

Observations by the United Nations High Commissioner for Refugees (UNHCR) on the proposed Outline Policy Document Withdrawal of the Distribution Law [*Contourennota intrekking Spreidingswet*]

I. Introduction

1. UNHCR welcomes the opportunity to present its observations on the Outline Policy Document Withdrawal of the Distribution Law [*Contourennota intrekking Spreidingswet*] (hereafter: 'Outline Policy Document').¹
2. UNHCR offers these observations in its capacity as the Agency entrusted by the United Nations General Assembly with the responsibility of assisting governments in seeking permanent solutions to the problems of refugees.² The role of UNHCR is reaffirmed in the 1951 Convention relating to the Status of Refugees (hereafter referred to as 'the 1951 Convention')³ and its 1967 Protocol relating to the Status of Refugees ("the 1967 Protocol")⁴, requiring States to facilitate UNHCR's duty of supervising the application of the provisions of the 1951 Convention and 1967 Protocol (Article 35 of the 1951 Convention and Article II of the 1967 Protocol). This has also been reflected in European Union law, including by way of reference to the 1951 Convention in Article 78(1) of the Treaty on the Functioning of the European Union.⁵
3. UNHCR's supervisory responsibility is exercised in part by the issuance of interpretative guidelines on the meaning of provisions and terms contained in international refugee instruments, in particular the 1951 Convention. Such guidelines are included in the UNHCR Handbook on Procedures and Criteria for Determining Refugee Status and subsequent Guidelines on International Protection ("UNHCR Handbook")⁶. UNHCR also fulfils its supervisory responsibility by providing comments on legislative and policy proposals impacting on the protection and durable solutions of its persons of concern.
4. In the sections below, UNHCR offers its comments on the *Outline Policy Document Withdrawal of the Distribution Law*. UNHCR would appreciate the opportunity to continue

¹ Contourennota intrekking Spreidingswet: [Overheid.nl | Consultatie Contourennota intrekking Spreidingswet](https://overheid.nl/consultatie-contourennota-intrekking-spreidingswet)

² UN General Assembly, Statute of the Office of the United Nations High Commissioner for Refugees, 14 December 1950, A/RES/428(V), available at: <http://www.refworld.org/docid/3ae6b3628.html>.

³ UN General Assembly, Convention Relating to the Status of Refugees, 28 July 1951, United Nations Treaty Series, No. 2545, vol. 189, available at: <http://www.unhcr.org/refworld/docid/3be01b964.html> <https://www.refworld.org/docid/3be01b964.html>. According to Article 35 (1) of the 1951 Convention, UNHCR has the "duty of supervising the application of the provisions of the Convention".

⁴ UN General Assembly, *Protocol Relating to the Status of Refugees*, 31 January 1967, United Nations, Treaty Series, vol. 606, p. 267, available at: <https://www.refworld.org/docid/3ae6b3ae4.html>.

⁵ European Union, Consolidated version of the Treaty on the Functioning of the European Union, 26 October 2012, OJ L 326/47-326/390; 26.10.2012, available at: <http://www.refworld.org/docid/52303e8d4.html>.

⁶ UNHCR, *Handbook on Procedures and Criteria for Determining Refugee Status and Guidelines on International Protection Under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees*, April 2019, HCR/1P/4/ENG/REV. 4, available at: <https://www.refworld.org/docid/5cb474b27.html>.

the dialogue with the Government of the Netherlands, along with other relevant stakeholders, on this important policy document with the aim to establish a sustainable, efficient and humane asylum system.

II. On the need to maintain the Law on Municipal task asylum reception facilities (Spreidingswet)

5. UNHCR acknowledges the recent significant reception capacity challenges that the Government of the Netherlands is facing in terms of accommodating refugees and asylum seekers. Welcoming refugees is supported by the people of the Netherlands, as shown in an IPSOS survey from June 2024, where some 70% of those surveyed expressed sympathy for refugees and understanding of their plight.⁷ Providing adequate reception from the onset is the best guarantee to ensure smooth participation and inclusion of those who will be eligible to stay at the end of the asylum process, into Dutch communities, socio-cultural society and economy.
6. The Distribution Law, adopted in January 2024, was welcomed by national and local authorities alike. It replaced the patchwork system of voluntary pledges with a coordinated approach that distributes asylum seekers more evenly across the country. This will encourage municipalities to open smaller, longer-term reception centres that are more manageable and better integrated into communities. Already, municipalities have pledged 90,000 places—94% of the national target—for at least two years, with many offering places for the next five years or more.
7. UNHCR sees the Distribution Law as a critical step toward a fairer, more sustainable, and more humane reception system. Smaller, community-based centres create safer, more stable environments where asylum seekers and refugees can begin rebuilding their lives. When they live in welcoming communities, they are better able to contribute socially and economically—and integration becomes a shared success.⁸ Living in a safe and stable environment and interacting with the local community is essential to the integration process of asylum-seekers and refugees. It enables them to use their resilience and resourcefulness to contribute to their local communities and economies as a whole.⁹ Fostering a safe and stable environment also enhances the mental and physical well-being

⁷ IPSOS and UNHCR, *Global Attitudes to Refugees: a 52-country survey from Ipsos and UNHCR*, June 2024, available at: <https://www.ipsos.com/sites/default/files/ct/news/documents/2024-06/Ipsos-World-Refugee-Day-2024-Global-Report-PUBLIC.pdf>

⁸ UNHCR/VWN's position paper: *"Naar een duurzame en menswaardige asielopvang: contouren opvang nieuwe stijlopvang nieuwe stijl"*, jointly drafted with the Dutch Council for Refugees (Vluchtelingenwerk Nederland). The position paper was shared with the Ministry of Justice and Security, COA and United Municipalities Association on 21 July 2022

⁹ UNHCR Comments on the Proposal for a Directive of the European Parliament and of the Council laying down standards for the reception of applicants for international protection (recast) – COM (2016) 465, August 2017, available at: <https://www.refworld.org/docid/59a6d6094.html>, and Executive Committee of the High Commissioner's Programme, Conclusion on reception of asylum-seekers in the context of individual asylum systems No. 93 (LIII) - 2002, 8 October 2002, No. 93 (LIII), available at: <https://www.refworld.org/docid/3dafdd344.html> and Global Consultations on International Protection/Third Track: Reception of Asylum-Seekers, Including Standards of Treatment, in the Context of Individual Asylum Systems, 4 September 2001, EC/GC/01/17, available at: <https://www.refworld.org/docid/3bfa81864.html>

of asylum seekers and refugees, empowering them to rebuild their lives with dignity and hope. Finally, most municipalities have consistently indicated that they support the Distribution Law because it ensures predictability and fairness in sharing responsibilities and allows for smaller reception centers that are easier to manage effectively and are supported by local communities.

8. UNHCR notes with concern that 36,330 (50% of the total) asylum seekers and refugees hosted by the Central Agency for Reception of Asylum Seekers (COA) are currently residing in emergency reception locations often in substandard reception conditions.¹⁰ Research shows that the cost of accommodation in emergency reception locations is EUR 69,000 per person per year, which is more than double of the cost per person per year in a regular reception location, which is around EUR 30,400.¹¹
9. Withdrawing the Distribution law would undermine the significant progress that has been made so far to reshape the reception landscape. If the system returns to voluntary pledges by municipalities for reception places, it is expected that the challenges related to the limited reception capacity will persist, including on the registration centre in Ter Apel. This would result in continuing the inadequate conditions in temporary and emergency reception facilities in which many asylum seekers and refugees, including children and other vulnerable people, have been residing for far too long. Notably, it will also result in the need for more and expensive emergency reception locations.
10. UNHCR therefore urges the Dutch government to keep and fully implement the Distribution Law. Withdrawing it would be more expensive, less effective, and harmful to both refugees and Dutch society as a whole.

¹⁰ The Central Agency for the Reception of Asylum Seekers ('COA') currently manages 97 regular reception locations, versus 216 emergency reception locations. 50% of asylum seekers and refugees reside in emergency locations (of which 7,000 (10%) are accommodated in municipal-run locations or are staying with family or friends under the accommodation-arrangement), about 36,000 (50%) persons are currently accommodated in regular reception locations. Data as of 7 April 2025: <https://www.coa.nl/nl/lijst/capaciteit-en-bezetting>.

¹¹ <https://tpo.nl/2024/07/23/kosten-asielopvang-stijgen-naar-27-miljard-euro/>