



Repatriation and Departure Service
Ministry of Justice and Security

So why don't you just repatriate them then?

*A look behind the scenes of the Netherlands
Repatriation and Departure Service (DT&V)*



The stories are based on the perceptions and experiences of the staff at the Repatriation and Departure Service (DT&V). Names, events, countries, cities and other (recognisable) information are fictitious, or have been omitted. Any resemblance to real persons or situations is purely coincidental. For this reason, the Ministry of Justice and Security of the Netherlands cannot accept any liability for any damage that may arise from this publication.

Return process for adult foreign nationals

This infographic summarises the return process. Foreign nationals whose application for a residence permit has been rejected or whose residence permit has been revoked, or people who are in the Netherlands illegally, must leave the country. They are given a deadline for voluntary return.

Drawing up the departure plan

The **Repatriation and Departure Service (DT&V)** draws up a departure plan, setting out the steps for the foreign national's departure from the Netherlands: **voluntary return** or **enforced return**.

DT&V holds regular interviews with the foreign national with a view to **voluntary return**

If their **situation changes**, foreign nationals can submit a **new** application for a residence permit



Foreign national cooperates with departure
Foreign national cooperates with departure and continues to be given accommodation for a limited period

Implementing the departure plan
DT&V encourages foreign nationals to return to their country of origin and facilitates this process. For instance through projects designed to remove obstacles to return.

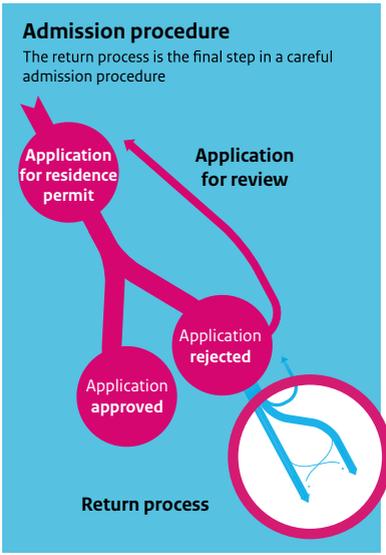
For more information go to www.english.dtenv.nl

Foreign national still **refuses** to leave of their own accord

While in detention, the foreign national changes their mind and **decides to cooperate** with voluntary return

Foreign national does not cooperate with departure
Supervision measures are imposed, e.g. the foreign national must report regularly to the police, their passport is confiscated or they must pay a deposit. In exceptional cases the foreign national may, under strict conditions and as a last resort, be detained

DT&V arranges the correct documentation with the embassies



Voluntary return

Enforced return

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Introducing ourselves

The Repatriation and Departure Service (DT&V) is an implementing body of the Ministry of Justice and Security. The DT&V is responsible for both the voluntary and forced departure of foreign nationals who are not allowed to stay in the Netherlands.

Mission

As the professional implementer of the government's repatriation policy, the Repatriation and Departure Service proactively ensures that the departure takes place in a careful, dignified and timely manner. This is done in close cooperation with all relevant government agencies and social organisations.

The officers of the DT&V operate careful and with respect for the dignity of the foreign nationals concerned.

The DT&V directs the departure from the Netherlands of:

- foreign nationals who have been detained as part of the national (mobile) supervision of foreign nationals;
- foreign nationals who have been denied entry to the country as part of border controls;
- foreign nationals whose residence permit has been withdrawn;

Foreign nationals who have exhausted their appeals and have been ordered to leave the country.

Working method

The DT&V upholds a transparent and humane working method, respecting the dignity of the foreign national. The DT&V thus contributes to national security, social equilibrium and acceptance of the Dutch admissions policy.

The DT&V employs a person-oriented and multidisciplinary approach based on case management. Case management is person-based. This means that the approach is tailored specifically to the foreign national in question. Case management starts as soon as the Police, the Royal Netherlands Marechaussee or the Immigration and Naturalisation Service transfer a foreign national to the DT&V by means of a transfer file. Case management ends upon the foreign national's voluntary departure, removal or administrative departure.

Based on its operational task the DT&V is a discussion partner of the competent authorities in the country of origin, including diplomatic representations.

Many of the about 500 DT&V officers are so-called supervisor departure. They direct the departure process in such a way that the foreign national departs in a prudent, dignified and timely manner. All foreign nationals under the responsibility of the DT&V are assigned a supervisor departure.

The supervisor departure operates according to a person-oriented approach. The options and conditions for departure are considered for each individual. By maintaining personal contact with the foreign national and consulting with the cooperating organisations the supervisor judges how the removal, preferably voluntary, can be 'directed'.

The supervisor also addresses subjects other than departure in discussions with the foreign national. Attention is paid to aspects such as human trafficking, distress and/or medical circumstances.

This brochure contains some of the stories and experiences of the supervisor departure and informs you of the way we perform our work.

Repatriated as yet after two years

In early 2008, a man is placed in a foreign nationals Detention Centre. He is familiar with several different aliases since he has given different names and nationalities at different occasions. The man says that his name is Ian Smith, and that he comes from India.

After several conversations with Ian Smith, I make an appointment with the embassy of Zamunda. Ian, the consul, and I have an interview in order for the consul to determine whether Ian is in fact from India. At the end of the interview, the consul says that Ian is not from India. I am not issuing a replacement travel document for Ian and therefore he is not allowed to travel.

After several discussions with Ian, I start to suspect that Ian comes from Nepal, and is probably called John Johnson. I make another appointment, this time with the Nepalese embassy.

Ian continues to maintain however that he is from India, and that his name is not John Johnson. He says this with such conviction that the Nepalese consul believes him, and does not issue him a replacement travel document.

In the meantime, a few months have passed since the first interview with John. I have arranged an interview with someone known to be a language analyst to arrange for a language analysis. John's nationality is still not clear. John refuses to participate in this interview. After some urging on my part, the interview is nonetheless planned a month later. The language analysis shows that John does in fact speak the language of the people of Nepal. I go back to the embassy to see about a replacement travel document. After the consul has once again spoken with John, and I receive a replacement travel document, I immediately book a flight for John Johnson. John however fails to fulfil his end of our agreement, saying that if I arrange

to get him a replacement travel document, he will leave. He stands there at Amsterdam Schiphol Airport ranting and raving. It would be irresponsible allowing him to board the plane in his condition.

[I book another flight for early 2009.](#)

Two days before his scheduled departure, John applies for asylum and I have to cancel the flight yet again. The reason is that John has the right to remain in the Netherlands while he awaits the decision on his application for asylum.

Two weeks later, the Immigration and Naturalisation Service (IND) decides that John will not be granted asylum, and therefore may no longer stay in the Netherlands. I contact the consul again, and ask for an extension of the replacement travel document.

Right before the scheduled departure of the third flight that had been booked, in the summer of 2009, I hear that John's lawyer has provided the embassy with medical information. For this reason, the embassy decides not to extend the replacement travel document. I must first prove that John is healthy enough to fly. I arrange for John to be examined by a doctor, naturally with his permission, and send the letter with the doctor's findings, that John is in fact healthy enough to fly, to the consul. In spite of my letter, the lawyer has apparently created sufficient doubt. The embassy refuses to extend the travel document and the third flight must now be cancelled as well.



One and a half month later, John Johnson applies for a residence permit because he believes that his health is not good enough to allow him to return to Nepal. He is consequently re-examined by a doctor. As long as a decision is still pending regarding his application, he can stay in the Netherlands. At that very moment, the embassy extends his replacement travel document, which I may therefore not use.

In the autumn of 2009, the application for the residence permit is rejected. Within one month, I have booked a flight. The replacement travel document has now expired. Before the embassy agrees to extend this document, the consul wants to know if John is healthy enough to fly. In spite of several phone calls to the embassy, they are still reluctant to issue the replacement travel document. Just like before, John's lawyer too has now been in regular contact with the embassy, once again causing the embassy to have doubts. I write another letter to the consul to notify him that John Johnson has received medical approval from a doctor. This means that there are no medical objections on medical grounds to prevent his departure from the Netherlands.

Finally, the embassy is now willing to issue a replacement travel document, but still wants to speak with John just prior to the scheduled flight. During this conversation, John repeats that he is not John Johnson. Now, he is suddenly John Smith, from India, and to prove it, he calls someone he claims to be his cousin. The embassy starts to have its doubts, and refuses to issue the replacement travel document, and I must once again cancel the flight.

Late 2009, I accompany John to the embassy of India. This embassy once again says that its not aware of any John Smith, and therefore this person cannot possess the Indian nationality.

[I am back to square one.](#)

With this information, I go back to the Nepalese consul for a meeting. After all, the Nepalese embassy has indicated on two separate occasions that John Johnson has the Nepalese nationality. After yet another medical examination, which shows that there are no objections to his departure based on medical grounds, it is now a few months later and I still do not have an extension for the replacement travel document. In order to make sure that John Johnson can fly to Nepal, my colleagues and I decide that John Johnson can travel on what is referred to as an EU document, in combination with the replacement travel documents issued by the embassy, which has expired in the meantime.

Upon arrival in Nepal however, John is not allowed entry to the country, so we must fly back to the Netherlands. There is now no other option than to tell John that he must leave the Netherlands within two days. This is rather annoying, since I am not in the position to check whether John actually left the Netherlands. A few months later, it appears that John has in fact remained in the Netherlands illegally.

In the spring of 2010, he is detained by the Police and placed in a foreign nationals Detention Centre. Ten days after his latest detention, I meet with John. He refuses to cooperate, and says that he will not leave. After a discussion between the Minister of Justice and the ambassador of Nepal, things suddenly start moving quickly, and the embassy issues a valid replacement travel document. After a procedure lasting two and a half years, and many conversations and visits later, John Johnson finally returned to Nepal in the summer of 2010.

Removal of a multiple offender and undesirable foreign national after 15 years

After a preliminary investigation conducted by the Police lasting nearly three years, and an extended period in a foreign nationals Detention Centre under the VRIS (Aliens in Criminal Law) regime, a man who was a multiple offender from the start was removed to Egypt. The man had been in the Netherlands illegally since 1995.

Charles Diamond comes to the Netherlands in 1995 and applies for asylum. His application is rejected, and he 'leaves'. In 1996, he re-applies for asylum. His application is once again rejected, and Charles 'leaves' again, as it were.

In 2002, he comes in contact with the criminal justice system. He causes a great deal of commotion and problems in the region of The Hague.

For years he has been a threat to the safety of The Hague, through armed robberies, theft, drug trafficking and dealing in stolen items. It seems Charles had been living in the Netherlands illegally all these years. As he has been convicted by a District Court, Charles must first serve his prison sentence before I can make the arrangements for his removal.

I met with Charles regularly since 2005. He is in a Detention Centre for foreign nationals due to his extensive criminal record thus making him an undesirable foreign national. Each time I get one step closer and make arrangements for Charles to leave the Netherlands, he applies for a residence permit. Since Charles has the right to remain in the Netherlands while he awaits the decision with regard to his application for a residence permit, there is nothing I can do.

I do continue to speak with him. Charles Diamond tells me that he comes from Libia, so I make an appointment for Charles and report to the Libyan

embassy. The consul says that Charles is not Libyan, and so he will not issue me a replacement travel document for Charles. I must keep digging through the information that I have on Charles to figure out exactly who he is and where he really comes from. I contact Interpol to ask if they are willing to help look for Charles Diamond. Interpol is willing to do this, and starts investigations in ten European countries and four African countries. Unfortunately, after one year, the Interpol investigations fail to produce any results.

Two years later, the Police finds one of Charles' old diaries by coincidence. This diary contains a letter from 1996 that he had written to an uncle. The address on the letter is in Egypt.

Finally, a breakthrough.

I now have something tangible to narrow down my search, and contact the Dutch Embassy in Egypt and request assistance. An employee at the embassy sets out to search, taking a photo of Charles Diamond with him, and finds the uncle at the address indicated in the letter. Bingo... the uncle recognises Charles in the photo. The conversation with the uncle revealed that Charles also has a brother, who had applied for a visa a couple of years ago. Whenever an application is submitted for a visa, the applicant must also list a contact person in the Netherlands.



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I can use this information to continue my search in the Netherlands.

In April of the following year, the Police interviewed a contact person in the Netherlands. The contact identified the man in the photo on the visa as Charles Diamond. For me, this is the proof I need to ask the Dutch embassy in Egypt to look for the official documents. In a later conversation, Charles denies that he has any family. He says that he cannot write either, and therefore cannot apply for a replacement travel document himself. After a thorough search, the uncle in Egypt finds Charles's birth certificate. In the meantime, the embassy official has had additional conversations with members of Charles's family. After tracking down these family members and finding the real birth certificate, I am now certain that Charles does in fact have the Egyptian nationality.

Together with a colleague from the Police, I speak with Charles. We inform Charles that his brother wants to help us with a DNA test so that we can prove that Charles and the brother are family. This does not make an impression on Charles either; he continues to insist that he comes from Libia.

With all of the evidence in hand, I go with Charles to the Egyptian consul in the Netherlands.

Getting a replacement travel document seems like a piece of cake now...

However, the consul refuses to issue a travelling certificate, since Charles swears by all that is holy that he is not from Egypt. Strange enough, my documentary evidence is not convincing. Given the fact that I am certain that Charles is from Egypt, but the embassy does not want to cooperate in issuing a replacement travel document, I contact my colleagues about a forced removal.

After all, Charles is a criminal who has caused a lot of problems. I therefore have plenty of reasons to subject Charles to a forced removal.

We decide to return Charles to Egypt without a valid travel document. In order to avoid problems with the authorities upon his arrival in Egypt and prevent them from sending him straight back to the Netherlands, I travel ahead a few days earlier. I speak with colleagues from the Egyptian immigration service and officers at the airport. In order to prove that Charles is a citizen of Egypt, I have brought the birth certificate and witness statements with me.

When Charles arrived at the airport a few days later, he swore again by all that was holy that he was from Libia. Fortunately, the immigration officer was adamant, and quickly concluded that he really was a fellow citizen.

After comprehensive, lengthy and intensive preparations and cooperation with the Police, the Royal Netherlands Military Constabulary and the DT&V, removed the man without a problem in March 2010 and he was accepted by the authorities of the country of his birth, Egypt.

The Western Desert

In 2009, the Raapas family, parents and five children, was placed at the Freedom-restricting Centre (VBL) in Ter Apel. The family had been in the Netherlands since 2002, and after having gone through various asylum and regular residency procedures which did not result in a residency status, they ultimately ended up at the VBL.

My colleagues have been speaking to the Raapas family for two years, and all this time, they have claimed that they come from the Western Desert. The family has also met with a language analyst who determined that the family speaks the same language as the people of Senegal.

After speaking with them for a year, the family is finally convinced that they really must leave the Netherlands because there is no future for them here. To show that they truly do want to leave, they have signed the application form for replacement travel documents, and the application procedure was submitted to the embassy of Senegal. This is why I was so surprised when the family's lawyer told me that the family has submitted a new application for a residence permit with the Immigration and Naturalisation Service (IND), because they would like to stay in the Netherlands. The mother has diabetes.

Even though they have submitted this application, I will still continue my work. I make an appointment at the Senegalese embassy to apply for the replacement travel documents together with the family. After we arrived and took place in the consul's office, the family announces that they are not really from Senegal, but instead, from the Western Desert. The consul believes the family and will not issue replacement travel documents. At the end of the interview, the consul gives me a tip, advising me to make an appointment at the embassy of The Gambia, as he suspects that the family might be from there.

This means that I have to convince the family to sign a new application form. This time, the form is for replacement travel documents for The Gambia. In March, they are ready to do this, and I can actually make an appointment with The Gambian embassy.

I have two interviews with the family in May, at the time they tell me that they would like to go home. However, it is impossible to get the proper paperwork as they come from Senegal. I explain to them that they can not stay at the VBL longer than 12 weeks, and if they are not gone by then, there is a good chance they will end up on the street. In response to this, the family decides to contact the International Organisation for Migration (IOM) to start working on their departure from the Netherlands. They hope that this will prevent them from winding up on the street. They are responsible for their own departure from the Netherlands. They must therefore prove to me that they are in fact doing everything they can to leave the Netherlands, otherwise I have no reason to allow them to live at the VBL any longer.

In the meantime, I have sent the application forms for replacement travel documents to the embassy of The Gambia. In July, Ben Raapas and I go there to meet with the consul. The consul tells us that he will process the application for the replacement travel documents. He will contact us as soon as he knows more...



By October, we still haven't heard anything from the embassy. My colleagues contact the embassy every month to find out if there is any news, but do not receive an answer.

The Raapas family has now been staying at the VBL for six months.

In January of the next year I suddenly receive a letter from the IND. It seems that the family has once again applied for a residence permit due to the mother's diabetes. The previous application was rejected. As the family is allowed to stay in the Netherlands while they wait for the application to be processed (after all, they still haven't heard anything from the embassy of The Gambia), I have no other option than to meet with the family regularly.

During these interviews, I start getting the impression more and more that they really don't want to leave, in spite of their previous promises. In every conversation I have with them, I ask them what sort of action they have taken to ensure they can leave. The family tells me that they cooperated fully with everything, and that they have also been to the IOM and the Dutch Council for Refugees (VWN). However, when all is said and done, during the nine months that they have been staying at the VBL, they have only written one letter to the family in Senegal, and thus not in The Gambia, to ask them to arrange for identity documents for them.

They never received an answer.

One day in February, I was drinking coffee with a colleague who is married to a Rosonian. She tells me that her husband saw Lucas Louares in the Emmen shopping centre. Lucas Louares also lives at the VBL with his family. I have regular interviews with the Louares family. They also say that they are from the Western Desert, just like the Raapas family.

However, Lucas Louares told my colleague's husband something new; he told him that he came to the Netherlands from Dakar in Senegal, together with his brother, Ben Raapas. The husband told my colleague the story of Lucas Louares, not knowing that his wife knows this family from her work.

With this new information at hand, I invited both families to come meet me. I looked up photos of Dakar online (a beautiful old city that is on the UNESCO World Heritage list), printed them, and laid them out on the table. The families deny being related to each other and that it is easier just to tell people that they come from Senegal. After all, no one knows where the Western Desert is!

By now, the Raapas family has been living in the VBL for more than a year. This must come to an end, so I get everything ready to evict the family, putting them out on the street, as soon as I have permission. In a final, last-ditch effort, I ask a colleague if it is possible to apply for replacement travel documents again at the embassy of Senegal. I still haven't heard anything from The Gambian embassy.

I contacted the DT&V's own lawyer as well. I think that I might actually be able to place the father in a Detention Centre for foreign nationals whilst applications are now pending at two embassies. This gives me the possibility to remove the family. The mother and children can stay at the VBL, and the father will go to a Detention Centre. I hope that, once in the Detention Centre, the father will finally truly cooperate with the process of departure from the Netherlands. A week later, I have asked the family to come in for a departure interview, and I told them that I will be asking the Police to place Ben Raapas in a Detention Centre for foreign nationals. In response to this, they tell me that they have once again filed an application

for asylum with the IND, and that they have an appointment in May.

In April, I had the Police place the father, Ben Raapas, in detention. The IND rejected Ben's repeated application for asylum.

In May, the mother, Sandra Raapas, leaves the VBL with her children and has an appointment with the IND. While her application is being processed, she lives at the Application Centre with her children. Several days later, this application too was rejected.

On 4 August, an IOM officer contacts me to tell me that Ben Raapas actually left for Senegal voluntarily. During his stay in the Detention Centre, he did in fact realise he should not be so demanding, and contacted a friend in Senegal. This friend was able to get him identity documents, which Ben was able to use to get a travel document.

This story does not contain details on the whereabouts of his wife and children, but it is likely that they have followed Ben Raapas.



Voluntary or forced

Jonas has a psychiatric history and is on strong medication. Three times a day, a nurse comes to the Freedom-restricting Centre (VBL) to make sure that he takes the right medication at the right time. In order to ensure that Jonas is well-cared for during his trip back to his home country, I must make sure that a nurse accompanies him on this trip, and that he has enough medication for the journey. Jonas's medical care in Zimbabwe must also be sorted out.

In January, I had an introductory interview with Jonas Delhi. Jonas wants to go back to Zimbabwe, but does not have any travel documents. I help Jonas fill out the application form for a replacement travel document. We are both hopeful that we will get this travel document quickly as he is also eager to return.

During our second interview, assisted by the interpreter, we try to contact Jonas' family in Zimbabwe by telephone. His father, mother and two brothers still live in Zimbabwe. I want to know if they will be able to care for Jonas once he is back in Zimbabwe. The first attempt to contact the family by telephone fails, so I try again later. A child answers the phone, but unfortunately we can't understand each other so I put the phone down. I agree with the interpreter that we will try again in a few days.

At the end of the month, Jonas and I have an appointment at the Zimbabwean embassy to provide extra information for the application for a replacement travel document. Three days later, we hear that the replacement travel document will be issued. This travel document will contain an additional comment, being: 'Is deported by the host-country because of illegal presence.' This means that an assisted return by the International Organisation for Migration (IOM) is no longer an option. The IOM can only help people who return voluntarily and the word 'deported' contradicts this return.

As agreed, the interpreter and I have another interview with Jonas early March, and we ring Zimbabwe again. We get lucky this time: one of the brothers answers the phone and after I explain the situation, the brother says that the entire family wants to meet Jonas at the airport and will be happy to take care of him. They are very happy that they will see him again soon. After this encouraging telephone call, I contact my partner at the IOM. I ask whether or not this organisation thinks it will be able to help Jonas. My partner at the IOM says that she might be able to help, but that Jonas will have to sign a statement that he does not object to the comment in his travel document stating: 'Deported by the host-country because of illegal presence.' I make the appointment for Jonas with the IOM for the following day so that he can sign the statement.

Six days later, the IOM informs me that it turns out they cannot do anything for Jonas as long as the contested comment remains in the replacement travel document. The word 'deported' actually prevents the IOM from being able to provide assistance.

This means that I will have to arrange the trip for Jonas.



In order to make the proper arrangements with regard to medical care, I ask the Medical Assessment Bureau (BMA) for advice. I would like to know what I should bear in mind in connection with Jonas's psychological problems. I submit an urgent request for medical advice. Two days later, the doctor comes to the VBL, and a week later the recommendation arrives over the mail, specifying the best way for Jonas to make the journey home. The doctor's recommendation states that before Jonas can travel to Zimbabwe, I must first make sure several things are sorted out.

For example, I have to prevent Jonas from being subjected to stress during the flight. For this reason, a psychiatric nurse must accompany him during the trip, and he must have his medication with him. Upon arrival in Pumolia, Jonas's medical records must be transferred to a Zimbabwean doctor so that Jonas may remain under medical supervision and treatment in Zimbabwe.

I only have one week to make all of the arrangements because Jonas is scheduled to fly within this week. In great haste, I contact every organisation and person who can help me. The medical service orders a three-month supply of his medication, and provides the doctor in Zimbabwe with Jonas's medical records. Jonas and I again call his family to tell them they have to find a psychiatrist and make an appointment early April. I request pocket money for Jonas, so that he doesn't arrive in Zimbabwe empty-handed, and make the arrangements for the medical escort for Jonas.

Three days before departure, the medical records must be sent to the airline company. The replacement travel document and the tickets have to be presented to the Royal Netherlands Marechaussee the day before departure. I must not forget the leaflet with the medical information for the family and local doctor.

I have set everything in motion, and everyone is working hard to ensure that Jonas will be able to go home. Like a bolt from the blue, the airline canceled Jonas's ticket two days before departure. It turns out the airline did not receive the medical information in time... Later it became clear that this was due to the time difference.

A few hours later the Royal Netherlands Marechaussee tells me we should be happy that the flight was cancelled. The replacement travel document actually states that Jonas has to cross the border of Zimbabwe from the Harare airport, and we had booked a flight to Bulawalo.

So I book a new flight, this time to Harare and then to Bulawelo. If all goes well, Jonas will fly home with a nurse. Once again, I send all of the forms with the medical information to the airline and anxiously await their answer. The next day, the airline calls me, requesting further information. This information will allow the airline to proceed with the preparations. The embassy is only willing to issue an entry visa for one nurse, even though it had been suggested to have Jonas accompanied to Bulawelo by two nurses. In addition, the embassy of Zimbabwe wants Jonas to travel from Harare to Bulawelo on his own, after his arrival in Zimbabwe and can therefore not be accompanied by one of our escorts. I decide to cancel the flight for March 30 since I cannot get visas for two nurses to fly with Jonas. I actually don't want Jonas to have to fly alone from Harare to Bulawelo.

I also have to make sure that Jonas's family is waiting at the Harare airport to meet Jonas and take him to Bulawelo. Bulawelo is approximately 400 km from Harare, so I have to arrange for his family to be taken to that airport. We therefore call Jonas's family a few more times and agree with them that I will keep them updated during the flight, so that they can leave for Harare at the right time.

They also have to make a new appointment with a psychiatrist, so that Jonas will be able to get psychiatric help quickly once he is back in Zimbabwe.

We are now aiming for a departure date in April. The flight is booked, and the replacement travel document is sent to the embassy so that it may be extended. I consult the nurses, and together we decide that it would be better if they each apply for their own visas for Zimbabwe.

Jonas made it on the flight!

The nurses brought Jonas to his family at the airport in Harare in the evening. They gave the three-month supply of medication, Jonas's medical passport, and instructions for Jonas's further medical supervision, written in Shana, the language of Zimbabwe, to Jonas's brother.

Several days later, I received a message that when he arrived home, Jonas was introduced to three young ladies, one of whom he will marry. Great news!



We want to go back, but we can't

Mr and Ms Khan have been living in the Netherlands since 2001. Nicole Khan gave birth to her son Marco, in the Netherlands. Roy Khan is from Myanmar, and Nicole Khan is from Laos. Although they got married in Laos, it is not clear which nationality the son obtained at birth.

The Immigration and Naturalisation Service (IND) rejected the Khan family's application for asylum. They must leave the Netherlands. I have read through the file and make an appointment with the family to discuss their situation.

During the meeting, it becomes clear that Roy and Nicole have given some thought about their future. They want to leave the Netherlands and are working on their departure. They have already contacted the embassies of Myanmar and Laos to apply for replacement travel documents. They have also been talking to the International Organisation for Migration (IOM) to get assistance in making the arrangements for their trip.

The application for replacement travel documents was submitted to the embassies approximately one year ago. Roy and Nicole have still not heard anything. I tell Roy and Nicole that I will speak with my colleagues and see what we can do for them.

A few weeks later, I get a message from the embassy of Myanmar. The embassy is going to find out whether or not Roy Khan is in fact from Myanmar. Once the embassy confirms Roy's nationality, then Roy and his son Marco can obtain replacement travel documents. The first secretary of the embassy of Myanmar indicates that getting travel and residence documents for Nicole Khan is problematic since she has the Laotian nationality.

If replacement travel documents are issued to Roy after the investigation, Nicole could travel to Myanmar on a visa and apply for a residence permit after she arrives there. She will still need a travel document from her own country.

There is however a catch.

The embassy of Myanmar thinks that the legitimacy of the mixed religion marriage between Nicole and Roy will create problems for Nicole with her application for a residence permit in Myanmar. A mixed marriage is not socially accepted, and the son born from this marriage is considered an illegitimate child.

I haven't heard anything from the embassy of Laos in quite some time. After many telephone calls back and forth, it seems the application has been lost.

I can submit a new application to the embassy of Laos for replacement travel documents for Nicole. The consul has to send this application to Laos for approval, but this can take a long time, and the outcome is uncertain. I decide not to do this.

After all of my conversations with the Khan family, their inexhaustible will to leave the Netherlands, and the passive behaviour on the part of the embassy, I decide to take a different approach.



I call my department manager and explain the situation to him. We both agree that we should find out if we can still get a residence permit for the Khan family.

We agree that I will write a special 'no-fault' memorandum.

Everyone agrees that the family is doing everything it can to leave the Netherlands, but that it is simply not possible for all of them to leave and go to the same country.

We can't allow the Khan family to live in uncertainty any longer. After all, it's not their fault that things are not working out!

[The Khan family still lives in the Netherlands.](#)

I write a special
'no-fault'
memorandum.

Ju Pack is ill and wants to go home

Ju Pack entered the Netherlands in 1998, and remained here illegally until 2008. He earns money by working illegally in an Asian restaurant in Groningen. In early 2008, the rumour starts circulating in the Asian community that a one-off general amnesty will be declared for asylum seekers. As a result, in a very short span of time, hundreds of Asian foreign nationals report to the Application Centre in Ter Apel to apply for asylum.

For two years now, my colleagues and I have had various interviews with Ju Pack. In spite of the fact that we tell him he cannot stay in the Netherlands, he does not make any effort to leave. I have completed the application forms for a replacement travel document and sent them to the embassy, yet I have not received an answer.

I have another interview with Ju in March, unfortunately to no avail; he does not want to leave the Netherlands. Later that day, I hear through the grapevine that Ju has gone to see the general practitioner, complaining of pain. The GP does not trust the situation, and has him urgently admitted to a hospital. After a series of tests, the doctor arrives at the conclusion that Ju is seriously ill, and requires surgery immediately. He has a tumor in his head that has spread to several other locations.

After his surgery, Ju Pack is admitted to a nursing home. He cannot leave the Netherlands for the time being as he must first recover from the surgery. Late May, I try to contact him to see how he is doing. The nursing home staff tells me that he probably doesn't have much longer to live. I go to visit Ju. He tells me that he would really like to go home for the time he still has left.

I get in touch with my contact at the International Organisation for Migration (IOM). In spite of the fact that Ju says he would like to go home, he does not give me all the information I need for the IOM. Ju is actually very afraid that his son will find out that he is so ill. Since I don't have all of the information, the IOM cannot help me in the short term.

My contact at the IOM and I discuss if there is another route we should take to help Ju Pack to go home. I call a colleague and we discuss how we can help him.

We think that it would be best for Ju to first fly to Pyongyang, followed by a domestic flight to Kangglye. Ju has a copy of his family record book containing all information about his family so I do not need to arrange a replacement travel document.

I still hadn't received a response from the embassy regarding my first application.

Ju can fly to Kangglye via Pyongyang using only the family record book. My colleague books the flight. In order to avoid harming various positive developments in the relationship with the consulate, also with regard to other pending cases, I decide to apply for a replacement document anyway.



Since the flight has already been booked, I request an expeditions processing of the application. Not long after that, an employee from the consulate contacts Ju by telephone. The employee asks him several questions to make sure that he is really ill.

In June, half an hour before Ju Pack is picked up to go to Schiphol, the flight is suddenly cancelled. When I investigate why, it appears the consulate doesn't want Ju to go home. I ring the consulate but can't get anyone on the phone. That same afternoon, the consul informs me that he had made an appointment with Ju for the following day. I ask Ju if he knew he had this appointment. Ju says that no one rang him, but that he doesn't mind going to The Hague the next day.

No sooner said than done, he leaves the next day to take the train to The Hague to speak with the consul.

The consul rang me a few days later to say that Ju Pack had told him that he was declared completely cancer-free, and the consul therefore sees no reason to allow Ju to travel back home.

The result of this is that Ju does not get a replacement travel document.

I am rather surprised by this announcement that Ju has recovered, and contact his doctor. The doctor denies that Ju Pack is cured. He emphasises again that Ju is terminally ill, and that he will die as a result of his illness. The doctor explains that the radiation therapy Ju received in June had shrunk the most significant part of the tumor, and thus extended Ju's life expectancy. This caused Ju to think that he was better. The doctor added that the cancer has spread to several different locations which cannot be treated. I go to see Ju and explain to him what the doctor told me. He calls the consul straight away to clear up the confusion and request permission to go home.

The consul doesn't believe Ju Pack however, and says that he cannot issue any replacement travel documents. Ju is now working hard to try to go home with the help of the IOM, and has given them all information they need.

At this time, Ju is still in the Netherlands, even though he would very much like to return home.

No sooner said
than done

Being home has a positive effect on one's mental state

Behavioural experts describe Mohammed as extremely dangerous, very disturbed, and displaying unpredictable aggressive behaviour towards personnel or fellow detainees. Mohammed has a severe personality disorder and borderline. This combination results in an extreme lack of respect for and a violation of the rights of others. Moreover, he also has a great deal of difficulty with interpersonal relationships and is very impulsive (borderline symptoms). With Mohammed, there is always the risk of unexpected, aggressive behaviour, a disorder that is practically untreatable with medication.

Mohammed has been in prison since 1997. He has been convicted several times, and has a criminal record including crimes such as manslaughter, murder, and aggravated assault of personnel. He stays in the psychiatric ward because he injures himself and behaves very aggressively towards others. Due to his mental state, for his own safety and health and in the interest of order and safety within the prison ward, Mohammed is regularly placed in an isolation cell. His freedom of movement is restricted by handcuffs. He also wears a helmet to protect his head.

Ten years later, in 2007, Mohammed has served his sentence. However, since he was always in the Netherlands illegally and is also an undesirable foreign national, he immediately ends up in a Detention Centre for foreign nationals.

His file lands on my desk in March. The police have found an expired passport for Mohammed in the file. The application for replacement travel documents has already been sent to the consulate.

I make an appointment and go see Mohammed to talk about how I can help him go back home. He clearly indicates that he does not plan to go back. He says that if he does, he will have to enlist in the military. I tell him that the military service

has been abolished, and that he doesn't have to worry about that. Mohammed listens, interested, and tells me that he came to the Netherlands illegally when he was 17, and has been in various prisons since that time. After speaking to each other for about an hour, like a bolt from the blue, Mohammed seems to take on a 'different personality'.

Also out of the blue, Mohammed starts telling me completely different things, things he had never talked about before. This included his supposed involvement in the terror attacks in the USA in 2001, that he is married to Beyoncé, and wants to move to the USA. During the same interview, he tells me that he wants to go to Spain or Saudi Arabia because he used to be married to the daughters of the kings of these countries.

I listen and realise that his personality disorder will make it extremely difficult to allow him to return home. In spite of this, I tell Mohammed that he cannot stay in the Netherlands. This is the proverbial straw that broke the camel's back for Mohammed. He flies completely off the handle, starts to curse and makes threats. I am lucky that he is wearing handcuffs and that there are plenty of colleagues from the Custodial Institutions Agency (DJI) around.

FOR THE BENEFIT OF ALL



IOM International Organization for Migration

Once I have returned to my office and have had the opportunity to think calmly about the intense conversation, I ring a colleague who is specialised in medical cases. Together we decide that I will submit a request for medical advice to obtain the best information on how to send Mohammed back home.

A few days later I receive the advice from the Medical Assessment Section (BMA). They indicate that Mohammed may go home, but that once there, he must be admitted to a psychiatric hospital. In the recommendation, they provide the names of two hospitals where Mohammed can be admitted. I call the Netherlands Ministry of Foreign Affairs so that they can determine whether or not there is room for Mohammed in these hospitals. Unfortunately, the Ministry of Foreign Affairs is unable to help me.

I then contact a psychiatrist in the Netherlands who is aware of the situation in Mohammed's home country. He tells me that if I ring the hospitals, they will always tell me that there is room, but that there is an enormous risk that they will tell you on arrival that there is in fact no room. The psychiatrist says that if I would like to have Mohammed admitted to a hospital, I will have to contact his family. Mohammed refuses however to provide information about his family.

I started an interesting and intensive procedure to establish contact and make travel arrangements for Mohammed. This involves contacting his family, travelling to Mohammed's home country to find a suitable hospital, and speaking with the embassy about replacement travel documents. I also consulted the Police, the prison, the Ministry of Foreign Affairs and colleagues to determine which route and means of transportation is the best - aeroplane, boat, car?

Ultimately, Mohammed, colleagues from the Royal Netherlands Marechaussee, a doctor and I, all fly to Al Hoceima together several months later. Upon arrival, we accompany Mohammed to the hospital, where he is fortunately admitted without a problem. I speak with the attending physician, and give him Mohammed's medical records and a large supply of medication.

The following morning, before I fly back to the Netherlands, I ring the doctor to ask how Mohammed is doing. The doctor tells me that Mohammed is doing exceptionally well. His father, uncle and sister came to visit him the very first evening. The family told the doctor that they would be happy to care for Mohammed.

This had a very positive effect on Mohammed; the next day, the handcuffs and the helmet could be removed. Several weeks later, Mohammed's recovery had progressed so well that he is living at home again.

Glossary

Article 64

If the health situation of the foreign national or a member of their family precludes them from travelling, Article 64 of the Aliens Act 2000 may be invoked. Article 64 of the Aliens Act prohibits the removal of someone medically unfit to travel.

Application for asylum

An application for a residence permit by a foreign national who believes to be eligible for protection, as referred to in the Refugee Convention, in the Netherlands.

Asylum procedure

A formalised sequence of actions and activities to be performed in processing the application for asylum.

Asylum seeker

A foreign national who has left their country for any of a variety of reasons to apply for asylum in another country. The Immigration and Naturalisation Service investigates whether the asylum seeker is eligible for protection in the Netherlands due to, for instance, being a refugee, running the risk of inhuman treatment in their own country or being unable to return due to the situation in their country being generally unsafe. Also refer to Immigration and Naturalisation Service.

Reception Centre (azc)

A reception centre is a centre that provides accommodation for asylum seekers. Asylum seekers stay in an azc for that part of the asylum procedure prior to becoming removable or after having obtained a residence permit and awaiting accommodation of their own.

No-fault criterion

Should a foreign national believe to be unable to return to their country of origin through no fault of their own, they can apply for a regular permit with the Immigration and Naturalisation Service. The Immigration and Naturalisation Service may request the advice of the DT&V to assess whether the no-fault criterion applies. If the DT&V supervisor holds the view that a person is unable to return to their country of origin through no fault of their own, it is possible to carry out an official test to assess the no-fault criterion.

Case management

Case management is a working method based on the individual and intensive counselling of the foreign national by multiple cooperating organisations. Case management allows for a tailored approach.

Central Agency for the Reception of Asylum Seekers (COA)

The Central Agency for the Reception of Asylum Seekers COA is responsible for the reception, supervision and departure (from the reception location) of asylum seekers coming to the Netherlands on the Ministry of Justice and Security's behalf. Up until such time as a decision has been made on their application for asylum, asylum seekers receive accommodation in one of the COA's reception centres. The COA operates under the responsibility of the Minister of Justice and Security. If the decision has been made not to admit a foreign national to the Netherlands, the COA ceases its provision of reception and other facilities. More information is available at: www.coa.nl

Consul

An official representative of a foreign government in the Netherlands.

Detention centre (DC)

Foreign nationals who cannot be removed in the short term are held in a detention centre. The foreign nationals are placed in the detention centre by virtue of a custody order.

DT&V

The Repatriation and Departure Service

EU document

In some cases, the departure from the Netherlands takes place using a EU document. This is a replacement travel document issued by the Dutch government that can only be used to transport the foreign national. The document is not, therefore, a proof of nationality of the foreign national. The EU document can be used when returning the foreign national to their country of origin, but also to return them to another country. The document may also be used as a supporting travel document when transferring the foreign national to another European country.

Fit to fly

Under certain circumstances, for instance on the foreign national's own indication, the foreign national may be subjected to a medical examination shortly before their departure to assess whether the foreign national is medically fit to travel. Should indications be discovered that medical circumstances might prevent the removal of a foreign national, the DT&V engages a doctor to examine the foreign national and decide whether they are medically fit to travel. If the foreign national is able to travel, they are declared to be "fit to fly".

Country of origin

The country someone originates from.

Remand in custody

A foreign national is detained for the purposes of their removal if no other alternatives exist. Pursuant to Article 59 of the Aliens Act 2000, this custody measure may be imposed if the foreign national is likely to be removed. In addition, the State must expeditiously work to effect the removal, as the foreign national's enjoyment of their right to freedom is deemed to outweigh the State's interests served by imposing this measure. The remand in custody is terminated - by order of the court - by the DT&V's assistance public prosecutor or in consequence to the actual removal.

Illegal foreign national

A foreign national staying within the Netherlands without having the permission of the Dutch government.

Immigration and Naturalisation Service (IND)

The Immigration and Naturalisation Service processes all applications by foreign nationals who wish to reside in the Netherlands or to obtain Dutch nationality. The Immigration and Naturalisation Service is also charged with deciding on appeals for medical reasons and invocations of Article 64 of the Aliens Act 2000. Should a foreign national's application for asylum have been denied, the Immigration and Naturalisation Service transfers them to the DT&V. The Immigration and Naturalisation Service in this connection provides the DT&V with a transfer file. The DT&V provides the Immigration and Naturalisation Service with advice when the Service needs to decide on applications invoking the no-fault criterion or distress.

More information is available at: www.ind.nl

International Organisation for Migration (IOM)

Since its foundation in 1951, the IOM has developed into a global, independent organisation active in the field of migration. In the Netherlands, the International Organisation for Migration supports migrants who wish to voluntarily return with their reintegration in their country of origin. The International Organisation of Migration offers various financial arrangements for migrants to apply for if they wish to leave the Netherlands voluntarily or if they have received permission to settle in another country. The IOM also takes care of the arrival of refugees who are entitled to settle in the Netherlands and of family members allowed to come here in the context of family reunification. A third task of the IOM is to arrange for the temporary posting of highly educated migrants in their countries of origin to make their knowledge and experience available to local organisations. More information is available at: www.iom-nederland.nl

Royal Netherlands Marechaussee (KMar)

Charged with enforcing aliens legislation, the Royal Netherlands Marechaussee provides the initial reception of asylum seekers applying for asylum at the border and, in the context of border controls, reports illegal foreign nationals and nationals who have been refused access to the Netherlands. The Royal Netherlands Marechaussee performs an investigation into the identity, draws up the transfer file to be submitted to the DT&V, performs the actual removal of foreign nationals and takes care of the transfer of the foreign national to be removed to the competent authorities abroad. More information is available at: www.defensie.nl/marechaussee

Undesirable foreign national (UFN)

This is a foreign national who has been declared an undesirable foreign national by the Immigration and Naturalisation Service on the basis of various contraindications. These foreign nationals are staying in the Netherlands illegally and are not entitled to reception in the Netherlands, irrespective of any pending procedures.

Presentation in person

A presentation in person is an interview with a representative of the authorities of the country the foreign national states to be a national of or of which the DT&V suspects the foreign national to be a national of. The aim of having the foreign national be presented in person is to try and establish the identity and nationality of the foreign national, so as to allow for their return.

PGA (Persoongebonden Aanpak) Person-oriented approach)

This is a working method employed by the DT&V and the police involving the use of a person-oriented approach customised to the individual foreign national. The foreign nationals in this connection are persons staying in the Netherlands illegally who, in view of their nature or behaviour, form a danger to the public order or public safety.

Language analysis

An analysis of the characteristics of the language spoken by the foreign national that may serve as supporting evidence during the investigation into the foreign national's nationality/identity. This analysis may also be used during the departure-related interviews with the foreign national. Foreign national who has exhausted his appeals. A foreign national whose application for stay has been definitively and irrevocably denied.

Removal

The foreign national is transferred to their country of origin or to another country where they are guaranteed to be admitted to, under escort of the Royal Netherlands Marechaussee. Once the foreign national has actually left Dutch territory, Dutch airspace or the Dutch territorial waters, they have been de facto removed.

Departure interview

The departure interview serves to provide the foreign national with sufficient information to enable them to organise their departure and also to remove any resistance to the decision and look for solutions to individualised problems hampering the departure, to the extent possible.

Obligation to depart

If a foreign national is not or no longer allowed to stay in the Netherlands, they have to leave the Netherlands independently. Should they fail to do so, they can be removed.

Replacement travel document (laissez passer or LP)

A document issued by the authorities of the foreign national's country that allows the foreign national to enter their own country. It serves as a temporary replacement for a passport and can only be used to enter their own country. If the foreign national does not hold a passport, they can apply for a laissez passer from their embassy in the Netherlands.

Removable foreign national

An illegal foreign national or a foreign national whose application for a residence status has been denied or whose residence status was revoked or was not renewed, who is not currently involved in a procedure allowing them to await the results in the Netherlands, and with respect to whom the term within which they were ordered to leave the country has lapsed.

Dutch Council for Refugees (VWN)

The members of the Dutch Council for Refugees work to inform the foreign national and are present during interviews. They do this to assist the foreign national and to monitor the action taken by the agencies involved in processing applications for asylum. Members of the Dutch Council for Refugees answer all sorts of questions and advise foreign nationals on matters such as migration to another country, repatriation, elements of distress and 'no-fault' cases. More information is available at: www.vluchtelingenwerk.nl.

Detention of foreign nationals

The temporary detention of a foreign national in a detention centre is a measure that may, inter alia, be imposed to effect their removal.

Police

The police reports illegal foreign nationals within the context of their duty of domestic supervision of foreign nationals, performs investigations into their identity and draws up transfer files to submit to the DT&V. More information is available at: www.politie.nl

Aliens Act 2000

The Aliens Act 2000 is the legal basis for the regulations on the admission, supervision and removal of foreign nationals and on border controls.

Freedom-restricting centre (VBL)

If a foreign national is not, under Dutch law, entitled to reception in an asylum seekers' centre or a municipal reception facility or cannot, or not yet, be placed in aliens detention, the foreign national is transferred to a freedom-restricting centre (VBL). The foreign national will stay in the VBL for a maximum of twelve weeks. While staying in the VBL, work is made of their return.

VRIS (Aliens in criminal law)

Foreign nationals in the criminal justice system are foreign nationals convicted of criminal offences by the courts. A special department is responsible for the affairs of these foreign nationals.

A special partnership has been set up by the various cooperating organisations to deal with these foreign nationals. The purpose of this collaboration is to ensure that the foreign national's entitlement to stay is revoked and that steps are taken to effect their removal in a timely fashion.

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