



Voluntary National Review of the implementation of the Global Compact for Safe, Orderly and Regular Migration in the Netherlands

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A. Introduction

Methodology

The Ministry of Foreign Affairs (MFA) of the Netherlands has drawn up this report. In doing so, the MFA greatly benefitted from input from policymakers at the Ministry of Justice and Security, the Ministry of Social Affairs and Employment, and the Repatriation & Departure Service (R&DS) of the Ministry of Justice and Security.

Migration policy framework

The Netherlands government has for long opted for a wide-ranging, comprehensive approach to migration. A comprehensive approach means first and foremost that the government's actions in different areas cannot be seen in isolation. Efforts include tackling the root causes of irregular migration, ensuring respect for the human rights of migrants, combating people smuggling and human trafficking, promoting legal migration routes, as well as facilitating safe and dignified return and sustainable reintegration for migrants who do not meet the statutory requirements for admission in the Netherlands.

A comprehensive approach also requires cooperation with relevant actors at all different levels in countries of origin, transit, and destination. After all, migration issues do not impinge only on national governments. Instead, they require close collaboration with local- and regional authorities, civil society organizations, and international organizations such as institutions of the European Union and United Nations agencies.

The last 4 years, the Netherlands government has chosen to elaborate its comprehensive migration policy in a 'six-pillar agenda'¹. This agenda supports the government's aim to achieve a humane and effective migration policy. The six pillars are:

1. Preventing irregular migration;
2. Improving reception and protection for refugees and displaced persons in the region;
3. Achieving a robust asylum system, based on solidarity, within the EU and the Netherlands;
4. Combating illegal residence and stepping up returns;
5. Promoting legal migration routes;
6. Encouraging integration and participation.

B. The approach of the Netherlands towards GCM implementation

The Netherlands supports the Global Compact on Migration (GCM) because it provides a global cooperative framework on migration in general, and a means to foster cooperation between states and regions. It is a result of an inclusive exercise of all UN member states and respects the sovereignty of States by reaffirming the sovereign right of States to determine their national immigration policy and laws. As a non-legally binding cooperative framework, the GCM does not impose legal obligations on states under domestic or international law. It does not establish international customary law or further interpret existing treaties of national obligations.

The list of actions under each GCM objective constitutes examples that may contribute to the implementation of the GCM. It is up to each State to decide how and whether to draw from those examples. Importantly, the GCM and its objectives

¹ <https://www.government.nl/documents/kamerstukken/2018/07/10/comprehensive-agenda-on-migration>

can also be used as a diplomatic tool for countries to improve their bi- and multilateral migration cooperation. As explained in the Voluntary National Review submitted by the Netherlands in 2020 on its progress in the implementation of the GCM, the Netherlands is of the opinion that its existing migration policy is in line with the GCM objectives.²

The following section provides various examples that highlight in which ways Dutch migration policies are in line with the GCM objectives. The examples highlight how the Netherlands government has further strengthened its migration policies and projects in and outside the Netherlands and which way it reflects the GCM objectives.

Migration research

In line with GCM objective 1, the Netherlands supports initiatives that strengthen the global evidence base on international migration. One example is funding for the collection of disaggregated data via funding for the Displacement Tracking Matrix of the International Organisation for Migration (IOM).

Additionally, the Netherlands aims to base its policies and programmes on a strong evidence base. Related activities included the financing of research that resulted in numerous publications on migration related issues in the Netherlands in 2019. The publications focused amongst others on the Dutch labour market and integration. Furthermore, the Dutch Central Bureau for Statistics published several in depth analyses on migration, including the motives to migrate to the Netherlands. Also, work is done on developing an integral Knowledge Agenda to further support the development of Dutch migration policy.

Internationally, a best practice is the COMPASS programme with IOM, which was launched in 2021. The project is a global initiative in cooperation with 14 countries (Afghanistan, Algeria, Chad, Egypt, Ethiopia, Iraq Lebanon, Libya, Mali, Morocco, Niger, Nigeria, Sudan, and Tunisia) that applies an evidence-based and learning approach. This programme seeks to improve the accessibility of data and research. It also aims to enlarge the understanding of government officials, programme staff, and decision-makers on how data and research is used to advance evidence-based programming and policies, as well as decision-making. The programme aims to ensure the uptake and use of data and analysis by policymakers, practitioners, and others for all knowledge outputs of the programme. Therefore, research and data outputs are produced through a process of local stakeholder engagement.

Regular migration

In line with GCM objectives 5 and 6, the Netherlands has enhanced pathways for regular migration and aims to ensure decent work for labour migrants. Related activities include efforts to enhance housing and residence schemes, as well as to prevent exploitation. In 2019, the Netherlands announced a new residence permit scheme for essential staff of start-ups founded in the Netherlands. The new regulation allows innovative start-ups to hire highly skilled migrants from third countries who are essential to their growth. The residency scheme came into force early 2021, initially in the form of a 4-year-long pilot. In 2021, the Netherlands parliament also adopted some amendments to the Aliens Employment Act to make the labour market policies more flexible and future-proof. One of the proposed measures was to introduce the possibility to issue a work permit for two years,

² <https://migrationnetwork.un.org/resources/netherlands-gcm-voluntary-national-report-regional-review-europe-and-north-america>

instead of one year, for applications with a full labour market test. Other measures include proposals to strengthen the position of the employee such as requirements regarding the monthly payment of salary and payment by giro.

Another important initiative was the creation of a task force that addresses the problems of migrant workers in the area of labour, housing, transport, and health care. The government initiated this task force as the outbreak of the COVID-19 pandemic exacerbated the already unfavourable position of many migrant workers in the Netherlands in terms of housing and dependency on their employers. In 2020 and 2021, the government has provided a budget of 100 million euros for the housing of vulnerable groups, including labour migrants. The government focuses on regional agreements to find solutions for the adequate housing of labour migrants. One of the efforts on a European level, following Directive 2014/67/EU, is the decision of the Netherlands government that as of March 2020, companies that employ workers from the other EU Member States must register at an online desk for foreign employees in the Netherlands. The purpose of this directive is to prevent the exploitation of labour migrants and to guarantee minimum labour standards.

Migrant rights

In line with GCM objective 7, the Netherlands is committed to protecting the rights of migrants and addressing and reducing vulnerabilities that may arise in countries of origin, transit, and destination. To do so, the Netherlands government promotes national initiatives that cover a broad range of topics such as fair work, the prevention of discrimination, as well as proper access to basic services including medical, psychological and psychiatric care. The Netherlands for example funds projects to make basic services more accessible, including a project of ASKV Refugee Support in which support and shelter for undocumented migrants with psychological or psychiatric health issues is provided. Additionally, the Netherlands funds initiatives that provide support for migrants on the move, for example through the provision of adequate information, access to medical or legal services, as well as (the development of) human-rights based migration-related policies and their implementation in transit and destination countries.

Initiatives include support for human rights agencies and monitoring missions on human rights, such as a mission to Niger in 2019. Furthermore, the Netherlands finances the Office of the High Commissioner for Human Rights (OHCHR) via the PROMIS programme. Via PROMIS, OHCHR supports various NGOs and national human rights agencies in West Africa to protect the human rights of migrants and to improve legal assistance to migrants. With this support, Amnesty International helped 179 migrants to obtain a residence permit in Senegal. Moreover, the Netherlands supports projects of IOM to improve access to justice in Ethiopia and Nigeria and OHCHR's work with various West African countries to develop gender-responsive migration policies. Other initiatives focus, for instance, on supporting the Niger Judicial Training School to improve the capacities of magistrates on access to justice and protection of human rights of migrants. Besides, OHCHR also co-organized a regional consultation of National Human Rights Institutions (NHRIs) in West Africa and the Sahel in 2018 and 2019. Finally, the Netherlands supports the provision of direct assistance by IOM and UNHCR in Tunisia and Libya, aimed at providing shelter, as well as food and non-food items to migrants in vulnerable positions, to uphold their minimum living standard.

Combating smuggling and human trafficking

In line with GCM objectives 9 and 10, the Netherlands government aims to strengthen the transnational response to the smuggling of migrants and to counter trafficking in persons through national and international efforts.

One of the most important programs of the Netherlands government to counter human trafficking is *Together Against Human Trafficking*. This program contains both national and international aspects. The program was launched in 2018 to prevent victimization, identify victims, provide them with adequate support and care, and punish perpetrators. On a national level, the programme increased the investigative capacity of the Netherlands police through financing, training, and usage of new technologies. Besides, it improved support for young victims and multiproblem victims. On an international level, the program has led to good practices such as stronger cooperation between Netherlands and foreign police and judicial authorities, municipalities, and NGOs through the European Multidisciplinary Platform Against Criminal Threats (EMPACT). The programme provides a good example of cooperation between various national governmental services on the local and international level, as well as with NGOs. The programme is coordinated by the Netherlands Ministry of Justice & Security and carried out by various other ministries. Active participation of NGOs and regional and local authorities is part of the strategy of the programme. While the cooperation between these stakeholders is good, one of the challenges in implementing the programme has been the sharing of information on victims between these various partners due to the Netherlands Data Protection Regulation. In 2020, a compass was created and shared with various partners to clarify when and how information can be shared in various stages of the process (investigation, prosecution, care, and shelter). Yet, challenges continue to exist and the Netherlands government is exploring, with its partners, how to best address these.

Furthermore, the Netherlands supports EMPACT partner countries in designing and adopting legislation against human trafficking and -smuggling to improve investigation, prosecution, and international cooperation in this area. The Netherlands police provided several EMPACT authorities with specialised training on combatting human trafficking and smuggling and the detection of document fraud. Additionally, the Royal Netherlands Marechaussee contributes to several EU Border Assistance Missions, including the mission to Libya in which border guards were provided with training. As named above, the Netherlands also funds, for example, OHCHR and the United Nations Office on Drugs and Crime via the PROMIS programme. This programme also aims to strengthen local laws and policies on human trafficking and human smuggling in West Africa. Up until now, these efforts have led to concrete draft-legislation against human trafficking and -smuggling, as well as the actual adoption of new laws. Via this programme, the Netherlands also supports the UNODC's Liaison Magistrate Initiative, which supports placements of African magistrates in European countries like Italy and Spain, to foster international judicial cooperation.

Another example of international efforts is the funding by the Netherlands for various initiatives to improve regional cooperation between West African countries, to better counter the smuggling of migrants and the trafficking in human beings. One example is a new project of the International Centre for Migration Policy Development, which aims to improve cross-border cooperation between Nigerian and Nigerien migration authorities. In the framework of this project, Niger and Nigeria signed a Memorandum of Understanding in November 2021 on strengthening cooperation in the fight against trafficking in persons.

Promoting safe and dignified returns and sustainable re-integration

In line with GCM objective 21, the Netherlands government aims to facilitate safe and dignified returns from the Netherlands and transit countries, as well as to promote sustainable reintegration. To work towards these goals, the Netherlands works on arrangements with transit countries and countries of origin and also funds national and international projects that focus on return, readmission, and sustainable reintegration. Return and reintegration projects are often implemented by IOM and (local) non-governmental organizations (NGOs).

On a national level, NGO's can provide voluntary and personal pre-departure guidance to returnees via the national Subsidy Scheme, which was amended in 2019. This scheme has improved cooperation between the actors involved in the return and reintegration of migrants, including the R&DS, IOM, NGOs, and municipalities, and it allows migrants to determine for themselves which NGO best suits their needs. Additionally, the expertise of NGOs has been useful in providing guidance to returning migrants and deepening knowledge of countries of origin³. Next to funding NGO's, the Netherlands finances the regional Netherlands IOM office to execute the 'Return and Emigration Assistance from the Netherlands' programme. Via this programme foreign nationals receive support to realise their voluntary departure from the Netherlands, such as information, (plane) tickets and help to obtain travel documents, as well as reintegration assistance after their return. In comparison to NGOs, IOM accounts for the largest share of voluntary returns with reintegration assistance, which is around 80% of the total.

On a European level, the mandate of Frontex was extended with the delivery of services in the field of reintegration assistance in 2019. As a result, Frontex will take over all reintegration activities from the European Return and Reintegration Network (ERRIN) before July 2022. The R&DS now functions as the programme leader of ERRIN, which has provided reintegration assistance to return migrants for more than a decade. Since the announcement of the mandate extension, the R&DS, Frontex, and the Programme Management Unit of ERRIN have collaborated intensively to prepare Frontex for this important milestone. The main responsibility of the R&DS in the transition period is to guarantee the continuity of the service delivery by local NGOs and intergovernmental organisations in countries of origin. The Netherlands has completed this task and can look back with pride as Frontex has formally launched its own reintegration programme in April 2022. Due to the efforts of the Netherlands five reintegration partners have been contracted with the capacity to cover 26 partner countries. The Netherlands aims to take part in the Frontex programme as of July 2022.

On an international level, several Dutch governmental agencies such as the R&DS support return and re-integration activities. The Netherlands also financed IOM to ensure the voluntary return and reintegration of stranded migrants from North and West Africa. Because of COVID-19, many migrants faced travel restrictions, border closures, and health risks. The Netherlands supported IOM in taking measures to facilitate safe voluntary return and reintegration, including through the provision of personal protective equipment and arranging quarantine spaces. An evidence-based learning approach is applied to migration programming, including sustainable reintegration. The Netherlands finances research into sustainable reintegration, and works with IOM to ensure that the assistance is based on an up-to-date evidence base.

³ <https://www.rijksoverheid.nl/documenten/rapporten/2020/11/20/tk-bijlage-b6257-rapportage-evaluatie-subsidieregeling-ozv-28-9-2020>

The Netherlands also supports States to provide assistance with return and reintegration through systematic support in cooperation with partners. Through a programme with IOM, the Netherlands supported a review of Iraq's migration governance policies and practices on return, readmission, and reintegration, as well as the roll-out of a national referral mechanism for reintegration in a number of governorates. Simultaneously, we cooperate closely with the EU, which funds the roll-out in other governorates. The Netherlands also funds a project with the International Centre for Migration Policy Development (ICMPD) aimed at supporting and further strengthening the newly established National Assisted Voluntary Return and Reintegration mechanism in Turkey. This project will be implemented from 2021 to 2023 and is co-funded by Denmark and Norway.

International cooperation

In line with GCM objective 23, the Netherlands aims to strengthen international cooperation and global partnerships for safe, orderly and regular migration. One of the ways that Netherlands has furthered international cooperation is by chairing the Khartoum Process, the platform for political cooperation among the countries along the migration route between the Horn of Africa and Europe. The Khartoum Process aims to establish a continuous dialogue for enhanced cooperation on migration and mobility. The process also seeks to support member states in identifying and implementing concrete projects to address trafficking in human beings and the smuggling of migrants. Additionally, it gives a new impetus to the regional collaboration between countries of origin, transit and destination. Since the Netherlands became Chair of the Khartoum Process in 2020, the Netherlands has notably focused the thematic activities of the Khartoum process on: a) the implications of the Covid-19 pandemic for international mobility; b) the fight against human trafficking (prevention, protection, prosecution and partnerships) and; c) return and reintegration.

C. Next steps

As stated in the Netherlands coalition agreement 2021-2025⁴, the Netherlands will continue to stand for a just, humane, and effective migration policy in the coming years. The Netherlands will seek to do so by managing migration as effectively as possible and increasing our control over migration. To do so, the government of the Netherlands will focus on further improving and strengthening the procedures of legal migration, as well as tackling the root causes of migration. Simultaneously, the Netherlands government aims to limit irregular migration, combat the negative effects associated with migration, and promote return in cases of unlawful residence. To do so, the Netherlands would welcome further pursuit of the objectives laid down in the GCM and more international migration cooperation.

⁴ <https://www.government.nl/documents/publications/2022/01/10/2021-2025-coalition-agreement>