

**SAFE  
REPORTING**

for victims of crime  
with irregular  
migration status

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# COUNTRY REPORT ABOUT PIONEERING STRATEGIES ON SAFE REPORTING OF CRIME

– CITY OF UTRECHT

DELIVERABLE D3.1 WP3, SUBMITTED ON 02 SEPTEMBER 2023 (PROJECT MONTH: 12)



Co-funded by  
the European Union

VISA RoC project has received funding from the  
European Union's DG JUSTICE programme under the call  
JUST-2021-JACC and grant agreement No 101056675

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# JUDICIAL SECURITY VERSUS EXPERIENCED SECURITY: THE EXPERIENCES OF CIVIL SOCIETY SUPPORTING ORGANIZATIONS WITH SAFE REPORTING IN UTRECHT

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From March 2015, agreements were put in place so that migrants with an irregular residence status<sup>1</sup> (without the appropriate documents to stay in the Netherlands) can report safely to the police and the Civil Affairs Department of the municipality of Utrecht. Safe reporting is in line with the principles of the EU Victims' Directive,<sup>2</sup> the main EU-level instrument to ensure that victims' rights are protected. The EU Victims' Directive enables victims of a crime or other minor offence to safely enter a police station to report the offense, and thereby guaranteeing not to be placed in alien detention (*vreemdelingendentie*). In addition to reporting to the police, this group can also report to the birth of a child, recognition of parenthood, and marriage to the municipal Civil Affairs Department. Safe reporting appears to be at its core a good principle for guaranteeing<sup>3</sup> the rights of migrants in irregular positions. In practice, however, there seems to be a discrepancy between the policy reality and the experienced reality of migrants. Based on the experience of various civil society organizations that provide assistance in the process of safe reporting, the experiences of (irregular) migrants, and of police and civil affairs staff, this report provides insight into this discrepancy and shows where bottlenecks exist in the implementation of this EU Victims' Directive.

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- <sup>1</sup> I prefer the use of term irregular status or position instead of the term irregular migrants. The former refers to their residence status instead of the person themselves (migrants are not irregular).
  - <sup>2</sup> Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 Establishing Minimum Standards on the Rights, Support and Protection of Victims of Crime, and Replacing Council Framework Decision 2001/220/JHA, OJ L 315/57.
  - <sup>3</sup> <https://ecer.minbuza.nl/-/europese-commissie-presenteert-voorstel-tot-herziening-van-de-richtlijn-slachtofferrechten> accessed 26 September 2023.

# SAFE REPORTING

In 2014, the local council (*gemeentebestuur*) of the municipality of Utrecht was tasked with making safe reporting possible for migrants in irregular positions. The assignment involved ensuring safe reporting for both the police and Civil Affairs Department in Utrecht. Since 2015, it is in theory possible for this target group to safely report a criminal offence to the police and/or to testify about a criminal offence. After Amsterdam, Utrecht was the second city in the Netherlands to implement the principles of safe reporting whereby migrants in an irregular position were guaranteed the ability to safely report a criminal offence without being detained and held in immigration detention. However, this guarantee only applies if the person themselves does not have an outstanding warrant in the system for a criminal offence. If the person were to have an outstanding warrant, although they would not be expelled from the country, but they still can be detained for prior offences, such as open fines. In addition, my research revealed uncertainty as to what extent the seriousness of an offence plays a role in the way the police handle a report. The agreements on safe reporting do not specify what the nature of the offence would need to be in order to negate the right to report safely, but it can be assumed that the seriousness of the offense would play in important part in the way person is handled by the police – a case of abuse or exploitation differs enormously from a bicycle that was stolen.

## CIVIL SOCIETY ORGANIZATIONS IN THE MUNICIPALITY OF UTRECHT

In Utrecht, several organizations are involved in the support and shelter of migrants in irregular positions. A distinction is made between first-line and second-line organizations, with first-line organisations providing short-term shelter, and second-line organisations providing more intensive, or more long-term care. In order to be eligible for a spot in a homeless shelter in the municipality of Utrecht, migrants must register at the LVV Registration Desk (LVV Aanmeldloket), where they look at their situation and determine whether they are eligible for reception in Utrecht and which organization is suitable to offer this support. The Registration Desk is a cooperation between the municipality and several aid organisations, and, especially considering many of the migrants do not (yet) speak Dutch, the registration of the migrants often starts with help from someone from one of the local aid organisations. The LVV Registration Desk is staffed by people from Stichting STIL, VluchtelingenWerk, De Toevlucht, and De Weerdsingel. The costs for the actual shelter and care are then eventually recompensated by the central government through a pilot programme called the Landelijke Vreemdelingen Voorziening (meaning ‘National Aliens Provisions’, hereafter LVV)

In terms of first-line support, De Toevlucht offers shelter for men, and the Weerdsingel offers shelter for women. If someone is eligible for shelter, they are referred to the first-line organisation. There, at De Toevlucht or the Weerdsingel, social workers then seek out what the exact situation is and what is needed. First-line care is a temporary situation. Moving to the second-line shelter occurs if and when people need more time to sort out their situation and/or if they are in a particularly vulnerable position. Huize Agnes, Seguro and Stichting Noodopvang Vreemdelingen Utrecht (SDNVU)<sup>4</sup> offer second-line shelter in Utrecht. In addition to short and long-term shelter, there are organizations that provide legal guidance (Stichting STIL, Ex-AMA Team of VluchtelingenWerk) and medical assistance to migrants with irregular status. For this report, I spoke with people from the first-line and the second-line shelters.

<sup>4</sup> Translated: Foundation for Emergency Shelter for Migrants.

# CLASHING LOGICS

The concept of ‘safe reporting’ or ‘free in free out’ was a confusing word for the people I spoke with in the group discussion. People told me that they are not familiar with the name and that they were not aware of the existence of a specific policy rule for safe reporting. A possible explanation for this is given by A (a social worker), who stated, “because of safe reporting, it is much less scary to file a report compared to when we discussed it here ten years ago”. With her remark, she suggested that reporting incidents used to be much more invasive and therefore took up a much larger part of their time as social workers. Whereas in 2023, social workers are not really even sure anymore how it works. Another social worker also stated something similar. She indicated that her knowledge of the concept goes back to 2015 when they participated in the anti-human trafficking network as an organisation. Their observation may be correct. Following several serious incidents (at both the police station and at the municipality) during this period, several political parties posed questions to the Utrecht city government. Logically, during this period, social workers were much more aware of the need to develop a rules to protect this group. The interviewed migrants also refer to this period when talking about awareness of this rule. Filing police reports seemed to them to be more common during this period than they are now.

Interviewees indicate that reports to the police are rare now. A again: ‘in the last ten years, I have assisted with fewer than five reports’. F also feels that the number of reports is too few and does not reflect the circumstances in which the target group lives:

“It is not as prevalent, which is strange and causes concern. When it comes to safe reporting and human trafficking, we know that much more happens and we hear little about it. Surely far too little. That is always a concern, because you know what the network looks like and how big it must be.” (F)

The low number of reports worries her. Given the municipal figures, her concern seems justified. Indeed, it is striking that migrants with irregular status report crimes so rarely. Last year, according to Statline more than 24,000 reports were made to the police in the municipality of Utrecht, ranging from property crimes to firearms offences.<sup>5</sup> However, specific data on who reports crimes are not available, police enquiries reveal. As a result, the spokesperson for the police could not give a definite answer about the actual number of reports made by this group. F, because of her knowledge and experience with the target group, including ‘how they enter Europe’, is convinced that there should be more cases that give rise to reporting to the police, especially regarding human trafficking. The care & safety unit coordinator (UC) of the Midden-Nederland police, who is responsible for providing information on Safe Reporting, echoed that conclusion. He thinks it is the duty of the care provider organisations to point out to the target group that they can indeed report safely to the police. An interviewed migrant, on the other hand, thinks it is a task of the police to inform people about this and thus to actively communicate about this possibility to the target group.

Nonetheless, the unit coordinator believes that Safe Reporting works. He cannot substantiate this with research, but relies on the fact that he has hardly received any calls from the aid organisations recently: ‘I get virtually no calls and hear from my colleague [an AVIM operational expert] that things are going well and are fine. No complaints. My assumption is that the arrangement and treatment has been implemented’. His assumption, that so long as he is not called it is therefore going well, was viewed as logical by both interview partners, legitimising the effectiveness of the policy rule in their eyes -- if organisations no longer approach or call the police with specific questions, things must be going well.

The discrepancy between having a policy guideline and the low number of reports, brings to mind the classification system world and lifeworld, a conceptual pair, coined by Jurgen Habermas (1987) to understand the difference between policy and practice. Simply put, the system world refers to all the rules, systems and protocols that give structure and meaning

<sup>5</sup> <https://opendata.cbs.nl/statline/#/CBS/nl/dataset/83648NED/table?fromstatweb>, accessed 23 September 2023.

to our daily life, our living world. A reality that does not match the daily reality (living world) of migrants with irregular status. Indeed, the Safe Reporting policy does not yet make people feel safe, as one interviewed migrant aptly outlines: ‘well, without papers, when you walk around you are always scared, because your situation is not complete. So when you see the police, your heart is racing, even though you haven’t done anything’. Andeweg & Van Gunsteren (1994) prefer to speak of the reality of the ‘state’ colliding with the reality of the ‘street’,<sup>6</sup> something that seems to be the case here.

## TRUST IN GOVERNMENT AGENCIES

The social workers were by no means surprised that the target group does not dare report crimes despite the guarantees in the policy and believe that there is underreporting of reports by migrants. Due to experiences in their own countries and experiences with police in other European countries, people are suspicious of the police and therefore do not trust them. ‘People are not used to the fact that you can trust authority and find that nerve-racking’ said one interviewee. In many countries being able to trust the police is not the case, according to F. These findings are also confirmed in the study by Timmermans and others (2020)<sup>7</sup> on the effectiveness of Safe Reporting in the Netherlands. Fear of being deported from the country and unequal treatment by law enforcement officers appear to be important reasons for underreporting of reports by migrants with irregular status.<sup>8</sup> A lack of familiarity with the rule also plays a role, as shown in interviews with two migrants.

The police believe that the policy should work in that it allows persons in an irregular position to report a crime. An internal memo of the Central Netherlands Police (2015) formulated this position as follows: ‘It is the right of every person to be able to report criminal offences without undesirable consequences for the declarant. The right to reporting a crime as a victim or witness is a basic requirement for law enforcement’.

To ensure this, the police in 2015 established a point of contact for area chiefs in case of such reporting or other queries on ‘Safe Reporting of Undocumented People’.<sup>9</sup> This person(s) should ensure that the scheme is adequately implemented and provides advice and information to police staff and other units within the organisation as necessary. This person was mentioned several times during the interviews:

When it came to reports, mainly human trafficking-related, but also other cases and then we did indeed have the care & safety unit coordinator (UN) whom we could approach directly. I do have to say that the times I really had something going on, it was nice to be able to call him directly. He is very approachable and also really tries his way. But there are no clear protocols I think within the police about this anymore. (F)

Almost a decade on, another staff member is now the point of contact at the Utrecht police for such reports. In the interview, this employee agreed that the police have an internal instruction that serves as a guideline for front desk staff when a person with irregular status comes to make a police report. Should employees not know how to act, they can contact this employee for further instructions. In practice, these two points of contact can lead to confusion. For an AVIM check,<sup>10</sup> F indicated that she does indeed go to contact point new operational expert (OE), but in the case of safe reporting she prefers to turn to UC.

<sup>6</sup> <https://www.nsob.nl/sites/www.nsob.nl/files/2019-10/NSOB-2017-Weten-wat-er-speelt.pdf>

<sup>7</sup> Timmerman, R. I., Leerkes, A., Staring, R., & Delvino, N. (2020). ‘Free In, Free Out’: Exploring Dutch Firewall Protections for Irregular Migrant Victims of Crime. *European Journal of Migration and Law*, 22(3), 427-455.

<sup>8</sup> Delvino, N., & González Beilfuss, M. (2021). Latino Migrant Victims of Crime: Safe Reporting for Victims With Irregular Status in the United States and Spain. *American Behavioral Scientist*, 65(9), 1193-1205. <https://doi.org/10.1177/0002764221996773>.

<sup>9</sup> Internal Memo from Central Netherlands Police addressed to Sector Heads Central Netherlands, September 2018.

<sup>10</sup> The AVIM is Immigration police department, and an AVIM check focuses on identification and human trafficking.

Since 2019, a number of aid provider organisations in Utrecht have been participating in the pilot Landelijk Vreemdelingen Voorziening (LVV); a project of the national government and the municipality of Utrecht.<sup>11</sup> The aim of the pilot is to look for sustainable solutions for foreigners without the right to Rijksopvang. Besides the care provider organisations, the Aliens Police (AVIM) is participating in this pilot. In our conversation, this contact person (operational expert AVIM) says he has a broad field of activity in which aliens and/or undocumented migrants causing nuisance is a focus. In this capacity, he is sometimes approached about ‘free in, free out’, but he says this is rare. When he is approached, it is mainly by the staff of Service and Intake of Police Utrecht Bureau Paardeveld. At first glance, it seems as if the two police employees interviewed are responsible for securing the policy guidelines in the organisation. The operational expert, from his position, is responsible for safe shelter in the city of Utrecht, while the other person, from his position as a unit care and safety coordinator, provides information on the rule. In short, both have very different perspectives on the guidelines for their positions. Interviews with emergency workers revealed that this division leads to confusion.

## KNOWLEDGE AND EXPERTISE

Safe declaration has also been possible at the civil registry of the Municipality of Utrecht since 2015. The procedure here, according to a interviewee from Citizen Services (Burgerzaken), is fairly straightforward ‘we use a protocol anchored in Dutch law in birth registration, recognition and marriage’. The official is also convinced that ‘they do a pretty good job’ when migrants with irregular status come to register. When I ask whether the person’s status plays a role in the handling of the declaration, the official answered as follows, ‘the way staff work is formalized, namely helping people within the framework of legislation and their residence status, means that the residence status of the parents does not matter’. Both police and municipal employees are convinced that their people know how to act when a person with an irregular status reports to them.

However, aid workers had a different opinion on this point as well. Aid workers clearly question the knowledge that staff members have about the target group, as the following quotes show: ‘there is a changing understanding at the municipality about what documents you need to have with you’; ‘staff members are not aware of rights of undocumented migrants, while they in theory do have the right to report their child, to register’. On the one hand, aid workers doubt staff members’ knowledge about the target group itself, and on the other hand, they wonder whether staff members are aware of the rights that migrants, regardless of their status, have. As someone pointed out, ‘people have rights and they should have rights’. The language barrier sometimes also makes conversations difficult, and an interpreter cannot always be present to translate.

One interviewee indicated the importance of being empowered and taking email correspondence as proof that people can indeed apply with the documents they have. They [the migrants] don’t get that done themselves, then they drop out and then they are back on a waiting list’. Again, the same kind of discrepancy can be observed here, namely that instructions do not guarantee that staff themselves know how to act when a report is made. Therefore, social workers choose to accompany their clients to the police and/or civil registry:

“I always go with them. Very occasionally if I know that someone speaks the language well and that I know this person won’t just be brushed off, I send them alone. And if it doesn’t work out, I say I’ll go with them next time. But with the vast majority, I go with them, mainly because they are too often sent away.” (N)

“I have two legal assistants at the municipality that I go to, preferably. If I know what the situation is like I try to involve them behind the scenes. They understand more than the staff behind the counter. This is because some

<sup>11</sup> Interim report Pilot Aliens Provision (LVV) Utrecht, 2010-2020.



city employees think that because someone does not have a residence permit, that recognition is not possible. And then it is possible. The staff at the counter do not always know that the child's right to two recognised parents takes precedence over the lack of residence status of the parents. Employees at the counters don't know that." (F)

The reasons why social workers go along vary. Firstly, they do so to establish that the declaration is actually recorded. Social workers have much more knowledge and expertise (about the rights of) the target group, and they use this to make the declaration possible. Secondly, social workers act as a buffer between the registrar or police officer and the client. As STIL's interviewee pointed out, 'I don't just get turned away. I know what their rights are'. Someone else again said, 'for the municipality we go with them by default, because otherwise they [the migrant] will be turned away'. Aid workers deploy their knowledge and expertise in the interest of the client's request for help. The single most important reason for social workers to accompany their clients appears to be the sense of trust they give clients as a result. According to F: 'I am next to the person, so I have a completely different role and that gives the client more confidence overall'. After all, it is 'not nothing to report to the police', as another counsellor states. This is why it is important that people feel safe when reporting. Especially given the experiences with the police, referred to earlier, this is important. It gives people confidence and a sense of being seen, something that does not always seem to be the case when people report the crime.

## TREATMENT OF MIGRANTS WHEN MAKING REPORTS

During the interviews, social workers referred several times to the treatment of their clients while reporting to the municipality and/or police. According to social workers, this contributes to people feeling that they are not taken seriously and therefore unsafe.

'Everything is done sighing and bumping, there was absolutely no listening, people are treated suspiciously and questions about their family life are asked of me while they are there themselves' (N).

Especially when it comes to authenticity of documents, social workers notice that staff react suspiciously: 'you really have something to explain then and you notice that your status plays much more of a role' (R). When I ask why, the same person replies: 'our target group faces more distrust from the outset and has to prove from the outset that they are who they say they are and maybe because a right of residence is linked to it'. One aid worker was clear on this, explicitly linking status to migrants' colour/origin/ethnicity: 'As if people do not seem to have a right to report to the police, while this is enshrined in human rights treaties' (G). She also spoke of

dehumanisation of this group. F also referred to this as, 'then you get the question if he has no residence, what is he doing here... but people have rights, and they should have rights'. The Victims Directive intent to protect victims of crime is clear about the rights, support and protection of victims of crime.<sup>12</sup> These intersections of colour and status determine how others view migrants in irregular positions and how they act on this, consciously or unconsciously. An intersectional perspective can be helpful in understanding how different identities mutually influence each other and further marginalise this group.<sup>13</sup>

Precisely to avoid this, social workers choose to accompany people or contact the municipality and or police prior to the report to ensure that everything goes smoothly. By doing so, they empower their clients and give them a sense of self-worth again.

<sup>12</sup> <https://zoek.officielebekendmakingen.nl/kst-34236-2.pdf>

<sup>13</sup> Stasiulis, D., Jinnah, Z., & Rutherford, B. (2020). 'Migration, Intersectionality and Social Justice: Guest Editors' Introduction', *Studies in Social Justice* 14(1), 1-12.

# THE REALITY OF SAFE DECLARATION

The guidelines at the city government work mainly because social workers try to pave the route for it as much as possible. They do this in various ways, making use of the contacts they have including the close-knit network of social workers that has formed around this group, by preparing city staff for the reports, and by accompanying people when they make reports. The first thing that stands out in this is the direct contact, the short lines of communication between the service provider organisation and the police or the municipality and how that contributes to facilitating reports. The contacts at the police are easily approachable and also helpful, according to interviewees at VluchtelingenWerk: 'Because we are in the LVV, we have short lines of communication with the AVIM. You can then switch with the OE first to consult, so that he informs his colleagues in advance, and they can read up and prepare'. She says this is also a reason why reports to the police go better than to the municipality in her view. Because of their participation in the LVV pilot, there is more direct and personal contact. The UC also indicates that the social workers may approach him directly if they feel that a police officer does not know the regulations, noting 'if treatment by a police officer is not in line with the agreements we have made, you can call me'. On this, he can take immediate action. These short lines are only possible because of the strength of the network of those involved. Practically all interviewees have been working in this field for over ten years, so everyone knows each other well and is well attuned to each other's working methods. This closeness has advantages, but social workers also shared their concerns about this. Their main concern was how to safeguard all this knowledge and expertise when one of them leaves. This was a warranted concern in the fast-changing field in which they work. A second way in which social workers enforce a successful report is by accompanying their client to the police station or civil affairs. As indicated earlier, the social workers do not allow a client to report the crime alone. Beforehand, counsellors try to prepare the staff for a report, which makes the reporting process go faster and makes people feel taken seriously because the police staff member is then aware of the situation and has thoroughly prepared for it.

# DISCUSSION

In 2015, the Safe Reporting Policy Directive was implemented at the municipality of Utrecht. Interviews revealed a double picture about the functioning of this guideline, which revealed a clash between policy and practice. Rules and instructions do not appear to be sufficient to guarantee willingness to report. Interviewees from the police and the municipality indicate that the directive is effectively implemented, while the employees of the aid organisations painted a completely different picture on this. Based on the interviews conducted, it is fair to conclude that there is underreporting of police reports. Interviewees cite several reasons for this, including fear among migrants, as well as little or no trust in government agencies stemming from previous experiences. In addition, interviewees pointed to the lack of knowledge and expertise about this target group, especially among municipal civil registry employees. This lack of knowledge has repercussions on the treatment of this target group, whereby persons do not feel taken seriously and whereby sometimes employees openly doubt the truthfulness of migrants' answers.

To increase migrants' willingness to report and to speed up the reporting process, social workers routinely accompany clients when making reports and registrations. Furthermore, they deploy their network and expertise to make things run as smoothly as possible, providing staff with information prior to the appointment. Despite these efforts, the number of reports to the police remains low which rightly worries staff. The question is therefore whether migrants in irregular positions are at all familiar with this directive. Especially if they do not belong to the LVV group and are not in the sights of the help provider network, it is interesting to explore how this group can be informed about the policy. One thing for sure, the police will not. They think it is a duty of the social workers to inform people about this.

Based on the above findings, it is valuable to investigate how to increase the reach and awareness of this policy among the target group using social media. Indeed, it appears that this group mainly sources its information through its own networks and channels. By actively informing the network through social media, the policy can get wider attention, leading to a (possible) increase in the number of reports to the police. Secondly, it is interesting to investigate whether police and civil affairs employees can follow an unconscious bias training in order to achieve a more humane and respectful treatment of everyone and migrants in irregular positions in particular.



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