

# COUNTRY FACTSHEET: BELGIUM 2016

## EUROPEAN MIGRATION NETWORK

### 1. Introduction

This EMN Country Factsheet provides a factual overview of the main policy developments in migration and international protection in Belgium during 2016, including the latest statistics.

### 2. International Protection including Asylum

In March 2016, Belgium introduced a **pre-registration procedure** for asylum applications. This means that before the asylum application is formally lodged the applicant's fingerprints and photo are taken, and a security screening is carried out.

The exceptionally high number of asylum applications filed in Belgium in the second half of 2015 meant that not all asylum applications could be processed within three to six months. The **backlog** peaked in April 2016 with 18,375 cases pending. Several measures were taken to reduce the backlog and processing time, while guaranteeing the quality of each assessment and decision.

As of 8<sup>th</sup> July 2016, recognised refugees no longer receive a residence permit of unlimited duration, but a temporary **residence permit with a validity of five years**. After these five years, the refugee will receive a residence permit of unlimited duration, unless the refugee status has been withdrawn<sup>1</sup>.

Regarding the **reception of asylum seekers**, in 2016 the Federal Agency for the Reception of Asylum Seekers (Fedasil) saw a significant drop in the number of asylum seekers to be accommodated, compared to 2015, which led to changes in the reception system. Firstly, a decision was taken to re-start the implementation of the new reception model established through the Coalition Agreement of 10 October 2014<sup>2</sup>, whose implementation had been halted in 2015 because of the high influx of

asylum seekers. The model gives preference to collective reception in centres while allowing for certain groups - such as vulnerable persons and asylum seekers with a high probability of obtaining international protection - to be assigned to an individual reception place. In addition, the Federal Government decided to reduce the reception capacity by 10,000 places.

At the legislative level, the Law of 12<sup>th</sup> January 2017 on the reception of applicants for international protection was amended to establish that an individual reception facility could be requested only after a six-month stay, instead of four, in a collective reception centre.<sup>3</sup> Fedasil could however assign an individual reception place to vulnerable persons before the period of six months had elapsed. A further amendment provides for the possibility of excluding an applicant from the reception network and completely or partially withdrawing the daily allowance in cases of serious breaches of the internal rules of reception structures.<sup>4</sup>

Finally, the issue of **humanitarian visas** was intensely debated in Belgium in 2016 in connection with the judgement of the Court of Justice of the EU (CJEU) in the case X and X v État belge on a reference for a preliminary ruling submitted by a national court.<sup>5</sup> On 7<sup>th</sup> March 2017 the CJEU ruled that Member States are not required, under EU law, to grant a humanitarian visa to persons who wish to enter their territory with a view to applying for asylum although they remain free to do so under national law.

### 3. Unaccompanied Minors and other Vulnerable Groups

The number of asylum applications lodged by **unaccompanied minors (UAMs)** decreased significantly in 2016 when compared to 2015. In this framework, Fedasil decided to decrease the capacity of the first reception phase for UAMs

<sup>1</sup> [Law of 1 June 2016 modifying the law of 15 December 1980 on the entry, residence, settlement and removal of foreign nationals](#), *Belgian Official Gazette*, 28 June 2016.

<sup>2</sup> [Federal Coalition Agreement](#), 9 October 2014.

<sup>3</sup> [Law of 4 May 2016 containing various provisions on asylum and migration and amending the Immigration Act and the Reception Act](#), *Belgian Official Gazette*, 27 June 2016.

<sup>4</sup> [Law of 6 July 2016 amending the law of 12 January 2007 on the reception of asylum seekers and certain other categories of foreigners](#), *Belgian Official Gazette*, 5 August 2016.

<sup>5</sup> X and X v. État belge, C-638/16 PPU, European Union: Court of Justice of the European Union, 7 March 2017

(accommodation in the Observation and Orientation Centres). However, the number of reception places in the second and third reception phases increased. Furthermore, Fedasil reached an agreement with the Flemish and Walloon Youth Care Services for the reception of the youngest UAMs - under 15 years old. The aim was to accommodate UAMs in smaller reception facilities where they can receive personalised care.

Moreover, the Council of Europe Convention on preventing and combating violence against women and domestic violence (the so-called 'Istanbul Convention') came into force on 1<sup>st</sup> July 2016. The Institute for the Equality for Women and Men was officially appointed as the responsible entity for the coordination, implementation, monitoring and evaluation of the policies and measures taken in the framework of this Convention.

## 4. Legal migration and mobility

### 4.1. ECONOMIC MIGRATION

In 2016, the focus remained on the practical implementation of the **transfer of competences on economic migration** from the federal state to the Belgian Regions following the State reform that entered into force in July 2014. For instance, in Flanders, the Decree of 23<sup>rd</sup> December 2016 formally adopted dispositions of economic migration into the Flemish legislation.<sup>6</sup>

Measures also focused on the **transposition of several EU Directives** (Single Permit, Seasonal Workers and Intra-Corporate Transferees), which proved complex since it coincided with the above mentioned institutional reform. Regarding the **Single Permit Directive**, a political agreement was reached at the end of 2015 between the competent authorities (Federal State and the Regions) on the procedure to be followed. The different governments adopted legislative proposals in 2016. However, the Belgian Council of State considered that a formal cooperation agreement should be first adopted between the different entities concerned.

### 4.2. FAMILY REUNIFICATION

A number of legislative changes took place in the area of **family reunification**. First, the maximum decision time for family reunification requests was extended from six to nine months<sup>7</sup>. Furthermore, the period to control the fulfilment of the conditions for family reunification was extended from three to five years. During this period, the Immigration Office can check whether the conditions for family reunification are still being fulfilled and, if that is not the case, withdraw the residence permit of the third-country national's family members.<sup>8</sup>

<sup>6</sup> [Decree of 23 December 2016 concerning the implementation of the sixth state reform and concerning different dispositions in the policy area of employment and social economy](#), *Belgian Official Gazette*, 9 February 2017.

<sup>7</sup> [Law of 17 May 2016 modifying articles 10ter and 12bis of the Law of 15 December 1980 on the access, residence, settlement and removal of foreign nationals](#), *Belgian Official Gazette*, 28 June 2016.

<sup>8</sup> [Law of 4 May 2016 concerning divers provisions on asylum and migration modifying the Immigration Act and the Reception Act](#), *Belgian Official Gazette*, 27 June 2016.

### 4.3. MANAGING MIGRATION AND MOBILITY<sup>9</sup>

Belgium temporarily reintroduced **internal border controls** at the border between the Province of West Flanders and France from 23<sup>rd</sup> February until 22<sup>nd</sup> April 2016, in line with the Schengen Borders Code. This measure was taken in the framework of an expected influx of migrants following the announced closure of migrant camps in Northern France, with possible negative consequences for the public order and internal security of the region.

## 5. Integration

The Law of 18<sup>th</sup> December 2016 introduced a new general residence condition into the Immigration Act whereby **demonstrable integration efforts** would be a prerequisite to maintain and keep a residence permit in Belgium<sup>10</sup>. The same Law foresees that persons applying for a residence permit will in the future, as a condition of admissibility, need to sign a declaration indicating that he or she understands the fundamental values and norms of society and will act accordingly. This part of the law has not yet entered into force.

While Flanders already has a compulsory integration programme for newcomers, the other Regions adopted similar approaches in 2016. The decree of 28<sup>th</sup> April 2016 introduced a **compulsory integration programme** in Wallonia<sup>11</sup>. The Brussels government adopted a similar compulsory integration programme, to be applied in 2017, whilst the German-speaking Community started a pilot project in January 2016 to implement its integration programme.

Furthermore, many measures were taken in 2016 to develop and **improve labour market integration programmes**. The regional public employment services elaborated action plans, recruited staff, and allocated additional resources to facilitate labour market integration. Asylum-seekers, beneficiaries of international protection and highly skilled newcomers were specifically targeted by the measures.

In addition, the Flemish Government adopted the **Horizontal Integration Policy Plan 2016-2019** in July, which is a policy coordination instrument focused on reducing the gap between the socioeconomic status of individuals of Belgian and immigrant origin.

## 6. External Dimension of EU Migration Policy

Belgium has contributed 10 million euro to the **EU Emergency Trust Fund** for stability and addressing the root causes of irregular migration and displacement in Africa, making it the third biggest bilateral donor. Belgium's humanitarian contribution to the global

<sup>9</sup> "Managing migration and mobility" refers to the following themes: visa policy, Schengen governance and border monitoring.

<sup>10</sup> [Law of 18 December 2016 inserting a general residence condition into the Law of 15 December 1980 on the access, residence, settlement and removal of foreign nationals](#), *Belgian Official Gazette*, 8 February 2017.

<sup>11</sup> [Decree of 28 April 2016 amending Book II of the Walloon Code of Social Action and Health concerning the integration of foreigners and people of foreign origin](#), *Belgian Official Gazette*, 9 May 2016.

refugee crisis reached approximately 160 million euro – more than double the contribution for 2015.

Furthermore, the topic of migration received increased attention in all the Belgian **non-governmental and governmental international cooperation programmes** (e.g. with Mali, Niger and Morocco) adopted in 2016.

## 7. Irregular Migration and Return

### 7.1. THE FIGHT AGAINST FACILITATION OF IRREGULAR MIGRATION

In 2016, Belgian authorities further implemented **information and prevention campaigns in third countries** – e.g. Georgia, Afghanistan and Kosovo – focusing on the risks associated with irregular migration and smuggling and using a variety of communication channels, including social media. Furthermore, a campaign targeting truck drivers “Give smuggling of people no chance” was launched in Belgium, to provide truck drivers with practical tips on how to avoid their vehicles being used for smuggling.

Furthermore, great attention was paid to **transit migration** and controls were strengthened (e.g. on car parks along highways). Belgian authorities also **enhanced cooperation** in cross-border investigations and prosecution through the set-up of a task force on illegal immigrant smuggling in the North Sea region (involving France, the Netherlands and the UK); and through joint investigations, which resulted in the disruption of several international smuggling networks.

### 7.2. RETURN OF IRREGULAR MIGRANTS

Increasing the **return rate** continued to be a priority and the numbers of both voluntary and forced returns increased substantially in 2016. Extra attention was given to the return of third-country nationals who posed a **threat to public order**, which led to a significant rise in the numbers of irregularly-staying third country nationals directly removed from prisons. Also, within the Belgian Immigration Office, a new **radicalism unit** was created in 2016 to follow-up on the files of third-country nationals who might be linked to terrorism or radicalism.

Belgium organised or participated in a record **39 return flights**, accounting for 201 returnees. The main countries of destination were Albania, Nigeria, Kosovo, and Georgia. Regarding **voluntary return**, Fedasil continued to implement several measures to meet the objectives of the 2015 Action Plan on voluntary return. This included the opening of a new return desk in Charleroi in October 2016 (the fifth one in Belgium) – where migrants can receive information and support regarding voluntary return. Specific reintegration strategies for certain countries of origin (i.e. Western Balkans, Iraq and Morocco) were also developed. On 1<sup>st</sup> February 2016, Fedasil organised – for the first time – a

chartered flight to Baghdad for the voluntary return of 106 people.

As for cooperation with third countries, Belgium concluded a **Memorandum of Understanding** with Morocco (on security cooperation and the identification of irregular migrants) and with Somalia (on return and reintegration).

## 8. Actions against Trafficking in Human Beings

In 2016, Belgium completed the **transposition of EU Directive on trafficking in human beings (2011/36/EU)** through the adoption of the Law of 31<sup>st</sup> May 2016.<sup>12</sup> The law provided for special protection measures for victims (e.g. ban on revealing identity) and made certain amendments regarding ancillary penalties whose application is extended.

A Circular was adopted on 22<sup>nd</sup> September 2016 on research and prosecution policy relating to the **exploitation of begging**. The Circular aims to help identify such cases and to better coordinate research and prosecution in this field.

In addition, efforts were made to improve the **national referral mechanism**. The Circular from 26<sup>th</sup> September 2008<sup>13</sup> – which describes the multidisciplinary cooperation and the role of the various stakeholders involved in the national referral mechanism – was revised to enhance the distinction between Belgian, EU and non-EU victims of trafficking, with a view to better adjusting the mechanism to the situation and needs of the three groups of victims. In addition, the referral procedures concerning victims who are minors was further specified.

Finally, in December 2016 the Belgian Minister of Justice signed a declaration of intent with other Benelux countries to promote **multidisciplinary cooperation** in the fight against trafficking in human beings. The parties committed – inter alia – to appoint contact persons to facilitate cross-border information exchange and to improve cooperation between the national referral mechanisms.

### STATISTICAL ANNEX

The Statistical Annex provides an overview of the latest available statistics for Belgium on aspects of migration and asylum (2013-2016), including residence, asylum, unaccompanied minors, irregular migration, return and visas. Where statistics are not yet available, this is indicated in the Annex as “N/A”.

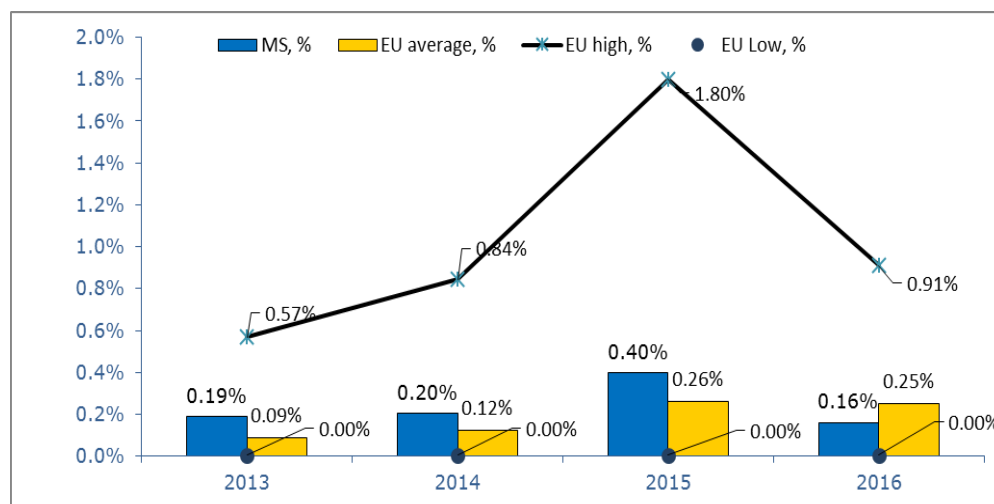
<sup>12</sup> [Law of 31 May 2016 completing the implementation of the European obligations concerning the sexual exploitation of children, child pornography, human trafficking and facilitation of unauthorised entry, transit and residence](#), Belgian Official Gazette, 8 June 2016.

<sup>13</sup> [Circular of 26 September 2008 on the implementation of a multidisciplinary cooperation concerning victims of human trafficking and/or certain forms of aggravated human smuggling](#), Belgian Official Gazette, 31 October 2008.

## Statistical Annex: Migration and Asylum in Belgium (2013-2016)

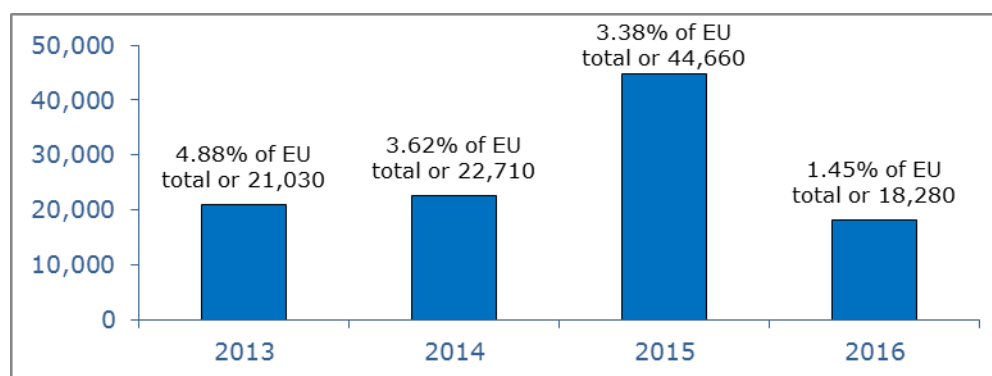
### 1. INTERNATIONAL PROTECTION AND ASYLUM

**Figure 1: Asylum applications as a share of the total population in Belgium, EU average and EU high and low (2013-2016)**



Source: Eurostat migration statistics ([migr\\_asyappctza](#))<sup>14</sup>, data extracted 02/08/2017

**Figure 2: Number of asylum applications and as a share of the total number of applications in the EU (2013-2016)**



Source: Eurostat migration statistics ([migr\\_asyappctza](#)), data extracted 02/08/2017

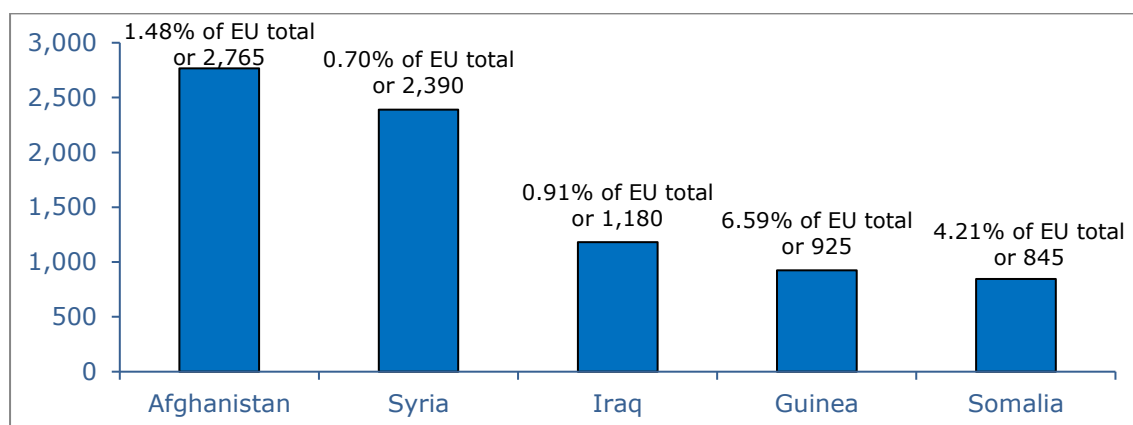
**Table 1: Asylum applications: Top five third-country nationalities (2013-2016)**

2013			2014			2015			2016		
Nationality	No.	% of total	Nationality	No.	% of total	Nationality	No.	% of total	Nationality	No.	% of total
Russia	2,150	10%	Syria	2,705	12%	Syria	10,415	23%	Afghanistan	2,765	15%
Afghanistan	1,675	8%	Afghanistan	2,330	10%	Iraq	9,470	21%	Syria	2,390	13%
Guinea	1,610	8%	Russia	1,850	8%	Afghanistan	8,310	19%	Iraq	1,180	6%
Congo	1,540	7%	Guinea	1,440	6%	Somalia	2,090	5%	Guinea	925	5%
Kosovo	1,270	6%	Iraq	1,395	6%	Russia	1,320	3%	Somalia	845	5%

Source: Eurostat migration statistics ([migr\\_asyappctza](#)), data extracted 02/08/2017

<sup>14</sup> Figures regarding the total population were extracted from Eurostat ([demo\\_gind](#))

**Figure 3: Asylum applications: Top five third-country nationalities as a share of EU total per given nationality (2016)**



Source: Eurostat migration statistics ([migr\\_asyappctza](#)), data extracted 02/08/2017

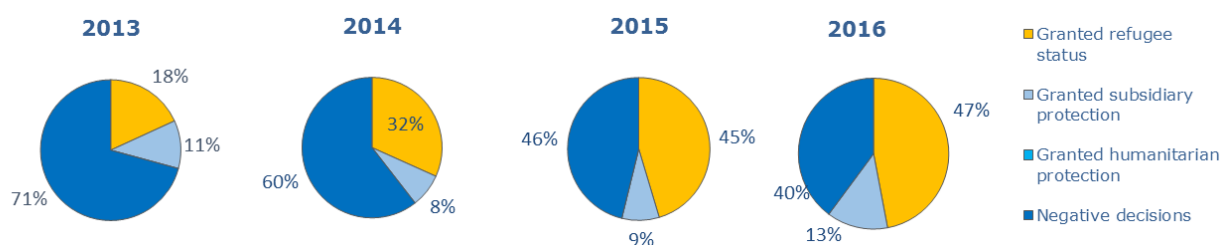
Note: the figure reads as: Belgium received 2,765 asylum applications from Afghanistan or 1.48% of all asylum applications launched by Afghanistan in EU in 2016.

**Table 2: Asylum applications - First instance decisions by outcome (2013-2016)**

Year	Total decisions	Positive decisions	Of which:		Humanitarian reasons	Negative decisions
			Refugee status	Subsidiary protection		
2013	21,390	6,280	3,910	2,370	:	15,110
2014	20,335	8,045	6,460	1,585	:	12,290
2015	19,420	10,475	8,825	1,650	:	8,945
2016	24,960	15,045	11,760	3,290	:	9,915

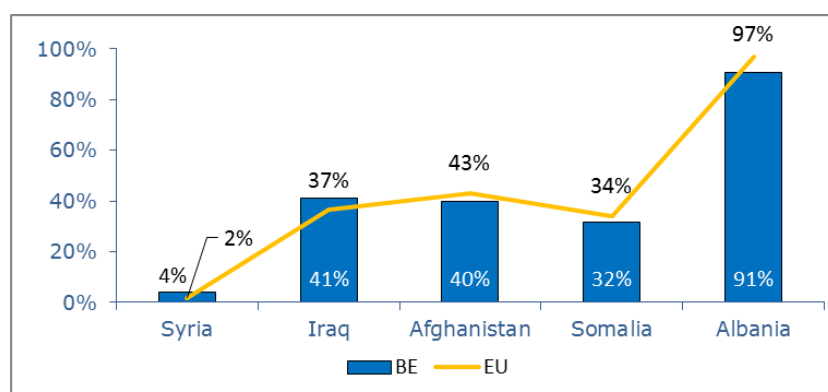
Source: Eurostat migration statistics ([migr\\_asydcfsta](#)), data extracted 02/08/2017

**Figures 4-7: Asylum applications - First instance decisions by outcome (2013-2016)**



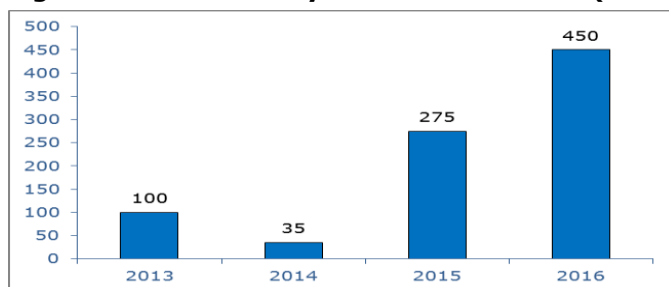
Source: Eurostat migration statistics ([migr\\_asydcfsta](#)), data extracted 02/08/2017

**Figure 8: Negative decision rate for the top five nationalities of applicants at the first instance in comparison with EU for the same given nationality (2016)**



Source: Eurostat migration statistics ([migr\\_asydcfsta](#)), data extracted 02/08/2017

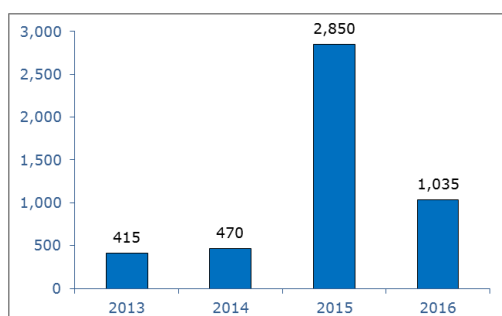
**Figure 9: Third-country nationals resettled (2013-2016)**



Source: Eurostat migration statistics ([migr\\_asyresa](#)), data extracted 09/05/2017

## 2. UNACCOMPANIED MINORS

**Figure 10: Unaccompanied minors applying for asylum (2013-2016)**



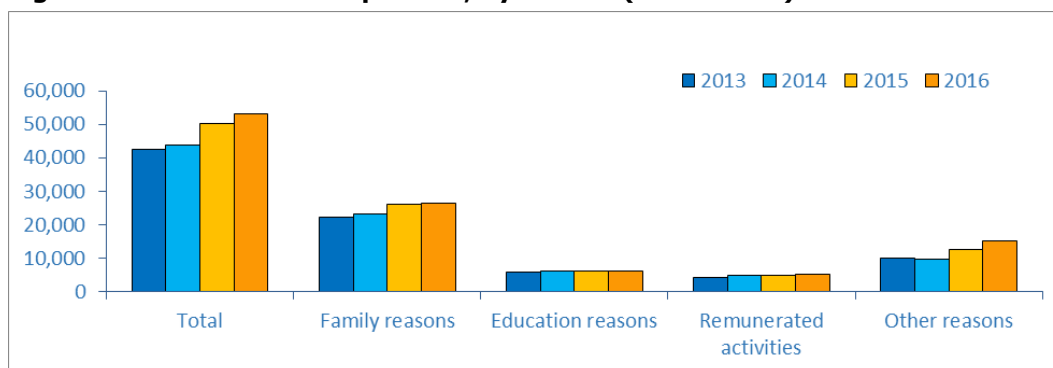
**Table 3: Unaccompanied minors (2013-2016)**

	2013	2014	2015	2016
<b>Unaccompanied minors (total)</b>	N/I	N/I	N/I	N/I
<b>Unaccompanied minor asylum applicants</b>	415	470	2,850	1,035*

Source: Eurostat *Asylum applicants considered to be unaccompanied minors by citizenship, age and sex Annual data (rounded)* ([migr\\_asyunaa](#)), data extracted 17/04/2017; EMN NCPs \*(p) = provisional data (not all age tests performed yet).

## 3. LEGAL MIGRATION AND MOBILITY

**Figure 11: First residence permits, by reason (2013-2016)**



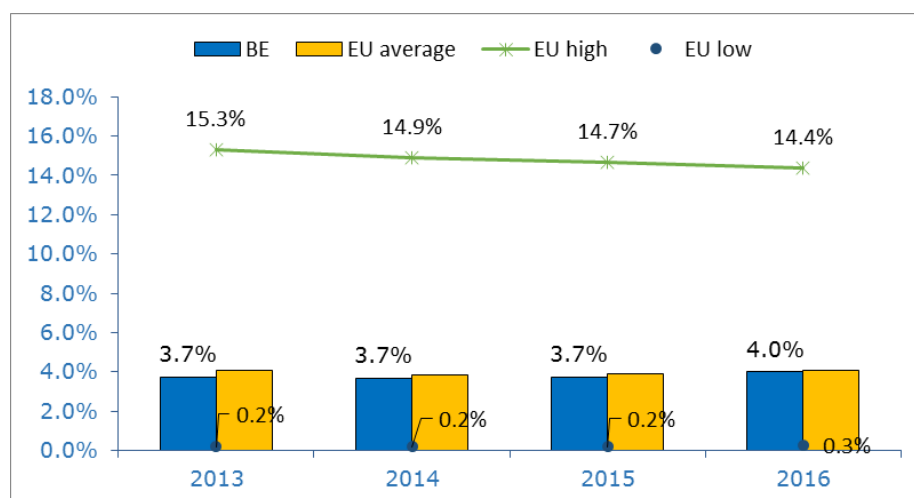
Source: Eurostat ([migr\\_resfirst](#)), data extracted 02/08/2017; EMN NCPs.

**Table 4: First residence permits: Top five third-country nationalities (2013-2016)**

2013		2014		2015		2016	
Nationality	Number	Nationality	Number	Nationality	Number	Nationality	Number
Morocco	5,641	Morocco	5,565	Morocco	5,723	Syria	6,725
India	2,325	India	2,568	Syria	4,001	Morocco	5,512
United States	2,262	United States	2,374	India	2,805	India	2,899
Turkey	2,064	Unknown	2,062	Unknown	2,437	Unknown	2,810
Unknown	1,824	Turkey	1,953	United States	2,417	Iraq	2,472

Source: Eurostat migration statistics ([migr\\_resfirst](#)), data extracted 02/08/2017

**Figure 12: Resident population of third-country nationals as a share of total population in Belgium, EU average, EU high and low (2013-2016)**



Source: Eurostat migration statistics ([migr\\_pop1ctz](#)), data extracted 17/04/2017

#### 4. IRREGULAR MIGRATION AND RETURN

**Table 5: Number of third-country nationals refused entry at external borders (2013–2016)**

Third country nationals:	2013	2014	2015	2016
Refused entry at external borders	1,535	1,535	1,640	1,530
Found to be illegally present	15,075	15,540	16,275	19,320
Ordered to leave	47,465	35,245	31,045	33,020
Returned following an order to leave	7,170	5,575	5,835	7,355

Source: Eurostat migration statistics ([migr\\_eirfs](#))([migr\\_eipre](#))([migr\\_eiord](#)),([migr\\_eirtn](#)) data extracted 09/05/2017

**Table 6: Third-country nationals returned (2013-2016)**

Year	Returned as part of forced return measures	Returned voluntarily	Returned through an Assisted Voluntary Return Programme
2013	2,868	4,290	4,290
2014	2,639	2,936	2,936
2015	2,526	3,309	3,309
2016	2,628	4,725*	3,549

Source: EMN NCPs \*Data for 2016: following methodological changes, the number of third-country nationals who returned voluntarily now includes confirmed unassisted voluntary returns.

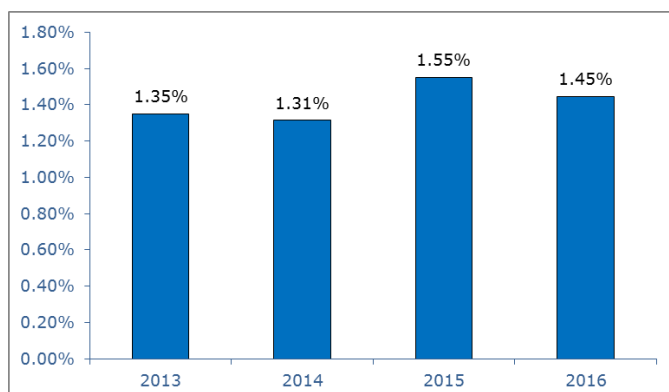
#### 5. SECURING EUROPE'S EXTERNAL BORDERS

**Table 7: Number of Schengen visas applications (2013–2016)**

	2013	2014	2015	2016
Uniform visas (short-stay visas)	233,273	219,758	239,500	219,687

Source: DG Migration and Home – Complete statistics on short-stay visas issued by the Schengen States

**Figure 13: Uniform visa applications received in MS as a share of the total number of uniform visa applications in all Schengen states consulates (2013-2016)**



Source: DG Migration and Home affairs – Complete statistics on short-stay visas issued by the Schengen States

**Table 8: Top five countries in which the highest number of visa applications for MS was lodged (2013-2016)**

2013		2014		2015		2016	
Countries	Number	Countries	Number	Countries	Number	Countries	Number
India	36,466	India	25,983	China	41,557	China	42,676
Russia	21,803	Congo (Democratic Republic)	19,774	India	24,630	Congo (Democratic Republic)	22,263
Congo, (Democratic Republic)	19,734	Russia	18,456	Congo (Democratic Republic)	21,314	India	20,661
China	17,199	China	17,228	Russian Federation	15,028	Russian Federation	11,887
Turkey	12,022	Turkey	12,374	Turkey	12,341	Turkey	11,112

Source: DG Migration and Home affairs