**Requirements for Family Reunification**

**the Netherlands**

# 1. Background

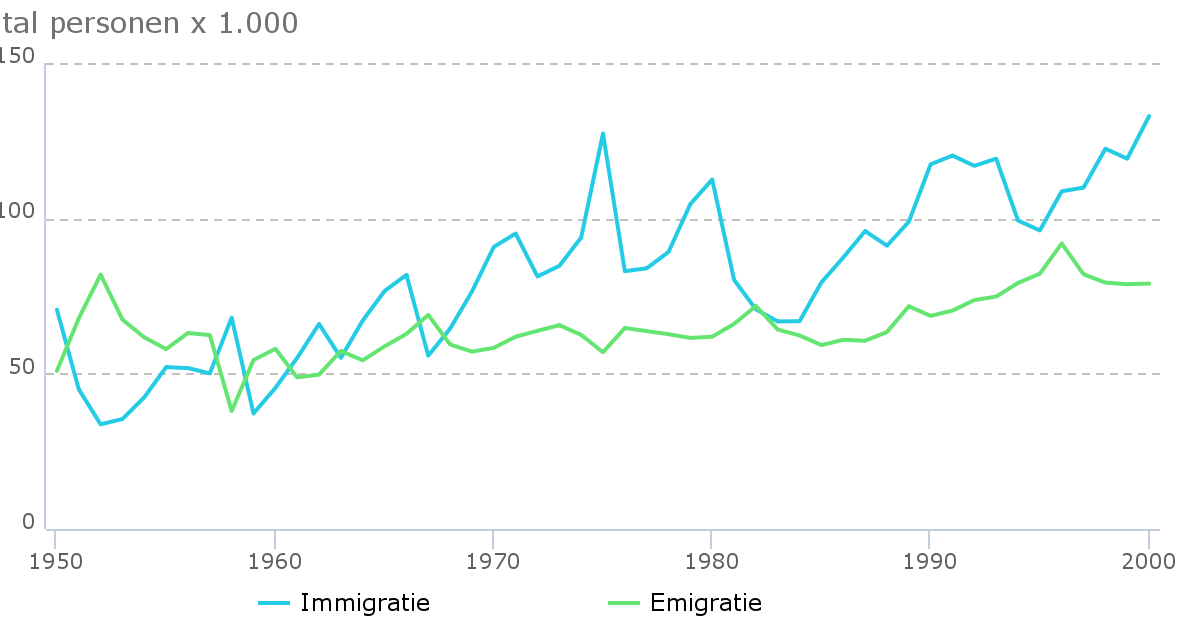
## Immigration to the Netherlands

Numbers and origins of immigration

The Netherlands has been an emigration and immigration country throughout the last decades. The 50’s was a decade of emigration. Most emigrants went to Canada, the United States of America, Australia and New Zealand. Due to a lack of workers in the 60’s and 70’s, the Netherlands signed several agreements with Mediterranean countries in order to recruit migrant workers. The first group of migrant workers came from Italy and Spain, followed by even larger groups from Turkey and Morocco. Dutch employers had a large impact on the recruitment agreements between the Netherlands and these countries. For instance, they stressed that the Netherlands should not restrict its migration policy by only allowing unmarried migrant workers access into the country. The reason behind this was that the Netherlands had to be an attractive country in comparison to other European countries which were recruiting migrants from the same countries of origin. Therefore, many spouses and children came to the Netherlands for family reunification which was possible after a migrant worker had stayed in the Netherlands for one year. In the 60’s many migrant workers came to the Netherlands outside of the recruitment agreements.[[1]](#footnote-1)

In the mid 70’s, migrant workers were no longer needed because of the economic crisis. As a result, a large number of Spanish and Italian migrant workers and a smaller group of Turkish and Moroccan migrant workers returned to their countries of origin. However, the economic crisis did not stop immigrants from coming to the Netherlands for other reasons. Regardless of the high level of unemployment, many spouses and children from Turkey and Morocco continued to migrate to the Netherlands until the mid 80’s for the purpose of family reunification.[[2]](#footnote-2) At the end of the 80’s, the primary migration motive of these two nationalities was family formation.[[3]](#footnote-3) Since the mid 70’s, there was an influx of immigrants from Surinam. The reason for this is that the country used to be a Dutch colony for about three centuries and gained its independence from the Netherlands in 1975. During the 90’s most immigrants were asylum seekers from former Yugoslavia, Iraq, Iran, Somalia, Sri Lanka, Afghanistan and the former Soviet Union.[[4]](#footnote-4)

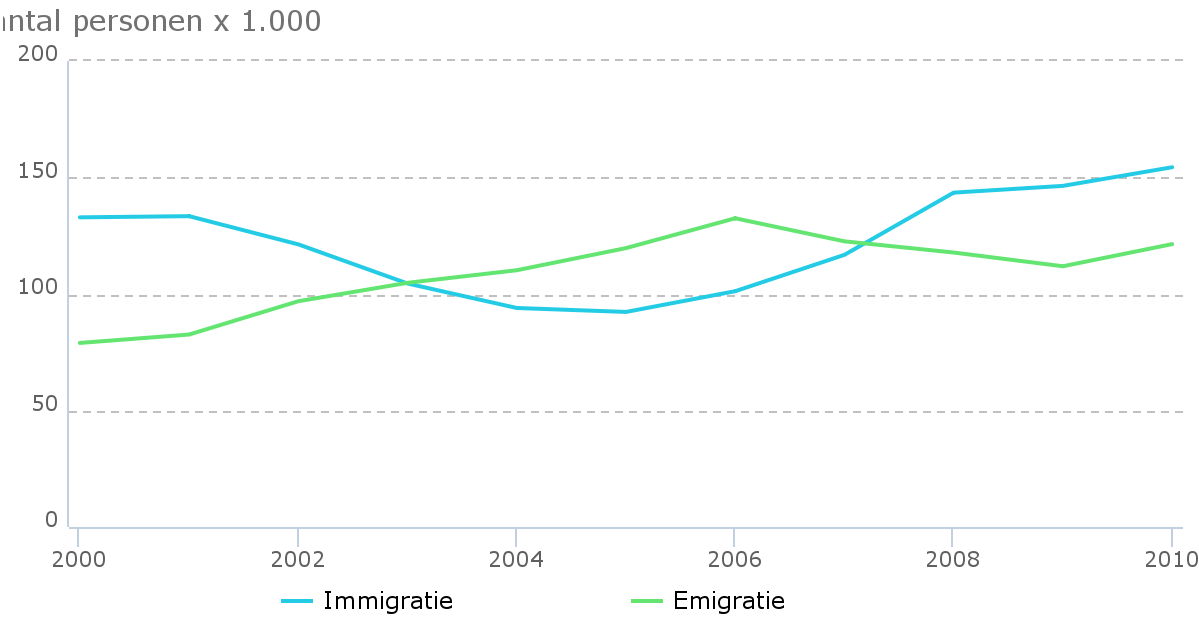
*Figure 1.1 Migration trends in the period between the years 1950 and 2000*

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Source: Volksgezondsheidenzorg.info

At the start of the twenty-first century, the Netherlands had a period of high economic growth which caused a low unemployment level. In 2001, a large amount of immigrants who were mainly migrant workers, asylum seekers and foreign spouses migrated to the Netherlands.[[5]](#footnote-5) In the years 2003-2007, there was more emigration than immigration because there were less job opportunities. Furthermore, there was a negative image of foreigners which caused foreigners to return to their country of origin. Lastly, there was dissatisfaction with the situation in the Netherlands for example regarding population density and crime.[[6]](#footnote-6) In the years 2006-2010, immigration started to increase again, especially in the year 2008. Most of the immigrants were migrant workers from EU countries, such as Poland, and Asian countries. When Romania and Bulgaria joined EU this caused another large number of immigrants from those countries.

*Figure 1.2 Migration trends in the period between the years 2000 and 2010*

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Source: Volksgezondsheidenzorg.info[[7]](#footnote-7)

In the period between 2010 and 2015, every year both the numbers of immigrants and emigrants increased. In 2014, the increase of immigration was about 11% in comparison to the previous year. The reasons for this was an influx of asylum seekers from Syria.[[8]](#footnote-8) In 2015, most of the immigrants that came to the Netherlands were Polish and Syrians.[[9]](#footnote-9) In 2016, the immigrants were mainly Syrian, Polish and Eritrean.[[10]](#footnote-10)

## 1.2 Changes in legislation

Changes in policy

In 2001, the *Aliens Act 2000* (Vreemdelingenwet 2000) introduced the requirement that family members of a beneficiary of international protection can reunify with the sponsor when they apply for family reunification within three months after the sponsor was granted international protection status. Before this period, migration policy rules required that family members were required to submit their application for family reunification within a reasonable period of time. Since 2002, the Dutch migration policy became more restrictive throughout the years. In the years 2004-2014, the government’s migration policy focused on family reunification, because the number of asylum seekers entering the country was low. The Dutch government constructed the family reunification policy by using all the options that are allowed under the *Family Reunification Directive* (FRD). The Netherlands even aimed to increase the minimum age for family reunification with a spouse from 21 years to 24 years, but this was not favoured by the European Commission.

In 2007, DNA testing became the norm for determining the existence of family ties. In 2009, a very strict policy was introduced regarding the family reunification procedure for beneficiaries of international protection. From that moment on, the residence permit holder had to prove that his family members actually belonged to his family by providing documentary evidence. In addition, identifying hearings with parents and children became the norm and DNA testing occurred less. Regarding biological children, the family ties were considered broken in case the child became part of another family when the parent left the country of origin.[[11]](#footnote-11) In 2011, the Minister addressed that this policy caused a decline in the amount of family reunification applications granted.[[12]](#footnote-12) The percentage of rejected applications was only 12% in 2008, whilst in 2011 the rejections raised to 81%.[[13]](#footnote-13) Criticism on this decline consequently led to an amendment of family reunification policy regarding biological children.

Since 2013, a DNA test and a statement from the permit holder is sufficient proof of actual family ties as opposed to the former additional requirement to provide documentary evidence. Proving their actual family ties was also no longer a requirement. The reason for this positive change is that the Minister acknowledged the fact that most families could not prove their biological and actual family ties by documentary evidence.[[14]](#footnote-14) The requirement that family members have the same nationality as the permit holder received critical comments from ACVZ (Advisory Committee on Migration Affairs) and the Netherlands Institute for Human Rights.[[15]](#footnote-15) As a consequence, their criticism led to the removal of this requirement from the bill which was enforced on 1 January 2014.

Since April 2013, the State Secretary of Security and Justice decided to no longer deem the family ties to be broken when a child was taken under the care of a different family than the permit holder’s family.[[16]](#footnote-16) Since 1 June 2013, a new policy named the *Modern Migration Policy Act* (Wet modern migratiebeleid) was enforced.[[17]](#footnote-17) This introduced a ‘sponsor-system’ which means that, for example, an asylum permit holder is allowed to file a residence permit application for a family member who remains in the country of residence. The asylum permit holder or anyone else who files the application for a foreign family member is called the ‘sponsor’. Since 1 January 2014, family members of beneficiaries of international protection do not have to apply for international protection anymore. When they enter the country with an MVV (authorisation for temporary stay) they are granted a derivative asylum permit within two weeks.[[18]](#footnote-18) However, the international protection status has become dependent on the permit of the sponsor.[[19]](#footnote-19)

Changes in legislation

See document ‘Laws migration law in the Netherlands’.

## 1.3 Draft laws / bills (those being prepared)

Due to the high influx of persons requesting international protection in the Netherlands, the State Secretary of Security and Justice decided to extend the maximum period for submitting applications for international protection from six to fifteen months and family reunification applications from three to six months. In addition, the maximum decision time with regard to family reunification applications is expected to be extended from three to nine months.[[20]](#footnote-20) It must however be noted that during the writing of this research the bill for extending the periods for family reunification had yet not been prepared. The extension of the decision time for international protection applications does not require a bill.

## 1.4 Discussion (possible future developments on legislation)

Future policy and legislation is expected to limit the influx of beneficiaries of international protection.

## 1.5 Impacts of changes in recent legislation

It is expected that the extension of the decision periods during the family reunification procedure and the procedure for requesting international protection will cause a long waiting period. As stated by the State Secretary for Security and Justice, such a waiting period will keep families separated for at least two years from the moment that international protection is requested.[[21]](#footnote-21)

# 2. Requirements allowed in Council Directive 2003/86/EC and how they are applied in the Netherlands for beneficiaries of international protection

Introduction

The number of family members who reunified with a beneficiaries of international protection in the Netherlands has increased in the years 2014 and 2015. The reason for the increase in 2014 was mainly an increasing number of Syrian family members entering the Netherlands. According to recent figures, the number of family members increased almost two and a half times in 2015 in comparison to the year 2014. In 2014, 5.355 family members were reunified with the permit holder, whilst in 2015 about 13.845 family members were reunified with the permit holder. By taking a look at the nationality of the family members in 2015, we see that the largest group of family members in 2015 consisted of Syrians (64.9%). The second largest group consisted of stateless persons (18.4%) and the third largest group were Eritreans (7.3%).[[22]](#footnote-22) The first half year of 2016 shows a similar pattern in which Syrians (56.4%) are still the largest group of family members, followed by Eritreans (16.9%) and stateless persons (10.7%).[[23]](#footnote-23)

In line with Chapter V, especially Article 12(1) FRD, the Netherlands applies the more favourable provisions of the FRD when the application for family reunification was submitted within three months after the person requesting international protection was granted a permit.[[24]](#footnote-24) When the submission of the family reunification application exceeds this time limit, the requirements of Article 7(1) FRD apply. As the accommodation requirement does not apply in the Netherlands, exceeding the time-limit means in practice that the income requirement has to be fulfilled. The integration requirement is never a pre-entry condition for beneficiaries of international protection.

Although the FRD does not require Member States to allow family reunification to beneficiaries of subsidiary protection (Article 3(2)(c) FRD), the Netherlands applies the more favourable family reunification provisions of Chapter V FRD to all beneficiaries of international protection. In line with the European Commission’s recommendation, Dutch law does not make a distinction between subsidiary protected persons and refugees who are permit holders.[[25]](#footnote-25) This policy predates the transposition of the FRD. In 2001, the requirements for family reunification for all beneficiaries of international protection have been aligned in order to decrease the number of appeals (in this way the government removed any interest for appealing for another protection status).[[26]](#footnote-26) In spring 2016, the State Secretary of Security and Justice acknowledged that the transposition legislation of the FRD identically applies to subsidiary protected persons.[[27]](#footnote-27) The uniform asylum status entails that subsidiary protected persons and refugees are granted the same residence permit. Therefore, the term ‘permit holders’ covers both groups in the following paragraphs.

## 2.1 Stable and regular resources

The income requirement of Article 7(1)(c) FRD does not apply to permit holders or their family members, as long as the family reunification application was made within three months after the granting of the residence permit. As it is allowed by the FRD in Article 12(1) third paragraph, in case that the family reunification application was made after this time limit and the reasons for exceeding the time limit are not accepted , the permit holder has to deliver proof of sufficient and stable resources. More information on the income requirement can be found in Chapter 3.

## 2.2 Compliance with integration measures

2.2.1 Applicability of the FRD on beneficiaries of international protection

The integration measure of Article 7(2) FRD cannot be applied to beneficiaries of international protection or their family members as a pre-entry requirement. Member States are allowed to require the family members to meet the other requirements of Article 7(1) FRD when the family reunification application was not submitted within three months, but the integration measure of the FRD can only be applied once family reunification has been granted.[[28]](#footnote-28)

2.2.2 Pre-entry integration measures

In the Netherlands there is no integration measure applicable, such as Dutch language requirements, regarding persons requesting international protection.

2.2.3 Post-entry integration measures

Neither the Civic Integration Act (*Wet inburgering*) nor the Civic Integration Abroad Act (*Wet Inburgering in het Buitenland*) apply to asylum seekers, those requesting subsidiary protection or their family members while awaiting the granting of their residence permit. As soon as beneficiaries of international protection are granted a residence permit, they have to pass an integration examination on A2 level within three years, according to the Civic Integration Act, which entered into force 1 January 2007.[[29]](#footnote-29) The initial idea of the Act was to introduce an integration system with a more mandatory and result-oriented nature, because the former integration policy did not result in sufficient integration of migrants, according to the government.[[30]](#footnote-30) The consequence of not meeting the integration requirement could result in a fine. Since 2010, a failure to meet the requirement can also result in withdrawal or non-renewal of the residence permit, unless this would be a violation of Article 8 European Convention on Human Rights or the FRD. Regarding beneficiaries of international protection however, the consequences are limited to fines. But if they want to acquire a permanent residence permit, they need to pass the integration examination. This condition implies that refugees who are not capable of passing the examination (for instance due to trauma or a low education level), will remain dependent on a temporary residence permit, which can be withdrawn once the ground for protection is not present anymore (for instance if the circumstances in the country of origin have substantially improved). The Civic Integration Act targets all third country nationals, including beneficiaries of international protection and their family members once they are granted a residence permit. Minors are exempted from the integration requirement, mainly because Dutch law requires them to participate in education. The municipalities are funded to assist beneficiaries of international protection in their integration process. The Education Executive Agency (DUO) has the authority to extend the time needed for integration and sanction those who failed to pass the exam in time.

The integration requirement and exemptions

There are three groups that can be exempted from the integration requirement: those who can provide evidence of their graduation, those who cannot participate due to a mental or physical disability and those who demonstrate efforts to pass the exam, but nevertheless do not manage to pass it.[[31]](#footnote-31)

Since January 2013, all person obliged to pass the integration examination have the responsibility regarding choosing integration courses and financing their integration: the state has left the organisation of courses to the private market. Beneficiaries of international protection and their family members must pass the Civic Integration Exam within three years.[[32]](#footnote-32) Not passing the integration exam in time can lead to fines of up to 1.250 Euros.[[33]](#footnote-33)

The exam tests reading, writing, comprehension and speaking of the Dutch language. It also examines the knowledge of the Dutch society and orientation in the Dutch Labour Market. The required language level is A2.[[34]](#footnote-34) Orientation in the Dutch labour market was introduced in January 2015.[[35]](#footnote-35)

Costs and loans

The costs for the Civic Integration Exam are 350 Euros. Regarding language and integration courses, the level of the costs depends on the offers in the private market, and the necessary level and number of lessons. The state offers a ‘social loan’ of up to 10.000 Euros to the third country nationals who have to meet the integration requirement. A ‘social loan’ is a low interest loan. If beneficiaries of international protection and their family members pass the exam in time, they can receive remission for their debt.[[36]](#footnote-36) Other third country nationals have to pay back the borrowed money.

Changes: declaration of participation

Since March 2014, the Dutch government introduced a temporary pilot project for third country nationals who are newcomers in the Netherlands. The project is called the declaration of participation in the Dutch society and took place between March 2014 and March 2015. For newcomers this so-called participation process involved two steps. The first was participating in a workshop to learn about the Dutch norms and values such as freedom, equality and solidarity. The workshop was also about welcoming the newcomers, guiding the newcomers through Dutch society and the municipality they would live in and teach them about relevant facilities regarding civic integration. The second step was signing an agreement confirming that newcomers support these values. According to the government, signing the declaration of participation would prove that newcomers feel involved in Dutch society and are prepared to actively contribute to it. The participation process was introduced due to the recent influx of refugees combined with the fact that the state worried that their values would clash with the Dutch values.

The Government plans to make this participation process in the Dutch society a new mandatory part of the civic integration exam. This still needs to be added to the Civic Integration Act (foreseen at 1 July 2017). However, all permit holders and their family members who receive social assistance have already been offered to take part in the participation process since January 2016. The recent high influx of beneficiaries of international protection forced the government to increase the funding for social assistance from 1.000 Euros to 2.370 Euros per permit holder. When this mandatory part is added as part of the Civic Integration Exam, a fine (up to 1250 Euros) can be imposed to anyone who is required to pass the exam and does not sign the declaration of participation. Another possible consequence of not signing the declaration is that the application for a permanent residence permit or Dutch citizenship can be rejected.[[37]](#footnote-37) The results of an evaluation of the project show that beneficiaries of international protection are the group who benefit the most from the declaration of participation. They became more aware of the Dutch core values and are more prone to adopt an assertive attitude.[[38]](#footnote-38)

Impact of the Civic Integration requirement

Unlike other third country nationals, the residence permit of beneficiaries of international protection cannot be withdrawn on the basis of failing the Civic Integration Exam. However, when beneficiaries do not fulfil the civic integration requirement they cannot obtain permanent residence. This leads to a lot of insecurity since most beneficiaries of international protection have a residence permit that can be withdrawn when the situation in the country of origin substantially and sustainably improves. An uncertain residence status does not contribute to integration into the Dutch society.[[39]](#footnote-39)

In 2014, an investigation was conducted by academics in the Netherlands about the impacts of the Civic Integration requirement on migrants. The results of interviews with twenty-five migrants (including beneficiaries of international protection) showed that even those who fulfilled the Civic Integration requirement do not have the guarantee of paid employment. The main reason for this is discrimination of a person’s origin or nationality in the labour market.[[40]](#footnote-40)

As stated earlier, beneficiaries of international protection can borrow money for the costs of integration courses and the exam itself. However, extra costs are not covered by this loan, such as costs for travelling to attend integration courses and costs for day care of their children. These extra costs are also not covered by municipalities.[[41]](#footnote-41)

## 2.3 Staying period

Dutch law does not contain the requirement that beneficiaries of international protection have stayed lawfully for a certain period in the Netherlands until the family reunification procedure can start. Article 8 FRD allows such a requirement, but Article 12(2) FRD shows that this requirement cannot be applied to beneficiaries of international protection. However, it must be kept in mind that in many cases, and especially since the increase of the numbers of asylum seekers, persons requesting international protection do have to wait for a long period of time until they can have their family members come to the Netherlands. In spring 2016, the State Secretary of Security and Justice announced that due to the high influx it can take at least two years until their family members can accompany them to the Netherlands. The reason for this waiting period is that the period of time for the INS to decide on the request for international protection can take up to fifteen months with a possible extension of three months. Furthermore, the period of time for the INS to decide on a request for family reunification is set at six months. The accumulation of these periods would result in a waiting period of twenty-four months.[[42]](#footnote-42) This shows that although the FRD does not allow Member States to impose the requirement of a two-year long staying period before the family can join the beneficiary of international protection, the decision periods during the Dutch asylum and family reunification procedures do have a similar result. It can be questioned if such a result undermines the aims of the FRD.

## 2.4 Accommodation

Both persons requesting international protection and regular migrants (such as Dutch citizens) are not required to prove that they have accommodation at their disposal for their family members. In practice, persons requesting international protection are accommodated in reception centres and the state offers a house once they are granted a residence permit. Due to a lack of available housing, permit holders are sometimes still accommodated at reception centres until normal housing is available.[[43]](#footnote-43)

Changes

In certain municipalities, beneficiaries have fewer job opportunities than in other areas of the country. Another problem is that it is not always certain if, and if so how many, family members of the permit holder will join the permit holder in an accommodation. Since the start of 2015, the Central Agency for the Reception of Asylum Seekers (COA) provides information to municipalities on the amount of family members that may join the permit holder.[[44]](#footnote-44) In October 2015, the norms for social housing for refugees have become less strict. For instance, independent housing is no longer a requirement.[[45]](#footnote-45)

## 2.5 Sickness insurance

Article 7(1)(b) FRD allows Member States to require that the sponsor has sickness insurance for himself or his family. This requirement can only be imposed on a beneficiary of international protection after the three month time limit, as described in the introduction of this chapter. Dutch law does not contain such a requirement for family reunification with beneficiaries of international protection. In case that the family reunification application was submitted after the three month time limit, not having sickness insurance should not be a reason to reject the family reunification application. Persons requesting international protection and beneficiaries of international protection who are accommodated at reception centres, receive health care free of charge based on the Healthcare for Asylum Seekers Regulation (*Regeling Zorg Asielzoekers 2016*).[[46]](#footnote-46) From the moment that these persons are granted a residence permit they are lawfully residing migrants. Refugees, the subsidiary protected and unaccompanied minor asylum seekers all receive the same type of residence permit and thus the same package for health care.[[47]](#footnote-47) Lawfully residing migrants fall within the scope of the Long Term Care Act (*Wet langdurige zorg*) and the Health Insurance Act (*Zorgverzekeringswet*). This entails that having sickness insurance is mandatory, just like any other Dutch inhabitant.[[48]](#footnote-48)

In practice, a beneficiary of international protection who has a residence permit and moves from the reception centre into normal housing starts paying monthly fees for sickness insurance from that moment on. These fees are compensated by state funded healthcare benefits which a permit holder is entitled to in case his income is below a certain amount, just like any Dutch inhabitant.[[49]](#footnote-49)

When the family members accompany the permit holder in the Netherlands, the scope of the health insurance package will be widened. Based on the foregoing, it can be said that the requirement of sickness insurance is not linked to family reunification. It is tied to the idea that any inhabitant in the Netherlands is required to have sickness insurance.

## 2.6 Minimum age

Spouses

Article 4(5) FRD allows Member States to require that spouses are of a minimum age and 21 years old at a maximum before family reunification can take place. The FRD does not exempt beneficiaries of international protection from this requirement. It must be noted that the Dutch government lobbied to include this age requirement in the FRD, because in 2002 the Dutch government already aimed to increase the minimum age of spouses from 18 to 21 years old before the enforcement of the FRD.[[50]](#footnote-50)

Until the end of 2015, Dutch law included the age requirement of 21 years only with regard to family members who are regular migrants, but not for family members who are persons requesting international protection.[[51]](#footnote-51) Before the end of 2015 there was no age requirement for family reunification with a beneficiary of international protection. Since then, the government’s policy requires that spouses are at least 18 years old at the moment of the family reunification application.[[52]](#footnote-52) For unmarried partners the minimum age of 18 years also applies.

Children

Article 4(1) FRD provides that Member States must allow family reunification with family members who are minors. Article 4(2)(b) FRD additionally provides that family reunification is also possible with adult unmarried children in case they are “objectively unable to provide for their own needs on account of their state of health.” This provision also applies to beneficiaries of international protection.[[53]](#footnote-53)

Under Dutch law, beneficiaries of international protection can reunify with their underage children, but also with children who are older than 18 years.[[54]](#footnote-54) In 2013, Dutch policy rules introduced the requirement that adult biological children must have ‘more than normal emotional ties’ with the sponsor. This entailed that the adult child had to be dependent on the sponsor financially or dependent on the sponsor based on a mental or medical condition.[[55]](#footnote-55) Since the end of July 2015, Dutch policy rules no longer require that adult children and their parents have ‘more than normal emotional ties’, for instance, in case of a young adult who lived with the parent and was financial dependent on the parent.[[56]](#footnote-56) Therefore, Dutch law goes further than the FRD in the protection of the right to family reunification with adult children, because it is no longer a requirement that the possibility of family reunification depends on the state of health of the adult child. The only requirement that is laid down in the current policy is that adult children must actually belong to the family of the beneficiary of international protection. In addition, there must be a normal relationship of dependency between the adult child and the permit holder. Lastly, the permit holder must prove that the adult child always belonged to his family and that the family ties have not been broken. The family ties are only considered broken when one or more of the following situations applies: the adult child lives independently, the adult child takes care of his own needs, the adult child married or started a relationship with someone, the adult child has the care over a child who was born out of wedlock. For each of these situations it will be considered whether the family ties have been broken or not.[[57]](#footnote-57)

# 3. Family reunification of Dutch citizen’s family members with foreign citizenship *(1-2 pages)*

## Introduction

In the period from 2007 until the end of 2011, about 40.000 foreign spouses came to the Netherlands for family formation. About 72% of these spouses were female. About 30% of all the spouses in this period came for family formation with a Dutch citizen and their nationalities are generally Thai, Philippine, Brazilian and persons from the former Soviet Union.[[58]](#footnote-58)

The rules for family reunification with sponsors who are Dutch citizens are identical to the rules that apply to sponsors who are third country nationals. In the Netherlands, third country national family members must obtain an authorisation for temporary stay (MVV) in order to enter the Netherlands, unless they are exempted from this requirement on the basis of their nationality.[[59]](#footnote-59) In order to obtain an MVV, the family member needs to take the Civic Integration Abroad Test which will be discussed in paragraph 3.2.1. When he fails the exam, he will not obtain an MVV and therefore he cannot enter the Netherlands to reunify with the sponsor.

## 3.1 Requirements on stable and regular resources (income) *(if there are any)*

3.1.1 Applicability of the FRD on Dutch citizens

Union Citizens do not fall under the scope of the FRD, but the *Administrative Division of the Council of State* (hereafter: Council of State)[[60]](#footnote-60) has ruled in March 2015 that Dutch citizens can invoke this directive. According to the Council of State, the transposition of the FRD identically applies to Dutch citizens. It was the Court’s view that the government has brought this ‘internal situation’ under the directive and EU law.[[61]](#footnote-61) Since then, Dutch citizens can invoke the directive and Charter of Fundamental Rights, and refer to jurisprudence of the EU Court of Justice, if they apply for family reunification with a third country national.

3.1.2 Requirements for stable and regular resources

Even though the EU Court of Justice urged in the *Chakroun* case[[62]](#footnote-62) that an individual consideration of the personal circumstances must take place when assessing the income requirement laid down in the FRD, its case law initially did not have a large impact on the Dutch policy regarding the income requirement for family reunification since 2010. The only change was that regarding family formation the requirement of sufficient income changed from 120% of the statutory minimum wage to 100% of the statutory minimum wage. With this change, the difference between the rules for family reunification and family formation ceased to exist. In fall 2014, The Netherlands Institute for Human Rights criticized the fact that there was still no individual assessment regarding the income requirement.[[63]](#footnote-63) Half a year later, the Council of State urged that the State Secretary must consider all personal circumstances of the sponsor and foreign family member when assessing the income requirement, as already required in *Chakroun*.[[64]](#footnote-64) This was the first time that the Council of State required an individual assessment of all the personal circumstances regarding the income requirement. Since then, the INS is forced to take into account all individual circumstances and, in case of a rejection, to motivate in what way it has examined them.

A residence permit can be rejected if the foreign family member or the Dutch sponsor does not have sufficient means of subsistence that are independent and sustainable, according to the Aliens Act 2000 (*Vreemdelingenwet 2000*).[[65]](#footnote-65) The Aliens Decree 2000 (*Vreemdelingenbesluit 2000*) however exempts a Dutch sponsor from the income requirement when he reached pension-entitlement age or in case he is permanently and completely unable to work.[[66]](#footnote-66) According to policy rules, the Dutch citizen is also exempted from the income requirement in case he is permanently incapable of fulfilling his duty to reintegrate into employment.[[67]](#footnote-67) The Aliens Decree 2000 and the Aliens Circular 2000 B lay down the rules regarding sufficient, independent and sustainable income, as will be described below.

Sufficient

When the sponsor’s monthly income is at least equal to the statutory minimum wage it is considered as sufficient.[[68]](#footnote-68) Different income sources can be accumulated to meet the required amount.[[69]](#footnote-69) In the light of this, the highest national court also considers fees gained from volunteering jobs as an additional source of income.[[70]](#footnote-70)

Independent

An independent income source means an employment contract, working as a self-employed person, having own capital or receiving employment replacing income such as unemployment benefits.[[71]](#footnote-71) Social welfare benefits are not considered as independent income, as already prescribed in the FRD.

Sustainable

Regarding sustainability of income the Aliens Decree requires that income must be available for at least one year from the moment of the application. If this condition is not met, family reunification is still allowed if the required income was gained during the past three years, and if it is still available at the moment of application. Such cases concern, for instance, flexible employment contracts. Income gained from own capital is sustainable when it was available for an uninterrupted period of one year and is still available at the moment of application or the decision on the application.[[72]](#footnote-72)

The EU Court of Justice explained the requirement of sustainability in the *Kachab* case, which concerned a family reunification applicant with a fixed-term contract or in other words a flexible employment contract. According to the Court, income is sustainable when based on an assessment there is a likelihood that the income will still exist in the year following the family reunification application. Such an assessment may cover the applicant’s income in the last six month preceding the family reunification application. There must always be an individual consideration of all the circumstances and interests.[[73]](#footnote-73) It can be said that Dutch policy rules are stricter than the EU Court of Justice interpretation of sustainability, especially with regards to flexible employment contracts.

A recent case shows that the State Secretary of Security and Justice still does not consider all the individual circumstances of the applicant. In July 2016, the Council of State urged that the *Kachab* case requires that an individual assessment takes place regarding the sustainability of an applicant’s income. The case concerned family reunification with a Dutch citizen who had a fixed-term contract. The Council of State pointed out that although the Aliens Decree requires that income is available for at least one year, an applicant’s personal circumstances may lead to the conclusion that the State Secretary of Security of Justice must deviate from that provision. According to the Council of State, the State Secretary should have considered all of the Dutch citizen’s personal circumstances in the assessment of the sustainability of her income.[[74]](#footnote-74)

## 3.2 Other possible requirements related to family reunification of Dutch citizen’s family members

In the previous chapter it was already mentioned that no housing requirement applies to family reunification of Dutch citizens’ family members.

3.2.1 Pre-entry integration measures: the Civic Integration Abroad Test

As stated earlier, third country national spouses who need an MVV (authorisation for temporary stay) in order to travel to the Netherlands for family reunification purposes need to pass the Civic Integration Abroad Test.[[75]](#footnote-75) This requirement was introduced in 2006. Late 2015, the Council of State considered that regarding the integration requirement the FRD applies to a third country national who wants to reunify with their Dutch family member. [[76]](#footnote-76)

Until December 2015, the only situation in which a family member could be exempted from the Civic Integration Abroad Test was by taking the test and invoking a hardship clause or medical exemption. The hardship clause entailed that there needed to be a combination of very exceptional circumstances in an individual case. The Civic Integration Abroad evaluation showed that in only half of the cases in which people invoked the hardship clause it was considered well-founded.[[77]](#footnote-77) Since December 2015, an integral assessment needs to take place in which one circumstance can be sufficient to be exempted from the obligation to pass the test as a requirement to obtain an MVV.[[78]](#footnote-78) This policy change was caused by the EU Court of Justice, which judged in case *K.& A.* against the Netherlands that the Netherlands did not guarantee a proper individual examination with a proportional outcome. As mentioned earlier, the pre-entry integration requirement was introduced in 2006. However, the K. & A. case of 2015 was the first case in which the EU Court of Justice laid down clear rules about how Member States must apply this requirement. According to the Court, the objective of the FRD is to promote family reunification. This case urged Member States to always consider the personal circumstances of family members such as education level, illiteracy, age, economic situation and health of a family member. If any such exceptional circumstances occur, the family member concerned should be exempted from the integration measure. In addition, the Court stressed that the costs related to the integration exam should not have a significant financial impact on the family members because in that case these costs would make family reunification impossible or excessively difficult. The Court ruled that the rigid Dutch policy and the costs related to the integration exam both undermine the objective of the FRD because it made it too hard or impossible for beneficiaries of the directive to exercise the right to family reunification.[[79]](#footnote-79) The amended policy sums up a long list of possible circumstances. When a family member relies on the hardship clause after failing to pass the test, his shown efforts and willingness will also be part of this assessment.

The test takes place at a Dutch embassy or consulate in the country of origin or main residence and examines listening, speaking, reading skills and knowledge of the Dutch society. Since 2011, reading skills are added to the test and the language level has been increased from A1 minus to A1 of the Common European Framework of Reference. The reason for this change was that evaluation results of the Civic Integration Abroad Act led to the conclusion that the former language level was considered too low for a proper integration and participation in employment.[[80]](#footnote-80) Since November 2014, the way of testing was changed. The test must be taken through a computer instead of a telephone. When the family member does not pass the exam, he will not be granted permission (an MMV) to enter the Netherlands.[[81]](#footnote-81) The Civic Integration Abroad Test costs 150 Euros per full exam, but it is also possible to pay for the modules separately.

3.2.2 Post-entry integration measures: the Civic Integration Exam in the Netherlands

The rules of the Civic Integration Act, as already described in paragraph 2.2, also apply to regular migrants who are third country nationals and entered the Netherlands to reunify with a Dutch citizen. Unlike beneficiaries of international protection, the amount of money regular migrants can borrow depends on their income level. This means the amount of money can be less than 10.000 Euros. Another difference is when regular migrants pass the Civic Integration Exam they will not get remission for their debt.[[82]](#footnote-82)

From the moment that a family member of a Dutch citizen arrives in the Netherlands the requirement of Civic Integration applies.[[83]](#footnote-83) Since 2010, not passing the Civic Integration Exam can result in withdrawal or non-renewal of the residence permit. Other consequences are the rejection of an application for a permanent residence permit and the rejection of an application for an independent residence permit that is not linked to family reunification. These residence related sanctions cannot be imposed if in an individual case this would be a violation of Article 8 European Convention on Human Rights or the FRD.

3.2.3 Fees

In 2011, the fees for family reunification procedures were increased to 1.250 Euros.[[84]](#footnote-84) A year later, the EU Court of Justice ruled that the Dutch fees for family reunification procedures under the *Long-term Residents Directive* were excessive.[[85]](#footnote-85) In the same year, the Council of State stated that the argumentation of the Court of Justice is also applicable to family reunification under the FRD. According to the Council of State, the fees for family reunification procedures were excessive as well.[[86]](#footnote-86) As a result of the national court’s ruling, the State Secretary of Security and Justice decreased the fees from 1.250 Euros to 225 Euros.[[87]](#footnote-87)

## 3.3 Impacts of the requirements

3.3.1 Impacts of the income requirement

The sponsor has the duty to provide information when he and the family member do not meet the requirements for family reunification anymore.[[88]](#footnote-88) In case that the sponsor provides incorrect information or omits to inform the INS about changes in his income situation, the residence permit can be withdrawn, the family members must return to the country of origin and a new application for family reunification can be rejected during a period of five years.[[89]](#footnote-89) At the moment, the discussion on this topic is still ongoing.

Interviews conducted by academics showed that the income requirement is one of the most important obstacles to family reunification which often results in postponing the reunification. Sponsors who are Dutch natives versus migrants, older versus younger people and males versus females were less affected by the income requirement.[[90]](#footnote-90) The impact of postponing family reunification is insecurity and stress which then leads to difficulties integrating into the Dutch Society.[[91]](#footnote-91) The level of income is a difficult requirement to meet for spouses. The requirement of sustainability is especially difficult for young applicants who had just entered the labour market or sponsors working in a sector where temporary employment contracts are the norm. Particularly Dutch citizens with a Turkish or Moroccan background have a weaker position in the labour marker and a lower income level.[[92]](#footnote-92)

3.3.2 Impacts of the Civic Integration Abroad Test

In the period between 2002 and 2012, there was a decreasing number of marriages between second generation Turkish and Moroccan immigrants and spouses of the same origin living abroad. This decrease can be explained by stricter rules for family migration, such as the increase of the income level in 2004 and the increase of the language level of the pre-entry test in 2011.[[93]](#footnote-93) From the moment that reading skills were added to the Civic Integration Abroad Test in April 2011, the pass rate of participants decreased by 17% in the other months of the year 2011 (see figure 3.1).[[94]](#footnote-94)

*Figure 3.1 Development of pass rates of the Civic Integration Abroad Test on the first try*



Source: Monitor Inburgeringsexamen Buitenland, Significant 2015-I

Based on the results of an evaluation of the Civic Integration Abroad Test in 2013 and 2014, the test leads to exclusion or postponement of family reunifications regarding foreign family members who have a low education level and family members from certain countries. These results show that there are people for which passing the test is impossible, because they fail the exam regardless of the amount of times they tried to pass. People from Iraq and Afghanistan had the lowest passing rate in 2013, the first half of 2014 and the first half of 2015. Those who pass the test more often are people with a high education level, people from countries in which the same alphabet is used and people who come from more highly developed countries. For instance, people from Russia, Ukraine and South Africa had the highest passing rate in the first half of 2014 and the first half of 2015. Reasons for postponement are that family members have to first prepare for the test and retake it in case they fail the test, according to interviews conducted by academics. Some of the respondents to these interviews also had difficulties learning the language because they had to find a balance between studying for the test and care tasks or working. In addition, there are also practical obstacles to meeting the pre-entry integration requirement, such as a lack of available language courses in the country of origin and the costs of travelling long distances to take the test in the capital of the country. When there is no Dutch embassy in the country of origin, some family members have to travel even further to take the test in another country.[[95]](#footnote-95)

In the first half of 2015, the number of people passing the test for the first time decreased by 22% in comparison to the first half of 2014. The cause of this decrease is that less participants passed the speaking module of the test. Participants may need to get used to the new way of testing (computer examination instead of telephone).[[96]](#footnote-96)

3.3.3 Impact of the fees and other costs

The high costs for the procedure for family formation (fees for the MVV and residence permits, costs for language courses, the civic integration abroad test) form a great obstacle for those with a low income. Respondents to a study stated that the total price of these costs are around 3.000 to 4.000 Euros.[[97]](#footnote-97) Such excessive costs for family formation could be explained by the high fees for family formation which were 1.250 Euros in 2011 until the end of 2012. It is not clear if those respondents had to pay the decreased fee of 225 Euros or the increased fee of 1.250 Euros for the application for family formation.

In Summer 2015, the EU Court of Justice ruled in the *K. and A.* case that the costs of the study material for the Civic Integration Abroad Test (99,50 Euros) and the exam itself (350 Euros) were too high. According to the Court, the FRD allows an integration measure such as the Civic Integration Abroad Test, but such a requirement should not make it impossible or excessively difficult for a third country national to exercise the right to family reunification. The costs were considered at too high a level that it made the exercise of the right to family reunification impossible or excessively difficult.[[98]](#footnote-98) As a consequence, the Dutch government decreased the costs for the study material to 25 Euros and the costs for the test to 150 Euros.[[99]](#footnote-99) In literature it is questioned whether the costs of the exam were decreased sufficiently, especially for family migrants who fail the test more than once and who do not have enough money.[[100]](#footnote-100)

# 4. Economic impacts of family reunifications *(2-4 pages)*

## Introduction

In the assessment of the economic impacts of family reunifications there are several factors that determine the outcome. The following paragraphs will show that family migrants often have a higher participation in the labour market in contrast to beneficiaries of international protection. The main reason for this is that the difference between these groups is their migration reason. The migration reason for family migrants is to reunify with a spouse. Beneficiaries of international protection on the other hand, had to flee a country because it was dangerous to stay. The migration reason of their family members is to reunify with their sponsor, but also to flee from the same dangerous circumstances in the country of origin as their sponsor. All of this entails that beneficiaries of international protection often feel worried about their family members left behind in dangerous countries during the period when family reunification has not yet taken place. This impacts not only their motivation and speed to integrate, but also their well being. Both then affect their success in finding employment.

Another difference between family migrants and beneficiaries of international protection is that a family migrant who reunifies with a Dutch citizen can rely on the sponsor’s knowledge of the Dutch language, experience in the Dutch society and their social network which might be beneficial in finding the family migrant employment and integrating into the Dutch society. This is not the case for beneficiaries of international protection and their family members because beneficiaries are residing for about one to two years before their family members reunify with them. Beneficiaries thus have less (work related and integration related) experience in the Netherlands.

Another factor that determines a migrant’s success in the labour market is their level of education and whether or not their diplomas are recognized in the Netherlands. As already seen in the former chapters, immigrants with a higher education and those from more highly developed counties integrate faster than other immigrants. It is clear that a large number of beneficiaries of international protection come from less developed countries and their diplomas are often not recognized in the Netherlands. Furthermore, the duration of the family reunification procedure and meeting the requirements affects the well being of sponsors regardless of the migration reason of the family members. In the period that family reunification is postponed both sponsors and family members feel like their lives are on hold. Such a feeling also impacts the sponsor’s daily life and success in the labour market. The last factor worth mentioning at this point is the fact that beneficiaries of international protection and their family members often have mental health problems related to traumatic experiences in the country of origin. This is less the case when it concerns family migrants.

## 4.1 Short term costs and benefits of family reunifications

There are no figures available with regard to the short term costs and benefits of family reunification. Expressing family reunification in costs and benefits is a complicated task that requires lots of data and depends on many factors. The next paragraphs give an insight into the socio-economic position of family migrants and beneficiaries of international protection.

## 4.2 Employment and wellbeing of family members

This paragraph begins with the employment of family migrants and beneficiaries of international protection and their dependence on social welfare benefits. The paragraph ends with the overall wellbeing of these two groups. It must be noted that beneficiaries of international protection deal with many factors that places them in a disadvantaged position in the labour market. Firstly, the procedure for international protection is lengthy and beneficiaries are not placed in regular housing until they have a residence permit. In this period they are not allowed to attend school or work. Secondly, those who do not yet have a residence permit can only take a language course at the reception centres which is more limited in comparison to the pre-civic integration program (lessons regarding language and Dutch society) that is offered to status holders staying at the reception centres. Thirdly, the municipality in which beneficiaries are placed when they are eligible for regular housing is not linked to the demand and supply in the labour market. In other words, certain skills and work experience that beneficiaries have are not linked to the location at which such experience and skills are needed. In addition, the civic integration program and language courses have no links with the actual local labour market. Another setback is that municipalities often wait for beneficiaries of international protection to complete their civic integration before assisting them in finding employment. This means that a lot of time is wasted in this period.[[101]](#footnote-101) All of these factors and setbacks should be kept in mind when reading the findings in the following paragraphs.

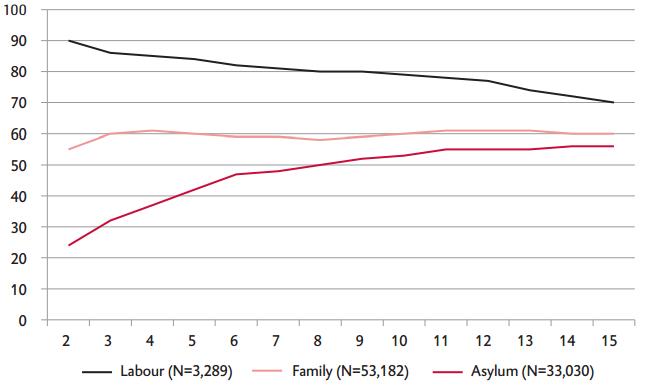
Employment: family migrants

No study was found that deals with all family migrants. A study conducted by the *Netherlands Institute for Social Research* (SCP) in 2014 focused on the labour market position of females spouses who reunified with a Dutch citizen. The study only presented detailed data on female spouses who come from Poland, Thailand and the Philippines. The results of the study show that in 2009 about 64% of Polish female spouses who moved to the Netherlands because of a relationship with a Dutch citizen have a paid job. Polish female spouses also often have jobs that require a higher level of education in comparison to Polish male spouses.[[102]](#footnote-102) The study also focused on Thai and Philippine spouses of whom 55% have a paid job. Spouses from these countries are generally female. Lower educated Thai females often find jobs in which knowledge of Dutch or English is not essential like cleaning jobs or work at Thai restaurants. Highly educated Thai female spouses on the other hand have more difficulties in finding a job in comparison to lower educated Thai female spouses. The reasons for this is that the diplomas of highly educated Thai females are not recognized in the Netherlands and they’d rather not participate in jobs that require little to no education or skills. Dutch employers usually have no interest in hiring these women due to their lack of knowledge of the Dutch language. Regarding highly educated Philippine female spouses, their diplomas are also not recognized in the Netherlands, so even when they do speak Dutch they end up having lower ranked jobs than they had in the Philippines. Another factor is that they lack relevant knowledge and networks that are necessary for a successful participation in the Dutch society.[[103]](#footnote-103)

Employment: beneficiaries of international protection

In 2015, the *Scientific Council for Government Policy* (WRR), the *Netherlands Institute for Social Research* (SCP) and the *Research and Documentation Centre* (WODC) published a report on the integration of beneficiaries of international protection.[[104]](#footnote-104) The report is about the integration of a cohort of 33.000 beneficiaries who were granted a residence permit between 1995 and 1999 and who resided in the Netherlands at least until 2011. This cohort contains nationalities that originate from Afghanistan (19%), the former Yugoslavia (18%), Iran (10%), Iraq (23%), Somalia (3%), the rest of sub-Saharan Africa (8%) and other non-western countries outside Africa (19%). According to this report, participation of beneficiaries in the labour market is very low in comparison to non-western family migrants and non-western migrant workers. Figure 4.1 shows that their employment rate however increases throughout the years they live in the Netherlands. After two years, beneficiaries have an employment rate of 25%. Non-western labour migrants have an employment rate of 90% whilst 50% of family migrants with non-western nationalities have paid employment after two years. After five years, 50% of beneficiaries have a paid job and 57% after fifteen years.[[105]](#footnote-105)

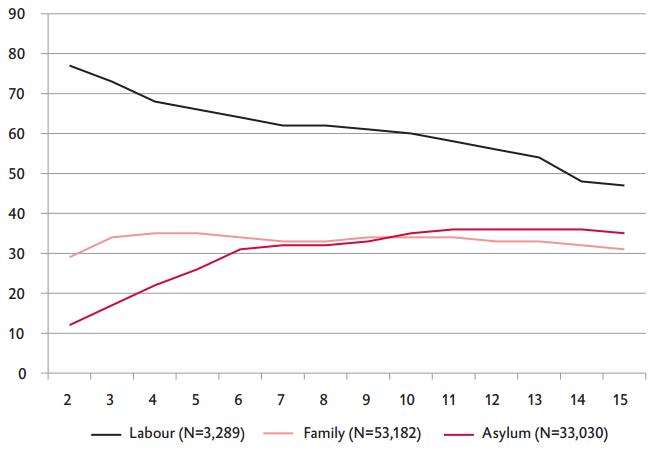
*Figure 4.1 Percentage of working persons (more than eight hours a week) per migration motive, cohort 1995-1999, by years of residence in the Netherlands*



Source: The Dutch System of Social Statistics (*Stelsel van Social-statistische bestanden,* SSB*)*

When we look at the employment rate of paid jobs for more than thirty hours a week, we find a similar pattern (see figure 4.2). Beneficiaries of international protection start with a lower employment rate than labour and family migrants in their first years of living in the Netherlands. After ten years in the Netherlands, we see that the percentage of beneficiaries of international protection with a full-time job is quite similar in comparison to the percentage of family migrants.

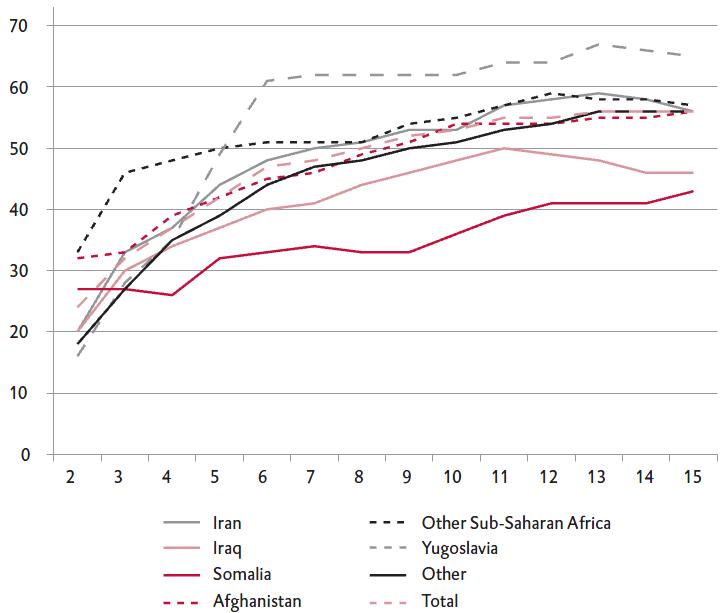
*Figure 4.2 Percentage of working persons (more than thirty hours a week) per migration motive, cohort 1995-1999, by years of residence in the Netherlands*



Source: SSB

The employment rate amongst immigrants does not only differ based on migration motives and the amount of years spent in the Netherlands. Regarding beneficiaries of international protection, it appears that there is also a difference in the employment rate based on their nationality (see figure 4.3). Participation in employment after fifteen years is the lowest amongst Somalis (43%) and the highest amongst migrants from the former Yugoslavia (65%).[[106]](#footnote-106) The report mentioned above sums up several factors that explain the lower labour market position of beneficiaries which should be kept in mind in addition to commonly known factors such as level of education, amount of work experience and the absence of social networks. Two additional factors that cause beneficiaries’ lower labour market position are the waiting period during the asylum procedure without access to schooling and employment and the hectic period after beneficiaries have been granted their residence permit.[[107]](#footnote-107) The latter factor can be further explained by circumstances such as moving from the reception centre into regular housing, preparing for integration courses, integration policies, searching for work or school and applying for reunification with family members. Other additional factors are mental health problems, the country in which beneficiaries completed education, proficiency in the Dutch language, age and discrimination in the labour market.[[108]](#footnote-108)

*Figure 4.3 Percentage of working persons (more than eight hours a week) per country of origin (asylum migrants), cohort 1995-1999, by years of residence in the Netherlands.*



Source: SSB

According to a study in 2014, about 50% of the households consisting of beneficiaries of international protection have a net income of less than 20.000 Euros per year. Female spouses of beneficiaries of international protection have a lower participation rate in the labour market (20%) in comparison to female spouses of third country nationals or Dutch citizens (62%).[[109]](#footnote-109)

Social welfare

In 2014, about 481.000 people in the Netherlands received social welfare benefits. The majority of this group (about 400.000 people) are adult Dutch nationals. According to statistics, 3% of all adult Dutch nationals received social welfare that year (400.000 people out of 12.8 million people), whilst 11% of all adult non-Dutch nationals in the Netherlands (81.000 out of 721.000 people) received social welfare benefits. It must be noted that these Dutch nationals are not persons who want to reunify or who reunified with a foreign spouse. The reason for this is that Dutch nationals must always meet the income requirement for family reunification or family formation to take place. This means that regular family migrants do not put extra pressure on social welfare benefits and do not cause any additional costs for the social welfare system of the Netherlands. The top-9 nationalities among non-Dutch nationals dependant on social welfare in 2014 are Moroccans, Turks, Somalis, Iraqis, Iranians, Syrians, Afghans, Eritreans and Polish. As already stated earlier, out of all beneficiaries of international protection Somalis have the worst

labour market position. This explains why seven out of ten Somalis receive social welfare benefits.[[110]](#footnote-110) It must however be noted that the longer beneficiaries are in the country, the less often they depend on social welfare benefits. Earlier in this paragraph it was already seen that the labour market participation among beneficiaries increases after a longer period living in the Netherlands. In January 2013, it was measured that 50% of beneficiaries depend on social welfare benefits after living in the Netherlands for three years. After seven years in the Netherlands less than 40% of the beneficiaries receive social welfare benefits.[[111]](#footnote-111) In 2014, the State spent about 5,9 billion Euros on social welfare benefits. This means that in 2014 the total costs per person were 12.322 Euros. The total costs for social welfare benefits for non-Dutch nationals (81.000 people) were thus about one billion Euros and 4,9 billion Euros for all Dutch nationals (400.000 people).[[112]](#footnote-112)

Wellbeing: Dutch citizens and their family members

In 2009, the *Research and Documentation Centre* (WODC) published a report which assessed the negative unintended effects of postponing family formation in the Netherlands. The study concerned family formation with Dutch citizens or third country nationals residing in the Netherlands on a regular basis. According to the study, most respondents stated that they experienced stress because of having to meet the requirements for family formation. This stress can mostly be explained by the fact that at the time of that study, the level of income had to be 120% of the minimum wage. Another substantial number of the respondents stated that they experienced physical and mental symptoms due to the family formation procedure. One of the factors that cause such complaints are linked to uncertainty about the question if the residence permit will be granted.[[113]](#footnote-113) Respondents to another study also stated that postponement of family formation and family reunification led to pressure from their social environment and spouses blaming each other for the postponement. A small number of marriages ended because of all these tensions without reunification or formation even taking place.[[114]](#footnote-114) In a study on integration, migrant families felt that they could not build or continue with their life while the family reunification procedure was ongoing. Postponement of family reunification had a paralyzing effect on the family. Besides emotional stress, it also caused insomnia, depression, difficulties with concentrating and sometimes even physical problems. When family migrants experience a lot of negativity from family reunification policies and immigration authorities this decreases their sense of belonging. A sense of belonging entails an emotional attachment to the country of residence which is essential for integration. According to respondents, family members felt offended by being categorized as ‘futureless’ or ‘hopeless’ migrants when in many cases the sponsors disagreed on such categorization and these family members were actually highly skilled and had the motivation to work in the Netherlands. Furthermore, Dutch sponsors felt a lesser sense of belonging because they did not expect it to be so difficult to reunify with their spouse. Some Dutch citizens felt like they were not treated as equal Dutch citizens and others started to feel like leaving the Netherlands.[[115]](#footnote-115)

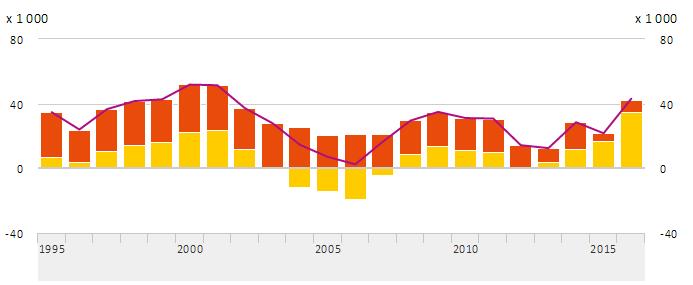
Wellbeing: beneficiaries of international protection and their family members

The negative effects of postponing family reunification are even greater when it concerns beneficiaries of international protection. The reason for this is that there is a constant fear about the dangerous living situation of their family members in the country of origin.[[116]](#footnote-116) Given the fact that most beneficiaries left family members behind in countries involved in wars it is not surprising that this could cause worry about their safety, especially when it comes to unaccompanied children.[[117]](#footnote-117) According to UNHCR, family reunification is vital for the wellbeing of beneficiaries of international protection and integration.[[118]](#footnote-118) Sponsors who left behind families in dangerous countries focus more on keeping in touch with these families rather than focusing on their integration in the country of residence.[[119]](#footnote-119) When a sponsor has children and a spouse by his side, this increases the number of acquaintances in schools and in the neighbourhood they live in.[[120]](#footnote-120) In 2013, UNHCR published a collection of studies in which the integration of refugees in several European countries was assessed.[[121]](#footnote-121) A recent UNHCR report provides a summary of the results of these studies which states that the “separation of family members during forced displacement and flight can have devastating consequences on peoples’ well-being, as well as on their ability to rehabilitate from traumatic experiences of persecution and war and inhibit their ability to learn a new language, search for a job and adapt to their country of asylum.”[[122]](#footnote-122) It is thus evident that the negative effects on a sponsor’s wellbeing due to the postponement of family reunification causes him problems with integration, the new language and finding employment. This is true for any person who wants to reunify with family members, but it is especially true regarding beneficiaries of international protection which can also be seen by their weaker labour market position, as seen earlier in this paragraph.

## 4.3 Impact on population structure

The influx of immigrants in 2015 has affected the overall population structure in 2016. In the first half of 2016, the population in the Netherlands increased with 43.000 people of which 35.000 people are immigrants. The net migration rate of 35.000 immigrants caused the highest population growth since the start of this century (see figure 4.4). In the first six months of 2016, about 99.000 immigrants registered themselves in a Dutch municipality, whilst 64.000 persons emigrated to another country. A part of this increase is caused by a large number of beneficiaries of international protection registering themselves in a Dutch municipality in 2015 which consist of 15.000 Syrians and 2.000 Eritreans in 2015. The influx from other regions also increased, for instance, from India and East-European countries such as Romania, Hungary and Bulgaria. Citizens of Poland still make up a large part of the net migration rate (about 5.000 people), but their number did not increase in comparison to the previous year.[[123]](#footnote-123)

*Figure 4.4 Population growth in the first half year*

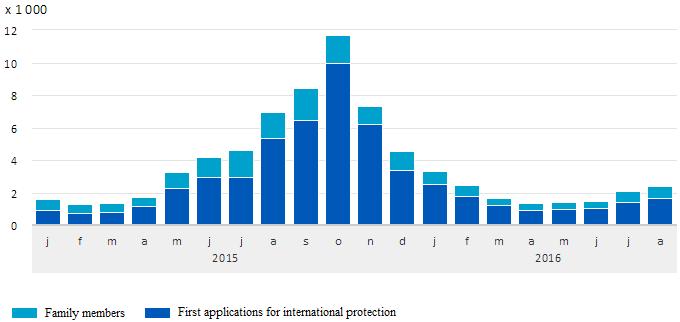


*Orange bar: natural population growth, yellow bar: net migration rate, purple line: population growth*

Source: CBS

According to the prognosis for the population structure from 2016 to 2060, it was expected that there would be about 15.000 applications for international protection per three months in 2016 and about 60.000 applications in 2016. This number is based on the numbers of the year 2015 in which about 57.000 applications were submitted.[[124]](#footnote-124) More recent data however shows that the number of applications for international protection and applications for family reunification with a beneficiary of international protection has been decreasing since January 2016. The total number of these applications is 16.185 from January 2016 until the end of August 2016.[[125]](#footnote-125) Based on these numbers it is very unlikely that this number will increase to 60.000 applications in 2016. The prognosis thus needs an adjustment.

*Figure 4.5 Applications for international protection and applications for family reunification with sponsor*



Source: CBS

## 4.4 Positive impacts on the economy (taxes, work force etc.)

Introduction

According to a study on the budgetary effects of non-western immigrants, the net contribution to the public finances is negative because they mostly depend on social benefits funded by the State and pay less taxes than the average inhabitant in the Netherlands. The study mentions that the costs depend on age upon arrival in the country (older immigrants cost more), socio-economical traits that determine chances in the labour market (e.g. lower education), the process of integration, participation in the labour market (e.g. higher dependence on social benefits and lower income) and how long they will reside in the country.[[126]](#footnote-126) It must be noted that this study was funded and conducted on request by the Dutch political party PVV which is considered to be a right-wing nationalist political party. Another point to keep in mind is that the study merely focused on non-western immigrants in comparison to the average inhabitant and excluded western immigrants. As was seen in the former paragraphs, Polish spouses often have paid jobs. Their contribution to the public finances is thus completely excluded from this study. It should also be mentioned that non-western immigrants include beneficiaries of international protection which is a group that can hardly be compared to the average inhabitant due to the fact that their migration motive was to flee from dangerous circumstances. Therefore, it can be said that the study provides an incomplete assessment. There has been no study that assesses the net contribution to the public finances in case that these factors change such as when more immigrants follow a higher education and gain a higher income. In order to make a complete assessment of the economic impact of family reunifications on the population structure there should also be a comparison to the hypothetical situation in which family reunifications do not occur. When family reunifications do not occur this might lead to less costs, but also less benefits such as the taxes that family members would pay related to income and daily consumption.

Impact on taxes

Any family migrant or beneficiary of international protection residing in the Netherlands is a consumer. Therefore, both these groups contribute by paying taxes. In addition, family migrants and beneficiaries who have paid jobs contribute by paying income taxes.

Impact on workforce

The influx of persons requesting international protection status led to an increase of about one thousand available fulltime jobs since spring 2014, according to a Dutch newspaper which requested numbers from the Ministry of Security and Justice. At the INS, these jobs concern functions such as country experts, language experts, language interpreters and functions for handling international protection requests. At the Central Agency for the Reception of Asylum Seekers (COA), new jobs opened for residential counsellors, nurses, landlords, exercise coaches, kitchen clerks, administrative employees and managers at the reception centres.[[127]](#footnote-127)

In September 2016, a spokesperson of the *Employment Insurance Agency* (UWV) reported to an online news website that the influx of persons requesting international protection will create 4000 jobs at governmental institutions. Due to the influx of young beneficiaries of international protection, approximately a thousand additional jobs are expected to open in the education sector.[[128]](#footnote-128)

# 5. Administrational impacts of family reunifications

## 5.1 Administrational work and costs of public administration

No figures were found on the exact administrative costs related to family reunifications. The description below sums up the workload related to family reunifications. Generally, there are costs and workload related to processing family reunification applications at the embassies. For family migrants, administrational work is related to performing a check if the family migrant passed the pre-entry civic integration exam or not. When family members arrive, they will be registered in the municipality the sponsor lives in. This registration causes additional work for municipalities. All immigrants who are obliged to meet the integration requirement have a responsibility to find language and integration courses to prepare them for post-entry integration. There is thus no administrational workload for the State at the local level regarding this aspect. An aspect that does cause administrational workload is arranging the examination for the post-entry civic integration exam and checking if the family migrant passed the post-entry civic integration exam or not. The provision of regular housing for immigrants with residence permits falls under the authority of municipalities. The housing market in the Netherlands has already been under pressure in the last years regardless of the amount of immigrants in need of housing. However, the recent influx of beneficiaries of international protection in the Netherlands increased the workload of municipalities and social housing corporations to place them in regular housing with priority over other inhabitants in the need of housing.

## 5.2 Accommodation costs for the public sector

Family reunification with Dutch citizens

There are no estimates on the accommodation costs for family reunification. When it comes to family formation with a Dutch citizen the sponsor usually already has accommodation in the Netherlands, so these accommodation costs cannot be seen as significant.

Family reunification with beneficiaries of international protection

There are no estimates on the exact accommodation costs for beneficiaries of international protection. It can however be mentioned that the requirements for accommodation have become less strict, because it is no longer required to place beneficiaries of international protection in independent housing. The increased influx of persons requesting international protection in the Netherlands took its toll on the regular supply of social housing. Beneficiaries of international protection must compete with other people in the need of social housing. In order to meet the housing demand for beneficiaries of international protection, the government introduced a temporary housing measure for this group which was enforced in February 2016. The measure’s aim is to stimulate the construction and renting of housing units by providing state funding for the realization, maintenance and renting to beneficiaries. When a housing unit accommodates at least four beneficiaries over the age of eighteen years, it is eligible for state funding. Landlords can then receive a funding of 6.250 Euros per accommodated beneficiary and a maximum of 15 million Euros per year. The total budget for this measure is set at 87,5 million Euros which is supposed to fund living space for about 14.000 beneficiaries. As long as the use of this budget is not exceeded, plans for investing in these housing units must be registered before the end of 2018. The total administrative costs estimated for this measure is 577.500 Euros.[[129]](#footnote-129) It must be kept in mind that this measure has two aims. It is not only meant to provide housing for beneficiaries, but also to keep enough housing available for others in the need of housing who are not beneficiaries. The costs of this measure should therefore also be seen in the light of lifting the pressure on the current house supply.

Apart from the availability of housing, another problem is the municipality in which beneficiaries are placed. According to ACVZ, the current provision of housing for beneficiaries of international protection is not linked to the availability of jobs and education. The organization finds it essential that in the provision of housing for beneficiaries of international protection, their labour market potential should be linked to the location where such potential is needed.[[130]](#footnote-130) If that is not the case, this potential is wasted and it might take longer or be more difficult for a beneficiary to find a job. Taking their skills and experience into account in the provision of housing would improve their labour market prospects.

## 5.3 Educational costs (language, culture, integration)

No data was found on the educational costs of beneficiaries of international protection or family migrants. Below is a description of the educational costs for post-entry integration. As already described in chapter 2 and 3, the post-entry integration test in the Netherlands examines the Dutch language, knowledge of the Dutch society and orientation in the Dutch Labour Market. The total costs for the exam, including the language and integration courses depend from person to person. Some migrants may need more language courses than others which increases the costs. Others may choose for courses that are more costly which can also increase the costs. Lastly, the costs can also increase for the reason that some migrants retake the test several times after failing which entails that they pay the same amount each time they do not pass.

Educational costs for post-entry integration

Most of the immigrants that started borrowing money in 2013 to fund the post-entry integration test and courses, were still attending integration classes in 2015. At the end of 2015, the average amount borrowed by beneficiaries of international protection was 5.200 euros whilst for family migrants the average amount was 2.400 euros. The Minister of Social Affairs and Employment therefore estimated the total costs for integration courses at 6.000-6.500 euros for a beneficiary of international protection (and their family members) and 3.000 euros for a family migrant who resides on a regular basis.[[131]](#footnote-131) The reason for the lower costs for regular family migrants is that, unlike beneficiaries of international protection, they must always pay back the loan.[[132]](#footnote-132) Beneficiaries of international protection must only pay back the loan when they do not pass the test in time. When they do pass the test in time, the costs are thus for the State. These costs should however also be seen as an investment in the future of the labour market since it will increase the beneficiary’s labour market prospects.

## 5.4 Costs for service production in public sector (day care, health, school)

No exact figures were found with regard to the costs for service production in the public sector. Most studies do not focus on family migrants or beneficiaries of international protection. Instead such studies focus on all inhabitants on the Dutch territory. Below is a description of general figures on the costs for day care and school as I could not find exact figures specifically targeting family migrants or beneficiaries of international protection. Regarding the health costs I could not find any figures.

Day care

In the Netherlands, the State pays out child day care support which covers a part of the costs for day care depending on the level of income of the family. In 2015, the *Dutch Tax and Customs Administration* (Belastingdienst) paid out day care support for 767.000 children. The number of people that received day care support is 501.800. The average costs for day care in that year were 5.700 Euros per household. The State covered 3.500 Euros of these day care costs per household which is 62% of the average costs for day care. This means that the total amount of costs for the State were 1.8 billion Euros for day care in the year 2015.[[133]](#footnote-133) No data was found on the number of immigrant children in day care, but it can be assumed that their participation in day care is a lot lower than native born children due to the fact that many of them do not have paid jobs and can thus stay at home with their children, as was seen in the previous chapter.

Health

No figures were found on the health costs for family migrants and beneficiaries of international protection. In chapter two it was already stated that, just like any other inhabitant, beneficiaries of international protection are required to have health insurance and pay monthly fees. These fees must be paid even when a person does not make use of the health care covered by these fees because the Dutch social security system is designed in such a way that health care costs are distributed evenly over the population. When a low income or dependence on social welfare benefits makes a person eligible for social health care benefits in order to cover these fees it is apparent that this creates costs for the State. However, when a person does not make use of health care or when a person does not receive social health care benefits, the amount of money gained through payment of the monthly health care fees will then be used for people who do need health care. In this way, family migrants and beneficiaries of international protection who do not make use of health care actually contribute to the health care costs of others. It can generally be expected that the overall costs for health care of family migrants will be similar to those of Dutch citizens. Regarding beneficiaries of international protection there might be additional costs for mental health care due to their experiences in the country of origin. These costs should however be seen as an investment in the future of the labour market because it contributes to the wellbeing of beneficiaries which in return creates better focus for them to find employment and a better performance at work. Although no figures were found on the health costs for family migrants and beneficiaries of international protection, it must be noted that the overall health of the family improves when family reunification takes place. They will have less mental and physical problems because their well being improves, as seen in the former chapter. As a result this also decreases any health costs that would be related to the treatments of their mental and physical health.

School

The total costs for education in 2014 were 41.3 billion Euros which is 6.2% of the GDP. The State covered 34.2 billion Euros (83%) of these costs which was meant to cover the costs for staff and education materials. Schools are free to decide how to use this funding. The remaining costs were covered by households (8%), businesses (8%) and funding by foreign countries (1%).[[134]](#footnote-134) In this research, data was found on the additional costs regarding primary education for minor asylum seekers. These costs only concern children who are still waiting for their residence permit. According to the State Secretary of Education, 14.5 million Euros were the total additional costs for the education of minor asylum seekers in January 2015.[[135]](#footnote-135)

On 1 April 2015, it was estimated that 7.565 asylum seekers between the ages of 5 to 18 years were staying in the central reception centres of which 6.280 children went to school there and another 475 children were registered at Dutch schools.[[136]](#footnote-136)

## 5.5 Benefits of family reunification for municipalities and other local/regional units

Paragraph 4.2 described the negative effects on the sponsor’s wellbeing when family reunification or family formation is postponed. It can thus be said that the benefits of family reunification is a more successful integration of the sponsors and the family members and less of a pressure on the social welfare benefits because it is easier for sponsors to focus on finding a job when their families are with them in contrast to when their families are still in the country of origin which creates concern for the sponsor.

# 6. Other Effects

## 6.1 Signal effects of the new legislation

In October 2015 and May 2016, the State Secretary sent out two letters to persons requesting international protection in the Netherlands. Both of these letters seem to have the aim to discourage people from requesting international protection in the Netherlands by stating the long waiting period during the procedure, a lack of available housing and the fact that it may take a long while before family members can come to the Netherlands.[[137]](#footnote-137) Recent numbers from the International Organization for Migration (IOM) show that more applicants of international protection wanted to leave the Netherlands in 2015 without waiting for a decision on their application. In some cases they already contacted IOM before entering the asylum procedure.[[138]](#footnote-138) A spokesperson of IOM reported to a Dutch newspaper that they are discouraged because the granting of international protection status and reunification with family members takes too long and they are concerned about their family members.[[139]](#footnote-139)

## 6.2 Security issues

Border controls

In 2011, there was a discussion about whether or not border controls between the Netherlands and Belgium should be reinforced due to the feared influx of migrants from Tunisia. Border controls were strengthened but not extended. Extending border controls at the internal borders of the Schengen Area, such as temporarily closing the borders, requires a situation that there is a serious threat to public order or the national security. The Minister of Aliens Affairs stated in 2011 that border controls would damage the economy and unnecessarily limit the movement of goods and persons in the Schengen Area, including EU citizens.[[140]](#footnote-140) In September 2015, the State Secretary of Security and Justice announced that he would strengthen the border controls between the Netherlands and Germany due to high influx of persons seeking international protection. Strengthened border controls were meant to detect persons seeking international protection, but also to get a better view on human trafficking routes.[[141]](#footnote-141) At the end of March 2016, the Netherlands sent border control officers to the Greek island of Lesbos. Late 2015, the European Commission presented a proposal for introducing a European border and coast guard which is supposed to strengthen the external borders of the European Union.[[142]](#footnote-142)

Safe countries

The Netherlands has a list of safe countries of origin to which it is considered safe to return to. Applications for international protection from persons from safe countries of origin are processed with priority. A country is considered safe when no possibility exists that a person will be persecuted on the basis of race, religion, torture or inhumane treatment. The list generally consists of European countries, the United States of America, Canada, Japan and New Zealand.[[143]](#footnote-143) After the INS received applications for international protection from certain countries that were not placed on the safe countries list in 2015, the State Secretary for Security and Justice added the following countries to safe countries list in February 2016: Ghana, India, Jamaica, Morocco, Mongolia and Senegal. The State Secretary intends to investigate whether Algeria, Georgia, Ukraine, Tunisia and Turkey can be added to the list. This question was already asked with regard to Egypt, but it will not be placed on the list at this moment. When it comes to Morocco and Senegal it should be noted that the policy states that these countries are not safe for LGBT. Since March 2016, a more fast track procedure was introduced for cases that concern safe countries. This entails that rejected asylum seekers are not allowed to wait for the decision on their appeal against the rejection and must leave the Netherlands immediately. They will get the opportunity to explain why the country may not be safe in their individual situation. This however requires more proof just than just an explanation.[[144]](#footnote-144)

## 6.3 Other issues

No relevant data was found on other issues.

1. Lucassen & Lucassen 2011, p. 121-125 and 129-130. [↑](#footnote-ref-1)
2. Lucassen & Lucassen 2011, p. 67, 69. [↑](#footnote-ref-2)
3. *Family formation* entails families formed after a migrant’s arrival at the Netherlands, whilst *family reunification* entails families formed before a migrants departure from the country of origin. [↑](#footnote-ref-3)
4. [www.volksgezondheidenzorg.info/onderwerp/migratie/cijfers-context/trends#node-migratietrends-de-20e-eeuw](http://www.volksgezondheidenzorg.info/onderwerp/migratie/cijfers-context/trends#node-migratietrends-de-20e-eeuw). [↑](#footnote-ref-4)
5. <http://www.nidi.nl/shared/content/demos/2005/demos-21-01-latten.pdf>. [↑](#footnote-ref-5)
6. Statistics Netherlands (CBS), <https://www.cbs.nl/-/media/imported/documents/2005/32/2005-k2-b15-p33.pdf>. [↑](#footnote-ref-6)
7. [www.volksgezondheidenzorg.info/onderwerp/migratie/cijfers-context/trends#node-migratietrends-de-21e-eeuw](https://www.volksgezondheidenzorg.info/onderwerp/migratie/cijfers-context/trends#node-migratietrends-de-21e-eeuw). [↑](#footnote-ref-7)
8. Statistics Netherlands (CBS), [www.cbs.nl/nl-nl/nieuws/2015/37/immigratie-en-emigratie-naar-recordhoogte-in-2014](http://www.cbs.nl/nl-nl/nieuws/2015/37/immigratie-en-emigratie-naar-recordhoogte-in-2014); <http://statline.cbs.nl/>. [↑](#footnote-ref-8)
9. Statistics Netherlands (CBS), [www.cbs.nl/nl-nl/nieuws/2016/04/bevolking-groeit-vooral-door-immigratie](http://www.cbs.nl/nl-nl/nieuws/2016/04/bevolking-groeit-vooral-door-immigratie). [↑](#footnote-ref-9)
10. [www.elsevier.nl/nederland/achtergrond/2016/08/door-migratie-hoogste-bevolkingsgroei-sinds-2001-334126/](http://www.elsevier.nl/nederland/achtergrond/2016/08/door-migratie-hoogste-bevolkingsgroei-sinds-2001-334126/). [↑](#footnote-ref-10)
11. WBV 2009/18, Stcrt. 2009, 12691 24 August 2009; De Kinderombudsman, ‘Gezinshereniging. Beleid en uitvoering 2008-2013’, 6 June 2016, <https://www.dekinderombudsman.nl/ul/cms/fck-uploaded/2013.KOM003GezinsherenigingDEFmetkaft.pdf>, p. 19. [↑](#footnote-ref-11)
12. See the Letter from the Minister to Defence for Children of 13 December 2011, ve12000190. [↑](#footnote-ref-12)
13. ‘Kind in het buitenland mag bijna nooit naar ouder in Nederland’, [www.defenceforchildren.nl/p/21/2247/mo89-cg%7ctxt=\*wob\*/kind-in-het-buitenland-mag-bijna-nooit-naar-ouder-in-nederland](https://www.defenceforchildren.nl/p/21/2247/mo89-cg%7ctxt=*wob*/kind-in-het-buitenland-mag-bijna-nooit-naar-ouder-in-nederland). [↑](#footnote-ref-13)
14. *Parliamentary Documents II* 2011-2012, 19 637, no. 1568, <https://zoek.officielebekendmakingen.nl/kst-19637-1568.html>; WBV 2013/13, ve13001088. [↑](#footnote-ref-14)
15. See ACVZ, ‘Advies inzake de Wijziging van de Vreemdelingenwet 2000 in verband met het herschikken van de gronden voor asielverlening,' 7 September 2011 and Netherlands Institute for Human Rights, ‘Nareiscriteria gezinshereniging’, Advies 2013/02, 20 February 2013. Both of these organisations have the authority to provide advice on draft bills without a request from Parliament or the Government. [↑](#footnote-ref-15)
16. *Parliamentary Documents I* 2012-2013, 31 549, no. M, <https://zoek.officielebekendmakingen.nl/kst-31549-M.html>. [↑](#footnote-ref-16)
17. Wet van 24 Mei 2012 tot wijziging van de Vreemdelingenwet 2000 in verband met nationale visa en enkele andere onderwerpen, Stb. 2012, 528, available at: <https://zoek.officielebekendmakingen.nl/stb-2012-258.html>. [↑](#footnote-ref-17)
18. See Article 28(1)(d) jo. (3) Vreemdelingenwet 2000. [↑](#footnote-ref-18)
19. T. Strik and M. Vreeken, ‘Nareisbeleid 2014: De overgebleven obstakels voor gezinshereniging’, *A&MR* 2014/3, p. 145. [↑](#footnote-ref-19)
20. *Parliamentary Documents* *II* 2015/16, 19 637, no. 2086; Letter of 23 May 2016 from the State Secretary of Security and Justice, available at: <https://www.rijksoverheid.nl/documenten/brieven/2016/02/18/brief-van-de-staatssecretaris-van-veiligheid-en-justitie-aan-asielzoekers-op-de-opvanglocaties-nederlands> [accessed 8 September 2016]. [↑](#footnote-ref-20)
21. Letter of 23 May 2016 from the State Secretary of Security and Justice, available at: <https://www.rijksoverheid.nl/documenten/brieven/2016/02/18/brief-van-de-staatssecretaris-van-veiligheid-en-justitie-aan-asielzoekers-op-de-opvanglocaties-nederlands> [accessed 8 September 2016]. [↑](#footnote-ref-21)
22. Statistics Netherlands (CBS), available at: <http://statline.cbs.nl/>. [↑](#footnote-ref-22)
23. INS, Asylum Trends June 2016, available at: <https://ind.nl/Documents/Asylum%20Trends%20June%202016.pdf> [accessed 8 August 2016]. See <https://www.rijksoverheid.nl/onderwerpen/nederlandse-nationaliteit/inhoud/staatloosheid> [accessed 8 August 2016] which describes that the nationality of stateless persons in the Netherlands is not clear because most of them are not registered. Among the registered stateless persons (an unrepresentative percentage of about 0,05% of all stateless persons in the Netherlands) we find Moluccan people, Roma people, Surinamese people, people from the former Soviet-Union and stateless Palestinians from Syria. [↑](#footnote-ref-23)
24. Article 29(2) Vreemdelingenwet 2000. [↑](#footnote-ref-24)
25. K. Groenendijk et.al, *The Family Reunification Directive in EU Member States. The first year of implementation*, Nijmegen: WLP 2007, p. 41-42; European Commission, Communication from the Commision to the European Parliament and the Council on guidance for aplication of Directive 2003/86/EC on the right to family reunification, COM(2014) 210 final, available at: <http://www.europarl.europa.eu/meetdocs/2014_2019/documents/com/com_com(2014)0210_/com_com(2014)0210_en.pdf> [accessed 11 August 2010], p. 24 [↑](#footnote-ref-25)
26. Stb. 2004, 496 <https://zoek.officielebekendmakingen.nl/stb-2004-496.pdf>, p. 6 and 21. [↑](#footnote-ref-26)
27. Reaction of 17 May 2016 from the State Secretary as a response to questions asked by the Council of State, case no. Z1-842036055. [↑](#footnote-ref-27)
28. See 12(1) and 7(2), second paragraph FRD. [↑](#footnote-ref-28)
29. Article 3(1) and Article 5 Wet inburgering jo. Article 8(c) Vreemdelingenwet 2000. [↑](#footnote-ref-29)
30. Explanatory Memorandum to the Civic Integration Act, *Parliamentary documents II* 2005/2006, 30308, no. 3, available at: <https://zoek.officielebekendmakingen.nl/dossier/30308/kst-30308-3.html>. [↑](#footnote-ref-30)
31. Article 6(1) Wet inburgering. [↑](#footnote-ref-31)
32. Article 7(1) Wet inburgering. Article 7(3)(b) prescribes that for illiterate immigrants the integration term is set at three plus two additional years. [↑](#footnote-ref-32)
33. Article 31(1) jo. 34 Wet inburgering. [↑](#footnote-ref-33)
34. Article 2.9 Besluit inburgering. [↑](#footnote-ref-34)
35. Stb. 2014, no. 404. [↑](#footnote-ref-35)
36. See [www.inburgeren.nl/inburgeren-betalen.jsp](http://www.inburgeren.nl/inburgeren-betalen.jsp). [↑](#footnote-ref-36)
37. *Parliamentary documents II* 2015/2016, 32824, no. 115, available at: <https://zoek.officielebekendmakingen.nl/dossier/32824/kst-32824-115.html>. [↑](#footnote-ref-37)
38. *Parliamentary documents II* 2015/2016, 32824, no. 115, available at: <https://zoek.officielebekendmakingen.nl/dossier/32824/kst-32824-115.html>. See also [www.rijksoverheid.nl/documenten/kamerstukken/2015/11/27/kamerbrief-over-bestuursakkoord-verhoogde-asielinstroom](https://www.rijksoverheid.nl/documenten/kamerstukken/2015/11/27/kamerbrief-over-bestuursakkoord-verhoogde-asielinstroom). [↑](#footnote-ref-38)
39. Dutch Council for Refugees, ‘Integratie Barometer 2014’, October 2014, available at: [www.vluchtelingenwerk.nl/sites/public/u2243/VluchtelingenWerk\_IntegratieBarometer\_2014.pdf](http://www.vluchtelingenwerk.nl/sites/public/u2243/VluchtelingenWerk_IntegratieBarometer_2014.pdf), p. 8-9 and 41. [↑](#footnote-ref-39)
40. E.A. Besselsen and B. de Hart, *Verblijfsrechtelijke consequenties van de Wet inburgering. Een onderzoek naar de ervaringen van migranten*, University of Amsterdam, Wolf Legal Publishers 2014, p. 54-55. [↑](#footnote-ref-40)
41. E. Lensink,. ‘Vluchtelingen extra hard geraakt door Wet inburgering’, *A&MR* 2015/1, p. 9. [↑](#footnote-ref-41)
42. Letter of 23 May 2016 from the State Secretary of Security and Justice, available at: <https://www.rijksoverheid.nl/documenten/brieven/2016/02/18/brief-van-de-staatssecretaris-van-veiligheid-en-justitie-aan-asielzoekers-op-de-opvanglocaties-nederlands> [accessed 15 August 2016]. [↑](#footnote-ref-42)
43. *Parliamentary documents II* 2015/2016, 19637, no. 2053. [↑](#footnote-ref-43)
44. European Migration Network, *Integration of beneficiaries of international and humanitarian protection into the Dutch labour market: policies and good practices*, February 2016, available at: [www.emnnetherlands.nl/dsresource?objectid=3199&type=org](http://www.emnnetherlands.nl/dsresource?objectid=3199&type=org), par. 4.5, p. 46. [↑](#footnote-ref-44)
45. *Parliamentary documents II* 2015/2016, 19637, no. 2053. [↑](#footnote-ref-45)
46. Article 10.1 *Regeling Zorg Asielzoekers 2016*, available at: [www.rzasielzoekers.nl/dynamic/media/28/documents/Regeling%20Zorg%20Asielzoekers%202016.pdf](https://www.rzasielzoekers.nl/dynamic/media/28/documents/Regeling%20Zorg%20Asielzoekers%202016.pdf). [↑](#footnote-ref-46)
47. Article 28 and 29 jo. 8(c) Vreemdelingenwet 2000. [↑](#footnote-ref-47)
48. Article 2.1.1(2) and (3) Wet langdurige zorg jo. Article 2(1) Zorgverzekeringswet. [↑](#footnote-ref-48)
49. European Migration Network, *Integration of beneficiaries of international and humanitarian protection into the Dutch labour market: policies and good practices*, February 2016, available at: [www.emnnetherlands.nl/dsresource?objectid=3199&type=org](http://www.emnnetherlands.nl/dsresource?objectid=3199&type=org), par. 3.4.1, p. 29. [↑](#footnote-ref-49)
50. K. Groenendijk et.al, *The Family Reunification Directive in EU Member States. The first year of implementation*, Nijmegen: WLP 2007, p. 20. [↑](#footnote-ref-50)
51. Article 3.14 and 3.15 Vreemdelingenbesluit 2000. [↑](#footnote-ref-51)
52. Par. C2/4.1 Vreemdelingencirculaire C. [↑](#footnote-ref-52)
53. See Article 10(2) FRD. [↑](#footnote-ref-53)
54. Article 29(2)(a) and (b) Vreemdelingenwet 2000. [↑](#footnote-ref-54)
55. WBV 2013/13, Stcrt 2013, no. 15221 , 7 June 2013, available at <https://zoek.officielebekendmakingen.nl/stcrt-2013-15221.html>. [↑](#footnote-ref-55)
56. WBV 2015/10, Stcrt. 2015, no. 22872, 29 July 2015, available at: <https://zoek.officielebekendmakingen.nl/stcrt-2015-22872.html>. [↑](#footnote-ref-56)
57. Par. C2/4.1 Vreemdelingencirculaire C. [↑](#footnote-ref-57)
58. SCP, Huwelijksmigratie in Nederland, 29 October 2014, <https://www.scp.nl/Publicaties/Alle_publicaties/Publicaties_2014/Huwelijksmigratie_in_Nederland>, p. 57, 59 and 61-62. [↑](#footnote-ref-58)
59. Article 16(1)(a) Vreemdelingenwet 2000 and 3.71 Vreemdelingenbesluit 2000. See for criticism on the applicability of the Civic Integration Abroad Act to specific groups of nationalities Human Rights Watch, ‘The Netherlands: Discrimination in the Name of Integration. Migrants’ Rights under the Integration Abroad Act’, May 2008, available at: <https://www.hrw.org/legacy/backgrounder/2008/netherlands0508/>, [↑](#footnote-ref-59)
60. The highest national court in migration law cases. [↑](#footnote-ref-60)
61. ABRvS 10 march 2015, JV 2015/116. See also ABRvS 22 June 2015, ECLI:NL:RVS:2015:2086. [↑](#footnote-ref-61)
62. CJEU 4 March 2010, C-578/08 (*Chakroun*). [↑](#footnote-ref-62)
63. The Netherlands Institute for Human Rights, *Gezinnen gezien? Onderzoek naar Nederlandse regelgeving en uitvoeringspraktijk in het licht van Europese Gezinsherenigingsrichtlijn*, September 2014, p. 50. [↑](#footnote-ref-63)
64. ABRvS 10 march 2015, JV 2015/116. See also ABRvS 22 June 2015, ECLI:NL:RVS:2015:2086. [↑](#footnote-ref-64)
65. Article 16(1)(c) Vreemdelingenwet 2000. [↑](#footnote-ref-65)
66. Article 3.13 in combination with 3.22(1) and (2) Vreemdelingenbesluit 2000. [↑](#footnote-ref-66)
67. Par. B7/2.1.1 Vreemdelingencirculaire 2000 B. [↑](#footnote-ref-67)
68. Article 3.74 Vreemdelingenbesluit 2000. According to Article 3.103 Vreemdelingenbesluit 2000 jo. B1/4.3.2 Vreemdelingencirculaire 2000, the required amount depends on the applicable minimum wage at the moment that the INS receives the application. Since 1 July 2016 it is set at 1537,20 Euros per month without holiday allowance and 1660,18 Euros per month including holiday allowance. [↑](#footnote-ref-68)
69. B1/4.3.3.1 Vreemdelingencirculaire 2000 B. [↑](#footnote-ref-69)
70. ABRvS 22 June 2015, ECLI:NL:RVS:2015:2086. [↑](#footnote-ref-70)
71. Article 3.73(1) Vreemdelingenbesluit 2000. [↑](#footnote-ref-71)
72. Article 3.75 Vreemdelingenbesluit 2000 and B1/4.3.3.1 Vreemdelingencirculaire 2000 B. [↑](#footnote-ref-72)
73. CJEU 21 April 2016, C-558/14 (*Kachab*), par 43. [↑](#footnote-ref-73)
74. ABRvS 6 July 2016, ECLI:NL:RVS:2016:1998, par. 2.9. [↑](#footnote-ref-74)
75. Article 16(1)(h) Vreemdelingenwet 2000. [↑](#footnote-ref-75)
76. ABRvS 28 December 2015, ECLI:NL:RVS:2015:4067. [↑](#footnote-ref-76)
77. R. van Oers, ‘Kroniek inburgering’, in *A&MR* 2016/4, p. 180; ‘Monitor basisexamen inburgering buitenland 2014’, *Significant* and ‘Monitor basisexamen inburgering buitenland 2015’, *Significant*. [↑](#footnote-ref-77)
78. Par. B1/4.7 Vreemdelingencirculaire 2000 B. [↑](#footnote-ref-78)
79. CJEU 9 July 2015 C/153-14 (*K. and A.*), par. 50, 58 and 71. [↑](#footnote-ref-79)
80. *Stb*. 2010, no. 679, 9 September 2010, <https://zoek.officielebekendmakingen.nl/stb-2010-679.html>. [↑](#footnote-ref-80)
81. Some people are exempted from this requirement. See Article 3.71a Vreemdelingenbesluit. [↑](#footnote-ref-81)
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83. Article 3 and 5 Wet inburgering. [↑](#footnote-ref-83)
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