

# PRESS RELEASE



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## 'Immigration authorities must be more thorough in their assessment of medical information'

**The National Ombudsman believes that the immigration authorities should be more thorough when assessing an application for leave to remain in the Netherlands on medical grounds. 'I find that the Immigration and Naturalisation Service has not done enough to ascertain whether essential medical care is available in the applicant's country of origin,' states acting Ombudsman Frank van Dooren.**

An immigration lawyer had referred five cases to the Ombudsman, including two young Nepalese children with an auto-immune condition, a Ghanaian national with end-stage kidney failure and an HIV-positive man from Cameroon. The Ombudsman also examined five cases which had been selected by the Immigration and Naturalisation Service (IND) itself. His recommendation is that the IND, and in particular its Medical Advisors Office (BMA), should be more thorough in their assessment of information provided by sources in the applicant's country of origin. The Ombudsman finds that in some instances the information about treatment opportunities abroad, on which application decisions had been based, did not hold up to closer scrutiny. It is for the immigration authorities to ascertain that the information is complete and accurate; this should not be the responsibility of the applicant or his representative. The Ombudsman also finds that the IND should be more critical in its assessment of the advice it receives from the BMA and, where necessary, must seek further clarification.

### **Background**

A foreign national's state of health can play an important role in the IND's decision to grant him or her (temporary) leave to remain in the Netherlands. Because the IND itself has no medical expertise, it relies on the Medical Advisors Office (BMA) to submit a written 'opinion' which answers all pertinent questions. In most cases, the IND will ask the BMA to advise whether discontinuation of the applicant's treatment will lead to an 'acute medical emergency' within a period of three months. If so, the next question is whether appropriate medical treatment is available in the applicant's country of origin. This information is sought from one or more designated physicians working in that country. If these 'medical advisors' state that appropriate treatment is indeed available, the application to remain in the Netherlands will be denied and the person concerned will be repatriated.

### **Note for editors**

The full report (ref. 2015/053) can be found at [www.nationaleombudsman.nl](http://www.nationaleombudsman.nl).

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Other news, reports and background information is available [www.nationaleombudsman.nl](http://www.nationaleombudsman.nl). Follow the National Ombudsman on Twitter: @nat\_ombudsman.



The National Ombudsman heads an independent institute which each year receives over 38,000 complaints from people who are dissatisfied with the way in which government authorities have acted. The National Ombudsman is appointed by the House of Representatives. The position is currently held by Frank van Dooren.