



# Final evaluation of the National Undocumented Migrant Facility

## - EXECUTIVE SUMMARY -

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At the end of 2018, the central government and the Association of Netherlands Municipalities (VNG) signed a cooperation agreement to implement a nationwide network of guidance and reception facilities for migrants without the right to stay or who do not have access to government shelter. The purpose of this National Undocumented Migrant Facility (LVV) is to devise a permanent solution and perspective for those involved in the form of departure from the Netherlands or - if the right conditions are met - legalisation of residence or onward migration. A joint development process between central government and municipalities was chosen, starting with a pilot in the five municipalities of Amsterdam, Eindhoven, Groningen, Rotterdam and Utrecht. The LVV is developed from the field, previous experiences in providing shelter and counselling by NGO's which are working with municipalities are enhanced with the involvement of governmental organisations involved in the immigration process.

The LVV pilot period will end at the end of 2022. This gives rise to the final evaluation of this period. This final evaluation was conducted by RegioPlan.

### Objectives of the LVV pilot

The objective of the LVV programme is as follows: *'Municipalities and the government are working intensively together to create a nationwide network of counselling and reception facilities that aims to find durable solutions for migrants without the right to stay or access to government shelter. By guiding them towards independent return, onward migration or, if applicable, residency, the associated care and/or security issues are addressed.'* (LVV Programme Plan, 2018). The manner in which the LVV's objective is achieved should be shaped together with the pilot municipalities.

In addition to achieving durable solutions, the pilot should also achieve the following objectives 1:

- improved cooperation between all parties involved;
- insight into what is needed in counselling to achieve durable solutions;
- develop a regional function, ultimately leading to a nationwide system of undocumented migrant facility to which all municipalities are connected.

### Purpose of the study

The purpose of this final evaluation is to understand the effectiveness of the LVV pilot and draw lessons for the future. To determine effectiveness, we looked at which results have been achieved in terms of achieved inflow and outflow and other social effects since the LVV was introduced. In addition an overview of effects, this final evaluation also discusses working elements (based on the policy theory established earlier) and lessons learned for the national roll-out of the LVV and for the asylum and/or return procedure around the LVV.

### Methodology

The final evaluation consists of both quantitative and qualitative research. In the quantitative research, based on municipal LVV registrations, the national LVV monitor and national data from the Immigration and Naturalisation Service (IND) and the Repatriation and Departure Service (DT&V) reviewed the achieved output (inflow and outflow and instruments deployed), (semi-)permanent resolutions and differences between LVV locations. For the qualitative research, in addition to a document analysis, national actors and local actors in the pilot municipalities were interviewed, group discussions and review sessions were organised with both national and local actors and undocumented migrants. In addition, sessions were held to reflect on the lessons learned.

<sup>1</sup> Programmaplan LVV, 2018.

### Interim evaluation findings

Previous evaluations from 2020 and 2021 show that sustainable outflows from LVV are limited for the time being. This was partly due to the relatively short period between the start of the LVV and the survey moment. Reception and counselling were complicated by Covid-19 measures. Covid-19 measures have also had a negative impact on achieving durable solutions.

The interim evaluations show that most of the gains seem to lie in improved cooperation between the participating parties. These include sufficient leadership experience, proper discussion of stakeholder expectations, clear agreements and mutual understanding and trust are seen as essential. In practice, there are a number of contextual factors that can affect cooperation. This includes the abolition of discretionary powers<sup>2</sup>, which is restrictive in finding solutions for certain cases. The existence of alternative shelter organisations outside the LVV can also undermine the LVV approach. Finally, the increasing media attention puts great pressure on municipalities.

### Findings of this final evaluation

#### *Admission to the LVV*

There are nationwide criteria for admission to the LVV, these have been endorsed by the pilot municipalities and, with a few exceptions, are applied. In addition to the national criteria, regional binding has been added by the pilot municipalities as an inflow criterion. Regional binding would be an important criterion to prevent 'shopping around', according to stakeholders. Because regional binding as an inflow criterion has not yet been worked out, municipalities handle it differently. There is also no unified approach for when exceptions are made. Almost all government parties (IND, DT&V and AVIM<sup>3</sup>) expressed the need for a clear demarcation of the target group. They also stress that agreed admission criteria should be applied consistently. Although there is no support among stakeholders for widening the LVV's admission requirements, parties do call for a solution for undocumented migrants with a severe entry ban and people from a safe country, who currently do not have a place in the LVV. Influx of aliens who immediately move on to the LVV from an earlier ruling in the regular asylum process is not desirable, according to the government parties.

#### *Cooperation improved, but areas for development still remain*

An important aspect of the LVV is the cooperation between the parties involved. Compared to the interim evaluation, cooperation has improved in some aspects. For instance, different perspectives can be discussed better, there are clear mutual agreements to which the director (in most cases the municipalities) holds the parties, and there is an increase in the number of meetings between all parties involved. Yet there are obstacles in remaining opposing views, in particular in relation to the return of perspective provisions and to the possibilities of forced departure and the underexposure of onward migration as a perspective. There is a need for more clarity on mandate and organisations' leeway. The parties have come to trust each other more, but one incident can damage this trust.

<sup>2</sup> This power was originally with the State Secretary of Security and Justice, but is currently with IND (and can only be used with a first application).

<sup>3</sup> Immigration and Naturalisation Service, Repatriation and Departure Service, Immigration Police Department, Identification and Human Trafficking.

### *Counselling for undocumented migrants*

Since the previous evaluations of the LVV, there have been no major changes in the design in terms of reception and counselling. For each city, reception and guidance is set up differently. The implementation of the counselling of undocumented migrants is largely without problems. Cooperation between non-governmental organisations (NGOs) and IND during the legal screening seems to have improved. Almost all participants receive the legal screening and a large proportion also receive legal counselling. For a large part of the participants, activation is used to create a daily routine and distraction. In addition, most participants also receive social counselling from the NGO concerned. In most cities, future orientation is used for some of the participants (depending on the perspective, this is aimed at empowerment and/or return).

It remains important to communicate unambiguously about the chosen perspective to the undocumented migrants. Bottlenecks in counselling are the limited opportunities in activation and health issues. In most cities, government parties expressed concerns about long delays (and consequently lack of insight in the progress of the case) and external factors hindering guidance (such as the existence of alternative shelters). There is an argument for more mutual exchange of knowledge between municipalities on the implementation of guidance, and the bottlenecks and success factors.

### *Results of the LVV*

There were a total of 2092 pathways under the LVV pilot in the period up to the 1st of July 2022. Sometimes individuals would flow out and start a new LVV pathway later. The LVV provided shelter and counselling to 2065 unique individuals. Since the start of the LVV, the amount of participants for whom a counselling perspective has been determined has increased: by the end of April 2022 it was decided for over three-quarters of participants whether they will be counselled towards return, residency permit or onward migration. For the participants who exited until 1 July 2022 (a total of 1258 persons), a solution has been found for almost 60% upon exit: for 41% a semi-permanent solution (repeated asylum application (HASA)<sup>4</sup>, Section 64 has been found, and a permanent solution (acceptance, departure or onward migration) for 18 per cent. The durable solutions upon exit from the LVV consisted for a large part of granting a residency application, as well as independent departure from the Netherlands. No solution was found for the remaining 41 per cent of outflowing participants. With regard to the 2020 interim evaluation, the number of semi-durable solutions increased, especially the proportion of HASAs (from 36% in 2020 to 41% by July 2022). Looking at the decisions in respect of submitted HASAs, we see that these requests are granted relatively often (in seven out of 10 cases). The number of durable solutions upon exit has remained the same compared to the 2020 interim evaluation (18%).

The data analysis reveals that achieving a (semi)durable solution is related to background characteristics and to the municipalities where participants reside. Thus, we see that for women, a mainly (semi)durable solution is found significantly more often than for men. Solutions are also found more often for Eritreans and Afghans, which can of course be attributed to the situation in these countries. In addition, we see differences between municipalities in terms of achieving solutions. Namely in Eindhoven, the likelihood for participants to achieve a durable solution upon exit is relatively high. For participants in Utrecht, Amsterdam and Groningen, this applies to achieving a (semi)durable solution. In Utrecht and Amsterdam, the likelihood that a submitted HASA will also lead to approval is relatively high.

<sup>4</sup> The submission of a new asylum application, for example because something has changed in the undocumented migrant's personal situation or in their country of origin.

It is difficult to attribute the differences between municipalities in terms of achieving solutions to different work methods. On many points, there are no clear differences between the municipalities that achieve solutions more often (for example, in manner of reception, degree of perspective determination or in forms of counselling). There are also no clear differences with the municipalities where solutions are less frequently reached. However, we can name some directions that may offer possible explanations. For example, in cities where cooperation has deteriorated, undocumented migrants are more likely to leave and solutions are less likely to be found. Also, if there are a lot of undocumented migrants with complex medical issues (such as trauma) in a city, it will be more complicated to find a durable solution. In addition, we see that the cities, where solutions are found relatively often (Amsterdam, Utrecht and Eindhoven), do not apply any deadlines (Eindhoven and Utrecht) or long deadlines (Amsterdam). However, we also see that in cities where shorter terms are applied (such as Rotterdam) voluntary departure is relatively common. At present, it is unknown to what extent the different timeframes contribute to finding solutions; further research is required.

Several context factors affect the functioning of the LVV:

Certain *external factors can undermine guidance*: when undocumented migrants have a possibility of reception outside the LVV, an imperative may be missing. As a result, undocumented migrants may be less willing to cooperate with a durable solution. In addition, conversations on residency, while the LVV opted for return, can impede counselling.

- The population in the LVV is a group with complex issues, this complicates finding a durable solution. There are also *developments in the group of participants*, currently there are extra many complex cases<sup>6</sup> in the LVV. This group has become passive over the years, according to those involved.
- The *corona crisis* had a negative impact on both counselling (the progress of cases slowed down and, for example, return was not feasible due to an entry ban) and on the implementation of perspectives and cooperation (physically getting together proved important for mutual relationships).
- In addition, *political uncertainty and changes* play a role. The coalition agreement, and its emphasis on return, worries many stakeholders. The municipalities and the government are currently in discussions on the implementation of the coalition agreement and its focus on return, combined with the *modus operandi* at the LVV whereby multiple perspectives are explored.
- Finally, abolishing the *discretionary power of 'distress'* can be restrictive in finding solutions for certain cases. However, little information is known about its effectiveness when this power was in place.

Apart from effects in terms of sustainable outflow, the LVV also appears to have wider social effects. There is a clearer picture of groups of undocumented migrants residing in municipalities and their problems are known better. In addition, through counselling in the LVV and shelter, has improved the wellbeing of the undocumented migrants. They are also more aware of their own position (which makes them more resilient against exploitation) and the route to care has improved. Finally, by providing shelter in the LVV, fewer groups sleep on the streets, leading to better public order and safety.

<sup>5</sup> Postponement of departure due to medical reasons.

<sup>6</sup> It relates to, for example, medical problems, undocumented migrants who cannot return to their country of origin and who do not qualify for residency or undocumented migrants who have been in the Netherlands for years. Based on this study, we cannot make any statements about numbers of these complex cases.

Regarding the added value of the LVV, most parties feel good results are achieved in terms of residency. Through cooperation in the LSO (local case consultation), HASAs are better prepared, leading to more promising applications. However, cooperation in terms of return perspective still requires some attention. There is a desire at AVIM and DT&V for more options for forced departure, but the NGOs do not support this. A key development point mentioned is that it can take a long time to achieve results in processes, so more visibility on case progress is advocated. In addition, it is mentioned that certain complex casuistry cannot be resolved within the LVV frameworks. Currently, the added value of the LVV seems to be mainly in the improved cooperation leading to developments in achieving results for particular cases.

### Conclusion and lessons for the future

#### *Overall conclusion*

The LVV pilot period will soon come to an end. Looking back, we see some improvements and movement. For the participants who exited by 1 July 2022, a solution has been found for almost 60 per cent of them, of which 41 per cent have a semi-durable solution and 18 per cent a durable solution. In terms of outflow, we see mainly positive effects on better prepared HASAs. A relatively large proportion of these (seven out of 10 cases handled by the IND) are finally granted. When it comes to cooperation in terms of returns, the results are not as positive. The conversation about returns is held more often in the pilot municipalities, but this does not (yet) result in more departures on exit from the LVV. There are also concerns about the groups outside the LVV, currently there are few options they can have access to.

While there are certainly areas for development in cooperation, we also see that cooperation between the parties has improved since the start of the LVV. This is a positive development as prior to the LVV, these parties had little to no cooperation. Good cooperation, based on mutual understanding and trust, is an important prerequisite for results within the LVV. We also see that despite improved cooperation, there are still often opposing views between parties, including with regard to (forced) departure.

Besides effects on sustainable outflow, we see that the LVV also seems to have other social effects. The well-being of undocumented migrants improves as they experience more certainty and less stress and anxiety as a result of shelter. In addition, fewer undocumented migrants now live on the streets, leading to better public order and increased sense of security. Finally, the LVV ensures that there is more visibility on the issue of undocumented migrants, allowing it to be put on the agenda of national politics.

So we see, in several areas, some movement emerging. This can be called a fine achievement, given the complex target group and opposing views. Corona has also had a negative impact on guidance and cooperation, and thus on achieving durable solutions. If we look at it this way, any breakthrough in a case can be called an added value of the LVV. However, the LVV is not a miracle drug, it is not the solution some parties had hoped for beforehand. There remains a complex issue with no simple solution.

We see a number of development opportunities for the future: including more follow-through power (mandate and authority), agreements made on partial periods and more uniformity in registration, selection and identification could better show the potential of the LVV (see below).

### *Lessons for the future of the LVV*

Finally, we reflect on the lessons for the future of the LVV. The lessons are divided into three themes:

- Uniformity of work process: For the feasibility of the nationwide rollout of the LVV, more uniformity in the modus operandi is desirable. A similar work method between cities ensures a comparable counselling offer and prevents 'shopping around' (where undocumented migrants apply to different LVVs). Specific focus is on the following points.
  - A bottleneck of the LVV, which is regularly mentioned, is that processes take a long time. Greater visibility and monitoring of case progress, and clear agreements on this, may be conducive. It is important to set partial periods in this context.
  - In addition, there should be more clarity on the freedom parties have to use their instruments and to make exceptions to existing rules. It is noteworthy that there are some differences between the pilots in which instruments the government parties deploy and how much freedom they have to deviate from existing rules and protocols.
  - It turns out that registrations from different parties do not always match. There are also registration differences between municipalities. It is important to establish a national system for registration of LVV participants (at the aggregate level). This makes monitoring and evaluation more unambiguous.
  - Good regional coverage is important for a nationwide LVV network. Currently, there is no clear definition for region binding, and in practice municipalities handle it differently. To prevent undocumented migrants from reporting to different LVVs, uniformity in the vision of region binding is important.
- Opposing views: Although parties have come closer together in terms of cooperation, opposing views remain, for instance with regard to (forced) departure. Departure as a perspective has been discussed more often, but this has not yet led to more departures as a durable solution. Possible solutions to deal with the existing opposing views are: return of NGOs to the table in order to better discuss returns, consultations at various levels making the cooperation more efficient and deploying a party with more go-ahead power and setting up a scaling-up instrument with decision-making power.
- Selection and identification: Within the LVV, there are currently no conclusive agreements on migrants whose asylum applications have just been rejected. Pilot municipalities handle this differently. The admission criteria should be the same for each LVV, although local cooperation councils (LSOs) should be able to jointly choose to make exceptions to this. It should be clear where there is room to deviate from the criteria. Furthermore, identification through biometrics, as is now a standard part of the application phase, should also be applied in future LVVs, as it contributes to the soundness and speed of the identification and selection process.





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