



Small Scale Study

Reception Systems, their Capacities and the Social Situation of Asylum Applicants within the Reception System in the EU Member States: The Netherlands

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List of abbreviations

ABW	the Algemene Bijstandswet	Social Assistance
AC	Aanmeldcentrum	Application Centre
AMOG	Asielzoekers met onacceptabel gedrag	Asylum applicants with unacceptable behaviour
Awb	Algemene wet bestuursrecht	The General Administrative Law Act
AWBZ	Algemene Wet Bijzondere Ziektekosten	General Law on Special Medical Expenses
AZC	Asielzoekerscentrum	Asylum applicants centre
CBS	Centraal Bureau voor de Statistiek	Statistics Netherlands
COA	Centraal Orgaan Opvang Asielzoekers	Central Reception Organisation for Asylum Applicants
COW	Centrale Opvang in Woningen	Centralised accommodation in houses
CWI	Centrum voor Werk en Inkomen	Centre for Work and Income
GGD	Gemeentelijke/Gewestelijke Gezondheidsdienst	Community Health Service
IND	Immigratie- en Naturalisatiedienst	Immigration and Naturalisation Service
KCO	Kleinschalige Centrale Opvang	Small-scale centralised accommodation
MOA	Medische Opvang Asielzoekers	Community Health Services for Asylum Applicants
OC	Onderzoekscentrum	Examination and reception centre
OLC	Open Leercentrum	Open Learning Centre
Reba	Regeling eigen bijdrage asielzoekers met inkomen en vermogen	Regulation on personal contribution by asylum applicants with income or possessions
RIBW	Regionale Instelling voor Beschermd Wonen	Regional Institution for Protected Living
ROA	Regeling Opvang Asielzoekers	Regulation for the Reception of Asylum Applicants
ROV 2005	Reglement Onthoudingen Verstrekkingen 2005	Rules on the Withholding of Provisions 2005
Rva 2005	Regeling verstrekkingen asielzoekers en andere categorieën vreemdelingen 2005	Regulation on the Provisions for Asylum Applicants and other Categories of Aliens 2005
RvS	Raad van State	Council of State
TNV	Tijdelijke Noodvoorziening Vreemdelingen	Temporary Reception Centre

INDIAC 2005 Reception Systems, their Capacities and the Social Situation of Asylum Applicants within the Reception System in the EU Member States: The Netherlands

UMA		Unaccompanied Minor Asylum Applicants
Vb 2000	Vreemdelingenbesluit 2000	Aliens Decree 2000
Vc 2000	Vreemdelingencirculaire 2000	Aliens Act Implementation Guidelines 2000
VNG	Vereniging van Nederlandse Gemeenten	Association of Netherlands Municipalities
VP	Vreemdelingenpolitie	Aliens Police
VV 2000	Voorschrift Vreemdelingen 2000	Regulations on Aliens 2000
VVN	Vereniging Vluchtelingenwerk Nederland	Dutch Refugee Council
Vw 2000	Vreemdelingenwet 2000	Aliens Act 2000
WAV	Wet Arbeid Vreemdelingen	Aliens Employment Act
Wet COA	Wet centraal orgaan opvang asielzoekers	Act on the Central Reception Organisation for Asylum Applicants
WVC	Welzijn, Volksgezondheid en Cultuur	Ministry of Welfare, Public Health and Culture
ZZA	Zelfzorg Arrangement	Selfcare Arrangement

1. Short Historical Overview of the Development of Reception Facilities

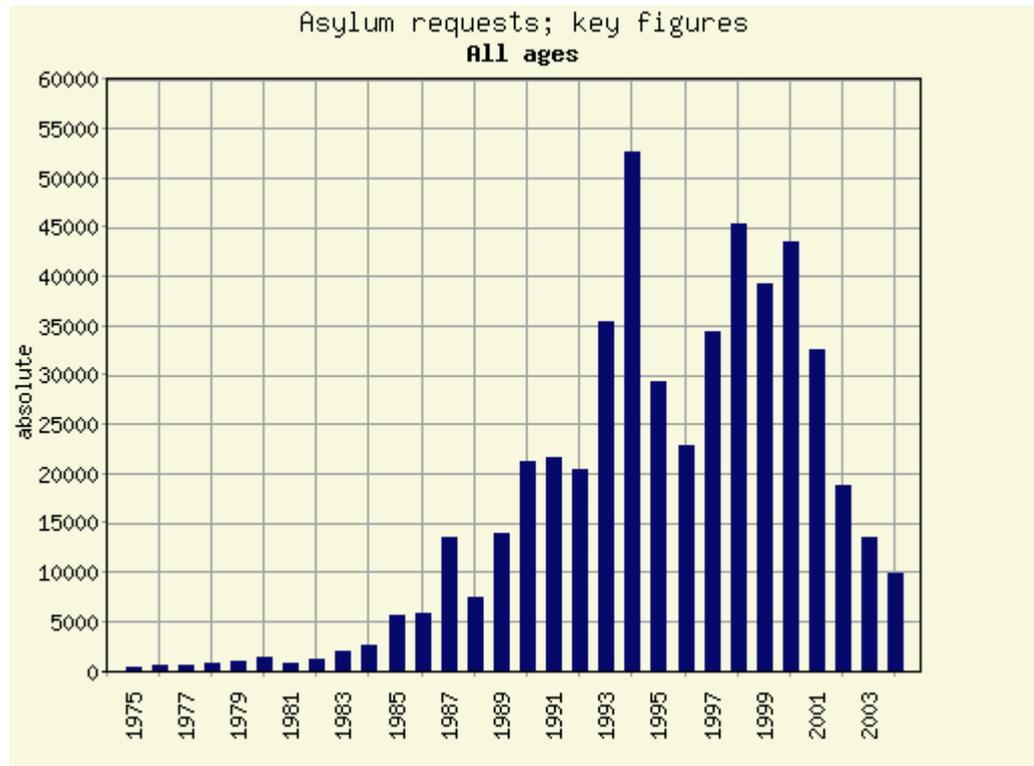
Before 1983 the yearly number of asylum applications in the Netherlands was low (e.g. 750 applications in 1981, 1.210 in 1982) Centraal Bureau voor de Statistiek (CBS) (Statistics Netherlands). Third-country nationals or stateless persons who applied for asylum were entitled to social benefits through the Algemene Bijstandswet (ABW) (Social Assistance). Housing had to be arranged by the applicants themselves, mostly with the assistance of volunteers and the non-governmental organisation Vereniging Vluchtelingenwerk Nederland (VVN) (Dutch Refugee Council).

A relatively large influx of Tamil-refugees from Sri Lanka starting in 1983/1984, marked the beginning of centralised reception facilities for asylum applicants. First, arrangements were made specifically aimed at the Tamil-refugees. As the awareness grew that an overall arrangement had to be made for the reception of all asylum applicants (whose numbers kept rising), in 1987 the central government devised the Regeling Opvang Asielzoekers (ROA) (Regulation for the Reception of Asylum Applicants), under the responsibility of the ministry of Welzijn, Volksgezondheid en Cultuur (WVC) (Welfare, Public Health and Culture) (Minister of Welfare, Public Health and Culture: 1994).

All Dutch municipalities were to participate in the reception of asylum applicants by making available a certain amount of houses and apartments. The number of applicants to be housed in a municipality depended on the number of inhabitants. Municipalities were also made responsible for providing benefits and services to the applicants they housed. The ministry of WVC appropriated the necessary budget. Buffer capacity was provided by four central reception facilities, run by the ministry of WVC. Looking after the interests of asylum applicants and

providing them with legal assistance was put in the hands of independent organisations, such as the aforementioned Dutch Refugee Council.

As the number of asylum applications kept rising dramatically in the years after and as the influx in decentralised housing in the municipalities stagnated, the number of central reception facilities was expanded more and more. Furthermore, the average stay in central reception facilities also increased sharply.



Source: Centraal Bureau voor de Statistiek (CBS) (Statistics Netherlands)

As the system of decentralised reception of applicants under the responsibility of the municipalities proved to be inadequate, on 1 January 1992 the new admission- and reception model was introduced. Before the first decision on the application, the applicant stayed at an Onderzoekscentrum (OC) (Examination and reception centre). If the applicant did not have to leave the Netherlands after

the initial decision the applicant was transferred to an Asielzoekerscentrum (AZC) (asylum applicants centre) and from there to housing provided by municipalities through the aforementioned ROA-regulation.

In 1994 the Centraal Orgaan Opvang Asielzoekers (COA) (Central Reception Organisation for Asylum Applicants) was established to run the central reception centres. Since then, COA has been responsible for placement and reception in the central reception system, the running of the centres and the acquisition of reception locations. The central reception system has been characterised by large-scale accommodation centres. Later that same year (in August), the responsibility for the reception of asylum applicants (and thus for the COA) was transferred from the ministry of WVC to the ministry of Justice. Finally, 1994 also witnessed the establishment of so-called Aanmeldcentra (ACs) (Application Centres), run by the Immigratie- en Naturalisatiedienst (IND) (Immigration and Naturalisation Service), where manifestly unfounded applications were decided on within 24 working hours. Since then, before being placed in central reception centres, applicants first stay in an AC for a maximum of 24 working hours. This has been extended to 48 working hours in June 1999.

Since 1 January 1996 the ROA is no longer in effect and new applicants are no longer placed in municipal living accommodations during their asylum procedure. This signified the end of the municipal responsibility for the reception of new applicants during their procedure. From that date on, COA has been the sole governmental organisation responsible for housing asylum applicants during their procedure, with the exception of certain categories of unaccompanied minor asylum applicants (UMAs).

COA has from its foundation until 2001 been confronted with a large and unpredictable influx of applicants to be housed. The capacity of the existing large accommodation centres did not always suffice. To relieve the pressure alternative forms of accommodation were introduced. In April 1998 a Zelfzorg Arrangement

(ZZA) (Selfcare Arrangement) was created, allowing applicants to arrange for their own housing, while still receiving provisions and benefits. Centralised accommodation in houses (COW) and small-scale centralised accommodation (KCO) were also introduced. As the number of applicants started to drop from 2001 onwards, the use of these forms of accommodation was gradually stopped or cut down on. For the first time in its existence, COA has since then structurally reduced its reception capacity. At the same time, since January of 2005, the reception system is being reorganised, to match reception facilities to the status of the applicant. This will be further addressed in chapter three.

2. Asylum Application Procedures and Legal Framework

2.1. Asylum Application Procedures

On 1 April 2001 the previous Aliens Act, dating back to 1994, was replaced by a new Act. As the Netherlands were confronted with a consistently high influx of applicants and as individual asylum procedures often dragged on for many years, the need for change was apparent. The main goals of this new legislation are to shorten and streamline the asylum procedure, which in the years prior to 2001 had proven to be inadequate. The most important changes of the new Aliens Act are:

- the introduction of one permit for a fixed period, if necessary, followed by a permit for an indefinite period after three years;
- the abolition of the objection stage;
- the introduction of an appeal to the Raad van State (RvS) (Council of State); and
- the introduction of a more comprehensive rejection of the application also stipulating that no further reception shall be provided and that the rejected asylum seeker must leave the Netherlands.

The procedures for asylum applications are laid down in the Aliens Act 2000 (Vw 2000), the Aliens Decree 2000 (Vb 2000), the Regulations on Aliens 2000 (VV 2000) and the Aliens Act Implementation Guidelines 2000 (Vc 2000). The General Administrative Law Act (Awb) is also of importance.

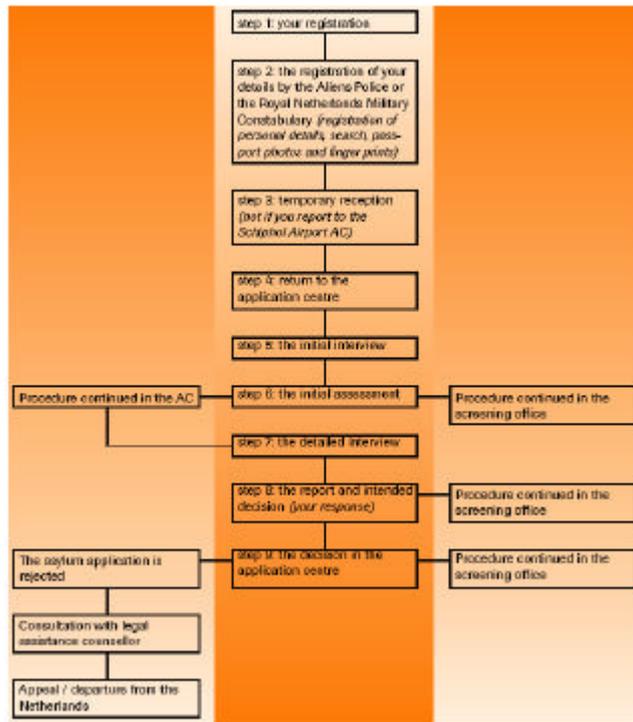
The Initial Decision

A third-country national or stateless person who wants to apply for asylum has to report to an AC (already mentioned above). At present there are two ACs in the

Netherlands. If the intention to apply for asylum is made known to the regional chief of police, he is obliged to refer the applicant to an AC and to arrange for a public transportation ticket.

After reporting to the AC and registering, in most cases an appointment is made to lodge the asylum application at a later date. The applicant is then sent to a Tijdelijke Noodvoorziening Vreemdelingen (TNV) (Temporary Reception Centre) run by the COA. After lodging the application in the AC the asylum procedure starts, and the IND assesses whether the asylum application merits further processing in the AC. This depends on the time deemed necessary to reach a decision. In the AC the IND has to reach a final decision within a maximum of 48 working hours. If at any moment during the procedure in the AC there are indications that more time is required for investigating the application, the asylum procedure will be continued from the screening office. The applicant then is entitled to COA reception facilities and will be placed in a reception centre run by the COA. In 2004 in 42 percent of all asylum applications a decision was reached within 48 hours in the AC (IND: 2005).

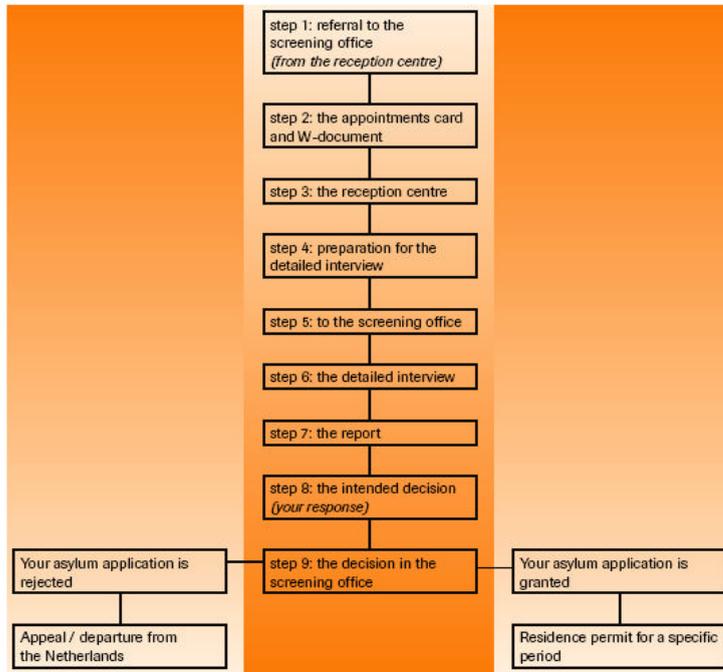
The AC-procedure from the applicant's viewpoint



Source: IND

The registration and the initial interview of the applicant (aimed solely at establishing the applicant’s nationality, identity and travel route) always take place in the AC. The following steps can take place either in the AC or in a screening office. After the initial interview, a detailed interview will be held, concerning the reasons for applying for asylum. The applicant will get a chance to correct and supplement the written report of this interview later on. If deemed necessary an array of further investigations into the merits of the applicant’s story is possible.

The procedure in the screening office from the applicant’s viewpoint



Source: IND

Consequently, the IND will either inform the applicant of the decision to grant asylum, or give a written notification of the intended decision to reject the application. In the latter case the intended decision will explain why the application has been rejected. The applicant will be allowed to comment on the intended decision and this reaction will be taken into account in the final decision on the application. If the IND reaches a final negative decision on the application, an officer of the Vreemdelingenpolitie (VP) (Aliens Police) will hand this decision to the applicant. The negative decision ends lawful residence in the Netherlands, as well as the right to reception facilities.

The applicant has the right to an independent legal assistance counsellor for the duration of the asylum procedure. A counsellor will be appointed to the applicant after the initial interview, first to assist in preparing the detailed interview. Later on, the counsellor will help the applicant with the comments on the report of the detailed interview and if necessary with the reaction to the intended decision to

deny the application. Also, interpreters are available throughout the procedure, both during the applicant's contacts with the IND as with the legal assistance counsellor.

Appeal

If the IND has reached a final negative decision on the application, the applicant has the right to appeal against the decision. If the decision has been reached at an AC, the applicant has one week to appeal, but has to leave the Netherlands immediately after receiving the decision. The applicant can, within 24 hours after receiving the decision, ask the courts for an interim decision to be allowed to await the decision on the appeal in the Netherlands. Although lawful residence has ended, this interim decision can be awaited in the Netherlands, unless:

- the decision concerns a repeated application without new facts or circumstances being put forward in the new application (as laid down in section 4:6 of the Awb, such an application may be rejected by reference to the previous rejection),
- the applicant poses a threat to public order or national security, or
- access to a third country will be put at risk by postponing departure.

If the decision has been reached at a screening office, the applicant has four weeks to appeal. If the applicant does not file an appeal within four weeks, the applicant has to leave the Netherlands immediately after these four weeks have passed. In case of a timely appeal the applicant has lawful residence in the Netherlands awaiting the decision on the appeal, with the following exceptions:

- The decision concerns a repeat asylum application without new facts or circumstances being put forward in the new application section.
- Another country which is party to the Convention on Refugees is responsible for processing the application by virtue of a treaty or a resolution of an international organisation binding on such country and the Netherlands (e.g. regulation 343/2003 of the European Council).

- The applicant has been detained as entry to the Netherlands has been refused at the border or in the interest of in the interests of public policy (*ordre public*) or national security.

In these cases too, the applicant can ask the court for an interim decision to be allowed to lawfully stay in the Netherlands during the appeal. The interim decision can be awaited in the Netherlands, with the same exceptions as mentioned above for an interim decision after a rejection in an AC.

If the courts have rejected the appeal, the final instance of appeal is the RvS in The Hague. An appeal there can be filed within 4 weeks. An applicant does not have lawful residence during this appeal. Here too, an interim decision can be asked for. This can be awaited in the Netherlands, with the same exceptions as mentioned above. For the duration of the appeal(s), a legal assistance counsellor, as well as interpreters, remain available to the applicant.

Average duration of the Procedure

The different steps in the asylum procedure described above are often quite time-consuming. Although as mentioned above, for the applications filed in 2004 over 40 percent of the first decisions was taken within 48 working hours, the average time needed to take a first decision on applications was 22 weeks in 2004. The applications that were not yet decided on in 2004 on average had been in stock for 36 weeks.

Average time taken to reach first decision (2004, in weeks)*

	January - April	May - August	Sept - Dec
Average time taken	24	21	21
Average age of stock	33	37	39

Source: Minister for Integration and Immigration: 2005

*includes decisions reached within 48 working hours

The courts in 2004 took on average 79 weeks to reach a verdict on an appeal. They took on average 56½ week to reach an interim decision. The RvS took on average 10 weeks to reach a verdict, but this includes the time needed to reach the (faster) interim decisions.

Average time taken to reach verdict on appeal (2004, in weeks)

	January - April	May - August	Sept - Dec
Appeal	77	80	81
Interim decision	58	57	55
Appeal RvS (incl. interim decisions)	9	9	12

Source: Minister for Integration and Immigration: 2005

2.2. Legal Framework of Reception Conditions

As mentioned in the previous paragraph, applicants will often first be sent to a TNV. The applicant is not obliged to stay at the TNV. Evidently underage solitary applicants, applicants with urgent medical problems, applicants with children younger than six months and women well-advanced in pregnancy (over 36 weeks) will not be sent to a TNV first, but will be admitted to the AC-procedure directly (VC, part 3, chapter 12, paragraph 2.1). After the application has been lodged in the AC, the applicant is given an instruction based on section 55 of the Vw 2000 to remain at the AC on workdays from 07:30 am to 6:00 pm. Failing to do so may have negative consequences for the application and can result in a negative decision. Application Centres have basic facilities to enable the stay of applicants for the duration of the AC -procedure, such as sleeping facilities, meals and childcare.

Section 11 of the Vw 2000 stipulates that asylum applicants who are lawfully resident in the Netherlands awaiting a final decision on their applications (§2.1) have certain entitlements, if these are granted by or pursuant to the Wet centraal orgaan opvang asielzoekers (Wet COA) (Act on the Central Reception Organisation for Asylum Applicants). Section 3 of the Wet COA states that the COA is entrusted with the placement and the material and immaterial reception of asylum applicants in reception centres. COA is responsible for the placement of asylum applicants and is also entitled to relocate applicants. Both the nature of the entitlements of applicants as the preconditions for receiving these entitlements are laid down in detail in the Regeling verstrekkingen asielzoekers en andere categorieën vreemdelingen 2005 (Rva 2005) (Regulation on the Provisions for Asylum Applicants and other Categories of Aliens 2005), which is based on section 12 of the Wet COA.

If an applicant has lawful residence, but is detained, or if an applicant is lawfully resident in the Netherlands awaiting the decision on a repeated application, there is no right to reception facilities and provisions and benefits (except in cases of humanitarian need). On the other hand, if an applicant has no lawful residence on procedural grounds, but there are medical obstacles for extradition or if the situation in the country of origin temporarily prohibits extradition, the applicant maintains lawful residence and the right to provisions and benefits for the duration of these circumstances.

The Rva 2005 also stipulates that applicants will have to report to the designated reception facility within 24 hours of being notified, or else they are no longer entitled to housing, provisions and benefits from COA. Furthermore, if an applicant's financial means exceed the basic income level ensured by the Dutch Algemene Bijstands Wet (ABW) (Social Assistance), the applicant also has no right to housing, provisions and benefits from COA.

Obviously, applicants can choose not to be housed by the COA, as it is an entitlement, not an obligation. The only obligation applicants have, is to report weekly to the VP in their place of residence (section 54, Vw 2000). However, if applicants choose not to be housed by or through (e.g. the Selfcare Arrangement mentioned earlier) the COA, they will not receive any other provisions and benefits laid down in the Rva 2005. This does not apply to access to necessary medical aid, entitlements related to the prevention of situations that would jeopardise public health, legal assistance in the asylum procedure and education for applicants who are of school age. Even lawful residence is not a precondition to these entitlements (section 10, Vw 2000).

In chapter III of the Rva 2005 it is laid down when the entitlement to reception comes to an end. First of all, of course, the entitlement to reception facilities and provisions and benefits end, when lawful residence ends, or if the application is granted and suitable living accommodation has been found. Furthermore, if after

a transfer to a new reception facility, the applicant does not arrive there within 48 hours, this ends all entitlements to reception. Also, if an applicant does not fulfil the obligation to report to the VP for two consecutive weeks, reception facilities can be denied. The COA is also authorised through section 10 of the Rva 2005, to end provisions and services and even housing if an applicant does not comply with its rules. This is laid down in the COA's Reglement Onthoudingen Verstrekkingen 2005 (ROV 2005) (Rules on the Withholding of Provisions 2005).

3. Organisation, Number and Capacities of Reception Facilities

3.1 Organisation of Reception Facilities

As mentioned in the historical overview, in the Netherlands, asylum applicants are mainly housed in large centralised accommodation centres, run by the COA. The COA is the main organisation officially responsible for the housing of asylum applicants during the asylum procedure. COA is a centrally organised independent administrative body, and is responsible for the reception of asylum applicants on assignment from the Ministry of Justice. It is geographically divided into two regions (North and South) and twelve clusters. A board, whose chairman is appointed by the Minister for Integration and Immigration, heads the COA. A Head Office, residing in Rijswijk, supports the board and is headed by a General Director. COA's budget is mainly provided through a yearly subsidy by the Ministry of Justice, which is based on output financing. Based on a capacity of 48,605 places, COA's total costs in 2004 amounted to €683.5 million (Minister of Justice et al.: 2004). This includes among others the costs for COA's products and services and the costs for benefits provided to applicants. The Ministry of Justice is annually compensated for the reception costs in the first year of applicants' stay in the Netherlands through the budget of the Ministry of Foreign Affairs for the amount of €121.7 million (Minister of Justice et al.: 2004).

COA's mission statement is to humanely and controllably take care of the reception of asylum applicants who are lawfully resident in the Netherlands. COA wants to enable applicants to use their time spent in the reception system in the best possible way, supporting them in effective preparations for their integration in Dutch society or for their return to the country of origin. An applicant's

individual responsibility and independence remain paramount in all this. In organising reception facilities, COA has two main goals:

- To keep reception facilities safe and liveable for employees, inhabitants and society.
- To equip applicants for their temporary stay in the Netherlands and to prepare them for their future, either in the country of origin or in the Netherlands.

Also, as maintaining the unity of the family is an important cornerstone of government policy, families will in principle be housed together. This also applies to unaccompanied minor brothers and sisters.

As a result of a growing focus by the government on the difficulties encountered in getting applicants to return to their countries of origin after a rejection of the application, in January 2005 the reception model has been reorganised. Two types of centralised accommodation centres have been introduced: Orientation & Integration Centres and Return Centres. As the Minister for Integration and Immigration has laid out in her letter to Parliament of 22 December 2004 (Minister for Integration and Immigration: 2004a), this reorganisation aims to prepare applicants at the earliest possible stage for their return to the country of origin. The new reception model will for reasons of financial and organisational efficiency, be gradually introduced.

In the Orientation & Integration Centres, applicants are housed who have not yet received a decision, or whose application has been granted. In these centres, applicants will be offered either an orientation or an integration programme (if the application has been granted). In the orientation programme knowledge and skills will be offered to enable the applicants to function in the accommodation centres, as well as information on the asylum procedure. Also, a realistic perspective on the future will be promoted, with special attention given to the fact that most applications are denied. To these ends, a set of talks will be held with

the applicant, Dutch on a very basic level will be taught, meetings providing general information will be organised and the applicant will get an introductory course to enable him to use the Open Leercentrum (OLC) (Open Learning Centre). For applicants whose application is granted, an integration program is available to prepare them for full participation in Dutch society.

In case of a first negative decision, applicants will be transferred to a Return Centre within two months of receiving the decision. There they will receive an obligatory program to actively prepare them for an independent return to the country of origin as soon as their lawful residence in the Netherlands ends. There will be talks aimed at taking away any impediments to a possible return and information will be provided on the possibilities of support by the International Organisation for Migration (IOM), country-specific information on return will be given, and the consequences of staying in the Netherlands illegally will be discussed.

Next to the two kinds of reception facilities mentioned above, there are also applicants housed through the Selfcare Arrangement (ZZA) and KCOs mentioned earlier and applicants who are staying outside COA facilities with relatives in the first degree or with their partner. All these applicants will be covered by either an Orientation & Integration Centre, or a Return Centre in the vicinity of their place of residence, depending on their status in the procedure. They are all covered by the rules and regulations laid down in the Rva 2005. This means that applicants housed in this way are obliged to participate in the phase-specific program offered in the centre they are administered by, and allowed to use its recreational and educational facilities.

There is also a special reception facility for applicants who due to their behaviour (e.g. aggression, self-mutilation) can no longer stay in the normal reception facilities. This is the so-called AMOG-centre (centrum voor asielzoekers met onacceptabel gedrag) (centre for asylum applicants with unacceptable behaviour)

centre. In this centre, applicants who cause major disturbances in the reception facility where they are staying can be admitted. The goal of the stay is enabling the return of the applicant to the reception facility by adjusting his or her behaviour. At the end of an applicants stay in the AMOG centre, advises will be given regarding counselling, treatment and medication. The reception centre which they return to, will be responsible for arranging for further guidance by mental health care institutions or social work, if necessary.

Professional COA employees staff the reception centres. They are responsible for running the centres and for running the phase-specific programs. On 31 December 2004 COA had 2.357 employees, 58 of which were working on a temporary contract. Also, 144 people were hired externally. There are also many volunteers working for COA in the reception centres (in 2004 on average 1600). Because of their selfless dedication the services to inhabitants of the centres can be broadened and deepened. Volunteers are used in educational, recreational and phase-specific activities.

Organisation of Reception of UMAs

The reception of unaccompanied minor applicants differs from the reception of adults, as they are a more vulnerable category of applicants with special needs. Guardianship of all UMAs arriving in the Netherlands is awarded to the guardianship institution the Nidos Foundation. The Nidos Foundation is thus responsible for guarding UMAs' interests and for their upbringing and development. The Nidos Foundation, like the COA, is subsidised by the Ministry of Justice. In 2004 it received a total subsidy of €91,1 million, €69.8 million for housing UMAs and €21,3 million for executing legal guardianship over minor asylum applicants (Minister of Justice et al.: 2004).

At present, the Nidos Foundation is also responsible for the reception facilities of most UMAs. COA only provides for the reception of UMAs age 15-17 who are expected to leave the Netherlands within three years. They are housed in central

reception facilities, with 24-hour guidance and security. For UMAs age 0-14, Nidos has contracted foster parents (for UMAs age 0-12) and institutions administering youth living facilities. The Nidos foundation also provides for the reception of UMAs age 15-17 who are expected to stay in the Netherlands for more than three years. They are housed in small living units (max. 4 youth) under the guidance of a mentor.

The organisation of the reception of UMAs will be reorganised in the near future, as has been the case for adult applicants. A difference will be made between the reception facilities for UMAs who will have to leave the Netherlands in the foreseeable future and those who will be staying. (Minister for Integration and Immigration: 2004b) If a UMAs legal residence in the Netherlands will end in the foreseeable future, COA will be responsible for providing accommodation, provisions and services. These will be aimed at preparing the child for its return to the country of origin. This is the case, if the asylum application is not granted and the UMA will:

- turn 18 within three years of applying for asylum, or;
- does not qualify for a temporary residence permit as an unaccompanied minor, either because adequate reception in the country of origin is available, the applicant is over the age of 16 and sufficiently independent, or because the applicant has made vague and contradictory statements.

COA will place these UMAs in foster homes or in a children's communal unit if they are age 0-12, after consulting with the legal guardian. UMAs age 13 and 14 will be housed in a children's communal unit and UMAs age 15 to 17 will be centrally housed in a return-oriented setting at a separate, well secured terrain, in small living units (about 25 youths). There will be 24-hour protection and supervision. The Nidos Foundation, being the legal guardian, will supervise the facilities provided by COA.

If a UMA will be a legal resident in the Netherlands for a longer time, the Nidos Foundation will provide the accommodation, provisions and services, with the goal of integrating the UMA into Dutch society. UMAs age 0 to 14 will be placed in foster homes or, if these are not immediately available, in a children's communal unit. UMAs age 15 to 17 who have been granted asylum will be housed in small living units (max. 4 youths) under the 24-hour guidance of a mentor. (State Secretary of Justice: 2001).

3.2 Number, Capacities and Distribution

The Dutch reception system in the past has often had to operate under enormous pressure. During the years of large numbers of asylum applicants prior to 2001, it was often difficult for COA to obtain sufficient reception capacity. In cases of sudden increases in the influx, it was occasionally even necessary to put up emergency accommodation in the form of tent camps, for example during the Kosovo crisis in 1999. The constantly large number of applicants and the length of their stay in reception facilities due to the length of asylum procedures, caused a continuous need to increase reception capacity. Establishing this additional reception capacity often took quite a long time, as at the local level, this was often a politically sensitive issue, leading to court procedures and protests from the public.

With the sharp decline of the number of applications after the establishment of the new Aliens Act on 1 April 2001 (from 32,579 asylum applications in 2001 to 9,782 applications in 2004), the difficulties in providing for sufficient reception capacity have come to an end. Since 2002 COA has been reducing its capacity and thus the number of accommodation centres. At present the number of accommodation centres is still being drastically reduced. In 2005, as of July 1st, 21 reception centres have been closed, reducing reception capacity by 8,321 places. Also,

capacity in KCOs has been reduced by 917 places. In the remainder of the year, with the present influx of asylum applicants, 14 more reception centres will probably be closed, reducing capacity with another 5,550, and as far as KCOs are concerned on average another 70 places per month will be closed this year.

Influx into COA reception facilities		Departure from COA reception facilities	
1994 to 1 may 2005		1994 to 1 may 2005	
1994	45,212	1994	39,722
1995	25,762	1995	29,166
1996	19,870	1996	20,162
1997	31,331	1997	23,206
1998	42,019	1998	24,631
1999	38,227	1999	27,340
2000	33,634	2000	19,940
2001	25,273	2001	19,625
2002	12,916	2002	26,936
2003	8,529	2003	25,329
2004	5,324	2004	16,955
2005 up to 1 may 2005	1,651	2005 up to 1 may 2005	5,743

Source: www.coa.nl

On 1 January 2005, 40,761 people stayed in the central reception facilities, a 23% drop from 1 January 2004. Of these, 3,127 held a residence permit. Moreover, on 1 January 2005, 5,150 applicants used the Selfcare Arrangements mentioned earlier (Minister for Integration and Immigration: 2005).

Occupation central reception facilities 1994 - 2004

1994	32,809
1995	30,166
1996	29,800
1997	37,720
1998	54,070
1999	64,771
2000	78,246
2001	83,801
2002	69,618
2003	52,714
2004	40,761

Source: www.coa.nl

On 1 May 2005 there were 87 Return Centres, with a capacity per centre which ranged from one 150 to 812. On average Return centres have a capacity of about 300 to 400. There were five Orientation & Integration Centres, with a capacity ranging from 500 to 900. Beside these large centres, there were 3,765 places available in KCOs (houses). Reception facilities are spread across the country, as COA aims at an even distribution of centres throughout the country.

Although there are no more capacity-problems, the length of the average stay of applicants in central reception facilities remains somewhat of a problem. The length of applicants' stay in COA reception facilities varies very much. In the beginning of 2005 of the 37,690 applicants housed by the COA, 29,809 had been staying there for more than 2 years. Over 55% of all inhabitants of COA facilities have applied for asylum for the first time before 1 April 2001, when the new Aliens Act, aimed at shortening procedures, came into effect. Of course it must be taken into account that a considerable amount of applications is rejected within the 48-hour AC-procedure. These applicants for the most part do not receive reception facilities at all.

Duration of Stay in COA facilities

	0-1 yr	1-2 yrs	2-3 yrs	3-4 yrs	4-5 yrs	5-6 yrs	6-7 yrs	7-8 yrs	8-9 yrs	9-10 yrs	10+ yrs	Total

1-2-2005	3,837	4,430	3,915	6,318	8,059	6,436	3,500	1,277	653	559	594	39,578
1-3-2005	3,822	4,277	3,678	5,946	7,688	6,555	3,592	1,304	659	535	631	38,687
1-4-2005	3,842	4,039	3,430	5,547	7,336	6,636	3,613	1,397	655	533	662	37,690

Source: COA

Unaccompanied Minor Applicants

As mentioned above, the Nidos Foundation is the legal guardian of UMAs. As is the case for the overall asylum influx, the drop in the number of UMAs has also been significant over the last few years. Due to changing policies for the admission of UMAs, since 2003 the drop in applications by UMAs has even been bigger than the overall drop in applications (from 18 % of applications in 2001 to 6% of applications in 2004 (IND: 2005)). In 2004 613 new custodies were awarded to Nidos. The total number of UMAs in custody of Nidos was 4,625 at the end of 2004 (Nidos: 2005).

Total number of custodies

31-12-2001	12,637
31-12-2002	10,528
31-12-2003	7,028
31-12-2004	4,625

Source: Nidos: 2005

As mentioned in §3.1, unaccompanied minor applicants are sometimes housed in foster homes, sometimes in small-scale children's communal units, and sometimes in the COA's central reception facilities. In 2004, 1,287 asylum applicants over whom Nidos has legal guardianship, were staying at foster families, usually with families of the same nationality. Nidos used 296 houses as small-scale children's communal units, capable of housing 1,529 children. In

2004, 16% of all underage applicants under the care of Nidos¹ stayed in the COA's central reception facilities. COA's total capacity for housing UMAs was 525 in may 2005, in five different Return Centres.

3.3 Problems and Strengths of the Reception System

There is no fundamental debate on the organisation of the reception system in the Netherlands. COA is generally considered to be a professional organisation and the conditions in the centres to be sober but humane. The system guarantees equal provisions and services for all applicants. Its capacity is sufficient to take in all the applicants with a right to and in need of a place to stay.

Of course, the reception system is not without its problems and there are issues on which there is some discussion. The duration of people's stay in the centres is still considered to be too long. As there are limits to the provisions and services available, it is argued, for example by the small leftwing political party GroenLinks and by Vereniging Vluchtelingenwerk Nederland (VVN) (Dutch Refugee Council), that this causes boredom and inactivity. Also, the size of reception facilities is sometimes criticised, especially because of the lack of privacy. VVN, for example, advocates a maximum stay in large centres of one year, after which applicants should be housed in small-scale reception facilities. Finally, the safety of women and unaccompanied minor applicants in the central reception facilities has also been an area of concern, which has resulted in measures by the COA in recent years.

The biggest debate in the Netherlands has been on the faith of those applicants who do not have a right to use the reception system (any more), but who do not

¹ This includes children or asylum applicants who are by legal order under Nidos supervision because of problems in the upbringing

return voluntarily to the country of origin and who also can not be forcefully repatriated. It is the official policy of the Dutch government, that applicants whose application has been denied are responsible for their own return. They in general have 24 days to leave the Netherlands, after which they are expelled from all reception facilities.

This has resulted in discussions in the Netherlands, as applicants consequently have turned to NGOs and municipal authorities for shelter, who in turn have appealed to the central government on this issue. A diffuse network of provisions and services has come into existence for applicants who are no longer entitled to the official reception facilities and no longer have lawful residence in the Netherlands. This network is mainly organised by private organisations, NGOs and churches, often supported by local authorities. Sometimes, local authorities themselves provide shelter for these applicants. According to a study by Rusinovic et al. in 2002 (Rusinovic et al.: 2002), three motives can be distinguished for offering provisions and services to asylum applicants without a legal right to those provisions and services: a humanitarian motive, a professional motive (e.g. occupational ethics of health care professionals) and instrumental motives (mainly considerations of public order and public health).

The Minister for Integration and Immigration has engaged in consultations with the Vereniging van Nederlandse Gemeenten (VNG) (the Association of Netherlands Municipalities) on this issue. In these consultations an agreement has been reached on dealing with those applicants whose procedures date back to the old Aliens Act (prior to 1 April 2001). However, debates on the issue are likely to continue for some time to come.

4. Provisions and Benefits

As mentioned in §2.2, the Rva 2005 stipulates in some detail which provisions and benefits will be available to applicants housed in COA reception facilities. Section 9 of the Rva 2005 states that the reception offered by COA to asylum applicants at least comprises:

- lodging;
- recreational activities;
- a weekly allowance;
- a one-time allowance for clothing;
- insurance coverage for medical expenses;
- third-party liability insurance;
- payment of extraordinary expenses; and
- a program for education and development.

In addition to the Rva 2005, a number of COA policy documents and a number of other laws and regulations are also of importance with respect to the provisions and benefits asylum applicants are entitled to.

4.1 Social Situation in Accommodation Centres and Other Reception Facilities

In order to house asylum applicants, COA establishes reception centres in various types of accommodations, such as former hotels, former convents, trailer parks and holiday villages, but can also be newly built. COA aims for reception centres to have a minimal capacity of 200 places (COA: 2001). The accommodations selected will have to be suited for both housing applicants, as well as providing them with all the necessary services. Thus, both living quarters, administrative and service offices and communal spaces have to be available. In a program of

demands (COA: 2001), COA has laid down the minimal conditions that have to be met in order to fulfil these needs. Furthermore, reception centres will of course also have to meet the criteria laid down in a variety of relevant legislation, such as the Working Conditions Act, the Spatial Planning Act, building regulations, environmental laws and safety laws.

In this paragraph, first the minimal conditions for housing facilities will be laid out. Next, the criteria for administrative offices, service offices and offices needed by other organisations involved in the reception process will be described. As reception centres are often established in existing buildings, sometimes not all of the criteria laid down in the program of demands can be met, and compromises have to be struck.

Housing facilities

Housing facilities include facilities to sleep, to cook, to do laundry, to shower, and so on. Each of these facilities will have to have a certain size per inhabitant and can be part of living quarters for two, five, eight or twelve inhabitants, depending on the situational circumstances of the location and considerations of business economics. As reception centres are set up in different accommodations, these living quarters can take different forms, such as hallways with adjacent rooms, apartments or trailers.

Irrespective of this, the prescribed dimensions for the different housing facilities are as follows: bedrooms will be for a maximum of four individuals, measuring at least 5 m² per person. For each eight inhabitants there will be at least one toilet and 3,25 m² of bathroom space (including a washer and dryer). In principle, applicants are given the opportunity to prepare their own meals. Thus, for each eight inhabitants there will be 5,72 m² of kitchen space. This kitchen space will be fitted with four gas burners per eight inhabitants. Only in a few cases, because of limitations to the accommodation, COA provides for the meals centrally.

Living quarters will be fitted with televisions, either in the living room if available, or else in all bedrooms. The special needs of disabled applicants are also taken into account. For every 100 inhabitants, there will be one room/living space suitable for disabled applicants. These rooms, and the accompanying facilities such as the kitchen, will have to be about twice as big as the ordinary facilities.

Administration and Services

In order for COA to run a reception centre, COA has to administrate and staff it. This requires a certain amount of office space, depending on the size of the centre. COA is not the only organisation providing services to applicants. The Medische Opvang Asielzoekers (MOA) (Community Health Services for Asylum Applicants), the VP, the Nidos and VVN also require office space and consulting rooms. These are also made available in each centre, with size again depending on the size of the centre. Finally, next to housing facilities, at reception centres a number of other services are made available by COA for applicants. In order to provide these, there will be:

- consulting rooms,
- storage,
- small (fitness) and large recreational rooms,
- a workshop,
- playrooms for the children, and
- computer rooms.

If possible at the location, outside recreational facilities will also be provided, such as a football ground and a basketball-/volleyballfield, as well as outdoor playgrounds for the children, including playing equipment.

4.2 Benefits of Asylum Applicants

As mentioned in the introduction to this chapter, applicants housed by COA are entitled to a weekly allowance, a one-time allowance for clothing and finally, the COA can pay for extraordinary expenses. The Rva 2005 stipulates that each applicant, when first being admitted to a reception facility will receive a one-time allowance of €36,30 in order to purchase clothing. For unaccompanied minor applicants, clothes can also directly be provided.

The weekly allowance, which is meant for the purchase of food, clothing and for other personal expenses depends on the way the supply of food is organised in the accommodation centre:

	No meals provided by COA	Dinner provided by COA	All meals provided by COA
Adults	€ 40,04	€ 28,65	€ 15,88
Children > 11	€ 12,35	€ 7,77	€ 5,45
Children < 12	€ 8,26	€ 5,50	€ 3,63
UMAs	€ 32,77	€ 23,20	€ 12,71
Single parents	+ € 26,32	+ € 20,88	+ € 10,44

The COA will pay for extraordinary expenses which applicants can not be expected to pay for themselves. However, applicants will have to apply for this beforehand, except for those cases in which this is not possible

If an applicant has sufficient financial resources, a contribution for reception facilities can be asked for. This is laid down in the Regeling eigen bijdrage asielzoekers met inkomen en vermogen (Reba) (Regulation on personal contribution by asylum applicants with income or possessions).

4.3 Provision of Services

Besides the financial benefits mentioned above and the housing facilities that are provided, a number of other services are also available.

Education of underage applicants

The 1969 Leerplichtwet (Compulsory Education Law) applies to all children on Dutch territory, and thus also to underage asylum applicants. All children between the age of 5 and 16 residing in the Netherlands have to be entered into a school by

their parents or legal guardian, attending complete daytime classes. Most Dutch children are enrolled at age 4 and although this is not legally obligated, this also applies to asylum applicants. All children age 16 and 17 have a partial obligation to education. They have to be enrolled in an educational institution, but it does not have to be a full-time course. The Leerplichtwet thus ensures access to schooling for all children of asylum applicants. This means that as far as this service is concerned, neither the use of COA facilities, nor lawful residence serves as a precondition.

Children of asylum applicants can attend the regular primary and secondary schools, as well as vocational institutions. Primary schools can be attended until the age of 14. Dutch parents are free to choose the school of their liking and this also applies to asylum applicant, but only public schools have an obligation to admit children of asylum applicants. When a reception centre is established, often an annex to an existing primary school is also formed as part of the centre in order to offer specialised education. The education of underage asylum applicants is funded through the regular budgets of the Ministry of Education, Culture and Science.

There is no obligatory curriculum for the education of minor applicants just arriving in the Netherlands, but the Inspectorate of Education (responsible for monitoring the quality of education) has defined criteria for the primary education of minor asylum applicants that must be met. The education offered to minor asylum applicants has commonly become known as 'eerste opvang onderwijs' (first-reception education), and is aimed at enabling children to participate in the regular educational programs as soon as possible.

Schools for secondary education usually have special classes for underage asylum applicants to provide first-reception education. Here too, schools are free to devise the educational program for minor applicants first enrolling in their school, and this has taken many different forms. Through inspections by the Inspectie van

het Onderwijs (Inspectorate of Education) quality is monitored. In a report from the inspectorate on first-reception education in secondary schools from December 2004, it is concluded, that although schools' approaches differ too much to compare them, quality is generally good (Inspectorate of Education: 2004).

Once applicants have reached the age of 18 years without their application having been granted, they have the right to finish the education they are following at that moment. If they interrupt that education however, or want to switch, they can no longer participate in the Dutch educational system.

Labour market access

Asylum applicants do not have access to the labour market, with the exception of applicants who meet the following criteria:

1. the asylum procedure has been filed more than six months ago;
2. they have been granted provisions and benefits as described in the COA-law, and;
3. they have lawful residence awaiting the decision on the application or appeal.

These criteria are laid down in the Wet Arbeid Vreemdelingen (WAV) (Aliens Employment Act). An employer contracting an asylum applicant will first have to get a work permit at the Centrum voor Werk en Inkomen (CWI) (Centre for Work and Income). Applicants can work for a maximum of 12 weeks every 52 weeks. However, as is laid down in the Reba, a proportion of the earnings will have to be paid to the COA to contribute to the costs of living. In its reception policy implementation guidelines (COA: 2004), COA has laid down, that this contribution is due if an applicant has a net income of over €71,70 per month.

There is also the possibility of carrying out work for the COA in and around the accommodation centre, with a maximum pay of €12,50 a week. This is encouraged by COA, as it will make applicants more involved with the reception centre and thus promotes the liveability of the facility. It concerns activities such as

organising recreational activities, repairing bicycles, interpreting, cleaning and so on.

Legal support

Applicants have, as mentioned above, access to full legal aid for their asylum procedure. Also, COA will conclude a third-party liability insurance for all applicants in its care, with a maximum coverage of €453,780 per event per year.

Health care

Health care for asylum applicants in the Netherlands does not differ much from the health care provided to any resident of the Netherlands. The Rva 2005 stipulates that all applicants under the care of the COA have health insurance through a contract COA entered into with a health insurer. Coverage is comparable to that of the Ziekenfondswet (Social Health Insurance Act) and the Algemene Wet Bijzondere Ziektekosten (AWBZ) (General Law on Special Medical Expenses), with the exception of IVF-treatment and gender alteration surgery. Access to health care is thus ensured at a nearly equal level to that of other residents covered by the Ziekenfondswet. Asylum applicants are not allowed to take out supplementary medical insurance to cover extra costs.

The regional GGDs (Community Health Services) play an important part in the health care for asylum applicants at the accommodation centres of COA. One of the basic tasks of the GGDs is collective preventive care, such as providing health information, youth health care, infectious diseases control and periodic sanitary inspections. In order to carry out these tasks for asylum applicants, foundations for Medische Opvang Asielzoekers (MOA) (Community Health Services for Asylum Applicants) have been created. These are funded by the COA.

Every asylum applicant has to undergo a screening for lung tuberculosis. The screening is usually performed within one week after arrival, by a mobile X-ray unit. If tuberculosis is diagnosed, a TB specialist of the Community Health Service

will treat it. Also, each asylum applicant is offered an individual consult with a MOA-nurse within six weeks of arriving in the Netherlands. During this encounter an assessment is made of the applicant's health situation, using a questionnaire in the applicant's native language.

Children, pregnant women, people with handicaps or ailments and the elderly are always referred to a follow up medical examination, others only if they wish to. Based on this first assessment, a careplan is formulated, which provides for the individual's needs for care – be it physical or mental health care. Later on during their stay in the reception centre, asylum applicants can see a MOA nurse with questions or problems concerning their health. The nurse refers them to a general practitioner if medical care is needed. The general practitioner can make further referrals, if necessary according to his professional judgement.

Applicants with behavioural and/or mental health problems, can be referred to the general mental health care institutions. As their problems often require specialised care, there are also a number of specialised institutions where they can be referred to, depending on the nature of their problems:

1. The Abri, run by the Foundation Volksbond Amsterdam. Treatment of applicants who can no longer be maintained in the reception facilities because of problematic behaviour, but where the cause of that behaviour is not yet determined.
2. Foundation Centrum '45 unit de Vonk. Treatment of psychiatric disorders too complex to be treated in general mental health care institutions, often psychiatric disorders related to traumatic experiences.
3. Expertisecentrum Phoenix. Treatment of serious mental problems due to traumatic experiences relating to imprisonment, torture and/or war. Usually posttraumatic stress syndrome, depression and somatoform disorders.
4. Regionale Instellingen voor Beschermd Wonen (RIBW's) (Regional Institutions for Protected Living). 8 of the 40 RIBW's in the Netherlands offers

treatment and shelter for applicants who cannot live independently because of serious psychiatric and psychosocial problems.

4.4 Duties

As lined out in the previous paragraphs, asylum applicants are entitled to a wide range of provisions and services. As has become apparent, there are two preconditions: applicants have to have lawful residence and for a number of provisions and services will have to use COA reception facilities. The provisions and services applicants receive from the COA (including housing) are accompanied by duties. If these duties are not fulfilled, sanctions can follow. The rules applicants have to abide by when housed by COA are stipulated in section 19 of the Rva 2005. The sanctions that can be applied are laid down in the Regeling Onthoudingen Verstrekkingen (ROV) (Regulation Withholding Provisions).

The following duties are specified:

1. COA house rules (COA: 2005) must be observed;
2. instructions from reception centre staff must be followed up;
3. house cleaning activities of the living accommodation must be carried out;
4. staff must be allowed access to the living accommodation in case of a suspected violation of house rules or if in all fairness necessary for management purposes, and;
5. applicants have to report weekly to COA.

An applicant will be informed of these obligations when first reporting to a reception centre. In a meeting with a COA employee both rights and duties are explained to the applicant, with the assistance of an interpreter. Also, a written copy of the house rules is available in ten languages. In this meeting, the applicant is given the choice whether or not to use the COA reception facilities. In case of a

positive response, the applicant will have to sign up to the house rules. However, not signing up to those rules will not lead to exclusion from reception facilities, but in an applicant's COA file, note will be taken of this.

The house rules are identical for all COA reception centres. They contain the obligations already mentioned in the Rva 2005 and next to those a number of more detailed rules. First of all, applicants are obligated to participate in the obligatory elements of the orientation and return programmes (depending on the phase their procedure is in). Secondly, there are rules on behaviour.

Discrimination, intimidation and violence are prohibited, inhabitants or their visitors are not to cause inconvenience to other inhabitants, and applicants have to abide by the laws and values of Dutch society.

Finally, there are a number of rules concerning the use of the living quarters appointed to them. These have to be used with care and may not be altered without permission. The living quarters, other communal spaces and the vicinity of the reception centre must be kept clean and tidy, and applicants will be held responsible for any damage caused or for negligent upkeep of living quarters, in which cases costs can be recouped. Excessive use of water, gas or electricity will have to be paid for. Also, applicants have to follow fire safety rules. Finally, no one else is allowed to live in the appointed quarters and an absence of more than two weeks is not permitted.

COA has a clear policy on dealing with misconduct and breaking of the above rules. This is laid down in its Reception Policy Implementation Guidelines (COA: 2004). In order to prevent any misconduct and to promote the fulfilment by applicants of the obligations summed up above, COA uses both incentives and sanctions. Incentives are used to promote the attendance of the obligatory parts of the phase-specific programmes. The use of the Open Learning Centres, the use of playrooms, access to leisure activities, the possibility of carrying out work for the

COA and access to courses (partly) depends on the participation in the obligatory programmes.

For all other breaches of the obligations mentioned above, sanctions as laid down in the ROV can be applied, serving four distinctive goals, namely to influence an applicant's behaviour and thus preventing repetition, to influence the behaviour of other applicants by setting an example, to offer some retribution for the misconduct and/or the injustice caused by it and finally to take away commotion or dissatisfaction caused by the misconduct. Sanctions range from a one-off deduction of benefits to a permanent end to all provisions and services provided by COA, including housing.

5. Other Approaches

Other approaches to the reception of asylum applicants are at present not being broadly discussed in the political arena or civil society. Two strands of alternative approaches to the reception of applicants can however be distinguished, although neither aims at totally replacing the present system in the short run.

On the one hand there are those who criticise the lack of privacy and the lack of possibilities for applicants to engage in meaningful activities. Some NGOs such as VVN argue for smaller-scale reception facilities to complement the present reception system. They argue that applicants whose procedure takes a long time, after a certain period should be transferred there. A small left-wing political party such as GroenLinks (member of the Greens in the European Parliament) wants to enhance people's ability to work or to find their own housing during the asylum procedure.

On the other hand, a significant number of Dutch political parties (e.g. the main stream parties VVD (liberals) and CDA (christian democrats)) agree on the need to eventually change the reception system in such a way, that both applying for asylum and reception of applicants will take place mainly in the region of origin, preferably by the UNHCR. The present government, in a letter to Parliament on 2 May 2003, has indicated it shares this long-term goal.

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