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# **Plan and process evaluation National Immigration Facilities Summary**

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## - SUMMARY -

### Authors

Annemieke Mack  
Eline Verbeek  
Jeanine Klaver

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# Summary

In November 2018, the Dutch central government and Dutch municipalities concluded a cooperation agreement for the realisation of a nationwide network of shelter and counselling facilities for foreign nationals without a right of residence and without entitlement to the central reception facilities (*Rijksopvang*). As formulated in the programme plan, the purpose of these National Immigration Facilities (*Landelijke Vreemdelingen Voorzieningen, LVVs*) is to find sustainable solutions for migrants without a right of residence and without entitlement to the central reception facilities by guiding them to assisted voluntary return, onward migration or, if appropriate, legalisation of residence. The Ministry of Justice and Security has made funds available for the pilot phase of the programme for a period of three years. The LVV programme is co-commissioned by municipalities, parties from the migration chain and the Ministry of Justice and Security. At the national level, the programme office acts as a contractor and is responsible for supporting the pilot municipalities and working out development themes. The LVV pilot is carried out locally in close collaboration with the programme office and it is managed both nationally and locally. It was set up in the months after November 2018, and in the spring and summer of 2019 the pilot started with five pilot municipalities (Amsterdam, Rotterdam, Utrecht, Eindhoven, and Groningen). In these pilot municipalities, the municipality, local NGOs, and migration chain partners collaborate to realise sustainable solutions for the foreign nationals in the LVV.

A plan and process evaluation of the pilot was carried out from May 2019 to April 2020. This objective of this study was to provide insight into the set-up of the pilot, the expected effective elements and the first practical experiences with the implementation. The data collection for the research consisted of a document and literature study, several rounds of interviews with both national stakeholders (representatives of the programme office and the Multidisciplinary Review Team (MRT)<sup>1</sup>, the Immigration and Naturalisation Service (IND) and the Repatriation & Departure Service (DT&V)) and the parties involved in the execution of the local pilots (the five municipalities, the NGOs involved in these municipalities and employees of the IND, DT&V and the Aliens Police Department, Identification and Human Trafficking (AVIM)). Interviews were also conducted with 24 foreign nationals admitted to the LVV facilities. In addition to the interviews, practical observations were carried out at the local steering groups (n=9) and at the local case consultations (*LSO*) (n=10) to gain insight into the functioning of the cooperation between the parties in practice. Finally, quantitative data has been collected for all five pilot municipalities about the number of foreign nationals in the LVVs, their background characteristics, the counselling and guidance they receive and the (sustainable) results achieved. This summary provides insight into the main findings of the plan and process evaluation.

## Objectives and target group of the LVV pilot

Agreements have been made per pilot on the role of the local authority and the powers and responsibilities of the national government. These agreements were laid down in a covenant for each pilot municipality. All pilot municipalities endorse the national objective of the LVV, but they have also added their own (sub) goals to the covenant in the form of development questions. Included are e.g. questions aimed at developing activation of foreign nationals as part of the counselling and guidance, stabilising and finding solutions for foreign nationals with medical problems, and looking for solutions for complex cases of foreign nationals for whom a standard counselling scenario does not work (insolvable situations). The goals of local NGOs that carry out the shelter and counselling trajectories within the context of the LVV place more emphasis on increasing the well-being of the individual persons in the LVV, on gaining a better understanding of the target audience and on maintaining their independent position. Both municipalities and NGOs thus identify broader objectives of the LVV than mainly realising a sustainable solution for migrants without a right of residence and without entitlement to the central reception facilities.

In the covenant, the LVV target group is described as follows: "All foreign nationals without a right of residence and without entitlement to the central reception facilities who report to local organisations or authorities are eligible for the provisions in the LVV pilot. Excepted are foreign nationals with a strict

<sup>1</sup> This national consultation can be called in when at the local level it has proved impossible to find a solution in a certain case.

entry ban of ten years or more, those pronounced undesirable<sup>2</sup>, EU citizens, and Dublin claimants<sup>3</sup>; they will not be given shelter in the LVV. In exceptional cases, after discussion in the LVV case consultation, it may be decided on an individual basis to admit and offer counselling and guidance to a foreign national who does not belong to the target group. The steering group can further specify the target group of this LVV pilot at its own discretion, provided that this is done in consultation with the programme council." In practice, exceptions are possible in all pilot municipalities for certain groups that officially fall outside the national LVV criteria. Pilot municipalities sometimes make exceptions (under certain conditions) to the national description of the LVV target group, especially for vulnerable persons. Municipalities want to grant these foreign nationals access to the LVV for humanitarian and public order reasons, provided they meet a number of conditions.

### Set-up and implementation of the local pilots

In each pilot municipality, the following parties are involved in the implementation of the LVV: a project leader of the relevant municipality, the national parties (IND, DT&V and AVIM) and NGOs. These parties participate in the various consultations: in each municipality local case consultations (substantive discussion of cases) and steering group meetings (discussion of the progress of the LVV) take place. At the local level, the municipality is the coordinator of the LVV; the municipalities commission the NGOs and are responsible for the smooth running of the cooperation between all parties involved. Amsterdam is an exception to this; in this pilot municipality, the coordinating role has been assigned to a group consisting of three NGOs. The execution of the actual counselling and shelter offered to the foreign nationals is the responsibility of the NGOs. With regard to this, there are major differences between the pilot municipalities with Amsterdam at one extreme with thirteen NGOs involved, and at the other extreme Groningen, where all parts of the counselling and shelter provision are carried out by one NGO. The national parties mainly have a facilitating and advisory role: IND when there may be a residence prospect, DT&V when there are opportunities for return and the AVIM for advice on determining the identity and nationality of the foreign national.

The pilot municipalities have received funds from the Ministry of Justice and Security for the implementation of the LVV. The financing of the central government is based on the number of beds. In addition, the municipalities contribute financially to the implementation of the pilot through the Municipal Fund. Another source of funding that can be used for the pilot is subsidies from the European Asylum, Migration, and Integration Fund (AMIF). FTEs have been made available from the government parties for carrying out LVV tasks. All parties represented in the local case consultations state that the LVV is time intensive. In particular in Groningen and Amsterdam, the two pilot municipalities with the largest numbers of foreign nationals in the LVV, more work pressure and capacity problems are experienced than in the other pilot municipalities. Due to the large number of foreign nationals in the LVV in these pilot municipalities there is frequently insufficient time in the planned case consultations to properly discuss all cases. As a result, additional consultations need to be scheduled regularly and additional (bilateral) contact is needed to address certain topics. For all parties involved in the LVV, this means participation is time intensive.

In the LVV, municipalities, NGOs and government parties work together to realise sustainable solutions for foreign nationals without a right of residence and without entitlement to the central reception facilities. In the past, this collaboration has not always been self-evident. There was little mutual trust and (as a result) little information sharing, which made it difficult or even impossible to find solutions. Moreover, the parties often had differences of opinion about the foreign nationals' possible prospects. To overcome this impasse, one of the aims of the LVV pilot is to improve cooperation between the parties involved. Central to the approach is a strong coordinating role of the municipalities both regarding the content and the process of the local case consultations and regarding facilitating (formal and informal) meetings between the different parties to create more understanding for each other's working methods

<sup>2</sup> A pronouncement of undesirability is an administrative measure. The purpose of this is to ban someone from the Netherlands who is no longer allowed to stay in the Netherlands. In most cases a pronouncement of undesirability is imposed on someone who has committed a crime.

<sup>3</sup> Asylum seekers who have entered the Netherlands through another European country and who should have applied for asylum in the first European country (according to the Dublin Regulation).

and to increase commitment to the LVV. More mutual trust should contribute to better cooperation, more information sharing and ultimately – as is assumed – to more sustainable solutions for foreigners.

The coordinating role of the municipalities (and in the case of Amsterdam a group of NGOs) has been given substance everywhere, but the satisfaction with this role as experienced by those involved differs per pilot municipality. In Amsterdam, Groningen and Rotterdam, the parties involved (both the local parties and the government parties) are reasonably satisfied with the way the coordinating role and the progress of the cooperation within the LVV has taken shape. Parties in Utrecht and Eindhoven are less satisfied with the development of mutual cooperation. In these pilot municipalities, government parties in particular are critical of the interpretation of the coordinating role of the municipality. In Utrecht, in addition to the covenant with the government, the municipality made separate agreements with the NGOs (this was a condition for the NGOs to participate in the LVV). The existence of these different agreements seems to complicate cooperation between the parties in Utrecht. In Eindhoven, the continuation of the municipal bed-bath-bread shelter (BBB) in addition to the LVV is a complicating factor with regard to coordination; the existence of an alternative shelter makes it difficult to have a conversation about the return of a foreign national.

The general picture emerging from the study is that it is important for a good coordinating role that the various expectations of the parties involved are discussed well in advance, and that clear agreements are made about the objectives and roles of the LVV. In addition, it remains important during the process to continue to invest in mutual relationships. Sufficient neutrality of the coordinator, ensuring that the available information is actually brought to the table and cutting the knots when consensus on a case is deemed unattainable, are important elements of effective coordination and conditions for good cooperation.

#### Shelter and counselling

The counselling and shelter offered within the LVV consist of a number of fixed components, namely: intake/screening, legal screening/legal support, social support, activation, housing support, future orientation, return counselling and termination of the trajectory. These forms of shelter and counselling are aimed at improving the well-being of the foreign nationals and activating them, so that they are better able to think about their future, and to support the foreign nationals in developing a sustainable future perspective. Creating peace of mind, promoting a daily routine, increasing skills and confidence, and establishing a relationship of trust between the foreign nationals and the counsellor are important mechanisms that should contribute to this. In practice, we observe that these mechanisms are (partially) substantiated in the various parts of the counselling and guidance, but bottlenecks also occur.

**Stabilisation:** The foreign nationals say that the 24-hour shelter contributes to stress reduction and the NGOs also state that this contributes to the stabilisation of the foreign nationals and that it takes them out of survival mode. Stabilisation is an important condition for further counselling and guidance. Possible health problems must also be addressed in this phase before a further trajectory can be followed. An important bottleneck in this regard are the long waiting lists for specialist mental health care. All pilot municipalities are struggling with this.

**Legal screening:** With regard to legal screening, it is important that it provides sufficient clarity about the legal options and that communication with the foreign national on this topic is frequent and unambiguous. Based on the relationship of trust that the NGOs have often built with the foreign nationals, the NGOs have an important role to play here. Conversations with a few foreign nationals show that, despite the NGO's efforts, they do not always understand or accept the results of the screening. Moreover, it appears that the process of the legal screening does not run smoothly in all pilot municipalities. In particular, NGOs perceive the deadlines for carrying out the screening as too tight, partly because it sometimes takes a long time for the IND to submit the files.

**Activation:** The conversations with both NGOs and foreign nationals show that activation contributes to stress reduction, the creation of a daily routine and the acquisition of new skills. Although various activation activities are offered in the pilot municipalities, the offer is not always sufficient. Existing laws and regulations limit the possibilities for participation in combined training and work programmes, work

placements and voluntary work, while there is often a great need for these possibilities among foreign nationals.

*Social support:* Foreign nationals are positive about the social support that is offered; they say they trust their supervisor and can communicate openly with them. NGOs also observe that social support contributes to the creation of a relationship of trust, but they do mention that building such a relationship of trust takes time.

*Future orientation:* Both NGOs and foreign nationals indicate that future orientation enables foreign nationals to think better about their future and the possibilities and impossibilities of different scenarios. Unambiguous signals about future prospects from the environment of the foreign national are an important condition for the future orientation to succeed, especially in cases where legalisation of residence no longer seems to be an option.

## Interim results

### *Inflow progresses, capacity not yet fully utilised everywhere*

Until 31 December 2019, 1,019 foreign nationals had entered the LVV. In each pilot municipality, the majority of the foreign nationals in the LVV are male and the average age is around forty years. The pilot in Utrecht has the highest proportion of women and minors in the LVV and in that sense differs most from the other pilot municipalities. In Utrecht, families (by way of exception) are also admitted to the LVV, which explains the larger share of women and minors. In principle, these families are also entitled to accommodation in the Family Locations (GLs), but they are nevertheless admitted to the LVV in Utrecht.

The top five of the countries of origin of the foreign nationals who are accommodated in the LVV differs per pilot municipality. This shows that the LVV offers shelter and counselling to a diverse group of foreign nationals. However, there are a number of countries of origin that stand out; common countries of origin are Iran, Eritrea, and Afghanistan.

Table S.1 provides an overview of the capacity, inflow, and occupancy rate in the LVV per pilot municipality. With the exception of Utrecht, at the reference date (31 December 2019), the actual occupation in each pilot municipality is lower than the available capacity. In practice, it always takes some time before all registrations are actually processed. In Eindhoven, however, occupation is substantially low: at the reference date, more than three-quarters of the places in the LVV were available and only 33 foreign nationals had entered the LVV. The parallel continuation of the bed-bath-bread shelter in Eindhoven is probably an important explanation for this low inflow.

**Table S.1 Capacity, inflow, and occupation per 31 December 2019**

	Amsterdam	Eindhoven	Groningen	Rotterdam	Utrecht
Intended capacity	360	130	300	117	230
Occupation on reference date	291 (69 places available = 20%)	30 (100 places available = 77%)	201 (99 places available = 33%)	73 (44 places available = 38%)	98%* (approx. 2% available)
Total inflow since start of LVV until reference date	363 (287 with LVV-status + 76 without formal LVV-status who have been admitted nevertheless)	33	302	129	268

\* No exact figures are available about the occupation in Utrecht. This is an estimate based on the experience of the cooperation partners that the shelter facilities are almost full.

### *Sustainable outflow still limited*

The realised sustainable outflow (granting an asylum permit, return or onward migration) is still very limited at the reference date, and this is not surprising given the relatively short period between the start of the counselling and guidance offered to foreign nationals in the LVV and the reference date. The

results of cases in which the outcome of the legal screening and counselling leads to a repeated asylum application, will only be visible in the longer term. Even in a scenario where departure is the starting point, it takes some time before this is realised. Table S.2 gives an overview of the realised sustainable outflow. Utrecht and Rotterdam have the highest sustainable outflow. In Utrecht, this mainly concerns families who have received a permit after all as part of the Children’s pardon. In the other pilot municipalities, this group is not (or hardly) accommodated in the LVV, which largely explains the differences in outcomes. In Rotterdam, the sustainable outflow mainly concerns foreign nationals who already had a specific return wish and needed some support to realise this. So, these are in fact the relatively easy cases to achieve a sustainable result.

**Table S.2 Intended and realised sustainable outflow per 31 December 2019**

	Amsterdam	Eindhoven	Groningen	Rotterdam	Utrecht
Intended sustainable outflow in the pilot period*	20%	20%	40%	60%	20%
Sustainable outflow at reference date	3	1	10	12	33
Percentage of sustainable outflow in relation to inflow	1%	3%	3%	9%	12%

\* Based on an obligation of conduct.

In addition to sustainable outflow, foreign nationals also leave the LVV for other reasons. The most common reasons are outflow in connection with a repeated asylum application and foreign nationals who have left with an unknown destination (MOB). In particular in Groningen (16% of the total inflow) and Utrecht (10% of the total inflow) there is a lot of outflow to the central reception facilities because of repeated asylum applications. In addition, like Rotterdam, Groningen also has a relatively large number of foreign nationals who have left with an unknown destination (18% and 8% respectively).

#### *Parties come closer together but dissatisfaction with the results achieved*

An important aim of the LVV pilot is to improve the cooperation between all parties involved in realising sustainable solutions for foreigners without a right of residence and without entitlement to the central reception facilities. In general, the parties indicate that the LVV has set something in motion: in most pilot municipalities, the parties are getting closer and cooperation has improved. There is more understanding for each other's working methods and viewpoints, and the parties know how to find each other better (also outside the LVV). The mere fact that parties have come together since the start of the LVV is in itself seen as an advantage, in particular because there was generally little mutual contact before the LVV. The new, intensive form of cooperation requires something from both sides. Before the LVV, the NGOs involved were mainly focused on providing shelter and counselling, now they should also actively engage in realising a sustainable perspective, including possible return. In some pilot municipalities this should be effected within a specific time period. For the government parties involved, it is new that the coordination of the counselling and guidance lies with the NGO. New partnerships are entered into with parties who in most cases were not used to working closely together. All of this takes time and attention.

However, the parties involved (government parties, NGOs and pilot municipalities) are not satisfied with the results that the LVV has yielded so far: they experience that hardly any solutions are found for cases and that the sustainable outflow is very low. Both the NGOs and the government parties indicate that they want to see more solutions and progress in cases. A possible danger of the lack of results in cases, and no prospect of improvements, is a reduction of support for the LVV. All parties indicate that they had expected and hoped that by means of the LVV more solutions would be found. The small steps that have been taken in the collaboration are not sufficient, because the results for the target group are lagging behind. In addition, they believe that these small improvements do not justify the large time investment that the LVV requires. However, most parties remain hopeful that the LVV will develop further during the pilot phase. The expectation and hope is that more and more agreements will be made about reaching solutions, so that decisions can be made more quickly.

#### *A "wicked problem": no shared view of the problem and the solution*

Although parties have gained more understanding for each other's working methods and conflicts have become more discussable, there is only a limited shared view of the problem and the solution. Looking outside one's own frameworks only to a limited extent seems to lead to acting outside one's own frameworks. In fact, this applies to all parties. The approach of the NGOs is mainly focused on providing care and attention to the foreign national; the government parties mainly focus on the system and the laws and regulations, and for the municipalities issues surrounding health and public order play an important role. The covenant formulates the search for a sustainable solution as the aim of the LVV, however, the parties (partly) have their own interpretation of this. Conflicting objectives hinder cooperation and may threaten the success of the pilot in the long term. We already observe this in the discussions about the inability of the parties involved to think 'out of the box'. Success only seems feasible if all parties adhere less to their own political or moral mission and through a person-oriented approach come to solutions from an integral view and joint responsibility. A broader view of results also seems desirable. If only sustainable solutions are considered (granting asylum permits, return or onward migration) and the realisation of other (interim) goals is not recognised, then the cooperation will be under pressure.

#### *No "quick fix": the LVV needs time to prove itself*

Creating mutual trust is a key element in the LVV approach. Building a relationship of trust takes time. In the context of the LVV, parties are asked to enter into a different dialogue with each other, to find solutions and to adjust viewpoints. This cannot be realised overnight. The LVV is under the magnifying glass of politics and the media and there is a lot of pressure, nationally and locally, to show results. This also increases the pressure on cooperation. It is clear, however, that a "quick fix" within the LVV is not to be expected, given the complexity of both the cases and the new cooperation structure. Endurance, patience, and satisfaction with small successes seem important for the rest of the pilot period. It is therefore too early to draw far-reaching conclusions from the interim results of the LVV pilot.

#### *Hardly any possibilities for distressing cases and concerns about collateral damage*

A significant group of foreign nationals in the LVV are struggling to a greater or lesser extent with health problems. The LVV cannot offer a solution to foreign nationals with multiple problems who have no right of residence but cannot return, because they are so medically fragile that departure is not an option. The abolition of the discretionary power relating to 'distressing cases' means that hardly any solutions are possible for these cases. This makes it almost impossible for the LVV to achieve results for certain groups, which leads to disappointment, in particular with the NGOs about the LVV's contribution to solving complex cases. The lack of results may undermine the commitment to the LVV.

Various parties express their concerns about the group to whom the LVV cannot offer a solution (no possibilities for legalisation nor for return or onward migration) or the groups that are excluded from the LVV. The risk is that some of these foreign nationals will drop off the radar. These concerns are now greater than during the bed-bath-bread period, in which less strict frameworks were set for the target group. There is a chance that other NGOs will fill the void that may arise by organising their own shelters (without government supervision).

#### *Alternative shelters influence LVV results*

The success of the LVV is not only determined by what happens within the LVV, but also by the context in which it is carried out. The coexistence of an LVV shelter and a bed-bath-bread facility in one of the pilot municipalities is such a context factor that may undermine the effectiveness of the LVV. We found that the existence of alternative shelter facilities has an impact on the willingness of foreign nationals to enter the LVV at all and on the possibilities of entering into a conversation about return.

#### *Local differences complicate the search for effective elements*

Finally, we briefly consider the identified differences between the pilot municipalities. We observe (significant) differences in the demarcation of the target group, the type of shelter provision and the interpretation of the counselling and guidance trajectories, the duration of trajectories, the organisational structure of the LVV and the broader local context (including the existence of alternative shelter facilities). These local differences are specific to the set-up of the programme, namely the wish to connect

with local experiences in the pilot and to offer space for customisation that fits the local situation and target group. However, this diversity also makes it difficult to compare the various approaches and identify effective elements that can apply to all five LVVs.



**REGIOPLAN**  
BELEIDSONDERZOEK

RegioPlan  
Jollemanhof 18  
1019 GW Amsterdam  
T +31(0)20 531 53 15  
[www.regioplan.nl](http://www.regioplan.nl)