

## **Voluntary National Review GCM – the Netherlands**

### **A. Introduction to the Dutch migration policy framework**

The Dutch 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.

Since 7 July 2023, the Netherlands has a caretaker government. The 2021 coalition agreement<sup>1</sup> stated the Netherlands will continue to stand for a just, humane, and effective migration policy. The Netherlands seeks to do so by managing migration as effectively as possible and increasing our control over migration. The government of the Netherlands focuses on further improving and strengthening the procedures of legal migration, as well as addressing several root causes of migration with different types of programmes and interventions. Simultaneously, the Dutch government aims to limit irregular migration and promote return in cases of unlawful residence.

### **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 can also be used as a diplomatic tool for countries to improve their bi- and multilateral migration cooperation. As explained in the Voluntary National Reviews submitted by the Netherlands in 2020<sup>2</sup> and 2022<sup>3</sup> on its progress in the

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<sup>1</sup> <https://www.government.nl/documents/publications/2022/01/10/2021-2025-coalition-agreement>

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

<sup>3</sup> <https://www.un.org/sites/un2.un.org/files/imrf-netherlands.pdf>

implementation of the GCM, the government of the Netherlands is of the opinion that its existing migration policy is in line with the GCM objectives.

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 Dutch government has further strengthened its migration policies and projects in and outside the Netherlands and which way it reflects the GCM objectives. The Netherlands aims to maintain this methodology.

### **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. 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. For example, under COMPASS a research project has been carried out on the sustainable reintegration of victims of trafficking. 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. Due to the success of the programme, a second phase of COMPASS has been signed and will be implemented from 2024-2027.

### **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 2021, the Dutch parliament 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, 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. The amendment of the Alien Employment Act came into effect on the 1<sup>st</sup> of January 2022.

Another important initiative was the creation of a task force in 2020 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. The taskforce has drawn up fifty recommendations to improve the situation of labour

migrants. On an annual basis the taskforce reports on the progress of these recommendations and the measures taken. In addition to this annual report a website was launched in 2023 to give an up-to-date overview of the status and progress of the measures taken.<sup>4</sup> Among the most important measures is a law that is being drafted to regulate the certification of employment agencies.<sup>5</sup> This mandatory certification is expected to come into effect in 2025. The Good Landlordship Act (*Wet goed verhuurderschap*) came into effect on 1 July 2023. The law sets general rules for renting homes to migrants.

## **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 Dutch 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. 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.

The Netherlands finances the Office of the High Commissioner for Human Rights (OHCHR) via the PROMIS programme. Via PROMIS, OHCHR works intensively with national human rights institutions to increase their capacities to provide consistent monitoring and reporting on human rights violations experienced by migrants. In 2022, OHCHR launched a grant scheme that provides financial assistance to CSOs and National Human Rights Institutions in West African countries to set-up small scale projects that will enhance the access to justice for migrants. 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 Inter-ministerial Committee in the fight against irregular migration (CILEC) in Senegal to integrate a human rights-based approach into the first national strategy to combat irregular migration and to strengthen its compliance with international human rights norms and standards. Besides, OHCHR trained and supported National Human Rights Institutions to conduct migrants' human rights monitoring missions to Ivory Coast, Chad and Senegal.

Finally, the Netherlands supports the provision of direct assistance by IOM, UNHCR and UNICEF 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.

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<sup>4</sup> [Home | Arbeidsmigratie in goede banen](#)

<sup>5</sup> Parliamentary Letter written by the Minister of SZW (11 May 2022) *Arbeidsmigratie en Sociale Zekerheid*. The Hague, May, 11, 2022., nr. 29 861.

## **Combatting smuggling and human trafficking**

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

### *Smuggling of migrants*

It is a priority for the Dutch government to effectively combat the criminal smuggling networks behind the often life-threatening act of migrant smuggling. As outlined in the Barrier Model for migrant smuggling, this approach includes a variety of interventions at different levels — both in third countries, within the Schengen area, and within the Netherlands itself. The Netherlands works with various initiatives and projects, together with EU member states, third countries, EU agencies such as Europol, Eurojust, Frontex, and other international organizations to combat irregular migration and migrant smuggling.

The national Policy Framework for Combating Migrant Smuggling 2023-2026 outlines the current policy priorities in this area. This framework emphasizes the importance of upstream efforts to combat migrant smuggling and its networks. It underscores the need for intensified operational cooperation and more coordinated efforts, particularly between European member states and those near the external borders, to collectively conduct investigations. Harmonizing the offense of migrant smuggling at the European level is crucial for enabling this collaboration among different authorities.

To strengthen the international approach to combating migrant smuggling, there currently is a bill pending in the Dutch Parliament. This bill aims to prevent and combat migrant smuggling more effectively. It proposes to increase the maximum penalties for migrant smuggling, ranging from a maximum of eight years for the basic offense of migrant smuggling to twenty-one years for migrant smuggling resulting in death. This adjustment aims to better reflect the severity of the crime of migrant smuggling. By raising the maximum penalty for the primary offense, additional investigative powers — linked to the severity of the penalty — will also become available to law enforcement agencies.

Additionally, the bill proposes to expand the extraterritorial jurisdiction concerning the migrant smuggling offense. This expansion aims to increase the possibilities for prosecuting non-Dutch perpetrators of internationally organized migrant smuggling networks, and will help bolster the participation in (joint) international investigations upstream.

### *Human trafficking*

In 2018 the programme 'Together Against Human Trafficking' was launched. The programme contains both national and international aspects. The programme has three strategic goals:

1. To prevent people becoming victims of human trafficking.
2. To detect possible victims fast and adequately to provide care and support.
3. To hamper and punish perpetrators maximally, both through criminal proceedings, administratively, as by erecting barriers. At the same time, we are committed to preventing recidivism amongst perpetrators.

During the past years, the programme increased the investigative capacity of the Dutch police on a national level through financing, training, and use of new technologies. Furthermore, it improved support for young victims and multi-problem 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.

The ministry worked on a new action plan for the programme through a bottom up process through organizing round tables with all our partners, both in government agencies and with the wider field, including survivors and experts. From these roundtables and the publications by the national rapporteur and CoMensha (the Dutch Coordination Centre for Human Trafficking) the government has identified some of the main obstacles to our current strategy. The ambition in the action plan is to bring down the number of victims in human trafficking through more cooperation and a further professionalization within the field. While maintaining the three strategic goals, the action plan focuses on five lines of action:

1. Further development of the basic approach to tackle THB;
2. Further development of the approach to tackling labour exploitation;
3. Victim and perpetrator prevention;
4. Strengthening the municipal approach to THB;
5. Sharing knowledge and information.

In December 2023, the Action Plan was discussed in Parliament, which resulted in the request to add more actions. Once this is completed, the Action Plan will be published and the implementation will start.

Furthermore, the Netherlands supports EMPACT partner countries in designing and adopting legislation against human trafficking and smuggling of migrants to improve investigation, prosecution, and international cooperation in this area. The Dutch police provided several EMPACT authorities with specialised training on combatting human trafficking, smuggling of migrants and the detection of document fraud. As mentioned earlier, the Netherlands also funds programs such as PROMIS (Protection of Migrants) which is implemented by OHCHR and the United Nations Office on Drugs and Crime (UNODC). This programme aims to strengthen legal frameworks and policies on human trafficking and migrant smuggling in West- Africa and will be expanded to North-Africa. Up until now, these efforts have led to concrete draft legislation against human trafficking and the smuggling of migrants, 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.

An additional example of the international efforts is the funding by the Netherlands for various initiatives to improve regional cooperation between West African countries, to improve countering the smuggling of migrants and the trafficking in human beings. From 2021-2023 the Netherlands

supported a project of the International Centre for Migration Policy Development (ICMPD), which aimed 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. The Netherlands also recently launched the School anti-Trafficking Education and Advocacy Project (STEAP) in Nigeria. This project, implemented by ICMPD aims to support the Government of Nigeria in the fight against human trafficking through increased within the school community.

### **Migration procedures**

In line with GCM objective 12, the Dutch government aims to strengthen legal certainty and predictability in migration procedures for appropriate screening, assessment and referral by developing and strengthening effective and human rights-based mechanisms for the adequate and timely screening and individual assessment of all migrants for the purpose of identifying and facilitating access to the appropriate referral procedures. In this regard, the Netherlands has welcomed the finalization of the Asylum and Migration Pact in general, and the screening regulation in particular. The screening regulation strengthens the legal certainty and predictability of screening and referral procedures on European level. Irregular migrants - entering the EU without fulfilling the entry conditions - will upon arrival be screened at the external borders. The screening includes an identity check, a health check by qualified personnel, registration in the Eurodac database and referral to the right procedure, in most cases return or asylum. Maximum time limits for the duration of the procedure are set. If irregular migrants have circumvented the screening at the external borders and are found on EU territory, a similar screening procedure applies. An independent monitoring mechanism, to be set up by EU member states, is to ensure that fundamental rights are complied with throughout.

### **Promoting safe and dignified returns and sustainable re-integration**

In line with GCM objective 21, the Dutch 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 July 2023. This scheme has improved cooperation between the actors involved in the return and reintegration of migrants, including the Repatriation and Return Service (R&DS), IOM, NGO's 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 origin. The Subsidy Scheme was amended in 2023 to enable Dutch NGO's to make use of the reintegration partners of various reintegration networks, such as IOM International, Frontex Joint Reintegration Services (JRS) and the European Reintegration Support Network (ERSO).

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 took over all reintegration activities from the Dutch-led European Return and Reintegration Network (ERRIN) and has formally launched its own reintegration programme, the Joint Reintegration Services (JRS), in April 2022. With the JRS, Frontex supports EU Member States and Schengen Associated Countries in providing reintegration assistance both during the first days following the arrival of the country of origin (post-arrival assistance), as well as longer-term assistance up to 12 months after return (post-return assistance). Frontex is not implementing these activities itself, but makes use of contracted reintegration partners which are situated in the countries of origin. All activities under the JRS, including cash and in kind reintegration assistance to the returnee, administrative support for EU Member States and service fees for the reintegration partners, are fully financed by the Frontex budget. Frontex does not actively engage in pre-departure counselling on EU Member States' territory, which is the responsibility of the EU Member State itself.

At the beginning of 2023, R&DS introduced a national JRS-programme, which will implement the Frontex JRS within the already existing Dutch landscape of reintegration possibilities, to make effective and efficient use of the possibilities and financial benefits the Frontex JRS has to offer.

### **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 joining, along with Nigeria and others, the steering committee of the Rabat Process in 2023. The Rabat Process is a European-African dialogue on migration and development. Since 2006, the dialogue has provided a framework for consultation, bringing together countries of origin, transit and destination on the migration routes connecting Central, West and North Africa to Europe, and involving other key stakeholders, including the European Union (EU). As steering committee members, The Netherlands and Nigeria organized a thematic meeting on youth in The Hague. One of the objectives was to engage in a dialogue with young people about the current challenges the youth are experiencing in the field of development (education and employment) related to migration, to exchange best practices and share emerging trends.

### **Next steps**

Since the general elections of 22 November 2023, the Netherlands is in the formation process for a new government. The Netherlands will further strengthen its migration policy and projects in line

with the GCM objectives, but is experiencing similar gaps, challenges and opportunities as stated in the 2020 national review.

- The Global Compact on Migration clearly recognizes the existing obligation of all States to duly receive and readmit their own nationals, as laid down in objective 21. Nationals who do not or no longer have the right to stay in a country that is not their own, must be readmitted, whether their return is voluntary or involuntary. This is a cornerstone of a well-functioning international migration system. It is crucial that States demonstrate a general recognition of the obligation to readmit their nationals. A lack of cooperation in the return and readmission of migrants who have no right to stay remains a major obstacle to further pursuit of the objectives laid down in the Global Compact.
- The Netherlands emphasizes the importance of international cooperation to combat human trafficking and the smuggling of migrants, in particular with countries of transit and origin.
- Finally, the Netherlands underlines the importance of maintaining a clear distinction between regular and irregular migration.