

An analysis of the Dutch migration policy and its efforts in receiving, detecting and sheltering potentially radicalised children from jihadist circles.

# Are we there yet?



**Maaïke Grootjans** - S1727125

*Management, Society and Technology  
University of Twente, Enschede*

**First supervisor:** Dr. A.J.J. Meershoek

**Second supervisor:** Dr. C. Matera

**Date:** July 3<sup>rd</sup>, 2019

**Word count:** 19,057

**Ethical Approval reference:** 190413

## **ABSTRACT**

*A policy and practical gap exists between child returnees from the Islamic State and the jihadism in the asylum chain in the Netherlands. Academic research has shown that returnees could execute terrorist attacks, spread the jihadist ideology or recruit new fighters in the Netherlands. More increasingly, such tasks are performed by young children. This study aims at laying down this role of children as external operatives within the context of migration. Building on existing literature, policy documents, international legislation and interviews, it asks: To what extent does the Dutch migration policy reckon with children coming from (former) Islamic State-territories? In this context, child returnees are defined as human beings below the age of 18 who return to the EU after having lived in the IS Caliphate for a longer period of time with the aim of pursuing the jihadist ideology. Complementing the qualitative document analysis, two interviews were conducted with practitioners. Analysis showed that the Netherlands perceives children as victims rather than perpetrators and makes minimal efforts in designing the migration policy and migration chain to such an extent where the potential danger of child returnees is embedded. Further research is needed to adequately address this issue.*

## TABLE OF CONTENT

<b>ABBREVIATIONS AND ACRONYMS .....</b>	<b>4</b>
<b>TABLES AND FIGURES .....</b>	<b>5</b>
<b>INTRODUCTION .....</b>	<b>6</b>
I. PROBLEM STATEMENT .....	7
II. RESEARCH QUESTIONS.....	8
III. RELEVANCE .....	8
<b>LITERATURE.....</b>	<b>10</b>
I. RELIGIOUS TERRORISM .....	10
II. FOREIGN FIGHTERS .....	10
III. GEOGRAPHIC SHIFT OF TERRORISM.....	11
II. CHILDREN IN TERRORISM .....	12
<b>METHODOLOGY .....</b>	<b>15</b>
I. DATA COLLECTION METHODS.....	15
II. RESEARCH DESIGN .....	16
III. CONCEPTUALISATION .....	17
IV. OPERATIONALISATION .....	21
IV. RELIABILITY AND VALIDITY.....	22
<b>I. INTERNATIONAL FRAMEWORK .....</b>	<b>24</b>
I. MIGRATION.....	24
II. CHILDREN .....	25
III. CHILDREN IN ARMED CONFLICTS.....	26
IV. FOREIGN FIGHTERS .....	27
V. RETURNING FOREIGN FIGHTERS .....	28
VI. THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS.....	28
VII. CONCLUSION.....	29
<b>II. DUTCH MIGRATION POLICY.....</b>	<b>31</b>
I. NATIONAL APPROACH .....	31
II. DUTCH ASYLUM PROCEDURE .....	32
III. CONCLUSION .....	34
<b>III. CHILDREN IN DUTCH MIGRATION.....</b>	<b>36</b>
I. ACCOMPANIED CHILDREN .....	36
II. UNACCOMPANIED MINOR ALIENS (AMV).....	36
III. CHILDREN IN ASYLUM CENTRES .....	38
IV. CONCLUSION.....	39
<b>IV. DUTCH RETURNEES .....</b>	<b>40</b>
I. RETURNING FOREIGN FIGHTERS.....	40
II. RETURNING CHILDREN.....	41
IV. CONCLUSION.....	42
<b>V. SIGNALLING JIHADISM .....</b>	<b>44</b>
I. DETECTING JIHADISM .....	44

II. RECOGNITION AND INTERPRETATION .....	46
III. DIFFICULTIES .....	46
III. CONCLUSION .....	47
<b>VI. ACTING UPON JIHADISM .....</b>	<b>50</b>
I. ACTION IN THE MIGRATION CHAIN .....	50
II. INCREASING IMPORTANCE OF THE FRONTLINE PROFESSIONAL .....	50
III. CONCLUSION .....	51
<b>DISCUSSION .....</b>	<b>53</b>
I. RESULTS AND INTERPRETATION .....	53
III. LIMITATIONS .....	55
IV. REITERATION OF RESULTS .....	57
IV. RECOMMENDATIONS .....	57
<b>CONCLUSION .....</b>	<b>59</b>
I. TO WHAT EXTENT DOES THE DUTCH MIGRATION POLICY RECKON WITH CHILDREN COMING FROM (FORMER) ISLAMIC STATE-TERRITORIES? .....	59
II. CONTRIBUTION .....	60
<b>BIBLIOGRAPHY .....</b>	<b>61</b>

## **ABBREVIATIONS AND ACRONYMS**

<b>Abbreviation/acronym</b>	
<b>AIVD</b>	General Intelligence and Security Service
<b>AMV</b>	Unaccompanied minor alien
<b>AVIM</b>	Aliens Police Department, Identification and People Trafficking
<b>AZC</b>	Asylum centre
<b>COA</b>	Central Agency for the Reception of Asylum Seekers
<b>CoEU</b>	Council of the European Union
<b>DMB</b>	Directie Migratiebeleid
<b>DTN</b>	Terrorist Threat Assessment Netherlands
<b>EC</b>	European Council
<b>EP</b>	European Parliament
<b>EU</b>	European Union
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>IND</b>	Immigration and Naturalisation Service
<b>IS</b>	Islamic State
<b>LAT</b>	Landelijk Adviesteam Minderjarige Terugkeerders
<b>NCTV</b>	National Coordinator for Security and Counterterrorism
<b>RAN</b>	Radicalisation Awareness Network
<b>RFF</b>	Returning foreign fighter
<b>RvdK</b>	Child Protection Board
<b>UN</b>	United Nations
<b>UNCRC</b>	United Nations Convention on the Rights of the Child

*Table 1: Abbreviations and acronyms*

**TABLES AND FIGURES**

**TABLE 1: ABBREVIATIONS AND ACRONYMS ..... 4**

**TABLE 2: THE ROLE OF CHILDREN IN THE ISLAMIC STATE..... 13**

**TABLE 3: THE REGULAR ASYLUM PROCEDURE CONFORM THE ALIEN DECREE 2000..... 34**

**TABLE 4: SIGNALS AND INTERPRETATION OF JIHADISM. .... 49**

**FIGURE 1: CHAIN OF DETECTING JIHADISM ..... 52**

## INTRODUCTION

*“Allah promises us victory, and he has promised you defeat. This battle is not going to end in Raqqa or Mosul. It is going to end in your lands. By the will of Allah, we will have victory. So get ready, for the fighting has just begun.”<sup>1</sup>*

Above-mentioned statement was made by Yusuf, a ten-year-old American boy who had travelled to join the Islamic State (IS) with his mother. The video, uploaded by IS in 2017, shows the story of the young boy against the backdrop of a destructed landscape. While Islamic chants serve as background music, the boy speaks English with Arabic dialogues mixed through his manifesto and addresses his statement directly to the American president. From this, it is easy to assume that Yusuf is different from other children his age. This becomes even more evident when the video continues with Yusuf setting a rifle from “safe” to “semi-automatic”.

If Yusuf’s story were to be true, he and his mother would be amongst the many who have left their home-country to join IS in either Syria or Iraq. While the concept of these so-called foreign fighters is not new, it rose in global attention accompanying the rise of IS (Malet, 2013). Especially after IS proclaimed the Caliphate in the summer of 2014, the number of the foreign fighters increased, with an estimated number of 20,730 foreign fighters in February 2015 (Bakker & de Roy van Zuijdewijn, 2015, p. 2). Of this number, 200 to 250 are estimated to come from the Netherlands (Bakker & de Roy van Zuijdewijn, 2015, p. 3). A more recent study by the National Coordinator for Security and Counterterrorism (NCTV) and the General Intelligence and Security Service (AIVD) estimates that there are at least 80 to 90 children in IS-territory with a Dutch connection (NCTV & AIVD, 2017, p. 6). IS does not hesitate in recruiting children in their jihad and religiously justifies it by claiming that they are the “next generation of the Caliphate .... and can be precisely shaped according to the ideal IS-image” (Horgan, Taylor, Bloom & Winter, 2017, p. 651; NCTV & AIVD, 2017, p. 5). This next generation of the Caliphate exercises functions and operations which align those of adult fighters more increasingly (Almohammad, 2018, p. 21). The international scope that Islamic terrorism has reached in the last decades is especially worrying when combined with this increasing recruitment and employment of children. In such a post-9/11 world, the both demographic and geographic shift that terrorism has made becomes undeniably clear.

---

<sup>1</sup> Zelin, A.Y. (2017). New Video Message from the Islamic State: ‘The Fertile Nation #4—Wilāyat AlRaqqah,’ Jihadology Retrieved April 15<sup>th</sup>, 2019 via: <https://jihadology.net/2017/08/23/new-video-message-from-the-islamic-state-the-fertile-nation-4-wilayat-al-raqqah/>

## **I. Problem statement**

Where many people have been moving towards the IS-regions, the recent example of British IS-bride Shamima Begun and the Dutch IS-fighter Yago Riedijk show the topicality of foreign fighters and their (new) families feeling the urge to move back to their home-country.<sup>2</sup> While many foreign fighters wish to come home due to the fall of the Caliphate, there is still a vast majority of fighters who carry the jihadist ideology and wish to pursue this (Byman, 2015; Sunier, 2016).

Based upon their nationality, many flee to their home-country in Europe. There are, however, also returning foreign fighters (RFFs) who seek asylum in a country different from their citizenship. Through the migration flow, two problems arise that could harm Western societies. Firstly, the risk of radicalised fighters entering Europe through the migration influx is significant to the national security of a country. Secondly, there is the risk that other asylum seekers or citizens are radicalised by these returning foreign fighters. The example of “De Balie-man” showed that it is possible that people with terrorist motives or history follow the migration flow to the European Union.<sup>3</sup>

Especially the vulnerability of children and the position they occupy with IS is becoming a problem for the migration flow and the migration procedure. On the one hand, the government is responsible to ensure safety and security within its territory and society, which would imply that measures must be taken against the threats that children pose. On the other hand, governments have a duty of care towards children, both towards children with a Dutch nationality but also regardless of their nationality in the asylum procedure.

In essence, this thesis places question marks regarding the role of minors in jihadism and the asylum procedure. How governments respond to these issues separately is carefully laid down in an international and national framework. The question that results from it is whether countries like the Netherlands comply with these rules. Secondly, it raises questions about the efforts governments make in early detection of jihadism amongst youngster who come to the Netherlands with the migration flow.

---

<sup>2</sup> Van Wilgenburg, W. (2019, March 11<sup>th</sup>). Jihadist Yago Riedijk in Syrië: Laat Nederland nu goede voorbeeld geven. *AD*. Retrieved on April 15<sup>th</sup>, 2019 from: <https://www.ad.nl/binnenland/jihadist-yago-riedijk-in-syrie-laat-nederland-nu-goede-voorbeeld-geven~aa0f7ef6/>

<sup>3</sup> Musch, S. (2018, October 30<sup>th</sup>). Syriër uit De Balie alsnog aangehouden op verdenking terrorisme. *NRC*. Retrieved on June 20<sup>th</sup>, 2019 from: <https://www.nrc.nl/nieuws/2018/10/30/syrier-uit-debatcentrum-de-balie-alsnog-aangehouden-voor-terrorisme-a2753292>



## **II. Research questions**

### *II.I. Central research question*

To address the above-mentioned problem the future challenge for the Dutch government lies in correctly sheltering children from jihadist circles who wish to reside in the Netherlands and adapting its migration policy to do so. This results in a practical gap between the dangers of these potentially radicalised children and how this is dealt with at a policy-level and practised at the frontline-level. The following central research question will thus be answered in this thesis:

*To what extent does the Dutch migration policy reckon with children coming from (former) Islamic State-territories?*

### *II.II. Sub-questions*

To properly answer the research question, the following sub-questions will be asked:

- i. How is the international and supranational legislation concerning returning foreign fighters, children and migration designed in an international framework?
- ii. How are migrants currently received and sheltered in the Netherlands?
- iii. What does the migration chain in the Netherlands entail of concerning children?
- iv. What does the legislation concerning returning foreign fighters and child returnees comprise of in a Dutch context?
- v. What efforts do the Dutch reception centres make in signalling jihadism amongst children?

## **III. Relevance**

The topicality of this problem provides an interesting and acute gap in the academic and practical field on the phenomenon of child radicalisation, the consequences of this and government's response. Several members of the Taskforce 'Vreemdelingen en Migratiecriminaliteit' have expressed the need for such a topic to be researched, considering the current lack of information on this topic. In essence, this thesis will deliver a research that is relevant in a variety of ways.

### *III.I. Scientific relevance*

Academically, little is written about the phenomenon of child radicalisation and the dangers they might pose both to IS-held territory and beyond. The current scholarly gap that exists will be narrowed through the literature and theory offered in this thesis. This will, scientifically,

contribute to further academic research on this topic. Additionally, considering the many regulations that exist in both an international and national context, this thesis will contribute to comprehensively present such an international framework with all the relevant laws, which also has practical value. From this, research in the field of law can continue.

### *III.II. Practical relevance*

Given that this thesis will be written within the context of the Dutch migration policy, the Dutch government needs to be able to adequately design or adapt a policy which to a large extent prevents and/or mitigates the consequences that radicalised children pose. Currently, little is known about how institutions deal with children from jihadist circles who wish to come to the Netherlands. This thesis will, through its social, scientific and juridical framework and various empirical observations, allow for a comprehensive explanation of how children from jihadist circles are currently being sheltered. This, in turn, will be of help to the Dutch government and its institutions to correctly adapt and/or design policy.

### *III.III. Societal relevance*

Following from the practical relevance, the Dutch society could benefit from the conclusions of this thesis as well. Terrorism has large societal consequences which include spreading fear and stimulating negative attitudes towards stereo-type terrorists. By drafting a comprehensive research about this pressing security issue, this thesis has societal relevance considering that it might allow for a potential stronger society through policy measures and a shift in attitudes.

## **LITERATURE**

This chapter will provide background information derived from academic literature on terrorism, its geographic shift towards the West and the increasing role of children in Islamist terrorism. In doing so, a context will be drafted for the continuance of this thesis.

### **I. Religious terrorism**

9/11 attracted international attention to Islamic terrorism in a variety of scholarly fields, governmental and non-governmental institutions, and the media (Bakker, 2015; Flint & Radil, 2009, p. 150). It has, ever since, been in the news almost daily on a global scale and poses one of the most pressing security threats (Bakker, 2015, p. 23; Schmid, 2004).

While terrorism has existed throughout history, the current phenomenon of jihadi-Salafist terrorism differs greatly from other waves of terrorism associated with colonialism, communism and anarchism. Firstly, suicide attacks became a crucial means for “successful and effective” terrorism (Bakker, 2015, p. 59). Additionally, where the other waves were mostly concentrated on intrastate activities – of course with a few exceptions – the current wave has shown its global scope through international attacks such as 9/11 and Paris in 2015 (Flint & Radil, 2009). Accompanying, religious terrorism is often characterised through the growing amount of foreign fighters (Bakker & de Roy van Zuijdewijn, 2015).

### **II. Foreign fighters**

Specifically from 2012 to 2014, when IS proclaimed the Caliphate, a growing amount of foreign fighters occurred (Bakker & de Roy van Zuijdewijn, 2015, p. 2; Weggemans, Bakker & Grol, 2014). Nowadays, foreign fighters almost seem inextricably linked with Islamic terrorism, but the phenomenon has existed long before Al-Qaeda and IS (Malet, 2013). Transnational recruitment has been occurring even before the rise of nation-states, for example during the Spanish Civil War (Bakker & Grol, 2017; Malet, 2013, p. 22).

A study of Hegghammer (2013) gives three possible explanations for why people might choose for foreign fighting instead of domestic fighting: 1) opportunity; people go where it is easier to fight, 2) training; training abroad increases capabilities, and 3) norms; people base their decision on domestic or foreign fighting on religious norms and values. The latter of these explanations is the most evident and crucial reason for people to opt for foreign fighting because they view this as the most legitimate reason to engage in fighting (Hegghammer, 2013, p. 10). Similarly, Malet (2013, p. 24) explains how many associated with jihadism-Salafism feel like

a victim of the Western system that disregards their norms and values, resulting in them moving to areas who follow the same norms. Here, they either become citizens of the Caliphate, or they actively engage in jihadism through conducting terrorist attacks or spreading the ideology (Cragin, 2017, p. 298).

### **III. Geographic shift of terrorism**

While seeing so many Western nationals leaving has been a pressing security issue on many political agendas, an even more pressing issue regards the return of these foreign fighters. As IS has lost many territory and power, Western countries ought to prepare for the many returnees. Where some may have lost their strong bonds with their religion and others may not (Speckhard, Shajkovci & Yayla, 2018). Overall, the scaring thought is that individuals who fought abroad might return more battle-hardened, radicalised and experienced in exercising violent activities, as became evident through the Paris-attacks in November 2015 (Byman, 2015, p. 582; Cragin, 2017; De Roy van Zuijdewijn, 2016, p. 83).

De Roy van Zuijdewijn (2016) introduces three types of danger of RFFs: 1) a physical threat, such as exercising terrorist attacks, 2) an ideological threat, by spreading the ideology and recruiting new foreign fighters, and 3) a social threat, where national policies are adjusted and societies grow fearful of returnees. Also, RFFs pose threats to themselves as they might suffer from post-traumatic stress disorder (PTSD) and often come back to broken families which may result in violent conflicts, confusion with the child and resistance to aid from the government (De Roy van Zuijdewijn, 2016, p. 86). A recent example of the latter is the Dutch case of Maya, whose daughter Mandy radicalised, travelled to IS and now wants to return with her children.<sup>4</sup> Maya is fearful of the dangers that Mandy might pose, but especially of her grandchildren who are potentially radicalised as well.

While many scholars and governments do accept these threats, it also raises questions about the accuracy of these issues. Byman (2015, p. 582), for example, argues that the risks of bleed out differ per country and depend on the security services and policies. Additionally, RFFs are more likely to create more enemies than to expand their organisation. On the same hand, a study by Leduc (2016) shows that RFFs do not increase the probability of a terrorist attack in the West and, consequently, do not increase the effectiveness of jihadist circles.

---

<sup>4</sup> de Goede, A. (2019, June 22<sup>nd</sup>). Maya's dochter en kleinkinderen gingen naar IS-kalifaat: 'Laat ze daar, het zijn tikkende tijdbommen'. *RTL Nieuws*. Retrieved on July 1<sup>st</sup>, 2019 from: [https://www.rtlnieuws.nl/nieuws/nederland/artikel/4753436/dochter-kleinkinderen-kalifaat-niet-terugkomen-tikkende-tijdbommen?fbclid=IwAR1TVbQkfWKnkz3PUBk7y7\\_WQZo5VfWH9jVx-ygdObH2pUQ8NY-5drJot90](https://www.rtlnieuws.nl/nieuws/nederland/artikel/4753436/dochter-kleinkinderen-kalifaat-niet-terugkomen-tikkende-tijdbommen?fbclid=IwAR1TVbQkfWKnkz3PUBk7y7_WQZo5VfWH9jVx-ygdObH2pUQ8NY-5drJot90)

Whether the certainty of such potential threats is questionable, and politicians may only use it to put the issue on the agenda, it is important to keep the risk of occurrence in mind. Even though there is a low probability, the events are of high impact and will, inevitably, have large negative consequences and externalities on the Dutch society. It is for these reasons that governments must prepare for such dangers.

## **II. Children in terrorism**

### *II.1. Child soldiers*

The Islamic State is not the first and only organisation to employ children in their conflicts and such a child soldier phenomenon has been present for many centuries (Betancourt et al., 2010). Currently, especially African, South-American and some Asian countries are known for child usages in armed conflicts (Horgan, Taylor, Bloom & Winter, 2017). Western countries have, on the contrary, also been guilty of using child soldiers in the past. One example is the Hitler Jugend during the Second World War, where teens were educated and indoctrinated according to the Nazi regime (Benotman & Malik, 2016, p. 21).

From both the militant's and the child's perspective it is difficult to clearly define motives for child recruitment. Observing from a militant's perspective, there are multiple benefits to using children. A first reason is that children are easy to shape according to the ideology of the recruiting group. This could occur from the age of 7 or 8.<sup>5</sup> Moreover, they easily follow commands and are cheaper than adults because they consume less (Benotman & Malik, 2016, p. 27; NCTV & AIVD, 2017, p. 5).

From a child's perspective, joining a conflict might be a way to earn money for the family (Benotman & Malik, 2016, p. 27; Horgan, Taylor, Bloom & Winter, 2017, p. 648). Also, children are often told to do so by their parents (Horgan, Taylor, Bloom & Winter, 2017, p. 648). This is important to realise, as children have a lower sense of morality than adults do and can be more easily drawn into activities they have no moral sense of. Finally, recruiting children often comes with impunity, implying that the militant group does not take into account children's rights, protection and a community's attitude because they do not comply with it themselves (Almohammad, 2018, p. 6).

---

<sup>5</sup> de Goede, A. (2019, June 22<sup>nd</sup>). Maya's dochter en kleinkinderen gingen naar IS-kalifaat: 'Laat ze daar, het zijn tikkende tijdbommen'. *RTL Nieuws*. Retrieved on July 1<sup>st</sup>, 2019 from: [https://www.rtlnieuws.nl/nieuws/nederland/artikel/4753436/dochter-kleinkinderen-kalifaat-niet-terugkomen-tikkende-tijdbommen?fbclid=IwAR1TVbQkfWKnkz3PUBk7y7\\_WQZo5VfWH9jVx-ygdObH2pUQ8NY-5drJot90](https://www.rtlnieuws.nl/nieuws/nederland/artikel/4753436/dochter-kleinkinderen-kalifaat-niet-terugkomen-tikkende-tijdbommen?fbclid=IwAR1TVbQkfWKnkz3PUBk7y7_WQZo5VfWH9jVx-ygdObH2pUQ8NY-5drJot90)

## II.II. Children in IS

As has been clarified earlier, IS sees great potential in the usage of children as the “future generation” of the Caliphate. A study by the NCTV and AIVD (2017) extensively explains how children live in IS-territory and to what education and training camps they are subjected to. The following table depicts the education and training children receive:<sup>6</sup>

Age	Boys	Examples	Girls	Examples
0 – 6	Mixed school classes	Language class, religious education, Islamic history, us-versus-them sense, physical education.	Mixed school classes	Same as for boys.
6 – 15	///	///	Separate education	Religious education
15 – 18	///	///	Household	Marriage, household tasks, supporting husbands
6 – 18	Separate education	Religious education	///	///
9 – 18	Training camps	Skills in firearms, bomb making, ideological and military education, detachment from family	///	///
9 – 18	Operations	Suicide operation, executions	Operations	Ideology spreading

Table 2: The role of children in the Islamic State.

## II.III. Potential threats

The Dutch society is at risk of the threats that these children might pose, aligning the three types of fall-out presented earlier in this chapter. It is especially astonishing to see the physical activities that children practise within IS and this is potentially the biggest danger that they might pose to society. Continuing, the indoctrination that children receive might result in more violence and ideology-spreading in the Netherlands (NCTV & AIVD, 2017, p. 16). Consequently, their indoctrination could alienate them from society and their peers, resulting in unsupportive surroundings and a negative attitude towards them in society. This simultaneously results in a certain victimhood of the child. Within the Dutch society, children as perceived as victim more so than perpetrator. They return extremely traumatised by the living conditions and war they endured in IS-territory (NCTV & AIVD, 2017, p. 16). This inevitably

<sup>6</sup> The table and information in it is based upon studies by the NCTV and AIVD (2017).

*Are we there yet?*

pose mental and physical risks to the child. These individual risks could potentially be harmful to the Dutch society as well and should be taken care of.

## **METHODOLOGY**

The purpose of this research is both descriptive and exploratory and will follow qualitative methods. It will mainly serve to describe the existing regulations concerning people associated with IS or have resided in IS-territory and plan to come to the Netherlands. This thesis also follows an exploratory purpose; little is known about how Dutch institutions deal with children from jihadist circles who wish to return to the Netherlands. Qualitative methods are best suitable for these types of research because these methods are best able to illustrate the current regulations on a national, supranational and international scale as well as illustrating the perceptions of practitioners.

### **I. Data collection methods**

#### *I.I. Documents*

A primary source of information considers publicly available documents, which are presented and analysed in Appendix A. The Netherlands, the European Union (EU) and the United Nations (UN) present large online databases of documents available to the public. Such documents include laws, policies, strategies, meetings, agreements, reports, factsheets, etcetera. Examples of such include migration laws, counterterrorism strategies, reports on children in IS, reception standards and more.

Another type of document concerns academic research reports delivered by scholarly experts in the field of terrorism, migration and children in armed conflicts. Many of these documents have been found through scholarly online libraries. Such academic reports comprise of comparisons of counterterrorism policies in European countries and analyses of jihadism in the migration chain, the RFF phenomenon, children in IS, and more. These are elaborated upon in Appendix B.

#### *I.II. Interviews*

Given that the above-mentioned documents have mostly been written at the top-level of government institutions, the researcher aimed at conducting interviews with frontline professionals. These perform the role of street-level bureaucrat and are tasked with the execution of policies with a certain degree of discretion (Lipsky, 1980). This implies that frontline workers stand in between the institutions they represent and the citizens. The contribution via interviews is therefore valuable in comprehensively understanding the documents and their execution on the frontline. It will allow the researcher to see the



applicability of laws and regulations which aids in answering the research question. The interviews will be semi-structured and follow guidelines and questions that are presented in Appendix D. This approach allows deviation which could be helpful for this study. The guidelines, on the other hand, prevent the interviews from going off-topic completely.

### *I.II.I. Case selection and sampling*

In selecting respondents, it was important that respondents are involved as frontline professional in either the migration chain or the process of child returnees. Through snowball-sampling and cold-calling the researcher approached relevant institutions. Snowball-sampling is the easiest and fastest way in reaching possible respondents given the mutual contact person in between the researcher and the respondent (Babbie, 2004). Cold-calling is less effective but could result in an entrance in the relevant authority which could ultimately lead to the right respondent. The researcher made use of phone calls, e-mail, and contact via LinkedIn. Given the differences in time allocation, the researcher first engaged in cold-calling before making use of the snowball-sampling method.

The most important and relevant institutions are the Central Agency for the Reception of Asylum Seekers (COA), the Child Protection Board (RvdK), the Dutch Landelijk Adviesteam Minderjarige Terugkeerders (LAT) and the Immigration and Naturalisation Service (IND). These institutions are occupied with frontline tasks in the migration chain or in the field of child returnees. Of these institutions, the researcher aimed to speak with two employees each. Furthermore, the Migration Policy Department (DMB) has also been contacted given their primary role in drafting the migration policy. Through snowball-sampling, the researcher engaged in contact with police officers who are key figures in vice-crime, traumatised children and criminalisation in the migration chain.

Securing interviews proved to be harder than anticipated, mostly for time reasons. Appendix C extensively describes the efforts of the researcher in securing interviews with frontline officials.

## **II. Research design**

The research design is aimed at answering all sub-questions in the order they have been presented in the Introduction before presenting the Discussion, ending with the Conclusion which answers the central research question.

The Netherlands is embedded in an international and supranational sphere due to their membership of the EU and their inclusion in the UN. This entails that the Netherlands has to

comply to a variety of laws, policies, directives and regulations. Given the global scope of terrorism and migration, it is important to lay down the most important laws to which the Netherlands has to comply and include in her own policies. Chapter I will aim at depicting such an international framework upon which the rest of this study can build. Essentially, it will represent the rights and duties the Netherlands has towards refugees, the migration chain, returning foreign fighters and children in armed conflicts.

The second sub-question will be answered with the use of the Chapter I, as well as including Dutch legislation. Continuing, the third sub-question will specify upon the role of children within this migration chain in Chapter III. To amplify the existing legislation and information, an interview with an employee of the COA will be included in answering this question.

Chapter IV will answer the fourth sub-question which aims at describing the Dutch policy regarding RFFs and returning minors. This question has been included in this study because it sees how the Dutch policy fits in the rights and duties that have been laid down in Chapter I. It will also present the differences between Dutch nationals and non-Dutch individuals. Given that the unit of observation in this thesis is focused on children, this chapter will mostly be narrowed down to child returnees in the Netherlands. This information has been mostly derived from publicly accessible information, such as websites of the RvdK and letters to Dutch Parliament. The researcher aimed at securing interviews with frontline employees of the RvdK, but this was not possible due to time limits and the current events regarding child returnees. Information that was derived from the interviews with the COA and the police is included as well.

The final sub-question will be answered in Chapter V and VI. It will elaborate upon the function of the frontline worker concerning detecting jihadism and interpreting signals in the migration chain. It will do so by using research reports and interviews with the COA and the police. Chapter V will illustrate the signalling and interpretation efforts of frontline workers in AZCs. Chapter VI will elaborate on this by presenting the actions that are taken as a result of these signals.

### **III. Conceptualisation**

Throughout this thesis a variety of complex concepts will be introduced. This section will provide clear definitions of these concepts.

### *III.I. Child returnees*

Children serve as the unit of observation in this study. More specifically, children returning from the conflict zones of Syria and Iraq are the focus of this study which is henceforth referred to as “child returnees”. This concept comprises of two other concepts which will be elaborated upon below: “children” and “returnees foreign fighters”.

The United Nations Convention on the Rights of the Child (UNCRC) defines a child as any human being below the age of 18.<sup>7</sup> Given that the UNCRC has been ratified and implemented in Dutch law, this definition will be used in this study.

Returnees is a more complex concept to demarcate because it covers a broad range of groups. Essentially, returnees are individuals who return home.<sup>8</sup> “Home” in this sense implies the country in which the individual has citizenship or a residence permit. However, the AIVD makes no difference in Dutch citizenship or other EU citizenship, given the principle of free movement within the EU (AIVD, 2017). This study will therefore not specify upon citizenship as well, following the AIVD’s practicalities. Returnees could cover people returning from a holiday, groups who return to their home after a war, groups who return home from work-related activities, etcetera. Recently however, returnees have mostly been associated with IS returnees which are groups and individuals who return home after having lived in the IS Caliphate. This thesis will focus on this latter group of returnees.

This group can be further differentiated in approximately three categories, the “disengaged”, the “deradicalized” and the “operatives” (NCTV, 2018). Disengaged individuals refer to people who have returned to the Netherlands without losing their jihadist and radicalised ideology, but also detach themselves from IS (NCTV, 2018). This implies that these people might still believe in a violent jihad and are willing to execute activities to stimulate this jihad but do not do so in the name of IS. Individuals or groups who have been deradicalized have coupled themselves loose of both the jihadist ideology as well as their support for IS. These people are believed not to be a threat to the safety of the Netherlands. The final group comprises of the operatives who act in the name of IS and engage in violent activities, ideology spreading or recruitment (NCTV, 2018). This group of operatives started as foreign fighters in Syria and Iraq which can be defined as “a member of an insurgency who is not a citizen of the state in which civil conflict occurs, has travelled for the purpose of becoming an armed belligerent in an intrastate conflict, and is not in the employ of a regular state military force” (Hegghammer,

---

<sup>7</sup> UNCRC (1989), art. 1

<sup>8</sup> Definition of *returnee*. Merriam-Webster. Retrieved June 20<sup>th</sup>, 2019 from: <https://www.merriam-webster.com/dictionary/returnee>

2010, pp. 57-58). What is important to remember is that foreign fighters are not citizen of the country in which the conflict occurs, but may carry the same nationality. Additionally, the purpose of travel is of importance because it separates individuals or groups with the purpose of actively joining the jihad from individuals or groups with the purpose of living in the Caliphate without actively joining the jihad.

Given that this study is interested in the influence of IS on children and the effects from this, this thesis will only focus on the “operatives” from IS returnees. Combined with the definition of a child, the researches has defined child returnees as: “any human below the age of 18 who returns to the EU after having lived in the IS Caliphate for a longer period of time with the aim of pursuing the jihadist ideology.”

### *III.II. Security risks*

As has been stated in the problem statement, child returnees and adult returnees can pose serious security risks to a country. Given that this concept is also included in the questions for the interviews, it is worth defining this concept. Essentially, a security risks comprises of a person or a situation which poses a possible threat to the security of something. Within the context of this thesis, this would imply that child returnees could pose a possible threat to the security of a country.

As presented in the Literature, these security risks could be expressed in three types of fallout. Firstly, there is a physical threat where children could serve as external operatives and engage in violence or terrorist attacks. Secondly, children pose an ideological threat when they come to the Netherlands to spread the jihadist ideology or recruit homegrown terrorists or potential foreign fighters. Finally, there is the threat that children cause segregation or cause a change in national policy which would affect the whole Dutch society which also includes a mental health risk of PTSD to the child as well. As mentioned in the Literature, PTSD could result in a physical fallout given the return of children is paired with confusion and possible reluctance to help from the government.

This thesis makes no difference in the three types of fallout as have been presented above and includes all three when referring to security risks given the significance of it to Dutch national security.

### *III.III. Jihadism*

The precise study of jihadism and its definition fall outside the scope of this research. It is, however, important to define as it is largely covered in this thesis. This is especially the case in

Chapter V and VI which specify on jihadism in the migration chain. Additionally, the term “jihadism” plays a significant role in the interviews conducted for this study.

Given that the setting of this study is located in the Netherlands, it is most logical to use the definition of jihadism as it is exercised by the Dutch government. Additionally, it best suits the scope of this thesis because it includes the violent character of jihadism and the aim for establishing a Caliphate. The latter is especially important because the establishment of a Caliphate includes the recruitment of children which is at the core of this thesis. Therefore, jihadism is a movement with Islamic politics that, on the basis of a specific interpretation of the Salafist doctrine and on the basis of, amongst other things, the ideas of Sayyid Qutb, strives for a global reign of the Islam by means of violent extremism (jihad) and thus for the re-establishment or maintenance of the Islamic State (Caliphate).<sup>9</sup>

#### *III.IV. Migration chain*

A final concept worth to define is the migration chain of the Netherlands because it plays a significant role on this research. A concise definition used in this thesis is: the procedure in between the formal application of an individual for the right to remain in another country and the conclusion of that application. It will be further conceptualised by clarifying the procedure which includes the five tracks that the IND presents.<sup>10</sup> The first track entails the Dublin Regulation, where the IND does not assess the application because it belongs in a different country. The second track entails immigrants who come from “safe countries” or already receive protection from a different member state. In both these cases, the applicant is not entitled to a rest and preparation period and a medical test.<sup>11</sup> Track three entails people who are considered “prima facie” and receive asylum, these people are assessed in a fast-track procedure. Track four is the Regular Procedure of eight days which is the most common. There is a possibility of extending these eight days is necessary, depending on the case. The final track involves applicants from the third track who cannot be assessed because of missing identity and/or travel documents. For this thesis, the fourth track will be used. This has been chosen

---

<sup>9</sup> The definition is a translation of the Dutch definition of jihadism offered by the NCTV: “Een stroming binnen de politieke islam die op basis van een specifieke invulling van de salafistische leer en op basis van onder meer het gedachtegoed van Sayyid Qutb door middel van een gewapende strijd (jihad) streeft naar een mondiale heerschappij van de islam en daarmee naar de heroprichting dan wel instandhouding van de islamitische staat (kalifaat).” Retrieved on June 20<sup>th</sup>, from: [https://www.nctv.nl/organisatie/ct/dtn/over\\_dtn/definities-gebruikt-in-het-dreigingsbeeld-terrorisme-nederland.aspx](https://www.nctv.nl/organisatie/ct/dtn/over_dtn/definities-gebruikt-in-het-dreigingsbeeld-terrorisme-nederland.aspx)

<sup>10</sup> Dutch Council for Refugees. Short overview of the asylum procedure. Retrieved May 3<sup>rd</sup>, 2019 from: <http://www.asylumineurope.org/reports/country/netherlands/asylum-procedure/general/short-overview-asylum-procedure>.

<sup>11</sup> *Ibid.*

given that this thesis is detailed on migrants coming from Syria and Iraq, which are both countries which eliminate the first and second track as a possibility. The fifth track does not apply as well, given that it entails people who are on the first sight accepted, which is rarely the case with immigrants from Syria and Iraq.<sup>12</sup> Furthermore, the procedure will be conceptualised following the conceptualisation of van Wijk and Bolhuis (2016) whose research is similar to this. They define the procedure on the basis of the relevant authorities which are the IND, COA and the Repatriation and Departure Service (DT&V) in the smaller chain, which is at the core of this thesis. Additionally, independent authorities that are relevant to this chain are the Nidos, the Aliens Police Department, Identification and People Trafficking (AVIM) and the DMB.

This thesis will only focus on aliens who apply for asylum for the reason of safety and obtaining a resident permit. Purposes such as work and study will not be included in this study, as well as people who do not apply for asylum.

#### **IV. Operationalisation**

This section will explain the measurements of the concepts that have been identified above. Jihadism and the migration chain do not need an operationalisation.

##### *IV.I. Child returnees*

Within the field of terrorism, an operationalisation of children regarding age is often presented as a ratio variable, where 0 years of age is the meaningful zero on the scale (Scherrer, Ragazzi & Walmsley, 2018, p. 68). This operationalisation is based on the different tasks that children are given in IS, as was presented in the Literature. From 0 to 9 years, children are perceived as “child”. They receive education from IS, but do not pose a physical danger to society because they do not engage in physical training. From the age of 9 to 12, children are considered “pre-teens”. From this age on, children, especially boys, engage in physical training camps and are physically employed by IS. The age of 12 has been set as a limit to pre-teens because of the cognitive level and maturity that often accompanies children in their development. From 12 to 18, children have reached a certain cognitive level and morality that makes them more dangerous than pre-teens. These “adolescents” pose physical danger to society, as well as ideological and mental danger due to a level of recognition of their behaviour. In this study, the researcher will disregard the age category of 0 to 9 given the lesser amount of danger these

---

<sup>12</sup> The latter claim is an assumption based upon readings about migration and the interview conducted with R1.

children pose. Child returnees in this study then comprise any human being from the age of 9 to 18.

Nationality also occupies a special role in this dissertation. The AIVD does not differentiate between Dutch nationalities and other EU nationalities given the principles of freedom of movement (AIVD, 2017). Because this thesis focuses on the Netherlands, this study will follow this dichotomy of the AIVD between EU nationalities and non-EU nationalities.

#### *IV.II. Security risks*

The NCTV presents a Terrorist Threat Assessment Netherlands (DTN) consisting of five levels: minimal, limited, significant, substantial and critical.<sup>13</sup> It essentially is presented as an ordinal variable given that there is a ranking but the distances between the levels are not equivalent. At the moment, the DTN is set at substantial since 2013.<sup>14</sup> This means that terrorist see the Netherlands as a target, terrorist are carrying out attacks in surrounding countries and there may be indicators that terrorist are preparing an attack on the Netherlands.<sup>15</sup>

### **IV. Reliability and validity**

#### *IV.I. Reliability*

This study does not make use of participants, tests or questionnaires which makes it difficult to establish reliability. As will be presented in the Discussion, the topicality of the issue make it complex to ensure a consistency of results and conclusions. The topic is dynamic and ever-changing which raises questions about the ability to establish reliability in the field of terrorism. On the other hand, the politicized character of the topic of terrorism and returning foreign fighters does establish reliability to a point that the researcher is up-to-date. Additionally, a variety of Parliamentary documents throughout the years have shown no deviation in attitude towards the issues as well as national policies which strengthen reliability. The political atmosphere in this case ensures a certain stability of the current regulations which can be compared to the method of inter-rater reliability.

---

<sup>13</sup> About Terrorist Threat Assessment Netherlands. Retrieved June 20<sup>th</sup>, 2019 from: <https://english.nctv.nl/organisation/counterterrorism/TerroristThreatAssessmentNetherlands/about-terrorist-threat-assessment-netherlands.aspx>

<sup>14</sup> *Ibid.*

<sup>15</sup> Composition of threat levels. Retrieved June 20<sup>th</sup>, 2019 from: <https://english.nctv.nl/organisation/counterterrorism/TerroristThreatAssessmentNetherlands/Compositionofhtreatlevels/index.aspx>

*IV.II. Validity*

Content validity is established by interviewing a variety of frontline professionals who are regarded as expert in their profession and execution of the relevant policies. Additionally, it is strengthened by using academic articles and reports of experts in the field of migration, terrorism and children in armed conflict. This was checked by assessing the amount of citations of these authors and the content of the articles they had written.



## **I. INTERNATIONAL FRAMEWORK**

The Netherlands has to comply to a variety of supra- and international legislation. The inclusion of the country in the European Union and the United Nations allows for a broad range of treaties, laws, policies, agreements and regulations that are also embedded in the Dutch laws. For this study, a framework of the most relevant and important legislation that exists in this international sphere is presented in order to correctly assess the duties of the Netherlands in the upcoming chapters. The amount of legislation extensive and does not in its entirety fall within the scope of this thesis; the motives, as well the main findings of the chosen documents are described in Appendix A.

For this analysis, the focus lies on hard law instruments. These represent legislation that is legally binding to the Netherlands. It allows a comprehensive illustration about what is considered a legal obligation in the Netherlands and what is not in order to adequately assess the Dutch practices on the discussed topics. Aside from hard law instruments, one soft law instrument has been included as well. Soft law instruments are not legally binding to a country and include agreements, practices, principles and conclusions. The soft law instrument has been chosen based upon its relevance to the topic and the Dutch involvement in drafting the document.

### **I. Migration**

Since the migration influx of 2015 and 2016, the EU has responded to this challenge by implementing measures which ought to regulate the external borders and the migration flows. At the core of this is that an effective, humanitarian and safe migration policy should be established. The Council of the European Union (CoEU) and the European Council (EC) have acted as key actors in designing strong measures towards migration. The key developments which stem from these two actors are mostly concerned with preventing irregular migration, tackling root causes, strengthening border controls and co-operation with third countries. The extensiveness of the regulations that results from this is too broad for this study to cover and will therefore be not included specifically. It is, in the scope of this research, important to take into account the approach of the EU and its key challenges which have been presented above.

Specifying on the refugees and the reception, Directive 2013/33 and the 1951 Geneva Convention on the Protection of Refugees form two important hard law regulations. Where the Directive focuses on the duties that Member States have in receiving refugees, the 1951 Refugee Convention lays down the rights of the refugees. It is vital that these rights and duties

are aligned to adequately comply to both instruments. The Directive aims for a universal and common application based on solidarity and a human-worthy approach. It, for examples, clarifies upon education facilities towards applicants, residence and freedom of movement, employment, health care, etcetera. It also specifies such standards towards children or unaccompanied children. Such duties are also presented as rights in the 1951 Refugee Convention which lays down minimal rights such as education, health care, access to courts, work, documentation, etcetera.<sup>16</sup>

Essentially, the core principle of the Convention is non-refoulement which states that all people have the right to refuge if they face serious threats on account of race, religion, nationality, membership of a social group or political opinion and shall not be returned by the state where they apply for asylum. This principle can, however, be disregarded if the person has engaged in war-crimes. The latter is represented in Article 1F, which specifies that “The provisions of this Convention shall not apply to any person with respect to whom there are serious reasons for considering that: he has committed a crime against peace, a war crime, or a crime against humanity, as defined by the international instruments drawn up to make provision in respect of such crimes; he has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee; he has been guilty of acts contrary to the purposes and principles of the United Nations.” In Directive 2013/33 does commit to the core principle of non-refoulement, but does not lay down duties towards Article 1F.

## **II. Children**

The UNCRC is the most extensive and complete document on children and covers all aspects of a child’s life, as well as civil, political, economic, social and cultural rights.<sup>17</sup> The UNCRC was ratified and put into force by the Netherlands in 1995.

The four general principles are at the core of the UNCRC and lay down the non-discrimination of the application of the rights, the best-interest-of-the-child principles, the right to life, survival and development and the right to express views freely in articles 2, 3, 6 and 12 respectively. Article 2 and 3 mostly refer to duties towards the Netherlands in that it must apply the rights of the child without engaging in discrimination and also act in the best interest of the child. Articles 6 and 12 clarify their right to life, survival and development and the right to express their views freely. The duty that accompanies these rights is that the Netherlands must

---

<sup>16</sup> 1951 Refugee Convention, p.3

<sup>17</sup> UNCRC (1989)

take care of the right to life, survival and development to a maximum extent and must respect a child's views respectively.<sup>18</sup>

Other articles in the UNCRC are dedicated to the freedom of children as well in terms of religion and identity. Appendix A emphasises Article 8(1), Article 14 and Article 20(3) in this respect. These mostly concern the religion of the child. This would imply that children have the right to follow and express their Islamic religion freely. However, article 3 is regarded as vital towards a participating State because it presents a duty which covers all articles of the UNCRC; meaning that all States must act in the best interest of the child when complying with these laws. This could mean that one article of the UNCRC is disregarded because it may threaten the best interest of the child.

### **III. Children in armed conflicts**

Other articles of the UNCRC that deserve attention in this thesis are related to children in conflict areas. These articles, presented in Appendix A mostly concern a prohibition against all forms of violence against children, be it intentional or not. It also stipulates rights to recovery after having experienced violence. For the Netherlands, this would imply that efforts need to be made in adequately preventing children from being hurt as well as taking measures in their recovery. Especially for the design of the RFF policy, this is of importance. Such a recovery should also include a juvenile justice system which is another duty of the participating State.

As an addition to the UNCRC and as a response to the growing child soldier phenomenon, the Optional Protocol regarding the involvement of children in armed conflicts has been implemented in 1990 and ratified in 1995 by the Netherlands. It specifically concerns children in armed conflicts, who are not allowed to join an armed conflict below the age of 18.<sup>19</sup> Moreover, in 2007, the Paris Principles were adopted in the fight against the child soldier phenomenon and state that recruiting children for armed conflicts is a violation of their rights. Protection and reintegration of children who have forcibly been involved in armed conflict must always be sought and exercised, which is considered a duty of the participating states (de Vries, 2018, pp. 16-17).

Children also occupy a special role in the UN Security Council Resolution 2396. While this Resolution perceives children as victims to terrorism, it also highlights the various roles

---

<sup>18</sup> UNCRC (1989), art. 12

<sup>19</sup> Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. Retrieved May 21<sup>st</sup>, 2019:  
<https://www.ohchr.org/EN/ProfessionalInterest/Pages/OPACCRRC.aspx>

that children can have in militant groups, thereby also mentioning the risk they pose.<sup>20</sup> Article 36 continues in stressing the importance of good rehabilitation programmes for children with inclusion of education, health care and psychological support.<sup>21</sup> Furthermore, the Resolutions calls that Member States take effective measures in preventing risks posed by RFFs and their families, for example by cooperation with other Member States.<sup>22</sup> Directive 2017/541 of the EP and the CoEU mentions the engagement of children in terrorism twice. This is mostly directed to an insurance of taking into account children in prosecution. Also, like many other resolutions and legislative documents, the best interest of the child trumps other principles and guidelines, and age and gender must be taken into account. The recognition of the child returnees phenomenon, the potential dangers and the measures that government may take that are presented in these hard law instruments may stimulate participating States in adequately addressing this issue in national legislation.

#### **IV. Foreign fighters**

Resolution 2178 of the UN Security Council completely focuses on the foreign fighter phenomenon and is binding upon States. It criminalizes “nationals who travel or attempt to travel to a State other than their States of residence or nationality, and other individuals who travel or attempt to travel from their territories to a State other than their States of residence or nationality, for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts, or the providing or receiving of terrorist training.”<sup>23</sup> Preventing foreign fighters is a first important step in preventing their return and their threats, which is why the inclusion of this resolution is of importance. By laying down such legal obligations, it can be analysed whether the efforts of the Netherlands in preventing foreign fighting are adequate enough. The Resolution leaves a lot to the participating States in drafting such preventing measures but does offer guidelines and handles; effective border controls, controls on identity papers and travel documents, intensify information exchange, provide advance passenger information, improve international cooperation, etc.<sup>24</sup> Furthermore, this Resolution also encourages states to prevent radicalisation and recognise threats posed by foreign fighters, including children and including their return.<sup>25</sup>

---

<sup>20</sup> S/RES/2396 (2017), art. 25 and 31.

<sup>21</sup> S/RES/2396 (2017), par. 36

<sup>22</sup> S/RES/2396 (2017), par. 25

<sup>23</sup> S/RES/2178 (2014), par. 6

<sup>24</sup> S/RES/2178 (2014), par. 2, 3, 9 and 11

<sup>25</sup> S/RES/2178 (2014), par. 4

## **V. Returning foreign fighters**

The 2018 Addendum to the 2015 Madrid Principles of the UN add to the phenomenon of foreign fighters by also paying attention to the RFF phenomenon, which is vital for this research. It focuses on enhanced border control, information-sharing, preventing recruitment, risk assessments, addressing the risk of prison-radicalisation, etc.<sup>26</sup> This is similar to the handles provided by Resolution 2178, which suggest a similarity in legal obligations for both phenomena. In drafting strategies to implement these principles, Member States must take into account the best interest of the child and consider that children and women might need special focus and assistance.<sup>27</sup> This is further specified in guiding principle 7 and 12.

The Directive 2017/541 of the EP and the CoEU criminalises returning to EU-soil with the intention of committing a terrorist offense, be it an attack, recruitment or other acts which are criminalised conform Resolution 2178.<sup>28</sup>

## **VI. The International Covenant on Civil and Political Rights**

In 1978, the Netherlands ratified the International Covenant on Civil and Political Rights (ICCPR) which states fundamental civil and political rights. Even though this Covenant is not specified towards children, it is worth mentioning because it explains the tension between national security and fundamental human rights. More specifically, it explains how human rights are solely fundamental and are not absolute; states can make exceptions in exercising fundamental rights if it threatens national security, as is stated in article 4.<sup>29</sup> This exception entails that if there exists “a public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.”<sup>30</sup> In the case of the Netherlands, it would imply that a state of emergency needs to exist in order to deviate from obliging to the fundamental rights. However, the current Dutch terrorist threat level is set at “substantial” and not critical, implying that the Netherlands have less incentive to act according to article 4 of the Covenant.

---

<sup>26</sup> S/2018/1177, p.2

<sup>27</sup> S/2018/1177, p.2 and par. 27

<sup>28</sup> Directive 2017/541, par. 9

<sup>29</sup> ICCPR (1966), art. 4

<sup>30</sup> *Ibid.*

## **VII. Conclusion**

In total, an extensive body of legislation exists concerning migration, children in armed conflicts and the dynamics of terrorism. In essence, the international framework leaves of completion and interpretation to the Member States. It does provide handles and guidelines which mostly refer to effective border control, information-sharing and co-operation with other countries and region. It is notable that such measures exist in both legislation concerning migration, as well as in legislation concerned with foreign fighters and returning foreign fighters. This leaves the interpretation that migration and foreign fighting are closely connected and can be tackled with similar measures. This does not strike as surprising, given that the growth of migration towards the EU is linked to the war in Syria and Iraq and the departure of foreign fighters. This thus results in extensive measures and implications for migration and foreign fighting as have been presented in the timeline of migration developments and Resolutions 2178, 2396 and Directive 2017/541. The migration policies that have been introduced here, however, do match their rights and duties and provide an complete framework of migration regulations.

On the other hand, international institutions like the UN and the EU have failed in addressing both the issue of returning foreign fighters and children's engagement in terrorism. The novelty of both issues results in this lack of legislation and could potentially have caused the many additional protocols, such as the 2018 Addendum to the 2015 Madrid Principles. It must be noted however that efforts have been made in including these issues in existing instruments, like Resolution 2396 and Directive 2017/541. These efforts, however, mostly criminalise travel purposes and do not specify on directly dealing with returning foreign fighters. Additionally, the extensive list of instruments concerning foreign fighters might explain this lack as well. Member States are focusing on preventing foreign fighting and spend a lot of effort and time in drafting deradicalization programmes and early-detection measures.

In legislative instruments, children are perceived as a vulnerable group who are rather victim than perpetrator of terrorism. Serious efforts have been made in preventing children from participating in terrorist activities which are most notably laid down in the Paris Principles 2007 and the Optional Protocol regarding the involvement of children in armed conflicts. Furthermore, Resolution 2396, the Addendum and Directive 2017/541 explicitly mention children. The majority of the articles that are dedicated to children imply that they: 1) are victims of terrorism, 2) should be treated conform their age and gender, 3) should be treated with dignity and respect, conform their needs, 4) may not be recruited by terrorist organisation, irrespective of their role, 5) should be allowed a specialised case-by-case juvenile justice

system, and 6) should be offered extensive rehabilitation programmes with physical, mental and educational support. What can be seen here, is that the best-interest-of-the-child principle is most important to governments, which automatically implies the importance of the duty of care towards children that institutions have. Another remark is that the principles regarding children are left very broad and vague, making it harder for countries to find effective measures in executing these principles.

## **II. DUTCH MIGRATION POLICY**

This chapter will aim at answering the sub-question: *How are migrants currently received and sheltered in the Netherlands?* Learning this will allow in understanding the dynamics of the asylum procedure, the current policy executed and the functions employed by authorities and applicants which could ultimately help in answering the main research question. Firstly, a short analysis of the coalition agreement and the comprehensive agenda on migration is given to put the asylum procedure and the regulations in the Dutch context. Afterwards, the current asylum procedure is explained. The choice of documents and the main findings of the analysis are presented in Appendix B.

### **I. National approach**

In the coalition agreement, the foundation and intentions for a human-worthy and effective migration policy are laid down conform international and European treaties and regulations.<sup>31</sup> The Dutch government prioritises international collaboration in order to achieve the points they address in the agreement. Such points entail preventing irregular migration, improving shelter in the region and improving sheltering in the Netherlands conform international treaties. It becomes evident that the government puts an emphasis on improving the region, which could ultimately prevent (irregular) migration as a whole.<sup>32</sup> On a European scale, the coalition hopes to achieve an asylum procedure and policy which aligns those of other EU member states and strives for effective collaboration through the Common European Asylum System.<sup>33</sup> Such a collaboration also includes guarding the borders of the EU via Border Security Teams.

On a national scale, the agreement intends for a flexible asylum procedure which is able to respond to the dynamic flow of migration, especially in 2015 and 2016.<sup>34</sup> This is to be achieved via cooperation between authorities and municipalities in order to enhance admission, sheltering, integration and deportation. The coalition agreement also aims for an eight-day-procedure to improve a sped-up and effective process. The foundation and intentions that are laid down in the coalition agreement are translated into the comprehensive agenda on migration which presents six pillars combining the most important points of the coalition agreement.<sup>35</sup>

---

<sup>31</sup> Vertrouwen in de toekomst: Regeerakkoord 2017-2021, ch. 4.5

<sup>32</sup> Vertrouwen in de toekomst: Regeerakkoord 2017-2021, p.51

<sup>33</sup> *Ibid*, p.52-53

<sup>34</sup> *Ibid*, p.53

<sup>35</sup> Parliamentary document: Letter to Parliament, 10-07-2018, 2199350



These six pillars are further allocated amongst three levels: the region, Europe and the Netherlands:

1. Preventing irregular migration, *regional*;
2. Improving reception and protection for refugees and displaced persons in the region, *regional*;
3. Achieving a robust asylum system, based on solidarity, in the EU and the Netherlands, *Europe*;
4. Combating illegal residence and stepping up returns, *the Netherlands*;
5. Promoting legal migration routes, *regional*;
6. Encouraging integration and participation, *the Netherlands*.

While all pillars are of importance to the design of the current asylum procedure, the third pillar is the most significant for this study. It essentially aims for a flexible and effective asylum procedure which is based upon solidarity and is similar to other member states' procedure, as was also stated in the coalition agreement. While many of the standards of reception of migrants is laid down in Directive 2013/33 of the European Parliament and the Council, the Dutch system needs to be redesigned to meet this principles and allow for a flexible and effective system.

## **II. Dutch asylum procedure<sup>36</sup>**

### *II.I. Redesigning the current system.*

In accordance with EU legislation, some changes have already been adapted.<sup>37</sup> Firstly, if repeat application is not expected to be successful, an interview will not be held with the applicant. Secondly, legal assistance will be strengthened when the Immigration and Naturalisation Service (IND) has the intention to reject an application. Finally, methods will be installed which can more effectively assess the credibility of claims made about belonging to a certain religious group or to an LGBTQ-community.

Furthermore, redesigning the system entails a joint planning system and more co-operation between authorities under one roof at the Combined Asylum Seekers' Centres, as well as closer co-operation between asylum centres (AZCs) and municipalities.<sup>38</sup> Also, integration plays a meaningful role in migration as it decides where migrants will be housed and receive education and healthcare conform Directive 2013/33.

---

<sup>36</sup> Asielbeleid. Retrieved May 14<sup>th</sup>, 2019 from: <https://www.rijksoverheid.nl/onderwerpen/asielbeleid>

<sup>37</sup> Parliamentary document: Letter to Parliament, 10-07-2018, 2199350, p.7

<sup>38</sup> *Ibid*

Given that the authorities play a large role in redesigning the system, more attention is paid to them concerning unacceptable behaviour, which could also include jihadism. The Aliens Police, Identification, and Human Trafficking Department (AVIM) is for example tasked with a more sped up process concerning information-sharing on matters that could harm national security.<sup>39</sup> Extra supervision is cared of, and asylum seekers who commit a criminal offence will be dealt with according to the criminal justice system of the Netherlands.<sup>40</sup> Such criminal offences of unusual behaviour will be taken into account in the process of granting asylum by the 1F-unit of the IND.<sup>41</sup>

## *II.II. Institutions*

In order to apply for asylum, the AVIM, the COA, the IND and the DT&V closely cooperate with each other. The AVIM and the IND are primarily tasked with the identification of the applicant. The IND's tasks extent to assessing the application by conducting interviews and ultimately deciding on asylum. The COA is tasked with the reception and sheltering of asylum seekers in the meantime of the application.<sup>42</sup> When an application is denied, the DT&V is tasked with preparing the asylum seeker to leave the Netherlands again, meanwhile the asylum seeker stays with COA.

## *II.II. the Regular Procedure*

The Regular Procedure is laid down in Articles 3.112 to 3.115 of the Aliens Decree 2000 and Articles 42 of the Aliens Act (Staatssecretaris van Veiligheid en Justitie, 2016). In this procedure, a six-day-rest is given to the asylum seeker to rest from the travel and prepare for the asylum procedure.

<b>Day</b>	<b>Action of IND</b>	<b>Action of the asylum seeker</b>	<b>Article<sup>43</sup></b>
<b>Day 1</b>	<ul style="list-style-type: none"><li>• A first interview is conducted, without including reasons of travel.</li><li>• A transcript of the interview is given to the asylum seeker.</li></ul>		Article 3.112

<sup>39</sup> *Ibid*, p.8

<sup>40</sup> *Ibid*, p.8

<sup>41</sup> *Ibid*, p.8 & Vertrouwen in de toekomst: Regeerakkoord, 2017-2021, p.53 & Interview R1

<sup>42</sup> *Ibid*.

<sup>43</sup> Aliens Decree 2000. Retrieved May 15<sup>th</sup>, 2019 from: <https://maxius.nl/vreemdelingenbesluit-2000/>

<b>Day 2</b>	<ul style="list-style-type: none"> <li>• A second interview is prepared.</li> </ul>	<ul style="list-style-type: none"> <li>• The transcript is reviewed for any misinterpretations.</li> </ul>	Article 3.113.1
<b>Day 3</b>	<ul style="list-style-type: none"> <li>• The second interview is conducted.</li> <li>• A transcript of the interview is given to the asylum seeker.</li> </ul>	<ul style="list-style-type: none"> <li>• The asylum seeker may state its reasons for travel, misinterpretations in the first report and other important concerns considering the application and travel.</li> </ul>	Article 3.113.2 Article 3.113.4
<b>Day 4</b>		<ul style="list-style-type: none"> <li>• The asylum seeker has the opportunity to address misinterpretations or translation mistakes.</li> <li>• The asylum seeker must state the credibility of the report after revision.</li> </ul>	Article 3.113.5 Article 3.113.6
<b>Day 5 – “Voornemen”</b>	<ul style="list-style-type: none"> <li>• A written report of intention of rejection is handed to the asylum seeker, including reasons of the IND to reject.</li> </ul>		Article 3.114.1
<b>Day 6 – “Zienswijze”</b>	<ul style="list-style-type: none"> <li>• If the report is not given on the fifth day, it will be given on the sixth day.</li> </ul>	<ul style="list-style-type: none"> <li>• The asylum seeker, with lawyer, is allowed to comment on the report from the behalf of the asylum seeker.</li> </ul>	Article 3.114.2
<b>Day 7/Day 8 – “Beschikking”</b>	<ul style="list-style-type: none"> <li>• An official and final decision is made upon granting or rejecting the application.</li> <li>• If above is not possible, an extended procedure will go into force of 6, 8 or 14 days.</li> </ul>		Article 3.114.6 Article 3.115

Table 3: The Regular Asylum Procedure conform the Alien Decree 2000.

### III. Conclusion

In essence, the current migrant policy is designed on the basis of the coalition agreement of 2017. The 1951 Refugee Convention and Directive 2013/33. Its core intentions concern solidarity and collaboration on a municipal, national, supranational and international level. Collaboration is key to the Netherlands in designing their policy since migration is considered a global phenomenon which the Dutch cannot face alone. Especially on a European level, co-operation and a stable yet flexible procedure is wished. This is further extended to investments

in the region which could limit illegal and dangerous migration. In general, the EU migration policy also aims for solidarity, collaboration and an effective and human-worthy approach.

When narrowing this down to the Aliens Act 2000 and the Aliens Decree 2000; the 1951 Geneva Convention on the Protection of Refugees and Directive 2013/33 are represented in the national context. Articles 1F and 33 are for example represented in the two Dutch policies. Additionally, the Dutch AZCs provide aid to asylum seekers as are laid down in Directive 2013/33. These include, amongst others, education, language classes, health care, employment training and other leisure activities. Moreover, the eight-day-procedure that is elaborated upon in the Aliens Decree 2000 show the effectiveness of the Dutch approach, which is also briefly laid down in the Directive 2013/33 and matches the aim of the EU.

Such an approach does suggest the Dutch commitment to the international treaties it has signed. Moreover, it presents a dedication towards the asylum seekers who enter the Netherlands by ensuring the effective yet human-worthy approach that it takes. This shows that both characteristics are present in the Dutch approach.

### **III. CHILDREN IN DUTCH MIGRATION**

This chapter will describe the asylum procedure specified on children by answering the second sub-question: *What does the migration chain in the Netherlands entail of concerning children?* It will do so by making use of an interview with a practitioner, as well as including publicly available documentation and information on this issue. Appendix B will provide a thorough analysis of the relevant documentation for this chapter.

#### **I. Accompanied children**

Most children who travel to the Netherlands are accompanied by either the parent(s) or legal guardian(s). Reading from the Aliens Decree 2000, no special procedure is put into force when children are accompanied. This implies that children are not placed in separate housing establishments and do not participate in the interviews of the IND as this is a task of the parents. Confirmed by R1, children who are accompanied with their parents or any other legal guardian are not seen as separate from their parents. Consequently, if the parents are given asylum and residency to the Netherlands the child is automatically granted asylum to.<sup>44</sup>

Special attention is, however, given to Article 3 of the UNCRC which obliges the participating State, in this case the Netherlands, to act on behalf of the best interest of the child.<sup>45</sup> In correspondence with this article, Article 3.15.3c of the Aliens Decree 2000 states that the decision for a family member to be rejected their application to asylum in the Netherlands may be reversed if it breaches the best interest of the child. Additionally, Article 8.22 of the Aliens Decree recognises that a child will only be deported if it is in their best interest. The best interest of the child is also recognized at a practical level, where R1 explained how children may be separated from their parents in different housing establishments if it is better for the child.<sup>46</sup>

#### **II. Unaccompanied minor aliens (AMV)**

The possibility exists that a minor is unaccompanied by a parent or guard and seeks refuge in the Netherlands. The Dutch government defines an AMV as a child younger than 18, coming from outside the EU without a parent, parents or any other guard with authority over the minor.<sup>47</sup> AMVs who need protection are granted asylum and get a guardian until their 18<sup>th</sup>

---

<sup>44</sup> Interview R1

<sup>45</sup> UNCRC (1989), art. 3

<sup>46</sup> Interview R1

<sup>47</sup> Unaccompanied minor aliens (AMV). Retrieved on May 25<sup>th</sup>, 2019:

<https://www.government.nl/topics/asylum-policy/unaccompanied-minor-foreign-nationals-umfns>

birthday, if they are younger than 15, they are placed in foster families by the Nidos Foundation. Such foster families can be related uncles and aunts, a family similar to the child's culture, a Dutch family, etcetera.<sup>48</sup> Otherwise, they are sheltered with the COA. They will, however, be separated from adults and be under 24-hour supervision.<sup>49</sup> According to R1, this is to ensure their safety, but also to ensure their development.<sup>50</sup> When AMVs turn 18, they are housed amongst the adults. AMV's are not necessarily perceived as more dangerous when they return from Syria and Iraq. On the contrary, they are observed as increasingly vulnerable to potential dangers from within the AZC.<sup>51</sup> Questions are not so much asked about potential threats but about potential exposures to danger and why a child has travelled alone.<sup>52</sup>

Upon arrival, AMVs' asylum procedure will not be conducted at the border, for example when they arrive at Schiphol Airport, but will only be conducted in the application centre of Ter Apel.<sup>53</sup> AMVs are immediately given guidance through the asylum procedure by someone from the Nidos.<sup>54</sup> Together with this guardian, they engage in the same procedure as adult migrants, by which legal guidance and the allocated guardian is always present.<sup>55</sup> Learning from the previous chapter, this implies that they are grouped under one of the five tracks and run through the accompanying procedure. Within each track, interviews with the IND are conducted in order to become aware of the background story and establish the identity of the migrant. If a child is granted asylum, he/she is immediately relocated by the Nidos. Again, this is either in foster care or youth homes. If the application is rejected, the AMV is placed in smaller settlements which are regulated by the COA.<sup>56</sup> These locations are either situated in the AZCs, or outside the centre.

The approach that the Netherlands takes towards AMVs also aligns Directive 2013/33 of the European Parliament and the Council, which lays down the standards for reception of applicants in need of international protection. Article 24.1, for example, lays down the right of a representative that is assigned to the AMV. Additionally, Article 24.2 continues with the placement of AMV and limits this to adult relatives, foster care or in accommodations for minors.

---

<sup>48</sup> Interview R1

<sup>49</sup> *Ibid.*

<sup>50</sup> *Ibid.*

<sup>51</sup> Interview R2

<sup>52</sup> Interview R1

<sup>53</sup> Aliens Decree 2000, art. 3.109b.7

<sup>54</sup> Aliens Decree 2000, art. 3.109d.1

<sup>55</sup> Aliens Decree 2000, art. 3.109d.4

<sup>56</sup> COA. Locaties voor jongeren. Retrieved May 26<sup>th</sup>, 2019 from: <https://www.coa.nl/nl/opvanglocaties/locaties-voor-jongeren>

### **III. Children in asylum centres**

The COA is responsible for ensuring a safe place for children in which they feel comfort. This comfort is reliant on the UNCRC and Directive 2013/33 which lays down the standards for the reception of applicants for international protection. Comment 22 of this Directive for example, states that Member States must take into account the best interest of the child when arranging housing, which has been further clarified upon in Article 23.<sup>57</sup> The best interest of the child, in this case, is measured according to the family reunification possibilities, the minor's well-being and development, safety and security considerations and the views of the minor in accordance with the age and maturity.<sup>58</sup> In measuring this, the positions and background of each child must be taken into account by the Member States.<sup>59</sup> This could, for example mean, that children might be separated from their parents or family if there is reason to believe that it is in the best interest of the child.<sup>60</sup> In larger cases, an investigation by the RvdK may start which could lead to out-of-home placement. It could also mean, on the other hand, that a child is deemed a threat to national security. If this is the case, the IND is allowed to reject entrance to the Netherlands (Bakker, Sciarone & de Roy van Zuijdewijn, 2019).

The Netherlands find the care of children extremely important.<sup>61</sup> This is why, upon arrival, children must engage in compulsory education. AZCs have primary schools, yet parents may choose to place their child on a different school.<sup>62</sup> Children from the age of 12 to 18 go to the “internationale schakelklas” where they are educated in the Dutch language and other mandatory subjects conform the Dutch law.<sup>63</sup> Article 14 of the Directive lays down the standards for education, which also states that Member States must provide education in conditions that is similar to nationals, this also includes preparatory classes and language classes.<sup>64</sup> Other facilities for minors are also taken care of by the COA, such as playgrounds and other leisure activities or rehabilitation facilities if the child has been in a vulnerable position.<sup>65/66</sup>

---

<sup>57</sup> Directive 2013/33, Comment 22.

<sup>58</sup> Directive 2013/33, art. 23

<sup>59</sup> Directive 2013/33, art. 21

<sup>60</sup> Interview R1

<sup>61</sup> *Ibid*

<sup>62</sup> COA. Kinderen in de opvang. Retrieved May 26<sup>th</sup>, 2019 from: <https://www.coa.nl/nl/asielopvang/wonen-op-veen-asielzoekerscentrum/kinderen-in-de-opvang>

<sup>63</sup> Interview R1

<sup>64</sup> Directive 2013/33, art. 14

<sup>65</sup> COA. Kinderen in de opvang. Retrieved May 26<sup>th</sup>, 2019 from: <https://www.coa.nl/nl/asielopvang/wonen-op-veen-asielzoekerscentrum/kinderen-in-de-opvang>

<sup>66</sup> Directive 2013/33, art. 23.4

#### **IV. Conclusion**

Concluding, in illustrating the Dutch approach to children in the migration chain, the best interest of the child is a dominant principle that is followed by the Netherlands and the responsible authorities as it has been laid down in the UNCRC. It shows not only a dedication at the policy level but also at the practical level as children's rights are always exercised and the best interest of the child is a priority to most.

There is a difference in approach to children who are accompanied with their parents and legal guardians and children who arrive to the Netherlands unaccompanied. Accompanied children are, for example, not considered as separate from their parents in the procedure. This is, however, unless there is reason to believe that separation from the parents is in the best interest of the child. Unaccompanied minors, on the contrary, must go through the asylum procedure without parents or guardians and are tasked with the same obligations as adult applicants. To support and assist AMVs in this, a representative is assigned to the child in easing the procedure.

Not only do the measures and principles concerning placement and the asylum procedure align the best interest of the child, the sheltering provided by the COA also builds upon this principle. This can be visible through the facilities that children are presented in the AZC. Such facilities include playgrounds, libraries, schools and rehabilitation centres. Through the design of the AZCs and the measures that are taken in providing for the child as best as possible, it becomes clear that the Netherlands places an emphasis on the well-being of the child, as is their duty by various treaties, such as the UNCRC and the Directive 2013/33.

In essence, the approach that the Dutch government takes towards children is similar to the approach presented in Chapter II. That being that it is effective and human-worthy. It can be concluded, analysing from the documents and the interviews, that the approach towards children is revolved around the best interest of the child principle.



## IV. DUTCH RETURNEES

As was mentioned in Chapter I, the international framework puts emphasis on the participating States and the obligations they have towards their national security and child protection. This chapter will aim at sketching the Dutch framework concerning child returnees with a Dutch connection in order to answer the sub-question: *What does the legislation concerning returning foreign fighters and child returnees comprise of in a Dutch context?* In doing so, this chapter will make use of mostly documents stemming from government, containing mostly policies and other relevant documents. It will not go into full detail about the juvenile criminal justice system as it falls outside the scope of this thesis.

### I. Returning foreign fighters

The current Dutch approach regarding RFFs is that they receive no active help from the Dutch government in returning to the Netherlands. Those who wish to return to the Netherlands, must reach a Dutch Embassy on their own strength before they receive any help (Bakker, Sciarone & de Roy van Zuijdewijn, 2019). This often results in people making use of irregular and illegal migration routes in order to reach the Dutch Embassy in Turkey. The reason for this inactive approach is that the NCTV and AIVD sees potentially high impact security risks to the Dutch society (AIVD, 2017). Additionally, the Dutch government does not want to engage in increased safety risks by sending diplomats to the conflict regions (Bakker, Sciarone & de Roy van Zuijdewijn, 2019).

The complexity of the issue is, however, increased by the fact that many foreign fighters who wish to return are not in IS-territory, nor are they able to reach a Dutch Embassy. This mostly implies that RFFs are detained in refugee camps that are regulated by the Kurds or the Free Syrian Army. The current policy offers no response to this increasingly occurring issue.<sup>67</sup> While many requests from families have been made towards the Netherlands to return home, the cabinet has been clear in messaging that it will not assist in people returning towards the Netherlands if they reside in unsafe regions in Syria or Iraq.<sup>68/69</sup>

---

<sup>67</sup> Parliamentary Document: Letter to Parliament, 29-05-2019, 2019Z07000

<sup>68</sup> *Ibid.*

<sup>69</sup> From 2016 towards 2017, a new cabinet was installed in the Netherlands. The 2016-cabinet took requests from people or families who wanted to come home to the Netherlands and analysed the nationality and location of these requests in order to potentially aid them in coming to the Dutch Embassy. Additionally they contacted the FSA and Turkey in order to announce a possible return to the Dutch Embassy. The 2017-cabinet implemented a clarification and decided that it will not assist people who reside in dangerous regions.

The Dutch government measures the following in order to assess the case: 1) the safety within the region, 2) the international relations and 3) the safety of the involved parties. Given that most regions are not safe, the Dutch government does not have formal diplomatic ties with Syria, Iraq or the Kurds and the involved parties are not deemed as safe; no help is offered.<sup>70</sup> If individuals or families return and they are categorised as recognised foreign fighters they are arrested upon their arrival and prosecuted according to the Terrorism Act adding to the Criminal Code (van Spaendonck, 2016).<sup>71</sup>

## **II. Returning children**

At first instance, children are regarded as victims rather than perpetrators. Children have often been taken by their parents to the conflict regions or have been born there, which results in the children not being at fault.<sup>72</sup> They, on the contrary, do not occupy a special role in the Dutch policy and do not receive assistance upon their return to the Netherlands (Bakker, Sciarone & de Roy van Zuijdewijn, 2019). While the government does recognize the UNCRC and it, and especially Article 3 which defines the best-interest-of-the-child-principle, the return of children remains to be complex. In returning children, the three measures presented earlier are also put into force in assessing a case-by-case approach.<sup>73</sup> For the same reasons as above, no help is given towards children.

### *II.I. Arriving in the Netherlands*

Once children have arrived in the Netherlands, the approach that the government takes is based on care and accompaniment. This implies that a case-by-case approach is taken which stimulates the child's development conform Article 12 of the UNCRC. The age of the child is also taken into account upon arrival, and is often divided into the following categories: 0 – 9 years, 9 – 12 years and 12 – 18 years (de Vries, 2018). The RvdK is responsible for the care that the child receives upon arrival, based upon research and measures made by the LAT.<sup>74</sup> Based on a preliminary investigations, the LAT drafts an initial plan for the child when they are still in the region. Upon their arrival, the LAT conducts interviews with the child to establish a

---

<sup>70</sup> Parliamentary Document: Letter to Parliament, 21-02-2019, 2510059.

<sup>71</sup> Parliamentary Document: Letter to Parliament, 21-02-2019, 2510059.

<sup>72</sup> Parliamentary Document: Letter to Parliament, 10-04-2018, 2242633.

<sup>73</sup> Parliamentary Document: Letter to Parliament, 21-02-2019, 2510059.

<sup>74</sup> Raad voor de Kinderscherming. (2018, April 12<sup>th</sup>). Retrieved on June 16<sup>th</sup>, 2019:

<https://www.kinderbescherming.nl/actueel/nieuws/2018/04/12/minister-in-kamerbrief-duidelijk-over-rol-rvdk-bij-terugkeerders>

final personalised plan.<sup>75</sup> These plans draft upon the GCF Good Practices, the RAN Issue Report on RFFs and the UNCRC, which have been analysed in Appendix A.

#### **IV. Conclusion**

Concerning returning foreign fighters, the Netherlands does not present a clear duty of care towards this group. In this regards, the Netherlands outweigh the national security above the duty it has towards its citizens. Upon arrival, the RFF is arrested and led through the prosecution procedure that is corresponding with the nature of the crimes committed. While adult reintegration programmes do exist, the Netherlands emphasises the risks of adult RFFs to a larger extent than that they mention a possible shift in ideology.

In the approach towards child returnees, the Netherlands faces a dilemma between ensuring the national security and the duty of care they have towards children who fall in their jurisdiction. Regarding the policy, the same is true for their approach to children as is for adult RFFs; children do not receive active assistance in returning to the Netherlands. The Dutch government does recognise the UNCRC, its Additional Protocol and the Paris Principles and has a duty to prevent child usage in armed conflicts and must aid in their rehabilitation. However, the regulations specifying the return of these children are lacking in the international framework which stimulates the Netherlands in exercising their policy conform their own norms and values. What is conflicting is that the Netherlands does perceive children as a victim, rather than as a perpetrator. One would assume that, judging from this, the Netherlands would take an active stance in bringing children home. Based on the read literature however, this active approach only starts when the child has arrived in the Netherlands. Prior to this arrival, no assistance or support is assigned to the child. From this, it becomes evident that the Netherlands clearly places national security above the duty of care.

Chapter III, however, suggested otherwise; children in the migration chain are rarely observed as dangerous and receive much attention in terms of their development. On the contrary, the Netherlands does take an active approach in receiving child returnees. This is ensured via a tailored approach that is provided for by the LAT and the various child protection and intervention measures available. Such interventions include placement facilities for children, schooling and rehabilitation and normalisation programmes. Given that the Netherlands does care for a tailored approach for each child, that is initiated at the time when the child is still in the conflict region, indicates that the government does put effort in ensuring

---

<sup>75</sup> E-mail correspondence with a member of the LAT.

safety and proper development for the child based on its personal experiences. In this sense, the Netherlands take a more positive approach to rehabilitation of children than they do towards adults.

## V. SIGNALLING JIHADISM

This chapter will explain what efforts the Dutch government, and its relevant institutions, put into signalling extremism amongst asylum seekers. In this chapter, the primary focus will be on the identification and interpretation of signals leaning towards jihadism.

### I. Detecting jihadism

#### *I.I. Signals*

A variety of civil servants deal with returning children. Social workers are, for example, often tasked with the reintegration in Dutch society. A similar task is employed by teachers, who must deal with these children in their classes. Police officers, on the other hand, deal with the safety risks that they pose to Dutch society. Finally, employees within the migration chain face children, possibly radicalised, directly in the migration chain and AZCs (van Wijk & Bolhuis, 2016). In order for these civil servants to correctly exercise their tasks, it is important that these frontline workers are familiar with jihadism, extremism and radicalisation (van de Weert & Eijkman, 2017, p. 13). Knowledge about this entails that they are able to recognise signals that accompany deviant behaviour which may result in radicalisation or extremist thoughts (van Wijk & Bolhuis, 2016). This results from courses and other trainings concerning detecting extremism.

Many professionals work with certain indicators concerning appearance, socio-economic attributes, nationalities and ethnicities, and characteristics to detect terrorists in the public. Examples of such are a sudden change of clothing, a loss of interest in hobbies, “liked” content on social media, young people with a migration background, sudden isolation, etcetera (van de Weert & Eijkman, 2017, p. 22; van Wijk & Bolhuis, 2016, p. 86). Such indicators are not compiled into a checklist and much is left to intuition.<sup>76</sup> This intuitive approach involves the professional’s personal emotions and norms and values (van de Weert & Eijkman, 2017, p. 16). The risk factors then serve primarily as handles to the civil servant. Also, precise profiling is extremely complex, if not impossible (Bakker, 2015). It has, for example, been studied that poverty or an unfavourable socio-economic status cannot be considered a root cause or a signal of terrorism (Bakker, 2015). Within the migration chain, as R2 mentioned, the IND and AVIM already filter out the majority of signals and threats when establish the alien’s identity and listen to their story. It is complex to detect signals when establishing identity because it is mostly

---

<sup>76</sup> Interview R1

focused on paper work, travel documents and what a person has done.<sup>77</sup> The latter refers to war crimes of Article 1F of the Refugee Convention, which are analysed by the IND and AVIM.<sup>78</sup> Signals that lean towards jihadism are often not taken into account and have not been an issue.<sup>79</sup>

Concrete signals that have been mentioned by R1 are; content on mobile phones, dialects and accents as they might confirm or deny a story of origin, and the social circles of an asylum seeker. Especially the latter is of importance in the case of children. As R2 indicated, children and AMVs are perceived as a vulnerable group who are especially susceptible to their environment. This is especially the case when they turn 18 and are considered adults; the possibility of them radicalising in the network they have been released in is significant.<sup>80</sup>

A variety of other institutions have released reports on other signals. The Radicalisation Awareness Network (RAN) of the European Commission issued a paper of Ranstorp (2016) containing push and pull factors which could trigger jihadism. On a more national scale, the NCTV (2014) published a manual as to how terrorism can be detected such as engaging in unusually large monetary transactions, frequent change of residents in a house, people observing public spaces and locations of security cameras, buying means to make explosives, buying means or cars with cash money, having false documents, etcetera. In another manual, specified to companies, several behavioural changes are mentioned as well; engaging in extremist literature, interest in martial arts, approving signals towards terrorist attacks, a sudden resentment against Western habits, etcetera (van Wijk & Bolhuis, 2016, p. 88).

### *I.II. Training*

Training is usually executed at a municipal level in the Netherlands, which results in differences in knowledge and expertise on a national and local scale (van de Weert & Eijkman, 2017, p. 13). Moreover, the training and courses on a national level, especially in the migration chain, are more general regarding jihadism and national security and do not specify on signals.<sup>81</sup> Also, from the interview it was learned that frontline officers of AZCs do not receive such trainings. It is assumed that employees of the IND and AVIM do.<sup>82</sup> Police officers do not receive trainings because they already have a different perspective on individuals than most civil servants (van Wijk & Bolhuis, 2016, pp. 102-103). Interviews conducted with social workers did conclude in

---

<sup>77</sup> Interview R2

<sup>78</sup> *Ibid.*

<sup>79</sup> *Ibid.*

<sup>80</sup> Interview R2

<sup>81</sup> Interview R1

<sup>82</sup> *Ibid.*

a request for more tools and skills concerning detection, given that they now act on “gut-feeling” (van de Weert & Eijkman, 2017).

## **II. Recognition and interpretation**

Even though certain indicators and lists are available to the majority of civil servants, it is a completely different task to recognise these indicators as potential extremism. Recognition is difficult, as jihadists become increasingly aware of the indicators that civil servants might be looking for.<sup>83</sup> This for example results in an increasing role of women and children in terrorist activities (Bakker, 2015).

Civil servants are attentive to signals but do not regard all signals as alarming.<sup>84</sup> This is especially the case given the extreme conditions that some asylum seekers have faced in their home-country and might sympathise certain actions of IS in some cases.<sup>85/86</sup> Photos and videos of IS are, therefore, not immediately interpreted as a signal of terrorism. Some social media content is not alarming but a mere search for identity of the youngster or alien (van de Weert & Eijkman, 2017). Moreover, checking off one risk factor does not indicate jihadism, it becomes alarming when more boxes are checked and civil servants will respond to this much faster. Interpretation is then, much like recognising and seeing signals, left to intuition and personal and professional norms and values.<sup>87</sup>

## **III. Difficulties**

The previous sections have already mentioned a few difficulties in signalling and interpreting jihadism, the most important of them being a lack of concrete checklists and a difficulty in universally training civil servants. Moreover, there must be a norm in order to find a deviance. Such norm, however, does not exist which challenges correctly assessing extremism.

Another difficulty exists in the reluctance of the Dutch government to publish indicators, signals and profiles as they believe it might undermine the effectivity of the effects (van Wijk & Bolhuis, 2016). Furthermore, releasing these signals could lead to segregation and different interpretations of indicators by citizens, which in turn could be dangerous as well (van Wijk & Bolhuis, 2016, p. 87). Only a few indicators are known publicly, but an extensive list is missing; civilians are then not properly adequate to see signals. This is troublesome to the extent that

---

<sup>83</sup> Interview R2

<sup>84</sup> Interview R1

<sup>85</sup> *Ibid.*

<sup>86</sup> Documentary “In het spoor van IS” from Sinan Can. Retrieved on June 7<sup>th</sup>, 2019 from:

[https://www.npostart.nl/in-het-spoor-van-is/11-12-2017/BV\\_101385412](https://www.npostart.nl/in-het-spoor-van-is/11-12-2017/BV_101385412)

<sup>87</sup> *Ibid.*

civil servants usually perform tasks that stand in between the public and the institutions they represent; relying on citizens is oftentimes crucial in signalling crime, especially for police officers. Not providing a more extensive list of signals to citizens might reduce effectiveness as well.

A final difficulty arises in the tasks of the civil servants and their institutions. Some civil servants, like social workers and teachers, are in contact with migrants on a more daily basis and might be able to recognise signals better. Police officers, on the other hand, must base their suspicion on a “simple” stroll through the streets, which could ultimately result in false negatives or false positives. Specifically, in the migration chain the police is not tasked with signalling jihadism. The AVIM is tasked with the identification of the aliens and local police only enter when a crime has been committed.<sup>88</sup> According to R2, such crime is oftentimes very small and includes bicycle theft or fights, terrorist activities have never been an issue. Finally, some institutions are more focused on radicalisation instead of extremism, which could also alter the manner of detecting signals.

### **III. Conclusion**

This chapter has aimed to lay down the signals linked to jihadism as well as the interpretation that results from them. Through the interviews, however, it became evident that no concrete checklist exists. R1, for example, refuted the general assumption that content on mobile phones is deemed as crucial in detecting jihadism. On the other hand, accents and dialects are regarded as more significant since they are more likely to prove or disprove an asylum seeker’s story. Other signals that have been mentioned by both the respondents as well as a number of reports are mentioned in Table 4.

Interpretation is, like signalling jihadism, left to the professional and personal experience and values of the related civil servant. The differences that exists in the tasks of civil servant complexify a universal and, therefore, effective interpretation. It was learned from the interview with R2 for example that the police occupies a little role in the migration chain and thus in the detection of jihadism. While the COA can be regarded as the most direct frontline professional, R1 could not extensively explain the interpretation combined with signals. Moreover, the IND occupies the most important task in the migration chain in the identification, application and rejecting of asylum seekers; they are most aware of the background of an asylum seeker.

---

<sup>88</sup> Interview R2



This chapter thus illustrated that while different signals do exist in literature and on a practical level, the interpretation of them is most difficult because this has not been written out in detail. It results in an intuitive approach that is based upon the tasks of the responsible authority which, continuing, results in different conclusions and actions. Although interpretation of signals is complex, the analysis that came as a result of the interviews and the literature did provide an expected interpretation presented in Table 4.

<b>Signals</b>	<b>Interpretation</b>
Accent / dialect	Accents that do not match the background story do lead to suspicion of the credibility of an asylum seeker.
Sudden change in clothing	Given the apparent change, a change of Western-clothing to more traditional clothing does cause suspicion amongst frontline workers.
Mobile phone content	No reason for direct suspicion because such content is available and might be a search for identity rather than a justification of commitment.
Anti-Western attitude and behaviour	Many asylum seekers are disoriented upon their arrival and might be reluctant to the Western culture. Some might even sympathise some of IS's actions given their extreme poverty and war circumstances. Anti-Western attitude and behaviour might therefore not directly be a warning signal.
Loss of interest in hobbies	Might not immediately cause suspicion given the tense environments of AZCs. A drastic shift of interest might be reason for suspicion or raise an alarming interpretation.
Interest in terrorist related literature or activities	Within AZCs, this might lead to direct suspicion.
Isolation	Within AZCs, this is not a direct cause for an interpretation of jihadism because of the tense environments and sudden changes that go along with AZCs.
Preparation in terrorist activities: scanning public spaces, engaging in large transactions, buying suspicious goods, frequently moving houses, etcetera.	Preparation in AZCs does not occur according to the respondents and the risk of occurrence has never been a reason for worry. If it were to occur, it would cause a direct interpretation of jihadism.
Linguistic expressions	Linguistic expressions related to jihadism do cause suspicion of jihadism and could lead to a claim or report.

Tattoos	Tattoos will keep asylum seekers under closer supervision but could also not be of meaning anymore. It will not directly result in an interpretation of jihadism.
---------	---

*Table 4: Signals and interpretation of jihadism.*

## **VI. ACTING UPON JIHADISM**

This chapter will continue with the final sub-question about the efforts that the Dutch government takes on detecting jihadism. It will do so by briefly elaborating upon the actions that frontline workers take when having interpreted a certain signal that is believed to be linked to jihadism. Finally, a conclusion to the sub-question will be given, also taking into account the previous chapter.

### **I. Action in the migration chain**

According to R1, employees at the front level of the migration chain are always encouraged to report any possible signals they might have detected. The action that follows, differs per signal, but falls within the scope of the employee.<sup>89</sup> For example in the migration chain, a certain signal could result in further investigation by tapping cell phones, searching through luggage or searching through apartments. R2 continues in explaining that action is always taken, but providing evidence is the most significant difficulty in taking concrete actions. Suspects will only be arrested when there is a clear reason to do so in order to engage in action (van Wijk & Bolhuis, 2016, p. 108). While detected signals are always reported “just in case”, action is not always pursued given the, oftentimes, vagueness of a claim. Before making a certain claim employees are encouraged to stay in close contact with asylum seeker. This enables an insurance that a claim is worth following up on. Little to no migrants have been heard under criminal law as a result of reports that have been made (van Wijk & Bolhuis, 2016, p. 121).<sup>90</sup>

If authoritative figures such as the AVIM or the IND do receive a report from an employee, action is pursued in secret. This implies that after the COA has made a certain claim, no further information will be shared with the COA.<sup>91</sup> Also, no feedback is provided towards the COA after action has been made.

### **II. Increasing importance of the frontline professional**

More increasingly, the frontline professional is regarded as an important actor in tackling terrorism. In 2017, the RAN published a manual consisting of guidelines and recommendations for European Union (EU) member states to respond to the RFF phenomenon. The overall approach they suggest is a tailored approach for each returnee, establish coordination

---

<sup>89</sup> Interview R1.

<sup>90</sup> Interview R2: here, it was also mentioned that there has been no experience with jihadism in the migration chain due to a suspicion of terrorism.

<sup>91</sup> Interview R1.

mechanisms across government agencies, immediate risk assessment, multi-agency case management, (local) communication strategy and an intervention action plan (RAN, 2017, p. 9). This implies that there is a necessity for immediate care and support as well as long-term approaches to ensuring rehabilitation (RAN, 2017). For example, (local) police officers must have a more vital role in responding to RFFs, considering their position as street-level bureaucrat in many societies. Also, information-sharing between countries should increase.

Concerning children, the focus must be on normalisation and resocialisation through a holistic, multi-agency approach in order to address the personal needs. This also implies a tailor-made approach based on the individual risk and need assessment, as each case is different (RAN, 2017, pp. 70-71). Schools also have an important role according to the RAN, as this allows children to normalise their lives as soon as possible and give them an opportunity to be successful. In this case, teachers, as civil servants, also have an important role in monitoring child returnees but also to ensure safety to the school as a whole and establish a supportive school structure. According to RAN (2017), there exists no treaty or framework which enables countries to prosecute children under 18 for their engagement in terrorist activities, EU member states establish their own legal framework.

### **III. Conclusion**

Concluding, action in the migration chain is an untouched subject in the field of research. Given the discrete nature of the efforts, it is difficult to specifically point at the actions of responsible authorities in their response to jihadist signals. Literature explains that a claim must be clear and obvious before action is taken. Actions that are described in literature and by the respondents often include criminal investigation but do not specify on concrete measures that are taken.

In all, the efforts that the Dutch government take in detecting jihadism in the migration chain are little. This is concluded from the fact that no checklists exists in signals and indicators. Additionally, the interpretation that must follow from these signals is either vague or non-existent. Much is left to intuition and such an approach is less effective in correctly assessing a signal. Accompanying, functions and tasks of responsible institutions do not align and make it difficult to arrive at a common norm of action. The training that is provided to tackle such issue has the opposite effect given its execution at a municipal level. This results in the following figure:

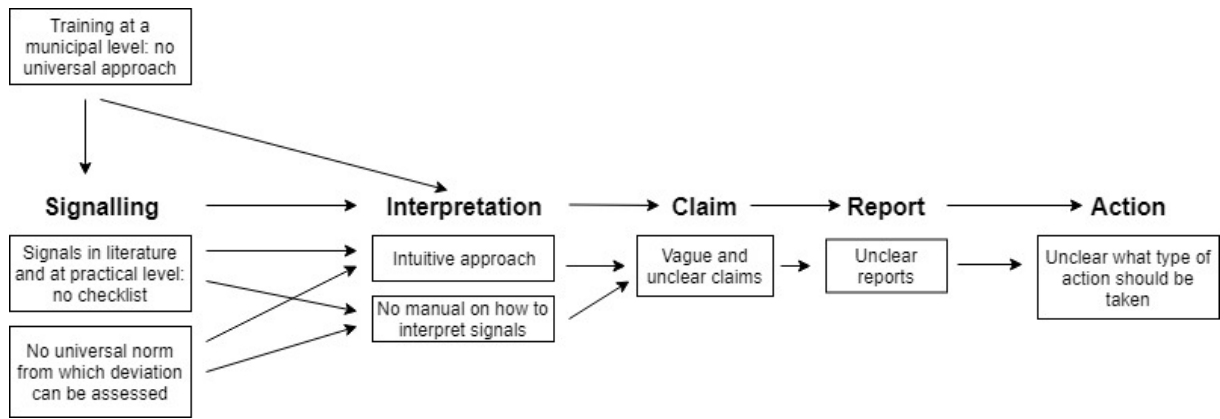


Figure 1: Chain of detecting jihadism

## **DISCUSSION**

### **I. Results and interpretation**

The study dedicates special attention to legislation concerning migration, returning foreign fighters and children. To place this research into the significant perspective, an international framework was designed consisting of the most relevant international legislation. This resulted in an extensive body of legal instruments that are exercised by the Netherlands. As was mentioned in Chapter I, this framework failed in adequately addressing the returning foreign fighter phenomenon and the child returnees. Most legislation that is concerned with counter-terrorism provides measures that concern foreign fighters, deradicalization programmes or methods for early detection. Such measures include, for example, the criminalisation of travel with the purpose of engaging in terrorism. Additionally, children are more perceived as victims of terrorism than perpetrators. Their mention in counter-terrorism legislation is restricted to their vulnerability and the tailor-made approach that should facilitate their reintegration. While children's rights are extensive; legally, no procedure is sketched for children. RFFs and child returnees are also not placed in the context of migration, apart from Article 1F of the 1951 Refugee Convention. It can therefore be concluded that the risk of jihadism within the migration chain is not perceived as realistic or acute. Legislation that covered migration from an international perspective was mostly concerning with an designing an effective and human-worthy approach by laying down standards for reception in Directive 2013/33. Judging from the lack of legislation concerning the topic of RFFs and child returnees, it is interpreted that these two phenomena are not as acute as was suggested earlier.

The gap in legislation between returnees and migration policy can also be witnessed in both the policy that is exercised by the Netherlands as well as the practices from frontline professionals. Chapter II sketched the Dutch migration approach which to a large extent aligns the international framework. This implies that the Netherlands commit to the treaties it has signed in approaching migration as effectively and human-worthy as possible. The Aliens Act 2000 and the Aliens Decree 2000 are the most important documents that cover migration and follow the current comprehensive agenda on migration. The asylum procedure, covered in the Aliens Decree 2000, carefully lays down the eight-day-procedure which is being followed by authorities by the IND. Additionally, the standards that are introduced in Directive 2013/33 are adopted as well and are mostly exercised by the COA at a street-level. This includes education, health care and employment and vocational training. Correctly judging the effectivity of the procedure is, however, difficult to judge considering the dynamics of migration flows and that

the response of the migration chain is complex to fully describe. Concluding from the policies that exist, however, it can be argued that the process is effective.

Similar as the international framework, returnees are not explicitly mentioned in Dutch legal instruments apart from Article 1F which covers a broader range of security issues. This would suggest the irrelevancy of the topic within the migration chain. At a frontline level, the unfamiliarity with the topic became evident through the interviews. Both respondents addressed the low frequency of cases of jihadism within the asylum procedure and that not much attention is paid to this risk. While some signals do exist that could prove jihadism, the interpretation that follows from it is limited or even non-existent. It could either be the case that this is the case because jihadism does not exist in the migration chain or that interpretation is as complex as is suggested in literature and by the interviews. Frontline workers are attentive, but have little guidelines and must base the majority of their reports on intuition and their experiences. The burden of proof that follows from this is difficult to establish and action can often not be pursued. This might lead to false negatives where jihadism is not detected while it might be present.

In this context, child returnees are not taken into account in the practices and policies of the Netherlands. While youth is perceived as a vulnerable group and is taken care of properly by providing education, health care and leisure facilities, the COA is not directly attentive to possible jihadism amongst children. Also when children arrive unaccompanied, questions are not asked about the possible danger of the child but about the vulnerability of the child. While this could essentially undermine the impact of child returnees, it does align with the UNCRC and Directive 2013/33 in which articles are dedicated to children and AMVs. The best-interest-of-the-child is a primary consideration in both these documents and is complied with by the Dutch government in their policies and by the practices of the frontline workers.

Learning from interviews, children occupy a special role to the Netherlands and are taken care of properly. This became most evident in analysing the approach concerning Dutch child returnees. While, at first instance, the Netherlands does not actively aid in returning children to the Netherlands; they are considerate with the experiences of children upon their arrival. The LAT designs a tailor-made approach for each returnee. This study did not go into detail about the judicial prosecution of child returnees, but learning from the international framework, it is taken care of in a way that covers the articles of the UNCRC. What is conflicting in this result is that the Netherlands does perceive children as victims of terrorism, but makes no effort in returning them from conflict regions. The reason for this is primarily the unsafety of the region and the Netherlands not wanting to put their employees at risk. To a

certain extent, this does breach Article 4 of the ICCPR. This article 4 explains that when a country is at the risk of a public emergency which has been officially proclaimed, it may divert from the Covenant and the fundamental rights it presents. Since the Netherlands face no such proclaimed risk, they are not allowed to deviate from the fundamental rights and should protect their citizens by returning them home.

This stance that the Netherlands takes does present the dilemma that they are facing between their national security and their duty of care towards children. It also makes it clear that the Netherlands prefers measures towards its national security than towards its duty of care. For adult returnees, the stance is not different from the approach to children and no active help is provided in returning to the Netherlands; only when these people independently reach a Dutch Embassy, which is difficult in the environment of these people. These motives also suggest that the Dutch government is more fearful towards its own nationals in being potentially dangerous to national security than it is to asylum seekers where no explicit measure is found at both a policy-level as well as on a practical level.

### **III. Limitations**

While the data and conclusions presented in this thesis have been derived from academic literature, document analysis and an interview, the reliability of it is impacted by a variety of issues. These will be addressed hereafter for the reader to correctly assess the conclusions and results that have been drawn from this study.

#### *III.I. Interviews*

Firstly, a lack of interviews limit the credibility of the data. As was mentioned in the methodology, the interviews served the main purpose of placing the documents that have been used into a practical context. This would allow the researcher to assess the usage of the contents of the documents by frontline workers which would ultimately aid in answering the research question. Unfortunately, securing interviews proved to be complex. This had mostly to do with the limited timeframe in which this study had to be concluded. Getting into contact with the correct authorities took more time than anticipated and did ultimately not lead to contact with the relevant respondents. Additionally, the contacted authorities receive many requests for interviews and have limited time to co-operate. The many requests that the authorities receive results in an extensive lists of criteria in order for them to respond to requests. Most of the authorities do not respond to bachelor theses; master theses and PhDs receive preference. Appendix C extensively explains the efforts of the researcher to secure interviews.



Given that the researcher was unable to provide for the preferred amount of interviews, it became difficult to assess the documents that have been used in this thesis. No confirmation or invalidities of assumptions were given through interviews and it is therefore more difficult to see the practical level of the policies and regulations used in the Netherlands.

### *III.II. Topicality*

The topic that is at the centre of this thesis is currently highly debated in the political sphere, the media and the public. While this allows for up-to-date discussions literature and information, it also allows for constant updates in policies or strategies.

Moreover, the topicality of the issue also resulted in difficulties in securing interviews. At the moment of writing, for example, the Dutch State has been assigned two Syrian orphans which have been returned to the Netherlands.<sup>92</sup> This is contradictory to the policy regarding RFFs that has been described Chapter IV. While the political sphere has made it clear that this will not result in a new policy, it has re-started the debate and dilemma again amongst the media and public on the question if children from IS should be returned by the Dutch government. Another example concerns the IND, which has been described in this thesis to be responsible for the identification of asylum seekers and asylum procedure as is laid down in Dutch law. Recently, however, a report was released which concluded that the IND has not been withdrawing residence permits in cases where this should have been done.<sup>93</sup> This could raise questions about the credibility of the IND and, consequently, on the possibly increasing level of criminalisation amongst migrants which could also have its implications on jihadism in the migration chain.

### *III.III. Politized topic*

Alongside the topicality of the issue, it is also a highly-politicized topic that is linked to a certain degree of ideological influence. This becomes evident through, for example, the documents that have been analysed. These strategies and policies are written from a certain ideological perspective which questions the objectivity. Additionally, multiple research reports have been written which were commissioned by political authorities; this raises the same question of

---

<sup>92</sup> NOS. (2019, June 10<sup>th</sup>). Nederlandse weeskinderen van IS'ers overgedragen in Syrië. Retrieved on June 21<sup>st</sup>, 2019: <https://nos.nl/artikel/2288401-nederlandse-weeskinderen-van-is-ers-overgedragen-in-syrie.html>

<sup>93</sup> Rengers, M. & Rosenberg, E. (2019, June 5<sup>th</sup>). Te weinig tijd, te veel moeite, te veel geld: IND stuurde criminelen niet weg. Retrieved on June 21<sup>st</sup>, 2019 from: <https://www.nrc.nl/nieuws/2019/06/05/intrekkingen-kosten-inders-te-veel-tijd-a3962813>

objectivity. Many experts in the field of terrorism, for example, are influenced by the political sphere considering the association they have with political authorities or the papers they write.

#### **IV. Reiteration of results**

Even though the limitations do undermine a certain credibility of the results and conclusions, it can still be regarded as valid. This is mostly the case because of the expertise that is paired with the topic and the larger international sphere that also portrays an important role.

Firstly, the academia that have been used in the Literature and throughout the chapters of the study have proven to be an expert in their field of study. While this expertise could be influenced by the political sphere, it is still the responsibility of researcher to deliver independent and qualitative research. Having, for example, experienced classes from prof.dr. Edwin Bakker it became clear to the researcher that his independency as a researcher does trump his small position in the political sphere. It can therefore be trusted that the literature presented by these scholars is valid to derive conclusions from. Additionally, the expertise of the literature used in this study undermines the limitation that was presented by the interviews. While it is difficult to adequately assess the practical level, the reports served as secondary data which helped the researcher in an assessment of the practical level and the interpretations given in Chapter V.

Secondly, the political sphere and influence of the Netherlands is undermined by the large international context that is presented in this thesis. The global scope of these subjects presented a large body of legislation and strategies to which the Netherlands must comply. This essentially leaves little room for deviation. Moreover, the analysis learned that the Netherlands' approach to migration and children does largely meets the international standards. This implies that the international assessment increases the validity and reliability of the results.

#### **IV. Recommendations**

This study raises questions that could serve as research topic for future studies. The different chapters in this thesis could serve as potential new studies. These could build upon the basis that has been laid down in this research. Further research on this topic and those proposed above is needed to establish a clear description of the current phenomena and processes accompanying it.

Furthermore, future studies must take into account the necessity of interviews. It is highly recommended to include more interviews with practitioners dealing with these topics

because they provide an illustration of the practicalities and difficulties that come with implementing and designing the policies regarding terrorism.

While the phenomenon has a low probability, it does have a high impact which should not be disregarded in Dutch policies and measures. By including the role of practitioners, the government could aim for a list of signals that could prove jihadism. While many signals are already present in literature, it is important to specify these within the context of the migration chain to adequately assess the phenomenon. What is more important, is the creation of the interpretation that stems from the signals. This has proven to be the most difficult task of frontline professionals. By providing national trainings incorporating the role of practitioners with experience in this issue, a manual or typology of interpretation could be designed that can help assess jihadism and prevent threats to national security. Such interpretation must also be formulated for children, who occupy a special role in this matter.

Finally, the Dutch government should reassess the stance that they take in the dilemma presented earlier. As it, to some extent, breaches the ICCPR and consequently the UNCRC it undermines the role the Netherlands could have in reintegration and deradicalization and decreasing the high impact of returnees. The reassessment could additionally result in a different policy towards returnees which is more human-worthy.

## CONCLUSION

The aim of this thesis was to lay down the dilemma that the Dutch government is currently facing concerning the security of the Netherlands and the well-being of children from former IS-territory in the context of migration. In doing so, this study took both a descriptive and explorative approach. On the one hand, it described the current international and national operating framework concerning migration, returning foreign fighters and the role of children in both phenomena. This resulted in an extensive illustration of the relevant policies, regulations and practices that the Netherlands execute on a daily basis. On the other hand, this study explored the treatment of children in jihadist circles through literature and interviews given that this is an underdeveloped topic.

### **I. To what extent does the Dutch migration policy reckon with children coming from (former) Islamic State-territories?**

The results from the analysis indicate that while efforts have been made to address the RFF-phenomenon and child returnees at a general level in the international and national context, it failed in addressing these issues within the context of migration. By thoroughly analysing the Dutch migration policy and the corresponding comprehensive agenda, it became evident that there is no explicit mention of individuals returning from former IS-territory. The migration policy does not address safety issues as such and limits itself to Article 1F of the 1951 Refugee Convention. This is troublesome given the high impact that returnees could pose in the Netherlands. When focusing on children, their role in terrorism is limited to their vulnerabilities, their victimhood and possible traumas they could have incurred. Children are taken care of adequately in the migration chain through education, health care, therapy and leisure activities, but their role as perpetrator is not included in the practicalities of the COA. This not only became evident through analysing the policies regarding migration, it also came to notice by interviewing frontline professionals who explained the difficulty of signalling and interpreting jihadism. Moreover, they mentioned that it is not an acute concern within the context of migration because it rarely occurs.

The efforts of the Dutch migration policy to reckon with children coming from (former) IS-territory is significant when focusing on their victimhood and minimum when focusing on their role as perpetrator in the jihad as executioner or ideology propagator. Indirectly, it could therefore be concluded that the Netherlands focusses on national security over the well-being of citizens and asylum seekers. What must be added to this answer, however, is that there have

not been many cases where jihadism has been detected amongst both adults and children, which could explain the minimum of efforts in detecting and tackling child returnees.

## **II. Contribution**

This thesis has showed a gap between addressing the returning foreign fighter phenomenon and child returnees in the context of migration. By designing an international framework considering these three topics, the researcher was able to place the Dutch legislation into this international framework. This has resulted in an extensive analysis of Dutch policies which showed a majority of alignment with international legislation. To expand this, the researcher focused on frontline professionals which was necessary to place the legislation at a practical level and see its implementation and working at a street-level. This offered an insight in how migrants are treated and how jihadism is detected and interpreted. This contributed in improvements at a practical and policy level that may result from this have been clarified in the Discussion and follow a human-worthy and effective approach, as is also the main approach that the Netherlands wishes to take in migration. By including literature on the topic of foreign fighters, returning foreign fighters, the role of children in IS and the dangers they may pose, the researcher contributed by sketching a literary framework of the geographic shift of terrorism and the risks that accompany it. This framework could be used as a basis for other studies in this field. On a social level, this thesis contributed to the perception that the public has regarding Dutch policies on migration, children and RFFs. Given that there is often a negative attitude linked to these topics, this research could provide the clarification and understanding on the topic that is needed to nuance the public attitudes where necessary. Furthermore, it could contribute by appropriately assessing the societal impact of child returnees in the Netherlands.

## BIBLIOGRAPHY

### Books

- Babbie, E. (2004). *The Practice of Social Research* (10 ed.). Belmont: Wadsworth/Thomson Learning.
- Bakker, E. (2015). *Terrorism and Counterterrorism Studies: Comparing Theory and Practice*. Leiden: Leiden University Press.
- Bakker, E. & Grol, P. (2017). *Nederlandse Jihadisten: Van Naïeve Idealisten tot Geharde Terroristen*. Amsterdam: Hollands Diep.
- Lipsky, M. (1980). *Street-level Bureaucracy: Dilemmas of the Individual in Public Services*. New York City: Russell Sage Foundation.
- Malet, D. (2013). *Foreign Fighters: Transnational Identity in Civil Conflict*. New York: Oxford University Press Inc.
- Sunier, T. (2016). *Elementaire Deeltjes 41- Islam*. Amsterdam: Amsterdam University Press.

### Journal Articles

- Almohammad, A. (2018). ISIS Child Soldiers in Syria: The Structural and Predatory Recruitment, Enlistment, Pre-Training Indoctrination, Training, and Deployment. *The International Centre for Counter-Terrorism - The Hague*, 8(14), 1-29.
- Bakker, E. & de Roy van Zuijdewijn, J. (2015). Jihadist Foreign Fighter Phenomenon in Western Europe: A Low-Probability, High-Impact Threat. *The International Centre for Counter-Terrorism - The Hague*, 6(9), 1-22.
- Betancourt, T. S., Borisova, I. I., Williams, T. P., Whitfield, T. H., Williamson, J., Brennan, R. T., . . . Gilman, S. E. (2010). Sierra Leone's Former Child Soldiers: A Follow-Up Study of Psychosocial Adjustment and Community Reintegration. *Child Development*, 81(4), 1077-1095. Retrieved from <http://www.jstor.org/stable/40801461>
- Byman, D. (2015). The Homecomings: What Happens When Arab Foreign Fighters in Iraq and Syria Return? *Studies in Conflict & Terrorism*, 38(8), 581-602. Retrieved from <https://doi.org/10.1080/1057610X.2015.1031556>

- Cragin, R. K. (2017). The Challenge of Foreign Fighter Returnees. *Journal of Contemporary Criminal Justice*, 33(3), 292-312. Retrieved from <https://journals.sagepub.com/doi/abs/10.1177/1043986217697872>
- De Roy van Zuijdewijn, J. (2016). Terrorism and Beyond: Exploring the Fallout of the European Foreign Fighter Phenomenon in Syria and Iraq. *Perspectives on Terrorism*, 10(6), 82-96. Retrieved from <http://www.terrorismanalysts.com/pt/index.php/pot/article/view/559>
- Flint, C. & Radil, S. (2009). Terrorism and Counter-Terrorism: Situating al-Qaeda and the Global War on Terror within Geopolitical Trends and Structures. *Eurasian Geography and Economics*, 50(2), 150-171.
- Hegghammer, T. (2010). The Rise of Muslim Foreign Fighters - Islam and the Globalization of Jihad. *International Security*, 35(3), 53-94.
- Hegghammer, T. (2013). Should I Stay or Should I Go? Explaining Variation in Western Jihadists' Choice between Domestic and Foreign Fighting. *American Political Science Review*, 107(1), 1-15. Retrieved from <https://www.cambridge.org/core/article/should-i-stay-or-should-i-go-explaining-variation-in-western-jihadists-choice-between-domestic-and-foreign-fighting/6CD5FE49C158DB30EB9EE62E5BE0DBE2>
- Horgan, J. G., Taylor, M., Bloom, M. & Winter, C. (2017). From Cubs to Lions: A Six Stage Model of Child Socialization into the Islamic State. *Studies in Conflict & Terrorism*, 40(7), 645-664. Retrieved from <https://doi.org/10.1080/1057610X.2016.1221252>
- Leduc, R. (2016). Are Returning Foreign Fighters Dangerous? Re-investigating Hegghammer's Assessment of the Impact of Veteran Foreign Fighters on the Operational Effectiveness of Domestic Terrorism in the West. *Journal of Military and Strategic Studies*, 17(1), 83-103. Retrieved from <https://jmss.org/article/view/58208>
- Schmid, A. P. (2004). Terrorism - The Definitional Problem. *Case Western Reserve Journal of International Law*, 36(2-3), 375-419.
- Speckhard, A., Shajkovci, A. & Yayla, A. (2018). Defected from ISIS or Simply Returned, and for How Long? - Challenges for the West in Dealing with Returning Foreign Fighters. *Homeland Security Affairs*, 14(1), 1-22.

Staatssecretaris van Veiligheid en Justitie. (2016). Besluit van de Staatssecretaris van Veiligheid en Justitie van 26 februari 2016, nummer WBV 2016/4, houdende wijziging van de Vreemdelingencirculaire 2000. *Staatscourant*(10912), 1-17.

van Spaendonck, R. (2016). To School or to Syria? The foreign fighter phenomenon from a children's rights perspective. *Utrecht Law Review*, 12(2), 41-62.

Weggemans, D., Bakker, E. & Grol, P. (2014). Who Are They and Why Do They Go? - The Radicalisation and Preparatory Processes of Dutch Jihadist Foreign Fighters. *International Centre for Counter-terrorism - The Hague*, 8(4), 100-110.

## **Legislation**

United Nations Human Rights. (1976). *The International Covenant on Civil and Political Rights*. New York City, Retrieved from <https://www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf>

United Nations Human Rights. (2000). *Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict*. New York City, Retrieved from <https://www.ohchr.org/Documents/ProfessionalInterest/crc-conflict.pdf>

United Nations Security Council. (2017). *Resolution 2396 (2017)*. Retrieved from <http://unscr.com/en/resolutions/doc/2396>

## **Reports**

AIVD. (2017). *Terugkeerders in Beeld*. Retrieved from The Hague: <https://www.aivd.nl/documenten/publicaties/2017/02/15/aivd-publicatie-terugkeerders-in-beeld>

Bakker, E., Sciarone, J. & de Roy van Zuijdewijn, J. (2019). *Terugkeerders uit Jihadistische Strijdgebieden: Een vergelijking tussen Nederland, België, Denemarken, Duitsland, Frankrijk, het VK en de VS*. Retrieved from Den Haag: [https://www.universiteitleiden.nl/binaries/content/assets/governance-and-global-affairs/isga/rapport-4\\_2019\\_terugkeerders-uit-jihadistische-strijdgebieden.pdf](https://www.universiteitleiden.nl/binaries/content/assets/governance-and-global-affairs/isga/rapport-4_2019_terugkeerders-uit-jihadistische-strijdgebieden.pdf)

Benotman, N. & Malik, N. (2016). *The Children of Islamic State*. Retrieved from



- de Vries, A. J. (2018). *Onze kinderen uit het kalifaat*. (Master), Leiden University, Leiden.
- NCTV. (2014). *Handreiking aanpak van radicalisering en terrorismebestrijding op lokaal niveau*. Retrieved from Den Haag: [https://www.nctv.nl/binaries/handreiking-terrorisbestrijding%20voor%20gemeenten\\_tcm31-31657.pdf](https://www.nctv.nl/binaries/handreiking-terrorisbestrijding%20voor%20gemeenten_tcm31-31657.pdf)
- NCTV. (2018). *Een perspectief op de transformatie van ISIS na de val van het 'kalifaat'*. Retrieved from Den Haag: [https://www.nctv.nl/binaries/WEB\\_112216\\_NL%20Rapport%20Transformatie\\_tcm31-361084.pdf](https://www.nctv.nl/binaries/WEB_112216_NL%20Rapport%20Transformatie_tcm31-361084.pdf)
- NCTV & AIVD. (2017). *The Children of ISIS: The Indoctrination of Minors in ISIS-held territory*. Retrieved from The Hague: <https://english.aivd.nl/publications/publications/2017/04/26/the-children-of-isis.-the-indoctrination-of-minors-in-isis-held-territory>
- RAN. (2017). *Responses to returnees: Foreign terrorist fighters and their families*. Retrieved from Brussels: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/ran\\_br\\_a4\\_m10\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/ran_br_a4_m10_en.pdf)
- Ranstorp, M. (2016). *The Root Causes of Violent Extremism*. Retrieved from Brussels:
- Scherrer, A., Ragazzi, F. & Walmsley, J. (2018). *The Return of Foreign Fighters to EU Soil: Ex-post Evaluation*. Retrieved from Brussels: <http://www.europarl.europa.eu/thinktank/en/search.html?word=return+of+foreign+fighters>
- van de Weert, A. & Eijkman, Q. A. M. (2017). *De lokale jongerenwerker over de wirwar van het signaleren van radicalisering versus extremisme*. Retrieved from Utrecht:
- van Wijk, J. & Bolhuis, M. (2016). *Jihadisme en de vreemdelingenketen: De signalering van vermoedelijke jihadisten onder asielzoekers en jihadistische activiteiten in en rond asielzoekerscentra nader onderzocht*. Retrieved from Amsterdam: <https://www.wodc.nl/onderzoeksdatabase/2685-het-herkennen-van-jihadisten-onder-asielzoekers.aspx>