

STATELESS

A step-by-step guide while in the Netherlands

Is this guide for you?

This guide is to help stateless persons that arrived in the Netherlands and have requested asylum in the Netherlands or are planning to do so. The guide will help you navigate the Dutch system as a stateless person, during *and* after your asylum procedure, and will point out the important things you have to be aware of, step by step.

How do I know if I am stateless?

Being stateless means that you don't have a nationality of any country in the world. This can also mean that you have never had a passport or formal registration in your country of origin.

Some stateless persons can still have documents, such as a birth certificate or an UNRWA registration, but other stateless persons don't have any documents at all.

If you are unsure whether you are stateless, take this guide to your caseworker for help.

هل هذا الدليل الصحيح لك ؟

هذا الدليل صمم لمساعدة الأشخاص عديم الجنسية الواصلين حديثاً إلى هولندا في مرحلة ما قبل و خلال التقدم على اللجوء. ليعتبر مساعد على فهم النظام الهولندي و كيفية التأقلم و التعرف عليه خلال و بعد مرحلة التقدم على اللجوء، و منوضح النقاط المهمة التي يجب ان تكون على اطلاع بها

كيف تعلم ما اذا كنت شخص من غير جنسية؟

وذلك عديم الجنسية يعني أنك لا تملك جنسية من أي بلد في العالم. أيضاً هذا يعني أنك لم تحصل على جواز أو وثيقة سفر أو أوراق هوية ثبوتية من بلدك الأم. بعض عديمي الجنسية ممكن أن يكونوا حاملين لوثيقة ولادة أو أوراق مقدمة من منظمة اللونروا، أو ليس لديهم أية أوراق ثبوتية على الإطلاق.

إن كنت ما زلت غير متأكد إذا كنت من الأشخاص عديمي الجنسية، خذ هذا الدليل و اطلع عليه المسؤول عن قضيتك

Est-ce guide pour vous?

Ce guide a pour but d'aider les apatrides qui sont arrivés aux Pays-Bas et qui ont soumis une demande d'asile ou qui ont l'intention de soumettre une demande. Ce guide vous aidera à naviguer dans le système néerlandais tant que apatride durant et après votre procédure en vous montrant les points les plus importants que vous devez connaître étape par étape.

Comment savoir si je suis apatride?

être apatride veut dire que vous n'avez pas de nationalité d'un pays dans le monde. Cela veut dire aussi que vous n'avez jamais possédé un passeport ou un enregistrement formel dans votre pays d'origine.

Certains apatrides peuvent avoir des documents tel qu'un acte de naissance ou un enregistrement de UNRWA. D'autres apatrides n'ont aucun documents du tout.

Si vous n'êtes pas sûr, montrez ce guide à votre travailleur social pour une aide.

ARRIVAL



You can arrive in the Netherlands by land or by air. If you arrive by land, you will be directed to the **application centre** in Ter Apel to apply for asylum. If you arrive by air, you will be able to start your asylum procedure at the application centre in the airport.



After arrival you will be provided with a '**rust en voorbereidingstermijn**', a rest and preparation period. This period has a minimum of 6 days.

During this period no questions will be asked relating to the your asylum, but the authorities can start to research your identity, fingerprints, and **nationality**.

Documents that were in your possession may also be investigated, as well as whether you should be getting protection elsewhere.

It is very important that you are already telling people about your statelessness very early on. Ask your lawyer and the Dutch Council for Refugees (VluchtelingenWerk) for help.



Do you have documents to prove your statelessness?

When you arrive in the Netherlands the Dutch authorities will ask you if you have any identity documents that state your identity and the country you are from.

As a stateless person it can be difficult to provide these documents to the authorities, because you may have never possessed any document. However, it is still important that you **think of documents you may be able to show to the IND**. For example, do you have or have you ever had:

- Birth certificate
 - School records
 - Driver's license
 - UNRWA registration
 - GAPAR registration
 - A document from your mayor or local official
 - Medical records
 - Refugee camp records
- Or other documents particular to your statelessness group



What is statelessness?

Officially, a stateless person is "a person who is not considered as a national by any State under the operation of its law". This means that a stateless person does not have a nationality of any country.



SUPPORT ORGANISATIONS

Dutch Council for Refugees

The Dutch Council for Refugees (VluchtelingenWerk in Dutch) represents the interests of asylum seekers in the Netherlands, starting from entry into the country to integration into Dutch society. They are present in all official reception facilities.

The Red Cross

The Red Cross offers family tracing services which may help in establishing contact with family members (and possible document retrieval).

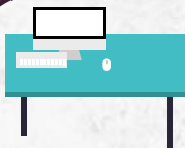
When does statelessness occur?

Statelessness can have several causes, including:

- When mothers can not give nationality to their children
- When a new country is created
- Where there is no registration process
- When a minority is being discriminated against and had their nationality stripped off them



START PROCEDURE



After the rest and preparation period, the general asylum procedure starts. This procedure normally lasts between 4-8 days. You will have 2 interviews with the IND in which your identity, travel route, and the reason why you fled will be examined.

If more research is necessary, your asylum request will be decided upon in the 'verlengde asielpprocedure', or the extended asylum procedure. This normally takes up to 6 months, during which you will stay in a AZC.

During this procedure you will be assisted by your lawyer. **It is very important to be comfortable and satisfied with your lawyer.** If you are not, you can ask for another. The Dutch Council for Refugees can assist with communicating with your lawyer, or finding a different lawyer.

It is important to tell your lawyer and to the supporting organisation that you are **stateless**. During the procedure, your identity and nationality will be examined by the IND and it is your **responsibility to provide as much information as possible about your statelessness.**

It is your right to be registered in the BRP (municipality registration) as stateless. Tell the desk in the Gemeente about your statelessness. If you don't have documents to prove your statelessness, ask your lawyer for assistance.

Registration in the municipality ('gemeente' database called the: BRP) is possible (under certain conditions) for a person staying in the AZC. When you are stateless and you don't have official documents to prove this, it can be difficult to register as 'stateless'. Most municipalities will then proceed to register you as '**nationality unknown**', in Dutch: '**nationaliteit onbekend**'.

If this is the case, it is important to **ask the assistance of a lawyer to help change your registration in the BRP to 'stateless'.**



SUPPORT ORGANISATIONS

Dutch Council for Refugees

The Dutch Council for Refugees (Vluchtelingenwerk in Dutch) will help you in all steps of the asylum procedure. You can find them in all official reception facilities.

Legal Aid Board

The Legal Aid Board arranges a free lawyer to represent you during the asylum procedure. They are present in the IND application centres.

Cases of statelessness

There are groups of stateless persons that represent large communities, such as the Rohingya, Palestinians, Kurds, Bidoon, and people from the former Soviet Union. However, statelessness can impact any person.



APPROVAL



REJECTION

APPROVAL



When you are granted protection by the Dutch state you will remain in the AZC until alternative housing is arranged. In this period you may ask the Dutch Council for Refugees for assistance.

After you have moved into permanent housing there are other organisations that can help with questions relating to work, insurance, education, healthcare, etc. These often differ per region. Examples include: Compleet Mensenwerk (East Netherlands), De Driemaster (Zuid-Holland), Humanitas (Groningen and broader NL). The responsible Municipality also offers support services in cooperation with local social services.

Family Reunification

You may apply for family reunification if you have a family member who you would like to join you in the Netherlands. You have to start a new procedure with the IND. **This has to be submitted within 3 months after your asylum request has been approved.**

Your family member (partner, child, or mother/father in case of a minor) has to obtain a **machtiging tot voorlopig verblijf (mvv)**, which is a visa to travel into the Netherlands. This has to be obtained from a Dutch embassy or consulate in the country where your family member lives. If there is no Dutch embassy that could provide this mvv it is also possible that the mvv has to be obtained from a neighbouring country.

This procedure requires you to provide official identification documents and other non-official documents. This may become problematic if your family is stateless. It is important to explore the options with a lawyer and to seek help from the Dutch Council for Refugees. You may also apply for **Bewijsnood**. There is a United Nations organisation - called the **UNHCR** - that can intervene in the procedure if there are difficulties. Your lawyer can request them to assist.



Ask 'Het juridisch Loket' (Legal Help Desk) for free legal aid and referral to a suitable lawyer. They are present in almost every bigger city in NL and have open walk-in hours.

Municipality registration

Registration as 'stateless' in the BRP of your municipality ('gemeente') of residence is important. If you were already registered in the AZC then your records might be transferred to the new municipality if you have moved. Otherwise a new registration in your new municipality might be necessary.

The municipality will require you to prove your statelessness with documents.

You can ask a lawyer to help you change your registration in the BRP. The lawyer may contact **UNHCR** to help in your case, for example by writing a statement for the municipality.



Access to Dutch citizenship

If you are registered as stateless in the 'gemeente' then you can **apply for Dutch citizenship after 3 years of legal residence in the country**, instead of the usual 5 years. The IND is responsible for assessing your request for Dutch citizenship. As a stateless person you do not have to provide a passport for naturalisation. However, it is still necessary to provide a **birth certificate**. In case you do not possess a birth certificate either, you may apply for **Bewijsnood**, for which you have to prove that you are unable to obtain this document. **Ask a lawyer or Het Juridisch Loket for help.**

If you have a stateless child and:

He or she is **1) born in the Netherlands, 2) has been registered as stateless since birth, and 3) has lived in the Netherlands for 3 continuous years with a valid residence permit** **they may obtain Dutch nationality through something called the option procedure.** Your local Municipality is responsible for assessing this request. They don't need to provide a passport for this option procedure.

Birth registration of your child: Make sure to register the birth of your child in your local municipality and be aware that his/her statelessness is registered correctly.



REJECTION



Meldpunt Vreemdelingendetentie is an initiative of 'Stichting LOS' and supports persons in immigration detention. They can be reached from inside detention on their free hotline: 0800-3388776.

Being stateless does not mean you are entitled to protection in the Netherlands. The asylum request may be rejected even if your statelessness has been proven. If your asylum request has been rejected, you normally receive an order to leave the Netherlands within 28 days. **You may however not be in the position to leave the Netherlands because you do not have travel documents.** !

If you stay in the Netherlands without legal permission to stay, you may be detained. However, **your detention is not legal if you cannot be deported.** You will be given a lawyer to appeal the decision to detain you. **Make sure you inform your lawyer about your statelessness.** You can also contact Meldpunt Vreemdelingendetentie for help while in detention.

Where to get advice

Several organisations assist rejected asylum seekers. For example: ASKV Refugee Support (Amsterdam), STIL (Utrecht), Vluchtelingen in de Knel (Eindhoven), Stichting ROS (Rotterdam), INLIA (Groningen) and Defence for Children.

It is important to contact such an organisation to help with issues such as shelter and medical appointments, and legal issues such as trying to apply again for a new procedure. Tell the organisation about your statelessness as they need to take the special circumstances of stateless persons into consideration.



Make sure to mention your statelessness to your contact person.



ASKV provides social and legal assistance to undocumented refugees. Special attention is given to stateless persons through client assistance, research, strategic litigation, and lobby & advocacy. Phone: 020-6272408

New procedure

Statelessness is currently not a reason to be able to stay in the Netherlands. This means that you will have to look into the possibilities of starting a new procedure another way. This could for example be the 'buiten schuld procedure', also known as the 'no-fault procedure'. However, this procedure is not easy because you have to provide a lot of proof.

Ask your caseworker and your lawyer for help with what is the best next step. Again, make sure they know about your statelessness. !

UNHCR can also help the lawyer by for example writing letters and intervene where necessary.

Currently there is no **Statelessness Determination Procedure (SDP)** in the Netherlands - which means they have no procedure to identify persons as stateless. This means that proving your statelessness while undocumented can be difficult. Having said this, there is a proposal for this procedure and it is due to be discussed in Parliament. There may be some flaws in this procedure, but you should keep checking to see when it becomes procedure.

GLOSSARY OF TERMS

AZC – ‘Asielzoekerscentrum’ or ‘Asylum seekers’ centre’ is a government shelter for asylum seekers that have submitted an asylum request and are awaiting the result. This type of shelter, the AZC, is for asylum seekers who are awaiting their procedure in the extended asylum procedure (VA) or persons entitled to residence and who are awaiting permanent housing. For the other relevant shelter locations see *application centre*, *central reception location*, *process reception location*, and *freedom restricting location*. (See <https://www.coa.nl/en/reception-centres/types-of-reception-centres>)

Aanmeldcentrum (application centre) – The aanmeldcentrum, or application centre, is the location of the IND where the asylum seeker can submit his/her first asylum request. If the asylum seeker arrives by plane, he or she has to report to the Royal Netherlands Marechaussee at Schiphol. In all other cases, an asylum seeker has to present him- or herself at the IND application centre in Ter Apel. (See <https://www.government.nl/topics/asylum-policy/asylum-procedure>). An asylum seeker reporting to Ter Apel will be sheltered in first instance at the central reception location (col). Asylum seekers arriving by plane are, as a rule, denied admission to the Netherlands. This is why a border procedure is started to deal with their asylum application. A person arriving by plane will remain in the application centre at Schiphol Airport for the duration of this procedure.

Bewijsnood – Bewijsnood means lack of documentary evidence. If you wish to obtain Dutch citizenship as a stateless person in the Netherlands you are required to submit a birth certificate in most cases. If you don't possess a birth certificate and you are not exempt from this requirement, you may appeal to 'lack of documentary evidence'. You must then prove with documents why it is not possible to obtain a birth certificate. The IND then determines if you can be exempted. (See <https://ind.nl/en/Pages/Lack-of-documentary-evidence.aspx>)

BRP – Basis Registratie Personen (Municipal Personal Records Database). This is the database of the local Municipalities (Gemeente) where persons are obliged to register. Persons register in their respective Municipality of residence. Only persons legally staying in the Netherlands can be registered in the BRP. Under certain conditions an asylum seeker staying in an AZC awaiting their decision in the procedure can also register in the BRP. (See <https://www.coa.nl/nl/asielopvang/vertrek-uit-de-opvang/basisregistratie-persoon>). Stateless persons can also register in the BRP, but a person needs to show with documents that he or she is stateless in order to be registered as stateless. If you don't have any documents the Municipality will register you as 'nationality unknown'. You can appeal this decision with the help of a lawyer.

Buiten schuld (no-fault) procedure – The no-fault, or buiten schuld, procedure can be used for persons who cannot leave the Netherlands due to no fault of their own. The DT&V is responsible for providing mediation support for the applicant wishing to return. The DT&V has an important role in this procedure, as an approval by the IND is dependent on the binding advice of the DT&V. This procedure has faced strong criticism by practitioners and civil society and has a very low approval rate. (See <https://www.dienstterugkeerenvertrek.nl/Werkindeuitvoering/Bijzondereomstandigheden/index.aspx> and https://acvz.org/wp-content/uploads/2015/05/01-07-2013_Advies38-ACVZweb1.pdf). The Dutch government often refers a stateless person who has no legal stay and can't leave the country to the no-fault procedure. However, in practice, statelessness is not considered as a separate ground in the no-fault procedure and this procedure is not suitable for stateless persons due to the high burden of proof that stateless persons often cannot meet due to the fact that stateless persons often do not possess any documents.

Centrale ontvangstlocatie (central reception centre) – The central reception centre (col) is where the asylum seeker will be provided with shelter after he or she has registered at the application centre. This is where the asylum seeker will spend his or her first days in the Netherlands and prepare for the asylum procedure. (See <https://www.coa.nl/en/reception-centres/types-of-reception-centres>)

COA – The Central Agency for the Reception of Asylum Seekers (Centraal Orgaan Asielzoekers, or, COA) is responsible for the reception of asylum seekers coming to the Netherlands. This primarily means that they accommodate asylum seekers in an AZC administered and run by COA until the IND has decided on their asylum application. If a residence permit is granted, COA also facilitates intermediary activities regarding the transfer to more permanent accommodation elsewhere. (See <https://www.coa.nl/en>)

DT&V – The Repatriation and Departure Service (Dienst Terugkeer & Vertrek, or, DT&V) is responsible for expediting the voluntary and forced departure of foreign nationals who are not allowed to stay in the Netherlands. (See <https://english.dienstterugkeerenvertrek.nl/>)

Gemeente – A Gemeente is the local Municipality in which a person resides and which office is subsequently responsible for all administrative procedures regarding someone's registration and marital status. The Gemeente is also responsible for receiving the request for naturalization to Dutch Citizenship. The Gemeente then forwards this request for naturalization to the IND, as the IND is responsible for the decision in this procedure. (See <https://www.government.nl/topics/municipalities/municipalities-tasks>)

IND – The Immigration and Naturalisation Service (Immigratie- en Naturalisatiedienst) is responsible for assessing all applications from foreign nationals who want to live in the Netherlands or want to become Dutch citizens. (See <https://www.ind.nl/en/>)

Machtiging tot voorlopig verblijf (mvv) – A machtiging tot voorlopig verblijf, or an authorization for temporary stay in English, is a mandatory visa that is needed if you are travelling from outside of the European Union and you wish to stay in the Netherlands for longer than 90 days. This visa is also called the long-stay visa. This visa will allow you to travel into the Netherlands to collect your residence permit, for example as a result of the family reunification request. You need to collect the long-stay visa from the Embassy in your country of origin. (See <https://www.netherlandsandyou.nl/travel-and-residence/visas-for-the-netherlands/long-stay-visa-mvv>)

Nationaliteit onbekend - Nationaliteit onbekend, or nationality unknown in English, is a registration category that the Dutch authorities, and in particular the municipalities, use when the nationality of a person could not be confirmed, nor someone's statelessness.

Procesopvanglocatie (process reception centre) – The process reception centre (pol) is where asylum seekers who are in their first phase of the general asylum procedure stay. These centres are located near an office of the IND. During their stay in the pol an asylum seeker will have its interviews with the IND and the lawyer, and will be supervised by the Dutch Council for Refugees and COA. (See <https://www.coa.nl/en/reception-centres/types-of-reception-centres>)

Rust en voorbereidingstermijn (rest and preparation period) – After arrival in the Netherlands every asylum seeker is provided with a rest and preparation period. This period will last at least 6 days. During this period asylum seekers will be provided with information about the asylum procedure and a lawyer will be assigned. A registration interview will also take place, in this interview no questions will be asked about the reasons someone has fled their country but the IND will ask questions about the person's identity and origin. (See https://ind.nl/documents/rvt_engels.pdf)

Stateless - Officially, a stateless person is “a person who is not considered as a national by any State under the operation of its law”. This means that a stateless person does not have a nationality of any country. (See <http://www.institutesi.org/world/whatis.php> and <https://www.government.nl/topics/dutch-nationality/statelessness>)

Statelessness Determination Procedure (SDP) – A statelessness determination procedure (or vaststellingsprocedure staatloosheid) is a special procedure for individuals who claim to be stateless. The procedure may facilitate an official determination of their status as stateless, after which they may acquire the rights attached to statelessness. The Netherlands currently has no SDP but a legislative proposal for an SDP has been published and is due to be discussed in Parliament. (See <https://www.government.nl/topics/dutch-nationality/statelessness> and <https://www.internetconsultatie.nl/staatloosheid/details>). There are significant shortcomings to the legislative proposal that stand in the way of real progress. Most importantly, the current legislative proposal does not grant legal stay after statelessness determination, which means that most undocumented stateless persons will continue to live in the Netherlands without legal rights while expulsion to another country is not possible. (See <https://www.internetconsultatie.nl/staatloosheid/reactie/c31db4ca-9433-400c-9871-6fdd753046ca>)

Vrijheidsbeperkende locatie (freedom-restricting centre) – The freedom-restricting centre (vbl) is where rejected asylum seekers may stay when they are no longer entitled to shelter in the AZC. A person may stay in the vbl for up to 12 weeks, provided there is a prospect of return within that period. The DT&V is present at the vbl to work on this return. It is observed that persons may stay longer in the vbl in practice. The vbl is located in Ter Apel. Residents must report 5 days a week and are obliged to stay within the boundaries of the municipality. (See <https://www.coa.nl/en/reception-centres/types-of-reception-centres>). Stateless persons may also stay in the vbl, however, it is often seen that expulsion efforts have not been successful.

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