

Summary

The road(s) to legal residence in the Netherlands for victims of human trafficking

Many European countries offer a temporary residence permit to victims of human trafficking who are not EU-nationals and who have no residence permit. In the Netherlands, this right to temporary residence is known as the B8/B9-regulation. In 2018 concerns were raised by the Dutch National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children (NR) that victims of human trafficking were (also) making use of the asylum procedure.

The current report investigated this claim to find out if, when, and why victims of human trafficking were making use of the asylum procedure in spite of a special regulation being available to them. Based on quantitative data provided by the Dutch Immigration and Naturalisation Service (IND), different pathways by which victims could end up in the asylum procedure were identified. Results indicate that 33% of victims of human trafficking within the data set (2013-2017) ended up in the asylum procedure. This occurred both before the application for the B8-permit was filed as well as after application; mostly after rejection of the B9-application. By organizing focus groups with professionals working in the field of human trafficking, be it for NGOs, in the care domain, for the police, or in legislature, we tried to answer the question why victims opt for a specific pathway.

The fact that victims of human trafficking have the option of applying for both the B8/B9-permit and the asylum procedure makes a comparison of these two procedures relevant. Particularly the probability of obtaining a residence permit via either procedure is a salient issue for victims of human trafficking, whose ultimate goal is often to stay in the Netherlands. The conditions for obtaining a B9-permit are generally considered to be strict by focus group participants. At the same time, in order to have a chance of obtaining an asylum permit, it is important that the story of a victim does contain asylum grounds. In the absence of asylum grounds, victims are not advised to submit an asylum application.

The fact that B8/B9-permit and the asylum procedure are separate pathways to legal residence is considered undesirable by a considerable number of participants in the focus groups. A notable part of the victims go through both procedures, which is not only extra burdensome for victims themselves, but also increases the demand on the Dutch immigration service. In addition, the separation between the two procedures requires coordination between the different professionals involved, for whom it can be difficult to provide victims with the right information and care.