



You have been placed in detention (for foreign nationals) and must leave the Netherlands

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

You are detained in a detention facility for foreign nationals and must leave the Netherlands. This fact sheet provides you with information regarding your departure from the Netherlands, because you do not have a residence permit. You cannot stay in the Netherlands as an illegal foreign national and must arrange your own departure from the Netherlands.

Why are you staying in a detention facility for foreign nationals?

The police, the Royal Netherlands Military Constabulary (KMar) or the Repatriation and Departure Service (R&DS) has placed you in detention (for foreign nationals). You are staying in a detention facility for foreign nationals because you are an illegal foreign national in the Netherlands and have not left the Netherlands voluntarily.

How long will you stay in a detention facility for foreign nationals?

You will stay in a detention facility for foreign nationals until you leave the Netherlands. You may be kept in detention (for foreign nationals) for a period of six months, but in certain cases this period can be extended by twelve months. In other words, you can stay in a detention facility for foreign nationals for a maximum period of 18 months. The length of your stay depends on the circumstances and on the degree to which you make an effort to return.

Your departure depends on the availability of travel documents. Inform the R&DS supervisor if you have a (valid) travel document in your possession, so that your departure can be arranged soon.

What can you do to arrange your own departure?

The Repatriation and Departure Service (R&DS) can help you to organise your departure, but will not take this responsibility over from you. You remain personally responsible for your return to your country of origin. You can contact the International Organisation for Migration (IOM), amongst other organisations, if you want to leave the Netherlands voluntarily.

The following points are important:

- You will be invited for interviews with the R&DS. Be sure to show up. If you are unable to show up, you must cancel the appointment and schedule a new one. If you fail to do so, there will be consequences for you.
- Request a (replacement) travel document from your consulate or embassy on time. The R&DS supervisor or the IOM can help you with this. In some cases, these requests do require supporting documents that prove your identity and nationality. This could be an identity document, a birth certificate, a driving licence or a family record. Take these documents along on your interviews with the R&DS.
- In order to prove your identity and / or nationality, it may be necessary to contact family members, acquaintances, your old school, or the municipality where you lived, in order to obtain documents (a family record, birth certificate, employment passes and school diplomas, etc.). You can establish contact on the phone, by post, fax, email or via other (Internet) channels.

Always show this correspondence to your supervisor, so he or she knows that you are working actively on your return. Merely telling him or her about what you have done is not sufficient.

- You can contact the independent International Organisation for Migration (IOM). The IOM's employees provide individual information during consultation hours, at various locations across the country. They will inform you about the possibilities of support from the IOM, in the case of your voluntary departure. You can call 088 746 44 66 to make an appointment.
- Take note, if the R&DS has already booked you a flight, you can basically 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.

Return with the R&DS

The R&DS helps you to arrange your departure from the Netherlands. If you accept help from the R&DS, you will be assisted by a supervisor, to help arrange for a humane and respectful return. The supervisor will conduct interviews with you, at the detention location, at various points in time. These interviews are called departure interviews. The R&DS supervisor shall see to it that you do in fact leave the Netherlands. An R&DS officer will also assist you with your presentation at the embassy, if you are not leaving the country with the IOM's help.

If you have arranged for your (replacement) travel documents, the R&DS will book your trip to your country of origin or your destination country, and will inform you of the time and date. In the departure interviews with the supervisor, you will make arrangements regarding how your departure will be arranged. He or she will assess your personal situation and will make arrangements with you, regarding the actions that you must take so that you can leave. All of the arrangements that were made will therefore only apply to you and / or your family members. Arrangements such as letters to be written to your old school or to the municipality where you lived in your country of origin. Each interview is recorded by way of a written report so that all arrangements are on paper. The report is added to your file.

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](#).

Legal remedies

You may appeal against your detention, via your lawyer. The court will determine whether your detention is lawful. You can contact your lawyer for more information on filing an appeal. You can also file for further judicial review of the continuation of your detention, via your lawyer.

Legal remedies against actual deportation

In some cases you can object to the deportation order. Filing an objection 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.

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.

Who plays a role in your departure?

The Repatriation and Departure Service (R&DS) tells you which documents you will need to leave the Netherlands and how long you have to arrange your departure. You can get advice on who to approach and the documents to request in order to prove your identity. In the departure interviews the R&DS will also help you to plan the actions that you must take to arrange your departure. You can ask the R&DS to play a mediating role in the contact with your country's authorities, when obtaining (replacement) travel documents.

You are staying in one of the detention centres of the *Custodial Institutions Agency (DJI)*. During your stay you can contact your case manager at the Custodial Institutions Agency. Your case manager can help you to arrange the necessary aspects of your departure. Your case manager can also help you when you have requests for information or when you describe a situation for which he or she cannot or may not provide an answer.

In principle, it is possible to obtain support from the *International Organisation for Migration (IOM)* in the case of voluntary departure. 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.

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.