



You were refused entry at the border and spent time in a criminal detention facility

You can ask your supervisor for help if you have difficulty reading this information.

You are receiving this fact sheet because you were refused entry at the border and you have committed a criminal offence. You were not granted entry into the Netherlands and must therefore leave the Netherlands as soon as possible. Until then you will stay at a detention facility for foreign nationals, pursuant to Article 6 of the Aliens Act.

What does Article 6 of the Aliens Act imply?

The R&DS has not (yet) succeeded in arranging your departure from the Netherlands immediately following your detention period. This may be due to:

- The airline that brought you to the Netherlands can no longer be held responsible for your return flight; or
- You suffer from specific medical conditions; or
- Your travel document has expired.

Pursuant to Article 6 of the Aliens Act, the Dutch government can place foreign nationals in a detention facility for foreign nationals, if refused entry at the border. You are now staying at this detention location. You must leave the Netherlands as soon as possible.

Departure from the Netherlands

The Dutch government expects you to leave. You will need (replacement) travel documents in order to leave. If you do not arrange for your travel documents, the Repatriation and Departure Service (R&DS) will do it for you. You cannot stay in the Netherlands as an illegal foreign national.

Disclosing your travel route to the R&DS is one option that will allow you to leave the Netherlands as soon as possible. In this case the R&DS will hold the airline or shipping company that transported you to the Netherlands responsible for your departure from the Netherlands.

If this does not seem possible, you will be able to use the voluntary return programme offered by the *International Organisation for Migration (IOM)*. The IOM is an independent organisation that supports migrants around the world. The IOM works on humane and orderly migration that benefits migrants and societies. The IOM will give you practical information regarding return and reintegration and will help you to arrange your departure from the Netherlands. If you want to talk to the IOM, you can make an appointment via your case manager at the DJI. The IOM employee will ask the R&DS supervisor if there are any objections to you leaving the country with the IOM's help.

Take note, if the R&DS has already booked you a flight, you can no longer accept help from the IOM, unless the IOM has booked you a flight on a date earlier than that of the R&DS flight.

Your (replacement) travel documents

You will need travel documents in order to get into your country. If you do not have a travel document, it will have to be sent to you or you will have to request it from your consulate or embassy. Many consulates and embassies require that documents be included with your request, in order to prove your identity and nationality. This could be an identity document, a family record or a birth certificate.

The consulate or embassy may invite you for an interview, to explain your written request for a (replacement) travel document. The R&DS will assist you. The R&DS will book your trip to your country, and will inform you of the time and date, as soon as the consulate or embassy has issued your (replacement) travel document. Along with this fact sheet you will also receive a fact sheet from the R&DS, explaining the interview process with your consulate or embassy. Your supervisor can also show you a short informative film on this. Ask him or her to show this film to you or visit the [Repatriation and Departure Service's YouTube channel](#).

Your actual departure

You can take a maximum of 20 kg in checked baggage and a maximum of 5 kg in hand luggage. Extra baggage might be allowed, but you will have to report it on time. The charges for extra baggage will be paid by you. If necessary, a Fit-to-Fly declaration will be requested. This implies that you will be examined at the detention location, shortly before your departure, to see if your medical condition allows you to travel. The medical examination is carried out by an independent doctor who is not affiliated with the detention location. You will be informed of the date and time of the medical examination. The supervisor will inform you in a timely manner regarding your scheduled date of departure, your flight number, and any other important aspects for your departure.

Legal remedies against actual deportation

In some cases you can object to the deportation order. Filing an objection against the deportation order does not mean that your departure will be deferred. You can ask the court for a provisional ruling to suspend your deportation. Your lawyer can give you more detailed information on the actual procedure.

Departure file

Your departure file consists of facts and circumstances that relate to your situation, such as:

- Your personal information and personal circumstances;
- The procedures that you have completed in the Netherlands;
- Your return options;
- Arrangements that you have made and interviews / conversations that you have conducted.

How does the R&DS process your personal information?

The R&DS will need your personal information for the purpose of your departure. This information will be processed in an automated system. This information could include your name, date of birth, place of birth and nationality. If necessary, the R&DS will also disclose this information to the consulate or embassy, in order to request a (replacement) travel document. The Personal Data Protection Act is applicable to the way in which this personal information is processed. This implies, amongst other things, that you are entitled to see what information the R&DS is processing in connection with you. If you want to look at the information you can ask your supervisor.

The R&DS is entitled to use your personal information in order to pursue the repatriation policy. This is governed by public law. However, you are entitled to object to the R&DS if highly exceptional personal circumstances lead you to believe that the R&DS should not use your information. You can discuss this with your supervisor.

To conclude

This fact sheet is a representation of laws and regulations, in which legal terms and descriptions have been avoided whenever possible. The fact sheet does not serve as a replacement of the applicable laws and regulations that remain in full force. More information is also available at the R&DS's website: www.dtenv.nl

Complaints

Do you have a complaint about the R&DS or about one of the R&DS officers? You can file a complaint if the incident took place less than a year ago. You can do so via the website: www.dtenv.nl or in writing.

You can send your letter to:

The Repatriation and Departure Service

Attention: ILC

PO Box 41

2280 AA Rijswijk

It is not possible to submit a complaint in any other way. Filing a complaint will not have any influence on your residence status.