EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MIGRATION AND HOME AFFAIRS

The Director-General

Brussels
HOME

H.E Pieter Jan Kleiweg de Zwaan,
Ambassador
Permanent Representation of the
Netherlands to the European Union
Rue de Trèves 31-35
1040 Brussels

Subject: State of play of the implementation of the Pact on Migration and Asylum in the Netherlands

Excellency,

as President von der Leyen stated in her State of the Union address, the only solution to the EU's migratory challenges is one that is embedded in strong migration diplomacy and the full implementation of the Pact on Migration and Asylum.

Following two intense years of preparation, we have such a common European solution in place, since the Pact entered into application on 12 June 2026. Five months on, we can already say that we have achieved a lot together.

This year's Annual Asylum and Migration Report underscores that message, showing that screening and Eurodac are working, the border procedures are in place, national legislation is adopted in almost all Member States, solidarity is being implemented and the new responsibility rules are started being applied in practice.

Now, with the new system in place, we need to ensure that steps are taken swiftly to implement those elements of the Pact that are not yet fully in place. The complete and successful implementation of the Pact will remain our core joint priority for the months to come. This message was already conveyed by Commissioner Brunner in letters to the Ministers in May 2026 and at the occasion of the entry into application of the Pact.

In support of these ongoing implementation efforts, the Commission informed the European Parliament and the Council about the state of play on the implementation of the Pact.[1] As with the previous three updates on the state of play of Pact implementation, our assessment is based

[1] COM(2026) 835.

on extensive exchanges with all Member States as well as data transmitted by Member States and agencies.

We appreciate the efforts undertaken by the Netherlands, in particular with regard to the adoption of the national legislation implementing the Pact, the successful operationalisation of Eurodac, as well as the implementation of the new screening and asylum border procedures.

We would also like to thank the Netherlands for the constructive engagement with the EU Solidarity Coordinator to achieve an effective and balanced distribution of the **2026 Solidarity Pool.** We welcome the progress made by the Netherlands in implementing its solidarity contributions. The second cycle will require a continued commitment from all Member States to ensure a meaningful, fair and effective level of solidarity, while ensuring that responsibility rules are complied with. We count on the Netherlands' continued commitment to make the solidarity mechanism deliver on its purpose.

Our assessment also shows that, while significant progress has been made overall, further action is still needed in the following areas as a matter of priority:

First, the Dutch **reception system** is under continuous strain including due to secondary movements, with extensive use of emergency accommodation and persistently high saturation rates. The shortage of reception capacity, linked in particular to limited access to affordable housing and difficulties in opening new reception centres, needs to be urgently addressed. This also affects the availability of suitable reception places for vulnerable applicants and unaccompanied minors, as well as stable access to education and structured activities and the ability to maintain appropriate reception standards during periods of increased arrivals. We call on you to ensure sufficient and appropriate reception capacity, in particular for vulnerable persons, and to continue efforts to reduce the backlog of asylum applications in order to facilitate the outflow from reception facilities.

Although continued efforts are being made to reduce the **asylum backlogs**, further steps need to be taken to reduce this persistent backlog, especially the cases submitted before the start date of Pact Implementation.

The effective **implementation of the new border procedures** is a key deliverable. The Commission recalls that Member States are required to take measures to prevent absconding and unauthorised entry during screening at external borders and the subsequent border procedures. They are also required to take measures to prevent absconding during screening within the territory. To support Member States with the implementation, the Commission issued the *Guidance on the use of Detention, Alternatives to Detention and Restrictions of Freedom of Movement under the 2024 Recast Reception Conditions Directive* on 30 June 2026 and the *Guidance on the asylum and return border procedures* on 29 July 2026.[2] The restrictions to the personal freedom of applicants in the asylum border procedure must follow the legal regime applicable to the type of restriction chosen by the authorities.

Against this background, during the recent Schengen evaluation, it was noted that families with minors and vulnerable persons are excluded from the mandatory asylum border

[2] Guidance on the use of Detention, Alternatives to Detention and Restrictions of Freedom of Movement under the 2024 Recast Reception Conditions Directive | Migration and Home Affairs; Guidance on the asylum and return border procedures - Migration and Home Affairs.

procedure, although these categories must be included where the relevant conditions are met. As a result, rejected applicants are not always channelled into the return border procedure, as required. The Netherlands is therefore requested to align its practice with the applicable EU Return Border Procedure Regulation without delay. These issues will be flagged in the Dutch Schengen Country Report and followed up under the Schengen Evaluation and Monitoring Mechanism.

At the same time, **full implementation of safeguards** is integral for the effective functioning of the asylum and reception systems. Although the decision-making process to adapt the age assessment process has been completed, final working arrangements are still pending. We invite the Netherlands to transmit to the Commission further information on the multi-disciplinary age assessment and the working arrangements to make them fully operational. The Netherlands Institute for Human Rights (*College voor de Rechten van de Mens*) and the Inspectorate of Justice and Security (*Inspectie Justitie en Veiligheid*) have been tasked with the independent monitoring mechanism. It is now important to swiftly finalise the work so that the organisations can take up their duties.

Following the entry into force of the **Return Regulation**, we invite the Netherlands to put in place all necessary actions and resources to build a strong Common EU system for returns and ensure the full and effective implementation of the Regulation. The Commission will develop more on the existing implementation gaps in the area of return in the upcoming Schengen Scoreboard.

Finally, recent developments have shown that unexpected situations requiring rapid support can affect different Member States. We encourage the Netherlands to undertake the **testing of the contingency plans** on asylum and reception. Prompt activation of the plans, when necessary, remains key to respond effectively to possible sudden and disproportionate increases in migratory pressure.

To support Member States in their efforts, we launched the **IMPACT Specific Action under the 2023-2027 AMIF Thematic Facility Work Programme** targeting the needs linked to the border procedures, screening, fundamental rights monitoring, special reception and procedural needs, and digitalisation. At national level, this funding opportunity is managed by the AMIF Managing Authority. We encourage the Netherlands to consider making use of the available funding opportunities to help address the outstanding matters identified.

Our joint efforts must continue to ensure that our common system is well-prepared, robust and resilient, in the interest of the Netherlands and the European Union as a whole. We continue to stand ready to support the Netherlands along the way.

Yours sincerely,

Beate GMINDER

Electronically signed on 12/11/2026 19:12 (UTC+01) in accordance with Article 11 of Commission Decision (EU) 2021/2121