

# Summary interim evaluation National Immigration Facilities (LVV)

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# Introduction

According to estimates, between 18,000 and 27,000 foreigners are living in the Netherlands without any right of residence or accommodation by the state.<sup>1</sup> Because the Dutch national government and the municipalities approach the accommodation and supervision of this group of foreigners from different perspectives, this issue invokes quite serious discussions at the administrative level.<sup>2</sup> The national government deals with this issue through a legal approach, thus focusing on departure or legalisation, while the municipalities mainly operate from the perspective of public order and safety.

In 2018, the national government and the municipalities have come to an administrative agreement on the accommodation and supervision of foreigners without the right of residence or accommodation by the state. A result of this was the development of the National Immigration Facilities (LVV). This is a collaboration between the Ministry of Justice and Security (JenV), the Association of Netherlands Municipalities (VNG), the municipalities of Amsterdam, Rotterdam, Utrecht, Eindhoven and Groningen, and the three partners in the Dutch migration chain: the Immigration and Naturalisation Service (IND), the Repatriation and Departure Service (DT&V) and the Department of the Immigration Police, Identification and Human Trafficking of the National Police (AVIM).

The goal of the LVV programme is to develop a nationwide network of LVVs. In those LVVs, non-governmental organisations (ngo's) and national chain partners collaborate under the direction of the municipality, to find durable solutions for foreigners without any right of residence or accommodation by the state. 'Durable solutions' can be (a) a return to the country of origin, (b) further migration to a third country where permanent residence is guaranteed or, (c) if this is an option, legalisation of a person's stay in the Netherlands. Since the middle of 2019, LVV pilots have been started in the five municipalities, to develop successful ways of working and manners of collaboration within the LVVs.

For every municipal pilot, the Ministry of JenV, the municipality in question and the three national chain partners have signed a covenant. These covenants contain agreements on the pilot's goal, the target group of the LVV and the roles to be played by the different parties involved. A large part of the accommodation and supervision of the foreigners in the pilots is carried out by ngo's that were not involved in drawing up and signing the covenant.

## Interim evaluation of the LVV pilot

The Ministry of JenV would like to know how the work process within the LVVs is proceeding, what its added value is, and which lessons can be drawn about a way of working within the LVVs that will most likely result in finding durable solutions for foreigners without any right of residence or accommodation by the state. For this reason, the Research and Documentation Centre (WODC) has commissioned the Verwey-Jonker Institute to carry out an interim evaluation of the progress and midterm effects of the LVV pilot. The objective of the interim evaluation is to provide insight into:

- 1 Heijden, van der P.G.M., Cruyff, M.J.L.F., Engbersen, G.B.M. & Gils, van G.H.C. (2020). Schattingen onrechtmatig in Nederland verblijvende vreemdelingen 2017 – 2018.
- 2 Winter, H., Bex-Reimert, V., Geertsema, B. en E. Krol (2018). *Onderdak en opvang door Rijk en gemeenten van vertrekplichtige vreemdelingen en de invloed daarvan op terugkeer*. Groningen: Pro-facto.

1. The implementation of the LVV pilot, including the supervision of foreigners without any right of residence or accommodation by the state and the cooperation in the five pilot municipalities.
2. The effectiveness and perceived added value of the LVV, and the extent to which the goals within the LVV pilot have been realised.
3. The lessons learnt about how to work successfully in the LVVs on durable solutions for foreigners without any right of residence or accommodation by the state in the Netherlands.

### Approach of the interim evaluation

The set-up chosen to carry out the interim evaluation is a mixed method study. This means that we have collected different types of data to answer the research questions. We have analysed files concerning the nationwide and municipal agreements and work methods, in order to get an idea of the way in which the LVV programme is organised nationally and locally, and of the accommodation and supervision in the municipal pilots. Through 25 individual interviews with national and local stakeholders, 9 group interviews with professionals working for ngo's and chain partners at the local level, and 23 interviews with foreigners, we have formed an idea of the municipal pilots' implementation and of the perceived added value of the LVV. In addition, we have conducted observations at seven municipal meetings: two local steering committees and five local case consultations. The goal of the observations was to get a picture of the collaboration between the stakeholders in the municipal pilots, of how the municipalities fulfil their leading role, how decisions are made about the influx, the supervising scenario and the progress of the foreigners in the LVV. To be able to provide information about the background characteristics, the supervision trajectories and the outflow of the foreigners in the LVV, we have obtained numerical information from the municipal project leaders and the IND. Since the occupancy rates of the LVVs fluctuates, we have used a reference date for the numerical analysis, which was 1 November 2020. This

means that, in this study, we only present information about the influx and outflow until 1 November 2020.

The analysis consisted of several steps. First, we have answered the research questions about the LVV's implementation and effectiveness for each municipal pilot. Next, we have organised an expert meeting for each municipal pilot with the local steering committee, to test and further fine-tune the first findings. After the analysis for each municipal pilot, we have executed an analysis at programme level, making comparisons between the five pilots. In this context, a national expert meeting also took place, attended by representatives of the Ministry of JenV, the VNG, the DT&V, the IND and AVIM, and the municipal project leaders. Again, the goal of this expert meeting was to test and further fine-tune our findings. After the national expert meeting we have written our report. At several moments, it has been discussed with the supervisory committee appointed for this study by the WODC. Meanwhile, we have presented the chapters with results to the municipal project leaders and representatives of the IND, DT&V and VNG for fact checking.

### The pilots

Each local pilot has a local case consultation (LSO), in which the ngo's, chain partners and the municipality make joint decisions about the admission, accommodation, supervision and progress of foreigners in the LVV. The number of ngo's that takes part in the LSO differs per pilot, from two ngo's in the Groningen pilot to thirteen in the Amsterdam pilot.

In addition to the LSO, every municipal pilot also has a steering committee, which monitors the municipal pilot's progress as a whole, chaired by the municipality. In addition to the municipality, the local steering committee includes the national chain partners and (a representation of) the ngo's involved.

## The foreigners in the LVV

Until 1 November 2020, a total of 1298 foreigners received accommodation and supervision through one of the five pilots. In the meantime, 537 of them have left the LVV. This means that on 1 November 2020, in all five pilots together, 761 foreigners received accommodation and supervision. Table s1 shows that on 1 November 2020, the occupancy rate differed for each pilot. At that moment, in the pilots in Rotterdam and Eindhoven, less than half of the places were occupied. In Rotterdam, this was caused by the fact that only a select group of foreigners is admitted to the LVV: people with a clear wish to return and people who, due to changed circumstances, are expected to be entitled to a residence permit. In Eindhoven, the low occupancy rate has to do, among other things, with the permanent presence of a bed, bath and bread facility (BBB). On 1 November 2020, in addition to the 57 people in the LVV, 66 other foreigners were accommodated in the Eindhoven BBB.

Table s1. Capacity of the pilots and occupancy rate on 1 November 2020

Pilot	Capacity	Occupancy rate
Amsterdam	360	292 (81%)
Eindhoven	130	57 (44%)
Groningen	300	204 (68%)
Rotterdam	117	39 (33%)
Utrecht	235	169 (72%)

Three quarters of the foreigners who end up in the LVV are men. The majority of the group is aged between 26 and 45. The average age is 37.7. Half of the foreigners originates from a country in the sub-Saharan African region, while 26% comes from the Middle East and 11% from an Asian country, excluding the Middle East. The rest originates from a North African or Latin

American country, or is stateless. Many of the foreigners had already been in the Netherlands for a long time at the time of their admission to the LVV: on average, the time elapsed between their first application at the IND and their admission to the LVV was 7.7 years. Our interviews with ngo's and the foreigners themselves show that the majority of foreigners in the LVV has a hard time talking about returning to their country of origin. Furthermore, they show that to many participants, it is often unclear with which parties they may have to deal in the LVV context, although they are informed about this. This might be explained by the big gap between the living world of the foreigners and the system world of the Dutch organisations.

## Findings on the pilot's execution

The admission of foreigners to the LVV follows more or less the same steps in all five pilots. Foreigners come to a municipal service desk or are registered by one of the parties in the LSO. Next, it is checked whether a foreigner meets the criteria for admission, followed by an intake interview with the foreigner. Local pilots vary with respect to the organisation that executes the check and conducts the intake interview.

The intake process takes on a different form in each of the five pilots. The differences relate to the roles played by the involved parties. In two of the five pilots, for instance, the AVIM carries out research on a foreigner's identity, to prevent any identity fraud that will come to light at a later stage. In Amsterdam, this procedure made clear that six participants were guilty of identity fraud (approximately 2%). In other pilots, identity research by the AVIM is not standard. The pilots also differ in the way in which they take stock of the health status of new admissions to the LVV during the intake process. In three of the five pilots this is a task assigned to the involved ngo's. In two pilots, the Municipal Health Service (GGD) maps out the foreigners' health situation.

Furthermore, the pilots differ in the way in which, and when, they carry out a *legal check* to determine whether a foreigner has a chance of legalisation of his or her stay. In four pilots, one or more ngo's execute the legal check and discuss its outcome in the LSO with the municipality and the chain partners. In one pilot, ngo's carry out the legal check but do not always share its findings in the LSO. Moreover, in most pilots the check takes place during the first month, yet in one of the pilots it may take half a year for the check to take place. The municipalities and ngo's emphasise that it is important to carry out thorough legal checks.

The *accommodation and supervision of the foreigners* is interpreted in the pilots in various ways, although they also have a lot in common. There is 24-hour accommodation but also shelter for the evening or night, as well as living allowance arrangements. Ngo's and foreigners argue that 24-hour accommodation is a necessary condition for the foreigners to get rested, which will give them a good start for discussing the best solution to their situation. In all pilots, interviews constitute the core of the supervision. Also, in all pilots, the parties involved make an effort to stabilise the foreigners' personal situations. This is done through accommodation, interviews with the foreigners, and supervision in case of medical and/or psychological problems. Furthermore, in all pilots, part of the supervision consists of the ngo's effort to encourage the foreigners to take more control of their own lives. The idea behind this is that this will make the foreigners more capable of making personal decisions about their future.

Of the 761 foreigners who received accommodation and supervision in one of the five LVVs on 1 November 2020, 322 (42%) received supervision aimed at legalisation, 238 (31%) received supervision aimed at a return to their country of origin, and 5 were supervised, aimed at further migration to a third country. Of 190 foreigners (25%), the supervision plan had not yet been drawn up. Apparently, in these cases the involved parties needed time to decide which supervision scenario would be most suited. Six foreigners suffered from such

serious medical problems that their medical situation needed to be stabilised first, before a supervision scenario could be determined.

### Discretionary power, MRT scale-up and developmental challenges

Two subjects we have examined during this interim evaluation are the abolition of the discretionary power and the scaling-up to the Multidisciplinary Review Team (MRT). Until 1 May 2019, in poignant cases, the discretionary power made it possible for the State Secretary of JenV to grant a residence permit. The ngo's and municipalities consider the lack of this possibility an obstacle to attaining a durable solution in the shape of a residence permit. Based on the data collected for this interim evaluation, however, it is impossible to estimate the number of foreigners in the LVVs for whom the discretionary power of the State Secretary might have resulted in a residence permit. For cases on which the LSO does not reach an agreement regarding a durable solution, there is the possibility of scaling up to the MRT. Until 1 November 2020, this has been done a total of ten times, for all five pilots together. According to the municipalities and ngo's, this has not led to new insights into the way to reach a durable solution in any of the ten cases, nor has it resulted in breakthroughs for stranded trajectories.

It was foreseen in the pilot LVV that the local pilots would work on one or several *developmental assignments*. These are subjects several LVVs have to deal with and about which those involved at the programme level want to learn more during the pilot period. We have observed that the pilots have only succeeded in working on the developmental assignments to a limited extent. The same applies to the set-up of the *regional function* the LVVs will eventually fulfil. The main explanation for this is that the parties involved have first focused on setting up the collaboration and the implementation of work processes within the LVVs. The pilots have also worked on *standardising the work method and registration*. There is no central registration system for the LVV pilots, yet the municipalities started to feel the need for one over the

course of the pilot. A developmental assignment in which several pilots have already invested, is 'the activation of the foreigners'. This takes shape, for instance, in leisure activities, courses, training programmes and work placements. Yet, regarding these courses, training programmes and work placements, the parties involved encounter rules and regulations that make them impossible, or make it impossible to issue participants with official certificates and diplomas. In the experience of the ngo's and municipalities, when participants are not entitled to an official certificate or diploma, this decreases their motivation to take part in a course or training programme.

### Findings on the collaboration within the LVV

This interim evaluation shows that within all municipal pilots, the collaboration between the parties involved has improved. Overall, the parties have gotten to know each other better, mutual trust has increased and, more often, parties are jointly looking for durable solutions. There also are differences between the pilots in the way the collaboration works out. This is related, among other things, to the number of ngo's in a city. Our research shows that the higher the number of ngo's, the harder it is for an LSO to make quick decisions about the use of supervision trajectories and foreigners' progression.

In this interim evaluation we also looked at the *role interpretation of the parties involved and what these interpretations meant for the collaboration*. We noticed that the collaboration and mutual trust within the LSO increases whenever the representatives of the IND within the LSO are capable of switching with the IND organisation at case level, thus contributing to getting the facts needed to arrive at a suitable perspective.

The expertise of the DT&V is made use of in part of the pilots. In two pilots, the DT&V conducts interviews with the foreigners. In the other three pilots there are hesitations to involve the DT&V in the direct supervision of foreigners. Often, this is based on the fear that the presence of the DT&V will deter

the foreigners from proceeding with their trajectory in the LVV. It seems that in those pilots in which the cooperating partners radiate their trust in the DT&V and their belief that the DT&V may really benefit the foreigners, the foreigners in turn become less suspicious of the DT&V. It is, however, too early to conclude with any certainty that this mechanism occurs.

In part of the pilots, the AVIM plays a role in the identification of the foreigners, as agreed. In addition, the AVIM plays a role if foreigners in a return trajectory after some time stop cooperating, and a forced repatriation appears on the agenda. In most of the pilots, however, a forced repatriation is discussable only to a limited extent. In two pilots this option is sometimes chosen, but only if the involved ngo's does not object to it.

There is variation in the five pilots in the extent to which the ngo's share information about the situation and progress of the participating foreigners in the LSO. Whenever ngo's share limited information about participating foreigners, they do this to protect the foreigners. However, this also causes the national chain partners to feel sidelined. In the pilots in which the ngo's in the LSO are more forthcoming with the exchange of information about foreigners, national chain partners feel invited to join the thought process about the right choice of supervision scenario and the progression of the foreigners.

*The way in which the municipalities interpret their role as director turns out to be crucial for the collaboration in the LVVs.* In the five municipal pilots, a lot of time and energy have been invested in kickstarting the collaboration. The municipalities have undertaken several actions that have resulted in an improvement of the collaboration. This concerned, among other things, mutual visits and the organisation of joint meetings about substantial matters. The result of these actions was that parties talked to one another about shared substantive challenges and started to look beyond their own boundaries. This led to an increased understanding of each other's basic assumptions and work methods.

This interim evaluation shows that bringing together parties with strongly differing views and work methods requires a great deal of the *role of the project leader*. In pilots where the project leader is capable of empathising with the different views and work methods, facilitates talks about the differences in basic assumptions, explicitly identifies the differences between organisations as the strength of the LVV, a synergy slowly seems to emerge in the collaboration.

### Findings on the effects

On 1 November 2020, in total 1297 foreigners had received supervision and accommodation in one of the LVV pilots. In the meantime, 537 of them had also left the LVV again. For 94 (18%) of the 537 foreigners who had left the LVV, a durable solution has been found: 43 of them have received a residence permit, while 50 have returned to their country of origin and 2 foreigners have left for a third country (see table s2). Furthermore, still 170 foreigners are waiting for the result of their Repeated Asylum Application (HASA).

Almost half (47%) of the 537 foreigners who have left the LVV have departed without a durable solution (see table s2). The vast majority of them have left for an unknown destination, which means in practice that people – whenever possible – fall back on their own social network, and will start making use of the shelter facilities of churches, for instance, and/or will end up on the street. This is problematic, for these people themselves as well as for the municipalities, from the perspective of public order.

Table s2. Number and share of foreigners who have left against the total number of departed foreigners according to type of departure (n=537)

Type of outflow	Number (percentage)	
Durable outflow	Legalisation of residence in the Netherlands	43 (8%)
	Return to country of origin	50 (9%)
	Further migration	2 (<1%)
Semi-durable outflow	HASA*	170 (32%)
	Artikel 64 vw**	20 (4%)
Non-durable outflow	Departed with unknown destination	100 (19%)
	Termination by the LVV	76 (14%)
	Other non-durable outflow***	76 (14%)

- \* Repeated Asylum Application.
- \*\* If Article 64 vw is granted, deportation from the Netherlands is postponed as long as a foreigner's health situation, or that of a family member, makes it irresponsible to travel.
- \*\*\* Detention, transfer to another shelter, temporary custody, personal network, back to BBB, deceased.

Until now, the duration of the LVV pilot has been too short to draw conclusions from the percentage of foreigners who have left the LVV with a durable solution. First, all pilots have invested much time and energy in setting up the LVVs, and in particular in the collaboration between the parties involved. In addition, the fact that, from March 2020 on, the pilots have had to deal with the measures concerning the Covid-19 outbreak, has limited the possibilities for finding durable solutions. The parties involved told us that, during some periods, there has not been any face-to-face contact with the foreigners, that activities have been put on hold, and that people who wanted to return could not leave because of travel restrictions.

Great caution should be exercised with respect to conclusions based on the differences in outflow of foreigners in the different pilots. Nevertheless, we do

want to point out one difference since it offers clues for a possible follow-up research. A factor that might cause differences in outflow between the pilots, is the extent to which the LVV policy is strict regarding the lead time and focus on returning. If the LVV is strict in this respect, the outflow to the country of origin seems to be slightly higher, but then this also seems to apply to the number of people who leave the LVV for an unknown destination. If an LVV is less strict, it seems that the number of people who return to their country of origin is a little lower, yet the number of people who leave the LVV for an unknown destination seems to be slightly lower as well. It is important to keep the number of people who leave the LVV for an unknown destination low, from a humanitarian perspective and also from the perspective of public order and safety.

Of the 537 foreigners who have left the LVVs until 1 November 2020, 43 people have received a residence permit. This means that a part of the foreigners now present in the LVV are still entitled to it. For instance because of changes in their country of origin's safety status, changes in laws and regulations, developments in a foreigner's personal circumstances and/or because new documents have surfaced. To prevent that people in the LVV who are entitled to a residence permit do not get it, it is necessary to carry out thorough research on the possibility of legalisation for every foreigner who ends up in the LVV. The ngo's and municipalities feel the need for such a thorough legal check, too, since it can contribute to the acceptance of a negative outcome for the foreigner.

## Conclusion

The continuous presence in the Netherlands of foreigners without any right of residence or accommodation by the state constitutes a so-called *wicked problem*. This means that working on part of the solution of the problem results in other problems. In our study we see that, although we must be careful in view of the short duration and small numbers, when a pilot presses more strictly for departure, this may lead to a slightly higher number of foreigners

who return to their country of origin, but it also leads to an increase in the number of foreigners who leave the LVV for an unknown destination. On the other hand it seems that when a pilot aims to keep the target group in sight as much as possible, fewer people seem to leave the LVV for an unknown destination, but also a slightly lower number of people leave the LVV to return to their country of origin. In the remainder of the pilot, it will be important to keep discussing this, both nationally and locally. After all, one conclusive solution does not exist.

Although significant steps have been taken, especially with respect to the further development of the collaboration in the five pilots, it is important to reflect on the impact of the Covid-19 crisis and measures on the LVV pilot. The accommodation and supervision of foreigners in the LVV have been affected by this, and planned actions and activities have taken place less frequently, later or in a suboptimal manner. For this reason, too, we should be cautious drawing any conclusions, certainly with regard to the effects on the durable outflow.

What we did learn, based on this interim evaluation, is that all parties involved have a positive perception of working in the LVV. The greatest benefit of the LVV is that more, and an improved, collaboration has come about between the parties involved in searching for solutions for the illegal stay of foreigners without any right of residence or accommodation by the state. This applies to both the collaboration in the everyday working practice and the collaboration on an administrative level. The findings from the interim evaluation show that at least the following three conditions are needed to come to and maintain a sound collaboration in the LVV context:

- Building mutual understanding and trust between the parties involved. What worked well in the pilots was that parties paid each other visits to learn more about one another's work method and work culture. Meetings to discuss substantive matters with all parties involved in a pilot also generated increased mutual understanding, as the parties were automatically

challenged in these meetings to look beyond the boundaries of their own organisation.

- The deployment of local project leaders who are experienced in providing leadership that transcends boundaries and that facilitates. This means that they can empathise with the views and work methods of all parties involved and are able to facilitate discussions about the differences between the parties.
- The involvement of IND employees in the local pilots who are capable of switching quickly and decisively with the IND organisation at case level.

For now, the outcomes of this interim evaluation provide too narrow a base to make founded statements about what does or does not work in the efforts of the LVV's to find durable solutions for foreigners without any right of residence or accommodation by the state. To be able to make more founded statements about this in the future, it is important now that the pilots can proceed with their development, each in their own way. It is also important that the questions raised during this interim evaluation will be examined more closely. The main question to deal with is to what extent the following matters are of significance for finding durable solutions for foreigners without any right of residence or accommodation by the state:

- Whether or not the AVIM should carry out the identity check;
- Whether or not a GGD should map out the foreigners' health situation;
- Whether or not to carry out a thorough legal check in the LSO;
- Different options for the accommodation and supervision, such as round-the-clock accommodation, a focus on encouraging the foreigners to take more control of their own lives, the use of activities to activate the foreigners, and the possibility to get diplomas or certificates;
- The extent to which the ngo's pass on to the foreigners that the DT&V can be trusted and can really benefit the foreigners;
- The extent to which an LVV is strict with respect to the lead time and focus on returning.

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Utrecht, March 2021

The publication can be downloaded from our website:  
<http://www.verwey-jonker.nl>

ISBN 978-94-6409-065-9

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