

Observations by the United Nations High Commissioner for Refugees (UNHCR) on the draft Law ‘New Rules Housing of Recognized Refugees’ (‘wet nieuwe regels inzake huisvesting van vergunninghouders’)

I. Introduction

1. The United Nations High Commissioner for Refugees (UNHCR) would like to thank the Government of the Netherlands for the invitation to provide observations on the draft law “*New Rules Housing of Recognized Refugees*” (*Wet nieuwe regels inzake huisvesting van vergunninghouders*)¹ – hereafter referred to as the “draft law”.
2. UNHCR offers these observations in its capacity as the Agency entrusted by the United Nations General Assembly with the responsibility of providing international protection to refugees and other persons within its mandate and of assisting governments in seeking permanent solutions to the problems of refugees.² Paragraph 8 of UNHCR’s Statute confers responsibility on UNHCR for supervising international conventions for the protection of refugees,³ whereas the 1951 Convention relating to the Status of Refugees (hereafter referred to as ‘the 1951 Convention’)⁴ and its 1967 Protocol relating to the Status of Refugees (“the 1967 Protocol”)⁵ oblige States to cooperate with UNHCR in the exercise of its mandate, in particular facilitating UNHCR’s duty of supervising the application of the provisions of the 1951 Convention and 1967 Protocol (Article 35 of the 1951 Convention and Article II of the 1967 Protocol). This has also been reflected in European Union law, including by way of reference to the 1951 Convention in Article 78(1) of the Treaty on the Functioning of the European Union.⁶
3. UNHCR’s supervisory responsibility is exercised, in part, by the issuance of interpretative guidelines on the meaning of provisions and terms contained in international refugee instruments, in particular the 1951 Convention. Such guidelines are included in the UNHCR Handbook on Procedures and Criteria for Determining Refugee Status and

¹ As published in the public consultation phase on

<https://www.internetconsultatie.nl/nieuweregelsinzakehuisvestingvergunninghouders/b1>.

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

³ Ibid, para. 8(a). According to para. 8(a) of the Statute, UNHCR is competent to supervise international conventions for the protection of refugees. The wording is open and flexible and does not restrict the scope of applicability of UNHCR’s supervisory function to one or other specific international refugee conventions. UNHCR is therefore competent qua its Statute to supervise all conventions relevant to refugee protection, UNHCR’s supervisory responsibility, October 2002, available at: <http://www.refworld.org/docid/4fe405ef2.html>, pp. 7–8.

⁴ UN General Assembly, Convention Relating to the Status of Refugees, 28 July 1951, United Nations Treaty Series, No. 2545, vol. 189, available at: <http://www.unhcr.org/refworld/docid/3be01b964.html> <https://www.refworld.org/docid/3be01b964.html>. According to Article 35 (1) of the 1951 Convention, UNHCR has the “duty of supervising the application of the provisions of the Convention”.

⁵ UN General Assembly, *Protocol Relating to the Status of Refugees*, 31 January 1967, United Nations, Treaty Series, vol. 606, p. 267, available at: <https://www.refworld.org/docid/3ae6b3ae4.html>.

⁶ European Union, Consolidated version of the Treaty on the Functioning of the European Union, 26 October 2012, OJ L 326/47-326/390; 26.10.2012, available at: <http://www.refworld.org/docid/52303e8d4.html>.

subsequent Guidelines on International Protection (“UNHCR Handbook”).⁷ UNHCR also fulfils its supervisory responsibility by providing comments on legislative and policy proposals impacting on the protection and durable solutions of refugees, asylum seekers and other of concern.

4. In the sections below, UNHCR offers its observations on the draft law and its Explanatory Memorandum and continues to remain available for a dialogue with the Government of the Netherlands, along with other relevant stakeholders.

II. General Observations

5. UNHCR acknowledges the recent significant challenges that the Netherlands is facing in terms of providing housing to recognized refugees, as well as other vulnerable groups. The lack of available social housing is affecting multiple vulnerable groups in society in need of housing.
6. UNHCR commends the efforts of the government to find innovative solutions for the housing shortage and to ensure the right to adequate housing for all, such as financially encouraging municipalities to open temporary housing projects for both recognized refugees and others in need of social housing.⁸ UNHCR recognizes that a variety of factors play a role in the housing shortage: population growth, changing living patterns, impact costs on the public budget, the liberalization of the housing market and a decrease in social housing stock, among others.⁹
7. Refugees are often mentioned as one of the main contributors to the housing shortages, although they constitute only but a small proportion of the overall population.¹⁰ They are however among the groups most impacted by the housing shortage, because it leaves them unable to depart the reception centers and start rebuilding their lives.¹¹ Moreover, despite the ongoing perception that most of the social housing is allocated to refugees,

⁷ UNHCR, *Handbook on Procedures and Criteria for Determining Refugee Status and Guidelines on International Protection Under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees*, April 2019, HCR/1P/4/ENG/REV. 4, available at: <https://www.refworld.org/docid/5cb474b27.html>

⁸ Municipalities are encouraged to create flexible and transformation housing via available subsidies: [Nieuwe Stimuleringsregeling Flex- en Transformatiewoningen \(SFT\) nu ook voor optopprojecten | Nieuwsbericht | Rijksoverheid.nl](#)

⁹ A/HRC/55/53/Add.1: Visit to the Netherlands, Report of the Special Rapporteur on adequate housing as a component of the rights to an adequate standard of living, and on the right to non-discrimination in this context.

¹⁰ Currently, the percentage of recognized refugees (around 130,000: <https://www.unhcr.org/countries/netherlands>) is less than 1% of the overall population in the Netherlands (around 18,000,000: <https://www.cbs.nl/nl-nl/visualisaties/dashboard-bevolking/bevolkingsteller/>).

¹¹ The UN Special Rapporteur on Adequate Housing, Jan 2025, Towards a Just Approach to the Global Housing Crisis and Migrants, page 15 para 70, available at: [Document Viewer](#).

the latest figures from the Ministry of Housing show that only 6% of the social housing stock is provided to refugees.¹²

III. Specific Observations

8. The Housing Act 2014 was established to ensure a fair chance to affordable housing for everyone. The Act provides municipalities with instruments to take responsibility for the housing market and steer the distribution of housing. It gives municipalities the opportunity to implement their own local policy to provide for the housing needs of specific groups who are in their territory, such as elderly, persons with a medical urgency, people without economic or social connection, refugees and other groups with barriers to access the housing market, through the identification of more urgent categories of people (*urgentiegroep*). Almost half of the municipalities have implemented local policies identifying refugees as an urgent category, based on their vulnerability and additional barriers to access the housing market.¹³
9. UNHCR notes with concern that refugees are the only group of people explicitly excluded in the draft Housing Act from identification as an urgent category in accessing social housing.¹⁴ Explicitly prohibiting municipalities to provide urgent access to social housing to refugees as a whole group and solely based on their status as refugee, may constitute discrimination. This is also at odd with Article 1 of the Dutch Constitution which states that all persons in the Netherlands shall be treated equally in equal circumstances and that “discrimination on the grounds of religion, belief, political opinion, race, sex, disability, sexual orientation or on any other grounds whatsoever shall not be permitted.”¹⁵ Article 7 (paragraph 1, sub c) of the Equal Treatment Act also prohibits discrimination in the offering or granting of access to goods or services and in the conclusion, execution, or termination of related agreements (...) by institutions active in the fields of housing, welfare, healthcare, culture, or education.¹⁶
10. Refugees face significant obstacles accessing the housing market due to limited financial resources, language barriers, discrimination, and the lack of knowledge on the complex legal and administrative requirements of the rental processes. Additionally, they often lack well-established social networks that could provide support and information about

¹² [Staat van de Volkshuisvesting](#)

¹³ See Explanatory Memorandum ‘New Rules on Housing of Refugees’, para 2.5 p5, available at [Overheid.nl | Consultatie Wetsvoorstel nieuwe regels inzake huisvesting vergunninghouders](#)

¹⁴ The amendment will include the following provision in article 12: “The housing seekers referred to in subsection 1 do not include status holders on the ground that they are status holders”.

¹⁵ [wetten.nl - Regeling - Grondwet - BWBR0001840](#)

¹⁶ <https://wetten.overheid.nl/BWBR0006502/2020-01-01>

housing options.¹⁷ Therefore, municipalities often identify refugees as an urgent category to offer them a fair chance to affordable housing.

11. The Explanatory Memorandum accompanying the draft law explains that abolishing the possibility for municipalities to identify refugees as an urgent category will create a level playing field between refugees and other persons in need of social housing. The memorandum also states that refugees will continue to have access to social housing like other regular persons seeking social housing. However, UNHCR notes that the average waiting time for social housing varies from seven to ten years. Consequently, social housing would be attainable for refugees only after 7-10 years, during which time they most likely will remain in the reception system. Accessing the private housing market poses significant challenges for refugees, which in practice will further exacerbate their vulnerable situation and extend their stay in reception centers or transit facilities at a higher cost than being provided with social housing.¹⁸ The memorandum also suggests that refugees can rely on their social network to find suitable housing similar to Dutch nationals. However, UNHCR points out that refugees potentially having a social network in the Netherlands does not equate to the social networks that Dutch nationals may have.
12. UNHCR is concerned that this draft law will reduce refugees' access to the social housing market, leading to a status quo of prolonged stays in reception facilities. Permanence in such facilities will have a detrimental impact on refugees' mental health, with particular consequences for children's development and wellbeing.¹⁹ A lack of longer-term housing outside of reception facilities has a multifaceted impact on refugees' access to employment and financial independence, education and other areas crucial to effective local integration²⁰ and undermines opportunities for proper integration in local communities to which they can in turn contribute. Refugees will reside longer in reception facilities, increasing reliance on costly emergency reception centers and puts further

¹⁷ Research and Data Center (WODC), 2024, "Een passende plek voor statushouders? Ervaringen met de woonomgeving en het huisvestingsbeleid van Syrische en Eritrese statushouders" para 5.4. Available at: [Een passende plek voor statushouders?](#) See also comments of the Council of State (2021) "Voorstel van wet van het lid Kops tot wijziging van de Huiswetingswet 2014" p.4. Available at: [Voorstel van wet van het lid Kops tot wijziging van de Huisvestingswet 2014 \(Wet uitzonderen voorrang vergunninghouders\). - Raad van State](#)

¹⁸ The cost per year per refugee residing in a reception facility has been estimated by the Dutch government to be around EUR 27,500 (per person per year) <https://www.rijksoverheid.nl/onderwerpen/asielbeleid/vraag-en-antwoord/uitgaven-rijk-provincies-gemeenten-voor-opvang-asielzoekers>. A single person in social housing receives around EUR 16,250 per year in social benefits, saving around EUR 11,000 compared to a stay in a reception facility, and a family of four persons receives around EUR 23,000, saving EUR 87,000 compared to a stay in a reception facility, [Overzicht actuele bijstandsbedragen](#). Currently, savings might be even larger as emergency reception is much more costly than regular reception centers. Furthermore, refugees are much more likely to become financially independent when having their own home in a municipality, decreasing these costs even more as they will then not be entitled to social benefits anymore.

¹⁹ Reports Inspection Justice and Security (<https://www.inspectie-jenv.nl/toezichtgebieden/migratie>) and Inspection Health and Youth (<https://www.igi.nl/>).

²⁰ AIDA, June 2019, "Housing out of Reach?" p. 32, available at: [aida housing out of reach.pdf](#)

pressure on the livability in these centers. Currently, one-third of reception places are already occupied by recognized refugees, projected to exceed half by 2026.²¹

UNHCR recommends the Government of the Netherlands to:

- Maintain the current practice allowing the discretion to municipalities to determine who should be included as an urgent category.
- Refrain from explicitly excluding refugees as a whole group from being identified as an urgent category to accessing social housing.
- Continue exploring innovative solutions such as temporary housing projects to mend the housing shortage and ensure access to adequate housing for groups facing barriers to the housing market, including refugees.

²¹ Meerjaren Productie Prognose: [Meerjaren Productie Prognose \(MPP\) Verwachtingen voor de toekomst voor de instroom, doorstroom en uitstroom van verschillende onderdelen van de migratieketen](#)