Geopolitics* (2022)
- De Lange. (2007). *Staat, markt en migrant: de regulering van arbeidsmigratie naar Nederland 1945-2006*. Radboud University
- Lens, N. Mussche, I. Marx, *A hole in the wall of fortress Europe: The trans-European posting of third-country labour migrants*, *International Migration*, 19 April 2021, [DOI: 10.1111/imig.12867](#)
- M. Lubbers, (2022) *Richtgetallen immigratie en maatschappelijk draagvlak*. Academic study (Advisory Council on Migration, ACVZ)
- Mahendra, forthcoming. Is There a Reverse Welfare Magnet? The Effect of Social Policy in Developing Countries on International Migration. IMI/DEMIG Working Paper/DEMIG
- Meijers Committee, [Commentaar CM2207](#), 5 September 2022

- Ministry of Justice and Security, [de Staat van Migratie](#). (2022)
- C.M.F. Mommers, [Eigen verantwoordelijkheid voor terugkeer: op zoek naar de grenzen](#), 2022
- V. Moreno-Lax, Violeta and M. Giuffr , [The Rise of Consensual Containment: From 'Contactless Control' to 'Contactless Responsibility' for Forced Migration Flows](#) (2017)
- D. M gge, (2022) *Wel en wee van kwantitatieve beleidsdoelstellingen*. Academic study (Advisory Council on Migration, ACVZ)
- Myria, [Een nieuw paradigma voor het Europese asielmodel? Toegang tot bescherming onder druk](#), (2019)
- Netherlands Labour Authority annual report. [Reflectie Inspecteur-generaal Rits de Boer op arbeidsmigratie](#), 9 May 2022
- NIDI and Statistics Netherlands, [Bevolking 2050 in beeld: opleiding, arbeid, zorg en wonen](#) (2021)
- [Afspraken over uitzetten uitgeprocedeerde Marokkanen lijken nabij - Nieuws.nl 1 October 2022](#)
- OECD, *Innovative Citizen Participation and New Democratic Institutions. Catching the Deliberative Wave* (2021)
- Van Zwol Inquiry Committee, [Langdurig verblijvende vreemdelingen zonder bestendig verblijfsrecht](#) (2019)
- Van Ostaijen et al. (2022). De migratiesamenleving. Migratie en diversiteit als Gordiaanse knoop
- Dutch government, [Regeling Aziatische horeca sector definitief vervallen](#), 18/11/2022
- J. Portes. (2019). *What Do We Know and What Should We Do About Immigration?*
- Postmes, T., Gordijn, E., Kuppens, T., Gootjes, G. & Albada, K. (2017). *Draagvlak Migratiebeleid*. Groningen: RUG
- Council of State (BEL), No. 234,306, 20 December 2018
- Voorlichting Afdeling advisering van de Raad van State over het vrij verkeer van werknemers en diensten, 18 November 2020, <https://www.raadvanstate.nl/@121666/w12-20-0223-iii-vo/>
- Council of the European Union, *Conclusions of the Representatives of the Governments of the Member States meeting within the Council on resettling through multilateral and national schemes 20,000 persons in clear need of international protection*, 11130/15, 22 July 2015: [consilium.europa.eu/media/22985/st11097en15.pdf](https://consilium.europa.eu/media/22985/st11097en15.pdf)  
[https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20180314\\_annex-5-progress-report-european-agenda-migration\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20180314_annex-5-progress-report-european-agenda-migration_en.pdf)
- Regioplan, [Aantrekkelijkheid van Nederland voor kennismigranten](#) (2018)
- Rovers. *Nu is het aan ons. Oproep tot echte democratie. Op het terrein van klimaat zullen binnenkort ook burgerberaden geinitieerd worden* (2022)
- M. Ruhs and B. Anderson, [Who Needs Migrant Workers? Labour shortages, immigration, and public policy](#) (2012)

- Dutch government, Asian hospitality sector regulation to definitively lapse, 18 November 2022, [Regeling Aziatische horeca sector definitief vervallen | Nieuwsbericht | Rijksoverheid.nl](#)
- [Cijfers opvang vluchtelingen uit Oekraïne in Nederland | Opvang vluchtelingen uit Oekraïne | Rijksoverheid.nl](#)
- [Benoemingen Staatscommissie Demografische ontwikkelingen | Nieuwsbericht | Rijksoverheid.nl](#)
- [Coalitieakkoord 'Omzien naar elkaar, vooruitkijken naar de toekomst' | Publicatie | Rijksoverheid.nl](#)
- SCP. (2022). [Continu Onderzoek Burgerperspectieven](#)
- SEO Amsterdam Economics, [Wat beweegt kennismigranten?](#) (2010)
- SEO Amsterdam Economics, [Arbeidsmigratie in 2030. Vier mogelijke scenario's](#) (2022)
- SEO Amsterdam Economics. (2022). [Posted workers to the Netherlands](#) (2022)
- Social and Economic Council of the Netherlands, [Arbeidsmigratie](#), Advisory Report 14 September (2014)
- A.W. Strockmeijer, [De arbeidsmarktpositie verklaart. Werk en uitkeringsgebruik van Oost-Europese arbeidsmigranten in Nederland](#), Diss. University of Amsterdam (2020)
- Tijdelijke commissie arbeidsmigratie in het kader van het parlementair onderzoek Lessen uit recente arbeidsmigratie. (2011). [Parlementair onderzoek Lessen uit recente arbeidsmigratie | Tweede Kamer der Staten-Generaal](#)
- O. van Vliet & E. Suari-Andreu. (2022). Migranten uit Midden- en Oost-Europese landen en collectieve uitgaven aan sociale zekerheid. *TPEdigitaal 2022, Volume 16(3)*, 22-44
- UNHCR Niger Factsheet: Emergency Transit Mechanism (ETM), November 2020, <https://reliefweb.int/report/niger/unhcr-niger-factsheet-emergency-transit-mechanism-etm-november-2020>
- [www.refworld.org/docid/6045dde94.html](http://www.refworld.org/docid/6045dde94.html)
- <https://www.unhcr.org/62a9d1494/global-trends-report-2021>
- [www.unhcr.org/refugee-statistics/](http://www.unhcr.org/refugee-statistics/)
- <http://www.unhcr.org/56cc4b876.html>
- [UNDESA International Migration Highlights 2020](#)
- [UNDESA International Migration stock 2020](#)
- Employee Insurance Agency (UWV), [Ruim 46.000 meldingen ontvangen van werkenden vluchtelingen uit Oekraïne](#), 2 November 2022
- M. Verkuyten, (2021). Public attitudes towards migrants: understanding cross-national and individual differences. *World Psychiatry*, 20(2), 132-133
- UN *Global Compact on Refugees* (2018)
- World Bank, [Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict](#) (2017)
- S. Westendorf. (2014). Commonplace Diversity: Social Relations in a Super-Diverse Context
- Research and Documentation Centre (WODC), [Raising awareness, Changing behaviour? Combatting irregular migration through information campaigns](#) (2016)

- Research and Documentation Centre (WODC), [Intergovernmental relations and return](#) (2022)
- The Netherlands Scientific Council for Government Policy (WRR), [Samenleven in verscheidenheid. Beleid voor de migratiesamenleving](#) (2020)
  - [Regie over migratie: Naar een strategische agenda | Publicatie | WRR](#) essays on the occasion of the Hollands Spoor debate on migration policy held on 19 June 2018
  - The Netherlands Scientific Council for Government Policy. *Verliesgevoelens van autochtonen als gevolg van de multiculturele samenleving* (2016)
  - M.E. Wijnkoop, 'Het recht op asiel. Zoeken, genieten, krijgen en/of garanderen,' in: *Asiel- en Migrantenrecht*, No. 8-9 (2014), pp. 330-338

# List of respondents

### Consulted officials in the Netherlands

Organisation	Department
Ministry of Justice and Security	Migration Policy Department Migration Coordination Department International Migration Department Directorate-General for Migration Staff
Immigration and Naturalisation Service (IND)	Strategy and Implementation Department Operational Management Department
Central Agency for the Reception of Asylum Seekers (COA)	Operational Management Department Reception and Support Department Strategy, Governance and the Environment
Repatriation and Departure Service (DT&V)	Directorate Operational Management
Ministry of Social Affairs and Employment	Directorate for Industrial Relations Directorate for Society and Integration
Ministry of Economic Affairs and Climate Policy	Business Climate Department
Netherlands Enterprise Agency (RVO)	National Programmes Department
Ministry of the Interior and Kingdom Relations	Housing Department
Ministry of Foreign Affairs	Department for Stabilisation and Humanitarian Aid
Ministry of Education, Culture and Science	Higher Education Internationalisation Team

### Consulted officials outside the Netherlands

Country	Organisation
Germany	Federal Ministry of the Interior and Community Expert Council on Integration and Migration
Austria	Federal Ministry of the Interior Federal Ministry of Labour
Sweden	Swedish Migration Agency

### Consulted experts

Name	Organisation	Role
Bakker, L.	HU University of Applied Sciences Utrecht	Senior researcher
Beirens, H.	MPI Europe	Director
Bevelander, P.	Malmö University	Professor
Bruijn, H. de	TU Delft	Professor
Coenders, M.	Netherlands Institute for Social Research (SCP)	Senior academic Staff member
Delden, M. van	Netherlands School of Public Administration (NSOB)	Researcher and Training manager
Dempster, H.	Center for Global Development	Policy fellow and assistant director
Hoekstra, J.	OnMigration	Communications advisor
Hooimeijer, P.	Utrecht University	Professor
Hooper, K.	MPI	Policy analyst
Jong, M. de	Netherlands Court of Audit	Performance measurement and public finance expert
Lanser, D	CPB Netherlands Bureau for Economic Policy Analysis	Head of Sector 2 Macro and International Economics
Latten, J.		Professor emeritus

Leerkes, A.	Maastricht University	Professor
Lubbers, M.	Utrecht University.	Professor
Lucassen, L.	Leiden University	Professor
Mügge, D.	University of Amsterdam	Professor
Noyon, S.	Research and Documentation Centre (WODC)	Researcher
Ode, A.	Social and Economic Council of the Netherlands and Regioplan	Senior policy advisor
Postmes, T.	University of Groningen	Professor
Tolsma, J.	Radboud University Nijmegen	Professor

#### Focus group members

Name	Organisation	Role
Cuperus, R.	Consulting firm Constructief Tegendenken	Strategic advisor
Engbersen, G.	The Netherlands Scientific Council for Government Policy (WRR)	Council member
Hasekamp, P.	CPB Netherlands Bureau for Economic Policy Analysis	Director
Lange, T. de	Radboud University Nijmegen	Professor

The Advisory Council thanks everyone who was consulted as part of this study for their input. The various people consulted and the authors, who have carried out studies at the request of the Advisory Council, have not committed themselves in any way to the contents of this advisory report.

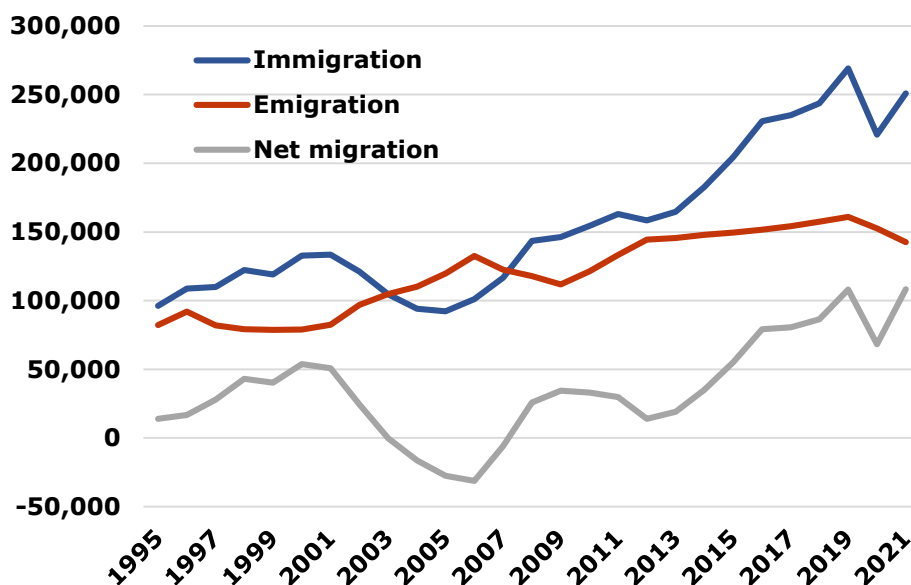


# Annexes

## Annex 1 Data analysis of migration flows

### How many people come to the Netherlands, how many people leave the Netherlands and what is the volume of net migration?

Figure 1: Immigration and Emigration,<sup>1</sup> 1995-2021



Source: [Statistics Netherlands, StatLine](#), adapted by the Advisory Council on Migration

[Go to the connected table](#)

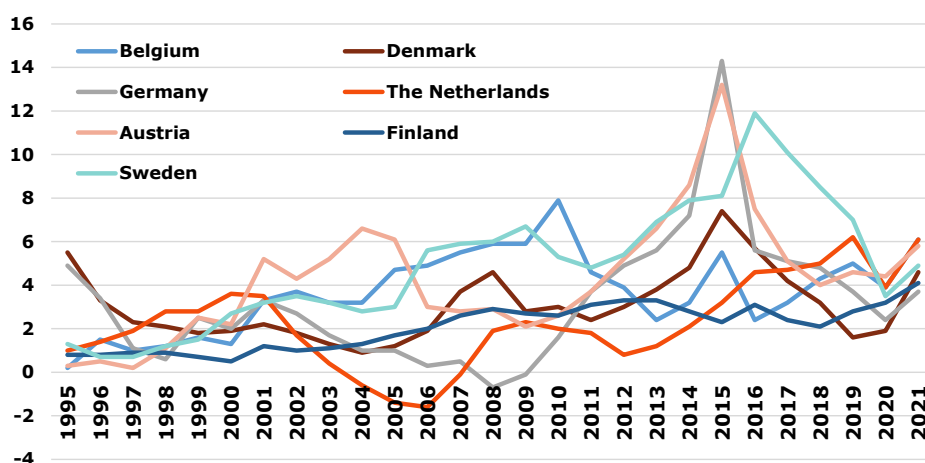
Figure 1 shows trends in migration to and from the Netherlands in the period 1995-2021. From 1995 to 2014, both immigration and emigration fluctuated to a roughly similar extent, and both increased slightly (from about 100,000 to 150,000 people per year). In general, immigration was higher than emigration, but there was also a period (2003-2007) when the number of people leaving the Netherlands was higher than those settling down here. Since 2014, immigration has increased sharply, to over 250,000 persons in 2019, while emigration has hardly increased (over 150,000 persons in 2019). This has resulted in increasing net migration

<sup>1</sup> Statistics Netherlands derives these figures from the registration and deregistration data in the Personal Records Database (BRP). Registration is mandatory if you expect to stay in the Netherlands for at least four months, but it is often done earlier because of the need to obtain a right of residence or because of the practical need to be registered in order to obtain, for example, a citizen service number (BSN). Deregistration occurs when someone expects to stay abroad for at least eight months, but this must, in principle, be indicated by the individual. Since deregistration does not always take place, corrections are made in the BRP so that the numbers continue to give an accurate picture of emigration. Using the BRP as a source means that *not* all migration is visible. For example, EU citizens who make use of the right of free movement do not always register with a municipality if they plan to stay in the Netherlands for a short while. Furthermore, asylum seekers may only register in the BRP after six months or earlier if they have obtained asylum status. Hence, asylum seekers whose applications are rejected will usually not be registered in the BRP and therefore will not be counted in the immigration figures.

(positive net migration). Following a dip during the coronavirus pandemic year 2020, immigration in 2021 (when the impact of the coronavirus was still being felt worldwide) was almost back to 2019 levels. Net migration was about 100,000 in 2019 and 2021. Over the entire 1995-2021 period, more than four million people settled down in the Netherlands. At the same time, more than three million people left the Netherlands. In other words, the net contribution of migration to population growth in the Netherlands amounted to almost one million people in the period 1995-2021. These numbers include returning and departing Dutch nationals.

## How large is the net migration to the Netherlands from the European perspective?

Figure 2 Net migration ratio<sup>2</sup> for a selected number of European countries, 1995-2021



Source: [Eurostat](#), adapted by the Advisory Council on Migration

[Go to the connected table](#)

Figure 2 shows the annual volume of net migration to a number of Northwestern European countries in relation to their population size in the period 1995-2021. These are the countries that the Netherlands is often compared to in the area of migration, some of which are included in our country comparison (Annex D). This shows that the average annual volume of net migration to the Netherlands relative to its population was lower than in Belgium, Germany, Denmark, Austria and Sweden. The average annual net migration ratio ranged from 2.1<sup>3</sup> per 1,000 inhabitants in Finland to 4.9 in Sweden. On average, the Netherlands had a net migration ratio of 2.3. This ratio was considerably higher in neighbouring Belgium (3.7) and Germany (3.2). Austria also had a higher ratio (4.3), as did Denmark (3.1), which has a stricter migration policy than many other EU Member States.

<sup>2</sup> This measure indicates the volume of net migration per 1,000 inhabitants. It gives an idea of how migration contributes to changes in a country's population.

<sup>3</sup> In this section, we have calculated the average ratios for each time period based on Eurostat figures.

Figure 2 also indicates that the volume of net migration showed significant fluctuations for all seven countries and that the trends differed greatly by country. The gradual increase in net migration experienced by the Netherlands over the past decade (2012-2021) is less visible in the other countries (where there was a lower increase and/or more fluctuation). As a result, the Netherlands has risen from last place in 2012 to the leading position in 2021 (along with Belgium,<sup>4</sup> followed closely by Austria). It is notable that the net migration ratios seem to be moving toward each other and that, for all seven countries, the ratio was higher over the past five years as a whole<sup>5</sup> than over the 1995-2021 period as a whole. The differences in 2021 (and also during the dip in the coronavirus pandemic year 2020) were quite small (ranging from 3.7 to 6.1).

In many Northwestern European countries, population growth occurs mainly or exclusively due to net migration. The natural increase (births minus deaths) is much lower or even negative.<sup>6</sup> There continues to be a certain extent of natural increase in the Netherlands, as in Belgium, Denmark and Sweden, but population growth is mainly due to migration. Germany, Austria and Finland belong to the group of countries where population growth comes solely from migration: the natural increase is negative.

### **How many migrants live in the Netherlands, and what is the size of the migrant population from an international perspective?**

On 1 January 2021, there were nearly 2.5 million migrants living in the Netherlands. These migrants were born abroad and came to the Netherlands as migrants. They made up 14% of the total Dutch population on that date. In addition, 11.4% of the population consisted of children of migrants, who had been born in the Netherlands.<sup>7</sup>

In mid-2020, UNDESA estimated the total number of migrants worldwide to be over 280 million people, or nearly 4% of the world's population. Of them, 65%

<sup>4</sup> The trends for Belgium in the period 2020-2021 are not properly visible in the graph because the values were identical to those of the Netherlands in 2020 and 2021, as a result of which the line for Belgium is not displayed.

<sup>5</sup> The only exception is Denmark, for which the values were identical for both periods.

<sup>6</sup> Eurostat, [Population and population change statistics](#), Statistics Explained 8 July 2022.

<sup>7</sup> See [Statistics Netherlands Hoeveel inwoners zijn in het buitenland geboren?](#) These figures are based on [Statistics Netherlands' new classification of the population by origin](#): migrants (born abroad) and children of migrants (at least one parent born abroad). Previously, the term 'migration background' was used to describe first-generation migrants (person born abroad with at least one foreign-born parent) and second-generation migrants (person born in the Netherlands with at least one foreign-born parent). Due to the changed classification, the number of migrants is slightly higher than the number of persons with a first-generation migration background (over 2.3 million on the same reference date). This is because all persons born abroad are counted as migrants now, even if both their parents were born in the Netherlands, whereas these persons were not counted as persons with a migration background. The number of children born in the Netherlands whose parents are migrants is identical to the number of persons with a second-generation migration background. In fact, the number of non-Dutch nationals is significantly lower at [1.2 million](#) (or 7% of the Dutch population), because some migrants had Dutch nationality at the time of migration to the Netherlands or acquired it a few years after migrating to the Netherlands.

lived in high-income countries, 31% in middle-income countries and 4% in low-income countries. The proportion of migrants in the population was by far the highest in high-income countries (15%) – 2% in middle-income countries, and 3% in low-income countries. The proportion of migrants in the Netherlands (14%) therefore matches the profile for high-income countries as a whole.<sup>8</sup>

In terms of the number of migrants, the Netherlands ranks fifth in the EU. In 2020, the largest number of migrants resided in Germany (15.8 million), France (8.5 million), Spain (6.8 million) and Italy (6.4 million). The proportion of migrants in the total population was highest in Luxembourg (48%), Malta (26%), Sweden (20%), Austria (19%) and Germany (18%). The Netherlands ranks tenth within the EU in this regard.<sup>9</sup>

This picture differs greatly if we only consider the internationally forcibly displaced persons among migrants. UNDESA estimates that, in mid-2020, 34 million persons worldwide had obtained some form of protection or had submitted an application for this that was still pending. This amounts to over 12% of the total number of migrants. More than 80% of these persons are being accommodated in low-income and middle-income countries. The proportion of displaced persons in the total migrant population also varied widely between the countries depending on its income level. In high-income countries, the proportion was 3%, in middle-income countries 25% and in low-income countries 50%. In the Netherlands, the proportion was 5%, which matches the profile for high-income countries.<sup>10</sup>

Not all displaced persons leave their country of origin. UNHCR data show that 89.3 million people were forcibly displaced worldwide by the end of 2021.<sup>11</sup> The majority of these people were internally displaced (53.2 million, or 60%). The group of displaced persons who left their own country included 27.1 million refugees under the mandate of the UNHCR/UNRWA, 4.4 million internationally displaced Venezuelans and 4.6 million asylum seekers. Of those who were displaced outside their own country, 72% migrated to the neighbouring country. UNHCR figures show that, by the end of 2021,<sup>12</sup> there were nearly 100,000 protected persons in the Netherlands, or 0.4% of the total number of persons worldwide who enjoy protection outside their home country and are under the mandate of the UNHCR/UNRWA. For the EU as a whole, this was over 3 million people, or 12% of the total. Furthermore, UNHCR figures show that there were over 17,000 pending

<sup>8</sup> [UNDESA International Migration Highlights 2020](#) p. 6 and Annex, Table on International Migration Stock 2020 p. 45 et seq.

<sup>9</sup> [UNDESA International Migration stock 2020](#) Tables 1 and 3.

<sup>10</sup> *Idem* p. 7. and [UNDESA International Migration stock 2020](#) Table 6. The figures for internationally forcibly displaced persons are derived from UNHCR data with a reference date of 31 December 2019. [See methodology](#).

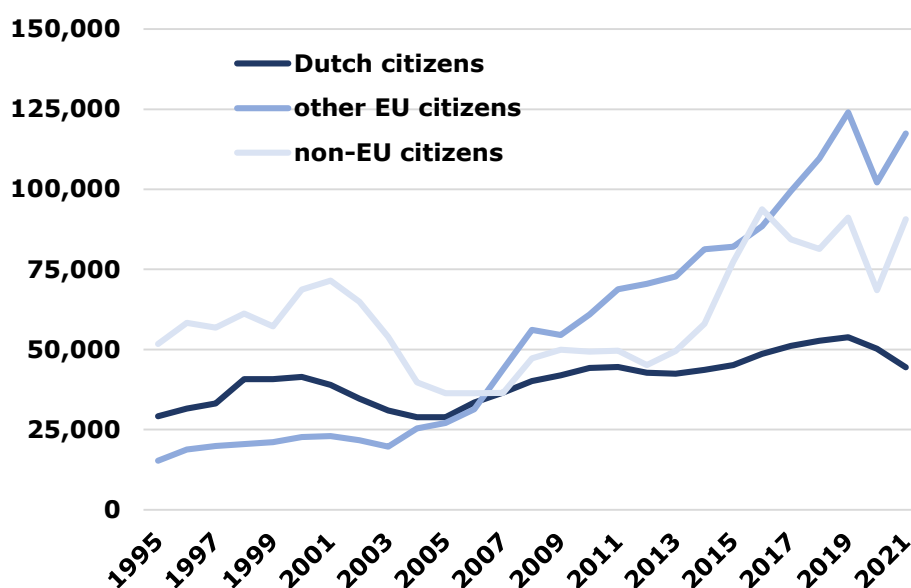
<sup>11</sup> By 2022, the number of forcibly displaced persons exceeded 100 million. However, for this section, we work with the numbers at the end of 2021, because they can be broken down further. See <https://www.unhcr.org/62a9d1494/global-trends-report-2021> or the UNHCR source [www.unhcr.org/refugee-statistics/](http://www.unhcr.org/refugee-statistics/)

<sup>12</sup> See <https://www.unhcr.org/2021-global-trends-annex> Table 1. Persons with an asylum-related background (naturalised asylum permit holders, descendants born in the host country who have since become naturalised, or are eligible for this, and family members of refugees) are not counted as forcibly displaced persons. See [methodology](#); the actual number of persons residing in the host country and who originally entered with an asylum-related reason is therefore higher.

asylum applications in the Netherlands at the end of 2021, or 0.4% of the global number of pending asylum applications. To measure the contribution of individual countries to the reception of displaced persons globally and link this to their capacities, the UNHCR compares the number of displaced persons received with the size of the host country's population and economy. Relative to population size, the Netherlands ranks 34th worldwide (out of 174 countries) and 11th in the EU. Relative to the size of its economy, the Netherlands ranks 71st worldwide and 10th in the EU).<sup>13</sup>

## Who comes to the Netherlands?

Figure 3: Immigration by nationality, 1995-2021



Source: [Statistics Netherlands, StatLine](#),<sup>14</sup> adapted by the Advisory Council on Migration

[Go to the connected table](#)

Figure 3 shows trends in migration to the Netherlands for the main nationality groups in the period 1995-2021. Of those who settled in the Netherlands during this entire period, 26% were Dutch citizens, 35% were other EU citizens<sup>15</sup> and 39% were non-EU citizens. We have made this three-way division because of the different legal frameworks for these three main groups. Dutch citizens are always permitted to settle in the Netherlands, EU citizens may also come to the

<sup>13</sup> See <https://www.unhcr.org/2021-global-trends-annex-Table-22>. The top five in relation to population size are Lebanon, Nauru, Jordan, Turkey and Chad. The top five in relation to the size of economy are Sudan, Chad, Uganda, Burundi and Lebanon.

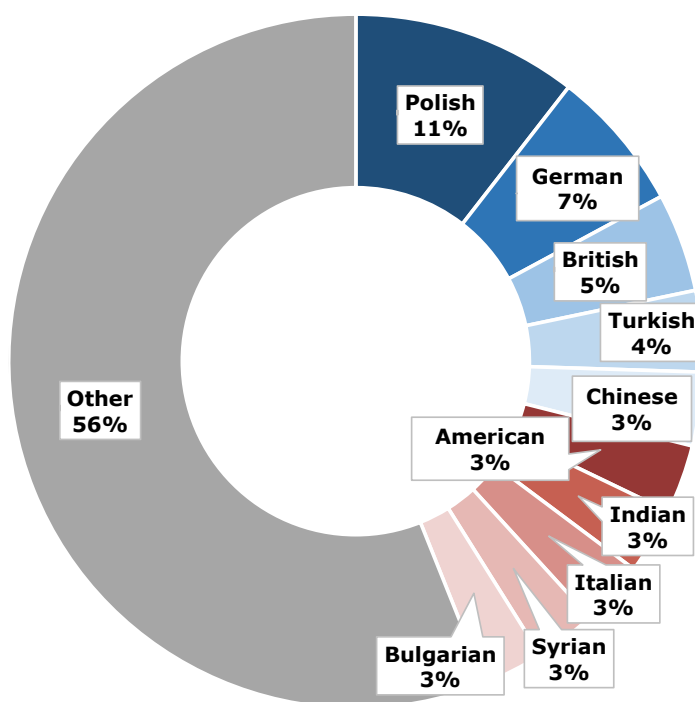
<sup>14</sup> The 2021 figures are not yet available on StatLine but are included in a table accompanying a [news report](#).

<sup>15</sup> Wherever we refer to 'EU citizens' in the text, we also mean, unless otherwise stated, citizens of the EFTA countries (Iceland, Liechtenstein, Norway and Switzerland) because, like EU citizens, they are allowed to settle in the Netherlands without having to apply for a residence permit.

Netherlands, provided they can support themselves financially, while non-EU citizens must apply for a residence permit.

It is notable that these three main groups show different trends in migration to the Netherlands. Immigration of Dutch nationals shows some fluctuations, with a slightly increasing level. Immigration of other EU citizens has long been fairly stable but has shown a sharp upward trend since the EU enlargements of 2004 and 2007. The immigration of non-EU citizens fluctuates greatly. Until 2007, immigration of non-EU citizens was higher than that of EU citizens, but since then, migration of EU citizens has been higher, with the exception of 2016.

Figure 4: Top 10 nationalities of immigrants (excluding Dutch citizens), 1995-2020

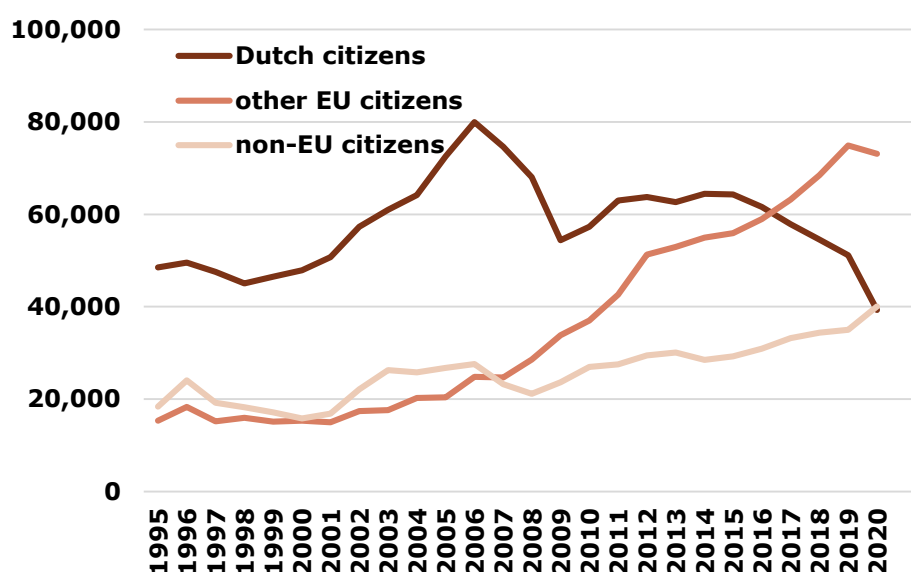


Source: [Statistics Netherlands, StatLine](#), adapted by the Advisory Council on Migration

[Go to the connected table](#)

Figure 4 shows the 10 most common nationalities among non-Dutch citizens who migrated to the Netherlands in the period 1995-2020. Poles were the largest group (11%), followed at some distance by Germans (7%), British citizens (5%), Turks (4%) and Chinese citizens, Americans, Indians, Italians, Syrians and Bulgarians (3%).

Figure 5: Emigration by nationality, 1995-2020<sup>16</sup>



Source: [Statistics Netherlands, StatLine](#),<sup>17</sup> adapted by the Advisory Council on Migration

[Go to the connected table](#)

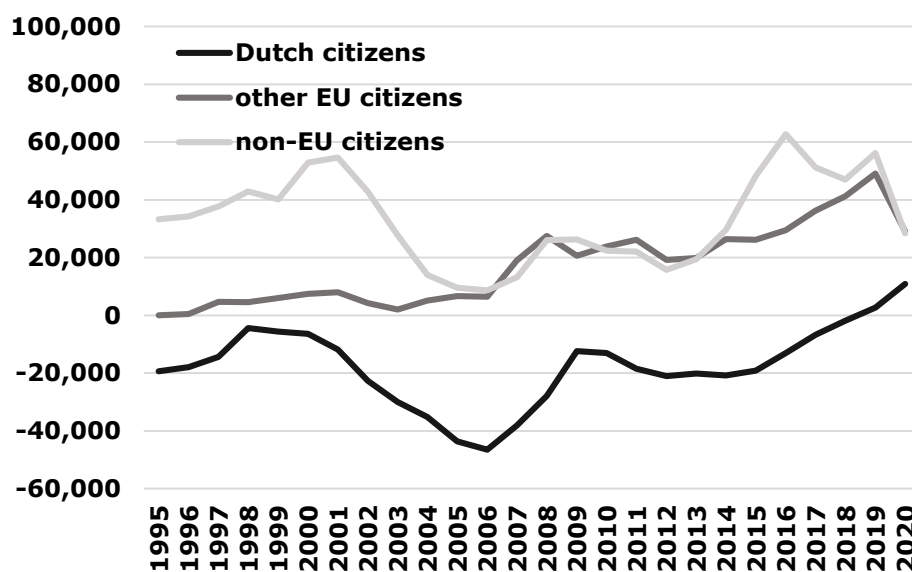
Figure 5 shows trends in migration from the Netherlands for the main nationality groups in the period 1995-2020. Of those who left the Netherlands during this entire period, 48% were Dutch citizens, 30% were other EU citizens and 22% were non-EU citizens. Here too, it is notable that these three main groups show different trends. Emigration of Dutch citizens showed an upward trend in the first half of the period under study, followed by a decline in the second half. Emigration of other EU citizens shows a similar trend as in the case of immigration: initially fairly stable but with a strong upward trend since the EU enlargements. Emigration of non-EU citizens fluctuated somewhat, showing a slightly rising level, and since 2007, this has been lower than the emigration of EU citizens.

<sup>16</sup> Emigration figures by nationality are not yet available for 2021.

<sup>17</sup> The 2021 figures are not yet available on StatLine but are included in a table accompanying a [news report](#)



Figure 6: Net migration by nationality, 1995-2020<sup>18</sup>



Source: [Statistics Netherlands, StatLine](#),<sup>19</sup> adapted by the Advisory Council on Migration

[Go to the connected table](#)

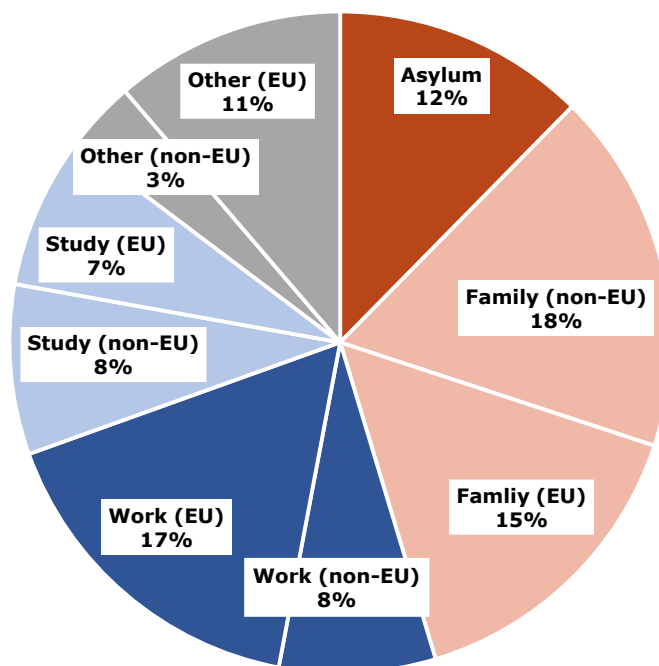
Figure 6 shows trends in net migration to the Netherlands (net migration) for the main nationality groups in the period 1995-2020. The net migration of Dutch nationals was negative almost every year, initially declining and then rising again, and since 2019, the net migration has even become slightly positive. For a long time, net migration of other EU citizens has been only slightly positive, though it has shown an upward trend since the EU enlargements. The net migration of non-EU citizens was significantly higher than that of EU citizens almost every year and fluctuated widely.

<sup>18</sup> Emigration figures by nationality are not yet available for 2021.

<sup>19</sup> The 2021 figures are not yet available on StatLine but are included in a table accompanying a [news report](#).

## For what purpose do people come to the Netherlands?

Figure 7: Motives for migration of non-Dutch nationals, 1999-2020<sup>20</sup>



Source: Statistics Netherlands, StatLine,<sup>21</sup> adapted by the Advisory Council on Migration

[Go to the connected table](#)

Figure 7 shows the reasons why non-Dutch nationals migrated to the Netherlands in the period 1999-2020. The vast majority – 88% on average – are regular migrants, and the remaining 12% are asylum migrants. The most common reason for migrating to the Netherlands was family reunification or family formation (33%), followed by work (24%) and study (16%). At an average of 12% per year in the period 1999-2020, asylum migration constitutes a smaller proportion of the total migration to the Netherlands, but this type of migration receives a lot of political and media attention.<sup>22</sup>

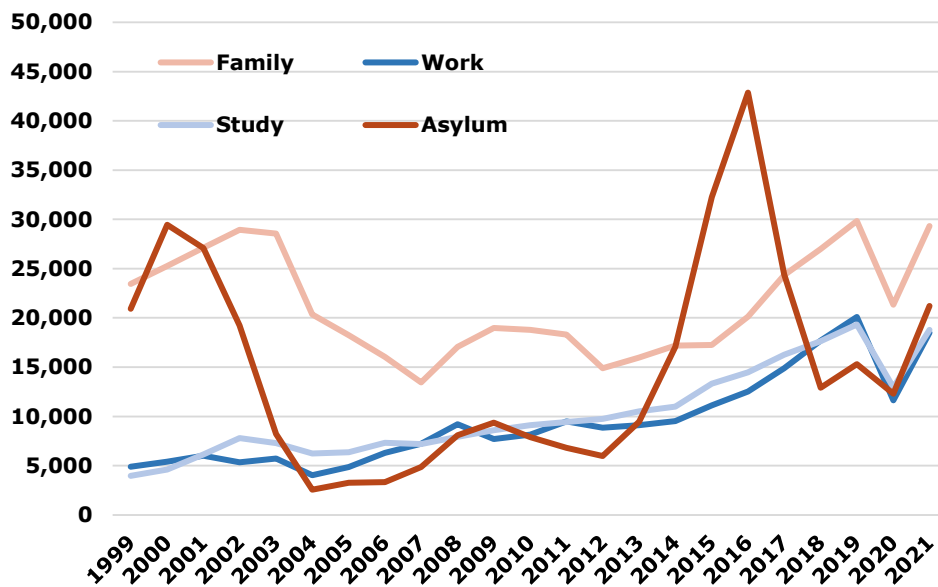
<sup>20</sup> No breakdowns by migration motive are yet available for EU/EFTA citizens for 2021, so including 2021 would not provide a complete picture. The starting point is 1999, and not 1995 as in the previous figures, because the figures on migration motives have only been available since 1999.

<sup>21</sup> The data come from two different tables: [EU/EFTA](#) and [non-EU/EFTA](#). The methods used to arrive at the migration motive differ between these two tables. For non-EU/EFTA citizens, Statistics Netherlands derives this from the IND data regarding the purpose of stay, and for EU/EFTA citizens, Statistics Netherlands determines this based on the activities undertaken by the migrants after their arrival in the Netherlands. This is not always successful, as a result of which the 'Other and unknown' category is much larger for EU/EFTA citizens than for non-EU/EFTA citizens.

<sup>22</sup> Family members joining beneficiaries of protection who applied to join the beneficiary of protection within three months of the granting of the asylum status are counted under asylum migration and not under family migration.

It has already been pointed out in Footnote 1 that, by using registrations in the Personal Records Database (BRP) as the source of the figures, not all persons applying for asylum in the Netherlands are taken into account. This is because asylum seekers whose applications are rejected within six months are not included in the BRP. Based on [the table on the number](#)

Figure 8: Immigration of non-EU citizens by purpose of stay, 1999-2021



Source: [Statistics Netherlands, StatLine](#), adapted by the Advisory Council on Migration

[Go to the connected table](#)

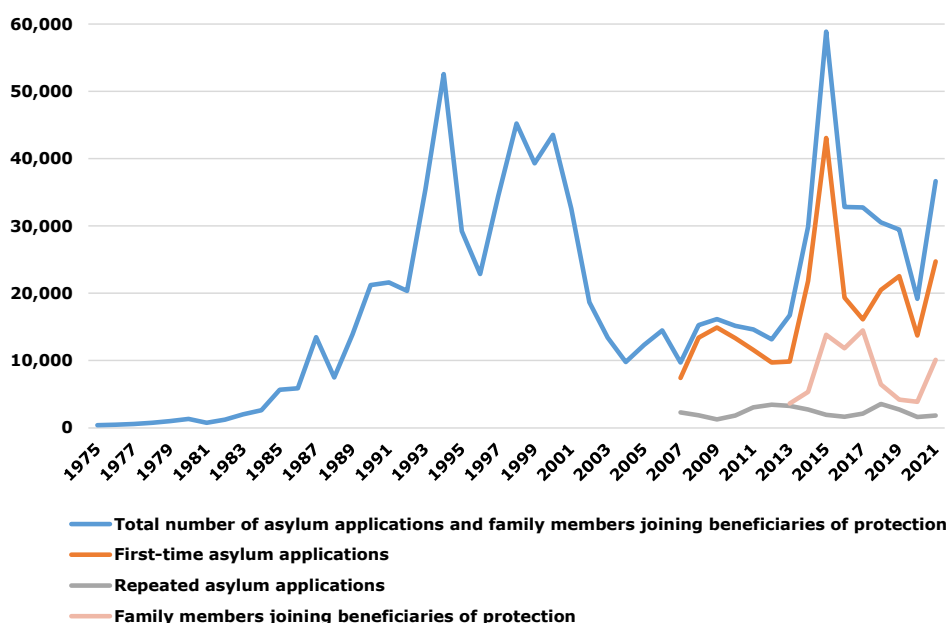
Figure 8 shows trends in migration to the Netherlands by migration motive of non-EU citizens in the period 1999-2021. The annual fluctuations in the number of migrants coming to the Netherlands for work and study were very limited. Both types of migration show a steady increase in the period studied. Only the dip during the coronavirus pandemic year 2020 deviated from this. There were greater fluctuations in the family migration figures. After the tightening of the family migration policy in 2004 (increase in the income requirement and age limit), this

[of asylum applications submitted](#), it can be calculated that the number of asylum applications was about 60% higher than the number calculated for the 'Immigration with asylum as the purpose of stay' category within the same period. Therefore, if all asylum seekers were included in the migration figures, the proportion of asylum migration would be slightly higher, i.e. 18%. The proportion of family migration (31%) and labour migration (23%) would then still be significantly higher than asylum migration, but student migration would be slightly lower (15%). However, in practice, the difference will be somewhat smaller because subsequent asylum applications have also been included in the asylum application figures, and these persons sometimes remained in the Netherlands and therefore did not migrate again. Hence, these figures again contain a slight overestimation.

Earlier in this Annex (see the section 'How many migrants live in the Netherlands, and what is the size of the migrant population from an international perspective?'), it was indicated that, among the migrants living in the Netherlands in 2020, 5% could be characterised as belonging to the group of persons worldwide who have been forcibly displaced. This is considerably lower than the 12% emerging from the Statistics Netherlands figures on asylum as a motive for migration. It has been explained in Footnote 6 that these reception figures no longer take into account some of the persons who originally entered as asylum seekers because they have since become naturalised, and their family members are also not included. This explains the difference, because the Statistics Netherlands figures do take the family members of refugees who applied to join the beneficiary of protection within three months of the granting of the asylum status into account, and the original migration motive is also taken into account.

form of migration declined sharply in the following years. Since 2012, there has been an increase in family migration, roughly in pace with labour and student migration. Asylum migration shows much greater fluctuations than the other types of migration. The annual number of asylum migrants ranged from about 2,500 to over 40,000.<sup>23</sup>

Figure 9: Asylum applications and family reunification with beneficiaries of protection, 1975-2021



Source: [Statistics Netherlands, StatLine](#), adapted by the Advisory Council on Migration

[Go to the connected table](#)

Figure 9 shows the trend in the number of asylum applications submitted in the Netherlands and the number of family members joining beneficiaries of protection in the period 1975-2021.<sup>24</sup> The figures for the asylum applications go back much further in time than the figures on migration motives. Figure 9 illustrates the high degree of volatility in the annual number of asylum applications submitted. Several

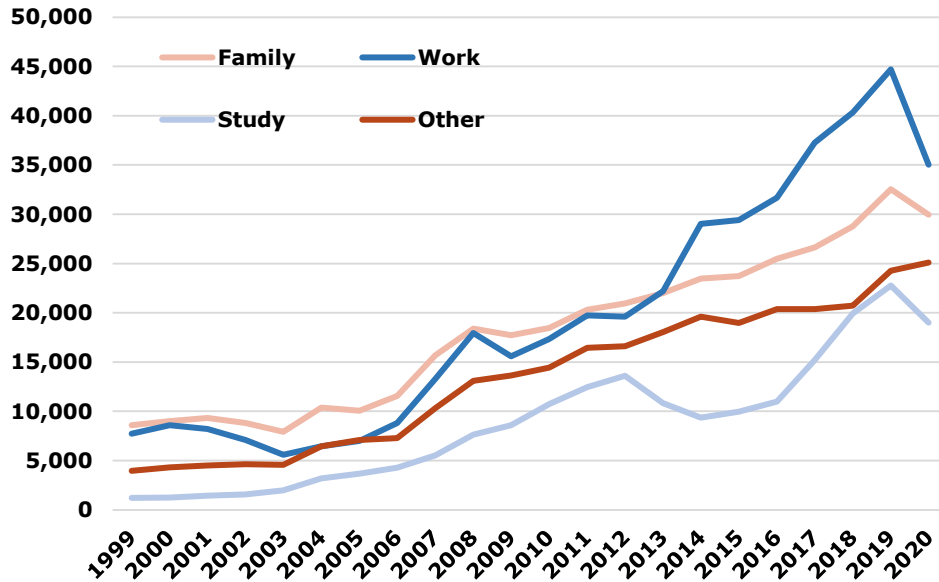
<sup>23</sup> As previously indicated, the total number of asylum applications submitted and family members joining beneficiaries of protection together provide a more complete picture of asylum migration. This ranged from about 10,000 to about 60,000 per year during the period studied. See [StatLine](#)

<sup>24</sup> This graph goes back much further in time than the previous figures because the available figures go back longer. Looking back over a longer period offers a good picture of the volatility of asylum migration.

Since 2007, the figures can be broken down into first-time and repeated applications; and since 2013, family reunification with beneficiaries of protection are reported separately, whereas previously they were counted under the first-time applications. The numbers of first-time applications and family members joining beneficiaries of protection give the best indication of asylum migration because, in the case of repeated applications, the persons in question have often not left the Netherlands in the intervening period (and therefore no migration has actually occurred).

peaks can be seen in the period of the war in the former Yugoslavia in the 1990s and during the migration crisis in 2015.

Figure 10: Immigration of EU citizens (excluding Dutch nationals) by purpose of stay, 1999-2020<sup>25</sup>



Source: [Statistics Netherlands, StatLine](#), adapted by the Advisory Council on Migration

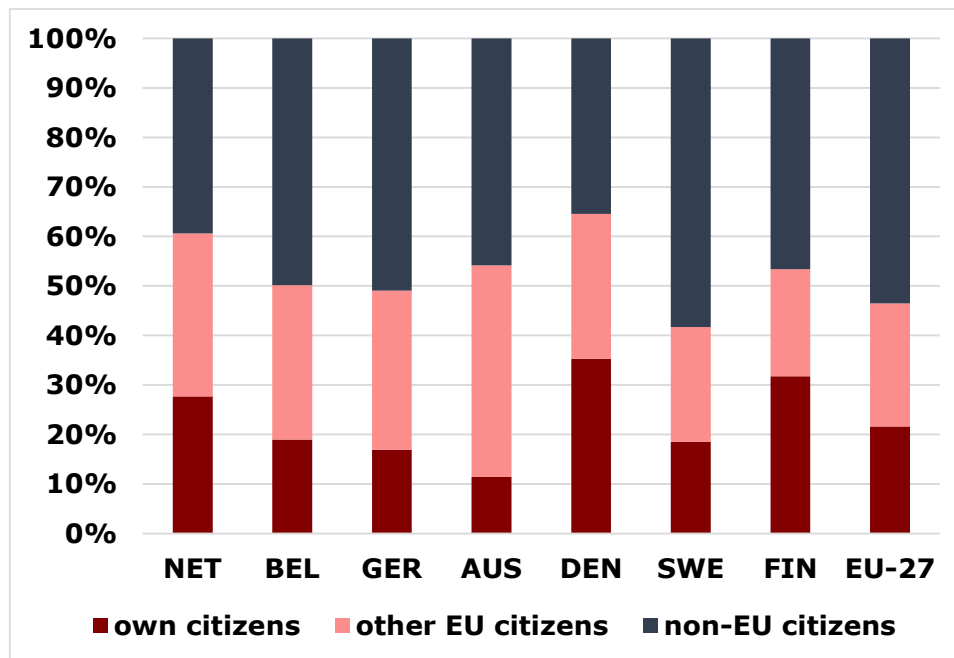
[Go to the connected table](#)

Figure 10 shows trends in migration to the Netherlands of EU citizens (excluding Dutch nationals) by migration motive in the period 1999-2020. For all three motives, the number of EU citizens coming to the Netherlands shows an upward trend since the EU enlargement in 2004. The upward trend ends abruptly for all three motives in the coronavirus pandemic year 2020. Family migration increased at a very even rate. The number of EU citizens coming to the Netherlands to work has increased much more sharply, especially since 2014. Student migration has lagged behind somewhat. Moreover, this upward trend is briefly interrupted, by a dip in the period 2013-2016.

<sup>25</sup> Figures for 2021 are not yet available.

## How does the composition of migration flows to the Netherlands compare with other EU countries?<sup>26</sup>

Figure 11 Immigration by nationality for selected European countries, 1998-2020



Source: [Eurostat](#),<sup>27</sup> adapted by the Advisory Council on Migration

[Go to the connected table](#)

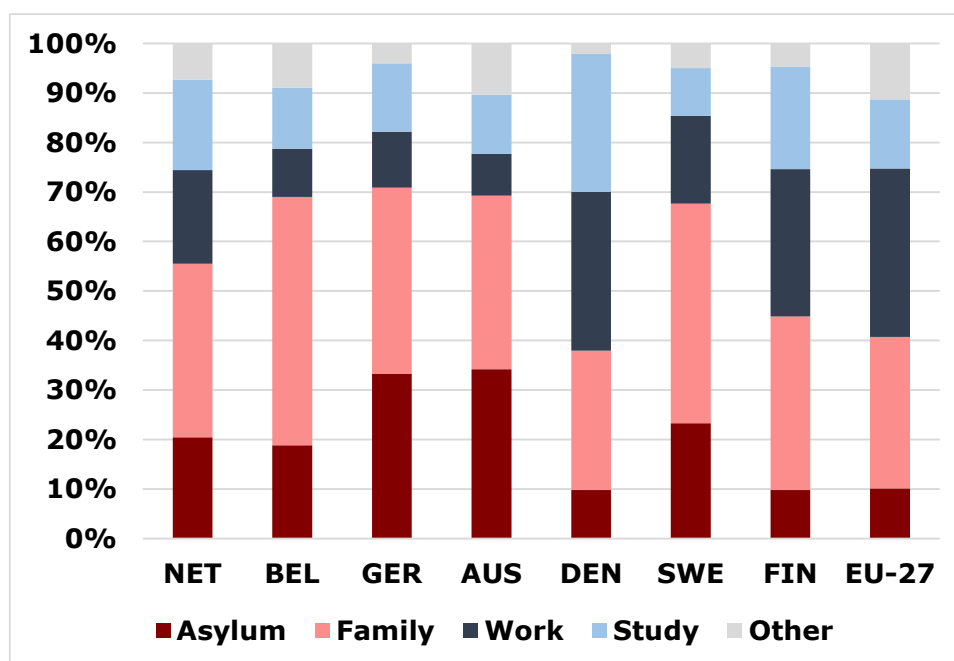
Figure 11 shows immigration by nationality to a number of countries in Northwestern Europe in the period 1998-2020. These are the countries with which the Netherlands is often compared in the area of migration, including the countries in our country comparison (Annex D). This graph shows that the composition of immigration flows varies by country. Although a substantial proportion of the immigration for all the countries consisted of the country's own citizens, this proportion was higher in the Netherlands (28%) than in the EU as a whole (22%). The proportion of a country's own citizens was below average in Austria (11%), Germany (17%), Sweden (19%) and Belgium (19%), while this was higher in Finland (32%) and Denmark (35%). In the Netherlands, the proportion of other EU citizens (33%) was higher than for the EU as a whole (25%). This was also true for Denmark (29%), Belgium (31%), Germany (32%) and Austria (43%). Conversely, this proportion was lower for Finland (22%) and Sweden (23%).

<sup>26</sup> In this section, unlike in the rest of this Annex, when we talk of the EU, we refer solely to the EU and not to the EU plus EFTA countries.

<sup>27</sup> The numbers for the Netherlands differ slightly from the numbers mentioned in the text under *Figure 3*, which solely concerned the Netherlands and for which the Statistics Netherlands electronic database StatLine was the source. This is because the time period is slightly different, as is the definition of migration. Also, the graph solely concerning the Netherlands was in relation to the EU including EFTA countries, while this graph relates only to the EU. In order to make a proper comparison with other countries, this section also uses numbers from Eurostat for the Netherlands.

Migration of non-EU citizens was more than twice as high in the EU as a whole (54%) compared to that of EU citizens excluding countries' own citizens (25%). This is consistent with the picture in Sweden, Germany and Belgium. It is noted that, in the Netherlands, the groups of non-EU and EU citizens are almost the same size (39% versus 33%). The same is true of Austria (46% vs 43%) and Denmark (35% vs 29%).

Figure 12 First residence permits issued to non-EU citizens by reason of issuance for selected European countries, 2008-2021



Source: Eurostat<sup>28</sup>, adapted by the Advisory Council on Migration

[Go to the connected table](#)

Figure 12 shows the number of initial residence permits issued to non-EU citizens by reason of issuance for a number of Northwestern European countries in the period 2008-2021.<sup>29</sup>

Asylum: the share of asylum in the Netherlands (20%) was considerably higher than the EU average. The same was true for Belgium, Germany, Austria and Sweden but not for Finland and Denmark, where the share is equal to the EU

<sup>28</sup> In this Eurostat table, 'Asylum' falls under 'Other reasons'. We have derived the asylum-related reasons ('Refugee status', 'Subsidiary protection status' and 'Humanitarian status') from a separate [table](#) that breaks down the 'Other reasons' category.

<sup>29</sup> At the EU level, no data are collected on immigration by purpose of stay, which makes it impossible to see to what extent the types of migration to the Netherlands are in line with those in the other European countries or deviate from them. However, it is possible to look at the EU mix versus non-EU. For the migration of non-EU citizens, a comparison by migration motives can be made (in a roundabout way, i.e. via the data on issued residence permits). The figures on immigration by non-EU citizens and the figures on residence permits issued to non-EU citizens do not fully match. This is because these are different concepts, and the figures come from different sources.

average. The share of asylum as a reason for residence permits issued by Belgium (19%) and Sweden (23%) was about the same as the Dutch share, while the share in Austria (34%) and Germany (33%) was much higher.

Work: for the EU as a whole, work was the most common reason for the issuance of a residence permit (34%). The share of work as a reason was lower in all selected countries, including the Netherlands (19%). In Sweden, the share was similar (18%) to the Netherlands; in Austria (8%), Belgium (10%) and Germany (11%), the share was lower than in the Netherlands; and in Finland (30%) and Denmark (32%), it was higher.

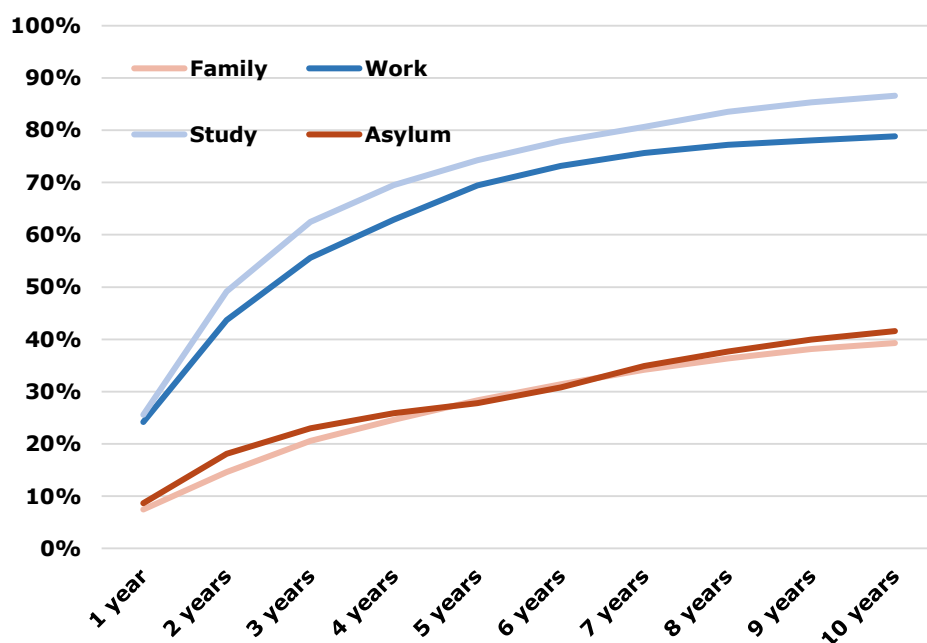
Family: family formation/family reunification was the most common reason for the issuance of residence permits in the Netherlands (35%). This was slightly higher than for the EU as a whole (31%). It was the most common reason in five more countries, but not for Denmark, where this share was 28%. In Belgium (50%), Sweden (44%) and Germany (38%), the proportion was higher than in the Netherlands, while in Finland and Austria, it was equal to the Netherlands.

Students: finally, the relatively high proportion of students stands out in the Netherlands (18%), Finland (21%) and Denmark (28%). For the EU as a whole, the average proportion is 14%.

### **How long do migrants stay in the Netherlands?**



Figure 13: Departure of non-EU migrants by duration of stay and migration motive, 2010 cohort

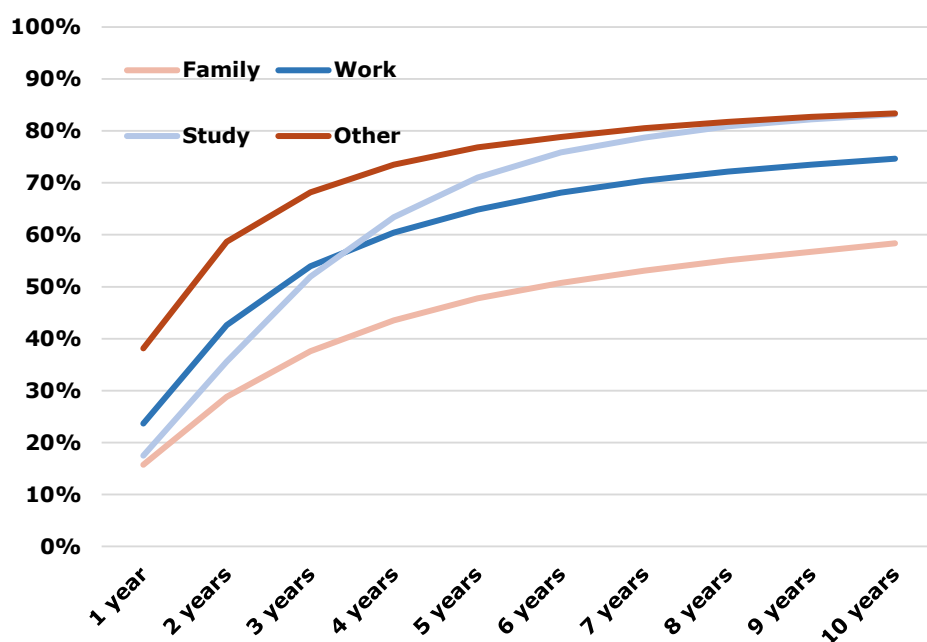


Source: [Statistics Netherlands, StatLine](#), adapted by the Advisory Council on Migration

[Go to the connected table](#)

Figure 13 shows the proportion of non-EU citizens who had migrated to the Netherlands in 2010 and have since left the Netherlands, as well as when they left. Here, it can be seen that a significant proportion of migrants leave the Netherlands after a certain period of time, but the extent of this depends largely on the migration motive. Of the migrants who came to the Netherlands for work or study, more than 50% left within 3 years and about 80% within 10 years. Among students, the departure rate is highest (87% within 10 years, compared to 79% among migrant workers). The number of migrants who come here for asylum or to join their families and who leave the Netherlands within a short period of time is much smaller. About 20% of these migrants left within 3 years and around 40% within 10 years. Family migration includes both family formation and family reunification, and there are striking differences between these categories. In case of family reunification, 50% left within 10 years; in case of family formation, this is over 20%.

Figure 14: Departure of EU citizens (excluding Dutch nationals) by duration of stay and migration motive, 2010 cohort



Source: [Statistics Netherlands, StatLine](#), adapted by the Advisory Council on Migration

[Go to the connected table](#)

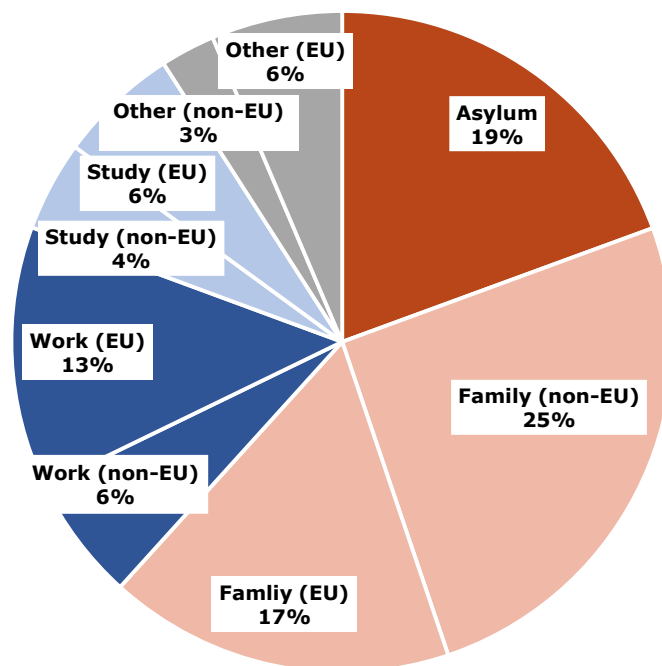
Figure 14 shows the proportion of EU citizens who had migrated to the Netherlands in 2010 from 51% to 42% net migration.

Figure 14 shows the proportion of EU citizens who had migrated to the Netherlands in 2010 and have since left the Netherlands, as well as when they left. Here, it can be seen that, among EU citizens as well, a significant proportion of migrants leave the Netherlands after a certain period of time, and the extent of this also depends largely on the migration motive. Of the migrants who came to the Netherlands for work or study, more than 50% left within 3 years and about 80% within 10 years. This roughly matches the departure rates of migrant workers and students from outside the EU. Among students, the departure rate is also the highest. Among EU citizens, as in the case of non-EU citizens, family migrants are significantly less likely to leave than migrant workers or students. However, the difference is much smaller than in the case of non-EU citizens. Less than 40% of family migrants who are EU citizens left within 3 years; after 10 years, this is nearly 60%.

In other words: in the long term, the entry of an asylum or family migrant has a greater effect on the size of the Dutch population than the entry of a migrant worker or student.<sup>30</sup>

<sup>30</sup> This calculation has only taken into consideration the length of stay of immigrants and has not taken into account chain migration (people may also get their family members over, form a family and have children). The figures include family members who settled in the Netherlands at the same time as the primary migrant as well as family members of refugees

Figure 15: Net migration by migration motive, 1999-2020



Source: Statistics Netherlands, StatLine,<sup>31</sup> adapted by the Advisory Council on Migration

[Go to the connected table](#)

Figure 15 shows the motives of non-Dutch nationals who migrated to the Netherlands in the period 1999-2020 and who are still living in the Netherlands (net migration). This gives a slightly different picture than Figure 7, which included all migrants, including people who had already left the Netherlands. Due to the longer length of stay on average, the proportion of asylum migrants at 19% is higher in terms of net migration than in the figure on immigration (12%). It is just the opposite for labour migration, due to the shorter average length of stay of migrant workers. The proportion drops from 24% to 19% net migration, which is as large as the proportion of asylum migrants in the net migration figures. The share of migration by EU citizens falls from 51% to 42% net migration.

who applied for family reunification within three months after the granting of the asylum status.

<sup>31</sup> The data come from two different tables: [EU/EFTA](#) and [non-EU/EFTA](#). The methods used to arrive at the migration motive differ between these two tables.

## Annex 2 The legal framework and setting of numerical limits on migration

As soon as the public and political debate on exercising control over migration is conducted based on numbers, concepts such as quotas and capping the number of migrants regularly come up for discussion. However, there is limited national policy freedom in this area, since migration policy falls under the framework of international and European Union law (EU law). The extent of freedom allowed by these frameworks varies depending on the overall migration motive. Numerical targets can additionally serve as a quantitative objective to attract a certain desired minimum number of migrants as social capital, such as in the case of highly skilled migrants or certain scientific research disciplines.

This annex provides an overview, by migration objective, of the legal possibilities and limitations of working with numerical targets in the area of migration.

### 1. Intra-EU migration

A citizen of the European Union (EU citizen) is someone who is a national of an EU Member State. There are certain rights attached to EU citizenship. These include the right to travel freely across the territory of the EU Member States and to reside in other EU Member States. This is referred to as intra-EU migration.

The right to move and reside freely in the Union is one of the cornerstones of the EU. This makes it impossible to establish a quota to regulate intra-EU migration. The right to move and reside freely is limited only by the conditions laid down in the EU Treaties and other EU legislation, including Directive 2004/38/EC (Citizens' Rights Directive) on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States. The purpose of this Directive is to facilitate free movement and provide clarity on residency status and conditions. For example, a person should not represent a danger for public or national security. Another important limiting condition is that, to enjoy a right of residence for longer than three months, persons must have sufficient resources to support themselves. Whether or not this condition is sufficiently met must be considered in light of the Union citizen's personal circumstances. The rights of Union citizens also apply to citizens of the European Economic Area (EEA: Norway, Iceland and Liechtenstein) and Switzerland, and to certain family members belonging to the nuclear family. Under the Citizens' Rights Directive, they are not obliged to take a civic integration exam, there is no income requirement other than those mentioned above and the administrative costs for residence documents are limited.

There is also a right to the free movement of services.<sup>32</sup> The Netherlands has no legal options for regulating the number of EU migrants exercising their right to the

---

<sup>32</sup> Article 56 and 57 of the TFEU. See also [Directive 2006/123/EC – Services Directive](#)

free movement of services.<sup>33</sup> This freedom also applies to third-country nationals in some situations, for example, if it involves intra-EU temporary labour migration via postings.<sup>34</sup> Increasingly, third-country nationals are being posted to other Member States, including the Netherlands, based on the free movement of services.<sup>35</sup> For example, Ukrainians and Belarusians are being posted to the Netherlands from Poland and Lithuania at low labour costs. Immigration quotas likewise cannot be used to regulate this form of intra-EU migration that occurs via postings.<sup>36</sup> But in the area of social policy, the Netherlands has, in principle, some room for national measures.<sup>37</sup> The Netherlands also has the option of enforcing the working conditions more strictly.

In short, it is not possible to set hard upper limits in the form of caps (immigration quota) on the number of EU migrants coming to the Netherlands. However, an immigration target in the form of a desired maximum can be introduced, provided it does not violate the spirit of free movement. An immigration target in the form of a desired minimum can be introduced without question. In that case, this mainly serves as a welcoming policy to attract workers for the benefit of certain sectors such as health care or construction.

Capping the level of intra-EU migration to the Netherlands could, in theory, be done by adapting EU regulations: by creating stricter and more restrictive conditions for the free movement of Union citizens. However, such an adaptation would be very complicated, considering that free movement is one of the foundations of the EU and is strongly anchored in the Union legal framework specifically aimed at facilitating free movement.<sup>38</sup> Since national legislation must comply with Union standards, the same applies to any effort to adapt national laws and regulations. This can only be done if Union law is adapted.

Adapting EU treaties and regulations involves a long and arduous negotiation process. Moreover, it is unrealistic to assume that this in itself will create an opportunity to limit intra-EU migration: after all, this is a cornerstone of the European cooperation project. This leaves only one option: the Netherlands leaves the EU (Nexit). In that case, it would be possible to set limits on this kind of migration. However, this would imply significant political and economic consequences for society and the rule of law.

<sup>33</sup> Advisory Division of the Council of State, Voorlichting over het vrij verkeer van werknemers en diensten, 18 November 2020, <https://www.raadvanstate.nl/@121666/w12-20-0223-iii-vo/>.

<sup>34</sup> D. Kramer, I. van Gardingen & K. Boonstra. *De Europese Detachering van Derdelanders*. NJB 2022/1132.

<sup>35</sup> D. Lens, N. Mussche & I. Marx (2021). *A hole in the wall of fortress Europe: The trans-European posting of third-country labour migrants*. International Migration, 19-4-2021, DOI: 10.1111/imig.12867

<sup>36</sup> D. Kramer, I. van Gardingen & K. Boonstra. *De Europese Detachering van Derdelanders*. NJB 2022/1132.

<sup>37</sup> Ibid.

<sup>38</sup> Article 3(2) of the Treaty on European Union (TEU), Articles 20(2)(a) and 21(1) and Articles 45 to 48 of the Treaty on the Functioning of the European Union (TFEU) and Article 45 of the EU Charter on Fundamental Rights.

## 2. Asylum migration

When we speak of asylum migrants, we refer to people who are requesting some form of international protection. This concerns both so-called spontaneous asylum applications, where people apply for international protection upon arrival or entry into the destination country, and more organised asylum migration. In case of organised asylum migration, such as resettlement or humanitarian admissions, the preliminary approval is arranged at the time of departure from the country of origin.

The 1951 UN Refugee Convention, along with the 1967 Protocol, forms the basis of global refugee protection. The key principle of refugee protection is that, if a state is no longer capable of or willing to protect its own citizens, other states must take over this responsibility. This also means that the refugee should not be returned to an unsafe situation where there is a risk of persecution or serious harm, which is referred to as the principle of non-refoulement.

The Convention does not say *where* the protection should be offered (as long as there is protection), nor does it elaborate further on asylum procedures or the granting of asylum. Article 14 of the Universal Declaration of Human Rights explicitly mentions the right to asylum. However, the Declaration is about the right to *request* asylum rather than the right to *obtain* asylum. Moreover, while the Declaration is authoritative, it is not a legally binding instrument. Incidentally, attempts have been made to establish a global treaty for the granting of asylum (Convention on Territorial Asylum), but the states could not ultimately reach an agreement on this.<sup>39</sup>

However, legal development in the European context ultimately led to the establishment of a right to asylum and an asylum procedure. Via ECtHR case law, the prohibition of torture and inhuman or humiliating treatment (Article 3 of the ECHR) has evolved into a prohibition of refoulement and therefore an assessment of whether a person faces a real risk of a situation in breach of Article 3 of the ECHR in the country where they end up upon deportation.<sup>40</sup> Within Union law, a catalogue of human rights has been developed via the EU Charter of Fundamental Rights, which includes the right to asylum (Article 18).<sup>41</sup> Although the EU Court has not described the scope of Article 18 very explicitly, it is generally assumed that it encompasses the EU Asylum *Acquis*.<sup>42</sup> These include EU directives with minimum standards for asylum procedures, reception, grounds for granting asylum and the rights and obligations related to the granting of asylum.

---

<sup>39</sup> M. E. Wijnkoop. (2014). Het recht op asiel. Zoeken, genieten, krijgen en/of garanderen. In *Asiel- en Migrantenrecht*, (8-9), 330-338.

<sup>40</sup> ECtHR, *Soering v United Kingdom*, no. 14/038/88, 7 July 1989.

<sup>41</sup> Since the entry into force of the Lisbon Treaty, the Charter has been part of primary Union law and applies to the Union's actions (Article 51 of the Charter).

<sup>42</sup> M. E. Wijnkoop. (2014). Het recht op asiel. Zoeken, genieten, krijgen en/of garanderen. In *Asiel- en Migrantenrecht*, (8-9), 330-338.

The concept of safe third countries is also firmly embedded in the Union legal framework. This means that the country where asylum was sought need not be the country where protection should or could be granted. For example, it follows from Article 38 of the EU Asylum Procedures Directive 2013/32 that an asylum application need not be processed if there is another (third) country where the asylum seeker can safely complete an asylum procedure. Various conditions are associated with this. Specifically, before an asylum seeker's application can be declared inadmissible<sup>43</sup> and/or the asylum seeker is returned to that safe third country, it must be ascertained whether that country is sufficiently safe and suitable in this particular case. This also applies when determining the country responsible for the processing of the asylum application within the EU framework (application of the Dublin Regulation). Although the applicable framework makes it possible to use quicker or less extensive procedures, such procedures may be followed only if they provide certain safeguards. For this reason, a hard maximum upper limit (quota) cannot be defined for asylum migration; this requires an individual assessment of the right to protection, whether here or elsewhere, for everyone who applies for asylum here.

In short, a **hard maximum upper limit (quota)** cannot be set for asylum migration. For everyone who applies for asylum, it must be individually assessed whether a right to protection, either here or elsewhere, exists.

It has often been proposed that the Netherlands should seek to amend or denounce the UN Refugee Convention in order to gain national control over how many asylum migrants are admitted to the Netherlands.<sup>44</sup> The Refugee Convention itself has no review procedure to amend the Convention. The Netherlands would therefore have to request an amendment to the Convention via the UN General Assembly, and all affected parties to the Convention would then have to agree to the amendments. However, both the Convention and the 1967 Protocol, which expanded the scope of the Convention, state that a country may decide to withdraw from the Convention.

Denunciation of the Refugee Convention would diplomatically damage the Netherlands on the world stage and isolate it politically in Europe. Moreover, merely denouncing the treaty accomplishes nothing of substance. Indeed, asylum law is elaborated much more extensively in Union law and via the European Convention on Human Rights, and the agreements go beyond the rights and obligations of the Refugee Convention.

Multilateral treaties are an important part of the international legal order. Since 1956, the Netherlands has been party to the Refugee Convention, which, along with other normative multilateral treaties, forms the basis of the international legal

---

<sup>43</sup> Pursuant to Art. 33(2)(c) of the Procedures Directive 2013/32.

<sup>44</sup> See Advisory Council on Migration (ACVZ) blog [wist u dat...? Opzeggen Vluchtelingenverdrag schaadt ook Nederlands belang](#), 10 February 2021, [Wist u dat ...? Feiten en ficties over migratie \(deel 2\) | Nieuwsbericht | Adviesraad Migratie](#).

order. Article 90 of the Dutch Constitution explicitly gives the government the task of promoting the international legal order. This includes safeguarding human rights and promoting compliance with international rules. Weakening or denouncing the operation of the Refugee Convention therefore goes against the spirit of the Dutch Constitution.

The Convention (and Protocol) are part of the treaties of the European Union to which the Netherlands is also bound, separately from the Refugee Convention. The lower limits of Union law are a critical factor in determining the national control options with regard to asylum migration. This can only change if the Netherlands leaves the Union (Nexit) and/or if international and European treaties such as the ECHR are amended or denounced. The diplomatic, political, economic and humanitarian costs of exit and denunciation are high. Therefore, denunciation or amendment of the Refugee Convention, as stated above, has little added value.<sup>45</sup> Efforts to improve European asylum cooperation are helpful. This promotes European solidarity to facilitate joint solutions.

#### *Immigration targets and resettlement quota*

As a result of international agreements, it is not possible to cap the number of asylum migrants using a hard quota. Immigration targets can be used, but given the nature of this form of migration and its volatile nature, these figures are difficult to achieve with respect to spontaneous asylum seekers. For the regulated channels such as resettlement (national programme and EU resettlement) and other humanitarian programmes, it is possible to work with quotas for the desired numbers of asylum migrants or refugees.

---

<sup>45</sup> J. P. H. Donner & M. den Heijer. Terechte zorg, verkeerd aanknopingspunt, April 2020.



## EU developments: resettlement

In 2015, the European Commission made a recommendation to set up an EU Resettlement Programme consisting of approximately 20,000 places and also introduced a formula to allocate these places among the Member States.<sup>46</sup> The mandatory allocation formula was not accepted by the EU Council. However, for the period of 2016-2017, a resettlement schedule was formulated based on voluntary resettlement by Member States.<sup>47</sup> A similar process took place for the 2018-2019 period.<sup>48</sup> The European Commission made a budget of 500 million euros available for this purpose. Just over 20 Member States pledged to take in a total of around 50,000 refugees. Member States could receive 10,000 euros per resettled refugee. These voluntary resettlements ultimately never took place.<sup>49</sup>

In addition, via the EU-Turkey Statement of 18 March 2016, the so-called one-to-one scheme was established: for every migrant returned to Turkey that had arrived in the Greek islands, a Syrian from Turkey would be resettled in the EU. These places could be partially filled via the aforementioned resettlement schemes.<sup>50</sup> At the same time, a Council decision of September 2016<sup>51</sup> stated that unused EU relocation places could be used on a voluntary basis for the admission of Syrians from Turkey: either through resettlement, including the one-to-one scheme, or through some other form of legal admission such as family reunification or work.

In 2017, the UNHCR also set up a so-called Emergency Transit Mechanism to transfer vulnerable refugees from Libya to Niger and subsequently resettle them in the EU.<sup>52</sup> Several EU Member States, including the Netherlands, have also volunteered to resettle refugees from there.

Meanwhile, efforts have been ongoing since 2016 to set up an EU Resettlement Framework.<sup>53</sup> This first legislative instrument on resettlement will provide for a permanent system that would replace the aforementioned ad hoc schemes. In 2017, a Council position was adopted with a two-year Union Resettlement Plan within a unified EU resettlement and humanitarian admission framework.<sup>54</sup>

In the context of relocation (instead of resettlement), following a call for this from the EU last summer, several Member States promised to take over migrants from Mediterranean countries. But of the 8,000 promised transfers, only 117 have taken place so far.<sup>55</sup> The Netherlands is also not fulfilling its promises, claiming it currently lacks capacity to do so. Although the government announced in late August 2022 that it would temporarily stop EU resettlements,<sup>56</sup> further resettlements under the ongoing (and upcoming) EU programme continue to take place.

<sup>46</sup> C(2015) 3560 final - Annex, 11 June 2015, [data.consilium.europa.eu/doc/document/ST-9376-2015-ADD-1/en/pdf](https://data.consilium.europa.eu/doc/document/ST-9376-2015-ADD-1/en/pdf). In addition, there was a compensation from the European Asylum, Migration and Integration Fund (AMIF) per resettled refugee.

<sup>47</sup> Council of the European Union, *Conclusions of the Representatives of the Governments of the Member States meeting within the Council on resettling through multilateral and national schemes 20,000 persons in clear need of international protection*, 11130/15, 22 July 2015: [www.consilium.europa.eu/media/22985/st11097en15.pdf](https://www.consilium.europa.eu/media/22985/st11097en15.pdf). Ultimately, 22,504 refugees were resettled over two years, which mostly included Syrians from Turkey, Lebanon and Jordan: [Progress report on the Implementation of the European Agenda on Migration | European Website on Integration \(europa.eu\)](https://european-council.europa.eu/media/22985/st11097en15.pdf).

<sup>48</sup> See also [www.ec.europa.eu/commission/presscorner/detail/en/IP\\_17\\_3406](https://www.ec.europa.eu/commission/presscorner/detail/en/IP_17_3406).

<sup>49</sup> In March 2019, 24,000 refugees were resettled. See European Commission, *Progress Report on the Implementation of the European Agenda on Migration*, COM (2019) 126 final, 6 March 2019. In December 2019, it appeared that 83% of promised arrivals had occurred. See [Delivering on resettlement \(europa.eu\)](https://european-council.europa.eu/media/22985/st11097en15.pdf).

<sup>50</sup> Member States promise resettlement places for the benefit of EU programmes and indicate the priority situation this applies to, such as the resettlement designated by the Commission under the EU-Turkey Statement or the Emergency Transit Mechanism in the context of the Central Mediterranean Route.

### 3. Family migration

Family migration refers to migration to enable family life. A distinction must be made between family formation (the establishment of a family or family relationship) and family reunification (reunification of a migrant with their existing family). The Dutch family reunification policy further distinguishes between family reunification with beneficiaries of protection (“nareizgers”) and regular family reunification for other migrants. The application for family reunification with a beneficiary of protection must be submitted within three months, this may only be requested for members who actually belong to the nuclear family and the conditions for this are more lenient than for regular family reunification. Certain conditions such as an income requirement and civic integration obligations prior to coming to the Netherlands should not be imposed on family members of asylum permit holders who come to the Netherlands if they fulfil the above mentioned conditions. Although the EU Family Reunification Directive only mandates more lenient rules for migrants with refugee status, the Netherlands also applies the rule to migrants with subsidiary protection status. This is because the Netherlands has a one-status system for asylum.<sup>57</sup>

The right to family life is a fundamental right. The ECHR and Union law are the main legal regimes that outline the rules and conditions for family migration. Article 8 of the ECHR does not grant an absolute right to family or private life in the Netherlands, i.e. the Member State has the right to pursue its own admission policy. However, the state is obliged to consider the relevant interests in each individual case: the migrant’s interest in exercising the right to family life must be weighed against the general interests of the state (preventing fraud and abuse, protecting public order or protecting public funds). This involves a proportionality test (fair balance). The Member State has a certain amount of discretion in this respect. How the migrant’s interests are weighed against other interests often depends on the individual case.<sup>58</sup> Relevant factors may include whether there are any children involved, their age, the nature and durability of the family

---

<sup>51</sup> Council Decision (EU) 2016/1754 of 29 September 2016 amending Decision (EU) 2015/1601 establishing provisional measures in the area of international protection for the benefit of Italy and Greece

<sup>52</sup> UNHCR Niger Fact Sheet: Emergency Transit Mechanism (ETM), November 2020, can be consulted via <https://reliefweb.int/report/niger/unhcr-niger-factsheet-emergency-transit-mechanism-etm-november-2020>. There is also an ETM in Rwanda. On this subject, see also J. Claes, *A new normal: Evacuations from Libya to Niger and Rwanda*, Mixed Migration Centre, 20 September 2019.

<sup>53</sup> European Commission, Proposal for a regulation of the European Parliament and the Council establishing a Union Resettlement Framework and amending Regulation (EU), COM (2016) 468 final, 13 July 2016. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016PC0468&from=EN>. Council position adopted in 2017 [EU resettlement framework: Council ready to start negotiations – Consilium \(europa.eu\)](https://www.consilium.europa.eu/en/press/press-releases/2017/07/20170714-01/)

<sup>54</sup> For details on this, see Myria, *Een nieuw paradigma voor het Europese asielmodel? Toegang tot bescherming onder druk*, 9 July 2019, p. 79 et seq.

<sup>55</sup> Euronews 8 November 2022, [www.euronews.com/my-europe/2022/11/15/eu-countries-have-relocated-just-117-asylum-seekers-out-of-8000-pledges](https://www.euronews.com/my-europe/2022/11/15/eu-countries-have-relocated-just-117-asylum-seekers-out-of-8000-pledges).

<sup>56</sup> *Parliamentary Papers II*, 2021/22, 19637, No. 2983.

<sup>57</sup> The purpose of the one-status system is to prevent persons who have been granted subsidiary protection status from continuing to litigate against the denial of refugee status.

<sup>58</sup> AJDCS, 30 September 2019, ECLI:NL:RVS:2019:3289.

relationship, the link to the Netherlands and whether there are any objective barriers to exercising the right to family life elsewhere.

As mentioned above, in Union law, the right of persons to move freely is based on the Treaty on the Functioning of the European Union (TFEU).<sup>59</sup> Viewed in conjunction with the right to family and private life enshrined in the EU Charter of Fundamental Rights (Article 7), this entitles Union citizens to a derived right of residence, subject to conditions. Two EU directives are relevant in this regard: the Citizens' Rights Directive, which deals with Union citizens and the derived right of residence for certain members of the nuclear family (see above), and the EU Family Reunification Directive 2003/86, which deals with the family reunification of third country nationals (based on Article 79(2)(a) of the TFEU).

The purpose of the EU Family Reunification Directive is to promote family reunification. The Directive also allows certain conditions to be imposed in this regard. Besides the fact that there should be no risk to public order, national security or public health, or abuse or fraud of any kind, Member States may require the migrant to have access to housing and adequate means of support.<sup>60</sup> Member States are also permitted to apply certain criteria for integration. Member States may also impose conditions on the age of migrants' partners (maximum 21 years).<sup>61</sup> To determine whether or not to allow family migration, the Member State must take into account the nature and closeness of the family relationship, the length of residence in the Member State and the existence of ties with the country of origin.<sup>62</sup> As mentioned earlier, more lenient rules apply for refugees.<sup>63</sup> However, the imposition of conditions should not undermine the purpose of the Directive and its 'useful effect' of promoting family reunification and therefore should be applied with caution.<sup>64</sup>

It is not possible to restrict family migration to the Netherlands with an immigration quota. However, it is possible to work with immigration targets, as long as these are applied with restraint.

It is also possible to influence the volume of family migration via adjustments in European and national laws and regulations, as the Netherlands has done in the past. For example, the requirements for family migration have been made more stringent in the past.<sup>65</sup> The Netherlands has almost fully utilised the scope for additional restrictions provided by the Family Reunification Directive.<sup>66</sup> In addition

<sup>59</sup> Article 3(2) of the Treaty on European Union (TEU), Articles 20(2)(a) and 21(1) and Articles 45 to 48 of the Treaty on the Functioning of the European Union (TFEU) and Article 45 of the EU Charter on Fundamental Rights.

<sup>60</sup> Articles 6 and 7 of the Family Reunification Directive.

<sup>61</sup> The Family Reunification Directive states that applications from spouses who are third-country nationals may be rejected if they are below the age of 21.

<sup>62</sup> Articles 17 of the Family Reunification Directive.

<sup>63</sup> Articles 10 to 12 of the Family Reunification Directive.

<sup>64</sup> EU Court, *O and S v Finland*, C-356/11, 6 December 2021, ECLI:EU:C:2012:776.

<sup>65</sup> See Note 10 above.

<sup>66</sup> It is possible for the Netherlands to introduce another two-year waiting period for family members of people who have been granted a residence permit on the basis of subsidiary protection. However, the latter would create a material distinction between asylum permit

to the general public order requirements (and the fact that there must be an enduring and exclusive relationship), a minimum age of 21 applies in the Netherlands for family formation,<sup>67</sup> with the aim of preventing forced marriages among young people wishing to form a family.<sup>68</sup> This differs from other Member States, which generally set 18 years as the minimum age. But, as in most Member States, the maximum age for family reunification with a child is only possible until the child reaches the age of 18.<sup>69</sup> An attempt was made in 2004 to impose a higher income requirement of 120% of the minimum wage. In 2010 (Chakroun ruling),<sup>70</sup> the EU Court ruled this as being contrary to the Family Reunification Directive: a stable income equal to the minimum income is the starting point, from which it should be possible to deviate based on individual circumstances. Furthermore, family members of the migrant abroad must pass a civic integration exam before coming to the Netherlands. There was much debate about whether the examination requirement could be made a condition for family migration. Although the European Commission found this to be contrary to the Directive, the EU Court ruled that a civic integration requirement is permissible under certain conditions, provided that it is not aimed at selecting the persons who wish to exercise their right to family reunification and provided that there a weighing of interests based on the principle of proportionality in each individual case.<sup>71</sup>

### **Stricter conditions?**

The Rutte I government (2010-2012) focused on building support among other Member States for making the conditions in the Family Reunification Directive stricter. For example, the Netherlands proposed to amend the Directive as follows: for family reunification, a higher age requirement for partners of at least 24 years, a training requirement for the sponsor (the family member who already has Dutch nationality or a residence permit), with the option to exclude the option of sponsorship in case of repeated serious criminal offences, as well as the income requirement of 120% of the legal minimum wage that the Netherlands was already applying in practice.<sup>72</sup> The government failed in its efforts at the time.<sup>73</sup> The proposal was removed from the agenda of the House of Representatives after it became clear that the European Commission was not going to amend the Directive.

holders based on the grounds for the asylum permit, which is contrary to the Dutch one-status system. Abolishing the one-status system would result in heavy litigation by persons with subsidiary protection status, which would result in a lot of additional work for the Immigration and Naturalisation Service (IND) and the judiciary.

<sup>67</sup> See, respectively, Sections 3.20, 3.14. and 3.15 of the Aliens Decree 2000. In fact, the latter is not actually a hard limit: according to case law, it should be possible to deviate from the conditions in the individual case if they are deemed disproportionate.

<sup>68</sup> There is a lack of research on whether, and to what extent, the introduction of an age limit of 21 years (or a further increase to 24 years) is actually effective in preventing forced marriages.

<sup>69</sup> In exceptional cases, extended family reunification is possible with adult children. This is only possible if there is a special relationship of dependence with the parents ('more than normal emotional ties') as described in Article 8 of the ECHR.

<sup>70</sup> CJEU, *M. Chakroun v The Netherlands*, 4 March 2010, C-578/08.

<sup>71</sup> CJEU, *K and A*, 9 July 2015, C-153/14, ECLI:EU:C:2015:453. As a result of this ruling, the fees for the examination and self-study package were reduced, and the grounds for applying the hardship clause were expanded. However, the draft of the Civic Integration (Preparation Abroad) Act (*Wet inburgering buitenland*) was not fundamentally revised.

<sup>72</sup> See Letter from the Minister of Housing, Communities and Integration, the Minister for Justice and the Minister for Migration concerning marriage and family Migration, 2 October 2009, *Parliamentary Papers II* 2009/10, 32175, No. 1.

<sup>73</sup> See debates with the Minister for I&A, incl. <https://zoek.officielebekendmakingen.nl/kst-30573-98.html>.

Since the fundamental right to family life requires a weighing of interests for each individual case, it is not possible to set a hard numerical cap on family migration, unless the Netherlands would be willing, at great cost to itself, to opt out of the relevant treaties and regional cooperation frameworks such as the Council of Europe and the EU.

The Netherlands has made earlier unsuccessful attempts to adjust the standards in the EU Family Reunification Directive downwards within the EU context. There was a clear lack of support within Europe to amend the Directive.<sup>74</sup> There have been no developments to suggest that this is currently any different. Also, in view of European case law on the family life of migrants, a further tightening of the applicable legal framework does not seem appropriate. Neither is it advisable to make the procedural requirements more onerous or increase application fees for permits or visas. Indeed, further conditions imposed on family migration should not interfere with the purpose of the agreements, which is to promote family life. The family reunification policy for beneficiaries of protection has recently been modified. In May 2022, the policy for family members of asylum permit holders was relaxed, particularly with regard to the rules of evidence.<sup>75</sup> The government reached a political agreement on 26 August 2022 and adopted measures aimed at slowing down the family migration of asylum migrants.<sup>76</sup> There has been criticism of the plans to hinder the right of asylum permit holders to bring their families over unless they have adequate housing.<sup>77</sup>

Family reunification has also become an important issue in recent years in other Member States due to the peak in the influx of asylum seekers to Europe in 2016. The family reunification policy for beneficiaries of international protection may be a factor in the choice of destination country.<sup>78</sup> In response to this, a number of Member States, such as Denmark, Germany, Austria and Sweden, have<sup>79</sup> introduced restrictive provisions as a method of controlling migration, in a 'race to

<sup>74</sup> In view of the Legal Migration Fitness Check, there are no plans to revise the Family Reunification Directive. See report on the application of the Family Reunification Directive, March 2019: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2014:0210:FIN:NL:PDF>.

<sup>75</sup> WBV 2022/11, Official Gazette, No. 11342, 3 May 2022. Rewriting of the policy on family reunification as a refugee with reference to AJDCS, 26 January 2022, *JV* 2022/68 with commentary from M.H.A. Strik.

<sup>76</sup> *Parliamentary Papers II*, 2021/22, 19637, No. 2983.

<sup>77</sup> See Meijers Committee, Comments CM2207, 5 September 2022 and letter of the Commissioner for Human Rights, Council of Europe, 26 August 2022. Advisory Council on Migration, Schurende maatregelen. Signalering over maatregelen aangekondigd in reactie op de opvangcrisis in Ter Apel, (2022), [Signalering: Schurende maatregelen - over maatregelen aangekondigd in reactie op de opvangcrisis in Ter Apel | Publicatie | Adviesraad Migratie](#).

<sup>78</sup> UNCHR Survey: 41% of Syrians mention family reunification opportunities as their reason for choosing the destination country: <http://www.unhcr.org/56cc4b876.html>.

<sup>79</sup> Austria passed a law in 2016 limiting the right to family reunification for beneficiaries of subsidiary protection during the first three years in Austria, <http://bit.ly/21furAx>. A similar practice can also be found in Denmark. In Germany, family reunification is possible only under strict conditions for persons with a subsidiary protection status, but the current coalition plans to remove the restriction (visa quotas at embassies), see Annex D and further on AIDA, <http://bit.ly/1ToF4fn>. In Sweden, proposals to limit family reunification for beneficiaries of international protection were adopted in 2016; see <http://bit.ly/1rZ0jNY> and also in Annex D.

the bottom' of European standards for the purpose of restricting family reunification for beneficiaries of international protection.

The Netherlands can further restrict access to family reunification for beneficiaries of protection only by making drastic changes in its asylum system. Unlike, for example, in Germany, Austria and Sweden, the Netherlands applies the Family Reunification Directive to refugees and beneficiaries of subsidiary protection. A major advantage of this one-status system is that asylum seekers have no reason to continue to conduct legal proceedings. The refugee status is no more attractive to them than subsidiary protection, because both offer the same rights. Since its introduction in 2001, the one-status system has helped simplify the asylum procedure, reduce the administrative burden and reduce delays due to further legal proceedings.

### *Civic integration*

The relevant instruments in this area are the Civic Integration (Preparation Abroad) Act (*Wet inburgering buitenland*), the Civic Integration Act (*Wet inburgering*) and the Participation Act (*Participatiewet*). Since 1 January 2022, the Netherlands has introduced the Civic Integration Act, which has the most stringent requirements for newcomers compared to the rest of Europe, except for Denmark. Making the rules even tighter is hardly possible in view of EU legislation. The Dutch civic integration policy, with its performance obligation, is seen as a tool for encouraging people undergoing civic integration programmes to find work quicker and no longer be dependent on social assistance benefits.

This target group is limited to newcomers, especially asylum permit holders and family migrants. There is no civic integration policy for the largest group of migrants in the Netherlands: EU migrants, temporary migrant workers and highly skilled migrants. Depending on whether such migration is desirable or not, the government may or may not make policies to motivate EU and migrant workers to integrate as well. The goal of the civic integration policy is to ensure that people undergoing civic integration programmes start participating more quickly in society, preferably via paid employment. But other approaches, beyond the basic principles of the current policy, are also possible. Civic integration is more than just work and participation: it also relates to social cohesion issues in the Netherlands. What is neglected in the above-mentioned instruments is that migration patterns can be influenced by the extent to which migrants are able to feel at home in the Netherlands and get chances here to make something of their lives. If there are increased negative feelings towards migrants and refugees, it is conceivable that the number of immigrants and refugees coming to the Netherlands may decline and that the remigration of Dutch nationals with a migration and refugee background may increase.<sup>80</sup> If the goal is to promote migration, more efforts should be made to ensure a positive settlement

<sup>80</sup> Advisory Council on Migration (ACVZ). (2018). [Op weg naar 2030 Migratie: een toekomstverkenning.](#)

environment for migrants, a more inclusive society and less discrimination. However, if migration is seen as a burden on society, then remigration could actually be encouraged further.

#### 4. Labour migration from outside the EU

In contrast to intra-EU migration (whether labour migration or otherwise), there is a relatively wide scope to regulate the labour migration of non-EU/EFTA migrants (workers and self-employed persons Turkey excluded)<sup>81</sup> through both immigration quotas and immigration targets. Member States have the right to determine the number of third-country nationals to be admitted to their territory for the purpose of employment or self-employment.<sup>82</sup>

A number of EU directives complete the applicable legal framework.<sup>83</sup> The Seasonal Workers Directive and the Single Permit Directive, for example, allow the number of seasonal workers to be admitted to be set at zero.<sup>84</sup> Non-EU migrant workers who meet the conditions for an EU Blue Card, an Intra-corporate Transferee permit or a long-term resident status cannot be restricted with quotas. A quota is incompatible with the current labour market policy because migrant workers from outside the EU are admitted only if they meet certain legal conditions. Until now, labour market *demand* has been the guiding factor for the admission of highly skilled and other migrant workers. It is a demand-driven system based on a national labour market test. Despite these limitations, there is room for national labour migration policies.

In the Netherlands, the legal framework for economic migration is laid down in the Modern Migration Policy Act (*Wet Modern Migratiebeleid*) (2013).<sup>85</sup> In the area of labour migration, the Aliens Act 2000 (*Vreemdelingenwet, Vw*) and the Foreign Nationals Employment Act (*Wet arbeid vreemdelingen, Wav*) lay down the guiding principles. The Aliens Act sets out the conditions for both admission to and residence in the Netherlands for the migrant, while the Foreign Nationals Employment Act contains rules for access to the Dutch labour market. The main rule laid down in the Foreign Nationals Employment Act is that an employer may not allow a migrant to work in the Netherlands without a work permit. This instrument enables the Netherlands to prevent the displacement of domestic and European labour by applying the so-called *priority workforce (prioriteit-genietend aanbod, pga)* principle. This involves an assessment of whether a suitable supply

---

<sup>81</sup> Turkish workers and self-employed persons are protected by so-called standstill provisions in the Agreement establishing an association between the European Economic Community and Turkey and the Additional Protocol to that Agreement, which together greatly limit the options for tightening national measures against Turkish citizens and their family members.

<sup>82</sup> Article 79(5) of the TFEU.

<sup>83</sup> The relevant directives are Directive 2011/98/EU (the Single Permit Directive), Directive 2009/50/EC (the Blue Card Directive, which is currently under review), Directive 2014/66/EU (Intra-corporate Transferees Directive) and Directive 2014/36/EU (Seasonal Workers Directive).

<sup>84</sup> Article 7 of the Seasonal Workers Directive and Article 8(3) of the Single Permit Directive provide the option of declaring the application inadmissible or rejecting it for that reason.

<sup>85</sup> [Modern Migration Policy Act](#) (*Wet modern migratiebeleid*).

of labour for a specific job exists within the EEA. If such a supply is available, no work permit is issued. The priority workforce includes Dutch nationals, EEA and Swiss citizens and their family members and third-country nationals (foreigners from outside the EU) who are allowed to work in the Netherlands, such as asylum permit holders, holders of permanent residence permits or EU long-term residents.<sup>86</sup>

Despite restrictions, there is some national policy space to set numerical limits on some third-country nationals<sup>87</sup> coming to the Netherlands specifically for labour migration, provided that this is in line with international treaties.<sup>88</sup> Quotas have, for example, been used in the Asian hospitality industry as part of the Dutch labour migration policy. In some years, the quotas filled up very quickly, and therefore, under political pressure, the quota was raised in the intervening period to meet the wishes of employers.<sup>89</sup> The quota scheme for the Asian hospitality industry ended on 1 January 2022.<sup>90</sup>

#### *Highly skilled migrants and startups*

Highly skilled migrants from outside the EEA and Switzerland fall under a special arrangement: the Highly Skilled Migrants Scheme (*kennismigrantenregeling*). If the employer is an 'approved sponsor', a work permit is issued upon request above a certain salary level.<sup>91</sup> The idea behind this is that highly skilled migrants add value because of their relatively high labour productivity and because the risk of displacing domestic labour is limited.

Just like the Highly Skilled Migrants Scheme, the pilot for entrepreneurial startups from outside the EEA (startups)<sup>92</sup> is an exception to the general national labour migration policy, based on the idea that startups add value to the Dutch knowledge economy. As of 1 July 2021, regulations have been relaxed to allow essential staff for the startup (up to five staff members) to be admitted quickly and directly.<sup>93</sup>

---

<sup>86</sup> Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents.

<sup>87</sup> For example, seasonal workers, migrant workers under the Single Permit Directive and highly skilled migrants subject to national law. However, this does not include third-country nationals who fall under, for example, the revised Blue Card Directive, the Intra-corporate Transferees Directive and the Long-Term Residents Directive.

<sup>88</sup> For example: the General Agreement on Tariffs and Trade (GATT); association and trade agreements between the EU and countries, such as the Agreement establishing an association between the European Economic Community and Turkey and the EU-Canada Trade Agreement (CETA); bilateral friendship and trade agreements, such as the Dutch American Friendship Treaty; and trade agreements with Bolivia, Japan and other countries. The GATT allows international service providers to work – for up to three months – in another contracting state without a labour market test. This includes the provision of services in areas such as accounting, architecture, engineering and computer science.

<sup>89</sup> Between 1 October 2016 and 1 October 2019, the quota scheme for the Asian hospitality industry was expanded. Due to labour market shortages, the quota was increased from 1,400 to 1,550 permits in the second year and from 1,000 to 3,200 in the third year.

<sup>90</sup> This was decided by the Ministry of Social Affairs and Employment, because there were indications that the scheme was being misused. There is a transitional arrangement for applications that were already submitted. An application may be submitted to the IND for admitting new chefs. See Annex D for more details.

<sup>91</sup> See <https://ind.nl/werk/werken-in-Nederland/Paginas/Kennismigrant.aspx>.

<sup>92</sup> See: <https://ind.nl/werk/werken-in-nederland/paginas/start-up.aspx>.

<sup>93</sup> See: [www.adviescommissievoorvreemdelingenzaken.nl/publicaties/publicaties/2020/09/24/legal-advice-decision-execution-wav](http://www.adviescommissievoorvreemdelingenzaken.nl/publicaties/publicaties/2020/09/24/legal-advice-decision-execution-wav).



The admission of migrant workers is and remains a competence of the EU Member States. Therefore, setting numerical targets in the form of immigration quotas or immigration targets at *the EU level* is not an obvious choice. As indicated in the previous section, the EU, through its various directives, has largely harmonised the conditions of entry and residence of non-EU nationals in Member States. The EU can also further support Member States with practical and operational tools.

## EU developments: EU plans relating to labour migration

As part of the comprehensive approach to migration in the EU Migration and Asylum Pact and after conducting a round of public consultations and two European Parliament resolutions, the European Commission published a detailed proposal on 26 April 2022. According to the Commission, this proposal benefits the EU economy, strengthens cooperation with non-EU countries and improves overall long-term migration management.

Ylva Johansson, Commissioner for Home Affairs: *'Annually, 2 to 3 million nationals from non-EU countries come to the EU legally, in contrast to 125,000 to 200,000 irregular arrivals. Legal migration is essential to our economic recovery, the digital and green transition and to creating safe channels to Europe, while reducing irregular migration. At the same time, irregular migration is being reduced. With today's package, we are simplifying the application process for living and working in the EU and improving rights for residents and their family members. I am confident we are putting in place a solid way forward to attract new talent into the EU for today and tomorrow.'*<sup>94</sup>

The proposals consist of three components:

- **Adapting the legislative framework**  
The Commission proposes a revision of the EU Single Permit Directive<sup>95</sup> and the EU Long-Term Residents Directive.<sup>96</sup> This should make the procedures for migrants and employers faster and easier. It will be possible to submit an application either from a third country or in an EU Member State. The safeguards for equal treatment and protection against labour exploitation will be reinforced. Furthermore, the idea is to make it easier to obtain the EU long-term resident status by relaxing the admission conditions, for example, by allowing the cumulation of periods of residence in different Member States. This will also facilitate family reunification and mobility within the EU.
- **Operational cooperation**  
The intention is to further strengthen the cooperation between EU Member States and countries of origin via partnerships, while at the same time allowing for a better matching of skills and labour market needs. For a number of countries (including Egypt, Tunisia and Morocco), the Commission is developing the June 2021 proposal for *Talent Partnerships*<sup>97</sup> in greater detail, including an EU-wide platform and matching tool.
- **Research on a forward-looking policy**  
Furthermore, the Commission wants to study further options for legal migration to the EU in the medium to longer term. The Commission sees opportunities for forward-looking policy measures focused on three areas of action: care, youth and innovation. The goal is to attract skills and talent in sectors with labour shortages and needs, such as the long-term care sector. Another goal is to offer opportunities to young people to explore new countries, work and travel. The final goal is to promote innovative entrepreneurship within the EU and invest in Europe's technological sovereignty.

The Netherlands can, to a large extent, control the type or extent of labour migration of third-country nationals by making adjustments in its national laws and regulations. Desirable labour migration can be encouraged in this manner. For example, efforts have been made, via the Modern Migration Policy Act and the

<sup>94</sup> European Commission press release dated. 26 April 2022, available at [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_22\\_2654](https://ec.europa.eu/commission/presscorner/detail/en/IP_22_2654).

<sup>95</sup> <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32011L0098>.

<sup>96</sup> <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32003L0109>.

<sup>97</sup> [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_21\\_2921](https://ec.europa.eu/commission/presscorner/detail/en/ip_21_2921).

Highly Skilled Migrants Scheme, to make the Netherlands more attractive to highly skilled migrants by easing and simplifying the procedures.<sup>98</sup> Less desirable labour migration can be limited via the options provided under the Foreign Nationals Employment Act, including strict application of the priority workforce principle and the labour market test. Instruments relating to civic integration requirements, application fees for permits and visas and onerous procedural requirements can also be used to make labour migration more difficult. Therefore, these are the immediate control options available as and when certain forms of labour migration become desirable. They can also be used as a tool in the context of establishing a migration partnership with a particular country or region outside the EU.

Other control mechanisms will subsequently follow from the pursuit of a particular labour market policy, as described above under intra-EU migration.

In this study, we do not take into consideration the quotas under the *Working Holiday Programme* and the *Working Holiday Scheme*.<sup>99</sup> This involves cultural exchanges with a stay of up to one year in the Netherlands.<sup>100</sup>

## 5. Student migration

International students, researchers and academics from countries outside the EU fall under the same legal framework.<sup>101</sup> It is possible for a non-EU citizen to study full-time in the Netherlands at an accredited study programme at a research university or university of applied sciences. After graduating, these students have one year to find a job in the Netherlands (a residence permit for an orientation year for finding employment).<sup>102</sup> If they find a job that meets the income requirements of the Highly Skilled Migrants Scheme, they are allowed to stay in the Netherlands.<sup>103</sup> It is also possible for former students to obtain a residence permit in the Netherlands on other grounds, for example, if they have a partner here and are therefore allowed to stay here as a family migrant.

With respect to non-EU students and researchers, there is some scope to establish national educational and other policies regarding the number of migrants admitted

---

<sup>98</sup> Act of 7 July 2010 amending the Aliens Act 2000 and some other laws in connection with strengthening the position of the sponsor in regular immigration law and accelerating the procedure under immigration law (Modern Migration Policy Act).

<sup>99</sup> With 'exchange' as a purpose of stay under the *Working Holiday Programme* (WHP) or the *Working Holiday Scheme* (WHS), it is possible for young people between the ages of 18 and 30 to stay in the Netherlands for up to one year and perform temporary casual labour. The Netherlands has agreements for this with Australia, New Zealand, Canada, South Korea, Argentina and Hong Kong. The partner country also admits Dutch youth to their country/territory on the same basis. There is policy space to define immigration quotas via a Memorandum of Understanding (MoU) or *Note Verbale* between the two partner countries or to leave this open.

<sup>100</sup> See Article 3.58(6) of the Aliens Decree and Article 1j of the Foreign Nationals (Employment) (Implementation) Decree. The young people participating in the programme may not perform any work that is in conflict with the main purpose of the WHP/WHS (exchange). Therefore, the young person may only work on an occasional basis to financially support the cultural exchange. The employer is not required to hold a work permit for the performance of occasional labour. Regular migrant workers, highly skilled migrants, students and au pairs may not make use of the WHP/WHS programme.

<sup>101</sup> Directive (EU) 2016/801, which lays down conditions for the entry and residence of third-country nationals for the purposes of studies, research and exchange.

<sup>102</sup> Article 3.4(n) of the Aliens Decree.

<sup>103</sup> Article 2.1.(1) of the Foreign Nationals (Employment) (Implementation) Decree. This is a reduced criterion.

for these purposes of stay. EU Directive 2016/801 (Student Directive) sets out conditions for the entry and residence of third-country nationals for the purpose of (among other things) study and research. This Directive provides transparency and legal certainty for different categories of migrants coming to the Union by simplifying and streamlining the rules for this. Students who are not from the EU/EEA and who also do not fall under the Family Reunification Directive but who do meet the conditions of the Student Directive must, in principle, be admitted to the Netherlands. Under the EU Student Directive, a residence permit must be granted to a non-EU/EEA student if they have been admitted to a higher education institution, provided that the other conditions set forth in the Directive are met. Therefore, setting a quota on the number of residence permits issued for the purpose of study is incompatible with the Directive.<sup>104</sup> An immigration target in the form of a cap on the number of residence permits issued seems to contradict the objectives of the Directive, which is to attract talented students and researchers from outside the EU, but an immigration target with a lower limit may be used for this.

However, there are also indirect ways to regulate student migration based on numbers, i.e. via the policy area of Education, Culture and Science. For an immigration target with an upper limit, regulation via the education policy (e.g. by defining language and admission requirements and setting an increased institutional fee<sup>105</sup>) might be an option, but Dutch research universities and universities of applied sciences largely determine for themselves who they will admit as students or researchers from outside the EU/EEA. According to the Advisory Division of the Council of State, it is not contrary to European and international law to impose a maximum (a fixed quota) for the number of non-EU/EEA students admitted to certain study programmes if the teaching capacity of the educational institution is not sufficient to cater to this influx of students.<sup>106</sup> This was stated in response to the Language and Accessibility Bill (*wetsvoorstel Taal en Toegankelijkheid*) that was postponed by the Minister of Education, Culture and Science in June 2022. The Student Directive does not allow Member States to take additional measures in the area of immigration of students, provided they are admitted to the programme and meet the conditions of the Directive. However, Member States can take measures that differentiate between EU and non-EU students in the context of admission to study, provided that these measures do not constitute prohibited discrimination. The difference in payment of tuition fees and measures on *numerus fixus* are examples of this..

---

<sup>104</sup> Article 6 of the Directive does not allow a quantitative limit to be set for students, but it does allow this for third-country nationals who are or will be in an employment relationship.

<sup>105</sup> The institutional tuition fee for non-EU/EEA students set by the higher education institutions is higher than that for Dutch, Surinamese, Swiss and EU/EEA students. Increasing this fee further may restrict the number of non-EU/EEA students. For example, in Norway, a poll shows that up to 80% of non-EU/EEA students might stay away. [Norway: Tuition fees might drive away up to 80% of non-European students | Study.eu.](#)

<sup>106</sup> *Parliamentary Papers I*, 2019/20, 35282, E.

## Language and Accessibility Bill

This Bill, which deals with options to better regulate the arrival of foreign students as well as the position of the Dutch language in higher education, was ready for consideration in the Senate. Universities have been asking for more legal options for years. For example, they want to be able to set a specific quota as an emergency measure (*noodfixus*) if a programme suddenly attracts a large number of foreign students and they want to be able to cap the number of students from outside Europe. The Language and Accessibility Bill would give study programmes the option of two pathways: an English-language pathway with a fixed quota and a Dutch-language pathway with no restrictions on intake. However, in June 2022, the Minister of Education, Culture and Science decided to temporarily postpone the Bill. He said that he wanted to take more time to think about the issues and possible solutions, because the Bill did not provide for a macro-level approach: *'The issue of the growing international influx cannot be seen in isolation from, for example, issues relating to the labour market and its shortages at regional or national level, the quality and accessibility of education, Dutch as an academic language and student accommodation'*.<sup>107</sup> The Minister of Education, Culture and Science recognises the problems concerning the displacement of Dutch students and accessibility of higher education, the consequences – primarily – of the English-language programmes and the impact on housing shortages. At the same time, he also attaches great importance to the internationalisation of education, research and innovation. According to the Minister, it is important to attract talent to the Dutch science and labour market in order to maintain the Netherlands' leading position as a knowledge economy. Currently, the intention is to conduct a futures study in collaboration with higher education as part of an administrative agreement. Based on the outcome of this study, a comprehensive package of measures, including control instruments for the influx of international students, will be developed.<sup>108</sup>

<sup>107</sup> See *Parliamentary Papers I* 2021/22, 35282, J, letter from the Minister of Education, Culture and Science dated 13 June 2022, <https://www.rijksoverheid.nl/documenten/kamerstukken/2022/06/13/aan-de-eerste-kamer-internationalisering>.

<sup>108</sup> Ibid, the House of Representatives passed a motion in late November 2022 calling on the government to ensure that the policy of attracting foreign students is stopped until further notice or at least until the Minister comes up with new measures regarding internationalisation, *Parliamentary Papers II* 2021/22, 36200 VIII, No. 83.

## Annex 3 Policy space and control options

This annex provides a broad overview of migration control instruments (this is not an exhaustive overview). It distinguishes between intra-EU, asylum, labour, family and student migration. For each form of migration, there are direct (numerical) and indirect (legislative, policy, enforcement) mechanisms through which the government can influence the volume and composition of migration. These mechanisms can either have an encouraging or discouraging effect. In Annex B, we discussed the extent to which numerical limits are legally possible; in this annex, we discuss the full range of control options that can affect the actual realised numbers.

### *Intra-EU migration*

The level of intra-EU migration to the Netherlands could be further controlled by adapting the EU regulations and thus creating more restrictive conditions for the free movement of Union citizens. However, this is complicated, because free movement is one of the foundations of the EU and is strongly anchored in the EU legal framework, which is specifically designed to facilitate free movement.<sup>109</sup> The same applies to any adaptation of national laws and regulations, as national legislation must comply with EU standards: this can only be done by adapting EU law.

Adapting EU treaties and regulations involves a long and arduous negotiation process. The political and also economic consequences for the Netherlands as a Member State can be considerable; after all, this concerns one of the pillars of the European cooperation project. Direct control is therefore difficult, unless the Netherlands decides to leave the EU (Nexit). But this is a very high price to pay, given the consequences for Dutch political and economic interests, society and the rule of law.

In this case, more indirect policy measures could be considered, including in other policy areas. These could include measures related to stricter or less strict enforcement, the civic integration policy business climate for companies and communication (campaigns to discourage/attract). Measures in other policy areas (labour market, housing market, education, etc.) may also have an impact. For example, better working conditions could make certain types of work, which are now mostly done by EU migrant workers, more attractive to Dutch residents, who could then fill the vacancies more often and reduce the need to recruit workers from other EU countries. Moreover, the provinces can choose whether or not to leave room in their structural plans for activities that rely mainly on EU migrant workers. Municipalities can also issue fewer permits housing projects for migrant

---

<sup>109</sup> Article 3(2) of the Treaty on European Union (TEU), Articles 20(2)(a) and 21(1) and Articles 45 to 48 of the Treaty on the Functioning of the European Union (TFEU) and Article 45 of the EU Charter on Fundamental Rights.

workers and take enforcement measures against overcrowding, making it less attractive for migrant workers to come to the Netherlands.

### *Migration policy in relation to other policy areas*

The most important factor in labour migration is the state of the economy. “Those who do not want any labour migration will have to ruin the economy”, wrote migration expert Hein de Haas jokingly.<sup>110</sup> There is an almost linear relationship between economic growth and the increase in the number of migrant workers.<sup>111</sup> This means that the structure of the economy is an important factor in determining the type of migrants and how long they stay. At present, many migrant workers in the Netherlands work in low-income sectors of the economy. According to the WRR, those who want a different type of labour migration should focus on industrial policy.<sup>112</sup> The Social and Economic Council of the Netherlands (SER) states that the foreseeable need for highly skilled workers is linked to the functioning of the labour market on the one hand and to the technological developments on the other, which can have a direct impact on the nature of the occupations and the number of workers needed to fill them.<sup>113</sup> An important consideration for innovation and (temporary) addition of specific skills through labour migration is that the Netherlands is not only experiencing a shortage of labour in quantitative terms, but above all an increasing shortage of suitable workers in qualitative terms. Different types of skills will be needed in the future, for example, due to the climate transition and the government’s digitalisation and sustainability agenda, which will require a broader search for suitable personnel.<sup>114</sup> The Netherlands can look to Germany’s new comprehensive strategy for attracting skilled workers, which is linked to demographic trends, decarbonisation and digitalisation.<sup>115</sup> The strategy focuses on upskilling people, career development and training, increasing the participation of women and older people in the labour market, and a modern labour migration policy. The Federal Minister of Labour and Social Affairs Hubert Heil said: ‘For many companies, finding skilled workers has already become an existential question. And our country certainly needs skilled workers to cope with digitalisation and the transition to a climate-neutral economy.’<sup>116</sup> At the end of November 2022, the German government announced plans to modernise its immigration laws.<sup>117</sup> The government wants to attract more skilled migrant workers and select job seekers with a points-based system inspired by the Canadian system. This will become law in 2023.<sup>118</sup>

<sup>110</sup> H. De Haas. Hein de Haas on factors related to migration, *Me Judice*, 27 February 2012.

<sup>111</sup> R. P. W. Jennissen. (2004). Macroeconomic determinants of international migration in Europe, diss. University of Groningen.

<sup>112</sup> WRR, [Samenleven in verscheidenheid. Beleid voor de migratiesamenleving](#) (2020)

<sup>113</sup> SER. (2014). Arbeidsmigratie, Advisory Report 14/09.

<sup>114</sup> A. Heyma. NT-AR Paper 4, Arbeidsmigratie in het licht van arbeidsmarktfricties. The Knowledge Centre for Migrant Workers.

<sup>115</sup> [Fachkräftestrategie der Bundesregierung | Bundesregierung](#), 12 October 2022.

<sup>116</sup> Press release 7 September 2022 [BMWK - Fachkräftegipfel der Bundesregierung: Mehr Fachkräfte für Deutschlands Zukunft](#).

<sup>117</sup> German government press release on the modernisation of immigration laws, 30 November 2022: [Deutschland wird das Einwanderungsrecht grundlegend modernisieren - BMBF](#).

<sup>118</sup> See Annex D, Germany.

Industrial policy also plays a role. Strockmeijer's dissertation shows that many companies in the horticultural sector take the low road, investing little in technology and social innovation and by relying mainly on labour from outside the Netherlands.<sup>119</sup> Employers seem to constantly find new routes for labour migration when faced with looming shortages, such as student migration or the EU's Posted Workers Directive. At the same time, there are companies that are taking the high road, focusing on innovation and attracting the highly skilled migrants needed for this.

Important areas of focus are regulations, wages and the degree of flexibility in the labour market.<sup>120</sup> There is a causal link between labour market liberalisation and labour migration. Flexible, temporary work is not very attractive to many people who are already living in the Netherlands. But it is attractive to migrant workers who want short-term employment or for whom flexible work is still better than employment contracts in their country of origin. The majority of migrant workers from the EU work through employment agencies, which offer lower wages and poorer working conditions. As a result, precarious, flexible jobs and short-term jobs are the norm for many migrants. In this context, an active employment agency sector creates a *cross-border* (two-way) recruitment and migration infrastructure and also plays an important role in the development of flexible employment relationships. The Netherlands is at the forefront of flexible labour relations in Europe, which has also greatly increased the dependence on and demand for low-cost labour migration.

Enforcement plays an important role in this respect. However, there are some specific areas where successful action is possible. In the area of social policy, the Netherlands has, in principle, some scope to take national action.<sup>121</sup> The Netherlands could also be stricter when it comes to providing decent working conditions and decent housing. In our labour market, maximum investments could be made in the existing labour potential, and decent and equal minimum working conditions should apply to all workers, both Dutch workers and migrant workers. Based on the reports of the Migrant Worker Protection Task Force, compliance with laws and regulations could be more strictly monitored and enforced.<sup>122</sup> Various abuses related to postings have been reported in the construction sector, such as

<sup>119</sup> A. W. Strockmeijer. (2020). *De arbeidsmarktpositie verklaart. Werk en uitkeringsgebruik van Oost-Europese arbeidsmigranten in Nederland*, Diss. University of Amsterdam.

<sup>120</sup> M. Kremer. (2013). *Flexwerkland Nederland trekt laag opgeleide arbeidsmigranten aan*, *MeJudice*. M. Ruhs & B. Anderson. (2012). *Who Needs Migrant Workers? Labour shortages, immigration, and public policy*.

<sup>121</sup> Advisory Division of the Council of State, Voorlichting over het vrij verkeer van werknemers en diensten, 18 November 2020, <https://www.raadvanstate.nl/@121666/w12-20-0223-iii-vo/>.

<sup>122</sup> See reports of the Migrant Worker Protection Task Force, *Eerste aanbevelingen van het Aanjaagteam bescherming arbeidsmigranten o.l.v. Emile Roemer* (June 2020) and *Geen tweederangsburgers. Aanbevelingen om misstanden bij arbeidsmigranten in Nederland tegen te gaan*. (November 2020). In response to the reports, the government is focusing on the improved registration of migrant workers, better digital information about their rights and obligations, more and better housing and mandatory requirements for employment agencies; see: <https://www.rijksoverheid.nl/onderwerpen/buitenlandse-werknemers/verbeteren-positie-arbeidsmigranten>.



the evasion and circumvention of minimum wages, bogus postings through rotation or permanent postings, bogus self-employment and the use of shell companies. This has been the case in the construction, agricultural and horticultural sectors, and is now also happening in other sectors that facing intense competition on labour costs.<sup>123</sup> This practice of social dumping in different sectors underlines the need for adequate monitoring and enforcement. Compared with other Member States, Belgium and Germany appear to be doing things right, for example, through the use of registration systems and an active role for their national labour inspectorate.

It is not always easy to make legislative and regulatory adjustments at the EU level, for example, to prevent social dumping and bogus schemes. Until a level playing field is achieved in the EU, better and more efficient cooperation on enforcement and supervision can help minimise the disruptive effect of 'regime shopping' and create an environment of fair competition. The Netherlands is an active player in this field in the EU.

In the past, the Netherlands has focused on making the tax policy more attractive to encourage migrant workers to come to the Netherlands. But these measures have long been under attack. One example of this is the so-called Expat Scheme under which expats with specific expertise do not have to pay tax on up to 30% of their salary. In 2018, the duration of the Expat Scheme was reduced from eight to five years. Consideration is currently being given to further reducing or even abolishing the scheme. Scaling back the Expat Scheme would remove an important tax incentive for companies to hire foreign employees. If the intention is to attract fewer migrant workers, the Netherlands could also abolish these measures. On the other hand, tax experts believe that the Netherlands will create problems for itself by abolishing the scheme. Today, every Western European country (except Germany) has such a system. This year, Belgium even introduced a new expat scheme that is almost identical to that of the Netherlands.<sup>124</sup>

Housing and high-quality facilities (health care, child care and education) are crucial for attracting migrant workers who see the Netherlands as an important step in their life or career. Their social reception on arrival makes a difference to them.<sup>125</sup> This includes issues such as opportunities to learn Dutch and the cost of living and housing. The policy on accompanying partners also plays a role, as they will also want to feel useful. To facilitate this, consideration could be given to ways of making it easier for family members of migrant workers to enter the labour market (dual career programmes or partner programmes)<sup>126</sup> and to providing

---

<sup>123</sup> J. Cremers. NT-AR Paper INT-AR Paper 2, Sociale zekerheid en vrij verkeer in de EU, The Knowledge Centre for Migrant Workers.

<sup>124</sup> From 1 January 2022, two new favourable tax regimes were introduced for employees working temporarily in Belgium (expat status). <https://www.vlaio.be/nl/subsidies-financiering/subsidi databank/fiscaal-statuut-buitenlandse-kaderleden-expat-statuut>.

<sup>125</sup> Regioplan (2018). Aantrekkelijkheid van Nederland voor kennismigranten.

<sup>126</sup> Unlike family members of migrant workers, family members of highly skilled migrants do not require a work permit. In the advisory report *Zorgvuldig arbeidsmigratiebeleid*, we recommended that, as far as certain rights are concerned, no distinction should be made

better support for civic integration and labour market guidance to help increase their labour market participation.<sup>127</sup>

Labour migration policies could pay more attention to circular migration. This means that agreements should be made to ensure that people do not work on a permanent basis, that they only stay in the Netherlands for a certain period of time and that arrangements are made for their return. There is also increasing talk of a form of circularity, where migrant workers come to the Netherlands multiple times but remain based in their country of origin. Increasing digitalisation around the world may help in this regard.

### *EU labour migration*

The Netherlands could work towards developing a comprehensive vision and ambition for the supply of EU migrant labour. At present, intra-EU migrants and their family members (including those from outside the EU) are primarily considered from the perspective of the free movement of persons and services. Although the Netherlands cannot directly regulate the number of EU migrants who make use of the right to free movement,<sup>128</sup> the various indirect ways of controlling intra-EU migration, such as through social policy and enforcement, have not yet been sufficiently identified. The question is how intra-EU migration is related to well-being – for example, the need for EU migrant workers in the Dutch economy (including for the implementation of the energy transition and the digitalisation and sustainability agenda) could be considered in the broader perspective of other social issues such as the demand for decent housing, education and health care in the Netherlands.

### *Asylum migration*

The government has limited influence over asylum migration because of its volatile nature and dependence on external factors such as climate change, conflict and socio-economic and demographic developments in Asia and Africa. The world's conflicts today are more complex than in the past, are often protracted and increasingly play out between different groups within national borders, making them more difficult to resolve.<sup>129</sup> The conflicts in Syria and Ukraine have shown that many people can be forcibly displaced in a short period time, resulting in large flows of refugees.

---

based on socio-economic status. Moreover, the Advisory Council proposes that employers should pursue systematic policies to assist the partners of migrant workers in finding work (dual career policies/programmes).

<sup>127</sup> Advisory Council on Migration (ACVZ) (2022). [Zorgvuldig arbeidsmigratiebeleid](#).

<sup>128</sup> Advisory Division of the Council of State, Voorlichting over het vrij verkeer van werknemers en diensten, 18 November 2020, <https://www.raadvanstate.nl/@121666/w12-20-0223-iii-vo/>.

<sup>129</sup> United Nations and the World Bank (2017). *Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict*.

Asylum policy is shaped by the framework of international and European law, including the UN Refugee Convention, the ECHR and EU legislation. On the one hand, these laws and regulations provide opportunities to control migration through international cooperation, and on the other hand, they impose restrictions on policy-making. Moreover, cooperation within these international frameworks generally helps to control migration, as demonstrated by the EU-Turkey Statement to redistribute refugees.<sup>130</sup> The EU has agreed with Turkey to end irregular migration from Turkey in exchange for financial support and the acceptance of Syrian refugees from Turkey. In addition to the EU-Turkey Statement, cooperation with countries of origin, transit and destination, in particular additional border surveillance in the Balkan countries and EU agreements with the Libyan Coast Guard to monitor the Libyan coast have led to a reduction in the flow of migrants to Europe after 2016. One of the results of these efforts is that irregular migrants remain in detention centres in Libya and reception camps on the Greek islands.

Another example is the EU's visa and foreign policy. The EU is currently witnessing an increase in asylum seekers from countries that require visas for the Schengen area but not for Serbia. These are mainly people from India, but also people from Burundi, Russia, Tunisia, Turkey and Cuba because they too can enter Serbia without a visa. People with Indian passports can easily travel to Serbia and then cross the border irregularly into Hungary or Slovenia (via Croatia). Between January and August 2022, there were 4,469 irregular border crossings by Indians.<sup>131</sup> A year earlier, there were 557 such crossings.

Serbia, an EU candidate country, is not complying with the European visa policy. The European Commission has even threatened to reinstate visa requirements for Serbs wishing to enter the EU. This requirement had been lifted in 2009. Under pressure from Germany and the European Commission, Serbia has promised to bring its visa policy into line with that of the EU by the end of this year. Visa exemptions for Burundi and Tunisia have already been lifted. In addition, Serbia has agreed with Hungary and Austria to jointly tackle irregular immigration. This example shows that joint action on visas and foreign policy, including for EU candidate countries, can have an impact on the number of asylum applications in the EU.

In addition to the international efforts, the Netherlands itself can introduce a number of control mechanisms to influence spontaneous asylum migration to the Netherlands. However, it is not always certain that these policy instruments are effective. A number of policy options are discussed below.

There is strong social and political support in the Netherlands for systems to ensure that people who have experienced violence and conflict are cared for and

---

<sup>130</sup> Read more about this here:

[www.eerstekamer.nl/eu/thema/gevolgen\\_van\\_de\\_eu\\_turkije](http://www.eerstekamer.nl/eu/thema/gevolgen_van_de_eu_turkije).

<sup>131</sup> [Serbia to Introduce Visas for More Third Countries Following Surge of Illegal Migrants & EU Pressure – SchengenVisaInfo.com](https://www.schengenvisa.info/en/serbia-to-introduce-visas-for-more-third-countries-following-surge-of-illegal-migrants-eu-pressure).

accommodated in their own region.<sup>132</sup> In practice, this already is happening: 60% of all displaced persons remain in their own country, and of the remaining 40%, 72% go to neighbouring countries.<sup>133</sup> Only 12% of the internationally displaced persons come to the EU, and again, only a small proportion of these persons come to the Netherlands (0.5% of the total number).<sup>134</sup> The policy options related to reception in the region of origin are not a silver bullet that will solve the migration problem. Moreover, there is insufficient evidence to show that offering such reception possibilities in the region, where there are relatively limited services and facilities, actually deters people from migrating or moving on further.<sup>135</sup> Moreover, not enough is known about the impact of information campaigns to persuade people not to come to the Netherlands. However, it is clear that information provided by government agencies is not seen as credible by migrants.<sup>136</sup>

The Netherlands can choose to make itself less attractive as a host country, through stricter laws and regulations and a stricter implementation of policy rules and operational guidelines, as far as possible within the framework of EU legislation (minimum standards) and international treaties. This is what Sweden has done, for example. Before the tightening of the Swedish asylum law in 2016, it was more generous towards asylum seekers than the Dutch law, but since the tightening of the law, it has become less generous. After a peak of more than 160,000 asylum applications in 2015, Sweden temporarily tightened its asylum laws in 2016 for a period of three years.<sup>137</sup> In the same year, this led to a decline of more than 80% compared to the number of asylum applications in 2015. A decrease was also observed in many other EU Member States, but to a lesser extent (in the Netherlands, there was a decrease of more than 50%). This EU-wide decrease was mainly due to the implementation of the EU-Turkey Statement and the closure of the Balkan route, which made it more difficult for irregular migrants to enter the EU and then move on within the EU to apply for asylum.<sup>138</sup> The Swedish government believes that this decline is due to stricter national laws and regulations, but this probably explains only part of the decline.<sup>139</sup> The temporary law was subsequently extended by two years until 2021, with the government stating that the purpose of the law was also to prevent large numbers of asylum seekers from coming to Sweden (deterrent effect).<sup>140</sup> After that, the temporary

<sup>132</sup> For further information on the various policy options grouped under this heading and Dutch activities in this area, see: T. Hilhorst, J. Rijpma & S. Vezolli, L. Meyer & M. van Ostaijen. (2021). [Factsheet opvang in de regio: Een vergelijkende studie](#).

<sup>133</sup> See Annex A.

<sup>134</sup> Idem.

<sup>135</sup> T. Hilhorst et al. 2021.

<sup>136</sup> See WODC (2016). Raising awareness, Changing behaviour? Combating irregular migration through information campaigns, The Hague: WODC, 2016-11 Guide.

<sup>137</sup> This law stipulated that an asylum permit would first be granted on a temporary basis, more stringent civic integration and other requirements would apply for obtaining a permanent permit and family reunification would be limited to members of the nuclear family. Family reunification was no longer possible for beneficiaries of subsidiary protection.

<sup>138</sup> Advisory Council on Migration (ACVZ). (2019). *Secundaire Migratie van asielzoekers in de EU*.

<sup>139</sup> Interview with EMN expert Swedish Migration Agency (Migrationsverket) dated 28 February 2022 and see also the advisory report of the Advisory Council on Migration (ACVZ) *Secundaire Migratie van asielzoekers in de EU* (2019).

<sup>140</sup> AIDA report on Sweden, April 2021, see also the link in the overview of legislation; AIDA report on Sweden, April 2021, may be consulted via <https://asylumineurope.org/wp->

law was not renewed. The Swedish example shows that there are also potentially effective control options for the Netherlands within the framework of EU legislation and international treaties. However, the possibilities to make the Netherlands less attractive as a host country are not unlimited: after all, legislation and policy must continue to meet the minimum standards laid down in EU legislation. Otherwise, the Netherlands would be in breach of its obligations as an EU Member State and under international treaties.

The Netherlands can learn from the reception and activation of displaced persons from Ukraine who, unlike asylum seekers, do not require a work permit. By July 2022 more than a third of the Ukrainian refugees had found work in the Netherlands.<sup>141</sup> More than half of them found a job through an employment agency. The Advisory Council on Migration had previously recommended that the legal provision limiting asylum seekers' working time to 24 weeks in a 52-week period should be abolished, as it is detrimental to the integration opportunities of asylum permit holders.<sup>142</sup> As long as their applications are being examined and they have not been granted any status, they are not attractive to employers. It is not lucrative for an employer to invest in someone with limited availability for employment. Administrative barriers such as these could be removed by the Netherlands for other groups, such as asylum seekers with or without a high chance of being granted asylum, in order to increase their labour market participation and improve their chances of integration. The Minister of Social Affairs and Employment is currently considering the possibility of removing barriers to the labour market for asylum seekers.<sup>143</sup> The results of the study are expected in early 2023.<sup>144</sup>

There are also certain administrative barriers. Nearly 8,000 asylum seekers and thousands of asylum permit holders do not have a Citizen Service Number (BSN) due to administrative backlogs. Among other things, this prevents them from working and delays the process of obtaining housing.<sup>145</sup> The vast majority of them have been waiting for more than nine months. This gives them a false start in the Netherlands.<sup>146</sup> The waiting list is particularly striking in the case of asylum permit holders, as work is one of the cornerstones of the new civic integration policy. Refugees with a residence permit are expected to participate in society as soon as possible.

---

[content/uploads/2021/04/AIDA-SE\\_2020update.pdf. Family reunification was not possible for beneficiaries of subsidiary protection from 2016 to 2019.](#) From 2019, there is a three-month period for applying for family reunification with a beneficiary of protection under more lenient conditions; after this period, there is an added income and housing requirement.

<sup>141</sup> Statistics Netherlands: [Begin juli had ruim een derde van de Oekraïense vluchtelingen werk \(cbs.nl\)](#).

<sup>142</sup> Advisory Council on Migration (ACVZ). (2020). Advice on legislation, Foreign Nationals (Employment) Act (*Wet arbeid vreemdelingen, Wav*).

<sup>143</sup> *Parliamentary Papers II*, 2021/22, 35680, No. 22.

<sup>144</sup> Regioplan: [Nieuw onderzoek naar belemmeringen voor werkzoekende asielzoekers - Regioplan](#).

<sup>145</sup> Dutch Council for Refugees (VWN), 21 November 2022: [Nieuws en Kennis \(vluchtelingenwerk.nl\)](#).

<sup>146</sup> Ibid.

People are more positive about immigration if asylum seekers are allowed to work and can contribute to society. The more fundamental question is whether asylum seekers can be admitted as migrant workers in certain cases and/or professions, a measure that could help to facilitate asylum procedures.

### *Concluding migration agreements with third countries*

In the EU context, the government seeks to establish migration partnerships with third countries that substantially comply with the Refugee Convention in order to control migration flows and facilitate return. For example, in exchange for agreements on trade, aid, support for reception facilities, and temporary legal and circular labour migration, agreements are made with countries to readmit asylum seekers from those countries who have exhausted all legal remedies in the Netherlands and to thus combating irregular migration. At the same time, countries that refuse to cooperate can be denied instruments that are important to them, such as visas. The asylum system also attracts people who do not need international protection, including people from safe countries: people who are fleeing because of a lack of viable prospects rather than because of war, violence and persecution. For most of them asylum protection is not intended, but must first be determined through a faster asylum procedure.<sup>147</sup> This group of nationals from safe countries of origin enjoys little public support: society's capacity to cope is being tested (Chapter 2 of the advisory report). The Netherlands could also attach further consequences to the failure of certain safe countries to readmit asylum seekers. However, such efforts take time to achieve and require a lot of investment in bilateral relations.

### *Asylum policy in the European context*

Asylum policy is first and foremost an European policy. Countries wishing to introduce immigration targets as part of their asylum policy will have to make a major effort at the European level to ensure that European and national policies are coherent. According to the Advisory Council on International Affairs (AIV), two agreements are needed to break the deadlock in European asylum policy<sup>148</sup>: an internal agreement between the Member States and an external agreement with foreign partner countries.<sup>149</sup> This also requires efforts on the external front. The government has decided to aim for migration agreements with safe third countries, including combating irregular migration and providing reception facilities for refugees. The so-called Turkey Deal of 2016 serves as a blueprint for this. In 2016, EU Member States reached an agreement with Turkey to prevent large-scale migration to the EU. In exchange for billions of euros in financial support for the reception of asylum seekers and refugees as well as lifting the visa requirements for Turkish citizens, Turkey promised to tighten its borders to limit migration flows

<sup>147</sup> Advisory Council on Migration (ACVZ). (2018). Op zoek naar veilige(r) landen.

<sup>148</sup> AIV. (2022). Het Europese asielbeleid. Twee grote akkoorden om de impasse te doorbreken.

<sup>149</sup> Government policy endorses the AIV's premise that any solution will require simultaneous efforts, both internally and externally.

to the EU.<sup>150</sup> Despite the deal's visible effect on the volume of migration to the Netherlands, it has since become clear that the deal is in many ways detrimental to the rights of asylum seekers and refugees.<sup>151</sup> According to Gerald Knaus, the architect of the deal, there is not much left of it after March 2020.<sup>152</sup> Still, he believes it is the only way to bring order to irregular migration. Resettlement through an orderly process would be a huge step forward from the chaos of recent years. It would lead to adequate protection, faster integration and fewer dangerous journeys across the sea. Other such examples of efforts to move forward include the Global Compact on Refugees and the EU Resettlement Framework.<sup>153</sup> These instruments aim to promote cooperation and a broader sharing of responsibility. This is an important complement to the Refugee Convention, which lacks such a sharing mechanism.

In addition, more efforts can be made to promote internal cooperation. Asylum seekers who enter the EU irregularly often do not stay in the Member State where they first arrive. However, the Netherlands has little success in holding the other Member States to the Dublin Regulation, and foreign nationals often disappear before a Dublin transfer can take place. The Dublin system sets out criteria for determining which Member State is responsible for examining an asylum application lodged in one of the Member States. In practice, this leads to an uneven distribution of responsibilities between Member States. This is why the Advisory Council recommended in 2015 that this system should be complemented by a permanent redistribution mechanism (as proposed by the European Commission in 2016) and suggested the conditions under which this could be done.<sup>154</sup> The Member States have not yet reached agreement on this.

### *External processing*

At the end of November 2022, Austria called on the EU to consider the external processing of asylum applications in safe third countries, as Denmark and the UK

---

<sup>150</sup> EU-Turkey Statement, 18 March 2016, [www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/](http://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/).

<sup>151</sup> See V. Moreno-Lax & M. Giuffr . (2017). The Rise of Consensual Containment: From 'Contactless Control' to 'Contactless Responsibility' for Forced Migration Flows. In S. Juss (ed.), *Research Handbook on International Refugee Law*, 31 March 2017; S. Carrera, L. den Hertog & M. Stefan. (2019). The EU-Turkey deal: reversing 'Lisbonisation' in EU migration and asylum policies. In S. Carrera, J. Santos Vara & T. Strik (ed.), *Constitutionalising the external dimensions of EU migration policies in times of crisis. Legality, rule of law and fundamental rights reconsidered*.

<sup>152</sup> EenVandaag, 6 January 2022: All human rights treaties are now being violated at Europe's borders, says the architect of the Turkey Deal, [eenvandaag.avrotros.nl/item/valt-het-humane-gezicht-van-de-eu-nog-te-redden-aan-de-grens-worden-allemensenrechtenverdragen-nu-geschonden-ziet-bedenker-turkije-deal/](http://eenvandaag.avrotros.nl/item/valt-het-humane-gezicht-van-de-eu-nog-te-redden-aan-de-grens-worden-allemensenrechtenverdragen-nu-geschonden-ziet-bedenker-turkije-deal/).

<sup>153</sup> The UN *Global Compact on Refugees* (2018) consists of a *Comprehensive Refugee Response Framework and Action Programme* and has four objectives: 1) relieving the pressure on host countries; 2) making refugees more self-reliant; 3) providing greater access to sustainable solutions, including resettlement; 4) improving situations in countries of origin to enable the safe return of refugees. Since 2016, the EU has been negotiating a draft regulation for a uniform EU resettlement framework. This introduces an annual EU resettlement plan and replaces ad hoc schemes. The proposal will not include any specific quotas or numbers, because Member States will decide how many persons to resettle each year.

<sup>154</sup> Advisory Council on Migration (ACVZ). (2015). *Delen in verantwoordelijkheid*.

are planning to do for Rwanda.<sup>155</sup> External processing is based on the assumption that there is a safe area outside the territory of the EU where an EU Member State can process and assess (or have assessed) the asylum applications submitted in the EU. In 2010, the Advisory Council submitted an advisory report to the Dutch government regarding the external processing system.<sup>156</sup> The main conclusion of the report was that, as a result of EU agreements and clauses in international treaties, there is still no legal basis for the establishment of asylum centres in countries outside the EU, and this is therefore in conflict with EU directives that are binding on the Netherlands. This is therefore not a policy option for the Netherlands. Apart from the need to create an 'EU-proof' legal basis, there are also a number of practical concerns, as implementation would require a lot of time, effort and money. Firstly, it is not easy to find another country that is willing to do this on its territory. This means that the demands of the countries that would receive the refugees in the future would have to be taken into account to a large extent. Secondly, that country must genuinely be safe and meet the international standards set out in the Refugee Convention and the standards of protection laid down in the ECHR and EU Directives. The latter applies to a lesser extent to Denmark because it has had a so-called opt-out option with respect to certain EU Directives since 1995. However, as far as the plan to transfer irregular asylum seekers to Rwanda is concerned, Denmark is and remains bound by the ECHR and the Refugee Convention.<sup>157</sup> Denmark has not yet attempted to transfer any irregular asylum migrants to Rwanda. It is therefore uncertain whether the Danish legislation, which has come under international criticism, is adequate in practice.<sup>158</sup>

However, the UK has already signed a Memorandum of Understanding with Rwanda and paid 120 million pounds in advance, although Rwanda will not return this money if a court refuses to allow the plan to go ahead.<sup>159</sup> In June 2022, a first charter flight carrying a number of asylum seekers scheduled to fly from the UK to Rwanda was cancelled because the ECtHR questioned whether Rwanda could be considered a safe country that could provide adequate legal protection.<sup>160</sup> The onus is now on the British government to demonstrate to the ECtHR that Rwanda provides adequate safety for the individuals and that there is an effective legal remedy and mechanism for return to the UK following a successful asylum claim.

Thirdly, it is also necessary to consider what to do when the reception centre is full and what to do after the procedure has been completed. Where can a person settle

---

<sup>155</sup> See the press release of the Austrian Ministry of the Interior, 25 November 2022, [Innenminister trifft Amtskollegen in Brüssel \(bmi.gv.at\)](https://www.bmi.gv.at/Innenminister-trifft-Amtskollegen-in-Bruessel).

<sup>156</sup> Advisory Council on Migration (ACVZ). (2010). External processing.

<sup>157</sup> Reply to parliamentary questions on the Danish asylum and return policy: [Het Deense asiel- en terugkeerbeleid | Tweede Kamer der Staten-Generaal](#).

<sup>158</sup> The UNHCR, the European Commission and human rights organisations have expressed their criticism of the plans, see: [www.refworld.org/docid/6045dde94.html](https://www.refworld.org/docid/6045dde94.html), [Denmark: Joint Statement Brings Little Clarity on Rwanda Outsourcing but Generates Renewed Critique | European Council on Refugees and Exiles \(ECRE\)](#).

<sup>159</sup> A Memorandum of Understanding dated 14 April 2022, [Memorandum of Understanding \(MoU\) between the UK and Rwanda – GOV.UK \(www.gov.uk\)](#). [UK won't get back £120 million it paid Rwanda if deportation project scrapped – Mirror Online](#).

<sup>160</sup> ECtHR interim measures N.SK. v the United Kingdom No. 28774/22, 14 June 2022. R.M. v UK, No. 29080/22 and H.N. v UK, No. 29084/22.



down after a successful asylum claim, and how can the return process be carried out after a rejection? The return of rejected asylum seekers is a complex issue, and this will be no different from the countries where the external processing is supposed to occur.<sup>161</sup> In the UK case study, there is no insight into what happens when reception centres in Rwanda fill up and what happens with rejected asylum migrants in the longer term.

### *Short and meticulous asylum procedures and a comprehensive approach to the return policy*

A firm and comprehensive approach to the return policy is one of the elements that can influence asylum migration.<sup>162</sup> Research shows that a careful and reasonably short asylum procedure can increase the willingness to return.<sup>163</sup> The procedure should not be too short, as asylum seekers will feel that their cases have not been carefully considered. Nor should the procedure be too long, as this will significantly reduce the willingness to leave.<sup>164</sup> Detention – as a last resort – is effective in some cases, but then the return procedure must also be carried out in a reasonably expeditious manner.<sup>165</sup> In the context of return and readmission, the Netherlands depends on the cooperation of both the migrant and the country of origin. Some countries do not cooperate with forced returns. For example, their embassy will only issue the necessary travel documents if the citizens state that they are returning voluntarily.

There have been some successes in the return policy. For example, asylum migration from certain so-called safe countries of origin (such as Albania and Georgia) fell sharply in 2016-2017, after the Netherlands managed to return more migrants to these countries and to do so more quickly. In contrast, there was no visible decline in asylum migration from the safe countries of origin with which cooperation on the return of migrants was very problematic (such as Morocco and Algeria).<sup>166</sup> It would be advisable for the Netherlands to try to improve cooperation with these countries through a strategic country approach to migration.<sup>167</sup> To

---

<sup>161</sup> In Australia, for example, it appears that some of the asylum seekers are no longer staying on the islands of Nauru and Papua New Guinea but in detention centres in Australia. According to researchers, the Australian offshore detention model, costing about 1 billion Australian dollars a year, leads to arbitrary detention; for example, the average length of detention has risen to an average of 689 days, and some people have been in detention for more than 10 years. Human Rights Watch. (2022). Submission by Human Rights Watch on the Inquiry into the Ending Indefinite and Arbitrary Immigration Detention Bill 2021.

<sup>162</sup> The Advisory Council on Migration (ACVZ) advised in '*Tussen wens en werkelijkheid*' (2015) on how the strategic country approach to migration can be used more effectively to achieve more returns to countries that do not cooperate sufficiently in this regard.

<sup>163</sup> Advisory Council on Migration (ACVZ). (2020). Samen werken aan terugkeer. Van Zwol Inquiry Committee Report. (2019). Langdurig verblijvende vreemdelingen zonder bestendig verblijfsrecht. [Onderzoekscommissie Langdurig verblijvende vreemdelingen zonder bestendig verblijfsrecht | Rapport | Rijksoverheid.nl](#).

<sup>164</sup> Van Zwol Inquiry Committee Report. (2019). Langdurig verblijvende vreemdelingen zonder bestendig verblijfsrecht.

<sup>165</sup> Advisory Council on Migration (ACVZ). (2020). Samen werken aan terugkeer.

<sup>166</sup> Advisory Council on Migration (ACVZ). (2018). Op zoek naar veilige(r) landen.

<sup>167</sup> In its advisory report '*Tussen wens en werkelijkheid*' (2015), the Advisory Council on Migration (ACVZ) gave its advice on how the strategic country approach to migration can be used more effectively to achieve more returns to countries that do not cooperate sufficiently in this regard.

encourage returns, the Netherlands could conclude cooperation agreements with the countries of origin. For example, according to the Ministry of Foreign Affairs, relations with Morocco have recently improved, and the issue of return to Morocco is also being discussed.<sup>168</sup> Research by the Research and Documentation Centre (WODC) shows that legally binding bilateral return and readmission agreements with countries of origin increase the return rate by 5 to 10%. However, readmission agreements signed at the EU level have no demonstrable effect on the rate of voluntary or forced return.<sup>169</sup>

In addition, there is more policy space to improve voluntary return programmes.<sup>170</sup> Voluntary return is always preferable: it is better for the persons concerned to avoid detention, and it is a cheaper, less administratively burdensome and more humane option for the Dutch government to end unlawful residence.<sup>171</sup> Voluntary return depends on the consent and cooperation of the person concerned, who often has a fundamentally different view of return than the Dutch government.<sup>172</sup> This means that government agencies and NGOs cannot indiscriminately use voluntary return programmes as a means of controlling immigration. Sometimes voluntary return programmes even seem to attract immigrants because of the financial incentives offered.<sup>173</sup>

### *Resettlement*

As a result of the international agreements in force, it is not possible to set a limit on the number of asylum applications from people who have come to the Netherlands spontaneously. Everyone who applies for asylum in the Netherlands must be assessed individually on the basis of these treaties and regulations, as to whether they are entitled to protection. However, the Netherlands is free to determine the number of refugees it admits through regulated channels such as resettlement and other humanitarian programmes. This form of planned asylum migration involves a voluntary contribution based on the principle of solidarity with refugees and the overburdened first countries of refuge.

There is currently a quota for the resettlement of invited refugees under Dutch migration policy. During the current government term, this quota is to be increased

---

<sup>168</sup> [Afspraken over uitzetten uitgeprocedeerde Marokkanen lijken nabij - Nieuws.nl](#).

<sup>169</sup> WODC. (2022). Intergovernmental relations and return, three studies. [Terugkeerafspraken dragen beperkt bij aan terugkeer migranten | Nieuwsbericht | WODC - Wetenschappelijk Onderzoek- en Documentatiecentrum](#).

<sup>170</sup> EMN informs. (2022). Incentives and motives for voluntary departure.

<sup>171</sup> C. M. F. Mommers. (2022). Eigen verantwoordelijkheid voor terugkeer: op zoek naar de grenzen.

<sup>172</sup> K. Kuschminder & T. Dubow. Moral exclusion, dehumanization, and continued resistance to return: Experiences of refused Afghan asylum seekers in the Netherlands. *Geopolitics* 2022.

<sup>173</sup> Advisory Council on Migration (ACVZ). (2018). Op zoek naar veilige(r) landen. Following suspicions that return assistance was playing a role in the sudden increase in asylum applications from Georgia (2010), Macedonia (2010), Belarus (2011) and Mongolia (2015), such assistance was terminated for nationals from these countries, which was consequently followed by a sharp decrease in asylum applications from these countries.

from 500 to 900 resettlement places per year under certain conditions.<sup>174</sup> The government's administrative agreement, concluded at the end of August 2022, includes a temporary measure stating that no new families will be selected for resettlement in the Netherlands under the agreements made in the EU-Turkey Statement.

Finally, there is an opportunity to get more control on asylum migration through global and European cooperation. Examples include the Global Compact on Refugees and the EU Resettlement Framework. These instruments aim to promote cooperation and a broader sharing of responsibilities. International cooperation could reduce irregular migration and reduce the number of asylum claims from people who ultimately do not need protection. At the same time, a number of people in need of protection could be admitted through legal channels. It is not yet known how the development of legal channels will affect the volume of spontaneous asylum migration to the Netherlands.

#### *Promoting legal migration channels and return*

Increasing opportunities for regular migration can only have an impact on irregular migration if there is some form of substitution. This means that migrants should be able to choose regular channels instead of irregular ones. Otherwise, there will only be an increase in migration. It may even lead to more irregular migration through network effects. Regular migration between Mexico and the US has reduced irregular migration, but only in conjunction with strict enforcement of the law prohibiting the employment of irregular migrants.<sup>175</sup> Since 2016, Germany has had a scheme for migrant workers from the Western Balkans, under which individuals who have not applied for asylum in the past 24 months are considered eligible. This has led to a sharp drop in the number of asylum applications from these countries (much more so than in other EU Member States, such as the Netherlands), and a sharp increase in the number of residence permits issued to people coming from these countries for work purposes. Although there are indications that these developments are related, it is not possible to establish a causal link.<sup>176</sup>

In its migration agenda, the government proposes to introduce a policy to encourage legal migration, as this makes a valuable contribution to the Dutch

<sup>174</sup> [Coalitieakkoord 2021 - 2025: Omzien naar elkaar, vooruitkijken naar de toekomst \(overheid.nl\)](#), p. 44.

<sup>175</sup> M. Clemens & K. Gough. (2018). Can Regular Migration Channels Reduce Irregular Migration? Lessons for Europe from the United States, CGD Brief, Center for Global Development, Washington D.C., February 2018.

<sup>176</sup> Advisory Council on Migration (ACVZ). (2019). Legale kanalen voor arbeidsmigranten. In 2018, in its earlier advisory report 'Op zoek naar veilige(r) landen', the Advisory Council concluded that the German example of focusing efforts on legal migration (and the organisation of vocational training in countries of origin) was worth following in order to prevent asylum applications from so-called safe countries of origin. The Advisory Council advised that legal migration channels (work and vocational training) should be considered for the Netherlands and the EU with respect to the countries that cooperate in the area of return and readmission. Countries that do not cooperate in this regard, such as Morocco and Algeria, may in principle be excluded until they make and implement the return and readmission agreements.

economy (particularly to the knowledge economy) and society and also helps to establish return and readmission agreements with third countries.<sup>177</sup> The idea is that *limited* regular migration can encourage countries in Africa and Asia to cooperate in returning irregular migrants.<sup>178</sup> The EU has officially recognised the need for legal migration on several occasions, for example in mobility agreements concluded by Member States (including the Netherlands) and in the Valletta Action Plan between the African Union and the EU. But so far, the creation of legal channels has not been a prominent part of the Dutch and European migration agenda. In a letter on the progress of this process, the government indicates that it will not initiate any new opportunities for legal migration.<sup>179</sup> In the context of legal migration, the government indicates that it will focus on resettlement programmes. However, the government has recently decided to temporarily suspend national resettlement and resettlement under the EU-Turkey Statement.<sup>180</sup>

The European Commission's recent proposal to develop 'Talent Partnerships' can contribute to a comprehensive approach to cooperation on migration, which can also include the prevention of irregular migration and cooperation on readmissions.<sup>181</sup> The European Commission has chosen Egypt, Morocco and Tunisia to strengthen cooperation with these countries in the field of migration. According to the Commission, the Talent Partnerships will be open to migrants at all levels of education and from different sectors, depending on the wishes of the countries involved and taking in account the risk of brain drain. The government does not see the establishment of Talent Partnerships with priority migration countries as a solution to labour market shortages.<sup>182</sup> However, it supports the approach that partnerships with priority migration countries, if properly established, can contribute to an integrated approach to the cooperation with third countries in the area of migration. They will also contribute to the fight against irregular migration and lead to more effective cooperation on the readmission of failed asylum seekers. The establishment of partnerships with priority migration countries is in line with the coalition agreement and the desire to achieve more control on migration.

### *Family migration*

---

<sup>177</sup> Letter 2018: <https://www.rijksoverheid.nl/documenten/kamerstukken/2018/03/29/tk-integrale-migratieagenda>.

<sup>178</sup> On 25 June 2015, in its advisory report 'Tussen wens en werkelijkheid', the Advisory Council on Migration (ACVZ) advised the following regarding the strategic country approach to migration: 'Invest in the development of a coherent and integrated migration policy that focuses not only on returns and combating irregular migration, but also on knowledge, labour and student migration and the internationalisation of social security rights for migrants. In doing so, reconsider the decision to pursue a general policy and/or consider introducing additional opportunities for countries that cooperate with forced returns.'

<sup>179</sup> *Parliamentary Papers II*, 2019/20, 19637, No. 2535.

<sup>180</sup> See more on this in Annex D.

<sup>181</sup> Communication 'Attracting skills and talent to the EU', COM (2022) 657.

<sup>182</sup> See assessment of the EC proposal in a file prepared by the Assessment of New Commission Proposals (BNC), 27 April 2022, [www.rijksoverheid.nl/documenten/publicaties/2022/04/27/def-bnc-fiche-4-mededeling-aantrekken-van-vaardigheden-en-talent-naar-de-eu](https://www.rijksoverheid.nl/documenten/publicaties/2022/04/27/def-bnc-fiche-4-mededeling-aantrekken-van-vaardigheden-en-talent-naar-de-eu).

It is not possible to set a hard numerical limit (cap) on family migration, unless the Netherlands would be prepared, at great cost to itself, to withdraw from the relevant treaties and regional cooperation frameworks such as the Council of Europe and the EU.

It is possible to influence the volume of family migration by adjusting European and national laws and regulations, as the Netherlands has done in the past. In the past, for example, the requirements for family migration and integration were tightened, which led to a (temporary) decrease in family migration at the time. Attempts by the Netherlands to lower the standards or to limit family migration within the EU context have not been successful, and further attempts in this direction therefore do not seem to make sense (see Annex B). An effective integration policy (e.g. language courses), the removal of any restrictions on the labour market, adequate education and child care can be incentives for family members to come over to the Netherlands. If such facilities are not provided here but continue to be provided in other Member States, this could actually make the Netherlands a less attractive place to settle permanently with one's family. This would also have a negative impact on the integration and employment opportunities in the Netherlands. In fact, migration to the Netherlands is becoming more 'fluid' and less permanent.<sup>183</sup>

On 26 August 2022, the government announced that it had reached an administrative agreement in response to the distressing and untenable situation in Ter Apel.<sup>184</sup> The government is taking temporary measures that will slow down family migration of asylum permit holders and reduce the number of resettlement places.<sup>185</sup> In practice, the first measure will extend the time between the time of the application for family reunification as a refugee and the time of granting a visa to a maximum of 15 months. If no accommodation has been found after 15 months, these family members will be allowed to come to the Netherlands on a refugee family reunification visa. The plans have been criticised for hindering the right of asylum permit holders to bring in their families if they do not present adequate housing.<sup>186</sup> As a second temporary measure, no new families will be selected for resettlement in the Netherlands in the context of the EU-Turkey Statement.

### *Labour migration*

Income differences between countries are a major driver of labour and family migration. The fact that the Netherlands is a high-income country, and is expected to remain so until at least 2030, means that it will continue to be attractive to

---

<sup>183</sup> WRR. (2020). *Samenleven in verscheidenheid. Beleid voor de migratiesamenleving*, The Hague: WRR. See also rate of stay for family migration in Annex A.

<sup>184</sup> *Parliamentary Papers II*, 2021/22, 19637, No. 2983.

<sup>185</sup> *Ibid.*

<sup>186</sup> See Meijers Committee, Comments CM2207, 5 September 2022 and letter of the Commissioner for Human Rights, Council of Europe, 26 August 2022.

migrant workers.<sup>187</sup> The extent to which the expected economic growth and an ageing population will create a demand for labour that can only be met by migrants (migrant workers and their families) also depends on how much the labour market changes due to innovation and higher labour force participation.<sup>188</sup> So far there has been a strong correlation between economic growth in the Netherlands and labour migration to the Netherlands.

We distinguish between intra-EU labour migration (see above: intra-EU migration) and labour migration from outside the EU/EEA, Switzerland<sup>189</sup> and Turkey<sup>190</sup> (hereinafter: labour migration from third countries). The number of migrants from third countries coming to the Netherlands to work is fairly stable and has been gradually increasing in recent years.<sup>191</sup> The Dutch labour migration policy for migrants from third countries focuses on two categories: on the one hand, the desirable migration of highly skilled workers, and on the other hand, all other types of labour migration, which is strictly regulated. The basis of this policy is selectivity: the Netherlands welcomes migrants for whom there is an economic need and is reluctant to accept others.

The Netherlands has a policy of welcoming highly skilled migrants. There is broad political support for admitting these highly skilled migrants to the Netherlands. The Netherlands could adopt a preferential policy for highly skilled migrants and use an immigration target with a lower limit in sectors with labour shortages, or it could decide to work with an immigration quota by setting a hard numerical limit for other forms of labour migration, unless European law or international treaties prevent this.<sup>192</sup> Quotas have, for example, been used in the Asian hospitality industry as part of the Dutch labour migration policy.<sup>193</sup> This means that the quota could be adjusted upwards or downwards by ministerial decree if the situation in the labour market or the sector warranted it.<sup>194</sup> Creating an attractive settlement climate, i.e. good work opportunities for the partner, the presence of good English-speaking schools, tax benefits, etc., and launching campaigns to attract desirable

---

<sup>187</sup> Advisory Council on Migration (ACVZ). (2018). *Op weg naar 2030. Migratie: een toekomstverkenning*. SEO Amsterdam Economics. (2022). *Arbeidsmigratie in 2030. Vier mogelijke scenario's*.

<sup>188</sup> Ibid, NIDI and Statistics Netherlands. *Bevolking 2050 in beeld: opleiding, arbeid, zorg en wonen*, 13 April 2021, <https://publ.nidi.nl/output/2021/nidi-cbs-2021-bevolking-2050-in-beeld.pdf>.

<sup>189</sup> The EU, Liechtenstein, Iceland, Norway and Switzerland allow free movement of people and labour.

<sup>190</sup> There are different rules for Turkish workers and self-employed persons because they are protected by the so-called standstill provisions in the Agreement establishing an association between the European Economic Community and Turkey and the Additional Protocol to that Agreement. These provisions greatly limit the options for tightening national measures against Turkish citizens and their family members. This means hard quotas cannot be applied to them.

<sup>191</sup> See Annex 4, *Figure 7*.

<sup>192</sup> Ibid, and treaties such as the General Agreement on Tariffs and Trade (GATT); association and trade agreements between the EU and countries, such as the Agreement establishing an association between the European Economic Community and Turkey and the EU-Canada Trade Agreement (CETA); bilateral friendship and trade agreements such as the Dutch American Friendship Treaty; and trade agreements with Bolivia, Japan and other countries.

<sup>193</sup> See Annex B.

<sup>194</sup> Government Gazette 2018, 49101 ([Staatscourant 2018, 49101 | Overheid.nl > Officiële bekendmakingen \(officielebekendmakingen.nl\)](https://www.staatscourant.nl/overheid/overheid-nl-officiële-bekendmakingen)).

migrants are examples of indirect control mechanisms that the Netherlands can use to attract more highly skilled migrants. Not facilitating new activities that rely primarily on migrant labour is actually an indirect control option to discourage labour migration. Improving the working conditions can also help, as more Dutch residents will be willing to do the work.

The Netherlands has few or no control mechanisms for some of the migrant workers from third countries who work in the Netherlands. The registration of certain categories of migrant workers can also reveal certain migratory movements that were not clearly visible before. This is what happened in the Netherlands when, as of 1 March 2020, posted migrant workers from other Member States became subject to registration.<sup>195</sup> These third-country migrant workers are working here within the framework of the free movement of services in the EU, and they constitute a relatively large group of migrant workers compared with the group of other migrant workers who are granted work and residence permits under national law.

It is not possible for the Netherlands to directly regulate this type of temporary labour migration, which takes place through postings, because it is covered by the free movement of services in Europe. In the area of social policy, the Netherlands still has, in principle, some scope to take national measures.<sup>196</sup> The Netherlands also has the option of enforcing the working conditions more strictly.

### *Student migration*

The growing influx of international students is a challenge for Dutch research universities and polytechnics. To cope with this, they could stop or reduce their efforts abroad to attract students to their institutions, offer education only in Dutch and better adapt their activities to the available housing in the university towns. The government can also control student migration by taking certain measures, for example, by imposing a Dutch language requirement in certain fields of higher education, by requiring that a minimum number of courses in bachelor programmes to be taken in Dutch, or by increasing the institutional tuition fee. This could slow down the influx of student migrants from abroad by making studying in the Netherlands less attractive to them. The use of control instruments, including measures regarding the influx of international students, will have to be coordinated with higher education institutions and other ministries. Such plans are expected to be announced in 2023.

---

<sup>195</sup> Since 1 March 2020, foreign service providers must report, via the online reporting portal, their arrival, the nature and duration of the work they perform in the Netherlands, the service recipient and the posted workers. The figures from the reporting portal offer a rough picture of the nature and extent of postings to the Netherlands in 2020; see also State of Migration 2021 (*Staat van Migratie*) report.

<sup>196</sup> Advisory Division of the Council of State, Voorlichting over het vrij verkeer van werknemers en diensten, 18 November 2020, <https://www.raadvanstate.nl/@121666/w12-20-0223-iii-vo/>.

## Annex 4 Experiences with numerical targets in the Netherlands and abroad

### The Netherlands

To date, the Dutch government has made little use of numerical targets in relation to migration to the Netherlands. Numerical targets have only been used or are being used only for two specific groups that make up a small proportion of total migration to the Netherlands: refugees residing outside Europe (resettlement quota since 1984) and workers in the Asian hospitality industry (2016-2021 scheme). Both are immigration quotas, and will be discussed in more detail in this section. The Netherlands has also participated in the EU programme for the resettlement of asylum seekers from Italy and Greece (2015-2017).

At the moment there are no new numerical targets in the pipeline.<sup>197</sup> However, the coalition agreement includes the following passage: 'Within the framework of agreements with third countries on the readmission of failed asylum seekers, we will formulate policy that allows for the targeted issuance of visas and temporary legal and circular labour migration within the framework of strict reciprocal agreements.'<sup>198</sup> The use of numerical targets for legal migration and circular migration will be considered in the development of these policies.<sup>199</sup> At the EU level, there will also be increased to conclude migration agreements with third countries including legal migration channels and circular migration schemes. This offers opportunities to work with numerical targets in the future.

#### *Resettlement of invited refugees (resettlement quota 1984-present)*

The Netherlands has a long tradition of participating in the global UNHCR resettlement programme.<sup>200</sup> A policy has been developed since the 1970s and a quota was introduced in 1984. The Dutch resettlement policy aims to provide protection to individual refugees who are in a vulnerable position in the host country compared to other refugees living there (e.g. victims of torture, women, children, single parents, people with medical problems, human rights activists, LGBTI+ people). It is also a way of sharing burdens and responsibilities internationally. Therefore, resettlement has a humanitarian purpose, is based on solidarity, is voluntary basis and is not mandated by law.

The current Dutch resettlement policy has its origins in a 1977 regulation.<sup>201</sup> The purpose of this regulation was to simplify the previous procedure whereby UNHCR requests to resettle refugees were referred to the Council of Ministers each time

<sup>197</sup> Interviews with officials at the ministries 2021-2022.

<sup>198</sup> [Coalitieakkoord 2021 - 2025: Omzien naar elkaar, vooruitkijken naar de toekomst \(overheid.nl\)](#), p. 42.

<sup>199</sup> Interviews with officials at the ministries 2021-2022.

<sup>200</sup> For an informative account of the policy, see: M. Reneman. Het Nederlandse uitnodigingsbeleid weer teruggeschoefd. In: VU Verblijf blog dated 15 March 2019.

<sup>201</sup> See: [Informatie over 0000121962 | Overheid.nl > Officiële bekendmakingen \(officielebekendmakingen.nl\)](#).



by the minister responsible. In 1984, this regulation was again revised and converted into a quota-based policy, which provided for the invitation of 250 refugees per year. At the request of the UNHCR, the number of resettlement places was doubled in 1987. Since then, the Netherlands has maintained a quota of 2,000 resettled refugees for a period of four years, or an average of about 500 refugees per year. The Dutch resettlement quota is both a hard upper limit (cap) and a lower limit (floor): the government's efforts are focused on meeting the exact number. For example, the Netherlands has fully implemented the quota of 2,140 resettled refugees for the period 2016-2019.<sup>202</sup>

*Table 1: Overview of the implementation of the multi-year policy framework<sup>203</sup> by year:*

Multi-year policy framework	2016	2017	2018	2019	Total
Implementation	730	300	610	500	2,120

The multi-year policy framework (four-year quota) is all about the feasibility of the system and the lead time for the process. Some refugees are invited in year X but arrive in year Y, depending on the mission plan, flight availability, obtaining documents, and so on.

Working with a multi-year quota has the great advantage that it can be planned: not only the admission process, but also the follow-up in terms of arranging housing in municipalities, education and medical facilities. There is another side to this predictability: during periods of peak asylum applications and therefore peak reception, the resettlement process is asked to delay the process of transferring refugees. This is possible precisely because it is predictable.

In fact, it is politics that determines how high the quota is or will remain. For example, the 2017 coalition agreement raised the quota to 750. During the government's term, the coalition parties reversed this decision in 2019 as part of an intra-coalition compromise to regulate the amnesty programme for underage asylum seekers. The current coalition agreement at the end of 2021 increased the number of refugees to be resettled from 500 to potentially 900. However, the number is made dependent on the results of the return of migrants without legal stay, and it is also possible to reach this number through relocation within the EU.<sup>204</sup>

#### *Resettlement based on the EU-Turkey Statement (2016-present)*

<sup>202</sup> *Parliamentary Papers II*, 2019/20, 19637; 30573, No. 2608.

<sup>203</sup> *Ibid*, since 1 January 2020, the national quota has been calculated based on the number of resettled refugees *arriving* in the Netherlands plus the number of family members of resettled refugees arriving in the Netherlands.

<sup>204</sup> [Coalitieakkoord 2021 - 2025: Omzien naar elkaar, vooruitkijken naar de toekomst \(overheid.nl\)](https://overheid.nl), p. 44.

Initially, in 2016, resettlement from Turkey was included in the national quota. As this is a different form of resettlement, resettlement under the EU-Turkey Statement has been removed from the national multi-annual policy framework as of 2017.<sup>205</sup>

*Table 2: Number of resettled Syrian refugees from Turkey arriving in the Netherlands under the EU-Turkey Statement (after removing these numbers from the national quota):<sup>206</sup>*

2017	2018	2019	2020	2021
2,120 <sup>207</sup>	700	1,150	130	390

In terms of the numbers achieved since 2016, the Netherlands (a total of 5,360 up to 15 September 2022) ranks third behind Germany (13,690) and France (5,530).<sup>208</sup>

On 26 August 2022, the government announced a temporary measure whereby no new persons would be selected for resettlement under the EU-Turkey Statement.<sup>209</sup> This is a departure from previous resettlement commitments, as the government does not consider it sensible in the current situation to resettle persons whose reception accommodation cannot be guaranteed. It is unclear whether other EU Member States will temporarily select more persons from Turkey and to what extent Turkey will challenge the readmission agreement.

<sup>205</sup> *Parliamentary Papers II*, 2019/20, 19637 No. 30573, No. 2608.

<sup>206</sup> *Ibid* and IND Asylum Trends 2021 and 2022 (Annex 1 Relocation and Resettlement), [www.ind.nl](http://www.ind.nl).

<sup>207</sup> In 2017, the resettlement from Turkey was entirely focused on filling up, as far as possible, the EU resettlement reserve of up to 3,200 places allocated to the Netherlands (by the Decision of 29 September 2016 (2016/1754), the Council approved the amendment to Council Decision 2015/1601, officially allowing the resettlement reserve to be filled with the resettlement of Syrian refugees from Turkey). See, among other things, House of Representatives 2016-2017, Annex to the Proceedings 1558.

<sup>208</sup> <https://en.goc.gov.tr/temporary-protection27>.

<sup>209</sup> *Parliamentary Papers II*, 2021/22, 19637 No. 2983 and blg-1048785.

### *Temporary labour migration of workers in the Asian hospitality industry (2016-2021)*

From 2014 to 2019, Dutch labour migration policy applied quotas in a niche sector – the Asian hospitality industry – under the so-called Wok Agreement (*Wokakkoord*). From October 2014, Asian chefs were admitted based on a number set every six months.<sup>210</sup> Since this had little effect on the shortage in the Dutch labour market, a quota system was introduced from October 2016.<sup>211</sup> This scheme admitted 1,800, 1,400 and 1,000 Asian chefs in 2016, 2017 and 2018, respectively.<sup>212</sup> The purpose of the scheme was to allow Asian restaurant owners to bring in chefs from abroad during a three-year bridging period, provided they could prove that there were insufficient chefs available in the Netherlands and subject to certain strict conditions.<sup>213</sup>

Whether or not the quota scheme can be called successful depends on the perspective from which it is viewed. A broad group of stakeholders consisting of employers, sectoral organisations, the Ministry of Social Affairs and Employment, and the executive agencies the UWV and IND, working under the guidance of an independent committee, ensured strong support for the scheme. Employers were satisfied because their needs for Asian chefs were met. According to MKB Netherlands (association that represents the interests of Dutch SMEs), Asian restaurants made an important contribution to the Dutch economy and met a social need. It was also a success for the sector organisations. From a political point of view, however, it was not a success, as the quota set proved to be insufficient on several occasions and had to be increased several times to meet the wishes of the employers.<sup>214</sup>

This can be described as a 'flexible quota' because the ministerial order allowed for adjustments to the quota based on the labour market situation. This seems to contradict the fact that, according to the law, quotas are considered to be hard limits, since exceeding the quota is a mandatory reason for refusal.<sup>215</sup> Nevertheless, the quota was increased by 800 in April 2019.<sup>216</sup> This has not solved the shortage of Asian chefs.

On 1 October 2019, the Asian Hospitality Industry Pact was converted to a structural scheme by the Minister of Social Affairs and Employment.<sup>217</sup> A key

---

<sup>210</sup> Government Gazette No. 30766, 2014.

<sup>211</sup> Based on Article 5a of the Foreign Nationals Employment Act.

<sup>212</sup> This scheme is laid down in Article 3a of the Foreign Nationals Employment Implementation Decree.

<sup>213</sup> *Parliamentary Papers II, 2015/16*, 29861, No. 40.

<sup>214</sup> *Parliamentary Papers II, 2015/16*, 29544, No. 734. Between 1 October 2016 and 1 October 2019, the quota scheme for the Asian hospitality industry was expanded. Due to labour market shortages, the quota was increased from 1,400 to 1,550 permits in the second year and from 1,000 to 3,200 in the third year.

<sup>215</sup> Article 5a of the Foreign Nationals Employment Act.

<sup>216</sup> *Parliamentary Papers II, 2018/19*, 29544, No. 910.

<sup>217</sup> Bulletin of Acts and Decrees 2019, 48234.

difference from the previous quota schemes is that it includes a review based on the priority labour market offer, albeit to a limited extent.

The quota scheme for the Asian hospitality industry ended on 1 January 2022.<sup>218</sup> The scheme was terminated because there were indications that the scheme was being abused.<sup>219</sup>

Labour shortages in this sector are a well-known problem in several Member States.<sup>220</sup> Member States have addressed this in different ways: through specific measures for Asian chefs (without quotas)<sup>221</sup> or by including Asian chefs in a more general quota for non-EU/EEA migrant workers.<sup>222</sup> In Austria, for example, 30 specialised chefs from China have been admitted under a bilateral agreement. In addition, chefs are included in an annual quota of seasonal work permits in the tourism industry.<sup>223</sup>

### Lessons learned

So far, the Netherlands has made little use of numerical targets. The resettlement quota has worked well because it has provided a predictable multi-annual migration process that could be planned. It has also created a certain degree of 'political calm', as the programme has continued without interruption since 1984, although the exact number has been and still is debated. The quota for Asian chefs is a niche sector, so it is difficult to draw conclusions about the use of quotas for labour migration in general. However, the method that was used is interesting: the involvement of a diverse group of stakeholders ensured political and administrative support for the scheme. However, the scheme ended because of abuse, which is something that needs more attention.

---

<sup>218</sup> This was decided by the Ministry of Social Affairs and Employment because there were indications that the scheme was being misused. There is a transitional arrangement for applications that were already submitted. An application may be submitted to the IND for admitting new chefs. [Regeling Aziatische horeca sector definitief vervallen | Nieuwsbericht | Rijksoverheid.nl](#), 18 November 2022.

<sup>219</sup> Articles in *Trouw* and *De Groene Amsterdammer* of 27 March 2021. Signs of possible human trafficking and exploitation were also picked up by the IND Liaison Officer in China.

<sup>220</sup> EMN. (2019). Ad-Hoc Query Regarding a Regulation for the Work and Residence Permit for Specialized Chefs for the Asian Restaurants.

<sup>221</sup> Germany and Norway.

<sup>222</sup> Croatia (with a quota for chefs specialising in international cuisine), Estonia, Italy, Malta (quota depending on capacity of the catering company).

<sup>223</sup> EMN. (2019). Ad-Hoc Query Regarding a Regulation for the Work and Residence Permit for Specialized Chefs for the Asian Restaurants.

## Country comparison Canada, Germany, Austria and Sweden

Canada, Germany, Austria and Sweden have experience with the use of numerical targets for the following types of migration: asylum migration, family reunification and labour migration.

### Asylum migration

In case of asylum migration, we distinguish between spontaneous asylum migration, resettlement of invited refugees and family reunification with beneficiaries of protection.

#### Spontaneous asylum migration

##### *Austria*

In the period 2015-2016, when Europe experienced a large influx of asylum seekers, more than 100,000 people applied for asylum in Austria. This triggered a major public debate on the possible introduction of a quota for the number of asylum applications per year. Against this background, high-level political discussions were held on how to limit and regulate refugee flows and irregular migration to Austria. At the Asylum Summit on 20 January 2016, the federal government, provinces, cities and municipalities agreed to adopt a numerical target, in the form of an upper limit, for the *number of admissible asylum applications* on an annual basis.<sup>224</sup> A key objective was to send a signal to the general public about the maximum number of asylum applications that Austria can process annually. Therefore, in 2016, a special provision for the maintenance of public order during border controls was added to the Asylum Act.<sup>225</sup> On this basis, the Minister of the Interior can issue a decree allowing the authorities not to examine the merits of asylum applications for a period of six months (renewable up to three times). Bringing the emergency provision into operation also suspends the application of the Dublin Regulation. However, the law itself does not specify a maximum number of asylum applications that would trigger such a decree. The numerical target follows from the political agreement and was set at 1.5% of the Austrian population spread over a four-year period, with the numerical target decreasing annually. The federal government set the following upper limits:

---

<sup>224</sup> Gemeinsame Vorgangsweise von Bund, Ländern, Städten und Gemeinden, Asylgipfel am 20. Jänner 2016. Source: <https://doczz.net/doc/7721188/asylgipfel-am-20.-j%C3%A4nner-2016>.

<sup>225</sup> Article 36, Asylgesetz-Durchführungsverordnung. This amendment came into effect 1 June 2016.

*Table 3: Austria asylum upper limits*

2016	37,500
2017	35,000
2018	30,000
2019	25,000

Source: Austria Asylgipfel, January 2016<sup>226</sup>

In practice, the upper limits set for the number of admissible asylum applications in Austria were never reached in the years in question. Therefore, the emergency provision was never activated by the federal government. In fact, no consequences were attached to exceeding the upper limits for the number of admissible asylum applications, neither at the 2016 Asylum Summit nor in the earlier political arena. As a result, there were no legal and political obstacles to exceeding the upper limits. If the upper limits were subsequently exceeded, it would be up to the government to formulate a response to this and decide whether or not to activate the emergency provision. There are no known plans to activate it in the near future, and there are no further numerical targets for asylum applications in the coming years.

Although the emergency provision has never been activated, the amendment to the Asylum Act has been criticised by the UNHCR and civil society organisations, because it would allow Austrian police authorities to deny a person access to the asylum procedure without procedural safeguards or legal assistance, while an appeal can only be lodged after the refusal at the border and the transfer to neighbouring EU countries has taken place. It is difficult to determine whether the use of numerical targets for spontaneous asylum migration has had any impact. As in the rest of Europe, the number of asylum applications in Austria decreased again in 2016. Therefore, it is not possible to establish a causal relationship between the use of numerical targets and the extent of public support.

In addition to these asylum upper limits, in the same year, Austria announced a daily limit of 80 asylum applications at the border posts along its southern border with Slovenia.<sup>227</sup> As soon as the number of asylum registrations reached 80, the border posts would be temporarily closed down.

### *Germany*

The large number of migrants entering Germany and applying for asylum in 2015-2016 caused political unrest. There was a sense of loss of control over Germany's borders. During this period asylum seekers arrived from other EU Member States who were not registered in any other Member State. In 2018, the coalition parties

---

<sup>226</sup> Gemeinsame Vorgangsweise von Bund, Ländern, Städten und Gemeinden, Asylgipfel am 20. Jänner 2016. The numerical targets only took into account the number of applications for which Austria was responsible and not the total number of persons applying for asylum in Austria. Dublin claimants were, of course, excluded from the numerical target, but applications for family reunification were also excluded.

<sup>227</sup> [Austria Announces Limits on Asylum Requests, Entries \(voanews.com\)](https://www.voanews.com/austria/2016/01/2016-01-20-austria-announces-limits-on-asylum-requests-entries).

CDU/CSU and SPD agreed to establish a so-called migration corridor (*Zuwanderungskorridor*) for the admission of 180,000 to 220,000 asylum migrants per year: this was a range with an upper limit consisting of asylum seekers, refugee resettlement admissions and family reunification of beneficiaries of protection<sup>228</sup>, minus the number of voluntary departures and forced returns.<sup>229</sup> The original idea was to introduce a legally binding quota for asylum migration, but this proved to be legally impossible. The migration corridor was a political compromise. This numerical target not only served a political purpose but also signalled to the public that the German government was in control of asylum migration. The numerical target was devised by politicians from the CDU/CSU and SPD parties during confidential coalition talks and was enshrined in the 2018 coalition agreement in the form of policy intentions aimed at addressing the root causes of asylum migration.<sup>230</sup> In the Bundestag, for example, a committee was set up to examine the reasons for flight and prepare appropriate measures. In addition, cooperation with the UNHCR, the IOM and the countries of origin and transit was to be expanded. The Advisory Council was not able to ascertain the political arguments behind the choice of criteria and definition of the range and its lower and upper limits.

This numerical target is not binding on the executive agencies in Germany, because quota systems are legally inadmissible when it comes to safeguarding human rights and fulfilling obligations to protect refugees. It is therefore not a hard ceiling for asylum migration to Germany. If the limit were to be exceeded, asylum applications would still be processed but there could be political pressure for further policy measures to prevent the limit from being exceeded further. It is unclear whether the use of the numerical target has had any impact. In 2018, 2019, 2020 and 2021, asylum migration remained well below the ceiling of 180,000 to 220,000 asylum seekers.<sup>231</sup> Nor is it possible to establish a link between the use of the numerical target and the level of public support for asylum migration.

The current coalition parties SPD, Greens and FDP did not agree on a numerical target for asylum migration in the coalition agreement of December 2021.

---

<sup>228</sup> Only the number of visas for family reunification to nationals of the seven main countries of origin are included in the migration corridor: Afghanistan, Eritrea, Iran, Iraq, Syria, Somalia and Yemen.

<sup>229</sup> Antwort der Bundesregierung Zuwanderungskorridor 2019, 21 August 2020, Drucksache 1921802.

<sup>230</sup> Koalitionsvertrag zwischen CDU, CSU und SPD 2018, Chapter VIII, Flüchtlingspolitik p. 104 et seq.

<sup>231</sup> See Table 4 for the German migration corridor asylum figures 2018-2021 (first half).

Table 4: German migration corridor asylum figures 2018-2021 (first half)

	2018	2019	2020	2021 *Mid-year
Asylum seekers including children aged up to 1 year born in Germany	+162,000	+142,509	+102,581	+58,927
Family members joining beneficiaries of protection from 7 main countries of origin	+33,000	+26,501	+13,971	+12,057
Refugee resettlement and humanitarian admissions	+3,400	+4,889	+1,669	+980
Forced returns, including Dublin transfers	-23,500	-25,029	-10,800	-7,360
Voluntary departure	-16,000	-22,453	-9,469	-3,074
<b>Total (rounded off)</b>	<b>159,000</b>	<b>126,400</b>	<b>98,000</b>	<b>61,530</b>

Source: Answers given by the German government to questions in parliament 2018-2021<sup>232</sup>

### Sweden

After a peak of more than 160,000 asylum applications in 2015, Sweden temporarily tightened its asylum laws in 2016 for a period of three years.<sup>233</sup> In the same year, there was a decrease of more than 80% compared to the number of asylum applications in 2015. A decrease was also observed in many other EU Member States (for example, a decrease of more than 50% in the Netherlands) but to a lesser extent. This EU-wide decrease was mainly because it had become more difficult for migrants to enter the EU irregularly and to move within the EU to apply for asylum. This was due to the implementation of the EU-Turkey Statement and the closure of the Balkan route.<sup>234</sup> The Swedish government believes that this decrease is due to stricter national laws and regulations, but this

<sup>232</sup> Antwort der Bundesregierung Berechnungen zum Zuwanderungskorridor für das Jahr 2018 und Prognose für das Jahr 2019, 30.08.2019, Drucksache 19/12878; Antwort der Bundesregierung Berechnungen zum Zuwanderungskorridor für das Jahr 2019 und das laufende Jahr 2020, 21.08.2020, Drucksache 19/21802; Antwort der Bundesregierung Berechnungen zum Zuwanderungskorridor für das Jahr 2020 und für das laufende Jahr 2021, 25.08.2021 Drucksache 19/32210.

<sup>233</sup> This law stipulated that an asylum permit would be granted on a temporary basis at first, that more stringent civic integration and other requirements would apply for obtaining a permanent permit and that family reunification would be limited to members of the nuclear family. Family reunification was no longer possible for beneficiaries of subsidiary protection.

<sup>234</sup> Advisory Council on Migration (ACVZ). (2019). *Secundaire Migratie van asielzoekers in de EU*.



probably explains only part of the decrease.<sup>235</sup> The temporary law was subsequently extended by two years until 2021, with the government stating that this law also served to prevent large numbers of asylum seekers from coming to Sweden (deterrent effect).<sup>236</sup> In October 2022, the European Court of Human Rights ruled that the three-year waiting period introduced in 2016 for the family reunification of beneficiaries of subsidiary protection does not violate the right to family life, provided that certain individual considerations are taken into account.<sup>237</sup> From 2019 onwards, family reunification for beneficiaries of subsidiary protection will be allowed again. From 2019, there will be a three-month period to apply for family reunification with a beneficiary of protection under more lenient conditions. After this period, there are additional income and housing requirements.<sup>238</sup>

In 2019, a parliamentary inquiry committee was set up with the task of proposing a future-proof and sustainable migration policy. One of the political parties, Nya Moderaterna, suggested that this should include a quantitative target – an upper limit – for the number of asylum applications: on an annual basis, this should be in line with the number of applications lodged in other Scandinavian countries (in proportion to the population size). As soon as this ceiling is exceeded, the asylum laws would be tightened. Such a volume-based target was not accepted by all the parties. However, there was support for trying to achieve a more proportionate number of asylum applications compared to other Scandinavian countries and EU Member States. At the same time, there were concerns that a quantitative target would lead to an absolute ceiling, which would be contrary to international refugee law. When faced with the risk of exceeding the quantitative target, it would not be appropriate to further tighten the asylum laws. In the end, the Parliamentary Committee made no recommendations on the use of quantitative targets. The recommendations for a partial continuation of the tightened asylum laws are in line with the government's position that the number of spontaneous asylum seekers should be in proportion to the numbers in other EU countries.

The new right-wing Swedish government that was formed in October 2022, has pledged to pursue a migration policy in accordance with binding international rules and to uphold the right to asylum.<sup>239</sup> The principle will be to offer temporary protection to people fleeing conflict or crisis in Sweden's neighbourhood. Strict requirements will be introduced in the integration policy for those who stay in

---

<sup>235</sup> Interview EMN expert Swedish Migration Board (Migrationsverket) dated 28 February 2022. See also Advisory Council on Migration (ACVZ). (2019). *Secundaire Migratie van asielzoekers in de EU*.

<sup>236</sup> AIDA report Sweden, April 2021, available at [https://asylumineurope.org/wp-content/uploads/2021/04/AIDA-SE\\_2020update.pdf](https://asylumineurope.org/wp-content/uploads/2021/04/AIDA-SE_2020update.pdf)

<sup>237</sup> ECtHR, *M.T. et al. v Sweden*, no. 22105/18, 20 October 2022.

<sup>238</sup> AIDA report Sweden, April 2021, available at [https://asylumineurope.org/wp-content/uploads/2021/04/AIDA-SE\\_2020update.pdf](https://asylumineurope.org/wp-content/uploads/2021/04/AIDA-SE_2020update.pdf)

<sup>239</sup> See Swedish government website 3 November 2022: [The Government's political priorities – Government.se](https://www.government.se/en/the-government/political-priorities).

Sweden for a long period of time. The government will impose stricter conditions for family reunification and for obtaining Swedish citizenship.<sup>240</sup>

## Resettlement of invited refugees

### Canada

It was the Canadian Immigration Act of 1978 that first introduced the requirement that the government should plan for the future of immigration to Canada.<sup>241</sup> This Act laid the foundation for an advanced resettlement programme that includes several categories. Canada carries out the resettlement process in close cooperation with the UNHCR, but it can also independently select individuals for resettlement, i.e. those who are not nominated by the UNHCR, through the Privately Sponsored Refugee category.<sup>242</sup>

At the federal level, Canada has a triennial Immigration Levels Plan with annually changing numerical targets for overall permanent resident migration,<sup>243</sup> for provincial nominee programmes and for individual types of migration. These are not hard quotas, but numerical targets within a range. In 2021, 406,000 permanent residents landed in Canada, an increase of 120% on 2020. 2021 was a record year, and the numerical targets for the next three years for the total migration of permanent residents are much higher than in 2021: 465,000 for 2023, 485,000 for 2024, and 500,000 for 2025.<sup>244</sup> About one in seven of these will be invited refugees. The following numerical targets for refugee resettlement are as follows: 51,305 for 2023, 49,115 for 2024, and 43,750 for 2025.<sup>245</sup> These numerical targets in the three-year plan have upper and lower limits. For 2023, there is a lower limit of 38,500 and an upper limit of 59,400 resettlement places, and these limits are adjusted annually.<sup>246</sup> A special multi-year resettlement programme for invited refugees from Afghanistan has been in place since 2021, with a quota of 40,000 that cannot be exceeded. The numerical targets for 2023 and 2024 take into account the resettlement of this group of Afghan refugees. This is why there is a decrease in 2025.

### Germany

---

<sup>240</sup> See the speech by the Prime Minister of Sweden: [Statement of Government Policy 18 October 2022 – Government.se](#).

<sup>241</sup> The Immigration Act of 1976 came into effect on 1 April 1978.

<sup>242</sup> To learn more about the private sponsorship of refugees in Canada, read the report of the meeting 'Engaging Communities in Refugee Sponsorship and Resettlement', 19 June 2018, in *JNVR* 2018/20 (Issue no. 3).

<sup>243</sup> The permanent resident status is similar to the permanent residence permit and grants strong rights, including access to employment, health care, education and social services.

<sup>244</sup> IRCC. (2022). [www.canada.ca/en/immigration-refugees-citizenship/news/notices/supplementary-immigration-levels-2023-2025.html](http://www.canada.ca/en/immigration-refugees-citizenship/news/notices/supplementary-immigration-levels-2023-2025.html).

<sup>245</sup> Ibid.

<sup>246</sup> Under Section 94 of the Immigration and Refugee Protection Act, the Minister of Immigration establishes numerical targets and reports to parliament in around November each year.

Germany has a long tradition of ad hoc humanitarian programmes, such as for Vietnamese boat refugees in the late 1970s and for Bosnian and Kosovar war refugees in the 1990s. In 2008, Germany participated for the first time in an ad hoc EU resettlement programme for Iraqi refugees.<sup>247</sup>

Since 2014, Germany has had a permanent resettlement programme, and since August 2015 a separate residence permit has been linked to this programme.<sup>248</sup> In addition to the resettlement programme, admissions based on humanitarian grounds take place as a contribution to the EU relocation programme and admission of Syrian refugees from Turkey. There are also local programmes run by the German federal states.<sup>249</sup>

The total number of 6,000 admission places for 2022 is divided into:

- 2,500 federal resettlement places for refugees from Egypt, Jordan, Kenya, Lebanon and Niger, including 200 places under a pilot programme called 'Neustart im Team';<sup>250</sup>
- 3,000 places for Syrian and stateless refugees (EU-Turkey Statement);<sup>251</sup>
- Resettlement programmes of German federal states, for example, in Berlin (100 places) and Brandenburg (200 places).

### Sweden

In Sweden, which has had quota-based resettlement agreements with the UNHCR since 1950, refugee resettlement has historically been deeply rooted in the asylum system based on the core principle of solidarity with vulnerable refugees and first countries of refuge. There is strong political and public support for resettlement. Even during periods of substantially higher numbers of spontaneous asylum applications, the resettlement quota has never been the subject of discussion.

In 2015, the Swedish government decided to gradually increase the annual quota (then just under 2,000) to 5,000, starting from 2018. The quota is formally determined each year by the government and parliament. The focus of the quota is determined by the government. It takes into account the global needs indicated by the UNHCR for a given year. Finally, the Swedish Migration Agency (*Migrationsverket*), together with the UNHCR, decides which refugee groups from which countries are eligible for resettlement.

If the quota is not reached in a given year, the remaining number is added to the quota for the following year. For example, the numbers of invited refugees who could not enter in 2020 due to the pandemic were added to quota of 2021. This

---

<sup>247</sup> These ad hoc programmes often had no clear legal basis.

<sup>248</sup> Since 1 August 2015, there has been a separate basis for a residence permit based on resettlement under Article 23(4) of the Aufenthaltsgesetz.

<sup>249</sup> Humanitarian admissions from Turkey on the basis of the EU-Turkey Statement (Section 23(2), AufenthG.) and admission programmes of the federal states (Section 23(1), AufenthG.). Germany notified the European Commission of 6,000 admission places for 2022 under the EU Resettlement Programme.

<sup>250</sup> In a programme under which people or organisations can apply to serve as a mentoring group. [NesT - Neustart im Team](#)

<sup>251</sup> The admission of Syrian refugees from Turkey began with the admission regulations of 11 January 2017 and continued with the admission regulations of 17 January 2022.

amounted to a total of 6,401 refugees at the time.<sup>252</sup> The quota is binding on the executive agencies and cannot, in principle, be exceeded.

## Family reunification (asylum)

### *Austria*

Austria applies a quota with an upper limit on the number of residence permits issued for the admission of family members joining beneficiaries of protection. This quota is set annually by the federal government and provinces on the basis of an estimate of the actual need for family reunification of this group of migrants. For 2022, the quota is 5,000. In practice, this quota is sufficient to accommodate all applications and has never been fully used. If the quota is exceeded, no further residence permits will be issued for this purpose in that calendar year.

### *Germany*

In August 2018, Germany introduced a quota of up to 1,000 visas to be issued per month for family members to join beneficiaries of subsidiary protection. This static quota was set by the coalition parties and was based on the EU relocation quota for asylum seekers.<sup>253</sup> The purpose of this cap was to avoid overburdening the reception and integration capacities of embassies and government agencies.

The monthly quota is not fully utilised. If the quota is exceeded, the processing of visas for family members to join beneficiaries of subsidiary protection is postponed to the following month. The quota does not limit the maximum number of visa applications that can be submitted. However, at the overburdened embassies, there is some control over visa processing (queuing), and a maximum monthly inflow of family members of subsidiary protection permit holders is allowed to ensure that sufficient reception and integration places remain available further on in the process. The new coalition plans to abolish this quota for family reunification.

---

<sup>252</sup> See [www.migrationsverket.se/English/About-the-Migration-Agency/Our-mission/The-Swedish-resettlement-programme.html](http://www.migrationsverket.se/English/About-the-Migration-Agency/Our-mission/The-Swedish-resettlement-programme.html).

<sup>253</sup> Up to March 2018, Germany took over 1,000 asylum seekers per month from Greece and Italy.

## Discussion and lessons learned regarding asylum migration

The numerical target for asylum migration set at the time has never been exceeded in either Austria or Germany. The extent to which this has helped in achieving the political objective is difficult to determine and probably depends on who is answering the question. Given the downward trend in the number of spontaneous arriving asylum seekers in Europe in the post-2016 period, the question is whether the fact that the numerical target was not reached was entirely or partly coincidental. There is a risk that the ceilings could be exceeded in the event of an unforeseen influx of large numbers of asylum seekers. For example, what would have happened in the first quarter of 2022 if large numbers of Ukrainians had made their way to these countries?

The question of how a numerical target for asylum migration affects public support remains unanswered, regardless of whether a numerical target is exceeded or not.

The discussion on numerical targets for asylum migration is meaningless or of no added value if the focus is on a hard upper limit, cap or ceiling or if such an impression is created. Firstly, a hard ceiling violates international obligations. Second, it polarises the political discourse by focusing on whether or not a proposal violates these obligations and to what extent: in short, it immediately renders any discussion meaningless.

We note that the use of numerical targets in Germany is a temporary phenomenon. Various numerical targets have been experimented with, but for the most part – with the exception of the resettlement quota – they no longer seem to be needed in Germany.

In contrast to Germany, Austria has chosen to include an emergency provision in its asylum law. Although this emergency provision has never been activated, as the numbers have not been exceeded, the UNHCR considers this to be a violation of the right to seek asylum in Austria.

Sweden does not have a numerical target for asylum migration. Politically and administratively, there is a volume-based target that aims to process a proportionate share of asylum applications compared to what the EU receives as a whole. If Sweden receives a relatively higher number of asylum applications than the other Member States, this leads to measures such as a tightening of the asylum and integration legislation and policy.

In all the countries studied; we see a robust numerical target for refugee resettlement. The extent to which refugee resettlement is allowed varies greatly from country to country, but this numerical target is never under discussion anywhere. This is also independent of the number of spontaneous asylum applications.

## Family reunification (permanent migrants)

### Canada

At the federal level, Canada has a numerical target for the total of planned permanent resident admissions to Canada<sup>254</sup> and for economic (including provincial nominee programs), family, refugees and humanitarian categories of immigration. These are not hard quotas but numerical targets with a specific range. Canada has a numerical target for permanent resident family migration. This is a family category that includes close family members of Canadian citizens and permanent residents and is based on family relationships or the family unit (and is therefore not a points-based system). In addition to spouses, partners and children, this category also includes parents and grandparents. These relatives are also allowed to stay in Canada temporarily with their families as visitors, students or workers. This type of temporary stay can be renewed. Another option is to apply for a so-called Super Visa, which is valid for 10 years and allows close relatives to stay in Canada for multiple periods of two years.

Table 5: Planned numerical targets for the period 2023-2025 in Canada:

Family category	2023 Target (low-high)	2024 Target (low-high)	2025 Target (low-high)
Spouses, partners and children	78,000 (72,000-84,000)	80,000 (75,000-85,000)	82,000 (77,000-88,000)
Parents and grandparents	28,500 (25,000-38,000)	34,000 (29,000-35,000)	36,000 (30,750-48,000)
<b>Total permanent residents in the family category</b>	<b>106,500</b> (100,000-118,000)	<b>114,000</b> (105,000-130,000)	<b>118,000</b> (107,000-135,000)

Source: IRCC 2022<sup>255</sup>

## Labour migration

In labour migration, we distinguish between temporary and permanent labour migration.

<sup>254</sup> The permanent resident status is similar to the permanent residence permit in the Netherlands and grants strong rights, including access to employment, health care, education and social services.

<sup>255</sup> IRCC. (2022). [Notice – Supplementary Information for the 2023-2025 Immigration Levels Plan – Canada.ca.](#)

## Temporary labour migration

### *Austria*

From the 1990s and until the enlargement of the EU,<sup>256</sup> numerical targets for labour migration played an important role in Austria. At that time, it was decided that up to 8% of the total Austrian workforce could consist of non-EU nationals. In particular, the quota allowed Austria to regulate the entry of low-skilled workers from former communist countries into the Austrian labour market. The quota provided an upper limit that could not be automatically exceeded. If it was exceeded, a much stricter regime became applicable, under which only highly educated people could obtain a residence permit.

It is important to note that the majority of the migrant workers covered by this 8% quota came from the neighbouring countries. After the enlargement of the EU, these migrant workers were free to enter Austria without a visa and - after a transitional period of seven years - free to work in Austria. After the accession of the new Member States, maintaining the 8% quota proved problematic regarding EU law. In addition, the number of unemployed or partially unemployed persons from third countries steadily increased. Finally, the 8% quota was completely abolished in 2013.

Since 2011, Austria has set an annual quota for third-country nationals who wish to work temporarily in the tourism or agricultural sectors. This is also referred to as the 'seasonal quota'. It is a quota for low-skilled or unskilled workers, a sector of the labour market with relatively high unemployment rates in Austria. The quota acts as a control mechanism, so to speak, to reassure the low-skilled workers. Several parties are involved in determining the annual quota, including the Chamber of Commerce, the Chamber of Agriculture, the Public Employment Service and the social partners. The level of the quota is ultimately set by the Minister of Labour.

The quota is 4,400 for the tourism and agricultural sectors and 200 for pickers during the harvest season. Although the quota has never been exceeded in practice, this is theoretically possible, as long as the average over the years does not exceed 4,600. If the Public Employment Service finds that the quota has been reached, it can be used as grounds to reject an application for a residence permit. Another option is to carry out an assessment of the local labour market and to reject or grant the application on the basis of this result. Applications for seasonal work permits are submitted by an employer and are therefore demand-driven.

### *Germany*

Since 2016, Germany has had a so-called Western Balkans scheme for migrant workers from Albania, Bosnia-Herzegovina, Kosovo, North Macedonia and Serbia.

---

<sup>256</sup> The enlargement of the EU with new Member States took place in 2004, 2007 and 2013.

This scheme was extended at the end of 2020 until 31 December 2023, with the introduction of an annual quota of a maximum of 25,000 migrant workers from these five Balkan countries taken together. The aim is to develop legal migration channels to address the issue of irregular asylum migration from the Western Balkans.

In addition, the Federal Employment Agency has concluded agreements with Georgia and Moldova with quotas for 5,000 seasonal workers from Georgia and 500 seasonal workers from Moldova.

At the end of November 2022, the German government announced plans to modernise its immigration laws.<sup>257</sup> The government wants to attract more skilled migrant workers and select jobseekers with a points-based system inspired by the Canadian system. This will become law in 2023.

---

<sup>257</sup> German government press release on the modernisation of immigration laws, 30 November 2022: [Deutschland wird das Einwanderungsrecht grundlegend modernisieren - BMBF](#).



## Discussion and lessons learned regarding temporary labour migration

In the area of temporary labour migration, both immigration targets and immigration quotas are used. A number of European countries, including Germany, Austria, Italy, Greece and Spain, for example, have quotas for non-EU seasonal workers.<sup>258</sup> It is also possible to use immigration quotas or immigration targets when developing legal migration channels, as has been done in Germany.

In general, the Netherlands is reluctant to employ migrant workers from non-EU/EEA countries.<sup>259</sup> Dutch measures to address labour shortages, such as reskilling and job placement services, focus primarily on the Dutch and the EU/EEA labour force. However, employers can hire non-EU/EEA migrants on their own initiative if they can demonstrate that the vacancy cannot be filled with someone from the EU/EEA).

The Netherlands wants to be a knowledge-based economy. It therefore has a policy of welcoming highly skilled migrants. There is broad political support for the admitting these highly skilled migrants to the Netherlands. The majority of highly skilled migrants come from India, followed by China and Turkey.<sup>260</sup> However, according to Statistics Netherlands, we attract fewer knowledge workers than other European countries, and with the exception of Finland, the Netherlands is at the bottom of the European list as a place of residence for international talent.<sup>261</sup> Despite welcoming policies, international knowledge workers make up only 4.2% of the workforce, compared to 9% in Sweden and 7% in Austria.<sup>262</sup>

It is important to develop our future labour migration policy in the context of a well-being approach. If, on this basis, it appears sensible to attract specific migrant workers, it would be advisable to work with a multi-year minimum immigration target so that executive agencies have more clarity about the desired direction of the migration policy in terms of quality or quantity. Subsequently, it is important to have instruments in place that strengthen the competitive position of the Netherlands compared to other countries and/or draw the attention of potential highly skilled migrants to the attractiveness of the Dutch labour market.

Working with an immigration target can help to identify the different policy areas that determine the migration of highly skilled workers. For example, housing and quality facilities (health care, child care and education) are crucial for attracting highly skilled migrants.

This requires the government to bring together as many stakeholders as possible (employers, highly skilled migrants and their interest groups, trade unions and the various national, regional and local organisations) to the table and to focus on establishing an administrative agreement as well as a clear policy vision with the necessary control measures.

<sup>258</sup> European Migration Network. (2020). Attracting and protecting the rights of seasonal workers in the EU and the United Kingdom, Synthesis Report. Brussels: EMN.

<sup>259</sup> EMN. (2015). Arbeidsmarkttekorten en migratie. Het vaststellen van arbeidsmarkttekorten en de behoefte aan arbeidsmigratie van derdelanders in Nederland.

<sup>260</sup> Statistics Netherlands. (2022). [www.cbs.nl/nl-nl/nieuws/2022/29/meer-asiel-en-kennismigranten-van-buiten-de-eu-in-2021](https://www.cbs.nl/nl-nl/nieuws/2022/29/meer-asiel-en-kennismigranten-van-buiten-de-eu-in-2021).

<sup>261</sup> Statistics Netherlands. (2020). [www.cbs.nl/nl-nl/nieuws/2020/07/in-vergelijking-met-eu-landen-relatief-weinig-internationale-kennisswerkers](https://www.cbs.nl/nl-nl/nieuws/2020/07/in-vergelijking-met-eu-landen-relatief-weinig-internationale-kennisswerkers).

<sup>262</sup> Ibid, Mejudice. (2021). Baseer het arbeidsmigratiebeleid op een brede welvaartsbenadering.

## Permanent labour migration

### Canada

As mentioned above, Canada has a numerical target for the total of planned permanent resident admissions to Canada with separate numerical targets for economic immigration, family immigration, refugees and humanitarian immigration. In Canada, the numerical targets for permanent resident economic immigration focusses mainly on highly skilled individuals and businesses. The numerical targets (and ranges) for economic immigration for the period 2023-2025 are as follows: 266,210 for 2023 (233,000-277,250); 281,135 for 2024 (250,000-305,000) and it is 301,250 for 2025 (265,000-326,000).<sup>263</sup> The economic immigration targets account for more than half of the total number for permanent resident immigration to Canada. In this context, it is important to note that Canada favours economic immigration to promote economic growth and address labour market shortages.<sup>264</sup>

*Table 6: Levels plan for permanent resident economic immigration 2023-2025 in Canada:*

<b>Migration category</b>	<b>2023 Target</b>	<b>2024 Target</b>	<b>2025 Target</b>
	(low-high)	(low-high)	(low-high)
Federal High Skilled	82,880 (67,750- 88,000)	109,020 (89,500- 115,750)	114,000 (93,500- 121,000)
Federal Economic Public Policy programmes	25,000 (19,500- 32,750)	-	-
Federal Business	3,500 (2,350- 4,000)	5,000 (3,500- 7,000)	6,000 (4,000- 8,000)
Economic Pilots	8,500 (4,650- 10,800)	12,125 (6,750- 16,125)	14,750 (9,000- 19,750)
Atlantic Immigration Program <sup>265</sup>	8,500 (3,000- 8,800)	11,500 (6,000- 12,500)	14,500 (8,500- 16,500)
Provincial Nominee programmes	105,500 (91,000- 110,000)	110,000 (105,500- 120,000)	117,500 (112,000- 129,500)

<sup>263</sup> See Table 6.

<sup>264</sup> IRCC. (2022). [New immigration plan to fill labour market shortages and grow Canada's economy – Canada.ca](#)

<sup>265</sup> IRCC. [Atlantic Immigration Program – Canada.ca](#).

<b>Total economic immigration</b>	<b>266,210</b>	<b>281,135</b>	<b>301,250</b>
	(233,000- 277,250)	(250,000- 305,000)	(265,000- 326,000)

Source: Ministry *Immigration Refugees and Citizenship Canada (IRCC)*<sup>266</sup>

Canada has established a broad consultation process to arrive at the numerical targets. This process is based on policy choices; research on macroeconomic, labour market and demographic trends; operational capacity and costs (including financial costs depending on the level and mix of immigration); impacts on regions, cities and communities; advisory reports on economic and social issues related to immigration; and public consultations to gauge support among Canadians for more or less immigration.<sup>267</sup> It all starts with the Ministry of Employment and Social Development Canada’s 10-year forecast of labour market trends,<sup>268</sup> which is updated with qualitative interviews with stakeholders to provide information on skills shortages. Before the Minister of Immigration sets the desired numerical target for permanent resident migration, the minister consults his Ministry (Immigration, Refugees and Citizenship Canada), labour market information and an analysis of public opinion research through a broad consultation and stakeholder survey with virtual meetings in all provinces (‘Townhalls’).<sup>269</sup> In 2021, a wide range of stakeholders, including national, provinces and local governments, business sectors, civil society organisations and chambers of commerce and science, were invited to complete an online questionnaire. The stakeholder survey included questions on priorities, desired levels of permanent migration (numerical targets) and new immigration programmes at the provincial and local levels.

In Canada, the established numerical targets for migration are also used for planning purposes and as part of the operational practice. This means that executive agencies use these targets to determine the capacity needed to process applications for residence permits.<sup>270</sup> While it is theoretically possible to exceed a certain numerical target, this is often not possible in practice because the executive agencies simply do not have the necessary processing capacity for this.

Since 2012, the Minister of Immigration has been able to intervene with ministerial instructions if the numerical targets are not met. For example, when the number of permanent residency admissions fell significantly in 2020 due to the border and travel restrictions imposed by COVID-19 measures, the Minister launched a special

<sup>266</sup> IRCC. (2022). [Notice – Supplementary Information for the 2023-2025 Immigration Levels Plan – Canada.ca](#).

<sup>267</sup> IRCC. (2021). [IRCC Minister Transition Binder 2021: Permanent Immigration – Immigration Levels Planning – Canada.ca](#).

<sup>268</sup> Employment and Social Development Canada prepares the 2022-2031 projections based on the Canadian Occupational Projection System model and a National Occupational Classification List: [COPS Home – Canadian Occupational Projection System \(COPS\) – Canada.ca \(esdc.gc.ca\)](#).

<sup>269</sup> Consultation 2021, Immigration Plan 2022-2024: [2021 consultations on immigration levels and responsive economic immigration – final report – Canada.ca](#).

<sup>270</sup> IRCC. (2022). [Notice – Supplementary Information for the 2023-2025 Immigration Levels Plan – Canada.ca](#). There are mechanisms to limit the volume and timing of the intake of applications. This gives executive agencies sufficient time to recruit and train staff and purchase office space and equipment.

programme in 2021 with an additional quota of 90,000 permanent residency admissions.<sup>271</sup> The quota for special programmes cannot be exceeded.

There has been no specific study of the relationship between the use of numerical targets and the level of public support in Canada. In Canada, migration is part of the economic growth model and has therefore been declared desirable, at least at the political level. As a result, political and administrative support for immigration is guaranteed fact. Contrary to popular belief, however, this does not mean that Canadians' attitudes are exceptionally pro-immigration by international standards.<sup>272</sup> But Canadians' knowledge of the immigration system is, on the whole, impressive. Canadians are more or less aware how immigrants are selected, although they do harbour some misconceptions about the number and education of immigrants. While most Canadians are satisfied with the way the system works, there are some indications of potential problems. A majority of Canadians believe that immigrants are generally not well integrated into society.<sup>273</sup> A majority of citizens (55%) support the policy of adjusting the immigration targets upwards or stabilising them (30%) at the current level of 451,000 per year.<sup>274</sup> Among citizens, 62% want to prioritise skilled labour migrants over family migrants and refugees.

#### **Discussion and lessons learned regarding labour migration (skilled workers and points-based system)**

More than half of the overall total immigration target for permanent resident migration to Canada is for skilled labour migration to fill labour market gaps and promote economic growth. The Canadian context for migration is quite different from the Dutch and European contexts because of its geographical location, a different legal system and different policy objectives. Nevertheless, certain Canadian ideas about planning and the use of numerical targets can be an inspiration for the Netherlands and Europe. As part of the European migration agenda, the European Commission has explored the possibility of adopting certain elements of the model used by Australia, Canada and New Zealand to attract skilled migrants. In its coalition agreement, Germany has also promised to introduce a points-based system for certain cases of skilled labour migration. The Netherlands uses a points-based system for the granting of residence permits to self-employed persons. To qualify for such a residence permit, a self-employed person from outside the EU/EEA must score at least 90 points in two or more of the following areas: personal experience, business plan and added value for the Dutch economy. For innovative start-ups, the government has relaxed the conditions for obtaining a residence permit as a self-employed person. The Netherlands has made efforts since 2014 to improve the business climate for ambitious entrepreneurs from outside the EU/EEA, thus acknowledging the need for these entrepreneurs, though the government has not yet set a desirable minimum number for start-up entrepreneurs.

<sup>271</sup> The Temporary Resident to Permanent Resident pathway aims to admit more than 90,000 permanent residents. For the breakdown into different flows and quotas, see: [www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/tr-pr-pathway.html](http://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/tr-pr-pathway.html).

<sup>272</sup> M. J. Donnelly. (2017). Canadian exceptionalism: are we good or are we lucky? A survey of Canadian attitudes in comparative perspective. Toronto: University of Toronto.

<sup>273</sup> Ibid.

<sup>274</sup> Results of the IRCC consultation of 2,867 stakeholders in 2022: [2022 consultations on immigration levels – final report – Canada.ca](https://www.canada.ca/en/immigration-refugees-citizenship/services/immigration-levels-final-report-canada-ca).

## Annex 5 Request for Advice on numerical targets



Ministerie van Justitie en Veiligheid

> Retouradres Postbus 20301 2500 EH Den Haag

Aan de voorzitter van de Adviescommissie voor Vreemdelingenzaken  
Prof. dr. M. Kremer  
Turfmarkt 147  
2511 DP Den Haag

**Directoraat-Generaal  
Migratie**

Directie Migratiebeleid

Turfmarkt 147  
2511 DP Den Haag  
Postbus 20301  
2500 EH Den Haag  
[www.rijksoverheid.nl/jenv](http://www.rijksoverheid.nl/jenv)

**Contactpersoon**  
T 070 370 78 75

**Ons kenmerk**  
3594781

*Bij beantwoording de datum  
en ons kenmerk vermelden.  
Wilt u slechts één zaak in uw  
brief behandelen.*

Datum 4 november 2021  
Onderwerp Adviesvraag 'beleidsmatige richtgetallen'

Geachte mevrouw Kremer,

Op grond van artikel 2 Vreemdelingenwet 2000 jo artikel 17 Kaderwet adviescolleges vraag ik u mij te adviseren over het onderwerp 'beleidsmatige richtgetallen'. De WRR adviseert in haar rapport *Samenleven in verscheidenheid* om in het migratiebeleid rekening te houden met het incorporatievermogen van de samenleving.<sup>1</sup> Een voorbeeld dat daarbij wordt gegeven is het hanteren van een beleidsmatig richtgetal, om zo het draagvlak voor de komst van asielzoekers te versterken. Volgens het rapport kan een beleidsmatig richtgetal recht doen aan zowel de centrale doelstelling van het asielbeleid, namelijk het bieden van veiligheid aan vluchtelingen, als aan de vragen rondom het incorporatievermogen van de samenleving in Nederland. Het rapport wijst daarbij op het beleidsmatig richtgetal dat in Duitsland wordt gehanteerd. Effecten zouden volgens de WRR zijn: draagvlak en efficiëntie.

In de kabinetsreactie<sup>2</sup> op voornoemd rapport is toegezegd aan de Tweede Kamer om "aan de Adviescommissie voor Vreemdelingenzaken (ACVZ) te vragen om breed in kaart te brengen welke mogelijkheden bestaan voor nadere sturing van verschillende vormen van migratie, waaronder het hanteren van richtgetallen voor asielmigratie."

Daarom vraag ik u om advies uit te brengen over beleidsmatige richtgetallen. De precieze vraagstelling luidt "In hoeverre en op welke wijze kunnen beleidsmatige richtgetallen bijdragen aan sturing van asiel- en reguliere migratie naar Nederland?"

Hierbinnen vraag ik u eventuele beperkingen ten aanzien van het bepalen of hanteren van richtgetallen, als aanvulling op prognoses, te overwegen en te onderzoeken aan welke doelen een beleidsmatig richtgetal bij kan dragen. Naast de behoefte op de arbeidsmarkt, vraag ik u hierbij in het bijzonder ook het incorporatievermogen van de Nederlandse samenleving mee te nemen. Tegen deze achtergrond vraag ik u voorts om de motie van de leden Stoffer en

<sup>1</sup> WRR *Samenleven in verscheidenheid* (2020), 247.

<sup>2</sup> Kamerstukken II 2020/21, 29 861, nr. 70.

Eerdmans in acht te nemen waarin wordt verzocht de ACVZ te verzoeken ook de verschillende varianten en voor- en nadelen van een migratiequotum te onderzoeken.<sup>3</sup> Ook vraag ik u naar goede praktijkvoorbeelden en ben ik bijvoorbeeld benieuwd in hoeverre andere landen (bijvoorbeeld Duitsland, Oostenrijk, Zweden, en Canada) gebruik maken van richtgetallen en wat Nederland zou kunnen leren van hun ervaringen.

**Directoraat-Generaal  
Migratie**  
Directie Migratiebeleid

**Datum**  
4 november 2021

**Ons kenmerk**  
3594781

Met vriendelijke groet,  
De Staatssecretaris van Justitie en Veiligheid



Ankie Broekers-Knol

<sup>3</sup> Kamerstukken II 2020/21, 32 824, nr. 330.

## Annex 6 Tables connected to the figures

Table connected to the Figure in the Summary: Possibilities of using numerical targets by type of migration

	Asylum migration	Intra-EU	Family migration from outside the EU	Student migration from outside the EU	Labour migration from outside the EU
<b>Possibilities of using numerical targets</b>					
- Immigration quotas (as upper limit)	Dark orange	Dark orange	Dark orange	Pink	Green
- Immigration targets	Orange	Pink	Orange	Green	Green

[Back to the figure](#)

Table connected to Figure 1 in Chapter 1. Share of each type of migration of the total migration and the possible degree of control by type of migration

Type of migration	Share	Possible control
<b>Asylum migration*</b>	12%	Dark orange
<b>Family migration*</b>	18%	Dark orange
<b>Migration by EU citizens</b>	51%	Light orange
<b>Student migration*</b>	8%	Light green
<b>Labour migration</b>	8%	Dark green
<b>Other*</b>	3%	
<b>Total</b>	<b>100%</b>	

\* Non-EU citizens

[Back to figure 1](#)

Table connected to Figure 2 in Chapter 1. Immigration and emigration, 1995-2021

Year	Immigration	Emigration	Net migration
<b>1995</b>	96,099	82,195	13,904
<b>1996</b>	108,749	91,945	16,804
<b>1997</b>	109,860	81,973	27,887
<b>1998</b>	122,407	79,289	43,118
<b>1999</b>	119,151	78,779	40,372
<b>2000</b>	132,850	78,977	53,873
<b>2001</b>	133,404	82,566	50,838
<b>2002</b>	121,250	96,918	24,332
<b>2003</b>	104,514	104,831	-317
<b>2004</b>	94,019	110,235	-16,216

<b>2005</b>	92,297	119,725	-27,428
<b>2006</b>	101,150	132,470	-31,320
<b>2007</b>	116,819	122,576	-5,757
<b>2008</b>	143,516	117,779	25,737
<b>2009</b>	146,378	111,897	34,481
<b>2010</b>	154,432	121,351	33,081
<b>2011</b>	162,962	133,194	29,768
<b>2012</b>	158,374	144,491	13,883
<b>2013</b>	164,772	145,669	19,103
<b>2014</b>	182,949	147,862	35,087
<b>2015</b>	204,615	149,509	55,106
<b>2016</b>	230,739	151,545	79,194
<b>2017</b>	234,957	154,292	80,665
<b>2018</b>	243,737	157,366	86,371
<b>2019</b>	269,064	161,029	108,035
<b>2020</b>	220,853	152,494	68,359
<b>2021</b>	250,792	142,517	108,275
<b>Total</b>	4,220,709	3,253,474	967,235

[Back to figure 2](#)

Table connected to Figure 3 in Chapter 1. Motives for migration of non-Dutch nationals, 1999-2020.

Motive for migration	Share
<b>Asylum</b>	12%
<b>Family (non-EU)</b>	18%
<b>Family (EU)</b>	15%
<b>Work (non-EU)</b>	8%
<b>Work (EU)</b>	17%
<b>Study (non-EU)</b>	8%
<b>Study (EU)</b>	7%
<b>Other (non-EU)</b>	3%
<b>Other (EU)</b>	11%
<b>Total</b>	<b>100%</b>

[Back to figure 3](#)



Table connected to Figure 4 in Chapter 2. Support for admitting immigrants and refugees

**To what extent do you think the Netherlands should admit refugees/immigrants to come and live here? The Dutch government should ...**

	Admit no one	Admit a few	Admit some	Admit many
<b>Refugees</b>	6%	29%	53%	12%
<b>Immigrants</b>	7%	34%	51%	7%

[Back to figure 4](#)

Table connected to Figure 5 in Chapter 2. Proportion of the population that supports policy to admit some or many people from the mentioned groups in 2014

	NET	AUS	GER	SWE	UK
<b>Same ethnic group as majority</b>	68%	64%	81%	91%	65%
<b>Other ethnic group as majority</b>	62%	45%	63%	87%	56%
<b>From poorer countries outside the EU</b>	55%	43%	59%	85%	51%
<b>From poorer countries within EU</b>	58%	50%	70%	88%	52%
<b>Jewish people</b>	70%	64%	86%	92%	72%
<b>Muslims</b>	54%	47%	69%	81%	56%
<b>Roma</b>	45%	43%	56%	78%	43%
<b>Highly skilled workers from Poland</b>	62%	68%	89%	85%	74%
<b>Highly skilled workers from Turkey</b>	64%	59%	84%	83%	75%
<b>Unskilled workers from Poland</b>	34%	37%	60%	67%	37%
<b>Unskilled workers from Turkey</b>	30%	33%	45%	69%	31%

[Back to figure 5](#)

Table connected to Figure 6 in Chapter 3. Migration of EU citizens to the Netherlands (excluding Dutch citizens) by purpose of stay, 1999-2020

Year	Family	Work	Study	Other
<b>1999</b>	8,595	7,715	1,220	3,970
<b>2000</b>	9,020	8,605	1,240	4,325
<b>2001</b>	9,310	8,215	1,450	4,500
<b>2002</b>	8,830	7,100	1,555	4,645
<b>2003</b>	7,925	5,600	1,995	4,570
<b>2004</b>	10,385	6,455	3,190	6,465
<b>2005</b>	10,050	7,000	3,665	7,075
<b>2006</b>	11,545	8,830	4,290	7,295
<b>2007</b>	15,670	13,275	5,515	10,320
<b>2008</b>	18,395	17,945	7,620	13,100
<b>2009</b>	17,730	15,570	8,600	13,645
<b>2010</b>	18,450	17,340	10,740	14,445

<b>2011</b>	20,300	19,750	12,465	16,455
<b>2012</b>	20,940	19,595	13,605	16,590
<b>2013</b>	21,990	22,200	10,820	18,045
<b>2014</b>	23,475	29,020	9,365	19,610
<b>2015</b>	23,735	29,410	9,955	18,955
<b>2016</b>	25,475	31,670	10,995	20,375
<b>2017</b>	26,625	37,270	15,205	20,365
<b>2018</b>	28,780	40,340	19,935	20,740
<b>2019</b>	32,545	44,710	22,765	24,275
<b>2020</b>	29,940	35,040	18,985	25,105

[Back to figure 6](#)

*Table connected to Figure 7 in Chapter 3. Migration of non-EU citizens to the Netherlands by purpose of stay, 1999-2021*

<b>Year</b>	<b>Family</b>	<b>Work</b>	<b>Study</b>	<b>Asylum</b>
<b>1999</b>	23,460	4,890	3,955	20,940
<b>2000</b>	25,280	5,395	4,610	29,435
<b>2001</b>	27,105	6,020	6,150	27,090
<b>2002</b>	28,930	5,355	7,795	19,240
<b>2003</b>	28,560	5,715	7,275	8,230
<b>2004</b>	20,350	4,040	6,225	2,560
<b>2005</b>	18,240	4,870	6,375	3,255
<b>2006</b>	16,025	6,290	7,335	3,320
<b>2007</b>	13,450	7,240	7,190	4,865
<b>2008</b>	17,065	9,190	7,935	8,085
<b>2009</b>	18,965	7,695	8,585	9,375
<b>2010</b>	18,785	8,155	9,100	7,910
<b>2011</b>	18,295	9,485	9,425	6,805
<b>2012</b>	14,895	8,865	9,760	5,980
<b>2013</b>	15,980	9,105	10,515	9,450
<b>2014</b>	17,195	9,540	10,995	17,060
<b>2015</b>	17,265	11,110	13,315	32,270
<b>2016</b>	20,130	12,520	14,490	42,875
<b>2017</b>	24,350	14,900	16,265	24,405
<b>2018</b>	26,990	17,695	17,650	12,895
<b>2019</b>	29,820	20,110	19,320	15,300
<b>2020</b>	21,350	11,645	12,950	12,310
<b>2021</b>	29,315	18,495	18,785	21,200

[Back to figure 7](#)

Table connected to Figure 8 in chapter 4. Possibilities of using numerical targets by type of migration

	Asylum migration	Intra-EU	Family migration from outside the EU	Student migration from outside the EU	Labour migration from outside the EU
<b>Possibilities of using numerical targets</b>					
- Immigration quotas (as upper limit)	Dark orange	Dark orange	Dark orange	Pink	Green
- Immigration targets	Orange	Pink	Orange	Green	Green

[Back to figure 8](#)

Table connected to Figure 1 in Annex 1. Immigration and emigration, 1995-2021

Year	Immigration	Emigration	Net migration
1995	96,099	82,195	13,904
1996	108,749	91,945	16,804
1997	109,860	81,973	27,887
1998	122,407	79,289	43,118
1999	119,151	78,779	40,372
2000	132,850	78,977	53,873
2001	133,404	82,566	50,838
2002	121,250	96,918	24,332
2003	104,514	104,831	-317
2004	94,019	110,235	-16,216
2005	92,297	119,725	-27,428
2006	101,150	132,470	-31,320
2007	116,819	122,576	-5,757
2008	143,516	117,779	25,737
2009	146,378	111,897	34,481
2010	154,432	121,351	33,081
2011	162,962	133,194	29,768
2012	158,374	144,491	13,883
2013	164,772	145,669	19,103
2014	182,949	147,862	35,087
2015	204,615	149,509	55,106
2016	230,739	151,545	79,194
2017	234,957	154,292	80,665
2018	243,737	157,366	86,371
2019	269,064	161,029	108,035
2020	220,853	152,494	68,359
2021	250,792	142,517	108,275
<b>Total</b>	<b>4,220,709</b>	<b>3,253,474</b>	<b>967,235</b>

[Back to figure 1](#)

Table connected to Figure 2 in Annex 1. Net migration ratio<sup>275</sup> for a selected number of European countries, 1995-2021

Year	BEL	DEN	GER	NET	AUS	FIN	SWE
1995	0.2	5.5	4.9	1.0	0.3	0.8	1.3
1996	1.5	3.3	3.4	1.4	0.5	0.8	0.7
1997	1.0	2.3	1.1	1.9	0.2	0.9	0.7
1998	1.2	2.1	0.6	2.8	1.1	0.9	1.2
1999	1.6	1.8	2.5	2.8	2.5	0.7	1.5
2000	1.3	1.9	2.0	3.6	2.2	0.5	2.7
2001	3.3	2.2	3.3	3.5	5.2	1.2	3.2
2002	3.7	1.8	2.7	1.7	4.3	1.0	3.5
2003	3.2	1.3	1.7	0.4	5.2	1.1	3.2
2004	3.2	0.9	1.0	-0.6	6.6	1.3	2.8
2005	4.7	1.2	1.0	-1.4	6.1	1.7	3.0
2006	4.9	1.9	0.3	-1.6	3.0	2.0	5.6
2007	5.5	3.7	0.5	-0.1	2.8	2.6	5.9
2008	5.9	4.6	-0.7	1.9	2.9	2.9	6.0
2009	5.9	2.8	-0.1	2.3	2.1	2.7	6.7
2010	7.9	3.0	1.6	2.0	2.6	2.6	5.3
2011	4.6	2.4	3.7	1.8	3.7	3.1	4.8
2012	3.9	3.0	4.9	0.8	5.2	3.3	5.4
2013	2.4	3.8	5.6	1.2	6.6	3.3	6.9
2014	3.2	4.8	7.2	2.1	8.6	2.8	7.9
2015	5.5	7.4	14.3	3.2	13.2	2.3	8.1
2016	2.4	5.7	5.6	4.6	7.5	3.1	11.9
2017	3.2	4.2	5.1	4.7	5.1	2.4	10.1
2018	4.3	3.2	4.8	5.0	4.0	2.1	8.5
2019	5.0	1.6	3.7	6.2	4.6	2.8	7.0
2020	3.9	1.9	2.4	3.9	4.4	3.2	3.5
2021	6.1	4.6	3.7	6.1	5.8	4.1	4.9

[Back to figure 2](#)

Table connected to Figure 3 in Annex 1. Immigration by nationality, 1995-2021

Year	Dutch citizens	other EU citizens	non-EU citizens
1995	29,128	15,295	51,676
1996	31,572	18,813	58,364
1997	33,124	19,894	56,842
1998	40,706	20,519	61,182

<sup>275</sup> This measure indicates the volume of net migration per 1,000 inhabitants. It gives an idea of how migration contributes to changes in a country's population.

<b>1999</b>	40,786	21,106	57,259
<b>2000</b>	41,467	22,697	68,686
<b>2001</b>	38,897	23,017	71,490
<b>2002</b>	34,631	21,664	64,955
<b>2003</b>	30,948	19,639	53,927
<b>2004</b>	28,898	25,338	39,783
<b>2005</b>	28,882	27,104	36,311
<b>2006</b>	33,493	31,337	36,320
<b>2007</b>	36,561	43,827	36,431
<b>2008</b>	40,160	56,132	47,224
<b>2009</b>	41,968	54,521	49,889
<b>2010</b>	44,197	60,879	49,356
<b>2011</b>	44,505	68,841	49,616
<b>2012</b>	42,696	70,543	45,135
<b>2013</b>	42,451	72,831	49,490
<b>2014</b>	43,601	81,291	58,057
<b>2015</b>	45,132	82,054	77,429
<b>2016</b>	48,581	88,440	93,718
<b>2017</b>	51,101	99,494	84,362
<b>2018</b>	52,732	109,666	81,339
<b>2019</b>	53,836	124,034	91,194
<b>2020</b>	50,241	102,116	68,496
<b>2021</b>	44,472	117,427	90,658

[Back to figure 3](#)

*Table connected to Figure 4 in Annex 1. Top 10 nationalities of immigrants (excluding Dutch citizens), 1995-2020*

	<b>Nationality</b>	<b>Share</b>
1	<b>Polish</b>	11%
2	<b>German</b>	7%
3	<b>British</b>	5%
4	<b>Turkish</b>	4%
5	<b>Chinese</b>	3%
6	<b>American</b>	3%
7	<b>Indian</b>	3%
8	<b>Italian</b>	3%
9	<b>Syrian</b>	3%
10	<b>Bulgarian</b>	3%
	<b>Other</b>	56%
	<b>Total</b>	<b>100%</b>

[Back to figure 4](#)

Table connected to Figure 5 in Annex 1. Emigration by nationality, 1995-2020

Year	Dutch citizens	other EU citizens	non-EU citizens
1995	48,500	15,320	18,375
1996	49,546	18,331	24,068
1997	47,554	15,230	19,189
1998	45,078	15,947	18,264
1999	46,485	15,151	17,143
2000	47,871	15,311	15,795
2001	50,714	15,006	16,846
2002	57,324	17,454	22,140
2003	60,970	17,595	26,266
2004	64,161	20,245	25,829
2005	72,537	20,397	26,791
2006	79,986	24,853	27,631
2007	74,649	24,716	23,211
2008	68,027	28,598	21,154
2009	54,406	33,850	23,641
2010	57,307	37,041	27,003
2011	62,980	42,657	27,557
2012	63,729	51,314	29,448
2013	62,619	52,937	30,113
2014	64,419	54,962	28,481
2015	64,319	55,934	29,256
2016	61,624	58,966	30,955
2017	57,868	63,208	33,216
2018	54,564	68,443	34,359
2019	51,121	74,901	35,007
2020	39,322	73,083	40,089

[Back to figure 5](#)

Table connected to Figure 6 in Annex 1. Figure 6: Net migration by nationality, 1995-2020

Year	Dutch citizens	other EU citizens	non-EU citizens
1995	-19,372	-25	33,301
1996	-17,974	482	34,296
1997	-14,430	4,664	37,653
1998	-4,372	4,572	42,918
1999	-5,699	5,955	40,116
2000	-6,404	7,386	52,891
2001	-11,817	8,011	54,644
2002	-22,693	4,210	42,815
2003	-30,022	2,044	27,661

<b>2004</b>	-35,263	5,093	13,954
<b>2005</b>	-43,655	6,707	9,520
<b>2006</b>	-46,493	6,484	8,689
<b>2007</b>	-38,088	19,111	13,220
<b>2008</b>	-27,867	27,534	26,070
<b>2009</b>	-12,438	20,671	26,248
<b>2010</b>	-13,110	23,838	22,353
<b>2011</b>	-18,475	26,184	22,059
<b>2012</b>	-21,033	19,229	15,687
<b>2013</b>	-20,168	19,894	19,377
<b>2014</b>	-20,818	26,329	29,576
<b>2015</b>	-19,187	26,120	48,173
<b>2016</b>	-13,043	29,474	62,763
<b>2017</b>	-6,767	36,286	51,146
<b>2018</b>	-1,832	41,223	46,980
<b>2019</b>	2,715	49,133	56,187
<b>2020</b>	10,919	29,033	28,407

[Back to figure 6](#)

Table connected to Figure 7 in Annex 1. Motives for migration of non-Dutch nationals, 1999-2020.

Motive for migration	Share
<b>Asylum</b>	12%
<b>Family (non-EU)</b>	18%
<b>Family (EU)</b>	15%
<b>Work (non-EU)</b>	8%
<b>Work (EU)</b>	17%
<b>Study (non-EU)</b>	8%
<b>Study (EU)</b>	7%
<b>Other (non-EU)</b>	3%
<b>Other (EU)</b>	11%
<b>Total</b>	<b>100%</b>

[Back to figure 7](#)

Table connected to Figure 8 in Annex 2. Immigration of non-EU citizens by purpose of stay, 1999-2021

Year	Family	Work	Study	Asylum
<b>1999</b>	23,460	4,890	3,955	20,940
<b>2000</b>	25,280	5,395	4,610	29,435
<b>2001</b>	27,105	6,020	6,150	27,090
<b>2002</b>	28,930	5,355	7,795	19,240
<b>2003</b>	28,560	5,715	7,275	8,230
<b>2004</b>	20,350	4,040	6,225	2,560

<b>2005</b>	18,240	4,870	6,375	3,255
<b>2006</b>	16,025	6,290	7,335	3,320
<b>2007</b>	13,450	7,240	7,190	4,865
<b>2008</b>	17,065	9,190	7,935	8,085
<b>2009</b>	18,965	7,695	8,585	9,375
<b>2010</b>	18,785	8,155	9,100	7,910
<b>2011</b>	18,295	9,485	9,425	6,805
<b>2012</b>	14,895	8,865	9,760	5,980
<b>2013</b>	15,980	9,105	10,515	9,450
<b>2014</b>	17,195	9,540	10,995	17,060
<b>2015</b>	17,265	11,110	13,315	32,270
<b>2016</b>	20,130	12,520	14,490	42,875
<b>2017</b>	24,350	14,900	16,265	24,405
<b>2018</b>	26,990	17,695	17,650	12,895
<b>2019</b>	29,820	20,110	19,320	15,300
<b>2020</b>	21,350	11,645	12,950	12,310
<b>2021</b>	29,315	18,495	18,785	21,200

[Back to figure 8](#)

*Table connected to Figure 9 in Annex 1. Asylum applications and family reunification with beneficiaries of protection, 1975-2021*

<b>Year</b>	<b>Total number of asylum applications and family members joining beneficiaries of protection</b>	<b>First-time asylum applications</b>	<b>Repeated asylum applications</b>	<b>Family members joining beneficiaries of protection</b>
<b>1975</b>	390			
<b>1976</b>	470			
<b>1977</b>	580			
<b>1978</b>	770			
<b>1979</b>	990			
<b>1980</b>	1,330			
<b>1981</b>	750			
<b>1982</b>	1,215			
<b>1983</b>	2,015			
<b>1984</b>	2,605			
<b>1985</b>	5,645			
<b>1986</b>	5,865			
<b>1987</b>	13,460			
<b>1988</b>	7,485			
<b>1989</b>	13,900			



1990	21,210			
1991	21,615			
1992	20,345			
1993	35,400			
1994	52,575			
1995	29,260			
1996	22,855			
1997	34,445			
1998	45,215			
1999	39,305			
2000	43,560			
2001	32,580			
2002	18,665			
2003	13,400			
2004	9,780			
2005	12,345			
2006	14,465			
2007	9,730	7,435	2,300	
2008	15,275	13,405	1,870	
2009	16,165	14,905	1,260	
2010	15,155	13,335	1,815	
2011	14,630	11,590	3,040	
2012	13,170	9,715	3,455	
2013	16,725	9,840	3,255	3,630
2014	29,890	21,810	2,725	5,355
2015	58,880	43,095	1,940	13,845
2016	32,840	19,370	1,655	11,815
2017	32,755	16,145	2,120	14,490
2018	30,540	20,510	3,565	6,465
2019	29,445	22,540	2,725	4,180
2020	19,180	13,720	1,595	3,865
2021	36,675	24,740	1,815	10,120

[Back to figure 9](#)

*Table connected to Figure 10 in Annex 1. Immigration of EU citizens (excluding Dutch nationals) by purpose of stay, 1999-2020*

Year	Family	Work	Study	Other
1999	8,595	7,715	1,220	3,970
2000	9,020	8,605	1,240	4,325
2001	9,310	8,215	1,450	4,500
2002	8,830	7,100	1,555	4,645
2003	7,925	5,600	1,995	4,570
2004	10,385	6,455	3,190	6,465

<b>2005</b>	10,050	7,000	3,665	7,075
<b>2006</b>	11,545	8,830	4,290	7,295
<b>2007</b>	15,670	13,275	5,515	10,320
<b>2008</b>	18,395	17,945	7,620	13,100
<b>2009</b>	17,730	15,570	8,600	13,645
<b>2010</b>	18,450	17,340	10,740	14,445
<b>2011</b>	20,300	19,750	12,465	16,455
<b>2012</b>	20,940	19,595	13,605	16,590
<b>2013</b>	21,990	22,200	10,820	18,045
<b>2014</b>	23,475	29,020	9,365	19,610
<b>2015</b>	23,735	29,410	9,955	18,955
<b>2016</b>	25,475	31,670	10,995	20,375
<b>2017</b>	26,625	37,270	15,205	20,365
<b>2018</b>	28,780	40,340	19,935	20,740
<b>2019</b>	32,545	44,710	22,765	24,275
<b>2020</b>	29,940	35,040	18,985	25,105

[Back to figure 10](#)

*Table connected to Figure 11 in Annex 1. Immigration by nationality for selected European countries, 1998-2020*

	<b>own citizens</b>	<b>other EU citizens</b>	<b>non-EU citizens</b>
<b>The Netherlands</b>	28%	33%	39%
<b>Belgium</b>	19%	31%	50%
<b>Germany</b>	17%	32%	51%
<b>Austria</b>	11%	43%	46%
<b>Denmark</b>	35%	29%	35%
<b>Sweden</b>	19%	23%	58%
<b>Finland</b>	32%	22%	47%
<b>EU-27</b>	22%	25%	54%

[Back to figure 11](#)

Table connected to Figure 12 in Annex 1. First residence permits issued to non-EU citizens by reason of issuance for selected European countries, 2008-2021

	Asylum	Family	Work	Study	Other
<b>The Netherlands</b>	20%	35%	19%	18%	7%
<b>Belgium</b>	19%	50%	10%	12%	9%
<b>Germany</b>	33%	38%	11%	14%	4%
<b>Austria</b>	34%	35%	8%	12%	10%
<b>Denmark</b>	10%	28%	32%	28%	2%
<b>Sweden</b>	23%	44%	18%	10%	5%
<b>Finland</b>	10%	35%	30%	21%	5%
<b>EU-27</b>	10%	31%	34%	14%	11%

[Back to figure 12](#)

Table connected to Figure 13 in Annex 1: Departure of non-EU migrants by duration of stay and migration motive, 2010 cohort

Length of stay	Family	Work	Study	Asylum
1 year	7%	24%	26%	9%
2 years	15%	44%	49%	18%
3 years	21%	56%	62%	23%
4 years	25%	63%	70%	26%
5 years	28%	69%	74%	28%
6 years	31%	73%	78%	31%
7 years	34%	76%	81%	35%
8 years	36%	77%	84%	38%
9 years	38%	78%	85%	40%
10 years	39%	79%	87%	42%

[Back to figure 13](#)

Table connected to Figure 14 in Annex 1. Departure of EU citizens (excluding Dutch nationals) by duration of stay and migration motive, 2010 cohort

Length of stay	Family	Work	Study	Other
1 year	16%	24%	18%	38%
2 years	29%	43%	36%	59%
3 years	38%	54%	52%	68%
4 years	44%	60%	63%	74%
5 years	48%	65%	71%	77%
6 years	51%	68%	76%	79%
7 years	53%	70%	79%	81%
8 years	55%	72%	81%	82%
9 years	57%	74%	82%	83%
10 years	58%	75%	83%	83%

[Back to figure 14](#)

Table connected to Figure 15 in Annex 1. Net migration by migration motive, 1999-2020

Motive for migration	Share
Asylum	19%
Family (non-EU)	25%
Family (EU)	17%
Work (non-EU)	6%
Work (EU)	13%
Study (non-EU)	4%
Study (EU)	6%
Other (non-EU)	3%
Other (EU)	6%
<b>Total</b>	<b>100%</b>

[Back to figure 15](#)

## **Advisory Council on Migration**

The Advisory Council on Migration is an independent advisory body established by law. The Council advises the government and parliament on matters relating to migration. The advisory and knowledge products concern legislation, policy and strategy.

### **Publication details**

'Realism about Numerical Targets'

Publication of the Advisory Council on Migration, The Hague, December 2022 (in Dutch) / August 2023 (English translation)

Presented to the Minister for Migration

ISBN: 978-90-8521-108-2

Advisory Council on Migration

Koningskade 4

2596 AA The Hague

[www.adviesraadmigratie.nl](http://www.adviesraadmigratie.nl)

[secretariaat@adviesraadmigratie.nl](mailto:secretariaat@adviesraadmigratie.nl)

+31 (0)6 46 84 09 07

### **Information on images**

Photograph on title page of Chapter 1: iStock

Photograph on title page of Chapter 2: Arenda Oomen

Photograph on title page of Chapter 3: Arenda Oomen

Photograph on title page of Chapter 4: Riesjard Schropp

This Advisory Report was prepared by members of the Advisory Council on Migration and staff members of the Secretariat.

Members of the Council: Monique Kremer (subcommittee chair), Maartje van der Woude, Hugo Fernandes Mendes, Ton van Loon, Helga de Valk (until 1 July 2022)

Secretariat staff members: Lambert Obermann (project leader), Huub Verbaten, Myrthe Wijnkoop, Laura Kok (both until 30 September 2022)

