

ANNEX 2

Immigration and Naturalisation
Service
*Ministry of the Interior and Kingdom
Relations*

Postal address: Postal box 1794,
2280 DT Rijswijk

Böhler Advocaten
FAO Mr Schüller
Keizergracht 560-562
1017 EM Amsterdam

Visiting address
Sir Winston Churchilllaan 293
2288 DC Rijswijk

Information line 0900-1234561 (€0.10/min.)
(working days from 9 am to 5 pm)
Fax: (070 779 4759)

Website www.ind.nl

Unit	ICA
Direct line	070-779 5275
Date	
File No.	1107-13-1342 / 1107-13-1353 / 1107-13-1356 / 1107-13-1346
V-No. (aliens registration no.)	275.812.4753 / 275.812.5201 / 275.812.5347 / 275.812.4924
Your letter	28 September 2011
Your reference	20110685
Subject	Bede Djokoba Lambi Longa, born on 27 May 1966; Pierre Célestin Mbodina Iribi, born on 5 September 1974; Charif Manda Manda Ndadza Dz'na, born on 6 June 1974; Floribert Ndjabu Ngabu, born on 23 May 1971; all of Congolese nationality.

Dear Mr Schüller,

Further to your letter of 28 September 2011, I hereby inform you of the following.

In your letter, you state that you have been attempting since May to obtain clarifications as to the procedures to be undertaken in respect of the abovementioned aliens. You accuse the Immigration and Naturalisation Service (hereafter INS) of negligence and improper conduct on the grounds that it declined to provide you

with information on the legal framework and practicalities surrounding the proceedings. You requested that I respond as soon as possible.

First of all, please accept my apologies for the belated response.

Further, I hereby inform you that your complaint will be processed within the applicable time limits. In this respect, I will provide you with a confirmation of receipt and a complaint number as soon as possible.

Moreover, please be informed that in my letter of 26 September 2011, I stated that the persons concerned do not fall within the jurisdiction of the Netherlands. Accordingly, their applications are no longer being considered as applications for asylum, but as applications for protection, since the Dutch asylum application procedure is not applicable in their case. This means that, as you put it, a non-Dutch asylum procedure will be initiated. The Dutch State will review the applications for protection in light of the prohibition of refoulement flowing from international treaties such as the Convention Relating to the Status of Refugees and (article 3 of) the European Convention for the Protection of Human Rights and Fundamental Freedoms, and of course taking into account the fact that the persons concerned do not currently fall within the jurisdiction of the Netherlands.

In order to properly conduct this review, we require further information. We therefore wish to interview the persons concerned. The first meeting (with Mr Iribi) for this purpose is scheduled for tomorrow, as you are aware. During the interview, the persons concerned will be questioned as to, *inter alia*, their identity, nationality, any family members, and career. Depending on the time available, the persons concerned may be given an opportunity to explain their alleged fears in the event that they are returned to their country of origin. Given the time available, it is reasonable to assume that a second interview will be required, during which more detailed questions will be put. You will then be given an opportunity to make corrections and provide clarifications before a decision is made.

I hope that I have informed you adequately.
Yours sincerely,

For the Minister for Immigration and Asylum
[signed]
(Senior Official)